Originator: Nia Thomas

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Report of the Head of Strategic Investment

HEAVY WOOLLEN PLANNING SUB-COMMITTEE

Date: 25-Jan-2018

Subject: Planning Application 2017/93805 Change of use of ground floor flat to hairdresses (A1) (within a Conservation Area) 95-99, Lane Head Road, Shepley, Huddersfield, HD8 8DB

APPLICANT
Chris Walker, Walker Builders Ltd

DATE VALID	TARGET DATE	EXTENSION EXPIRY DATE
06-Nov-2017	01-Jan-2018	

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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: Kirkburton

No	Ward Members consulted (referred to in report)

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 This application is reported to Heavy Woollen Sub-Committee following a request by Councillor John Taylor who states:

"The reason for my request is that I have concerns about Highways issues as the use as a Hairdressers would need more car parking than a residential property and as there would not be adequate parking for the staff & clients it is likely to lead to car parking both on Firth St which is the access to the school & a narrow road and also on Lane Head Rd itself which is a fast road at this point.

My second reason for requesting this is that I am concerned that this proposal would result in the loss of a much needed small flat (this is the type of property most needed in the village where there is a shortage of affordable properties for purchase) and the provision of another hairdressers is unnecessary as the community already has 2 hairdressing salons within 2 minutes walk of this location so the addition would only be viable by drawing in clients from further afield and hence exacerbating the parking issues".

1.2 The Chair of the Sub Committee has confirmed that Councillor Taylor'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 The site relates to no. 95-99 Lane Head Road, Shepley which is a two storey building constructed of stone, slate for the roof and upvc for the openings. There is an area of hardstanding to the rear of the site which has been redeveloped under application ref. 2009/91690. The new dwellings approved as part of this application have been constructed. Within the application building, there are flats at first and second floor. The site is located within the Shepley Conservation Area.

2.2 The site is located in close proximity to Shepley local centre which has varying uses within it including other hairdressing salons. The site is also in close proximity to residential units.

3.0 PROPOSAL:

3.1 Planning permission is sought for the change of use of flat to hairdressing salon with minor changes to the external appearance of the building.

3.2 External changes relate to changes to the openings as labelled on the plan. The following changes are noted:

- Replacement windows to front, rear and side.
- Existing door opening in the side (north east) elevation will be walled up. A new window will be installed in its place.
- Insertion of rooflights to front and rear elevations
- Existing porch on rear elevation to be removed. New window inserted in its place.
- Existing window replaced with new door to rear elevation.

3.3 Following a site visit, it is apparent that these changes have taken place.

4.0 RELEVANT PLANNING HISTORY:

4.1 2009/91690 – Conversion of bakery/shop/dilapidated dwellings to 2 no. dwellings and flat, erection of no. 3 town houses with associated parking and alterations to widen public footpath APPROVED (no. 95-99 Lane Head Road). **APPEAL ALLOWED**.

5.0 HISTORY OF NEGOTIATIONS:

5.1 Amendments have been secured with regards to car parking provision on the site. The amended site plan is acceptable and Highways Development Management is satisfied that this overcomes initial concerns relating to parking provision.

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 Nation Planning Policy Framework. In particular, where the policies, proposals and designations in the Local Plan do not carry from those within the UDP, do not attract significant unresolved objections and are consistent with the Nation Planning Policy Frameworks (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 Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

D2 – Unallocated land
BE1 - Design principles
BE2 – Quality of design
T10 – Highway Safety
T19 – Parking Provision
EP4 – Noise sensitive development
B1 – Business and industry strategy
H4 – Loss of a residential unit

6.3 National Planning Policy Framework (NPPF):

Chapter 1 – Building a strong, competitive economy
Chapter 2 – Ensuring the vitality of town centres
Chapter 7 – Requiring good design
Chapter 11 – Conserving and enhancing the natural environment
Chapter 12 – Conserving and enhancing the historic environment

6.5 Kirklees Publication Draft Local Plan: Submitted for examination April 2017 (PDLP)

PLP1 – Achieving sustainable development
PLP2 – Place Shaping
PLP3 – Location of new development
PLP21 – Highway Safety and Access
PLP22 - Parking
PLP24 – Design
PLP35 – Historic environment

7.0 PUBLIC/LOCAL RESPONSE:

7.1 One representation has been received as a result of the publicity of the amended plans. The concerns raised are summarised as follows:-

- Any increase in amount of vehicles would be extremely dangerous/ accidents have happened on this road

- Business of this nature would mean people need to park and leave throughout the day – visibility and road safety impacted

- Not enough parking to support the business

- Small dwellings are required, not hairdressers

- Concern regarding consultation – has decision already been made. Advertising for hairdressers already up.

- Worrying to be faced with prospect of different development – properties always maintained to be residential. Development changed since it began

- Other hairdressers within 20 metres

- Reduce values of homes if permission given that could then be turned into other uses/ want confirmation that site will not be a takeaway later on

7.2 Ward Councillor John Taylor has requested that the application be referred to committee for determination for the reasons set out in paragraph 1.1 of the report above.

7.3 Kirkburton Parish Council – objects on the grounds of insufficient space for car parking.

8.0 CONSULTATION RESPONSES:

8.1 **Statutory:**

K.C Highways Development Management – no objection following receipt of amended plans.

K.C Environmental Health – no objection. Footnote regarding hours of construction recommended.

8.2 **Non-statutory:**

None

9.0 MAIN ISSUES

- Principle of development
- Visual amenity/local character
- Residential amenity
- Highway issues
- Representations
- Other matters

10.0 APPRAISAL

Principle of development

10.1 The site is unallocated but within the designated Shepley Conservation Area. There is a presumption in favour of development unless it would have a detrimental impact on residential or visual amenity (including the historic environment), highway safety or the character of the area. At the heart of the NPPF is also a presumption in favour of sustainable development.

10.2 The site is also within the designated Shepley Conservation Area on the emerging Local Plan. Policy PLP1 of the PDLP sets out that the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF; Policy PLP3 sets out that development will be permitted where it supports the delivery of housing and employment growth in a sustainable way; Policy PLP24 of the Publication Draft Local Plan sets out a variety of design considerations to take into account in the assessment of a planning application. PLP35 sets out heritage considerations.

10.3 The proposed hairdressing salon represents an A1 use as defined by The Town and Country Planning (Use Classes) Order.

10.4 The NPPF identifies hairdressing as a main town centre use and that in order to avoid the need for a sequential test the use must be in an existing centre.

10.5 Following an informal consultation with Planning Policy and use of the Council's GIS system to assess the surrounding uses, it is considered that, on balance, the location of the site can be considered to be within the Shepley local centre and therefore a sequential test is not necessary in this instance. Furthermore, the building has previously been used for A1 purposes. As such, the principle of development is acceptable in this instance. To add further weight to this, prior to planning permission being granted under planning application 2009/91690, the premise was used as a bakery (one again, a use falling within Class A1 of the Use Classes order).

10.6 A full assessment in respect of the impact on visual amenity, residential amenity (including noise), highways safety, and loss of a residential unit, is set out below.

Visual amenity/local character:

10.7 The impact on visual amenity is considered to be acceptable. The external changes to the building are as follows:

- Replacement windows to front, rear and side.
- Existing door opening in the side (north east) elevation will be walled up. A new window will be installed in its place.
- Insertion of rooflights to front and rear elevations
- Existing porch on rear elevation to be removed. New window inserted in its place.
- Existing window replaced with new door to rear elevation.

10.8 Given that this application relates mainly to the change of use of the unit and the external changes that are proposed are very minor changes to the appearance of the site, there will be no harm to visual amenity, including the impact upon the historic character of the Shepley Conservation Area.

10.9 Some of the external changes will be visible from the streetscene. Given the design and materials that are proposed, which are similar to the existing building and surrounding units, the changes to the openings would not be out of keeping with the area.

Summary

10.10 In all, officers consider that the proposal is acceptable from a visual amenity and heritage perspective, complying with the aims of policies D2, BE1, BE2 and BE5 of the UDP, Policies PLP24 and PLP35 of the PDLP, as well as Chapters 7 and 12 of the NPPF.

Residential Amenity:

10.11 The impact on residential amenity is acceptable. One objection has been received. The impact on each of the surrounding residential properties will be assessed below.

10.12 Following a formal consultation with K.C Environmental Health, there is no objection to the proposal as a result of noise or odour coming from the use as a proposed hairdressing salon.

10.13 The building itself will not change and therefore there will be no overbearing impact as a result of the proposal.

Impact on no. 101 Lane Head Road:

10.14 The openings facing this site serve the beauty room and a landing. There is a distance of 8 metres between the site and no.101 Lane Head Road which does not have any openings in its side elevation apart from the door opening. The building will not project closer to this dwellling than existing and there will be no undue overlooking/loss of privacy.

Impact on no. 93 Lane Head Road:

10.15 There are no openings in the side elevation facing this site and there are no openings in the side elevation of no. 93. For this reason as well as the fact that the building will not extend further towards this site, there will be no overbearing or overlooking/loss of privacy.

Impact on no. 1A Firth Street:

10.16 There is an indirect relationship between the application site and the row of new houses. This is because these houses are set forward towards the highway. Given the indirect relationship between the houses and that the building form of the application site would not change, there would be no overbearing impact

The window in the application site which would look into these sites would serve the hairdressing salon. Given the non-habitable nature of this room and the distance of 15 metres, there will be no harmful overlooking into the garden area of no. 1A Firth Street.

Loss of residential unit

10.17 Policy H4 of the UDP applies and states that proposals to change the use of a residential property will not *normally* be permitted unless:

- The area has changed to such an extent that it is no longer suitable for residential use;
- The property is required for a community use;
- The property has been identified on the Huddersfield Town Centre inset plan for an alternative use;
- It is in accordance with Policy B8 or B15 [both discontinued]

10.18 With regards to the above, the site has previously had an A1 use (bakery) and has not been used as a residential unit. The requirement for planning permission is due to internal works that are considered to constitute implementation of the change of use to a flat (as part of the wider development 2009/91690).

10.19 The site is also located near the local centre of Shepley that accommodates various uses.

10.20 Additionally, given the small size of the residential unit to be lost, its impact on housing supply would be very minor and would not represent a significant loss to housing supply.

10.21 Taking into account these factors and the benefits to the local economy of establishing a local business, in accordance with the aims of policy B1 of the UDP, as well chapter 1 of the NPPF, it is considered that the balance of material considerations is such that justifying a change from residential use is acceptable in this instance.

Summary:

10.22 Subject to the above suggested condition, the proposal would not harm residential amenity and would comply with the aims of Policy EP4 of the UDP and chapter 11 of the NPPF.

Highway issues:

10.23 Following a formal consultation with Highways Development Management (HDM) and receipt of an amended plan, there is no highway safety concerns raised in regard to this change of use application.

10.24 As stated in the report above, the site was previously used as a bakery (A1 use) which is considered to have a similar number of visitors to the site as the proposed hairdressing salon (also an A1 use). The change of use is not considered to intensify the use of the site in terms of number of visitors.

10.25 The two parking spaces within the site would be dedicated for staff parking and therefore the proposal is considered to be acceptable to comply with UDP policy T19 and PLP policy22 of the Kirklees Publication Draft Local Plan.

10.26 Turning and manoeuvers could be achieved within the site as seen on the block plan (13002D-51-P02), thus not leading to any highway safety and efficiency concerns. The proposal will comply with policy T10 of the UDP and policy PLP 21 of the PDLP.

Representations

One representation has been received. The concerns raised are summarised and addressed by officers as follows:

- *Any increase in amount of vehicles would be extremely dangerous/ accidents have happened on this road*
  Officer comment: this is addresses in the highway issues section of this report. When taking into account the original use of the premises as a

bakery (A1 use), the proposal to change the use to a hairdressers (also an A1 use) would generate like for like vehicular movements. It is therefore considered that the proposal would not increase the amount of vehicles.

- *Business of this nature would mean people need to park and leave throughout the day – visibility and road safety impacted*
  Officer comment: See comments above

- *Not enough parking to support the business*
  Officer comment: See comments above. In addition, off-street parking for staff would be provided within the application site.

- *Small dwellings are required, not hairdressers*
  Officer comment: a hairdressers' salon in this location in acceptable given that it is considered to be within the local centre.

- *Concern regarding consultation – has decision already been made. Advertising for hairdressers already up.*
  Officer comment: the application has been publicised by site notice and neighbour letters. A decision has not yet been made despite signage at the site.

- *Worrying to be faced with prospect of different development – properties always maintained to be residential. Development changed since it began.*
  Officer comment: Should an application be submitted for a change of use, the appropriate assessment would take place. This application solely assesses the change of use to a hairdressing salon.

- *Other hairdressers within 20 metres.*
  Officer comment: hairdressing salons are a main town centre use and therefore this is acceptable. Furthermore, chapter 2 of the NPPF sets out that Local Planning Authorities should, amongst other things, "promote competitive town centres that provide customer choice . . ."

- *Reduce values of homes if permission given that could then be turned into other uses/ want confirmation that site will not be a takeaway later on*
  Officer comment: the de valuation of properties is not a material planning consideration. A planning application would be required if the site was proposed to be a takeaway – the appropriate assessment of this would take place at that stage.

<u>*Councillor Taylor's comments on the planning application:*</u>

- *Hairdressing salon will need more parking than residential and concerns relating to highway safety*
  Officer comment: this is addressed in the highway issues section of this report.

- *Loss of flat*
  Officer comment: this has been addressed above and the proposal has been assessed against the UDP policy relating to loss of residential units. Furthermore, it should be acknowledged that, although works have commenced on implementing permission 2009/91690, the apartment use itself has not actually commenced.

- *Several hairdressing salons in close proximity*
  Officer comment: As discussed above, a hairdressing salon is a main town centre use and therefore appropriate in this location. The NPPF also encouraged competition.

11.0 CONCLUSION

11.1 To conclude, the premises were originally used as a bakery, which falls within Class A1 of the Town and Country Planning (Use Classes) Order. However, following the granting of planning application 2009/91690, works began on implementing the change of use of the premises to residential. Although the works have begun, the apartment use has not commenced. Taking into account the original A1 use of the site, the proposed hairdressers would also fall within the same Use class. As such, officers are of the opinion that the proposal would not materially add to undue highway safety and efficiency implications. In addition, from a visual amenity and heritage perspective, the minor external works proposed are considered sensitive to the character of the host building and finally, the proposal is not considered to result in any undue residential amenity implications either.

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 and it is considered that the development would constitute sustainable development and is therefore recommended for approval.

13.0 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 to commence development
2. Development carried out in accordance of approved plans
3. Hours of opening.

Background Papers:

Link to the application details:-

https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2017/93470

Certificate of Ownership – Certificate A signed and dated 06/11/2017.