

**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: 2018/62/93700/E

Site Address: 128, Roberttown Lane, Roberttown, Liversedge,
WF15 7LT

Description: Change of use of dwelling (C3) to beauty and nail
salon (Sui Generis)

Recommending Officer: Rebecca Drake

DECISION – FULL CONDITIONAL APPROVAL

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.

Kevin Walton

AUTHORISED OFFICER

Date: 24-Apr-2019

Officer Report

Site Description

The application relates to no. 128, Roberttown Lane in Roberttown. The application property forms part of a stone built terraced row and is located adjacent to a tunnel providing access to the rear of the buildings. To the rear there is a very small area of amenity space and beyond this a working men's club and its associated car parking. Both adjacent properties are in residential use, as is the application property. The application property currently has accommodation set out over two floors.

Description of Proposal

Planning permission is sought for the change of use of the existing dwelling to a beauty and nail salon (sui generis). The proposed business unit would contain a kitchen, bathroom and 4no beauty rooms. No external alterations are proposed.

History of negotiations/amendments received

The case officer has been in discussions with the agent in relation to highway safety and the red line boundary.

Originally, the proposal comprised the insertion of doorway into the side elevation openings into the tunnel; this has been removed during the course of the application.

Relevant Planning History

None on the site

Representations

The application has been publicised by site notice and neighbour notification letter.

Final publicity date Expires: 29th November 2018.

As a result of the publicity period, there representations have been received from one neighbour. These are summarised below.

- Highway safety and increased traffic into Roberttown Village
- Physical changes to the property – specifically the opening up of a doorway under the alleyway under the properties
- Noise to the properties
- No reference to signage
- Comments about the away the doors open

Consultation Responses

The following is a brief summary of Consultee advice (more details are contained in the Assessment section of the report, where appropriate):

- KC Highways DM: no objection subject to conditions
- KC Environmental Health: no objection subject to conditions

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 statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

The site is unallocated on the Kirklees Local Plan but is located within Roberttown local centre.

Kirklees Local Plan (LP):

- PLP 1 – Sustainable Development
- PLP 2 – Location of Development
- PLP13 – Town Centre Uses
- PLP 21 – Highway Safety
- PLP 22 – Parking Standards
- PLP 24 – Design
- PLP 52 – Pollution (including noise)

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 19th February 2019, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

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

- Chapter 6 – Building a strong, competitive economy
- Chapter 7 – Ensuring the vitality of town centres
- Chapter 12 – Achieving well-designed places
- Chapter 15 – Conserving and enhancing the natural environment

Assessment

Principle of Development

Chapter 6 of the NPPF stipulates that significant weight should be placed on the need to support economic growth through the planning system. Chapter 7 of the NPPF asserts that local planning authorities should recognise town/local centres as the heart of their communities and should pursue policies to support their viability and vitality. It sets out that local planning authorities should promote competitive town centres that provide customer choice and a diverse retail offer. This is reflected in Policy PLP 13 which states that main town centre uses shall be located within defined centres.

The application proposes the change of use from a residential dwelling to a beauty and nail salon. A beauty and nail salon is classed as a main town centre use and the application site is located within Roberttown Local Centre. As such, the development can be considered acceptable in principle, subject to assessment against material considerations which is set out in the proceeding section of the report.

Impact on Visual Amenity

No external alterations are proposed under this application. As such, the proposed development would have a neutral impact on visual amenity.

Impact on Residential Amenity

As no external alterations or extensions are proposed, the impact on residential amenity will result solely from the change of use of the application, rather than any external works.

Due to the proposed commercial use on the site, KC Environmental Health has been consulted on the proposal. They comment that they have concerns from customers entering and leaving the proposed development which they state may adversely impact on the amenity of the occupiers of the adjacent residential properties if this was to occur at anti-social times. Therefore a condition is recommended which restricts the hours of operation to specified hours. The agent on the application has reviewed these hours and raises no objection to these being conditioned.

Subject to this condition, the application is considered to have an acceptable impact on noise and disturbance and to accord with the aims of Policy PLP 52 (as modified) of the Kirklees Local Plan.

Impact on Highway Safety

Discussions on the application have been held with Highways DM Officers who originally raised concern about the proposed application. They commented that the property is set within ten metres of a mini-roundabout in Roberttown village centre. Although some on-street parking is available a short distance away, there is none directly outside the site due to its proximity to the junction. From reviewing the plans and observing 4no beauty rooms, it was assumed by Highways DM that there would be 4no staff members and 4no customers at any one time. Highways DM raised concern on that basis.

The agent responded by these concerns by stating by email that there would be a maximum of 2no staff members and 2no customers on the site at any one time. Highways DM have stated that this proposed usage would require 3no spaces. For the residential use of this site, 2no spaces would be expected to serve that use. As such, the cumulative shortfall of from the proposed change would be 1 space.

Given the site is in a village centre with formalised on-street parking within a few metres, good public transport links, and other businesses within easy walking distance, Highways DM feel that a balanced view can be taken that this proposal will not significantly increase on-street parking on Roberttown Lane; furthermore, they comment it is likely that the business parking will occur during periods when resident parking is low.

Highways DM would raise two concerns, firstly that any increase in staffing may increase vehicle movements and parking to an unacceptable level, and secondly, that extended opening hours may see customer/staff parking encroach into the times when residential parking will increase. As such, whilst Highways DM has no wish to object to the scheme, they would recommend a conditions to limit the number of staff and the opening hours. The agent has no objection to the staff limit or opening hours condition on the application.

In light of the above, the application is considered to have an acceptable impact on residential amenity in accordance with Policies PLP 21 (as modified) and PLP 22 (as modified) of the Kirklees Local Plan.

Procedural Matters

During the course of the application it was noted that the red line did not match the floor plans submitted. This is due to the fact that it did not include a room on the upper floor (above the tunnel) which is within the ownership of the application. The red line boundary was extended to include the upper floor space. Whilst it would appear that the ownership of the land below the tunnel lies with the working men's club to the rear of the site, these neighbours have been consulted as a part of the application and the floor plans have been available online. No representations have been received from them. As such, it is considered that no third party has been prejudiced by this.

Representations

As a result of the publicity period, there representations have been received from one neighbour. These are summarised below.

- Highway safety and increased traffic into Roberttown Village
 - Response: addressed in the main report
- Physical changes to the property – specifically the opening up of a doorway under the alleyway under the properties
 - Response: omitted from the application
- Noise to the properties

- Response: covered in the application and condition to be imposed
- No reference to signage
 - Response: should advertisement consent be required, it would be subject to a separate application process. No advertisement consent application has been submitted to accompany this application.
- Comments about the way the doors open
 - Response: the direction that doors would open is not a planning consideration.

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: 2018/93700

Officer Recommendation: APPROVE

Conditions and Reasons

1. The development shall be begun not later than the expiration of three years beginning with the date on which permission is granted.

Reason: Pursuant to Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Order 2004.

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 PLP21 (as modified) and PLP 52 (as modified) of the Kirklees Local Plan as well as the aims of the National Planning Policy Framework.

3. The use hereby permitted shall not be open to customers outside the hours of:

- 10:00 to 18:00 Monday, Tuesdays, Wednesdays and Fridays;
- 10:00 to 20:00 Thursdays;
- 10:00 to 15:00 on Saturday; and,
- No opening on Sundays or Bank Holidays.

Reason: In order to protect the amenity of occupants of nearby residential premises at no.126 and 130 Roberttown Lane and in the interest of highways safety in accordance with Policies PLP 21 (as modified) and PLP 52 (as modified) of the Kirklees Local Plan.

4. No more than 2no staff members and 2no customers are permitted on the site at any one time.

Reason: In order to ensure that highway safety is protected in accordance with Policy PLP 21 (as modified) of the Kirklees Local Plan.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan, Existing and Proposed Floor Plans	18.001	-	27 th March 2019

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. The Case Officer entered into discussions with the agent to resolve highways matters, discuss conditions and in relation to the red line on the application.

Report Dated:

12 th April 2019
