

## KIRKLEES METROPOLITAN COUNCIL

### PLANNING SERVICE

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

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

10 JUNE 2021

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**Planning Application 2020/91215**

**Item 7 – Page 13**

**Outline application for erection of residential development**

**Land at, Green Acres Close, Emley, Huddersfield, HD8 9RA**

#### Representations

Further representations have been submitted by local residents and by a solicitor acting for the Emley Action / Steering Group, in which previously-raised concerns regarding highway safety and other planning matters were reiterated. Some of these representations have been sent to Members.

The representations have questioned whether the developer of Wentworth Drive (Dunford Building Services Ltd) was in fact entitled to enter into the relevant Highways Act agreement (made under Section 40 of the Highways Act 1959 with Kirklees Council's predecessor (in this role), dated 06/04/1979, and referred to at paragraph 10.5 of the committee report), as – according to those making representations – at that time the developer was not the owner of all of the land that was put up for adoption. Those making representations have argued that the developer could only dedicate land in its ownership, that part of the land at the terminus of Wentworth Drive was in the ownership of another party, and that the shading in the plan attached to the Highways Act agreement is likely to be erroneous.

These points are noted, however it must be assumed that the former West Yorkshire Metropolitan County Council – when entering into the relevant Highways Act agreement – will have exercised due care in ensuring the signatory party was entitled to enter into the agreement. No evidence currently before the council demonstrates that Dunford Building Services Ltd did not have, for example, some form of commercial agreement (such as an option agreement) related to the land in question. Officers therefore remain of the view that the relevant Highways Act agreement is legally sound, and that the strip of land at the terminus of Wentworth Drive is indeed adopted highway.

Furthermore, it is noted that – even if there was any contradictory evidence or reasonable doubt regarding the soundness of the relevant Highways Act agreement – this would not be a barrier to the approval of outline planning permission, for the reasons set out at paragraph 10.10 of the committee report.

Representations have also reiterated that local residents have carried out maintenance work on the land at the terminus of Wentworth Drive. However, while any such community-spirited work by local residents is noted and appreciated, this is not a matter of relevance to the determination of the current planning application, as the identity of the maintainers of the land does not change its adopted highway status. That status could only be changed via a formal stopping up order.

### Parking surveys

Further to paragraphs 10.13 to 10.19 of the committee report, the applicant carried out additional parking surveys at the Wentworth Drive / Beaumont Street junction. These related to the same survey area as the December 2020 and March 2021 surveys. The additional surveys were carried out on Friday 28/05/2021 (17:00 to 23:00) and Saturday 29/05/2021 (17:00 to 23:00) using fixed cameras and recorded the location of all parked vehicles every 15 minutes during those periods. Of note, the nearby public house (the White Horse) was open at the time these additional surveys were carried out.

In accompanying commentary, the applicant stated that the surveys were carried out over the bank holiday weekend when weather conditions were particularly good, and that the surveys are likely to have recorded higher-than-typical levels of activity (and, therefore, should be considered to be a worst-case scenario). The applicant added that the surveys recorded an average of two vehicles parked in the vicinity of the pub and a maximum of three, and that these vehicles were parked approximately 40-50m away from the junction (and therefore, according to the applicant, did not impact on the junction's operation). The applicant further noted that comparably low levels of parked cars were observed along Wentworth Drive and Beaumont Street, broadly consistent with the previous surveys undertaken in December 2020 and March 2021.

To provide a degree of verification of the applicant's findings, additional snapshot surveys were carried out by officers. The results of these surveys are set out in the table below.

<b>Date and time</b>	<b>Survey area</b>	<b>Pub car park</b>	<b>Wentworth Drive</b>	<b>Chapel Lane / Beaumont Street</b>
Friday 28/05/2021 18:00	Chapel Lane outside pub, and pub car park	5 cars	not surveyed	4 cars
Saturday 29/05/2021 11:00	As per applicant's	not surveyed	2 cars	2 cars, 1 skip
Saturday 29/05/2021 13:15	As per applicant's	not surveyed	1 car, 1 van	3 cars, 1 skip
Saturday 29/05/2021 14:00	As per applicant's	not surveyed	1 car, 1 van	4 cars, 1 skip
Sunday 30/05/2021	Chapel Lane outside pub,	7 cars	not surveyed	2 cars, 1 skip

13:15	and pub car park			
Bank holiday Monday 31/05/2021 13:50	Chapel Lane outside pub, and pub car park	3 cars	not surveyed	1 car, 1 bike, 1 skip
Bank holiday Monday 31/05/2021 21:30	As per applicant's	not surveyed	2 cars	6 cars, 1 skip
Monday 07/06/2021 12:15	As per applicant's	not surveyed	2 vans	1 car, 1 skip

The officers' surveys of the pub car park are provided as background information, however the ongoing use of this existing off-street car park (which is accessed via Tyburn Lane) is of less relevance to the assessment of the proposed development's impact upon the Wentworth Drive / Beaumont Street junction. The number of vehicles parked within the agreed survey area is of more relevance, and it is noted that officers' recent findings are largely similar to those of the applicant. The highest number of vehicles recorded by officers within the agreed survey area (eight cars and one skip, observed at 21:30 on 31/05/2021) is not considered to be typical, as that was the bank holiday Monday evening when the weather was particularly good, and pub custom was likely to be high.

Given the recent findings of the applicant and officers regarding parking at the Wentworth Drive / Beaumont Street junction, it is concluded that the assessment provided at paragraph 10.21 of the committee report remains applicable. It is considered that the junction would continue to function safely (with the development implemented) without the need for junction improvements or a Traffic Regulation Order (TRO). It is, however, again recommended that the applicant's offer (to fund a TRO) be accepted.

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**Planning Application 2019/92515**

**Item 8 – Page 59**

**Partial demolition of existing building and erection of first floor and two storey rear extensions**

**Mohaddis E Azam Education Centre and Masjid E Madani,  
225C, Ravenshouse Road, Dewsbury Moor, Dewsbury, WF13 3QU**

**7.0 PUBLIC/LOCAL RESPONSE:**

7.2 One further representation has been received in relation to publicity of the amended plans. The comments made re-iterate previous concerns to highway safety and residential amenity concerns which are summarised and addressed in the report.

## Urban Design issues

10.11 The applicant acknowledges the mixture of external materials used in the construction of existing building and has confirmed that they are willing to use a combination of external materials (stone/brick/other) and this can be dealt with by condition.

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**Planning Application 2021/91400**

**Item 9 – Page 71**

**Erection of first floor side and rear extensions**

**74-76, Pilgrim Crescent, Dewsbury Moor, Dewsbury, WF13 3NL**

Point for clarification. The 2<sup>nd</sup> reason for refusal set out at the beginning of the report, on page 72, is incorrect. It should read as point 11.3 on page 77.

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**Planning Application 2021/90209**

**Item 10 – Page 79**

**Erection of detached dwelling**

**adj, 18, Wells Road, Thornhill, Dewsbury, WF12 0LE**

A further representation has been received in response to the advertisement of the amended plans. The material considerations raised include: -

Highway Safety and parking

**Response:** *This has been covered within the relevant sections of the report.*

The footprint of the dwelling is too large

**Response:** *The scale of the building and its impact on the wider area has been considered within the relevant section of the report.*

The use of timber cladding would be highly visible and is not appropriate

**Response:** *The use of timber cladding had not been explicitly mentioned in the officer report. That being said, the northern elevation has been designed to form a fusion of contemporary and traditional features. The lower level, where the cladding is proposed, is a limited area with no significant views in the wider area. The surrounding properties are predominantly stone; however, such a modest feature of timber cladding would not be out of keeping with the design of the dwelling or impact significantly on the wider area in terms of appearance.*

Although other matters were raised, such as the areas from which the supporters reside, these are not material considerations.

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**Use of land to rear for dog training and erection of fence**

**Pasture Farm Barn, 8, West View, Scholes, Cleckheaton, BD19 6EE**

Paragraph 11.1 contained an administrative/technical error. Paragraph 11.1 should read as follows:

- 11.1 To conclude, the proposed change of use is considered acceptable by officers. The proposed use is acceptable in the Green Belt, whilst officers also consider that the use would not detrimentally harm the residential amenity of neighbouring occupiers. With the proposed conditions listed in 12.0, the use will be controlled so that the impact is no greater than the disturbance that would be caused by domestic pets. The conditions also mean that there would be no material intensification in use of the highway whilst parking can be provided on site. The erection of the fence is also considered acceptable given the permitted development fall back position.

**Variation condition 2 (plans) on previous permission 2017/91596 for change of use of barn to 2 dwellings, erection of rear extension to existing cottage, demolition of existing cattle shed, erection of tractor and hay store and alterations to layout**

**Egypt Farm, Cliffe Lane, Gomersal, BD19 4EU**

Below is a summarised version of the updated proposed conditions relating to the conversion of the barn. These are recommended to be imposed on the planning application decision notice should approval be granted.

1. In accordance with plans.
2. Vehicle charging points provided within 3 months of decision and retained.
3. Parking provided including new hard surfacing for parking to be surfaced and drained and retained within 6 months of decision and retained. (due to demolition of building required).
4. Obscurely glazed windows (as shown on plans) with restrictors to allow for window to only open 10cm to be fitted within 3 months of the decision and retained.
5. Unauthorised roof lights to be removed within 3 months.
6. Permitted Development rights removed for classes A, B, C, D, E.
7. Provision of black pressed metal guttering to barn and in accordance with plans within 3 months and retained.
8. Existing windows and those hereby approved to be timber and retained as timber with a painted finish (except roof lights).
9. Roof lights hereby approved to have conservation style bar retained.
10. No new windows or doors other than those approved under this application unless submitted to in writing and approved by the LPA. Any new windows or doors applied for shall be of timber with a painted finish with a minimum of 75mm from the face of the building.

11. Any new facing brick used on the barn shall match the existing.
12. Roof material match existing.
13. Retention of bat box.
14. Information regarding gas protection measures to be submitted to the Local Planning Authority within 1 month of the decision notice being issued. This is to be approved in writing by the Local Planning Authority. Final wording of condition to be agreed with KC Env Health to secure any further works if necessary, to ensure end user safety.

**Note:** The other conditions imposed on permissions 2017/91596 and 2017/91597 relate to the wider site, including other dwellings, as opposed to the barn conversion being hereby considered and will be re-imposed if considered necessary should permission be granted.

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**Planning Application 2021/90212**

**Item 13 – Page 117**

**Variation condition 2 (plans) on previous permission 2017/91597 for Listed Building Consent for alterations to barn to 2 dwellings, erection of side and rear extensions to existing cottage**

**Egypt Farm, Cliffe Lane, Gomersal, BD19 4EU**

Below is a summarised version of the updated proposed conditions relating to the conversion of the barn. These are recommended to be imposed on the listed building consent decision notice.

1. In accordance with plans.
2. Unauthorised roof lights to be removed within 3 months.
3. Provision of black pressed metal guttering to barn and in accordance with plans within 3 months and retained.
4. Existing windows and those hereby approved to be timber and retained as timber with a painted finish (except roof lights).
5. Roof lights hereby approved to have conservation style bar retained.
6. No new windows or doors other than those approved under this application unless submitted to in writing and approved by the LPA. Any new windows or doors applied for shall be of timber with a painted finish with a minimum of 75mm from the face of the building.
7. Any new facing brick used on the barn shall match the existing.
8. Roof material match existing.

**Note:** The other conditions imposed on permissions 2017/91596 and 2017/91597 relate to the wider site, including other dwellings, as opposed to the barn conversion being hereby considered and will be re-imposed if considered necessary should permission be granted.

**Removal of condition 23. On previous permission no. 2013/93186 for demolition of a building and formation of additional coach and bus parking/storage area, with screen planting and amended vehicular access arrangements**

**Arriva Lodge Garage, Whitehall Road West, Hunsworth, Cleckheaton, BD19 4BJ**

Procedural note

An extension of time for determination of the application has been agreed until the 17<sup>th</sup> of June, 2021.

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**Change of use of clothes shop to hot and cold food dessert cafe and take away**

**677, Huddersfield Road, Ravensthorpe, Dewsbury, WF13 3LD**

Point of clarification. In the content page on the published agenda, it lists the affected ward for item 15 as Cleckheaton. The site is Dewsbury West, and this is correctly referred to within the main report at page 135.

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