

KIRKLEES METROPOLITAN COUNCIL

PLANNING SERVICE

UPDATE OF LIST OF PLANNING APPLICATIONS TO BE DECIDED BY STRATEGIC PLANNING COMMITTEE

15 JULY 2020

Planning Application 2019/94094

Item 7 – Page 17

Erection of 2 temporary storage containers and erection of greenhouse and pergola Devour

Woodlands Mill, Luke Lane, Thongsbridge, Holmfirth, HD9 7TB

The published committee report did not capture the comments of Holme Valley Parish Council which support the application.

4 additional representation has been received in support of the application, a summary of the points raised is set out below:

- Having lived at Royd Mill before Devour opened there has never been any problems with noise, traffic or smells from the restaurant. In the pre-COVID days when walking home late at night and no problems were ever experienced.
- Devour has improved the area with their developments and there is no objection to increasing opening times or any of the developments.
- The only inconvenience was in the very early days with construction traffic.
- The proposal is not causing a disturbance or nuisance to local residents that can be discerned.
- The proposal is investing heavily in the community and providing much needed jobs, and the applicant is providing something that isn't available anywhere else in the local area which is supported.

Response: These comments are noted.

Planning Application 2019/94096

Item 8 – Page 29

Erection of extension to former mill building Devour

Woodlands Mill, Luke Lane, Thongsbridge, Holmfirth, HD9 7TB

The published committee report did not capture the comments of Holme Valley Parish Council which support the application.

4 additional representation has been received in support of the application, a summary of the points raised is set out below:

- Having lived at Royd Mill before Devour opened there has never been any problems with noise, traffic or smells from the restaurant. In the pre-COVID days when walking home late at night and no problems were ever experienced.

- Devour has improved the area with their developments and there is no objection to increasing opening times or any of the developments.
- The only inconvenience was in the very early days with construction traffic.
- The proposal is not causing a disturbance or nuisance to local residents that can be discerned.
- The proposal is investing heavily in the community and providing much needed jobs, and the applicant is providing something that isn't available anywhere else in the local area which is supported.

Response: These comments are noted.

Planning Application 2020/90302

Item 9 – Page 43

Variation of conditions 2 (plans) and 15 (opening hours) on previous permission 2018/90876 for the variation of conditions 2 (plans) and 15 (opening hours) on previous permission 2017/91888 for change of use, alterations and extensions to former mill buildings to form mixed use development comprising of food manufacturing, cookery school, cafe, shop, restaurant, cooking demonstration/tasting areas and management offices/suite. Outdoor seating areas, service yard, parking and associated landscaping works

Woodlands Mill, Luke Lane, Thongsbridge, Holmfirth, HD9 7TB

The published committee report did not capture the comments of Holme Valley Parish Council which support the application.

5 additional representation has been received in support of the application, a summary of the points raised is set out below:

- Having lived at Royd Mill before Devour opened there has never been any problems with noise, traffic or smells from the restaurant. In the pre-COVID days when walking home late at night and no problems were ever experienced.
- Devour has improved the area with their developments and there is no objection to increasing opening times or any of the developments.
- The only inconvenience was in the very early days with construction traffic.
- The proposal is not causing a disturbance or nuisance to local residents that can be discerned.
- It has improved the lives of some local residents.
- The proposal is investing heavily in the community and providing much needed jobs, and the applicant is providing something that isn't available anywhere else in the local area which is supported.

Response: These comments are noted.

1 additional comment has been received in objection to the proposal, a summary of the points raised is set out below, with an officer response.

- The original planning permission went through lengthy consultation with all bodies and planning permission was granted with the stipulated opening times which was considered appropriate. There has been no change in circumstances, in particular in relation to location which is

noise sensitive which would require these hours to change. An extension to the hours would be inappropriate and dismissive the previous decision.

Response: As set out in the published committee report the need and impact of the additional hours has been considered in detail and deemed to be acceptable.

Planning Application 2020/90026

Item 10 – Page 61

Variation of conditions 5 (opening hours) and 6 (noise management plan) on previous application 2016/94001 for erection of extension to and rebuilding of fire damaged winery building

Holmfirth Vineyard Ltd, Woodhouse Farm, Woodhouse Lane, Holmbridge, Holmfirth, HD9 2QR

RECOMMENDATION:

Since the publication of the committee report the Council has been notified of the submission to the Planning Inspectorate for an appeal for non-determination. As a consequence, the application is brought to committee seeking a resolution to inform the Planning Inspectorate as to what decision the council would have made if the authority to determine the application had remained within its remit. Recommendation to Members is to refuse:

1. The extension to the hours of operation of the premises to midnight on Thursday, Friday, Saturday, Sunday and Bank Holiday Monday would result in an unacceptable reduction in the quality of life and well-being of neighbouring residential occupants due to noise and activities that would be generated from the premises and outdoor areas over this extended period of time. The harmful impact on the residential amenity of neighbouring occupiers would be contrary to the aims of Policies LP24 and LP52 of the Kirklees Local Plan as well as Chapter 12 and 15 of the National Planning Policy Framework.

PRINCIPLE OF DEVELOPMENT

Correction:

Paragraph 10.2 refers to “additional 2 hours opening” this should read “additional 1 hour”.

REPRESENTATIONS:

10.13 Objections:

Poor access, Parking & Highway Safety

Response: The application relates to the increase in hours of operation to allow opening until 1:00am. There is no evidence that the operations have been carried out in accordance with a detailed Travel Plan. This information has been requested. Whilst KC Highways DM raise no objections in principle to the extended hours there are concerns that there is no agreed Travel Plan in place.

Erection of two storey rear extension

11, Woodside Lodge, Kirkburton, Huddersfield, HD8 0PD

Additional information submitted

The applicant has submitted three additional plans:

- Section plan showing the relationship between the application site and no. 15
- Section plan showing the relationship between the application site and no. 9
- A site plan showing where the sections are taken from

The section plans show the relationship between the neighbouring properties and the application site.

The submitted plans are considered by Officers to demonstrate that the relationship between the proposed extension and the neighbouring properties is acceptable for the reasons set out in the committee report.

The section plans will be shown in the Officers' committee presentation.

Amendment of description of development

To reflect the amendments that have been sought and subsequently submitted, the description of development has been changed from "erection of two storey rear extension" to "*erection of two storey and single storey rear extension*".

Given that this is a reduction in the scale of the extensions proposed, it is acceptable to amend this within the scope of this planning application. The amended plans have been advertised to members of the public for their comments as stated within the committee report.

Outline application for the erection of three dwellings

adj, Penlee, Holme Lane, New Mill, Holmfirth, HD9 7NQ

Residential Amenity – Penlee

Penlee falls within the applicant's ownership, being within the application's blue line. Plot 3 would be adjacent to Penlee, with each dwellings' side elevation facing the other at a separation of 3.6m. Penlee does have side-facing habitable room windows facing towards Plot 3, however these are secondary to windows located on the front / rear elevations. Therefore, while Plot 3's layout would result in it being visible from Penlee's side facing windows, the impact would not be materially harmful. The proposed layout would not be notably visible from Penlee's front / rear windows or its garden space, which would be retained at an acceptable size.

In terms of overlooking, the proposed dwelling's window locations fall under an 'appearance' consideration, which is a reserved matter, and no details are held at this time. However, it is reasonable to consider that plot 3 will not require side facing habitable room windows and any side facing non-habitable room windows may be secured via condition.

Accordingly, officers are satisfied that the proposal would not cause material harm to the amenity value of Penlee's occupiers, in accordance with LP24 of the KLP and Chapter 12 of the NPPF.

Clarification

Within the 'Drainage and Flood Risk' section of the assessment paragraph 10.39 states that a Flood Risk Assessment (FRA) is not required. However, paragraph 10.41 refers to a condition requiring the development be undertaken in accordance with a FRA. This is an error and should read 'done in accordance with the submitted Drainage Strategy'.

Planning Application 2019/93311

Item 13 – Page 111

Erection of first floor extension

Park Pre-School, 125, High Street, Westtown, Dewsbury, WF13 2QG

Residential amenity

Further to paragraphs 10.7 and 10.8 of the published committee report, the applicant has confirmed only the first-floor extension would be used for educational classes and interfaith meetings, which would be held in evenings between 17:00 and 21:00 Mondays to Fridays. Although the hours of use as proposed would be slightly longer than what are currently permitted under condition 3 of planning permission 2013/92447, KC Environmental Health Service has not raised any concern in terms of noise and disturbance associated with this proposal.

Furthermore, the proposed development would not introduce any activity at late night and in early morning that would substantially prejudice the living conditions of occupants of the neighbouring residential properties including nos.46 to 52 Middle Road, Westtown. Acknowledging these factors, it is considered that the proposed hours of use of the first-floor extension could be acceptable from a residential amenity perspective. To protect the neighbouring occupiers from noise and disturbance at unsocial hours, a condition is recommended to be imposed to restrict the hours of use of the first-floor extension to 08:00 and 21:00 Mondays to Fridays. Subject to this condition, officers are satisfied that the residential amenity impact arising from this development would be adequately addressed in accordance with policy LP24(c) of the Kirklees Local Plan.

To clarify, the rest of the premises including the existing pre-school as well as the playground to the front would still be subject to the time restrictions under condition 3 of planning permission 2013/92447. A variation of condition application would be required if the hours of use of the entire premises were to be extended beyond what are currently stipulated in condition 3. A separate assessment would be made in relation to the relevant material planning considerations, including the impact on residential amenity as well as highway safety.
