

**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: 2020/62/94070/W

Site Address: 69-71, Cowlersley Lane, Cowlersley, Huddersfield,
HD4 5UE

Description: Use of premises for self-service launderette facility
and associated works

Recommending Officer: Lucy Taylor

DECISION - REFUSED

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

Teresa Harlow

AUTHORISED OFFICER

Date: 25-Mar-2021

Officer Report.

Reference: 2020/94070

Location: 69-71, Cowlersley Lane, Cowlersley, Huddersfield, HD4 5UE

Proposal: Use of premises for self-service laundrette facility and associated works.

Site Description.

The application site is a two-storey semi-detached building located on Cowlersley Lane, Huddersfield. The ground floor of the building functions as a 'Premier Express' convenience store with an integrated Post Office. To the front elevation of the premises is a wide pavement area that perhaps facilitates vehicles stopping at the convenience store and along the north east boundary of curtilage, a public footpath runs from the front of the building, along its entire side elevation and beyond. The surrounding streetscene is residential, occupied by terrace style housing in the immediate vicinity.

Due to the location of the building within the streetscene, it is located in close proximity to several highway junctions. Firstly, a junction is present to the west of the building and the other, located adjacent, just below the north eastern extent of the building. The highway that fronts the building is a classified C road and therefore, connects together several roads in conjunction with several residential areas.

Description of Proposal.

Permission is sought for the use of the premises for a self-service laundrette facility with associated works.

Self-Service Laundrette Facility

The self-service laundrette facility has already been erected at the site and work was completed on 20/08/2020.

The proposed self-service laundrette facility is erected to the front elevation of the application site, with the rear elevation of the facility erected against the north eastern boundary of curtilage. The facility has a total length of 3.15 metres, a width of 2.3 metres and a height of 2.2 metres. Due to the typology of the land upon which the service is erected, a wooden levelling system has been used below, to enable the horizontal erection of the self-service laundrette facility.

In terms of design, the front, side and rear elevations of the facility are constructed from grey metal and glazed cladding panels with various printing on the front and side elevations with words that indicate use, function,

instructions and pricing. In addition, on the front elevation, three washing machine doors are erected, varying in size and erected with descending elevation along the front elevation. In addition, a technological panel is erected on the front of the facility, to deposit money and select purpose for use.

History of Negotiations.

No negotiations have taken place and no amended plans have been sought or submitted as the unit is already in situ and there are concerns regarding the principle.

Relevant Planning History.

- **2014/91250** – *Premier Food and Wine, 69-71, Cowlersley Lane* – Installation of ATM and associated works. *Granted in 2014.*
- **2017/91279** – *69-71, Cowlersley Lane* – Notification for prior approval for change of use of part of shop (Class A1) to restaurants and café (class A3). *Application was deemed withdrawn.*

Representations.

We are currently undertaking statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, we have publicised this application via neighbour notification letters which expired on 15th February 2021 – no representations were received.

Consultation Responses.

Environmental Health – Strategic Waste – Although it was acknowledged that the site lies approximately 198m away from a closed landfill and that 3,500m³ of canal dredging's were deposited in the past, shallow spike testing for LFG in 1996 produced a zero value for CH₄ and concluded an ambient extent of Co₂.

Highways Development Management – Highways development management made reference to increased vehicular movement, parking availability and visibility. Overall, considering the significant loss of visibility at the junction adjacent to the site unacceptable from a highway safety perspective and therefore, unable to support the application on highway safety grounds.

Conservation and Design – Overall, conservation and design stated that the slight public benefits of providing this facility outweigh the slight harm however, it was noted that the large steel unit is out of character with the local vernacular and visible along Cowlersley Lane in turn, considered to lead to slight harm to the setting of the listed cottages close by, through the introduction of a large steel unit within a predominantly stone built street.

Prow (Footpaths) – no comments were made.

Enforcement – Enforcement did not have much active involvement in the case other than inviting the planning application and made no further correspondence in regards to the case.

Environmental Health – concerns were raised regarding the levels of noise that would be expected from the development. Further acknowledging the presence of residential accommodation directly above the store and directly opposite, which as a result of varying factors, including the washing machines themselves as well as vehicles and customers, have been suggested to potentially affect the amenity of these residential properties for occupiers.

Policy/Legislation.

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. However, it has been acknowledged that Grade II listed cottages are located close by.

Kirklees Local Plan:

- **LP1** – Achieving Sustainable Development
- **LP2** – Place Shaping
- **LP24** – Design
- **LP21** – Highway and access
- **LP48** – Community facilities
- **LP52** – 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, 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 8** – Promoting Healthy and Safe Communities
- **Chapter 12** – Achieving Well-Designed Places
- **Chapter 15** – Conserving and enhancing the natural environment

Assessment.

The Following matters that will be considered as part of the assessment of the proposal are set below. These considerations will be looked at in detail

individually:

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

1. Principle of Development

The site is without notation on the Kirklees Local Plan. Policy LP1 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 NPPF.

Policy LP1 goes on further to state that “the council will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.”

In terms of making alterations to a property Policy LP 24 of the Kirklees Local Plan will be used to assess the development, in conjunction with Chapter 12 of the National Planning Policy Framework regarding design. LP48 will also be used during assessment, to determine whether a self-service laundrette facility, in the proposed location, is a fundamental requirement of development as well as to determine the resultant impacts of provision.

In the case of this application, the principle development on the application site may be acceptable and shall be assessed against other material planning considerations below.

1. Impact on Visual Amenity

In terms of visual amenity, general design considerations are set out in Policy LP24 of the Local Plan and Chapter 12 of the NPPF, which seek to secure good design in all developments by ensuring that they respect and enhance the character of the townscape and protect amenity.

The self-service laundrette facility is located to the front of the ‘Premier Express’ convenience store, upon a large span of courtyard space present to the front elevation of the application site. Due to the size and scale of the facility and its siting, it is overtly prominent within the streetscene. Due to its prominent position visually, the self-service laundrette facility also results in a cramped, overdeveloped appearance to the front of the site; whereby, a relatively large extent of the currently open space is built upon. In addition, the facility has solid elevations in the colour grey, with additional graphics and manifestations, making its overall appearance incongruous with the established characteristics of the streetscene. Furthermore, the washing machine doors and payment system on the front elevation contribute further

to increasing the visibility of the facility, negatively increasing the industrial appearance of the development and in turn, further counteracting with the traditional appearance of the application site and streetscene. Finally, to overcome the topography of the land, the facility is elevated using a crude wooden levelling system, this increases the extent of detriment caused visually, amplifying the obtrusive nature of the overall design.

Heightening the issue of overdevelopment and prominence with regard to visual amenity is the location of the application site within the streetscene; located in close proximity to several road junctions. This increases the openness and visibility of the application site, highlighting that the development of the self-service laundrette facility is highly prominent and visible from several locations and angles along the streetscene of Cowlersley Lane.

With regard to the Grade II listed cottages at 62-64 Cowlersley Lane, these are some distance from the site and across Cowlersley Lane and at a lower ground level. The existing setting of the cottages is confined by the fencing to their westerly gable and they are set further back from the road than later development. I consider their setting is tightly drawn to the area close to their frontage on the north side of Cowlersley Lane. The existing shop unit is an established commercial unit along the road and is markedly different to the otherwise residential nature of the street. For these reason the additional unit, in conjunction with the commercial use of the host property, is considered not to impact on the setting of the buildings; notwithstanding the informal comments made by Conservation and Design.

Resultantly, taking into account the above, it is considered that the self-service laundrette facility does not comply with LP24 in the Kirklees Local Plan and other national and emerging policies in relation to design.

2. Impact on Residential Amenity

The impact of the proposal on the amenity of surrounding properties and future occupiers of the dwellings needs to be considered in relation to Policies LP24 and LP52 of the Local Plan which seeks to *“provide a high standard of amenity for future and neighbouring occupiers; including maintaining appropriate distances between buildings”* and LP52 *“proposals which have the potential to increase pollution from noise...”*

The impact of the development on each of the surrounding properties will be assessed in turn:

- *69-71 Cowlersley Lane* – This flat is located above the ‘Premier Express’ convenience store’. Although the self-service laundrette facility would have no impact upon this residential property in terms of overbearing, overshadowing or neighbouring privacy, the self-service laundrette facility will undoubtedly increase noise generated in the vicinity of the property, both directly and indirectly. The proposal suggests 24/7 use of the facility which in turn, creates the potential for

the living environment of this residential accommodation to be significantly disrupted. In turn, potentially creating unpleasant living conditions through noise and disturbance, in particularly at unsocial hours when background noise levels are lower.

- *73 Cowlersley Lane* – this property is located to the west and adjoins the application site. This application site is located in close proximity to the location of the self-service laundrette facility however, due to the size and scale of development and the topography of the land, there will be no resultant undue overbearing or overshadowing for the occupiers of 73 Cowlersley Lane. In addition, due to the nature of the proposal, there will be no impact upon neighbouring privacy. However, it has been acknowledged that there is no boundary treatment erected between the site of the self-service laundrette facility and this neighbouring property and both footfall and vehicular use to the front elevation of the application site could increase as a result of development. This will in turn, increase noise and disturbance to the front of this neighbouring property, which, when the 24/7 operating hours are considered, poses would be harmful to the living conditions of occupiers.
- *67 Cowlersley Lane* – this property is located to the east of the application site. There is separation distance between this neighbouring property and this application site therefore, in conjunction with the height of the self-service laundrette facility, there will be no resultant undue overbearing or overshadowing for the occupiers of 67 Cowlersley Lane. In addition, due to the nature of the proposed development, there will be no impact on neighbouring privacy. Furthermore, boundary treatment is erected between the neighbouring property and the application site, on the elevation closest to the proposed site of development; this is in the form of a stone wall and shrubbery. In turn, this will further mitigate any potential impacts caused from the self-service laundrette facility, including noise and disturbance given the separation of the dwelling to the unit.
- *2 Windsor Road* – this property is located to the south and overlooks the rear of the application site. Due to the location of the self-service laundrette facility to the front of 69-71 Cowlersley Lane, this neighbouring property will not experience any detriment from development with regard to overbearing or overshadowing and due to the nature of the proposal, there will be no impact on neighbouring privacy.

In light of the above, the proposal is considered to have an unacceptable impact on residential amenity, with the potential to detriment the living conditions associated with the flat above the application site and no 73 Cowlersley Lane. Most significantly, failing to comply with LP52, whereby the applicant has failed to demonstrate that the site can operate without impact to nearby residents, when an Environmental Health consultation suggests disturbance to those in the immediate vicinity. In conclusion the comings and

goings associated with the operation of the laundrette and the noise associated with the unit itself could cause undue disturbance to the amenities of nearby residents. The applicant was not requested to submit a noise report as there are other reasons why the proposed development is considered unacceptable.

3. Impact on Highway Safety:

The proposed self-service laundrette facility is considered unacceptable from a highways safety perspective. KC, Highways Development Management were consulted on the proposal and were unable to support the application on highway safety grounds.

Jubilee Lane is immediately east of the site and serves many dwellings as a rear access. In order to provide a safe access onto Cowlersley Lane visibility splays at the junction of Jubilee Lane onto Cowlersley Lane should be 2.4m x 43m as it is a 30mph road. The self-service laundrette unit would significantly obscure the visibility at this junction to 2.4m x 18m. This would result in an unacceptable impact on highway safety, contrary to para 109 of the NPPF.

For these reasons, the proposal does not comply with Policy LP21 of the Kirklees Local Plan.

4. Other Matters

Climate Change

On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target; however, it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

In this case, due to the nature of the proposal it is not considered reasonable to require the applicant to put forward any specific resilience measures.

Bats

The application site lies within the bat alert layer on the Council's GIS system however, due to the nature of the proposal bat roosting is very unlikely to occur and as such, the development will accord with Chapter 15 of the NPPF.

Provision of community facilities

A laundrette provides a necessary social and community facility to support modern urban living. The location of the unit is in a somewhat accessible location where it can be accessed on foot; but it is not within a town, district or local centres. Para 92 of the NPPF states that planning decisions should

ensure that established shops...are able to develop and modernise, and are retained for the benefit of the community. The addition service provided by the self-service laundrette unit would help the shop to develop and provide additional services. These benefits, however, would overcome the harm caused to the visual and residential amenity of the area or highway safety.

5. Representations

No representations were received.

6. Conclusions

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 proposals do not accord with the development plan and the adverse impacts of granting permission would significantly and demonstrably outweigh any benefits of the development when assessed against policies in the NPPF taken as a whole

Recommendation: Refuse

Decision Authorisation - Delegated Powers
Application Number: 2020/94070
Officer Recommendation: Refuse

Conditions and Reasons:

1. Due to its siting, design, and appearance the proposed self-service laundrette facility would form an incongruous and overly prominent feature that would be out of keeping with the host building, adjacent properties and street scene. To permit such a development would be detrimental to the predominant character of the townscape and visual amenity of the area failing to accord with Policy LP24 (a and c) of the Kirklees Local Plan and Policies within Chapter 12 of the National Planning Policy Framework.
2. The siting of the self-service laundrette would significantly obscure visibility left (west) for vehicles emerging from the junction of Jubilee Lane with Cowlersley Lane. This would result in an unacceptable impact on highway safety contrary to Policy LP21 of the Kirklees Local Plan and paragraph 109 of the National Planning Policy Framework.
3. The application submission has failed to demonstrate that the operation of a 24-hour freestanding self-service laundrette would retain a high standard of amenity of nearby occupiers of residential property. In particular, the comings and goings associated with people using the facilities and the operation of the machines themselves at unsocial hours at night and in the early morning could cause noise and disturbance such that this would reduce the quality of life and well-being of people to an unacceptable degree. To approve the application in these circumstances would be contrary to Policies LP24b and LP52 of the Kirklees Local Plan.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Plans – Grouped Plans and Elevations	-	-	27.11.20
Plans – Location Plan	2089-P01	-	27.11.20
Supp Info – General	Planning Statement	-	27.11.20
Supp Info – General	Brochure	-	27.11.20

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. No amendments or additional information was sought as the environmental harm caused, as set out in the reasons for refusal, could not be overcome.

Report Dated:

25.3.21

