

## KIRKLEES METROPOLITAN COUNCIL

### PLANNING SERVICE

#### UPDATE OF LIST OF PLANNING APPLICATIONS TO BE DECIDED BY

#### PLANNING SUB-COMMITTEE (HEAVY WOOLLEN AREA)

5 DECEMBER 2019

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**Planning Application 2017/92291**

**Item 11 – Page 17**

**Erection of 19 dwellings with associated infrastructure and landscaping**

**Rock Villa Development, Land off Warwick Road, Batley, WF17 6AN**

#### **CONSULTATION RESPONSE:**

##### Strategic Housing

Since the publication of the report comments have been provided by the Strategic Housing officer:

The council seeks to secure 20% of dwellings on sites with 11 or more dwellings, for affordable housing. On-site provision (housing) is preferred, however where the council considers it appropriate, a financial contribution to be paid in lieu of on-site provision will be acceptable (subject to justification).

There is significant need for affordable 1, 2 and 3 bedroom homes in Batley and Spen, which has one of the highest levels of need for affordable housing, across the Kirklees District. Rates of home ownership are just over 65%, with 15% of homes rented privately and affordable housing constituting just over 15%. House prices in Batley and Spen range from around £86,000 to £162,500 and lower quartile rent in the area is £394 per month.

The affordable allocation for this development is 4 units.

##### *Type:* 4 x 2 bed dwellings

There is significant demand for affordable 1, 2 and 3+ bedroom homes in the area. The application proposes 2, 3, 4 and 5 bed market homes, of which 4 units are 2 bedroom affordable homes. Strategic Housing welcomes the 4 x affordable dwellings and supports this application.

##### *Tenure:*

In terms of affordable tenure split, across the district Kirklees works on a split of 55% social or affordable rent to 45% intermediate housing, but this can be flexible. 2 social or affordable rented dwellings and 2 intermediate dwellings would be suitable for the development proposed.

#### **Officer Response:**

Sufficient affordable housing have been proposed on site and it is considered that the above tenure split can be secured by the Section 106 Agreement.

## **OBSERVATION**

It should be noted that site clearance has taken place for the adjacent site (adj, Woodland House, 2, Warwick Road, Batley, WF17 6AP), which has permission for the erection of 6 town houses (Planning Application Reference: 2017/62/92772/E). These works are not related to this planning application.

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**Planning Application 2019/90382**

**Item 12 – Page 35**

**Change of use from motor cycle showroom and sales to mixed use**

**Brookroyd Mills, 678, Bradford Road, Batley, WF17 8ND**

### **8.0 CONSULTATION RESPONSE (Page 38):**

KC Police Architectural Liaison Officer has reviewed the application and visited the site. Recommendations are provided within their consultee response in order to increase the security of the application site. Concern was raised in the response in relation to security of the motorbike parking area adjacent the access to the car park.

In order to address the above, an additional condition is recommended which will require the applicant to submit a scheme detailing security measures to ensure that this area of parking is secured.

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**Planning Application 2019/92381**

**Item 13 – Page 45**

**Change of use from retail/office to preparation and packaging of food, alterations to existing outbuilding and installation of vent**

**52, Wellington Street, Batley, WF17 5HU**

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

One further representation, and a separate petition with 28 signatures has been received.

The petition with 28 signatures has listed the following concerns:

- Increase in noise, nuisance and disturbances
- Inadequate parking facilities, no clarification on where the bins will go
- No provision for staff parking
- Traffic safety hazards and parking on yellow lines
- The hours of operation
- Elderly neighbours are being disturbed
- The noise from ventilation
- Hygiene concerns
- Fire hazard, increase in rats and rodents infestation

The concerns raised in the additional representation are summarized as follows:

#### Highway Safety

- The site has inadequate parking facilities, there will be room for only 2 cars, this area is very small
- No clarification on where bins will go
- No provision for staff parking
- Traffic safety hazards to other road users at a busy junction
- Increase in traffic in a busy area with parking problems
- Parking on yellow lines and blocking resident's driveways
- Many businesses have opened up in recent years and there is lack of parking and surrounding roads have double yellow lines
- Deliveries to Happy Snax vans are frequently parking on double yellow lines when making deliveries.
- There will be an increase in customers at the site and no provision for customer / staff parking

#### Impact on Amenity

- Increase in noise, nuisance and disturbance
- The hours of operation are a great concern to local residents.
- There are deliveries taking place in the early hours of the morning at 1am, 3am and 6am causing distress to residents living close by
- Elderly neighbours are being disturbed during the nights with vehicles coming and going and metal trays making noise
- Noise from ventilation is a great concern
- Concern about food smells from cooking

#### Other

- Residents are concerned about a fire hazard as the cooking will be taking place in a derelict out building adjacent overhanging trees
- Increase in rats and rodents infestation which is already an issue
- Concern about hygiene
- Happy Snax is a very discreet business, since its inception (last 3 years) the shutters are never open causing health and safety issues for employees.

#### Applicant Correspondence:

The applicant has submitted a response to the representations received. This is summarised below:

- Happy snax is committed to following the guidelines given by the Environmental Health officer. The hours of operation will be as described in the officer report.
- Happy snax own only two vans size L1H1. Vans come on site twice a day for loading and unloading with a maximum of 15 minutes stay on site. While loading and offloading the van is parked in the shared access way at the rear of the property which is not an obstacle for road users.
- Happy snax have two designated parking spaces suitable for staff parking and will not create additional congestion.

- Employees follow highway rules while on duty. There is no neighbouring driveway around 52 Wellington Street other than the shared driveway located to the rear of the building off Hanover Street.
- Happy snax is not directly trading to the public from site.
- For all noise and odour complaints, the Environmental Health officer's recommendations will be implemented prior to starting cooking on site.
- Happy snax is registered with the Local Authority for food and safety hygiene, inspected regularly and all corrective action completed within a timely manner.
- Happy snax is managed using HACCAP principles.
- Happy snax have a contract with a pest control company and inspected quarterly.
- The health and safety of employees is our prime responsibility. Keeping a shutter closed is not a risk to health and safety. The business has restricted access to maintain hygiene.

### Officer Response

The comments raised in the representations received have previously been addressed in the officer report.

**Planning Application 2019/92734**

**Item 14 – Page 57**

### **Erection of extensions and dormer windows to front**

**9, Chapel Fold, Staincliffe, Batley, WF17 7AY**

### **SUPPORTING COMMENTS ON BEHALF OF THE APPLICANT:**

The applicant has requested via an agent that the following supporting statement is brought to member's attention.

"I have been asked by the applicants in respect of the above application to provide planning advice. It is on the agenda for this Thursday's Planning Sub Committee.

They would like Members to understand their need for the extension and these are set out below.

**CURRENT LAYOUT** - the existing house is very narrow internally. External view is deceiving. In essence it is only 1 room deep with a narrow hallway at the rear giving access to the three bedrooms.

**SIZE AND LAYOUT** - there are 3 bedrooms to accommodate 2 adults and 3 children with one large room and two relatively small rooms.

The medium bedroom is used by two children and is too small to accommodate two single beds and a wardrobe. As a consequence only bunk beds can be used.

The box room is occupied by their third child. Four years ago a custom made raised bed had to be made to fit in the space above the staircase. This is not a full single bed and he is now outgrowing it.

They purchased the house four years ago with a view to extending it to meet their growing family needs.

They have been through the Council's Pre-application advice process and the design of the proposed extension reflects advice given prior to submission.

We trust these comments will be presented to Members in the Update."

**Officers Response:** Whilst the Local Planning Authority is sympathetic to the needs of the applicant, these have limited weight in the determination of the planning application. The proposal has been assessed in the committee report with respect to its planning merits.

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**Planning Application 2019/92982**

**Item 15 – Page 67**

**Variation condition 2 (plans) on previous permission 2014/94021 for erection of one dwelling (within a Conservation Area)**

**East Paddock, 3, Deer Croft, Farnley Tyas, Huddersfield, HD4 6UL**

#### **REQUEST FOR DEFERRAL**

Councillor Bill Armer has been contacted by local residents who have requested that the application be deferred to the Heavy Woollen Planning Sub Committee meeting to be held on 9 January 2020. They state that as the publicity period for comments on the amended plans ended on 2 December, this will not provide adequate time for the case officer to collate the relevant details.

#### **RECOMMENDATION**

The amended plan site publicity period ended on 2 December 2019. As such, the recommendation is to be amended as follows:

**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;**
- Secure a Supplemental S106 Agreement to cover the following matter:**
  - Off-site contribution for affordable housing.**

**In the circumstances where the S106 Agreement has not been completed within 3 months of the date of the Committee's resolution then the Head of Planning and Development shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits that would have been secured; if so, the Head of Planning and Development is authorised to determine the application and impose appropriate reasons for refusal under Delegated Powers.**

#### **4.0 RELEVANT PLANNING HISTORY**

COMP/15/0245 – Major Site Monitoring (Whole of Beech Farm site)

#### **5.0 HISTORY OF NEGOTIATIONS**

Since production of the final agenda, the applicant's agent has submitted a revised site plan indicating a solid boundary (dry stone boundary wall) between the dwelling and adjacent paddock as requested by Officers. They have also provided amended elevations and floor plans showing a minor changes to the proportions of the projecting elements to the front and rear elevations of the dwellings. These amendments were received during the period of amended plans publicity and were not re-advertised due to their minor nature.

#### **7.0 PUBLIC/MEMBERS RESPONSE**

Six further amendments have been received in relation to site publicity. The comments received are summarised as follows:

- The developer has submitted superseded plans which show scant regard for the decision previously made by the Heavy Woollen Planning Sub Committee regarding site levels.
- Implore the decision maker, in the interests of residential amenity, and to preserve the character and appearance of the Conservation Area, visual amenities of the surrounding area and openness of Green Belt, to ensure that the conditions made at the last Committee are adhered to and enforced
- Cross section level shows ground floor level of the house to be higher than existing dry stone wall. Manor Road and adjoining land slopes downhill. The application shows the whole of East Paddock being on an approximate level with the rest of the Beech Farm development i.e. section A-A. The platform has been created by the disposal of excavated waste onto East Paddock from the rest of the Beech Farm development
- Do not object to the house being built, but it should be to the original lapsed consent
- If allowed this house will overlook all the existing houses on Manor Road and this is a conservation area
- Request that the levels are made a condition upon approval that cannot be removed by subsequent applications
- Amended plans show a retaining wall with steps down into the paddock is still in place, implying the developer has no intention of lowering the levels on site
- Request that the height of the building at each end is returned to the original plans to reduce the impact of its size on the other houses on the estate
- Request that the access road (Field Lane) is brought up to the standard required by Kirklees Highways Design Guide 2018, NPPF and Defra as it is the only access to the majority of the Beech Farm estate, in addition to commercial businesses in the Barn, agricultural vehicles and horseboxes as well as access to the original properties. The current lane falls short of these requirements.

- Since the decision reached in December 2018, tons more waste from the Park Farm development has been deposited on the site and no attempt has been made to reduce the site levels according to the decision reached by the Heavy Woollen Committee. Request that condition No.25 of 2014/94021 is enforced along with the relevant paperwork to show where the excess waste is to be taken.

#### Officer Response

The comments received reiterate, in the main, those received in relation to the original application and have been addressed in the Committee report. In so far as they have not been addressed, the Officer response is as follows:

- Amended plans show a retaining wall with steps down into the paddock is still in place, implying the developer has no intention of lowering the levels on site

**Response:** An amended plan has now been received indicating a solid boundary between the dwelling and paddock land addressing this concern.

- Request that the height of the building at each end is returned to the original plans to reduce the impact of its size on the other houses on the estate

**Response:** The design of the proposed dwelling is considered to be acceptable by Officers, following receipt of amended plans.

Request that the access road (Field Lane) is brought up to the standard required by Kirklees Highways Design Guide 2018, NPPF and Defra as it is the only access to the majority of the Beech Farm estate, in addition to commercial businesses in the Barn, agricultural vehicles and horseboxes as well as access to the original properties. The current lane falls short of these requirements

**Response:** The current application proposes no change to the access road, and the resurfacing works to this have been previously approved as part of earlier Discharge of Conditions applications. Furthermore, Condition 20 of approval ref 2014/94021 would be re-imposed, should the current application be granted, which requires the agreed work to be carried out prior to occupation of the dwelling.

- Since the decision reached in December 2018, tons more waste from the Park Farm development has been deposited on the site and no attempt has been made to reduce the site levels according to the decision reached by the Heavy Woollen Committee. Request that condition No.25 of 2014/94021 is enforced along with the relevant paperwork to show where the excess waste is to be taken.

**Response:** The developer has been asked to confirm the source of this and confirm timescales for its removal. They state that spare materials have been moved to this site from the nearby Park Farm development which is coming to a conclusion, and will be used in the construction of the new dwelling. The Planning Enforcement Team have been made aware of this.

Reserved matters application pursuant to outline permission 2017/93347  
for erection of 32 dwellings

Land off, Fieldhead Lane, Birstall, Batley

**8.0 CONSULTATION RESPONSES: (Page 94)**

**KC Landscape Parks and Recreation** - The steepness of the site and its wooded nature necessitate a site specific pedestrian / cycle way solution. The route of the footpath is broadly acceptable and the separate cycle route is acceptable in principle. Suggest a condition be applied to agree a specific route through the woodland area. This pedestrian/cycle route will connect into the Oakwell Park network of paths, and in discharging, Oakwell Hall Managers will be consulted.

Appropriate signage will also be required to make users aware of the route via the cul-de-sac.

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