

**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: 2018/62/93571/W
Site Address: 1267 , Leeds Road, Bradley, Huddersfield, HD5 0RJ
Description: Change of use from dwelling to (D1) hair loss clinic
Recommending Officer: Laura Yeadon

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.

Emma Thompson

AUTHORISED OFFICER

Date: 11-Feb-2019

Officer Report

Site Description

1267 Leeds Road is a mid-terraced property which is constructed from stone and has a stone slate roof. There is a yard area to the front of the property and to the rear is a two storey extension and another yard area. The terraced row is set back from the main road and is close to the junction of Leeds Road and Bradley Road. The site is located adjacent to the A62 with no parking provision for the property. The separation between the front boundary of the dwelling and Leeds Road has a 'no waiting at any time restriction'.

Description of Proposal

Permission is sought for the change of use of the building from a dwelling to a hair loss clinic (D1 Use Class).

The applicant has confirmed through correspondence that there will be 2 no. members of staff and that 2 no. rooms within the building would be rented out ad hoc as consultation/treatment rooms.

The proposed opening hours would be Monday to Friday 9am to 5pm, Thursday 9am to 7pm and Saturday 9am to 1pm.

There are no proposed alterations to the external appearance of the building.

History of negotiations/amendments received

Following comments received from Highways Development Management, further information was requested with regards to average appointment times, numbers of employees, hours of operation and parking provision. This information has been received in the form of emails and photographs.

Relevant Planning History

No history

Representations

Final publicity date expired 25th November 2018 – no representations received

Parish/ Town Council – not applicable

Consultation Responses

K.C. Environmental Services – no objection subject to conditions relating to a vehicle charging point being provided and restricting opening hours.

K.C. Highways Development Management – concerns raised regarding lack of parking provision

Policy

Policy

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 48 of the National Planning Policy Framework (2018). 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 (2018), these may be given increased weight. At this stage of the Plan making process the Publication Draft Local Plan, its published modifications and Inspector's final report dated 30 January 2019 are 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 Unallocated Land on the UDP Proposals Map and on the Kirklees Publication Draft Local Plan.

Kirklees Unitary Development Plan:

- **D2** – Unallocated land
- **BE1** – Design principles
- **BE2** – Quality of design
- **T10** – Highway safety
- **T19** – Parking provision
- **S1** – Town Centre uses

Kirklees Publication Draft Local Plan (PDLP):

- **PLP 1** – Achieving sustainable development
- **PLP 2** – Place shaping
- **PLP 13** – Town centre uses
- **PLP 21** – Highway safety and access
- **PLP 22** – Parking
- **PLP 24** – Design

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published July 2018, 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** – Achieving sustainable development
- **Chapter 6** – Building a strong, competitive economy
- **Chapter 7** – Ensuring the vitality of town centre
- **Chapter 12** – Achieving well-designed places

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 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.

Furthermore, the site is without notation on the Publication Draft Local Plan. Policy PLP1 states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.

The proposal seeks to change the use of the unit to Class D1 (non-residential institution). The submitted information indicates that the intension is to operate the building as a specialist hair loss clinic.

Use Class D1 includes clinics, health centres, crèches, day nurseries, schools, non-residential education and training centres, public libraries, public halls, exhibition halls, places of worship and law courts. The class groups together buildings visited by the public for a wide range of purposes on a non-residential basis. In this instance the use is considered to be a clinic for the

purposes of Use Class D1. As a consequence it is not expected that this use would be considered as a principal town centre use and thereby its location outside of a town or local centre can be supported in this instance. This accords with Policy PLP13 of the Publication Draft Local Plan.

This particular site is not located within a Town Centre or District Centre boundary however is located within an area which is on the commuter route of the A62. Whilst the property is within a terraced row of residential properties, there is also sporadic commercial development in particular a public house, interior design show room, car showroom, petrol station, hairdressers and kitchen showroom all within close proximity. The site area is limited to 93 square metres and given the existing commercial operations within the vicinity and also that the property is currently vacant and would be brought back into a viable use without being harmful to any Town, District or Local centre, it is considered that the proposal is acceptable in terms of its principle.

2 – Impact on visual amenity:

There are no proposed external alterations to the building and therefore, no impact on the host building, the terraced row or the wider street scene. Should permission be required for signage, this would be the subject of separate application for Advertisement Consent. Therefore, the proposal would accord with local, national and emerging policies.

3 – Impact on residential amenity:

This site is a mid-terraced property and therefore any use of the building including residential could give rise to noise disturbance from activities taking place within the building. As such, Environmental Services were formally consulted as part of the application process. Whilst no objections to the scheme have been raised it is considered reasonable and necessary to impose a condition relating the times that activities can take place at the premises. Environmental Services have requested that these hours are 0800 to 1800 Monday to Friday and 0800 to 1300 on Saturdays with no activities taking place on Sundays or Bank Holidays which are hours similar to those requested by the applicant.

4 – Impact on highway safety:

The site is located adjacent to the A62 Leeds Road in the vicinity of the signalised junction with A6107 Bradley Road and B6118 Colne Bridge Road. This junction is heavily trafficked and there are no waiting at any time and no loading TRO restrictions at each arm of the junction. Immediately outside the proposal site is a shared pedestrian footway/cycleway and this is delineated from the highway by a line of bollards, which would also serve to stop kerb side parking on the footway.

No parking details were originally submitted with the application however Kirklees parking standards for D1 Non Residential medical are for 4 no. off-street spaces per consulting room. 1 off street space per doctor or equivalent

plus one off street space per 3 other staff. It was initially requested that that a condition be attached to the decision notice requesting details for layout and parking to be submitted.

Following this information being sent to the applicant, photos were submitted demonstrating that that on street parking is available within laybys close to the site in unrestricted non-dedicated areas. The highways Officer had concerns with the use of the residential parking spaces being proposed for businesses as many of the spaces shown were outside residential properties and would cause a knock on parking issue to the with parking.

Following further information being submitted in relation to how the site will operate and that the treatments can take up to 6 hours each in addition to the applicant living within walking distance of the property, given the limited size of the building, it is considered that the existing on-street parking provision is acceptable in this instance.

A condition can be attached to the decision notice ensuring that the main use of the building would be as hair loss clinic with ancillary uses as specified within the application. This would assist in mitigating any harm to parking provision.

5 – Other matters:

Kirklees Environmental Services have requested a condition relating to the installation of a vehicle charging point. Given that there is no dedicated parking for the property, it is unreasonable to attach this condition to the permission.

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: 2018/93571

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 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, T10, T19 and S1 of the Kirklees Unitary Development Plan, Policies PLP13, PLP21, PLP22, PLP24 of the Publication Draft Local Plan and advice within the National Planning Policy Framework.

3. The principle use of the building shall be restricted to a hair loss clinic and shall not be used for any other purpose falling within Use Class D1 other than those uses considered ancillary to the use as a hair loss clinic.

Reason: In the interests of highway safety and to ensure that use of the building would not generate high numbers of vehicles at any one time that would result in an oversubscription of on-street parking in accordance with Policies T10 and T19 of the Unitary Development Plan, Policies PLP21 and PLP22 of the Publication Draft Local Plan and advice within the National Planning Policy Framework.

4. Unless otherwise agreed in writing by the Local Planning Authority there shall be no activities carried out at the premises including dispatches to and or dispatches from the premises, outside the hours of 0800 and 1800 Monday to Friday and 0800 to 1300 Saturdays. No activities shall take place on Sundays or Bank Holidays.

Reason: In the interests of residential amenity and to accord with Policy D2 of the Unitary Development Plan, Policy PLP24 of the Publication Draft Local Plan and advice within the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan			30th October 2018

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. Following comments received from Highways Development Management, further information was requested with regards to

average appointment times, numbers of employees, hours of operation and parking provision.

Report Dated:

8th February 2019