

**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: 2021/62/90382/E

Site Address: 35, South View Road, East Bierley, BD4 6PJ

Description: Change of use and alterations of 9 The Green to extend living accommodation for 35 South View Road (within a Conservation Area)

Recommending Officer: Olivia Roberts

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.

Paul Dowd

AUTHORISED OFFICER

Date: 07-Apr-2021

Officer Report

Site Description

The application relates to 35 South View Road, a two-storey semi-detached dwelling in East Bierley. The dwelling is finished in a green coloured render for the external walls with tiles for the roof form. Adjoined to the east of the dwelling is 9 The Green, East Bierley, a single-storey unit, which, whilst along with dwelling is currently vacant, previously served a beauty salon (Sui Generis). The premises are finished in a cream/yellow coloured render. The properties front onto South View Road and there is an open area of amenity space to the rear.

The site is located within a predominantly residential area, which comprises properties that vary in terms of their type and design and are constructed from a mix of stone and render. A commercial property is located to the rear of the site. The site is located within the East Bierley Conservation Area.

Description of Proposal

The application seeks planning permission for the change of use and alterations of 9 The Green to extend living accommodation for 35 South View Road.

There would be no external changes to the building to facilitate the change of use.

The existing single storey beauty therapy unit would provide a dining room and utility, which would form part of 35 South View Road. Some changes would be made to the use of the existing ground floor level rooms of the main dwelling.

History of negotiations/amendments received

No amendments were sought or received during consideration of the application.

Relevant Planning History

No relevant planning history.

Representations

The application was advertised by site notice, neighbour letter and in the press. Final publicity expired on 1st April 2021.

No representations were received following the above publicity.

Parish/Town Council comments: not applicable.

Consultation Responses

No consultation responses were considered necessary.

Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be 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.

Kirklees Local Plan (KLP):

- LP 1 – Achieving sustainable development
- LP 2 – Place shaping
- LP 21 – Highway and access
- LP 22 – Parking
- LP 23 – Core walking and cycling network
- LP 24 – Design
- LP 35 – Historic environment
- LP 51 – Protection and improvement of local air quality
- LP 52 – Protection and improvement of environment quality
- LP 53 – Contaminated and unstable land

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 2 – Achieving sustainable development
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate, flooding and costal change
- Chapter 15 – Conserving and enhancing the natural environment
- Chapter 16 – Conserving and enhancing the historic environment

Assessment

The following matters are considered in the assessment below –

- 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:

When considering development proposals, there is a presumption in favour of sustainable development contained in the NPPF. Policy LP1 of the Kirklees Local Plan (KLP) is applicable and suggests that proposals that accord with the policies in the KLP (and where relevant, with policies in neighbourhood plans) will be supported subject to other material considerations.

The application site currently comprises a residential dwelling and a vacant beauty therapy unit. Given the use of the existing unit, which falls under the Sui Generis use class, the principle of the change of use is considered acceptable, providing there are no undue detrimental impacts on visual and residential amenity and highway safety.

The site is located within the East Bierley Conservation Area and, as such, Chapter 16 of the NPPF and Policy LP35 of the KLP are relevant in this case. The impact of the proposed development on the Conservation Area will be addressed below.

2 –Impact on visual amenity:

The impact on visual amenity is considered acceptable. No external changes are proposed to the building as part of the proposal with only internal changes required to facilitate the change of use. As such, it is considered that the proposal would not have a greater impact on the existing property, street scene or the wider area than existing.

It is noted that the site is located within the East Bierley Conservation Area. Given the above, where no external changes are proposed to the building as part of this application, it is considered that there would be a neutral impact on the character and significance of the Conservation Area in this case.

Taking the above into consideration, the proposed development is considered to comply with Policies LP24 and LP35 of the KLP and Chapters 12 and 16 of the NPPF.

3 – Impact on residential amenity:

Policy LP24 of the KLP sets out that consideration needs to be given to the impact of the proposal on neighbouring properties.

In this instance, the built form of the building would not change due to the proposal and there would, therefore, be no overbearing or overshadowing impact as a result of the change of use. The openings to the rear of the additional living accommodation would serve a utility. Whilst these openings would be close to the commercial premises to the rear, it is noted that there are no openings in its side elevation, other than an access door, which would prevent harmful overlooking.

The living accommodation would serve an additional dwelling and, as such, it is considered that the proposal would not amount to disturbance to the neighbouring properties to the rear. Whilst the additional living accommodation would be close to the existing commercial unit, given the existing relationship between the main dwelling and the property, it is considered that there would be no disturbance to the residents of the property over and above the existing relationship.

Having reviewed the above, the proposal is considered to result in no adverse impact upon the residential amenity of any surrounding neighbouring occupants, thereby complying with Policy LP24 of the KLP and Paragraph 127 (f) of the NPPF.

4 – Impact on highway safety:

The proposal is for the change of use of an existing beauty therapy unit to extend living accommodation for an existing dwelling. The proposal would not increase the number of bedrooms at the property and is, therefore, considered not to result in an intensification in its domestic use nor would it affect the existing parking to the side of the dwelling. As such, the scheme would not represent additional harm in terms of highway safety, thus complying with Policies LP21 and LP22 of the KLP.

5 – Other matters:

Coal Mining Legacy

The site is identified as being located within a high coal mining risk area and, as such, consideration must be given to the impact on the proposed development on past coal mining legacy. The application proposes the change of use of an existing building, with no ground works proposed as part of the development. As such, the development falls under The Coal Authority's exceptions list and the submission of a Coal Mining Risk Assessment is not required in this case. However, as a precautionary measure, an informative note shall be added to the decision notice, in accordance with Policy LP53 of the KLP.

Carbon Budget

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 pre-dates 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.

The proposal comprises the change of use of a beauty therapy unit to additional living accommodation, which would extend an existing residential property. As such, no special measures are required in terms of the planning application, with regards to carbon emissions. For this reason, the proposed development is considered to comply with Policy LP51 of the KLP and Chapter 14 of the NPPF.

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: 2021/90382

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 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 to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP22 and LP24, of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

NOTE: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of: 07.30 and 18.30 hours, Mondays to Fridays, 08.00 and 13.00 hours, Saturdays, with no working Sundays or Public Holidays. In some cases, different site-specific hours of operation may be appropriate.

Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services may control noise from construction sites by serving a notice. This notice can specify the hours during which the works may be carried out.

Plans and specifications schedule:

Plan Type	Reference	Version	Date Received
Existing Ground Floor Plan	100	-	09/02/2021
Existing First Floor Plan	101	-	09/02/2021
Proposed Ground Floor Plan	102	-	09/02/2021
Location Plan	103	-	09/02/2021

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 has, 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.

As the submitted plans were considered acceptable, no amendments were sought.

Report Dated:

06/04/2021