

**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: 2019/62/90192/W

Site Address: 3 , Market Place, Slaithwaite, Huddersfield, HD7 5AP

Description: Change of use from launderette (Sui Generis) to retail (A1) (within a Conservation Area)

Recommending Officer: Teresa Harlow

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: 04-Mar-2019

Officer Report

Site Description

Ground floor commercial unit within Slaithwaite town centre. Forms part of Lewisham House, which appears to have originally been a dwellinghouse, but which is now sub-divided into a mix of residential and commercial use.

The unit is accessed by two steps leading to a single width door. There is a full height window to the west of the door and a fascia sign above.

The first floor of the property is in residential use and there is a hot food takeaway to the east of the site.

To the front of the property is a forecourt area which is hardsurfaced with a small kerb separating this from the footway. This does not form part of the application site and, I am informed, is a shared space.

Description of Proposal

Change of use of launderette (sui generis) to Class A1 retail. The application form states this is for the sale of pottery and would employ 2no. Full-time employees. Hours of use are not specified.

History of negotiations/amendments received

Agent approached regarding the loss of the laundrette as a potential community facility, see assessment. Agent also asked about improving access to the front door to overcome the stepped access which could not be overcome due to levels.

Relevant Planning History

None

Representations

Final publicity date Expires: 1st March 2019

No representations received.

Consultation Responses

K.C. Environmental Services – do not consider there to be any significant environmental health impacts with this development and have no objections to the application.

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 February 2019.

The site is within Slaithwaite District Centre and Slaithwaite Conservation Area within the Local Plan

- Access considerations

The property does not include level access to the commercial unit. As the red line boundary is drawn around the unit itself it is not possible to seek improvements to this as part of this application as this would involve land beyond the application site. The Agent was asked to explore potential opportunities but this proved unachievable. Notwithstanding this, a note could be attached to any decision, following PLP24(f), recommending that opportunities to widen access to the shop for a range of different users be explored so as to create a more accessible and inclusive facility.

Kirklees Local Plan:

PLP13 – town centre uses

PLP35 – Heritage

PLP24 - Design

PLP48 – community facilities and services

PLP52 – Protection and Improvement of Environmental quality.

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 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 8 – Promoting healthy and safe communities
- Chapter 12 – Achieving well-designed places
- Chapter 16 – Conserving and enhancing the historic environment

Assessment

The application property is within Slaithwaite district centre and is already in commercial use, although currently vacant. Policy PL13 states that main town centre uses shall be located within defined centres. As this application would result in an additional Class A1 retail unit it is supported by Policy PL13 in principle:

“main town centre uses which are appropriate in scale, help to retain an existing centre’s market share and enhance the experience of those visiting the centre and the businesses which operate in that centre will be supported”.

Other matters to take into considerations are whether the loss of a laundrette would be deemed the loss of a community facility, any impact on the significance of Slaithwaite Conservation Area, the amenities of nearby residents and highway safety.

Loss of community facility

A laundrette can provide affordable washing and drying facilities and as such might be deemed a ‘community facility’. Information provided by the Agent suggests that it has not been possible to operate a profitable business for some time and as such the unit is presently vacant.

The launderette closed around two years ago (it may be longer) as it was not viable (it had opened and closed several times before this). The old machines etc. Have all been taken away and internally the building has been refurbished (new electrics etc.) The use as a launderette was no longer viable hence the closure(s) and the need to refurbish to attract a new tenant/use. Part b allows for the property to change use in these circumstances.

Given these circumstances, and because the use is appropriate to the district centre and would occupy an already vacant unit, there are no objections to the loss of the launderette. I consider in these circumstances the development would comply with Policy PLP48 of the LP.

Impact on Slaithwaite Conservation Area

The statutory duty within Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990, requires that special attention is paid to the desirability of preserving or enhancing the character or appearance of conservation areas. Policy PLP35 of the LP provides the context for the consideration of development affecting the historic environment. In this instance the application only seeks the change of use of the building and no physical alterations are proposed. Notwithstanding this, it is an opportunity to bring a vacant commercial unit back into use contributing to retaining the significance and vibrancy of the conservation area.

Residential Amenity

There are residential properties above and to the west of the site. These share a close relationship with the commercial unit. As there has been commercial activity within the property for many years, and it is on the edge of the district centre, I consider that the new use would not materially alter the amenities currently enjoyed by residential occupiers. Environmental Services

concur with this view. The development would comply with Policy PLP52 of the LP.

Highway Safety

I consider the change of use would not have a material impact on highway safety. There is limited waiting parking available to the front of the premise and public parking facilities available elsewhere within Slaithwaite town centre. The development would comply with PLP21 of the LP

Conclusion

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 – Conditional full permission.

Decision Authorisation - Delegated Powers

Application Number: 2019/90192

Officer Recommendation: conditional full permission

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, in the interests of highway safety, residential and visual amenity and so as to preserve the character and appearance of the Slaithwaite Conservation Area and to comply with Policies, PLP35, PLP48, PLP52 and PLP21 of the Kirklees Local Plan.

NOTE: In order to create an accessible and inclusive facility, opportunities to widen access to the shop for a range of different users should be explored.

Plan Type	Reference	Version	Date Received
Location Plan			22.1.2019

For approvals

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 agent was requested to provide further information regarding the loss of the laundrette and possible alterations to access to the building. The response was taken into account in the assessment of the application.

Report Dated: 4.3.19

