

## KIRKLEES METROPOLITAN COUNCIL

### PLANNING SERVICE

UPDATE OF LIST OF PLANNING APPLICATIONS TO BE DECIDED BY

PLANNING SUB-COMMITTEE (HEAVY WOOLLEN AREA)

14 APRIL 2021

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**Planning Application 2020/91601**

**Item 6 – Page 11**

**Change of use from agricultural land to A4 (Drinking Establishment) and erection of extensions and alterations**

**Dunkirk Inn, 231, Barnsley Road, Lower Denby, Huddersfield, HD8 8TX**

#### **10.0 APPRAISAL**

##### Highway Safety Matters

At paragraph 10.12, the Highways DM revised consultation response refers to the Huddersfield Sub-Committee as opposed to the Heavy Woollen Sub-Committee. For clarity, this application was deferred at the previous Heavy Woollen Planning Sub-Committee.

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**Planning Application 2019/91239**

**Item 7 – Page 27**

**Demolition of existing public house and erection of four dwellings**

**The Shears, 201, Halifax Road, Hightown, Liversedge, WF15 6NR**

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

A further 137 objections have been received in relation to the recent period of re-publicity. These reiterate the concerns raised previously which are set out within the Committee Report on pages 30 to 31 and responded to by officers on pages 39 to 40.

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**Erection of 14 dwellings with garages and formation of new access road**

**Land south of, Leeds Road, Mirfield, WF14 0JE**

Clarification

Paragraph 10.39, contained within the ‘Highway’ section of the assessment, considers the need of a right-turn lane into the site from Leeds Road. The published report reads:

*‘Additionally, Highways DM considered whether a right turn could be implemented; it was concluded that there is insufficient room within the highway to facilitate this.’*

This should read:

*‘Additionally, Highways DM considered whether a right turn lane could be implemented; it was concluded that there is insufficient room within the existing highway to facilitate this.’*

Although it may be feasible, subject to detailed design, to undertake localised widening of the highway into the application site to enable the provision of a right-turn lane, this would encroach the entire length of the site and likely require a substantial re-design within the site, while adding substantial development costs. Given the assessment by officers that a right turn lane is not required, such an arrangement is not considered reasonable or necessary in this case.

**Demolition of former dairy/snooker centre/storage and erection of 9 light industrial units**

**Land Adjacent, 60, Northgate, Cleckheaton, BD19 3NB**

Amended 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 the main report, and to secure a Section 106 Agreement to cover the following matter:

1. Financial contribution to deliver offsite habitat improvements (£30,130).

### Procedural matter:

The Council owns the freehold to part of the application site. Although the applicant had entered into a legal agreement with the Council to buy the land shortly before the planning application was submitted, formal notice of the applicant's intention to submit the application was not served and the Ownership Certificate within the application form did not identify the Council as one of the parties with an interest in the land. To regularise this matter, the applicant has now formally served notice on the Council and a revised Ownership Certificate has been submitted.

The committee can still determine the application however the Decision Notice cannot lawfully be issued until 21 days from the date when notice was served on the Council. This means that the Decision Notice can only be issued after the 29<sup>th</sup> April 2021.

### Ecology:

As discussed at paragraph 10.33 on page 150 of the committee report contained in the agenda, a biodiversity net gain had not been demonstrated by the applicant. The applicant has now confirmed that a net gain will be provided through a financial contribution to facilitate habitat improvements in an offsite location; this would be within the District, at a location as close to the application site as possible. The contribution has been calculated as £26,200 plus a £3930 administration fee. This would need to be secured through a Section 106 Agreement. On this basis the application is considered to comply with Policy LP30 of the Kirklees Local Plan and guidance in the National Planning Policy Framework.

### Additional representations:

Councillor Kath Pinnock has provided additional comments on the application and an officer response has been provided as follows.

- 1. It is most unfortunate that an attempt hasn't been made for a general re-development of that area. Partial development of this nature will close down some of the options for the remainder of the wider site, including better access onto Bradford Road.*

**Officer response:** The Local Planning Authority has been asked to consider the scheme proposed within the application. Officers consider that the proposal is acceptable having regard to all material planning considerations.

- 2. I am concerned that, given the proximity of the residents of George Street and Whitcliffe Road, that more attention hasn't been given to limiting noise nuisance from potential users. I understand that each unit will have noise limits but wonder how these are to be controlled, in practice.*

**Officer response:** The operators of the units would be required to adhere to the noise limits set out within the recommended condition. If an operator was found to be in breach of the condition, then it would be a matter for the Council's Planning Compliance team. Complaints could be readily investigated by Kirklees Environmental Services to establish whether noise limits were being exceeded.

3. *Highways concerns: I am surprised that Scott Lane is being considered as the route to exit onto Bradford Road. You may be aware that there is a major scheme of changes proposed to the A638 through Cleckheaton part of which involves a proposal to reduce the number of road junctions onto Bradford Road in order to ease traffic movements, buses in particular. Perhaps there needs to be a discussion with Highways colleagues before a decision is made.*

**Officer response:** Access to the development will be an 'in' only arrangement off Scott Lane with egress onto Northgate. It is considered that traffic heading towards Cleckheaton will do so Via Horncastle Street onto the A638 and traffic heading towards Chain Bar will turn left out of Scott Lane. Given that the proposed highway project to the A638 is at preliminary concept stage and has not reached public consultation yet, it is not considered to have implications for the proposed development. The Council's Major project team have been made aware of this application.

4. *Scott Lane: are you able to verify the claim made in the applicant's traffic assessment that it is part of a bus route? Has an assessment been made as to the visibility onto Bradford Road at the Scott Lane junction? Has consideration been given to prevent larger commercial vehicles not using the adjacent Coach Lane? What consideration has been given to movement into Scott Lane from Bradford Road being blocked by a vehicle coming out of Scott Lane and the implications that will have for road safety and congestion?*

**Officer response:** Enquires have been made with Metro who have confirmed that bus services do travel down Whitcliffe Road however they turn off down Serpentine Road before this development and where Whitcliffe Road turns into Scott Lane, so buses do not emerge from Scott Lane onto the A638 Bradford Road.

Highways Development Management consider that Scot Lane is adequate to accommodate the traffic movements associated with the proposed development, without resulting in any significant adverse harm to highway safety.

5. *I draw your attention to this statement in the Committee Report:*

***Impact of traffic on road surface***

*Officer response: The proposed development is not of a scale that would justify highway resurfacing works although a condition is recommended to ensure that damage to the road surface arising from the construction phase is remedied by the developer.*

*It seems to me that a further look at the appalling state of that section of Northgate should be considered before including this in the report. I have reported the state of Northgate on several occasions. Some of the worst potholes get filled and then more appear. It is well passed its useful life without adding construction vehicles and other HGVs onto the road.*

**Officer response:** It has been confirmed that Northgate is due for resurfacing works in the 2021/2022 financial year. If this is completed prior to occupation of the proposed development, then any damage to the carriageway would be repaired at the expense of the developer.

6. *While development of the site is welcome, I do think more attention needs to be paid to the impact on current residents who live opposite the site and to the impact on highway safety, especially the use of the sub-standard width Scott Lane.*”

A representation has also been received on behalf of Spen Valley Civic Society, which has also been sent to members of the committee. The representation is copied below.

*“The civic society have spent years trying to generate interest from Kirklees Council in respect of this key area of land, which borders Cleckheaton town centre and is within 100 metres of the town hall. The history as described in the officer’s report fails to do justice to the site which has lain derelict since the mid-1980’s, and was the subject of ‘something must be done about it’ discussions within the council for many years. It has been an eyesore throughout this time, which is shaming on the Council, as part of the site was in Council ownership until recently.*

*We are conflicted by the current application, as we recognise that the applicant, Mr Middleton is trying to do something positive in his application. However, we are dismayed that the outcome will be light industrial units, in what is effectively a town centre location where surrounding buildings are either shops or residential. We know from discussion with Mr Middleton that he has considered residential use for the site, but was put off at the consultation stage by the police who could not support such a proposal because of the close proximity of a probation hostel, with the implication that there would be an unacceptable crime risk. This is an appalling comment for the police to say, and which has no statistical evidence to support the statement.*

*On numerous occasions we have urged the Council to take the lead in working with the various landowners – as there are other pockets of derelict land adjoining this site – to develop a master plan to develop an integrated scheme for the whole area, given its central location – but without success. As recently as 2019 I walked the site with the then Service Director, who agreed that such an approach was an appropriate way forward.*

*We appreciate that Mr Middleton is keen to move ahead with development of this site, but we urge the Planning Sub-Committee to consider deferment in the hope that collaboration involving the Council and landowners can produce a blueprint which will lead to the development of something of which the people of Cleckheaton could be proud, such as an integrated housing scheme. Industrial units should be built on land allocated for industry, not adjacent to town centres.”*

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**Change of Use and alterations to convert trade counter retail unit to function room and store**

**Former Harrisons Electrical Warehouse, Huddersfield Road, Dewsbury, WF13 2RU**

Correction:

The Committee Report, on page 154, states that the electoral ward affected is Dewsbury West. This was a typing error made at the time of preparing the Officer Report and should, instead, have stated Dewsbury East.

The Location Plan in the Report correctly identifies the extent of the application site. All Members of Dewsbury East Ward were notified about the recommendation of this application in the email dated 04-Mar-2021. The written representations received in relation to this application during the statutory publicity were made with a clear understanding of the location of the site. Consequently, no persons have been prejudiced by this error and the subsequent amendment.

**7.0 PUBLIC / LOCAL RESPONSE:**

Councillor MasoodG Ahmed of Dewsbury South Ward requests that the following comments be considered by Members of the Committee before making a final decision on this application.

*“Good Afternoon Chair, Planning Committee Members and Officers.*

*I would like to make representation in support of my constituents planning application for Change of use and alterations to convert trade counter retail unit to function room and store at former Harrisons Electrical Warehouse, Huddersfield Road, Dewsbury.*

*Planning Committee Members who were present the last time this application came to committee back in 2019, at which I spoke in support of this, you will also remember my constituents were advised to liaise and work closely with Kirklees Council Planning, Highways and Environment Officers, if they wanted to resubmit the application, for which they have been doing for the past year and bit in these unprecedented times we are currently living in.*

*The planning application has had significant changes made to it since 2019, which I will go through.*

***Impact on highway safety***

*The proposed wedding function room would have a maximum capacity of up to 200 guests. There would be 34 parking spaces provided within the site, according to the submitted site plan. Although it is appreciated that a similar change of use proposal was refused for highway safety reasons in 2019, the maximum capacity of the function room in this application has been significantly reduced compared to that of the refused application.*

**As mentioned by the officers:** Subject to all the conditions set out in the paragraphs, it is considered that the highway safety and parking impacts associated with this development would be managed in such a way that it would not give rise to significant conflicts with policies LP21 and LP22 of the KLP. The proposal is, on balance, acceptable from a highway safety perspective

### **Impact on visual amenity**

Providing the colour of the render is appropriate, details of which can be secured via condition, the proposals, in terms of visual amenity, are considered to be in accordance with the aims of Policy LP24 of the KLP and Chapter 12 of the NPPF

### **Principle of development**

The impact on Dewsbury Town Centre vitality would be acceptable in respect of policy LP13 of the KLP and chapter 7 of the NPPF. The principle of this development in question is acceptable

### **Impact on residential amenity (including noise and disturbance**

A number of standard Environmental Health conditions have therefore been recommended, should planning permission be granted, which my constituent will comply with and undertake.

These include:

1. Entertainment noise inaudibility condition: this would require the submission of a noise report to show that all entertainment noise would be inaudible at properties on Pinfold Hill and Webster Hill.
2. Hours of use would be restricted to 17:00 to 22:00 Fridays and 11:00 to 22:00 Saturdays, Sundays and Bank Holidays<sup>10.13</sup>
3. The above conditions are considered reasonable in order to address issues of residential amenity and as such the proposals are considered to be in accordance with Policies LP16, LP24 and LP52 of the KLP and Chapters 12 and 15 of the NPPF

Kirklees Council Officers in Planning, Highways and Environment Health (Pollution & Noise Control) have all indicated that 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.

### **Conditions**

1. Temporary planning permission for 3 years from the date of decision.
2. In accordance with the submitted plans.
3. All entertainment noise to be controlled as to be inaudible at the nearest residential properties.
4. 3 electric vehicle charging points be provided on site before the development is brought into use.

5. Development to be managed in accordance with the details provided in the Parking and Event Management Plan. 6. Maximum number of guests to be limited to 200 at any time

Based on the recommendations and conditions by Kirklees Council Officers, I would ask that the planning committee support and approve this application.

Finally, I would just like to thank you all for your time in listening to me, have a nice evening.

Cllr Masood”

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**Planning Application 2020/94233**

**Item 14 – Page 173**

**Change of use of car sales offices to hot food takeaway**

**Store, 491, Bradford Road, Batley, WF17 8LQ**

Procedural Matter

Paragraph 1.1 of the Committee Report states

*“The application is brought to the Heavy Woollen Planning Sub-Committee at the request of Councillor Habiban Zaman. The reason for the committee request is set out as follows.”*

This paragraph should now read:

*“The application is brought to the Heavy Woollen Planning Sub-Committee at the request of Councillor Gwen Lowe, who agreed with the initial comments made by Councillor Habiban Zaman in her email dated 17-Feb-2021. The reason for the committee request is set out as follows.”*

After paragraph 1.2, insert an additional paragraph that reads

*“In addition, Councillor Lowe was concerned that the development, if permitted, could have a significant impact on the Cross Bank Batley Conservation because of its proximity to the application site.”*

The above amendments are required because Councillor Zaman, who made the initial committee request on 17-Feb-2021, is not a Member of Batley West Ward where the site is located and, therefore, is not eligible the power of committee referral provided to the Members of the affected electoral ward only.

Cllr Gwen Lowe of Batley West Ward subsequently emailed the case officer on 08-Apr-2021 requesting that this application be determined by the Committee, as she agreed with Cllr Zaman’s comments about the potential of impact arising from this development. She was also concerned that the proposal could have a significant impact on the Cross Bank Batley Conservation Area.



Since there have been no substantive changes to the reasons for the initial committee request, the subsequent request made by Cllr Lowe remains valid in respect of the Scheme of Delegation contained in the Constitution of the Council. No persons have been prejudiced by these amendments.

## **10.0 APPRAISAL**

### Impact on Residential Amenity

After paragraph 10.8, insert a new paragraph that reads

*“There are some houses on the opposite side of Bradford Road facing the application site. The hot food takeaway could potentially result in an increase in noise and disturbance by way of vehicle movements and customers or delivery drivers congregating outside the premises. Whilst the potential of impact is appreciated, the site is on a busy classified A road with regular flows of traffic throughout the day and night. The noise climate in this locality is materially different from that of a purely residential neighbourhood for example. In view of these considerations, as well as the separation distance between the takeaway and the noise sensitive development nearby, officers are of the opinion that the likelihood of noise and disturbance could be satisfactorily mitigated by imposing a planning condition that restricts the hours of use to 12:00 and 22:30 Mondays to Sundays. Subject to that, the proposal would not unduly prejudice the residential amenity of the houses on the opposite side of Bradford Road.”*

### **Conditions**

As set out above, an additional condition to those set out on page 180 of the committee agenda, restricting the hours of use, is recommended:

4. Restrict the hours of use to between 12:00 and 22:30 Monday to Sunday
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