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**Report of the Head of Planning and Development**

**HEAVY WOOLLEN PLANNING SUB-COMMITTEE**

**Date: 15-Dec-2022**

**Subject: Planning Application 2022/92094 Demolition of public house and erection of education centre and prayer room Nelson Inn, 145, Slaithwaite Road, Thornhill Lees, Dewsbury, WF12 9DW**

**APPLICANT**

Acumen Designers and  
Architects

**DATE VALID**

21-Jun-2022

**TARGET DATE**

16-Aug-2022

**EXTENSION EXPIRY DATE**

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Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

[Public speaking at committee link](#)

**LOCATION PLAN**



**Map not to scale – for identification purposes only**

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**Electoral wards affected: Dewsbury South**

**Ward Councillors consulted: No**

**Public or private: Public**

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**RECOMMENDATION:**

DELEGATE approval of the application and the issuing of the decision notice to the Head of Planning and Development in order to complete the list of conditions including those contained within this report.

**1.0 INTRODUCTION:**

- 1.1 The application is brought to Heavy Woollen Planning Sub Committee given the previous history on the site and the level of representation received.
- 1.2 33 Representations have been received with 29 supporting the proposal and 4 objecting on the grounds of highway safety and a proliferation of similar facilities in the area.
- 1.3 The chair has reviewed the application and confirmed the application should be referred to planning committee for decision, in line with the Council's Scheme of Delegation.

**2.0 SITE AND SURROUNDINGS:**

- 2.1 The site was last utilised as a public house which consisted of a single and two storey building with associated car park, with the front elevation facing into the car park and with a Calder & Hebble Navigation to the rear. Planning permission was granted by Heavy Woollen Planning Sub-Committee on 18<sup>th</sup> February 2021 to change the use of the building to an education centre and prayer room (2020/92661). At the time of the site visit, the original building had been substantially demolished.
- 2.2 There are new residential properties to the east and a pharmacy and medical centre on the opposite side of Slaithwaite Road.

**3.0 PROPOSAL:**

- 3.1 The application is retrospectively seeking planning permission to demolish the public house and for the erection of an education centre and prayer room. The new building would have the same footprint and design as the original building, but with an increase in height of 0.5m.

#### **4.0 RELEVANT PLANNING HISTORY (including enforcement history):**

4.1 93/01549 - Erection of signage - Approved

97/93696 - Formation of beer garden with external alterations - Approved

2007/94142 - Erection of smoking shelter – Approved

2020/92661 – Change of use from public house to education centre and prayer room – Approved by Heavy Woollen Planning Sub-Committee (19/02/2021)

COMP/22/0178 – enforcement complaint for demolition of public house – investigation ongoing

#### **5.0 HISTORY OF NEGOTIATIONS (including revisions to the scheme):**

5.1 None

#### **6.0 PLANNING POLICY:**

6.1 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 27<sup>th</sup> February 2019).

The site is UNALLOCATED within the Kirklees Local Plan.

Kirklees Local Plan (2019):

6.2 The following policies are relevant to this application.

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP13** – Town centre uses
- **LP21** – Highway safety
- **LP 22** – Parking
- **LP 24** - Design
- **LP 27** - Flood risk
- **LP48** – Community facilities and service

Supplementary Planning Guidance / Documents:

6.3 None

National Planning Guidance:

6.4 The following chapters of the National Planning Policy Framework are relevant to this application.

- Chapter 7 – Ensuring the vitality of town centres
- Chapter 8 – Promoting healthy and safe communities

- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change

## **7.0 PUBLIC/LOCAL RESPONSE:**

- 7.1 The application was publicised by neighbour letter inviting comments until 01/08/2022 to submit comments.
- 7.2 33 representations were received – 29 supporting the proposal and 4 objecting.
- 7.3 The concerns raised in the letters of objection related to highway safety in terms of parking and safe access and a concern regarding the number of such facilities in the vicinity.

## **8.0 CONSULTATION RESPONSES:**

Below is a summary of the consultation responses received. Where relevant, further detail is provided in the main assessment below.

### **8.1 Statutory:**

K.C. Highways Development Management – Informal discussion, previous comments are still relevant. On balance, support the proposals subject to conditions.

The Coal Authority – Support subject to informative being added to any decision.

### **8.2 Non-Statutory:**

K.C. Environmental Health – Previous comments are still relevant. Support the proposals subject to conditions.

K.C. Designing Out Crime officer – Previous comments are still relevant. Support the proposal, various recommendations made in the interest of crime prevention, security and safety.

## **9.0 MAIN ISSUES**

- Principle of development
- Impact on the local centre
- Impact on amenity
- Suitability of a change of community use
- Highway issues
- Representations
- Other matters

## **10.0 APPRAISAL**

### Principle of development

- 10.1 The site is without notation on the Kirklees Local Plan (KLP). Policy LP1 of the KLP 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.

- 10.2 The proposal is within a local centre and as such consideration will be required in terms of LP13 of the Kirklees Local Plan with regards to the impact of the proposals on the vitality and viability of the Local Centre.
- 10.3 Consideration will be required in terms of LP24 of the Kirklees Local Plan with respect to the impact on visual and residential amenity together with the character of the area.
- 10.4 The principle of the change of use relates to the loss of a public house, which is a community use considered worthy of additional protections to a prayer room and education centre which can also be considered to be a community facility. This conclusion was agreed as part of the planning approval under 2020/92661. As this is a new application with demolition of the original building and an increase in the overall height of the building now included, both uses are community facilities, consideration will be required with respect to LP48 of the Kirklees Local Plan.
- 10.5 Other considerations along with highway safety will also be considered.

#### Impact on the Local Centre

- 10.6 The site is within the Local Centre, Slaithwaite Road at Thornhill Lees which is currently made up of the following:
- A group of 6 retail units on the corner of Headfield Road, 5 of which appear to be occupied with two hairdressers, a takeaway, a sandwich shop and a mobile phone shop.
  - A doctor's surgery and pharmacy on the corner of Slaithwaite Road and Parker Road.
  - The public house which is the subject of this application opposite the doctor's surgery.
  - A fish & chip shop on the corner of Slaithwaite Road and Ingham Road.
  - Mullaco supermarket which is located to the rear of 153 to 191 Slaithwaite Road.
- 10.7 It is noted that there is further new build facility on the opposite side of the road accessed off Parker Road which provides similar facilities for up to 290 people and having a second facility relatively close would not result in a mix of uses to effectively serve the local community.
- 10.8 Furthermore, there are other such facilities within and close to Thornhill Lees including two on Lees Hall Road, one on Brewery Lane, one on the corner of The Common and Overthorpe Road, one on the corner of Thornhill Road and the River Calder and another on Caledonian Road.
- 10.9 However, the number of similar facilities in the vicinity is not a factor in considering a proposal with respect to LP13 of the Kirklees Local Plan.
- 10.10 The proposal would result in the loss of the existing public house. However, it would be replaced with a community use which is generally considered to be acceptable in a local centre and has previously been established as being acceptable following the granting of the previous planning approval. The proposal is considered to continue to comply with policy LP13 of the Kirklees Local Plan.

### Impact on amenity

- 10.11 The current proposal seeks to rebuild in a similar form to the original with the same footprint although there would be an increase in height of 0.5m. The increase in height is marginal and would not appear out of scale with the existing built environment. As such, the proposed change of use is considered to be acceptable in terms of visual amenity.
- 10.12 There are residential properties to the east of the site. However, the increase in height is marginal at 0.5m and there is a 10.5m separation between the building and the neighbouring house, 1 Hebble Court. Given this relationship, Officers consider that there would be no significant impact on the amenities of the occupiers of the neighbouring dwelling.
- 10.13 It is noted that K.C. Environmental Health has requested a condition regarding the provision of a noise assessment. However, given the nature of the proposed use, it is not likely to result in any further noise or disturbance than the current use as a public house. As such, it is not considered to be reasonable or necessary to include a condition for the submission of a noise report and there is considered to be no undue harm caused to the amenities of the occupants of the neighbouring properties as a result of the change of use. This is consistent with the approach considered acceptable during the course of the previously approved application. The proposal is therefore considered to be acceptable in terms of residential amenity, in accordance with the aims of policy LP24 of the KLP.

### Suitability of a change of community use

- 10.14 With regards to policy LP48 of the KLP, proposals which involve the loss of a valued community facility such as a public house are only considered to be acceptable where it can be demonstrated that there is no longer a need for that facility, it is no longer a viable use or there is an adequate alternate provision in the vicinity.
- 10.15 The Area Profiles for Dewsbury South and the key statistics (ONS Census 2011) indicates a change in the demographic of the residents of the area which have altered the character of Thornhill Lees and with these changes, the need for a public house has declined.
- 10.16 The agent has further confirmed that the property was on the market for three years prior to the submission of the previously approved application for a change of use with no interest. This is considered to indicate that the use is no longer economically viable.
- 10.17 Whilst there are no other public houses located in Thornhill Lees, there are public houses within 1km of the area. Taking this into account, along with the change in the character of the area, this is considered to balance the requirements of policy LP48 of the KLP.

### Highway issues

- 10.18 The application site is located on the heavily trafficked B6117 Slaithwaite Road opposite the junction with Parker Road. The site does have an existing car park for 7 to 8 cars to park off street and safely turn around within the site. It is noted that sight lines from the existing car park onto Slaithwaite Road are currently deficient.
- 10.19 The details submitted in support of the application indicate that the proposed use would serve a maximum of 15 students at any one time. The submitted plans show one relatively small classroom and one prayer room with ancillary offices, storage and a self-contained unit at first floor. Following consultation with K.C Highways Development Management (HDM), the proposals are considered acceptable from a highway safety perspective subject to the submission of a management plan before the use commences, to include the timings of classes and prayers and to include an attendance register and monitoring regime. In the event that planning permission is approved, a condition is recommended to that affect.
- 10.20 KC HDM also suggested a condition restricting the number of users to 15 students or 10 worshippers on the site at any one time. Given the limitations of the site including the limited car parking and the size of the building, this is considered to be a reasonable condition and necessary to ensure the safe operation of the use in terms of highway safety and to comply with policy LP21 of the KLP. Once again, this is consistent with the previously approved application.
- 10.21 On balance, given the limited capacity and subject to appropriate conditions, the proposal is considered to be acceptable with regards to highway safety and compliant with policies LP21 & LP22 of the KLP.

### Representations

- 10.22 The representations received included a number of objections (how many?). The issues raised relate to concerns regarding highway safety and the number of similar facilities in the area.
- 10.23 In terms of the highways concerns, the impact of the proposal has been fully considered in points 10.17 to 10.20 of this report.
- 10.24 It is appreciated that there are a number of similar provisions within the area. However, there is no scope within planning policy to restrict a specific type of use on the grounds of volume, saturation, or proliferation.
- 10.25 The representations in support of the scheme have also been noted.

### Other Matters

- 10.26 The application details have been reviewed by the Designing Out Crime officer. No objections have been raised to the change of use. However, a number of recommendations have been included for the benefit of the site users in terms of security and safety. These recommendations have been published on the website for the applicant to review.

- 10.27 The consultation response from KC Environmental Health requested a condition requiring the provision of electric vehicle charging points. Policy LP24 does require development, where practicable, to encourage the use of electric and low emission vehicles. This is considered to be a reasonable request and compliant with LP24 of the Kirklees Local Plan.
- 10.28 The site is close to the River Calder and within Flood Zone 2. However, the use proposed is no more vulnerable than the existing use. The proposal is therefore considered to be acceptable in terms of LP27 of the Kirklees Local Plan.
- 10.29 As the proposals include demolition and rebuilding, The Coal Authority have been consulted. Given the coal mining legacy, in the event that planning permission is approved, an informative is recommended to accord with Policy LP53 of the Kirklees Local Plan.
- 10.30 There are no other matters relevant to the consideration of this proposal.

## **11.0 CONCLUSION**

- 11.1 In conclusion the proposed use is, on balance, considered to accord with the relevant policies in terms of the Local Centre, Amenity, Highway Safety and Community facilities.
- 11.2 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.
- 11.3 This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development proposals accord with the development plan and it is recommended that planning permission be granted.

## **12.0 CONDITIONS (Summary list. Full wording of conditions including any amendments/additions to be delegated to the Head of Planning and Development)**

1. Development to be commence within 3 years.
2. Development to be undertaken in accordance with the submitted plans and specifications.
3. The use of the site shall be limited to 15 students **or** 10 worshippers on site at any time.
4. Submission and subsequent approval of a management plan, which shall include the timings of classes and prayers, an attendance register and monitoring regime, before the use is first implemented.
5. Surfacing and drainage of the car park before the use is first implemented.
6. Provision of an electric charging point before the use is first implemented.

## **Background Papers:**

Application and history files.

Current application

[Planning application details | Kirklees Council](#)

Previous approval

[Planning application details | Kirklees Council](#)

Certificate of Ownership –Certificate A signed