

Public Document Pack



**Service Director – Legal, Governance and
Commissioning**

Julie Muscroft

The Democracy Service
Civic Centre 3
High Street
Huddersfield
HD1 2TG

Tel: 01484 221000

Please ask for: Andrea Woodside

Email: andrea.woodside@kirklees.gov.uk

Wednesday 6 December 2017

Notice of Meeting

Dear Member

Planning Sub-Committee (Heavy Woollen Area)

The **Planning Sub-Committee (Heavy Woollen Area)** will meet in the **Reception Room - Town Hall, Dewsbury** at **1.00 pm** on **Thursday 14 December 2017**.

(A coach will depart the Town Hall, at 10.45am to undertake Site Visits. The consideration of Planning Applications will commence at 1.00 pm in the Reception Room.)

This meeting will be webcast live and will be available to view via the Council's website.

The items which will be discussed are described in the agenda and there are reports attached which give more details.

A handwritten signature in black ink, appearing to read "Julie Muscroft".

Julie Muscroft

Service Director – Legal, Governance and Commissioning

Kirklees Council advocates openness and transparency as part of its democratic processes. Anyone wishing to record (film or audio) the public parts of the meeting should inform the Chair/Clerk of their intentions prior to the meeting.

The Planning Sub-Committee (Heavy Woollen Area) members are:-

Member

Councillor Paul Kane (Chair)
Councillor Mahmood Akhtar
Councillor Michelle Grainger-Mead
Councillor John Lawson
Councillor Mussarat Pervaiz
Councillor Andrew Pinnock
Councillor Cathy Scott
Councillor Kath Taylor
Councillor Graham Turner
Councillor John Taylor

When a Planning Sub-Committee (Heavy Woollen Area) member cannot be at the meeting another member can attend in their place from the list below:-

Substitutes Panel

Conservative

B Armer
D Bellamy
N Patrick
G Wilson
D Firth

Green

K Allison
A Cooper

Independent

C Greaves
T Lyons

Labour

E Firth
S Hall
M Sokhal
S Ullah

Liberal Democrat

A Marchington
L Wilkinson

Agenda

Reports or Explanatory Notes Attached

Pages

1: Membership of the Committee

This is where Councillors who are attending as substitutes will say for whom they are attending.

2: Minutes of Previous Meeting

1 - 8

To receive the Minutes of the previous meeting of the Sub-Committee held on 9 November 2017.

3: Interests and Lobbying

9 - 10

The Councillors will be asked to say if there are any items on the Agenda about which they might have been lobbied. The Councillors will also be asked to say if there are any items on the Agenda in which they have disclosable pecuniary interests, which would prevent them from participating in any discussion of the item or participating in any vote upon the item, or any other interests.

4: Admission of the Public

Most debates take place in public. This only changes when there is a need to consider certain issues, for instance, commercially sensitive information or details concerning an individual. You will be told at this point whether there are any items on the Agenda which are to be discussed in private.

5: Deputations/Petitions

The Committee will receive any petitions and hear any deputations from members of the public. A deputation is where up to five people can attend the meeting and make a presentation on some particular issue of concern. A member of the public can also hand in a petition at the meeting but that petition should relate to something on which the body has powers and responsibilities.

In accordance with Council Procedure Rule 10 (2), Members of the Public should provide at least 24 hours' notice of presenting a deputation.

6: Public Question Time

The Committee will hear any questions from the general public.

7: Site Visit - Application 2017/93347

Outline application for erection of 32 dwellings Land off, Fieldhead Lane, Birstall, Batley.

(Estimated time of arrival at site – 11.05am)

Contact Officer: Bill Topping, Planning Services

Wards

Affected: Birstall and Birkenshaw

8: Site Visit - Application 2017/91872

Alterations to convert existing commercial premises to 4 flats (listed building within a Conservation Area) Methodist Resource Centre, 74, Daisy Hill, Dewsbury.

(Estimated time of arrival at site – 11.40am)

Contact Officer: Julia Steadman, Planning Services

Wards

Affected: Dewsbury East

9: Site Visit - Application 2017/92396

Listed Building Consent for alteration to convert existing commercial premises to 4 flats (Within a Conservation Area) Methodist Resource Centre, 74, Daisy Hill, Dewsbury.

(Estimated time of arrival at site – 11.40am)

Contact Officer: Julia Steadman, Planning Services

Wards

Affected: Dewsbury East

10: Local Planning Authority Appeals

11 - 20

The Sub Committee will receive a report detailing the outcome of appeals against decisions of the Local Planning Authority, as submitted to the Secretary of State.

Contact Officer: Julia Steadman, Planning Services

Wards

Affected: Kirkburton; Liversedge and Gomersal

Planning Applications

21 - 24

The Planning Sub Committee will consider the attached schedule of Planning Applications.

Please note that any members of the public who wish to speak at the meeting must have registered no later than 5.00pm (via telephone), or 11.59pm (via email) on Monday 11 December 2017

To pre-register, please contact andrea.woodside@kirklees.gov.uk or phone Andrea Woodside on 01484 221000 (Extension 74993)

An update, providing further information on applications on matters raised after the publication of the Agenda, will be added to the web Agenda.

11: Planning Application - Application No: 2017/92809

25 - 40

Outline application for erection of up to 55 dwellings and associated means of access at land off, Kenmore Drive, Cleckheaton.

Contact Officer: Emma Thompson, Planning Services

Wards

Affected: Cleckheaton

12: Planning Application - Application No: 2017/92211

41 - 50

Erection of extensions, alteration to increase roof height to form second floor and erection of detached workshop at Grove Cottage, 10, Grove Street, Norristhorpe, Liversedge.

Contact Officer: Rebecca Drake, Planning Services

Wards

Affected: Heckmondwike

13: Planning Application - Application No: 2017/91139 51 - 80

Erection of place of worship and associated car park and landscape works (within a Conservation Area) at 10, Oxford Road, Dewsbury.

Contact Officer: Emma Thompson, Planning Services

Wards

Affected: Dewsbury West

14: Planning Application - Application No: 2017/93347 81 - 92

Outline application for erection of 32 dwellings at land off, Fieldhead Lane, Birstall, Batley.

Contact Officer: Bill Topping, Planning Services

Wards

Affected: Birstall and Birkenshaw

15: Planning Application - Application No: 2017/91976 93 - 102

Erection of 11 dwellings at land at, Savile Road, Savile Town, Dewsbury

Contact Officer: Bill Topping, Planning Services

Wards

Affected: Dewsbury South

16: Planning Application - Application No: 2017/91872 103 - 114

Alterations to convert existing commercial premises to 4 flats (listed building within a Conservation Area) at Methodist Resource Centre, 74, Daisy Hill, Dewsbury.

Contact Officer: Anthony Monaghan, Planning Services

Wards

Affected: Dewsbury East

- 17: Planning Application - Application No: 2017/92396** 115 -
122
- Listed Building Consent for alteration to convert existing commercial premises to 4 flats (Within a Conservation Area) at Methodist Resource Centre, 74, Daisy Hill, Dewsbury.
- Contact Officer: Anthony Monaghan, Planning Services
- Wards**
Affected: Dewsbury East
-
- 18: Planning Application - Application No: 2016/92558** 123 -
132
- Temporary Permission for the erection of single storey linked modular units at Masjid-E-Noor Education Centre, Lees Hall Road, Thornhill Lees, Dewsbury.
- Contact Officer: Jennie Booth, Planning Services
- Wards**
Affected: Dewsbury South
-
- 19: Planning Application - Application No: 2017/93357** 133 -
142
- Erection of detached dwelling (modified proposal) at Plot 1, land to rear of, 59 Far Bank, Shelley, Huddersfield.
- Contact Officer: Louise Bearcroft, Planning Services
- Wards**
Affected: Kirkburton
-

Planning Update

The update report on applications under consideration will be added to the web agenda prior to the meeting.

This page is intentionally left blank

Contact Officer: Andrea Woodside

KIRKLEES COUNCIL

PLANNING SUB-COMMITTEE (HEAVY WOOLLEN AREA)

Thursday 9th November 2017

Present: Councillor Paul Kane (Chair)
Councillor Michelle Grainger-Mead
Councillor Andrew Pinnock
Councillor Cathy Scott
Councillor Kath Taylor
Councillor Graham Turner
Councillor John Taylor
Councillor Steve Hall
Councillor Linda Wilkinson

Apologies: Councillor Mussarat Pervaiz

1 Membership of the Committee

Councillor S Hall substituted for Councillor Akhtar.
Councillor Wilkinson substituted for Councillor Lawson.
Apologies for absence were received on behalf of Councillor Pervaiz.

2 Minutes of Previous Meetings

RESOLVED –

That the Minutes of the meetings held on 17 August and 28 September 2017 be approved as a correct record.

3 Interests and Lobbying

Councillor A Pinnock declared that he had been lobbied on Application 2017/92809.

Councillor G Turner declared that he had been lobbied on Applications 2017/921377 and 2017/93319.

Councillors S Hall, Kane and Scott declared that they had been lobbied on Application 2017/90324.

4 Admission of the Public

It was noted that all agenda items would be considered in public session.

5 Deputations/Petitions

No deputations or petitions were received.

6 Public Question Time

No questions were asked.

7 Site Visit - Application No: 2017/90324

Site Visit undertaken.

8 Site Visit - Application No: 2016/93147

Site Visit undertaken.

9 Site Visit - Application No: 2017/92809

Site Visit undertaken.

10 Site Visit - Application No: 2017/92211

Site Visit undertaken.

11 Site Visit - Application No: 2017/93319

Site Visit undertaken.

12 Site Visit - Application No: 2015/90758

Site Visit undertaken.

13 Site Visit - Application No: 2015/90759

Site Visit undertaken.

14 Site Visit - Application No: 2017/92137

Site Visit undertaken.

15 Local Planning Authority Appeals

The Sub-Committee received a report which set out decisions which had been taken by the Planning Inspectorate in respect of decisions submitted against the decisions of the Local Planning Authority.

RESOLVED –

That the report be noted.

16 Planning Application - Application No: 2017/92809

The Committee gave consideration to Application 2017/92809 – Outline erection for up to 55 dwellings and associated means of access at land off Kenmore Road, Cleckheaton.

Under the provisions of Council Procedure Rule 37, the Sub-Committee received representations from Joel Purnell (local resident) and Jonathan Ainley (applicant's agent). Under the provisions of Council Procedure Rule 36 (1) the Sub-Committee received a representation from Councillor K Pinnock (Ward Member).

RESOLVED -

That the application be deferred to enable further information to be submitted regarding Air Quality and Land ownership

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows;

For: Councillors Grainger-Mead, Kane, A Pinnock, J Taylor, K Taylor and Wilkinson (6 votes)

Against: Councillors Scott and G Turner (2 votes)

Abstained: Councillor S Hall

17 Planning Application - Application No: 2015/90759

The Committee gave consideration to Application 2015/90759 – Erection of 6 dwellings and conversion of barn into dwelling and associated works (Listed Building within a Conservation Area) at 18 Manor Road, Farnley Tyas, Huddersfield.

Under the provisions of Council Procedure Rule 37, the Sub-Committee received a representation from Richard Merills (applicant's agent).

RESOLVED –

- 1) That authority be delegated to the Head of Strategic Investment, upon the expiration of the publicity period (subject to no new material considerations being raised), to approve the application, issue the decision notice and complete the list of conditions including matters relating to;
 - timeframe for implementation of development (3 years)
 - development to be carried out in accordance with submitted plans
 - samples of materials to be submitted for approval
 - permitted development rights to be withdrawn
 - biodiversity mitigation and enhancement plan
 - separate systems for foul and surface water drainage
 - details of means of disposal of surface water drainage
 - no piped discharge of surface water prior to completion of approved surface water drainage works
 - details of boundary treatments
 - contaminated land
 - electric vehicle charging points
 - surfacing of vehicle parking areas
 - landscaping plan
 - visibility splays to be provided
 - turning facilities to be provided

- 2) That an additional condition be added requiring that the works to the listed building be carried out first.

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows;

For: Councillors Grainger-Mead, S Hall, Kane, A Pinnock, Scott, K Taylor, G Turner and Wilkinson (8 votes)

Against: (no votes)

Abstained: Councillor J Taylor

18 Planning Application - Application No: 2015/90758

The Sub-Committee gave consideration to Application 2015/90758 – Listed Building Consent for conversion of barn into a dwelling and associated works (within a conservation area) at 18 Manor Road, Farnley Tyas, Huddersfield.

Under the provisions of Council Procedure Rule 37, the Sub-Committee received a representation from Richard Merrills (applicant's agent).

RESOLVED –

That authority be delegated to the Head of Strategic Investment, upon the expiration of the publicity period (subject to no new material considerations being raised), to approve the application, issue the decision notice and complete the list of conditions including matters relating to;

- timeframe for the implementation of development (3 years)
- development to be carried out in accordance with submitted plans
- samples of materials to be submitted for approval
- joinery details
- archaeological record

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows;

For: Councillors Grainger-Mead, S Hall, Kane, A Pinnock, Scott, J Taylor, K Taylor, G Turner and Wilkinson (9 votes)

Against: (no votes)

19 Planning Application - Application No: 2016/93147

The Sub-Committee gave consideration to Application 2016/93147 – Outline application for erection of residential development at 444 Bradford Road, Batley.

Under the provisions of Council Procedure Rule 37, the Sub-Committee received a representation from Alison Dumville (applicant's agent).

RESOLVED –

That authority be delegated to the Head of Strategic Investment to approve the application, issue the decision notice and complete the list of conditions including matters relating to;

- approval of details (appearance, scale and landscaping) to be obtained
- plans and particulars in relation to the above details shall be submitted and approved
- 3 year time limit permission for submission of Reserved Matters
- development to commence within two years of the date of approval of the last Reserved Matters to be approved
- development to be in accordance with approved plans
- affordable housing contribution
- education contribution
- flood risk assessment
- phase/desk study

Planning Sub-Committee (Heavy Woollen Area) - 9 November 2017

- phase II desk study
- phase I intrusive investigation as necessary
- remediation as recommended in the phase II
- implementation remediation strategy
- validation report
- noise attenuation
- report specifying measures to protect occupants from poor air quality
- electric vehicle charge points
- drainage details
- surface water drainage
- submission of an Ecological Impact Assessment and enhancement measures
- further bat survey
- scheme for layout and parking
- existing access from Bradford Road to be closed
- highway improvements
- removal of permitted development rights for gates or barriers
- cycle storage facilities
- details of siting, design and material to be used in construction of retaining walls/structures
- nothing to be permitted to be planted/erected within 2.0m back from the carriageway edge which exceeds 1.0m in height along the full frontage of Bradford Road

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows;

For: Councillors Grainger-Mead, S Hall, Kane, A Pinnock, Scott, J Taylor, K Taylor, G Turner and Wilkinson (9 votes)

Against: (no votes)

20 **Planning Application - Application No: 2017/93319**

The Sub-Committee gave consideration to Application 2017/93319 – Erection of 6 apartments at rear of 8 Crowlees Road, Mirfield.

Under the provisions of Council Procedure Rule 37, the Committee received a representation from David Storrie (applicant's agent). Under the provisions of Council Procedure Rule 36 (1) the Sub-Committee received a representation from Councillor Kendrick (Cabinet Member – Adults and Social Care).

RESOLVED –

That the application be deferred to enable further negotiation with the applicant regarding sightlines.

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows;

For: Councillors Grainger-Mead, S Hall, Kane, A Pinnock, Scott, J Taylor, K Taylor, G Turner and Wilkinson (9 votes)

Against: (no votes)

21 Planning Application - Application No: 2017/90324

The Sub-Committee gave consideration to Application 2017/90324 – Erection of 10 semi-detached houses at land at Warwick Road, Batley.

Under the provisions of Council Procedure Rule 37, the Committee received a representation from Paul Bailey (applicant's agent).

RESOLVED –

- 1) That authority be delegated to the Head of Strategic Investment to approve the application, issue the decision notice and complete the list of conditions including matters relating to;
 - time limit for implementation – 3 years
 - plans to be approved
 - materials (art stone and slate)
 - remove permitted development rights for new extensions/outbuildings
 - areas to be surfaced and drained
 - access sightlines to be provided
 - details of internal adoptable roads
 - details of the method of storage/access for waste
 - noise mitigation in accordance with submitted report
 - specification of acoustic barrier
 - ventilation scheme
 - scheme for provision of electric vehicle charging points
 - ecological mitigation and enhancement plan
 - finished floor levels
 - boundary treatments

- 2) That an additional condition be included to require that the facing material of the new dwellings be natural stone.

- 3) That authority be delegated to the Head of Strategic Investment to secure a S106 Agreement to cover (i) public open space provision and (ii) 20% of total number of dwellings to be affordable.

- 4) That, pursuant to (2) above, in circumstances where the S106 Agreement has not been completed within three months of this decision, the Head of Strategic Investment shall be authorised to 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, and would therefore be permitted to determine the Application and impose appropriate reasons for refusal under delegated powers.

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows;

For: Councillors Grainger-Mead, S Hall, Kane, A Pinnock, Scott, J Taylor, K Taylor, G Turner and Wilkinson (9 votes)

Against: (no votes)

22 Planning Application - Application No: 2017/92211

The Sub-Committee gave consideration to Application 2017/92211 – Erection of extensions, alteration to increase roof height to form second floor and erection of detached workshop at Grove Cottage, 10 Grove Street, Norrithorpe.

Under the provisions of Council Procedure Rule 37, the Sub-Committee received a representation from Andy Bell (agent).

RESOLVED –

That application be deferred to enable (i) the content of the report to be reviewed and a (ii) a bat survey bat survey to be carried out.

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows;

For: Councillors Grainger-Mead, S Hall, Kane, A Pinnock, Scott, J Taylor, K Taylor, G Turner and Wilkinson (9 votes)

Against: (no votes)

23 Planning Application - Application No: 2017/92137

The Sub-Committee gave consideration to Application 2017/92137 – Erection of extensions and alterations to roof at 7 Gunthwaite Lane, Upper Denby, Huddersfield.

RESOLVED –

That authority be delegated to the Head of Strategic Investment to approve the application, issue the decision notice and complete the list of conditions including matters relating to;

- the development hereby permitted shall be begun within three years of the date of this permission
- the development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in the decision notice, except as may be specified in the conditions attached to the permission, which shall in all cases take precedence
- the render finish on the external walls shall be painted with a cream colour or equivalent to standard colour code RAL 1013 (oyster white) before the extension is first brought into use and thereafter retained and maintained in the same colour
- obscure glazing of windows

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows;

For: Councillors Grainger-Mead, S Hall, Kane, A Pinnock, Scott, J Taylor, K Taylor and Wilkinson (8 votes)

Against: Councillor G Turner (1 vote)

This page is intentionally left blank

KIRKLEES COUNCIL

DECLARATION OF INTERESTS AND LOBBYING

Planning Sub-Committee/Strategic Planning Committee

Name of Councillor			
Item in which you have an interest	Type of interest (eg a disclosable pecuniary interest or an "Other Interest")	Does the nature of the interest require you to withdraw from the meeting while the item in which you have an interest is under consideration? [Y/N]	Brief description of your interest

LOBBYING

Date	Application/Page No.	Lobbied By (Name of person)	Applicant	Objector	Supporter	Action taken / Advice given

Signed: Dated:

NOTES

Disclosable Pecuniary Interests

If you have any of the following pecuniary interests, they are your disclosable pecuniary interests under the new national rules. Any reference to spouse or civil partner includes any person with whom you are living as husband or wife, or as if they were your civil partner.

Any employment, office, trade, profession or vocation carried on for profit or gain, which you, or your spouse or civil partner, undertakes.

Any payment or provision of any other financial benefit (other than from your council or authority) made or provided within the relevant period in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses.

Any contract which is made between you, or your spouse or your civil partner (or a body in which you, or your spouse or your civil partner, has a beneficial interest) and your council or authority -

- under which goods or services are to be provided or works are to be executed; and
- which has not been fully discharged.

Any beneficial interest in land which you, or your spouse or your civil partner, have and which is within the area of your council or authority.

Any licence (alone or jointly with others) which you, or your spouse or your civil partner, holds to occupy land in the area of your council or authority for a month or longer.

Any tenancy where (to your knowledge) - the landlord is your council or authority; and the tenant is a body in which you, or your spouse or your civil partner, has a beneficial interest.

Any beneficial interest which you, or your spouse or your civil partner has in securities of a body where -

(a) that body (to your knowledge) has a place of business or land in the area of your council or authority; and
(b) either -

- the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
- if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, or your spouse or your civil partner, has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

Lobbying

If you are approached by any Member of the public in respect of an application on the agenda you must declare that you have been lobbied. A declaration of lobbying does not affect your ability to participate in the consideration or determination of the application.

Name of meeting: PLANNING SUB-COMMITTEE (HEAVY WOOLLEN AREA)

Date: 14 December 2017

Title of report: LOCAL PLANNING AUTHORITY APPEALS

The purpose of the report is to inform Members of planning appeal decisions received in the Heavy Woollen area since the last Sub-Committee meeting.

Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	Not applicable
Key Decision - Is it in the Council's Forward Plan (key decisions and private reports)?	No
The Decision - Is it eligible for "call in" by Scrutiny?	No
Date signed off by Service Director - Economy, Regeneration & Culture	Paul Kemp 5 December 2017
Is it also signed off by the Assistant Director for Financial Management, IT, Risk and Performance?	No financial implications
Is it also signed off by the Assistant Director - Legal Governance and Monitoring?	No legal implications
Cabinet member portfolio	Economy (Strategic Planning, Regeneration & Transport) (Councillor P McBride)

Electoral wards affected: Dewsbury South; Kirkburton; Liversedge and Gomersal;

Ward councillors consulted: No

Public or private: Public report

1. Summary

This report is for information only. It summarises the decisions of the Planning Inspectorate, in respect of appeals submitted against the decision of the Local Planning Authority. Appended to this Item are the Inspector's decision letters. These set out detailed reasoning to justify the decisions taken.

- 2. Information to note: The appeal decision received are as follows:-**
 - 2.1 2016/62/93270/E - Change of use from A1 (retail) to mixed use (A1 retail / B1 light industrial) at Bread And Butter, 19, Slaithwaite Road, Thornhill Lees, Dewsbury, WF12 9DL. (Officer) (Dismissed)
 - 2.2 2017/62/90828/E - Demolition of existing outbuildings and erection of detached single storey building to create annexe accommodation associated with 21, Northfield Lane, Highburton, Huddersfield, HD8 0QT at 21, Northfield Lane, Highburton, Huddersfield, HD8 0QT. (Officer) (Allowed)
 - 2.3 2017/62/91660/E - Erection of single and two storey rear extension at 28, Lower Lane, Gomersal, Cleckheaton, BD19 4HZ. (Sub-Committee contrary to Officer recommendation) (Allowed)
- 3. Implications for the Council**
 - 3.1 There will be no impact on the four main priority areas listed below**
 - Early Intervention and Prevention (EIP)
 - Economic Resilience (ER)
 - Improving outcomes for Children
 - Reducing demand of services
- 4. Consultees and their opinions**

Not applicable, the report is for information only.
- 5. Next steps**

Not applicable, the report is for information only.
- 6. Officer recommendations and reasons**

That the report be noted.
- 7. Cabinet portfolio holder recommendation**

Not applicable.
- 8. Contact officer**

Mathias Franklin –Development Management Group Leader (01484 221000) mathias.franklin@kirklees.gov.uk
- 9. Background Papers and History of Decisions**

Not applicable
- 10. Service Director responsible**

Paul Kemp



Appeal Decision

Site visit made on 26 September 2017

by **Gwyn Clark BSc DipTP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 30th October 2017

Appeal Ref: APP/Z4718/W/17/3178385

**Bread and Butter, 19 Slaithwaite Road, Thornhill Lees, Dewsbury
WF12 9DL**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by I Ishaq against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref 2016/62/93270/E, dated 15 September 2016, was refused by notice dated 7 April 2017.
 - The development is change of use from Retail (A1) to Mixed Use (A1 Retail/B1c Light Industrial).
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is the effect of the development on highway safety.

Reasons

3. No 19 Slaithwaite Road is an end of terrace dwelling used as a sandwich shop and, since around 2013, a business for the making up of sandwiches for sale elsewhere. It is situated on the corner of Slaithwaite Road and Thornie View. Slaithwaite Road appeared to me to be a busy classified road (the B6177) which is subject to a 30 mph speed limit. Thornie View is a short, truncated road that gives access to Park View, a narrow road that serves the rear of the terrace and to another row of terraced houses lying immediately behind.
4. There is a pedestrian crossing a short distance from the appeal site along Slaithwaite Road. This gives a safe point of crossing for pedestrians walking to and from the nearby Thornhill Lees Infants and Nursery School. The School has no public car park and Thornie View is the nearest opportunity for visitors to park off the main road.
5. Thornie View also offers the main opportunity for vehicle parking associated with the business. This is because to the rear Park View is narrow and provides access to hardstandings and garages serving houses on both sides of the road. Parking on the main Slaithwaite Road is deterred due to the presence of the pedestrian crossing and the junction with Thornie View. There are three houses on Thornie View itself, which would add to the demand for parking along this road, and another junction with a back lane that provides access to the

- properties further along Slaithwaite Road which further reduces the available parking space.
6. A total of 11 full time workers are employed in the business. The majority are local and may therefore walk to work. However no evidence has been provided to show that this is the case or how this could remain the same in the future. This also leaves a significant minority of employees who may use a vehicle to travel to work. Nor has a traffic and car parking survey been undertaken. This would provide evidence that could support the assertion that the traffic profile of the business is no different to that of a typical three bedroomed dwelling or alternative A1 retail use. The fact that in the last five years there has only been one reported road traffic accident in the vicinity is significant but traffic and car parking surveys would have greater weight in demonstrating that the junction of Thornie View with Slaithwaite Road can operate safely.
 7. In addition to employee vehicles three delivery vehicles associated with the business make visits to the premises between the hours of 9:00 and 14:00. Customers of the shop would also compete for the limited car parking space. It is unclear what effect the suggested conditions limiting the time of operation of the business and the times of delivery would have on this.
 8. At the time of my site visit, which presents merely a snap shot in time, car parking space in the vicinity was limited. A van occupied the off-road vehicle parking space at the rear of the appeal property. A second van was for a short time parked on the road alongside the rear yard and several other cars were parked along Thornie View. I also have regard to third party representations submitted by neighbours and the nearby School. These representations refer to congestion occurring in the vicinity of the appeal premises and at peak times due to the pressure placed by parents on the available parking space when dropping off and collecting their children.
 9. Overall, the evidence leads me to conclude that the limited availability of off-road vehicle parking and the scale of the business operated from the appeal premises would cause congestion at and around the junction of Slaithwaite Road and Thornie View and that this would pose to a significant risk to highway safety. This would be contrary to policy T10 of the Kirklees Unitary Development Plan 2007 which states that development would normally not be permitted if it creates or materially adds to highway safety problems.
 10. The business makes a significant contribution toward the economy of the area, offers significant employment opportunities and a much valued service. At the heart of the National Planning Policy Framework lies a presumption in favour of sustainable development and paragraph 32 of the Framework says that development should only be refused on transport grounds where the residual cumulative impacts of the development are severe. However on the basis of the evidence I consider that the business operating from this location does cause significant harm to highway safety and that this harm outweighs these benefits. I conclude that the appeal should be dismissed.

Gwyn Clark

INSPECTOR



Appeal Decision

Site visit made on 17 October 2017

by **Katie McDonald MSc MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 15th November 2017.

Appeal Ref: APP/Z4718/W/17/3177245

21 Northfield Lane, Highburton, Huddersfield HD8 0QT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr T Wetton against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref 2017/62/90828/E, dated 8 March 2017, was refused by notice dated 4 May 2017.
 - The development proposed is the demolition of existing outbuildings and erection of new annexe accommodation associated with 21 Northfield Lane, Highburton, Huddersfield HD8 0QT.
-

Decision

1. The appeal is allowed and planning permission is granted for demolition of existing outbuildings and erection of new annexe accommodation associated with 21 Northfield Lane, Highburton, Huddersfield HD8 0QT at 21 Northfield Lane, Highburton, Huddersfield HD8 0QT in accordance with the terms of the application, Ref 2017/62/90828/E, dated 8 March 2017, subject to the conditions set out in the attached Schedule.

Main Issue

2. The site is within the Green Belt. Accordingly, the main issue is whether the proposal is inappropriate development within the Green Belt for the purposes of the National Planning Policy Framework (the Framework).

Reasons

3. The Government attaches great importance to Green Belts. The Framework sets out the construction of new buildings should be regarded as inappropriate in Green Belt. Exceptions to this are set out in Paragraph 89 of the Framework, one being the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.
4. The proposal seeks to demolish 2 existing outbuildings and replace them with annex accommodation. One of the buildings is a stone garage and the other is a timber structure, formerly used as stables. Whilst the proposed use is not exactly the same as existing, the buildings are in an ancillary domestic use overall and this would continue. The Council agree this policy test is met.
5. In part, the replacement building would replicate the dimensions of the stone garage. The length of the timber structure would be reduced and the concrete

plinth is proposed to be removed. However, the proposal would be wider and taller than the timber structure, and would infill the current gap between buildings.

6. Based on the appellant's unchallenged calculations the increase in footprint would be relatively marginal when comparing the total existing and proposed footprints. The increase in height of the timber shed would have more of an effect upon the overall size, yet it would not be significantly taller than the existing timber shed and would maintain the height of the stone garage. Furthermore, the infilling of the gap would consolidate the built form and would not result in a significant increase in bulk.
7. Therefore, whilst the scheme does increase in size, I find that it would not be materially larger than the buildings it replaces. Thus the proposal would not constitute inappropriate development within the Green Belt, and falls within the exceptions set out in Paragraph 89 of the Framework. Since there is no Green Belt harm, there is no need to identify very special circumstances or assess the effect of the development upon openness.

Others Matters

8. The Council refers to an extant planning permission that is smaller than the proposal but I have few details of that scheme before me. Whilst the Council has made a comparison between the extant permission and the proposal, the Framework is clear that is not the correct comparison to be made. As I have found this proposal is not inappropriate development, the appellant could implement either permission, but not both.
9. I agree with the Council that the proposal would have an acceptable effect upon the character and appearance of the area, being constructed from materials similar to the dwelling, in compliance with Policies BE1 and BE2 of the Kirklees Unitary Development Plan (March 1999) (UDP), which seek to ensure that all development is of good quality design in keeping with any surrounding development.

Conditions

10. The approved plans and supporting information are listed for certainty. The site is defined as a Development High Risk Area by the Coal Authority, and unrecorded shallow mine workings within the Black Bed Coal seam pose a high risk of instability to development at the site. Therefore, a condition for intrusive site investigations, and if necessary remediation, is required to ensure the safety and stability of the proposed development. The condition is required to be a pre-commencement condition as it is imperative the condition is satisfied before development commences.
11. To ensure a satisfactory appearance, I shall attach a condition which requires materials to be constructed in line with those detailed on the plans. A condition to restrict the use to annex accommodation is required to ensure the building remains as annex accommodation, and is not used as a separate dwelling.
12. The Council raise concerns over the extent of domestic curtilage and that permitted development rights have been removed on a previous application. However, I have not removed permitted development rights on this proposal as I do not find that such a condition would not meet the 6 tests set out in the Framework. The Council request that restrictions are imposed on the blue edge

which to my mind only indicates ownership (not necessarily curtilage) and thus is not directly related to the development permitted. The Planning Practice Guidance indicates that conditions restricting the future use of permitted development rights should only be used in exceptional circumstances and I do not find those exist here.

13. I have also not included conditions requiring bat and swallow boxes as they are proposed on the plans and condition 2 requires the development to be carried out in accordance with the approved plans. Additionally, because I have been presented with no reasons why the development would be unacceptable without bat and swallow boxes, I do not consider it necessary to require their retention.

Conclusion

14. For the reasons above, the proposal would not be inappropriate development in the Green Belt. It is therefore acceptable, and in compliance with the guidance in the Framework and Policies BE1 and BE2 of the UDP; and the appeal succeeds.

Katie McDonald

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the approved plans 3096(LP)01 Rev A, 3140(PL)01, 3140(PL)02, 3140(PL)03, 3140(PL)04 and 3140(PL)05.
- 3) The development hereby permitted shall be carried out in accordance with the Coal Mining Risk Assessment prepared by Rogers Geotechnical Services Ltd August 2016.
- 4) No development shall take place until a scheme of intrusive site investigations has been submitted to and approved in writing by the local planning authority. Prior to commencement of development, the approved scheme of intrusive site investigations shall be undertaken and the findings submitted to and approved in writing by the local planning authority. If any land instability issues are found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures before development takes place.
- 5) The external surfaces of the development hereby permitted shall be constructed in the materials shown on plan no. 3140(PL)05.
- 6) The building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 21 Northfield Lane, Highburton, Huddersfield HD8 0QT.



Appeal Decision

Site visit made on 15 November 2017

by Graham M Garnham BA BPhil MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 23 November 2017

Appeal Ref: APP/Z4718/D/17/3184739

28 Lower Lane, Gomersal, Cleckheaton, BD19 4HZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Ms Jude McKaig against the decision of Kirklees Metropolitan Council.
 - The application Ref 2017/62/91660/E, dated 12 May 2017, was refused by notice dated 23 August 2017.
 - The development proposed is ground and first floor extension to the rear.
-

Decision

1. The appeal is allowed and planning permission is granted for ground and first floor extension to the rear at 28 Lower Lane, Gomersal, Cleckheaton, BD19 4HZ in accordance with the terms of the application Ref 2017/62/91660/E, dated 12 May 2017, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: numbers 1603-D-20- 001, 002A, 003, 004A & 005.
 - 3) The materials to be used in the construction of the external surfaces of the extensions hereby permitted shall match those used in the existing building.

Main Issue

2. I consider that this is the effect of the proposal on the living conditions of the occupiers of no.26 Lower Lane, with regard to an overbearing and oppressive impact.

Reasons

3. The Council has not objected to the ground floor part of the proposal. The officer report says that planning permission has been given for an extension projecting 6 metres, as is now proposed. I have no reason to take a different view, and so shall confine my consideration to the upper floor part of the proposal. This would project outwards 3 metres, to almost the full width of the house.

4. Nos 28 & 26 form a pair of stone-built houses with accommodation on 3 floors. The land rises to the rear, and the ground floor part of the proposal would involve significant excavation. Both floors of the extension would have a pitched roof and a gable end. The whole of the first floor roof would be below a second floor rear window next door. There are no first floor rear windows. The principal impact on living conditions within the house next door would be to glazed double doors on the ground floor, close to the common boundary. From visiting no.26, I doubt that the upper part of the side of the first floor extension could be seen from within the next door house. Its outer limit would be seen (and the further 3 metres of ground floor extension beyond). To this extent, there would be a limited effect on outlook.
5. However, the appellant also draws attention to what is referred to as a "worst-case scenario" that could be built. This would be a ground floor extension along the boundary, 4 metres high and projecting 6 metres. Although it is not referred to in so many words, this may be permitted development. It is said that the actual height of the eaves of the second floor extension would only be around 4.5 metres high, next to the house. I consider that, from within no.26, the additional half metre or so above the "worst-case" scenario would not be noticeable. However, beyond 3 metres out, this "worst-case" scheme would have significantly more impact than the proposed ground floor eaves line. I estimate the latter would be only about 2.5 metres above ground level as measured next to the house, reducing considerably as the garden rises away from the building.
6. Overall, I consider that with a projection limited to 3 metres, and rising ground to the rear, the effect on outlook next door would be not be unreasonable. In addition, the officer report says that the projection would be in line with Policy BE14 in the Kirklees Unitary Development Plan [UDP] (2007). This says that rear extensions not exceeding 3 metres are normally permitted. Moreover, on balance, I consider that the effect would not be materially worse than the "worst-case" scenario referred to, which it would seem possible to build.
7. Planning permission should be subject to the use of matching materials, to reflect the traditional stonework and roofing materials used in this attractive pair of houses. I also impose a condition specifying the relevant drawings as this provides certainty. No special measures are needed with respect to the protected trees to the rear, as they would not be affected by the proposal.
8. I conclude that the proposal would not give rise to significant harm to the living conditions of the occupiers of no.26 Lower Lane, with regard to an overbearing and oppressive impact. There would be no material conflict with UDP Policy D2, cited in the Council's reason for refusal, which requires proposals not to prejudice residential amenity.
9. Planning permission can therefore be given, subject to conditions, and I allow the appeal.

G Garnham

INSPECTOR

This page is intentionally left blank

In respect of the consideration of all the planning applications on this Agenda the following information applies:

PLANNING POLICY

The statutory development plan comprises the Kirklees Unitary Development Plan (saved Policies 2007).

The statutory development plan is the starting point in the consideration of planning applications for the development or use of land unless material considerations indicate otherwise (Section 38(6) Planning and Compulsory Purchase Act 2004).

The Council is currently in the process of reviewing its development plan through the production of a Local Plan. The Council's Local Plan was submitted to the Secretary of State for Communities and Local Government on 25th April 2017, so that it can be examined by an independent inspector. The Examination in Public began in October 2017. The weight to be given to the Local Plan will be determined in accordance with the guidance in paragraph 216 of the National Planning Policy Framework. In particular, where the policies, proposals and designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2012), these may be given increased weight. At this stage of the Plan making process the Publication Draft Local Plan is considered to carry significant weight. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

National Policy/ Guidelines

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 27th March 2012, the Planning Practice Guidance Suite (PPGS) launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

REPRESENTATIONS

Cabinet agreed the Development Management Charter in July 2015. This sets out how people and organisations will be enabled and encouraged to be involved in the development management process relating to planning applications.

The applications have been publicised by way of press notice, site notice and neighbour letters (as appropriate) in accordance with the Development Management Charter and in full accordance with the requirements of regulation, statute and national guidance.

EQUALITY ISSUES

The Council has a general duty under section 149 Equality Act 2010 to have due regard to eliminating conduct that is prohibited by the Act, advancing equality of opportunity and fostering good relations between people who share a protected characteristic and people who do not share that characteristic. The relevant protected characteristics are:

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- religion or belief;
- sex;
- sexual orientation.

In the event that a specific development proposal has particular equality implications, the report will detail how the duty to have “due regard” to them has been discharged.

HUMAN RIGHTS

The Council has had regard to the Human Rights Act 1998, and in particular:-

- Article 8 - Right to respect for private and family life.
- Article 1 of the First Protocol - Right to peaceful enjoyment of property and possessions.

The Council considers that the recommendations within the reports are in accordance with the law, proportionate and both necessary to protect the rights and freedoms of others and in the public interest.

PLANNING CONDITIONS AND OBLIGATIONS

Paragraph 203 of The National Planning Policy Framework (NPPF) requires that Local Planning Authorities consider whether otherwise unacceptable development could be made acceptable through the use of planning condition or obligations.

The Community Infrastructure Levy Regulations 2010 stipulates that planning obligations (also known as section 106 agreements – of the Town and Country Planning Act 1990) should only be sought where they meet all of the following tests:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

The NPPF and further guidance in the PPGS launched on 6th March 2014 require that planning conditions should only be imposed where they meet a series of key tests; these are in summary:

1. necessary;
2. relevant to planning and;
3. to the development to be permitted;
4. enforceable;
5. precise and;
6. reasonable in all other respects

Recommendations made with respect to the applications brought before the Planning sub-committee have been made in accordance with the above requirements.

This page is intentionally left blank

Report of the Head of Strategic Investment

HEAVY WOOLLEN PLANNING SUB-COMMITTEE

Date: 14-Dec-2017

Subject: Planning Application 2017/92809 Outline application for erection of up to 55 dwellings and associated means of access Land off, Kenmore Drive, Cleckheaton, BD19 3EJ

APPLICANT

Paul Kemp, Kirklees
Council

DATE VALID

11-Aug-2017

TARGET DATE

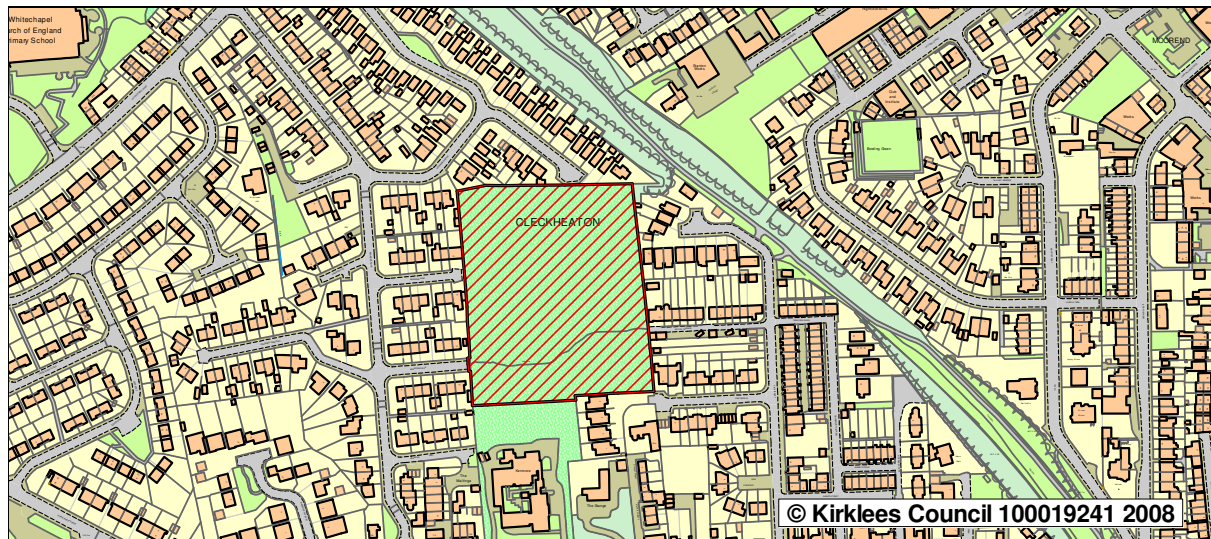
10-Nov-2017

EXTENSION EXPIRY DATE

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

<http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf>

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral Wards Affected: Cleckheaton Ward

Yes

Ward Members consulted

RECOMMENDATION:

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

1.0 INTRODUCTION:

1.1 This application is brought to the Heavy Woollen Sub Committee having been deferred at Committee on 9th November 2017. The application was deferred for the following reasons:-

- Members sought clarification as to matters of ownership regarding the point(s) of access and;
- Members sought further information in respect of air pollution.

1.2 The application is for outline residential development on a site in excess of 0.5 hectares. There have also been a significant number of objections received in response to publication of the proposed development. These relate predominantly to matters regarding highway safety, access and parking.

2.0 SITE AND SURROUNDINGS:

2.1 The site is located within, and bound by, residential properties in Cleckheaton. It is to the east of Kenmore Drive and Kenmore View. The site area extends to approximately 1.68 hectares and comprises of scrublands which slopes gently with the highest point being to the south. The site is not maintained and overgrown with grass and shrubs. There are a number of mature trees within the area which form sporadic pockets around the site and to the boundary edge. The area is accessible on foot from a number of points and appears to have reasonably well trodden paths across it.

2.2 The site is situated in a predominantly residential area and is enclosed by dwellings to all sides. The dwellings in the immediate vicinity are generally two storey terraced and semi-detached properties. Extending beyond this are larger detached properties.

2.3 Being located within close proximity to the town centre of Cleckheaton there are a number of key services that are accessible.

3.0 PROPOSAL:

- 3.1 Outline planning permission is sought for the erection of up to a maximum of 55 dwellings. The application includes the points of access with all other matters reserved. The application is supported by an indicative layout plan, although there is limited information accompanying this.
- 3.2 The revised proposals being considered show two points of access both from the existing vehicular access points to the west of the site from Kenmore Drive and Kenmore View. The proposals indicate possible pedestrian links to Kenmore View, Rooks Avenue and Milton Terrace. An area of public open space (1590 square metres) is shown as being designated on the indicative plan and located adjacent to the greenway. In addition the plan shows retention of the trees to the Kenmore boundary.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 The application site is an allocated Housing site H14.19 under the adopted Unitary Development Plan.
- 4.2 There are no relevant planning applications associated with this site.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 Following concerns being raised relating to matters of access and highway safety the application was revised from a single point of access to show two points of access via Kenmore Drive and Kenmore View. Members sought clarification as to matters of ownership regarding access. In addition, the applicants have explored the possibility of using Rooks Avenue as a third point of access.
- 5.2 Members also requested that further information be sought in respect of air pollution. Matters are addressed later in the report.

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 Development Plan for Kirklees currently comprises the saved policies within the Kirklees Unitary Development Plan (Saved 2007). The Council's Local Plan was submitted to the Secretary of State for Communities and Local Government on 25th April 2017, so that it can be examined by an independent inspector. The Examination in Public began in October 2017. The weight to be given to the Local Plan will be determined in accordance with the guidance in paragraph 216 of the National Planning Policy Framework. In particular, where the policies, proposals and designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2012), these may be given increased weight. At this stage of the Plan making process the Publication Draft Local Plan is considered to carry significant weight. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

- 6.2 The application site is an allocated Housing site H14.19 under the adopted Unitary Development Plan. The site is also allocated for housing on the PDLP.

Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

- 6.3 **H6** – Allocated housing site
BE1 – Design principles
BE2 – Quality of design
BE12 – Space about buildings
BE23 – Crime prevention
NE9 – Retention of mature trees
T10 – Highway safety
T19 – Parking standards
H10 – Affordable housing
H12 – Arrangements for securing affordable housing
H18 – Provision of open space
G6 – Land contamination
EP11 – Ecological landscaping

Supplementary Planning Guidance / Documents:

- 6.4 Interim Affordable Housing Policy

Council's Guidance on Education Contributions as a Result of New Residential Development.

National Planning Policy Framework:

- 6.5 **Chapter 4** - Promoting Sustainable Transport
Chapter 6 – Delivering a wide choice of high quality homes
Chapter 7 – Requiring Good Design
Chapter 10 – Meeting the challenge of climate change, flooding and coastal change
Chapter 11 – Conserving and enhancing the Natural Environment

- 6.6 Kirklees Publication Draft Local Plan: Submitted for examination April 2017

Policies:

- PLP1** – Presumption in favour of sustainable development
PLP2 – Place shaping
PLP21 – Highway safety and access
PLP22 – Parking
PLP24 – Design
PLP30 – Biodiversity and geodiversity

7.0 PUBLIC/LOCAL RESPONSE:

- 7.1 Over 100 letters of objection were received to the original advertisement. In addition Councillor Kath Pinnock has raised concerns. The concerns raised are summarised below:

- Highways – unsuitable access route due to on street parking, not suitable for access by HGVs or emergency services

- Conservation management – development on Green Belt land, loss and disruption to wildlife habitats, loss of recreational space
- Environmental impacts – Increased air and noise pollution in an area highlighted for the need to reduce CO2 emissions
- Impacts on the community – added health implications, loss of privacy due to possible overlooking
- Impacts on local services – already a current oversubscription to schools and strain on services e.g. doctors and dentists, lack of amenities
- Stability to retaining structures and potential for damage

7.2 Following receipt of amended details showing two access points rather than one, the application was re-advertised and representations have been received highlighting similar concerns to those originally raised summarised below:

- Highways access, parking, pedestrian safety
- Crossing private land
- Local amenities will suffer
- Increase in pollution
- Drainage and flood risk
- Pathways
- Loss of land

Comments have been received from Councillor Kath Pinnock and copied in full below:

During the course of the consideration of this application, there have been 3 separate proposals for access:

1. Kenmore Drive only – this was regarded as unacceptable by Kirklees Highways officers due to the width of the road being, at 5.5m, below the standard width of 6.1m. Further, the applicant's agent statement that all the houses on Kenmore Drive have off road parking is plainly not accurate.

2. The second proposal was to have Kenmore Drive and Kenmore View as one way traffic. This was clearly not workable and created road safety problems and was quickly dismissed.

3. The third of the proposals so far is to use both Kenmore Drive and Kenmore View as 2 way accesses. Both roads are below the standard road width of 6.1m. Kenmore View is very narrow at 4.5m. Both roads have on street parking as not all the houses have drives.

Having dismissed the use of Kenmore Drive as a single access it is very surprising that it is being proposed again. Kenmore View is clearly not usable as a 2 way access to the site.

As access is such a problem, the Council should consider developing the site to meet the needs of households with low car ownership or low use during peak times. There is a need across the Spen Valley for more retirement homes. A development that meets local need and reduces the impact on the Kenmore estate should be considered.

PROWs – A reminder that there is an application for PROWs across the site which was submitted 10 years ago. I have spoken with the PROW officer who has promised to bring this to the attention of the Committee and to consider the impact on the proposed application.

The application is to confirm the principle of development and, crucially, to agree access for the proposed 55 houses.

Councillor Kath Pinnock's comments to the original application:

I accept that the principle of developing the site was agreed in the UDP and has not changed in the Local Plan. I also understand that this is an outline application to determine access.

The access to the site is the most significant challenge that developers will have to overcome.

In my view, there are many concerns with the application.

1. The proposed access is on Kenmore Drive which is narrow and not all residents are able to park off road. This is totally unacceptable as an access for 55 new houses. Despite what it says in the Transport Statement not all houses have off street parking and consequently onstreet parking occurs and significantly reduces the width of the road.

2. The traffic will all come out onto Kenmore Road which is already busy as many drivers use it to avoid the town centre.

3. Local primary schools are already over-subscribed. There are no NHS places in existing dentists. Local GPs are stretched.

4. The application statement by Savills contains a number of errors: there is no Cleckheaton Sports Centre; West End Park is used by Heaton Avenue Primary as their green field for sports and at the weekend by football teams; the local pub quoted was demolished years ago; and where exactly is the Aldi that is referred to?

5. There is a lack of recreational space for people in the locality.

6. The air quality around Chain Bar is already recognised as being of a very poor quality. Kenmore Field is close by and will also have poor air quality which will be made worse with additional traffic.

7. Local people have used informal paths across the fields for at least 30years. We gathered evidence to establish these paths as Public Rights of Way 9 years ago. The Council at the time told us that, because of a huge backlog, it would be dealt with when a planning application was made. We have made an urgent request for this to be done.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

K.C Highways Development Management – No objections in principle

Environment Agency – No comments

The Coal Authority- No objections subject to conditions

K.C. Strategic Drainage – No objections subject to conditions

8.2 Non-statutory:

K.C Environmental Services – No objections subject to conditions

K.C. Ecology – No objections subject to conditions

K.C. Strategic Housing – Contribution required

K.C. Landscaping – No objections subject to conditions

K.C. Education – Contribution required

K.C. Crime Prevention Officer – No objections

Yorkshire Water – No objections subject to conditions

9.0 MAIN ISSUES

- Principle of development
- Urban design issues
- Residential amenity
- Landscape issues
- Housing issues
- Highway issues
- Drainage issues
- Planning obligations
- Representations
- Other matters

10.0 APPRAISAL

Principle of development

- 10.1 The site is currently allocated for Housing (reference H14.19) under the adopted UDP: Policy H6, and also benefits from a draft allocation in the emerging Draft Local Plan in which it is shown to be capable of accommodating up to 58 dwellings. The principle of residential development is therefore well established. The site is considered to be located in a sustainable location, within a residential area and with good access to a wide range of services. It is therefore considered that residential use is the most appropriate land use for the site.

- 10.2 Paragraph 14 states that there is a presumption in favour of sustainable development. For 'decision taking' this paragraph goes on to state that this means where relevant policies are out-of-date, planning permission should be granted *"unless any adverse impacts ... would significantly and demonstrably outweigh the benefits when assessed against the policies in this framework taken as a whole, or that specific NPPF policies indicate development should be restricted"*.
- 10.3 Therefore consideration must be given as to whether the proposal is sustainable development. The NPPF identifies the dimensions of sustainable development as economic, social and environmental (Para.7). It states that these facets are mutually dependent and should not be undertaken in isolation (Para.8).
- 10.4 The NPPF sets out at paragraph 49 that 'housing applications should be considered in the context of the presumption in favour of sustainable development.' Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. At present, the Council is unable to demonstrate a five-year supply of housing land and therefore the provision of new housing to meet the shortfall is a material consideration that weighs in favour of the development proposed.
- 10.5 Whilst the NPPF encourages the use of brownfield land for development, it also makes clear that no significant weight can be given to the loss of greenfield sites to housing when there is a national priority to increase housing supply.
- 10.6 The site comprises of land that is greenfield (previously undeveloped). As such, consideration needs to be given to any harm which would result from the loss of this open land. The specific impacts of the development, for example the visual and ecological impacts, are addressed later in this assessment but, in principle, it is considered by officers that there is no overriding reason why development on this land would be inappropriate subject to consideration of the UDP policies listed above.
- 10.7 Other relevant UDP policies relate to residential use on a site of this size and scale, policy H18 (Provision of Public Open Space) and the Council's education contributions policy and interim Affordable Housing policy. These matters are dealt with in detail in the consultation section, however for clarity, and as the application is outline, the issues of affordable housing and POS will be the subject of conditions
- 10.8 Public open space will be sought in accordance with the criteria detailed in Policy H18. It is likely that at reserved matters stage an off-site financial contribution in lieu of an onsite provision will be acceptable. An education contribution is required.

Urban Design issues

- 10.9 A full assessment of the layout, scale, and appearance of the dwellings and the landscaping of the site would be pursued at reserved matters but it is considered there is sufficient space on site to accommodate 55 dwellings with associated, access and landscaping and amenity areas.

- 10.10 An assessment has to be made as to whether the loss of the site, in terms of visual amenity, would be detrimental to the character of the area and whether the benefit of development would outweigh the loss as a greenfield site. The land is bound by existing residential development. Development has encroached round the site resulting in it being almost enclosed. It is considered that this results in very limited contribution to the visual amenity of the wider area and, subject to design, development would continue the established character of the area.
- 10.11 The development would provide some economic gains by providing business opportunities for contractors and local suppliers, and there will be a social gain through the provision of new housing at a time of general shortage. The development of a greenfield site represents an environmental loss. However, whilst national policy encourages the use of brownfield land for development it also makes clear that no significant weight can be given to the loss of greenfield sites to housing when there is a national priority to increase housing supply. The principle of a proposed development of up to 55 dwellings on this allocated housing site is therefore considered to be acceptable and the benefit of development would outweigh its loss as a greenfield site.
- 10.12 Policies BE1 and BE2 of the UDP are considerations in relation to design, materials and layout. The layout of buildings should respect any traditional character the area may have. New development should also respect the scale, height and design of adjoining buildings and be in keeping with the predominant character of the area. Chapter 7 of the NPPF emphasises the importance of good design. Furthermore, Paragraph 58 of the NPPF states that planning decisions should ensure that developments respond to local character and history, and reflects the identity of local surroundings and materials. As the application is in outline with all matters reserved there are no details of scale, materials or design. The nature of existing residential development that surrounds the site is mixed in scale and character, with no single style or design of property taking precedent.
- 10.13 It is considered that matters of visual amenity can be satisfactorily dealt with by means of conditions at this stage.
- 10.14 As such, it is the view of officers that development could be appropriately designed without detriment to the character of the area, in accordance with Policies D2, BE1, and BE2 of the Kirklees UDP, policy PLP24 of the PDLP, as well as chapters 6 and 7 of the NPPF.

Residential Amenity

- 10.15 The site is currently located within a residential area and is bound by residential properties to the north, south east and west. As such it is considered that a residential use could be designed to an appropriate scale so as to avoid any detrimental impact on existing nearby occupants.
- 10.16 At present the application includes access for consideration only and therefore the proposed layout is not being considered or approved at this stage. However, it is considered that a satisfactory layout can be achieved on this site which would protect the privacy and residential amenity of both existing and future occupants.

Landscape issues

- 10.17 Landscaping is not included for consideration and is retained as a reserved matter. As previously set out, any future landscaping scheme would be beneficial in terms of providing mitigation and enhancement where possible.
- 10.18 UDP Policy EP11 requires that applications for planning permission should incorporate landscaping which protects/enhances the ecology of the site. The ecological report indicates that the habitats present within the site are generally of limited ecological value. Any reserved matters application will need to include measures to avoid impacts to nesting birds and details to demonstrate how ecological impacts will be mitigated and ecological enhancement provided thereby fulfilling the objectives of paragraph 109 and 118 of the National Planning Policy Framework.
- 10.19 The Arboricultural and Landscape officer raise no objections. There is minimal information to assess and full landscape proposals are required and shall be conditioned to ensure hard and soft landscape details and planting are incorporated to create a diverse and attractive landscape. The scheme will also need to demonstrate bin presentation/collection points in addition to proposed grit bins.
- 10.20 In the interim, the proposals are considered to meet UDP Policy NE9 as mature trees are to be retained and existing trees are to form an integral part of the design thereby meeting Policy BE2. The indicative layout plan provides for adequate space from the retained trees with regards to future growth and shading however further consideration will need to be given to this at any future application when finalising the layout. The trees within the site will require protecting during any future development of the site and as such a "Tree Protection Plan" should accompany any Reserved Matters application.
- 10.21 In order for the development to be acceptable conditions are imposed and can be addressed at Reserved Matters stage. As such the development is considered in accordance with Policy NE9 and EP11 of the Kirklees Unitary Development Plan and with the inclusion of conditions would ensure that the proposal would improve biodiversity within the local area, complying with current guidance contained within the NPPF.

Housing issues

- 10.22 Paragraph 47 of the NPPF clearly identifies that Local Authority's should seek to boost significantly the supply of housing. In terms of how planning applications should be dealt with, paragraph 49 advises: 7 "Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up to date if the Local Planning Authority cannot demonstrate a five year supply of deliverable housing." Kirklees cannot demonstrate a five year housing land supply therefore its policies that relate to the supply of housing cannot be considered up to date and the presumption in favour of sustainable development applies.

- 10.23 The development would contribute to the aims of Policy H1 of the UDP in that it would provide additional housing in a sustainable location.

Highway issues

- 10.24 The proposed development is an outline planning application for 55 Dwellings, with 'point' of access only to be considered at this stage with all other matters reserved. Access would be via two points one taken off Kenmore Drive (5.5m wide) and one taken off Kenmore View (4.5m wide) from their junction with Kenmore Road. Kenmore Road has traffic calming (speed humps) along its length.
- 10.25 Both these residential accesses are of a traditional estate road layout with footways either side each serving the 14 residential frontages. In the main, the residential properties have off-street parking with on-site observations of residential on-street parking along on both Kenmore Drive and Kenmore View and at their respective junctions with Kenmore Road.
- 10.26 Kenmore Road has a speed limit of 30-mph with observed driven speeds along Kenmore Road considered to be in the region of 25 mph. This is commensurate with the available visibility from Kenmore Drive and View along Kenmore Road.
- 10.27 In terms of the proposed development traffic, the proposed development is forecast to in the region of 39 two way movements.
- 10.28 To serve the development, the illustrative layout plan (P17 5109 01B) indicates a one-way system into the development from Kenmore Drive and out along Kenmore View. This would require consultation with the existing residents. Notwithstanding, HDM consider these measures at this stage of the proposal to be unacceptable given the likely inconvenience and the practicalities of managing the one-way system which would normally be from entry and exit junctions with Kenmore Road.
- 10.29 In principle, the proposed access points are considered to be acceptable from HDM point of view, however, given the nature of Kenmore Drive and View in relation to residential on-street parking and the relatively narrow width of Kenmore View additional measures may need to be considered at the reserved matters stage.

10.30 Drainage issues

- 10.31 The NPPF sets out the responsibilities for Local Planning Authorities in determining planning applications, including flood risk assessments taking climate change into account and the application of the sequential approach. Due to the size of the site and development proposed, the application does not require referring to the Environment Agency. The Lead Local Flood Authority has been consulted and raises no objections subject to the inclusion of conditions regarding drainage specifically.
- 10.32 The application is in outline with all matters but access reserved. The principle is considered acceptable and with the imposition of conditions complies with the aims of chapter 10 of the NPPF.

Representations

10.33 In so far as the representations have not been addressed above:

Highways (unsuitable access, parking, congestion, pedestrian safety)

Response: Highways have fully assessed the proposals and raise no objections to the development.

Local amenities and services will suffer

Response: Contributions are required regarding education and housing.

Loss of green space:

Response: It is considered that the benefit of development for residential purposes, at a time where there is a shortfall in supply, outweighs the loss of land which offers little in terms of ecological value and visual amenity. Consultation with the Council's Biodiversity and Arboricultural Officers confirms there is no value in retaining the land for ecological value. It is recognised that there informal recreation takes place on the land and this has to be weighed up against the benefits of development.

Loss of privacy:

Response: Matters regarding location and design of development are reserved and would be considered at a subsequent stage in order to avoid any loss of privacy to adjoining occupants.

Structural stability and maintenance of the retaining wall:

Response: A section would be required as part of the submission of any reserved matters to demonstrate that levels can be addressed without impacting on matters relating to visual amenity.

Crossing private land:

Response: The adopted highway extends to the application site and as such access can be gained. The agent has confirmed that land within the red site boundary is within the ownership of the applicant. The details submitted are acceptable for the purposes of determining the planning application.

Increase in pollution:

Response: The application has been assessed by Environmental Health and there are no objections to the development. In order to exploit opportunities for the use of sustainable modes of transport the development should incorporate provision for vehicle charge points and facilities for other low emission vehicles

Drainage & Flood risk:

Response: The application has been assessed by the Lead Local Flood Authority and no objections have been raised subject to the imposition of conditions.

Pathways:

Response: It is recognised that there are trodden pathways through the site and Officers are aware of an application for Definitive Modification Order is being considered. The layout of development could accommodate paths through the site. An application for extinguishing any rights may be made in the future but is not a reason to refuse the application.

Planning obligations

10.34 Education:

The proposed development is for up to 55 dwellings and as such triggers consultation with School Organisation and Planning to establish whether a contribution is required. It has been confirmed that a contribution of £221,657 is required. A condition is recommended to secure this provision.

10.35 Affordable Housing:

Further to comments provided by Strategic Housing the Council are applying the interim affordable housing policy requirement of 20% of the development being affordable. This matter will be secured through a planning condition and at Reserved Matters stage when detailed layout and house numbers are confirmed.

10.36 Public Open Space:

The site is over 0.5 hectares and requires the submission of the provision of Public Open Space. The erection of 55 dwellings would equate to 1650 metres square POS requirement with Locally Equipped Area of Play (LEAP) equivalent. This is an outline application and whilst the indicative plan shows the POS as being located to the north east of the site which links well with the Greenway it is considered that there are other locations that may also be acceptable. POS should provide accessible amenity playable spaces, which will not cause nuisance to residents (gable ends should not bound the POS) or those parking adjacent to the areas. Levels and accessibility plans will be required at reserved matters stage. Equipped play equipment, in the traditional sense, would not be included due to the close proximity of existing facilities at West End Park (within 720m of the site), so an off site lump sum would be anticipated, in lieu of this, as a contribution towards west End Park and or possibly Exchange Street.

10.37 With an amenity space potentially of this size, and depending on the situation and aspect of the surrounding dwellings, there is also an opportunity for well-designed natural play on the POS (which would be taken into account when calculating the contributions due). Currently, and without prejudice, an off-site contribution would be in the region of £108k in lieu of on-site provision. As the layout of any areas of Public Open Space are not defined at this time it is appropriate to impose a condition requiring the provision of Public Open Space or an off-site contribution in lieu of on-site provision.

Other Matters

10.38 *Footpaths:*

It is recognised that a number of informal footpaths cross the site. Officers are aware that an application for Definitive Map Modification Order is being considered which may result in the footpaths being registered as public rights of way. The layout of development is not included at this outline stage for consideration and any application for development could accommodate routes for pedestrians across the site. The plans submitted include indicative points of pedestrian links. An application for extinguishing or any rights may be made by future developers but should not be a reason to refuse the development which is only in outline form at this stage.

10.39 *Coal Mining Legacy:*

A Coal Mining Risk Assessment has been submitted with the application and comments received from the Coal Authority. There are no objections to the proposals providing conditions are imposed to ensure there is no risk as a consequence of development. The inclusion of such conditions would ensure that the proposals comply with the aims of chapter 11 of the NPPF.

10.40 *Air Quality Management:*

The application was previously deferred by members in order to allow officers to provide further information regarding air pollution. In this instance, the site is not identified as being within an Air Quality Management Area (AQMA).

This development has been assessed in accordance with the West Yorkshire Low Emission Strategy Planning Guidance. The size of the development is more than that of prescribed values set out in this document and also meets additional set criteria, which is why it is regarded as a major development. As a consequence the development should incorporate measures to reduce pollution. Conditions are imposed requiring the submission of a travel plan and air quality impact assessment in addition to the inclusion of matters regarding sustainable transport outlined below.

10.41 *Sustainable transport:*

Sustainable transport Paragraph 35 of the national Planning Policy guidance states that "Plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. Therefore, developments should be located and designed where practical to...incorporate facilities for charging plug-in and other ultra-low emission vehicles." As such, this development should encourage the use of ultra-low emission vehicles such as electric vehicles. A condition is recommended in relation to the provision of facilities for charging plug-in electric vehicles.

10.42 *Ownership of land in relation to access points into the site:*

As set out above, the adopted highway extends to the application site and as such access can be gained to the site from both Kenmore Drive and Kenmore View. Since the application was deferred from the previous Heavy Woollen Sub-Committee, the agent has confirmed that land within the red site boundary is within the ownership of the applicant and this has also been checked by officers.

11.0 CONCLUSION

- 11.1 The site is located in a sustainable location, within a residential area with good access to a wide range of services. It is therefore considered that residential use is the most appropriate land use for the site which complies with the Kirklees development plan and also the emerging Local Plan housing allocations. The proposal is considered to comply with current planning policies and it is the opinion of officers that there would be no significant adverse impact from granting outline planning permission on this site. For the reasons detailed above, it is considered that, subject to the imposition of appropriate conditions, the proposal is acceptable.

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. 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.

12.0 CONDITIONS (Summary list. Full wording of conditions including any amendments/additions to be delegated to the Head of Strategic Investment)

- 1 3 year time limit permission for submission of Reserved Matters
- 2 Reserved Matters of Layout, Scale, External Appearance and Landscaping to be obtained
- 3 Development to commence within 2 years of the date of approval of the last reserved matters to be approved
5. Development to be in accordance with approved plans
6. Affordable Housing
7. Education contribution
8. Public Open Space provision
9. Scheme of intrusive site investigations
10. Submission of report of findings from the site investigations
11. Submission of scheme of remedial works for the shallow coal workings
12. Implementation of remedial works
13. Submission of an ecological design strategy
14. Existing and proposed ground levels including sectional drawings
15. Construction management plan
16. Vehicle charging points
17. Travel plan (to include mechanism for discouraging high emission vehicle use and encouraging modal shift (i.e. public transport, cycling and walking) as well as the uptake of low emission fuels and technologies
18. Air quality impact assessment to be submitted

Background Papers:

Website link to application details:

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2017%2f92809>

Certificate of Ownership – Certificate A signed and dated 08/08/2017

This page is intentionally left blank

Report of the Head of Strategic Investment

HEAVY WOOLLEN PLANNING SUB-COMMITTEE

Date: 14-Dec-2017

Subject: Planning Application 2017/92211 Erection of extensions, alteration to increase roof height to form second floor and erection of detached workshop Grove Cottage, 10, Grove Street, Norristhorpe, Liversedge, WF15 7AP

APPLICANT

A Bell

DATE VALID

27-Jun-2017

TARGET DATE

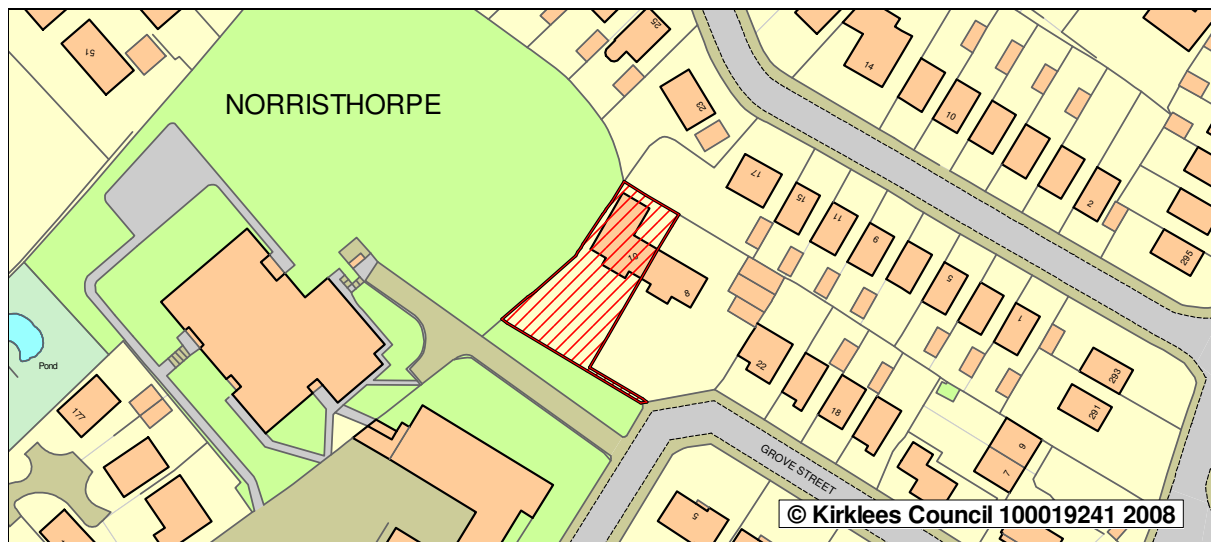
22-Aug-2017

EXTENSION EXPIRY DATE

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

<http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf>

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral Wards Affected: Heckmondwike

No

Ward Members consulted
(referred to in report)

RECOMMENDATION: REFUSE

1. **The proposed extension, by virtue of its scale and design, would result in the creation of an incongruous feature on the host property that would significantly detract from its character. The extension would appear distinctly out of place adjacent the neighbouring property. To permit this development would be contrary to Policies D2, BE1 and BE2 of the Kirklees Unitary Development Plan, Policy PLP24 of the Publication Draft Local Plan, as well as Chapter 7 of the National Planning Policy Framework.**
2. **The proposed development, by virtue of its impact on the scale and massing of the host property and its relationship with dwelling to the north east of the application site, would result in a development which would be overbearing to the occupants of no. 17, Spring Bank Drive. The extension would also result in a significant overbearing and overshadowing impact to their amenity space. To permit this development would be contrary to Policies D2 and BE1 of the Kirklees Unitary Development Plan, as well as a Core Planning Principle of the National Planning Policy Framework which asserts the role of planning as securing a good standard of amenity for all present and future users of land and buildings.**

1.0 INTRODUCTION:

- 1.1 The application is brought to the Heavy Woollen Planning Sub-Committee at the request of Councillor David Sheard following a meeting with the agent in which concerns regarding the proposed development were discussed.
- 1.2 Councillor Sheard wishes to support the application for the following reasons:
 1. *I believe the reasons you have chosen to reject the application are a matter of opinion given the current elevation of the property.*
 2. *I also believe the new proposal would improve the appearance of the site when taking into account the historic extension.*
 3. *I also believe that the applicant is attempting to make a dwelling habitable and rescuing a derelict property.*

- 1.3 The application was previously heard at the Heavy Woollen Planning Sub-Committee on 9th November 2017 and a site visit undertaken by members. The application was deferred in order to allow for a bat survey to be undertaken and submitted. A bat survey has been submitted and reviewed by the Council's Ecologist. No bats were found and as such, no objection is raised by the Council's Ecologist.
- 1.4 Following the decision to defer the application, the Case Officer and Team Leader have undertaken a further site visit and carried out an internal inspection as requested by the applicant. Officers are satisfied that the description of development accords with proposed extensions as shown on the submitted plans with reference to the creation of a new 'second floor level' as indicated. Discussion around amendments was held with the applicant. Since then, the applicant has submitted amended plans which see part of the roof form changed from a gable to a hip. The eaves and ridge height remains unchanged. The applicant contends that in order to create the new second floor level (as annotated on the plans) the floor to ceiling heights are the minimum required by building control and there is no scope to reduce the floor levels further.
- 1.5 Whilst Officers acknowledge that the amended proposal does result in an improvement to the previous scheme considered by members, it is not significant enough, by officers, to overcome the recommended reasons for refusal, which remain unchanged from those set out in the 9th November 2017 agenda. This is due to significant concerns relating to visual amenity and residential amenity. These key areas of concern, together with all other relevant material considerations, are set out in the proceeding sections of the report. The reason for refusal relating to bats has been removed.

2.0 SITE AND SURROUNDINGS:

- 2.1 The application relates to a semi-detached property located in a set-back position from Grove Street, Norristhorpe. The dwelling offers accommodation over a lower ground area (containing split levels), a ground floor area and a first floor area as demonstrated on the submitted 'existing' plans. It has previously been extended and has two storey and single storey additions which project from the rear. The dwelling is faced in white render and the roof is constructed from both slate and concrete tiles.
- 2.2 Externally, there is a grassed garden area to the front of the property, which is currently in an overgrown state. To the rear, there is a small yard used for parking which provides access into the integral garage on the lower ground floor. Beyond this land, levels fall significantly and the private amenity space of no. 17, Spring Bank Drive abuts the boundary. The property is currently in a poor state of repair. Land levels slope down to the rear of the site.
- 2.3 The application site is surrounded by residential development to the north, north east and south east, and a school (Norristhorpe Junior and Infant School) is located to the west.

3.0 PROPOSAL:

3.1 Planning permission is sought for the erection of extensions and alterations to the application property. These are summarised below.

- Erection of extension and alterations to the existing front entrance porch. The proposed front entrance porch would project around 1.8m, have a length of 7.4m and have a hipped roof. The design would comprise a front door, a set of bi-folding doors and a window.
- Erection of an extension to create a new second floor as shown on the submitted plans. The extension will also facilitate internal alterations which allow for the amount of accommodation on the first floor to be increased.
- Alterations to the roof form would be undertaken to facilitate this, creating an asymmetrical gable on the front elevation. To the rear, extensions would be erected above the existing flat-roofed single storey addition. This would adjoin the adjacent extension and a hipped roof would be formed (as shown on the amended plans). New window openings would be created in the front and rear elevations to serve the proposed second floor level.
- The plans demonstrate alterations to the fenestration and the insertion of rooflights into the host property.
- In the front garden area, a garage/workshop would be erected in the front garden space. This would have a footprint of 6.6m x 6.5m. It would have a dual pitched roof with a height of 5.6m to the ridge and 2.6m to the eaves. This would be for uses ancillary to the host property and not for separate commercial use.

3.2 The proposed dwelling and outbuilding would be faced in white render with the exception of the front elevation and the walls of the entrance porch which is proposed to be faced in stone.

4.0 RELEVANT PLANNING HISTORY:

4.1 No planning history on the application property or the adjoining dwelling.

5.0 HISTORY OF NEGOTIATIONS:

5.1 The scheme under consideration at the previous committee meeting was amended, reducing the ridge height in comparison with the originally submitted scheme. Accordingly, the originally proposed French doors and balcony on the proposed new second floor were replaced with a smaller window opening.

5.2 Since the application was deferred at the previous committee, further amendments have been submitted following an on-site meeting between officers and the applicant. The amended plans change the formerly proposed rear gable to a hipped roof. The eaves and overall ridge height remain unchanged.

5.3 As previously set out, the reason the application was previously deferred was to allow the applicant to submit a bat survey. A Bat Survey Report has now been submitted.

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 Development Plan for Kirklees currently comprises the saved policies within the Kirklees Unitary Development Plan (Saved 2007). The Council's Local Plan was submitted to the Secretary of State for Communities and Local Government on 25th April 2017, so that it can be examined by an independent inspector. The Examination in Public began in October 2017. The weight to be given to the Local Plan will be determined in accordance with the guidance in paragraph 216 of the National Planning Policy Framework. In particular, where the policies, proposals and designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2012), these may be given increased weight. At this stage of the Plan making process the Publication Draft Local Plan is considered to carry significant weight. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

The site is unallocated on the unallocated on the Kirklees UDP proposals map and on the Publication Draft Local Plan.

Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

- 6.2 **D2** – Unallocated land
BE1 – Design principles
BE2 – Quality of design
BE13 – Extensions to dwellings (design principles)
BE14 – Extensions to dwellings (scale)
T10 – Highway safety
NE9 – Mature trees

National Planning Policy Framework:

- 6.3 **Chapter 7** – Requiring good design
Chapter 11 – Conserving and enhancing the natural environment

Publication Draft Local Plan:

- 6.4 **PLP1** – Presumption in favour of sustainable development
PLP2 – Place shaping
PLP21 – Highway safety and access
PLP24 – Design
PLP33 - Trees

7.0 PUBLIC/LOCAL RESPONSE:

- 7.1 As a result of the publicity period, one representation has been received albeit the objector did not state an address. The objector raised concern with regards to overlooking from the proposed extension.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

- **K.C. Highways Development Management:** no objection

8.2 Non-statutory:

- **K.C. Ecology:** bat survey required. Following receipt of the bat survey, no objection.
- **K.C. Conservation & Design Officer:** severe concerns raised
- **K.C. Arboricultural officer:** no objection

9.0 MAIN ISSUES

- Principle of development
- Urban design issues
- Residential amenity
- Highway issues
- Trees and Ecology
- Other matters
- Representations

10.0 APPRAISAL

Principle of development

10.1 The site is without notation on the UDP Proposals Map and Policy D2 (development of land without notation) of the UDP states “planning permission for the development ... of land and buildings without specific notation on the proposals map, and not subject to specific policies in the plan, will be granted provided that the proposals do not prejudice [a specific set of considerations]”. Visual amenity, residential amenity and highways safety will be assessed in this report.

10.2 The general principle of making alterations to a property is assessed against Policies BE1, BE2, BE13 and BE14 of the UDP and advice within Chapter 7 of the NPPF regarding design. Policy PLP24 of the PDL is consistent with the above. Highway safety and parking provision issues will be considered against policies T10 and T19 of the UDP, as well as Policy PLP21 of the PDL. All of these require, in general, balanced considerations of visual and residential amenity, highway safety, and other relevant material considerations.

Urban Design issues

10.3 The application property occupies a set-back position within the streetscene. As such, the dwelling is not readily visible from Grove Street. Whilst it is a semi-detached property, at present the properties are not identical in appearance and officers acknowledge that there is flexibility in terms of the design solution for extensions to the dwelling.

- 10.4 Notwithstanding this, the proposed extension and alterations under consideration are considered unacceptable in terms of urban design. Officers consider that the proposed extensions would overwhelm the host property in terms of its scale. It would result in the creation of a second floor (as shown on the submitted plans); Officers consider that the additional bulk and massing required to do so as shown on the submitted plans would appear excessively large on the application property.
- 10.5 The proposed design solution is considered inappropriate for the site by officers. Whilst the existing condition and appearance of the application property is fully appreciated, the proposed additions and alterations would result in a development that would appear distinctly out of place on the host property. It is acknowledged that the pair of dwellings is not identical as existing and that there is some flexibility in terms of design. However, it is the view of officers that the proposed design would appear incongruous when considered alongside the adjoining property. These design concerns are exacerbated by the large scale that the extensions would have.
- 10.6 The application has been reviewed by a KC Conservation & Design Officer who echoes these comments and raises significant concern with the proposed extensions and alterations.
- 10.7 In terms of the proposed outbuilding, this would be single storey and have a dual pitched roof. Whilst it is to the front of the property, given the relationship with the streetscene it is considered to be, on balance, acceptable given the size of the amenity space. It would not be readily visible from within the streetscene and would not undermine visual amenity or the character of the host property. The proposed materials of white render and stone are considered appropriate within this location. Similarly, the single storey front extension is considered, on balance, acceptable in terms of visual amenity in this concealed location. Whilst the projection is around 1.8m, this is not dissimilar to the existing projection of the front extension.
- 10.8 In summary, the application is considered unacceptable in terms of visual amenity. To permit this development would result in the creation of an incongruous feature on the host property which significantly detracts from its character. It would appear distinctly out of place when considered within the context of the adjoining property. The development is contrary to Policies D2, BE1 and BE2 of the UDP, Policy PLP24 of PDLP, as well as the aims of Chapter 7 of the NPPF.

Residential Amenity

- 10.9 The neighbouring properties that could be impacted by this development are the adjoining property, no. 8, Grove Street, and the properties to the rear; nos. 17 and 23, Spring Bank Drive.
- 10.10 The adjoining property would not be unduly impacted by the proposed development. Whilst the front porch would be brought up to the shared boundary of the site, it would only project 1.8m and would not be significantly detrimental to the amenities of the adjoining property. Whilst the roof level would be raised, this addition would be largely concentrated on the opposite side of the dwelling and away from the shared wall. The proposed extension would also result in the existing single storey flat roofed element to the rear

being built up; this is however, set away from the shared side boundary and there would be no proposed projection within immediate proximity of the neighbouring dwelling at the rear. There is a window facing towards the property; however one exists here already and the proposed window would only serve a stairway. In terms of the outbuilding in the front garage space; this would be used for purposes ancillary to the enjoyment of the dwellinghouse and would not be for a commercial use. The scale of the building, together with its distance from the shared boundary with the neighbouring property, means that there would not be a significant impact in terms of overbearing, overshadowing or overlooking.

- 10.11 No. 17, Spring Bank Drive is one of the neighbouring properties to the rear of the site which is located at a much lower level than the application site. This is a detached property with a conservatory on the rear elevation. Whilst there would be no direct relationship with the windows in this property, the private rear amenity space extends adjacent to the application site. The proposed extensions would significantly increase bulk and massing of development on the boundary of the site which would result in severe overbearing and overshadowing to the amenity space over and above what is already a very close relationship. Since the previous committee, amended plans have been received which change the rear roof form from a gable to a hip in order to reduce some of the impact on residential amenity. However, Officers consider that this amendment does not go far enough to alleviate their concerns. There would still be an increase in eaves height at the rear from approx. 5.7m to 7m and ridge height from 6.8m to 8.7m. It is considered by officers that the level of harm remains significant enough to warrant refusal of the scheme given the impact on the amenity of this neighbour. In terms of overlooking, this is not considered to be materially different from the existing situation; whilst an additional window would be provided at first floor, this would serve a landing and could be obscurely glazed. The proposed window at second floor level would be obscurely glazed meaning that there would be no overlooking from this perspective.
- 10.12 No.23, Spring Bank Drive is one of the neighbouring properties to the rear of the site. No. 23 is orientated away from the application property meaning that there would be no direct impact. Whilst there would be some impact in terms of overshadowing to the neighbour's property, this is not considered significant enough to warrant refusal of the scheme.
- 10.13 There are no other residential properties that are considered close enough to be impacted by the proposed development.
- 10.14 In the context of the above, the application is considered unacceptable in terms of residential amenity due to the severe overbearing and overshadowing impact on no. 17, Spring Bank Drive. To permit this development would be contrary to Policies D2 and BE1 of the UDP, as well as a Core Planning Principle of the NPPF, which asserts the importance of the role of planning in ensuring a good standard of amenity for all existing and future users of land and buildings.

Highway Safety

- 10.15 Vehicle access to the site is achieved via a shared driveway which runs from Grove Street around the rear of the properties. The application property currently has an integral garage to the rear as well as a driveway before this. The proposals would increase the bedroom space from two to four bedrooms.
- 10.16 KC Highways Development Management has reviewed the submitted plans and raises no objections to the proposals. They state that the site can accommodate 3 vehicles in terms of off-street parking within the integral garage and on the driveway. No objection is raised.
- 10.17 As such, the application is considered acceptable in terms of highway safety and efficiency, in accordance with the aims of Policy T10 of the UDP and Policy PLP21 of the PDLP.

Trees and Ecology

- 10.18 The application lies within a Bat Alert Layer on the Council's GIS system. The Council's Ecologist has reviewed the proposed development as well as the site photographs and concludes that a preliminary bat survey should be undertaken and submitted prior to determination of the application in order to ascertain the potential for roosting bats on the site.
- 10.19 As previously set out, the application was deferred at the sub-committee meeting held on 9th November in order for the applicant to submit a bat survey. The bat survey has now been submitted and reviewed by the Council's Ecologist. The bat survey confirms that the proposal would not result in any adverse impact upon bats, which are a protected species, and as such, no objection has been raised by the Council's Ecologist. The proposal is considered to comply with the aims of chapter 11 of the NPPF.
- 10.20 In terms of trees, the application property does lie within close proximity to a group of mature trees within the adjacent school grounds, albeit they are not protected. As such, the Council's Arboriculturist has reviewed the proposal; they conclude that there would be no severe adverse impact on the adjacent trees. The application form states that no trees would need to be felled or pruned as part of the proposed development. Taking these factors into account, the proposal is considered to comply with the aims of policy NE9 of the UDP and policy PLP33 of the PDLP.

Representations

- 10.21 The one representation that was received on the site objects on the grounds of overlooking. No address was provided by the objector. The impact from overlooking to the closest residential properties is addressed within the 'Residential Amenity' section of the report and can be considered acceptable subject to the imposition of appropriate conditions for obscure glazing should planning permission be granted. Since the previous committee, an email has been received from the neighbour removing their objection.

11.0 CONCLUSION

- 11.1 To conclude, whilst it is acknowledged that the applicant has attempted to reduce the overall massing of the extension by now incorporating a hipped roof design to the rear extension, the eaves and overall ridge height remain unchanged. Due to the significant land level changes, with the property to the rear, no.17 Spring Bank Drive, being at a much lower level than the application site, along with the close proximity of the extensions to the rear boundary, officers have significant concern that the increase in eaves and overall ridge height, albeit with a hipped roof, would still result in undue harm to the residential amenity of these neighbouring occupants, contrary to the aims of policies D2 and BE1 of the UDP. Furthermore, officer concern regarding the overall design of the proposals remain as previously reported to members at the committee meeting held on 9th November.
- 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 would result in a development with an unacceptable impact on visual amenity and residential amenity and the adverse impacts of granting permission would significantly and demonstrably outweigh any benefits of the development when assessed against local and national policies and other material considerations. Furthermore, in the absence of any information relating to bats, it has not been demonstrated that the development would have an acceptable impact on bats.

Background Papers:

Website link: <https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2017/92211>

Certificate of Ownership – Certificate A signed on 27th June 2017

Report of the Head of Strategic Investment

HEAVY WOOLLEN PLANNING SUB-COMMITTEE

Date: 14-Dec-2017

Subject: Planning Application 2017/91139 Erection of place of worship and associated car park and landscape works (within a Conservation Area) 10, Oxford Road, Dewsbury, WF13 4JT

APPLICANT

A Vania

DATE VALID

31-Mar-2017

TARGET DATE

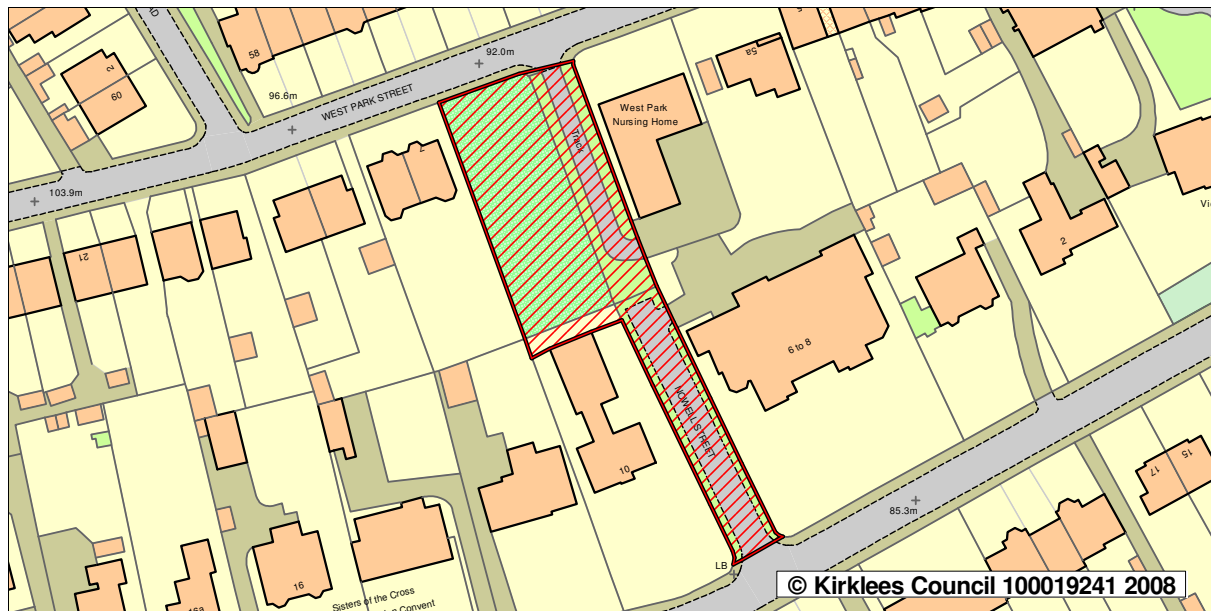
26-May-2017

EXTENSION EXPIRY DATE

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

<http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf>

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral Wards Affected: Dewsbury West

Yes

Ward councillors consulted

RECOMMENDATION:

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

1.0 INTRODUCTION:

1.1 This application is referred to the Heavy Woollen Planning Sub-Committee following deferral at Committee on the 29th June 2017. The application was deferred to allow officers to seek further information in respect of a Transport Assessment. The application is presented to Members due to the high level of representations, both in support and in opposition, received in response to the periods of publicity associated with the application. This is in accordance with the Council's Scheme of Delegation.

2.0 SITE AND SURROUNDINGS:

2.1 The application site is located on the corner of Nowell Street and West Park Street and encompasses the derelict land to the rear of the existing Mosque building extending to West Park Street in addition to the inclusion of Nowell Street from the main site to Oxford Road.

2.2 The application site and land to the east is relatively level. West Park Street rises more steeply from east to west from the application site such that the site is around 2 metres lower than the gardens associated with nos.7-9 West Park Street. Nowell Street is an unmade/unadopted road linking West Park Street and Oxford Road.

2.3 There is a single mature tree that is subject to a Tree Preservation Order (TPO) located along the eastern boundary. The remaining area of the site is very much unkempt in appearance with limited vegetation or greenery. The area to the rear of number 7 and 9 is overgrown with a number of mature trees.

2.4 The site lies within the Northfields Conservation Area. The surrounding area is characterised by a mixture of large houses which are a combination of terraced and semi-detached properties of Victorian appearance. There is a more recent block of flats to the east, existing two storey flat roofed mosque to the south, and large Victorian properties to the north and west.

3.0 PROPOSAL:

- 3.1 The application has been significantly revised following negotiations with officers and now seeks full planning permission for the erection of a place of worship. The building proposed would be located to the front of the site in line with existing residential development on West Park Street. The building is shown to provide accommodation over three floors but has been designed to retain the domestic scale and appearance of neighbouring buildings.
- 3.2 The footprint of the building appears similar to that of a pair of semi-detached properties neighbouring the site and also occupies roughly the same position as the dwelling that was approved in 2014 (application reference 2011/92932).
- 3.3 Access is to be provided from Oxford Road via Nowell Street which is to be upgraded to adoptable standards. The road would then be closed just beyond the point of access to the car park. Car parking for 22 vehicles would be provided within the site to the rear of the Mosque.
- 3.4 The protected tree located within the site is shown to be removed, with replacement tree planting (1 "mature" tree) shown to the street frontage and detailed on the site layout. The plan also shows an area of landscaping to the front of the Mosque.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 2015/92627 – Erection of place of worship and educational centre - Withdrawn
- 2011/92932 – Erection of single dwelling and garage – Approved in 2014
- 2008/93703 Erection of 10 apartments and studios – Withdrawn
- 2007/91345 Erection of 10 no. flats with basement garaging – Refused on grounds of visual amenity, impact on Conservation Area, impact on residential amenity, highway safety and insufficient information in respect to protection of trees on site.
- 2005/93484 Erection of 4 no. dwellings – Refused on the grounds of highway safety, impact on protected trees, impact on Conservation Area and overlooking of adjacent property.
- 2001/90608 Renewal of previous unimplemented permission for erection of 10 no. flats with basement garaging – Approved
- 1995/90733 Erection of 10 no. flats with basement garaging – Approved
- 1993/04301 Erection of 4 no. town houses – Refused

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 Extensive discussions took place during the progression of the previous submission application 2016/92627. Following it being withdrawn the agent engaged further with Officers and resubmitted.

- 5.2 Whilst considering the current application the proposals have been further revised with the removal of the education block from the development. In addition the site location plan has been updated to include the access to the adopted highway at Oxford road within the red line and remaining ownership in the blue line.
- 5.3 The application is for the erection of the Mosque only with access along Nowell Street to Oxford Road.
- 5.4 The applicants have submitted a Travel Plan and Transport Assessment. The original documents were received on the 21st September 2017 and readvertised to allow a period of 21 days for public comment. The documents were examined by KC Highways DM and further updated following comments. The revised documents were received on the 21st November 2017 and uploaded to the internet. It has not been considered necessary to further readvertise as the comments related to points of clarification and not to the content or conclusions of the findings. These documents have been taken into account as part of the assessment of the proposals.

6.0 PLANNING POLICY:

- 6.1 The statutory development plan is the starting point in the consideration of planning applications for the development or use of land unless material considerations indicate otherwise (Section 38(6) Planning and Compulsory Purchase Act 2004).
- 6.2 The Council is currently in the process of reviewing its development plan through the production of a Local Plan. The Council's Local Plan was submitted to the Secretary of State for Communities and Local Government on 25th April 2017, so that it can be examined by an independent inspector. The weight to be given to the Local Plan will be determined in accordance with the guidance in paragraph 216 of the National Planning Policy Framework. In particular, where the policies, proposals and designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2012), these may be given increased weight. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

The site is located within the Northfields Conservation Area on the UDP proposals map.

Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

- 6.3 **BE1** – Design principles
BE2 – Quality of design
BE5 – Preservation/enhancement of conservation areas
BE6 – Infill sites
BE11 – Materials
BE12 – Space about buildings
C1 – Community facilities
C2 – Community facilities
T10 – Highway safety

T19 – Parking standards
NE9 – Retention of mature trees
EP4 – Noise sensitive development

National Planning Guidance:

- 6.4 **Chapter 7** – Requiring good design
Chapter 8 – Promoting healthy communities
Chapter 11 – Conserving and enhancing the natural environment
Chapter 12 – Conserving and enhancing the historic environment

6.5 Kirklees Publication Draft Local Plan: Submitted for examination April 2017

The site is without notification of the draft local plan.

Policies:-

PLP21 – Highway safety and access
PLP22 – Parking
PLP24 – Design
PLP30 – Biodiversity and geodiversity
PLP33 – Trees
PLP35 – Historic Environment
PLP48 – Community facilities and services
PLP53 – Contaminated and unstable land

7.0 PUBLIC/LOCAL RESPONSE:

- 7.1 The application as originally submitted was advertised by press notice, site notice and neighbour notification letters. 115 representations supporting the proposals were received, in addition to 2 petitions with 446 and 32 names respectively. 29 representations against and 1 general comment were also received.
- 7.2 Since re-advertising the reduced scheme, relating to the erection of the Mosque only, there have been 4 representations in support and 15 against.
- 7.3 In view of the various periods of publicity it is considered appropriate, in this instance, to include a summary of comments submitted to the original scheme, as well as the amended proposal. These are summarised below and are subdivided into support and objections:

The Objections are as follows:

Heritage & Amenity:

- Removal of trees cause significant harm
- Octagonal drum out of character
- Loss of open space in the street scene
- Nearby buildings have apexed dormers unlike that proposed
- Windows are modern arrangements and do not blend in
- The octagonal part has a flat roof and is out of character
- The development is within a Conservation Area and takes no account of the building vernacular.

- The proposed development will adversely affect the street scene from Oxford Road and West Park Street.
- The development neither enhances nor preserves the Conservation Area.
- Contrary to the NPPF as it does not sustain or enhance or make a positive contribution to the local character.
- It does not enhance or reveal the significance of surrounding buildings.
- The development is out of style, scale and character with existing Victorian buildings.
- Contrary to the notion of preserving the green space and trees (now removed) which contributed to the original Conservation Area, proposed as a car park and has been garden grabbing which the Government is keen to curtail.
- The roof lines of buildings on Oxford Road and West Park Street step down responding the changes in land levels.
- Conflicting styles include asymmetric roof gable, windows and minaret.
- The design and scale of the mosque is out of keeping and conflicts with the buildings in the Conservation Area.
- The minaret will be out of keeping.
- Overbearing
- The site has been subjected to fly tipping and has become unsightly.

Highways:

- Evidence that there are insoluble problems of traffic flow and parking
- UDP saved policy T10
- The car parking and speed assessments undertaken were outside term time
- The Transport Assessment does not cover peak hours of concern (sunset changes results in prayer times being slightly earlier thereby overlapping school dispersal times)
- Design and Access Statement suggests the majority of the congregation and students will walk to the site. This is not realistic. There would be an overflow in the area.
- Unsafe visibility. The transport assessment refers to this. The junction (Nowell Street does not comply with MFS
- Traffic flows on Oxford Road and parking problems on West park Street have worsened since the last time a valid assessment was presented. West Park Street residents will face the brunt of increased drop-offs due to there being no parking restrictions and due to the location of the building
- Local traffic matters should be taken into account in the assessment
- The application does no promote safety. The assessment uses a lower speed limit for calculations to the statutory one.
- Nowell Street/Oxford Road junction is unsafe (recent accident evidence submitted)
- The development will attract constant traffic
- Intensification of use and parking in addition to the two local schools
- The proposals represent a serious highway concern.
- Previous road usage/safety assessments have set a precedent on this street due to the restrictive nature of the West Park Street and Nowell Street junction.
- The road usage and parking problems on West Park Street have worsened.
- Congestion/the proposed site use would aggravate the present situation further.
- The car parking spaces are not sufficient for the intended uses.
- The proposal relates to the removal of all the existing parking spaces.
- The area is a car park and not currently vacant.

- Gritting cannot take place in the area as the vehicles cannot get access.
- Independent traffic surveys carried out by local residents have been submitted – the surveys are appended in full at the end of this report.

Other:

- Policy C2 has its provisos
- The car park should be suitably landscaped with the inclusion of SUDS provision
- Air quality will deteriorate
- No ecological report submitted
- The visualisations are misleading
- Number 7 West Park Street contains a number of windows and the building will be too close to these.
- Inadequate distance from proposed windows to those contained in West Park House
- Replacement tree shown on the plans would be too close to the footway
- Only 1 stairwell, is a fire escape planned
- There are covenants on the land which would not allow the development.
- Noise from the site (vehicles and call to prayer) which is not recognised in supporting statements
- Opening hours are specified as unknown however the agent has provided information that suggests that hours are known. In addition the applicants should be aware when the classroom will be used.
- There are plenty of existing mosques that can be used.
- The area was formerly a habitat for wildlife until it was spoilt by the present and preceding owners. All trees have been removed and TPO trees have not been replaced.

The application is supported for the following reasons:

- The proposed building will complement and enhance the surrounding environment.
- The community has outgrown the existing facility and the new facility will provide adequate space and dedicated classrooms in an upgraded environment.
- The existing facilities are poor.
- The road/car park is not adequate.
- Currently no separate women's WC and prayer area.
- Landscaping of the area will be an improvement.
- The new building is sympathetic to the conservation area.
- Improved parking facilities.
- Existing site is an eyesore.
- Improved access for all.

7.4 Following the re-advertisement of the reduced scheme, the comments are summarised as follows:

Objection:

- Proposed building will not fit in with the surrounding architecture in a Conservation Area
- Traffic increase and demand for parking
- Numerous mosques already

Support:

- Needed facility
- Delays and unjustified objections
- In keeping
- Adequate and improved parking
- Engaged with the community
- New building will be built to current regulations and standards

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

K.C. Highways Development Management – No objections.

Historic England – No objection to the erection of the Mosque.

K.C. Strategic Drainage – No objection.

8.2 Non-statutory:

K.C. Environmental Services – No objections subject to conditions.

K.C. Conservation and Design – No objections to the revised proposals.

K.C. Arboricultural Officer – Object to the loss of the TPO'd tree.

K.C. Ecologist – No objections subject to condition.

9.0 MAIN ISSUES

- Principle of development
- Urban design and heritage issues
- Residential amenity
- Landscape issues
- Housing issues
- Highway issues
- Drainage issues
- Representations
- Other matters

10.0 APPRAISAL

Principle of development

- 10.1 The National Planning Policy Framework (NPPF) identifies places of worship as community facilities and states that planning decisions should “plan positively for the provision and use of community facilities to enhance the sustainability of communities and residential environments”.

- 10.2 Policy C1 of the UDP states that community facilities should be provided in accessible locations which will usually be in, or adjacent to, town and local centres.
- 10.3 In this instance, whilst not located within a town or local centre, the site is within an established area of residential development within a diverse community. Proposals to provide a facility separate from existing centres should be considered in relation to the needs of the community it is intended to serve. Such proposals will, however, need to be capable of accommodation without giving rise to problems of disturbance for occupiers of adjacent premises or prejudicing highway safety.
- 10.4 It is recognised that the development would be located within, and serve a part of, the community in which it is located. The erection of the mosque should therefore be assessed in respect of highway safety and impact on nearby occupants.
- 10.5 Whilst the provision of a community facility in a sustainable location accords with the overarching aims of the NPPF, this should not be to the detriment of heritage, visual and residential amenity, or highway safety.

Urban Design and Heritage issues

- 10.6 The site is within the Northfields Conservation Area which was designated in 1978. The Conservation Area does not have the benefit of an up to date appraisal but one exists from the date of designation. The Conservation Area is a residential suburb of Dewsbury built in the latter half of the 19th century and completed, in the main, around 1890.
- 10.7 The character comes from the layout of the streets, the unity of styles and building materials; the styles are of typical two storey buildings of large Victorian villas constructed of stone. The roof space of some of the buildings leads them to be three storeys in height with use made of traditional dormers.
- 10.8 It is accepted that the land to the east of nos. 7-9 West Park Street is untidy and does little to enhance the character of the Conservation Area and could benefit from development. To the south of the site is a two storey flat roofed building that equally makes no contribution.
- 10.9 In terms of the proposed mosque permission has been granted previously for a large detached dwelling in the same location so the principle of a building sighted as proposed has been established. In terms of the design, it is considered that the proposed building successfully blends into the style of building on West Park Street; the style is that of a Victorian villa. The elevation of the mosque facing onto West Park Street has been redesigned to reflect better the architectural style of the surrounding buildings. The inclusion of bay windows provides greater articulation in the façade. Due to the design changes, and taking into the previous permission for a dwelling on the site, Officers are of the view that the mosque itself will not harm the significance of the Conservation Area. It is considered that the erection of the building does not in itself cause harm to the character of the Conservation Area.

- 10.10 The proposal requires the loss of a protected mature tree; concerns in respect of the impact on the tree have been raised by the Council's Arboricultural Officer in addition to those raised in relation to aspects of heritage. It is considered that the tree contributes positively to the amenity of the area and character of the Conservation Area. In order to ensure the development retains the character and appearance of the Conservation Area the location of the building was revised to the front of the site. This inevitably results in the loss of the protected tree. The loss of the tree will be detrimental to the character of the Conservation Area. Any harm of the development to the character of the Conservation Area should be assessed against paragraphs 133 or 134 of the NPPF, where paragraph 133 relates to substantial harm and paragraph 134 is less than substantial harm. Paragraph 134 states that "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use."
- 10.11 In this case it is considered that the harm is less than substantial as there is no exceptional harm to the Conservation Area as a whole. Where less substantial harm occurs the harm has to be weighed against the public benefits the proposal brings. It is considered that the public benefit is of sufficient merit to override concerns regarding the loss of the protected tree. Furthermore replacement planting and landscaping is considered to add weight the balance in favour of the proposed development. It is also worth noting that the residential property approved would threaten the longevity and continued viability of the tree and therefore adds further weight that the loss of the tree is unfortunate but would allow for structured replacement within the site.
- 10.12 The residential development in the area is characterised by large residential dwellings set within long narrow plots with large back gardens. There is minimal 'backland' development in the immediate area meaning the open spaces to the rear of dwellings have been retained. The development retains the open space between the buildings by providing parking for 22 vehicles. The car park, in effect, retains the prevailing character of the area and whilst it will be surfaced and upgraded this will improve the general appearance of the area and as such is supported. The site layout shows areas that could be utilised to provide landscaping thereby improving its contribution. Comments received from the Biodiversity Officer reiterate that ecological enhancement should be delivered.
- 10.13 It is considered, on balance, by officers that the merits of the proposed development and wider community benefits would outweigh any concerns and loss of the remaining protected tree within the site and as such would be in accordance with Policies BE5, BE1, and BE2 of the UDP as well as chapters 7, 11 and 12 of the NPPF.

Residential Amenity

- 10.14 The application site is located within an established residential area and is therefore located in close proximity to existing dwellings.

- 10.15 The proposed Mosque occupies a similar position to the dwelling that was approved in 2014. It is of a scale and height that is considered proportionate to existing development located on West Park Street. The elevation to West Park Street is shown to step down from its neighbour with accommodation being provided in an octagonal shaped area to the rear. Due to the scale and position of the building it is not considered to be overbearing to any nearby occupant. It is noted that there are windows proposed in the Nowell Street elevation which would be approximately 11 metres from the windows in the side elevation of residential accommodation opposite. In order to ensure the privacy of the occupants is retained it is considered appropriate to recommend that the windows within the east elevation are obscurely glazed. There are windows in the gable end of number 7 West Park Street which would be 3.5 metres from the proposed side elevation of the mosque. The windows are not likely to serve habitable accommodation. The location of the building would not have a greater material impact than the residential dwelling proposed. The space between the existing and proposed buildings is not dissimilar to the gaps repeated along West Park Street. It is not considered that there will be a material loss of amenity to the occupants. The distance between the principle elevation and the existing dwellings opposite is in excess of 25 metres and will not result in any loss of amenity to the occupants opposite. As such it is considered by Officers that the proposed building will not materially result in any detriment to the amenity of nearby occupants in accordance with Policy BE1, BE2 and BE12 of the Unitary Development Plan.

Noise & Land contamination

- 10.16 The application form does not include any details of hours of operation but it is understood that the buildings would be used in to the evenings. In view of the use and proximity to existing residential development, Environmental Services have been consulted. They raise no objections to the development but recommend conditions regarding land contamination and time and noise level restrictions on call to prayer. It is therefore considered that matters of amenity due to the potential for nuisance arising from noise are adequately mitigated and as such the development is considered to be in accordance with Policy EP4 of the UDP as well as chapter 11 of the NPPF.
- 10.17 To summarise, it is considered by officers that the development will not result in any loss of amenity to surrounding occupants through loss of privacy, being overbearing or from nuisance arising from noise and as such is considered to be in accordance with the NPPF and UDP policies.

Landscaping Issues

- 10.18 The remaining protected tree within the site is to be removed to allow for the erection of the Mosque. The revised scheme does not allow for its retention. The plan shows a replacement tree as mitigation. It is acknowledged that the replacement of mature trees by new planting to accommodate development is usually less acceptable than the retention of existing trees because of the time required for replacement trees to mature and provide an equivalent level of amenity. However, taking into account the community benefit that the building will provide in addition to the mitigation measures proposed the development is considered, on balance, acceptable.

10.19 The amended proposals exclude areas to the west of the site and as such there is no significant loss of semi-natural habitat. There are no structures to be demolished and as such it is not necessary for an ecological assessment of the site. Chapter 11 of the NPPF requires development to deliver ecological enhancements where opportunities exist. It is recognised that the site offers opportunities to enhance the existing site. As such, it is considered that ecological enhancement can be addressed through the imposition of a condition to provide adequate mitigation to ensure the development is in accordance with Chapter 11 of the National Planning Policy Framework.

Highways

10.20 The application site is situated in an established residential area of Dewsbury, on the corner of Nowell Street and West Park Street.

10.21 Nowell Street is an un-made/un-adopted road linking West Park Street and Oxford Road. There is a point closure mid-way between West Park Street and Oxford Street preventing through vehicular traffic allowing only a pedestrian link between the two sections of the street. West Park Street and Oxford Road are both part of the adopted highway. Other than double yellow lines around the junction of West Park Street and Halifax Road, there are no on streets parking restrictions on West Park Street.

10.22 Parking is restricted on Oxford Road by permit parking zones and double yellow lines around the junction of Halifax Road and along the northern side of the carriageway.

10.23 High levels of on street parking on both sides of the carriageway does occur on West Park Road and can result in access difficulties for all vehicles. Visibility from Nowell Street onto West Park Street and Oxford Road is restricted by the height of adjacent boundary walls and hedges.

10.24 The applicants have now submitted revised proposals which remove the previously proposed education block and provide a three storey mosque with 22 off-street parking spaces.

10.25 The proposed Mosque building consists of an entrance hall, conference room and ablutions area to the lower ground floor, prayer hall to the upper ground floor and mezzanine library to the first floor. It is proposed to upgrade Nowell Street to adoptable standards from Oxford Road to the proposed site access. The existing point of closure is to remain and Nowell Street will not become a through road as a result of this application.

10.26 With reference to the submitted Transport Statement and Travel Plan dated September 2017, updated Transport Statement dated November 2017, submitted speed data prepared by Bryan G Hall Consulting Engineers (BGH).

10.27 Highways Development Management (HDM) confirms that the Transport Statement follows the agreed scoping brief set out below:

- 1) Catchment area of the users of the proposed Mosque and Madrassa
- 2) The existing and proposed peak days/hours of use on the site in relation to pedestrian and traffic movements, and parking demand...

- 3) Assignment and distribution of traffic and pedestrian movements on the highway network.
- 4) Public Transport provision within 400m of the site.
- 5) In relation to point 1, the existing residential on-street parking and spare capacity within the vicinity of the site along Oxford Road and West Park Street and associated link roads, including existing TRO's detailed on a plan.
- 6) Traffic speeds on Oxford Road and West Park Street within the vicinity of the site.
- 7) Plan detailing the proposed sight lines from Nowell Street along Oxford Road, including location of the trees within the garden of no. 10 Oxford Road.
- 8) Last 5 years recorded injury accidents along Oxford Road and West Park Street including link roads all their respective junctions to the main highway network.
- 9) Travel Plan.
- 10) Proposed mitigation works.

10.28 HDM has reviewed the Transport Statements and Travel Plan, together with carrying out their own on-site surveys and observations.

10.29 In terms of pedestrian and vehicle movements associated with the mosque, Oxford Road (giving access to Nowell Street and the proposed 22 space car park), West Park Street, and on-street parking observations, BGH carried out one survey on Friday 8th September 2017 between 1300 and 1500hrs.

10.30 In addition to the BGH survey, and to validate the submitted information HDM have carried out a further 8 surveys between the 29th September and 22nd November 2017.

10.31 The tables below set out the summary of the BGH and HDM surveys recording the peak two-way pedestrian and vehicle movements associated with the mosque.

Table 1. Pedestrian Movements Associated Oxford Rd, Nowell St, and West Park St
 Note: The pedestrian and vehicle accumulation takes into account count periods running up to the peak periods.

BGH Survey Date & Peak Time	Peak Ped Arr	Peak Ped Dep	Pedestrian Accumulation on site	Peak Veh Arr	Peak Veh Dep	Vehicle Accumulation
08/09/17 1300 - 1500hrs, Prayer Time: 13:09						
1345 - 1400	38	7	37	3	1	6
1400 - 1415	10	40	7	0	2	4

Table 2. Pedestrian and Vehicle Movements Associated with Oxford Rd, Nowell St, and West Park St. Note: The pedestrian and vehicle accumulation takes into account count periods running up to the peak periods.

HDM Survey Dates & Peak Times	Peak Ped Arr	Peak Ped Dep	Pedestrian Accumulation on site	Peak Veh Arr	Peak Veh Dep	Vehicle Accumulation
20/10/2017 1230 - 1400hrs, Prayer Time: 12:56						
1315 - 1330	48	4	60	20	1	36
1330 - 1345	3	38	25	1	24	13

27/10/2017							
1230 - 1400hrs							
Prayer Time: 12:55							
1315 – 1330	43	0	59		14	0	28
1330 – 1345	3	42	20		4	25	7
10/11/2017							
1145 - 1300hrs							
Prayer Time: 11:55							
1200 - 1215	14	0	15		13	3	11
1215 - 1230	34	1	48		16	1	26
1230 - 1245	1	40	9		0	17	9
16/11/2017							
1700 – 1930hrs							
Prayer Time: 17:50							
1830 – 1845	0	0	4		1	2	5
1845 – 1900	6	2	8		5	1	9
1900 – 1915	7	23	-8		9	8	10
1915 - 1930	7	4	-5		4	4	10
22/11/2017							
1545 – 1930hrs							
Prayer Time: 16:05 & 1745hrs							
1645 – 1700	21	5	14		5	4	3
1700 – 1715	5	4	15		2	4	1
1830 – 1845							
1845 - 1900							
1900 – 1915							
1915 - 1930							
1830 – 1845	3	0	10		1	0	0
1845 - 1900	6	2	14		4	0	4
1900 – 1915	5	28	-9		9	6	13
1915 - 1930	7	8	-10		2	1	14

Table 3. Pedestrian and Vehicle Movements Associated with **West Park St.** Note: The pedestrian and vehicle accumulation takes into account count periods running up to the peak periods.

HDM Survey Dates & Peak Times	Peak Ped Arr	Peak Ped Dep	Pedestrian Accumulation on site	Peak Veh Arr	Peak Veh Dep	Vehicle Accumulation
29/09/17						
1330 - 1430hrs						
Prayer Time: 13:02						
1345 – 1400	10	2	10	1	0	1
1400 – 1415	0	1	9	4	0	5
1415 - 1430	0	8	1	0	4	1
13/10/17						
1330 - 1430hrs						
Prayer Time: 12:58						
1300 – 1315	3	3	0	2	0	2
1315 – 1330	18	0	18	0	0	2
1330 -1345	0	17	1	0	2	0
1345 - 1400	0	7	-6	0	0	0

Table 4. Pedestrian and Vehicle Movements Associated with Oxford Rd and Nowell St.							
Note: The pedestrian and vehicle accumulation takes into account count periods running up to the peak periods.							
HDM Survey Dates & Peak Times	Peak Ped Arr	Peak Ped Dep	Pedestrian Accumulation on site		Peak Veh Arr	Peak Veh Dep	Vehicle Accumulation on site
6/10/17							
1245 - 1400hrs							
Prayer Time: 13:00							
1300 – 1315	12	0	12		1	0	6
1315 – 1330	0	0	12		12	0	18
1330 - 1345	0	9	3		0	4	14
1345 - 1400	0	3	0		0	13	1

10.32 HDM site observations of on-street parking and the use of the existing mosque car park (circa 15 spaces) generally agree with the BGH findings in that the car park is well used up to its current capacity, and that there is available on-street parking space on West Park Street albeit oversubscribed around its junction with Nowell Street.

10.33 Table 5 below shows the average observed on-street parking accumulation associated with the mosque West Park Street: 5 Friday surveys (29/9/17; 13/10/17; 20/10/17; 27/10/17; and 10/11/17).

10.34 However, HDM’s internal consultee Highways Safety do have reservations relating to associated on-street parking on West Park Street and controlling the number of worshippers to 100 to be on site at any one time.

10.35 In terms of on-street parking complaints and permit parking requests, 28 have been received over past 10 years, 19 relating to inconsiderate parking on footways, and causing obstructions. No evidence is available to who the issues relate to i.e. residents and/or the mosque, schools in the area etc.

10.36 Of the combined HDM surveys, on 2 occasions (20/10/17 and 27/10/17) the recorded number of worshippers was ‘up to’ and ‘over’ the proposed 100 worshippers to be at the mosque at any one time. Note: This takes into consideration that a number of the cars had observed multiple occupancy.

10.37 In terms of the Nowell Street junction with Oxford Road the available unobstructed sight line to the right from the junction is 2.4m x 26.5m. 85%ile wet weather speeds have been recorded at 29.5 mph which taking into account the downhill gradient approach would require a sight line of 2.4m x 47.5m. This cannot be achieved due to the presence of trees and hedge within the front garden of no.10 Oxford Road.

Table 5. West Park St.	1230 - 1245	1245 - 1300	1300 - 1315	1315 - 1330	1330 - 1345	1345 - 1400
Car ARR	1	0.5	2.3	2	1.25	0.5
Car DEP	0	1	0.6	0.25	4.25	1.25
Car ACC	1	0.5	2.2	3.95	0.95	0.2

- 10.38 However, HDM concur with the BGH Transport Statement that improvements to the sight line could be achieved by the removal of the hedge to provide an element of see through along Oxford Road, which set against the existing and proposed regulated use of the mosque (no more than 100 worshippers), there is no evidence to indicate that the junction would operate in manner detrimental to highway safety.
- 10.39 With regard to recorded road traffic injury accidents within the vicinity of the site and associated road links and junctions with Oxford Road, West Park Street, North Park Street, and Reservoir Street. Over the past five years thirteen injury accidents have been recorded. Of these, four accidents involved pedestrians (one on Oxford Road and three on Halifax Road), and four vehicular accidents involved turning movements in or out of a junction. From the review of the recorded accidents HDM consider that there are no particular type/trend of accidents in a concentrated area or highlighted contributory factor other than where the users of the highway have failed to look properly and not taking into account driving conditions.
- 10.40 With respect to the submitted Travel Plan, HDM consider this document should be treated as a Framework Travel Plan at this stage to be conditioned for a site Travel Plan to be submitted and approved before the development is brought into use. An important element of the Travel Plan would be to include an attendee register and monitoring/reporting regime.
- 10.41 In summary, HDM notes local resident and Highways Safety concerns with the proposal, however in light of the evidence submitted and collected, HDM considers that, on balance, the proposed development is acceptable subject to robust measures being in place to restrict and control the number worshippers attending the mosque to no more than 100.
- 10.42 Officers consider that taking into account the provision of a community facility set within the community it is to serve the proposals are considered, on balance, to be acceptable from a Highways perspective, complying with the aims of Policy T10 of the UDP.

Representations:

- 10.43 Officers responses to the matters raised in the representations received as set out below:-

10.44 **Support**

The community has outgrown the existing facility and the new facility will provide adequate space and dedicated classrooms in an upgraded environment.

Officer Response: It is accepted that demands for a new/replacement madrassa and mosque are high and would provide local community benefit.

The existing facilities are poor.

Officer Response: It is accepted that there are benefits in terms of a new/replacement madrassa and mosque.

The road/car park is not currently adequate.

Officer Response: It is recognised that there are inadequacies with the operations of the existing site. The erection of a new facility with improved parking and access arrangements would be beneficial and has been assessed by highways.

Currently no separate women's WC and prayer area.

Officer Response: It is recognised and accepted that there are benefits in the provision of a new/replacement Madressa and Mosque.

Landscaping of the area will be an improvement.

Officer Response: Ecological enhancement and replacement tree planting would be conditioned.

The new building is sympathetic to the Conservation Area.

Officer Response: The proposals have been assessed by officers in K.C. Conservation & Design and it is considered that the scale, location and design would not cause harm to the Conservation Area. The loss of the tree would be harmful and thereby this element would fail to comply with Section 72 of the Planning (listed Buildings and Conservation Areas) Act 1990 and paragraphs 138 and 134 of the NPPF.

Improved parking facilities.

Officer Response: The application will provide improved parking and access facilities which would be an improvement when compared to the existing situation on site.

Existing site is an eyesore.

Officer Response: The site has been left in a very untidy state and detracts from the wider area. Although this is not justification for allowing a development it is recognised that there will be benefits in terms of improving the appearance of the site.

10.45 **Objections:**

Heritage & Amenity:

- The removal of the trees will result in significant harm as recognised by the Historic England.
- The facades of the octagonal drum are modernistic. The octagon is flat roofed contrary to all the surrounding Victorian buildings.
- NPPF obligation to ensure the optimum use of a heritage asset. The proposal is neither a best outcome, nor offers improvements in amenity to the residents in general. An optimum solution should pay attention to the longstanding open aspect and views the general public have. A non-residential use does not fit the criteria.
- The development is within a Conservation Area and takes no account of the building vernacular.
- The proposed development will adversely affect the street scene from Oxford Road and West Park Street.
- The development neither enhances nor preserves the Conservation Area.
- Contrary to the NPPF as it does not sustain or enhance or make a positive contribution to the local character.
- It does not enhance or reveal the significance of surrounding buildings.

- The development is out of style, scale and character with existing Victorian buildings.
- There is a large combined bulk to the two connected buildings.
- The roof lines of buildings on Oxford Road and West Park Street step down responding the changes in land levels.
- The mosque façade and minaret are too high.
- Conflicting styles include asymmetric roof gable, windows and minaret.
- The design and scale of the mosque is out of scale and conflicts with the buildings in the Conservation Area.
- The minaret will be out of keeping.

Officers response to the points above where they may have not been addressed in the report: The proposals have been assessed by officers in Conservation & Design and it is considered that the scale, location and design of the mosque is acceptable and as such would not cause harm to the Conservation Area.

The scale, design and location of the mosque is considered acceptable. The loss of trees should be weighed against the benefits of the development. It is acknowledged that the loss of the trees would be harmful to the Conservation Area and this is reiterated by Historic England. It is an unfortunate consequence of the development proposed and as such the harm should be weighed against the benefits of the development and provision of community facility. Whilst very much balanced, Officers have concluded that the tree to the site frontage would likely have been lost should the 2011 permission have been implemented. This adds weight to the considerations and balance of benefits of the development. Taking into account the history of the site, in so far as what has received approval, in addition to the provision of a community facility it is considered, on balance, that the benefits outweighs the harm thereby complying with Section 72 of the Planning (listed Buildings and Conservation Areas) Act 1990 and paragraphs 138 and 134 of the NPPF.

The proposed development would improve the visual amenity of the area by tidying up the site and introducing a building that is considered of a scale and character that would contribute positively to the area. The site is already used as a mosque and madrassa and the development proposed would improve the facilities on the site.

The design of the building and inclusion of octagonal area to the rear is as a result of concerns being raised in relation to design. The removal of the dome and mihrab has resulted in redesigning of the rear elevation. The agent has sought to include architectural features found in the locality including the large arched window to the rear. It is the view of Officers that the design is acceptable and would not detract from the Conservation Area. The flat roofed element is subservient to the main building which is more domestic in scale and design. Both Conservation & Design and Historic England have been reconsulted and raise no objections in respect of the design of the development.

Highways:

- Collection of evidence, in the knowledge of Ward Councillors and the highway traffic officer for West Park Street and Oxford Road that there exist recorded insoluble problems of traffic flow and parking.
- UDP Policy T10
- The proposals represent a serious highway concern.
- Previous road usage/safety assessments have set a precedent on this street due to the restrictive nature of the West Park Street and Nowell Street junction.
- The road usage and parking problems on West Park Street have worsened.
- Congestion/the proposed site use would aggravate the present situation further.
- 24 car parking spaces are not sufficient for the intended uses.
- The proposal relates to the removal of all the existing parking spaces.
- The area is a car park and not currently vacant.

Officers response to the points above: The proposals have been assessed by Kirklees Highways Development Management. The submission of further information includes a Travel Plan and Transport Assessment which have been considered and revisions included where necessary. The supporting information, in addition to the improvements proposed; demonstrate that the site can accommodate the use without detrimentally impacting on matters of highway safety. As such it is considered, on balance, that the development can be accommodated in this location and is in accordance to Policies T10 and T19 of the Kirklees Unitary Development Plan.

With regard to the traffic surveys submitted by local residents (received 04/12/2017) and appended at the end of this report, officers are assessing the information and will provide full comments to members in the update.

Other Matters:

- UDP Policy C2 has provisos that
 - (i) *The development can [only] be accommodated without causing disturbance to the surrounding neighbourhood; and*
 - (ii) *There will be no detriment to highway safety.*

Officer Response: Policy C2 recognises that community facilities can be located in the area where it is in the interests of those who will be served provided that there will be no disturbance to the neighbourhood and no detriment to highway safety. The activities taking place on the site are to be split between the two buildings and are no intended to increase numbers. The activities will continue in this respect. The information and supporting documentation received demonstrate that the activities can continue without causing disturbance and, subject to conditions, will not be materially harmful to highway safety.

- The DAS contains many unsupported and contradictory statements and in arguing for increased capacity quotes different numbers. The AHA (para 4.31) states the present building is *".. a place of congregation for over 100 congregants. However, the current premises are no longer able to meet its requirements."* Yet, at the June 2017 hearing, the need argument itself was countered by the applicant's agreement to a draft Condition of 100 congregants. Therefore, the argument for a new building on this basis should be dismissed.

- **Officer Response:** The original application was submitted with the intention of increasing the capacity of accommodation on the site. At the request of Officers the scheme was reduced and the application then refocussed on improving the existing facilities and provision of a fit for purpose facility. A condition is proposed to restrict numbers.
- The land is not brownfield, nor urban. UDP Policy BE6 is applicable.
Officer Response: The land is described as brownfield which is contended by objectors. Aerial photographs show that the land was formerly green space but has subsequently become hardstanding used for parking associated with the existing use. In later years the area of land has become unkempt. BE6 states that “Development on infill sites will not normally be permitted when it would adversely affect the character or appearance of the Conservation Area”. The loss of the space has already been conceded through the approval of the application for a single dwelling. The approval of the application is a material consideration. Further consideration has been given to the loss of the space and Officers have concluded that the erection of a building in the location shown would retain the established character of the area retaining space to the rear of existing and proposed buildings.
- Loss of open space within the street scene
Officer Response: The principle of the erection of a building within the street has already been established with the approval of 2011/92932 approved in 2014. The building proposed occupies a similar position to the residential property previously approved. Officers in Conservation & Design and Historic England have raised no objections in respect of the proposal. Officers have concluded that the development can be accommodated without compromising the character of the street scene or Conservation Area.
- There are covenants on the land which would not allow the development.
Officer Response: Covenants are not considered material to the determination of the planning application. They are a private legal matter.
- Opening hours are specified as unknown however the agent has provided information that suggests that hours are known. In addition the applicants should be aware when the classroom will be used.
Officer Response: There are no details regarding the hours of operation of the site. K.C. Environmental Services have been consulted regarding the proposals and have raised no objections subject to conditions relating to unexpected land contamination and controls regarding call to prayer. They are satisfied that the development would not result in any harm to residential amenity providing conditions are imposed.
- Bats and owls have been resident in the mature trees in the area the development would impact on these.
Officer Response: Both an Ecological and Arboricultural survey has been requested to inform recommendations for landscaping and mitigation. It is not considered that the conclusions of the reports would prevent development of the site. As such the agent has requested that the reports be produced should Members recommend approval. Taking into account the costs involved in production of the reports, in addition to the likely conclusions of each, it is considered reasonable by officers that these are provided should the decision be taken to approve the application.

- There are plenty of existing mosques that can be used.
Officer Response: The agent has demonstrated that there is the need/demand for an additional facility in the area.
- The area was formerly a habitat for wildlife until it was spoilt by the present and preceding owners. All trees have been removed and TPO trees have not been replaced.
Officer Response: It is not considered that there is sufficient ecological value so as to justify refusal of the application. The principle of development has already been established by a previous permission for residential development and it is not considered that this development differs so significantly in terms of scale and mass and occupation within the site. The development will result in the loss of a protected tree and it is understood that others have been felled. It is an unfortunate consequence that the last protected tree will be lost and the harm is weighed against the benefits of the development. Replacement tree planting and landscaping can be conditioned.
- The site has been subjected to fly tipping and has become unsightly.
Officer Response: It is acknowledged that the site is unkempt and that redevelopment would improve the amenity of the area however this should be an appropriate development in terms of scale and design.

10.46 **To summarise in relation to representations:**

There are members of the community that the development would directly benefit but equally there are a number who consider the proposals to be detrimental to their environment. Affording weight to public benefit is not considered to be a simple process. For the aforementioned reasons Officers consider that the site can accommodate the development proposed with the inclusion of conditions regarding numbers of attendees and also mitigation planting and as such it is considered that any harm is outweighed by the community benefit of the accommodation provided.

11.0 CONCLUSION

- 11.1 The nature and scale of the proposed use would not result in any significant detriment to the amenities of nearby residential properties or highway safety. The proposal would result in a viable use for the building, in accordance with relevant local and national planning policy.
- 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, the draft local plan, and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

12.0 CONDITIONS (Summary list of suggested conditions. The full wording of conditions including any amendments/additions to be delegated to the Head of Strategic Investment).

1. 3 year time limit
2. Development to be carried out in accordance with the approved plans
3. Submission of landscape scheme (to include replacement trees and wild life attracting species)
4. Obscure glazing to the east elevation
5. Reporting unexpected contamination
6. Call to prayer (noise levels and time)
7. Limit the site to 100 worshippers at any one time
8. Hedge fronting 10 Oxford Road to be removed and maintained clear of planting and/or structure.
9. Construction Management Plan to be submitted and approved
10. Travel Plan to be submitted and approved
11. Scheme detailing construction specification of Nowell Street
12. Materials
13. Restriction of numbers of worshippers on site to 100 at any one time
14. Hours of use of the premises
15. Submission of an Ecological Design Strategy

Background Papers:

Website link to the application details:

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2017%2f91139>

Certificate of Ownership – Certificate D (confirming applicant’s Solicitor has conducted searches and advertised in the local newspaper) signed by the agent Hasan Dadibhai and dated 19/05/2017

ADDENDUM

Re: Planning Application 2017/62/91139/E at 10, Oxford Road, Dewsbury.

Dear Sir/Madam,

With regard to my objection to the above planning application, I submit the following independent traffic surveys. I request that these statistics are taken account of by KMC Highways Division, Planning Officers and the Chair of Planning Committee. Please see the data/survey sheets provided.

Independent and individual Traffic Surveys undertaken on Oxford Road at the junction with Nowell Street.

Survey 1. Taken 2.30pm – 5.30pm on Friday 20 October 2017 by Mr K. Fedzin. Shows a total flow of **762 vehicles and 167 pedestrians** in 3hrs.

Survey 2. Taken 7.00am – 10.00am on Monday 30 October 2017 by Mrs J. Devlin. Shows a total flow of **519 vehicles and 49 pedestrians** in 3hrs.

Survey 3. Taken 2.30pm – 5.30pm on Monday 30 October 2017 by Mr John Robinson. Shows a total flow of **709 vehicles and 111 pedestrians**.

These survey figures show that on average, at peak afternoon times, **735 vehicles** pass this steep blind bend junction in 3 hours with **519 vehicles** passing during a typical 3 hour morning period.

Also an average of **139 pedestrians** in the afternoon 3 hour period and **49 pedestrians** in the morning period pass this junction.

These survey periods obviously coincide with sunrise and sunset prayer times for many parts of the calendar year.

The surveys show that in any one 'normal' day during these morning and afternoon periods, when the proposed mosque will be in full use, as many as **1,254 vehicles and 188 pedestrians**, are expected to be passing this junction. It is already fully acknowledged that many of those vehicles will have to travel on the wrong side of the road due to the residents permit parking directly opposite.

The figures in these surveys are directly at odds with the 'Hall Traffic Assessment' figures of 196/201 vehicles (which were acquired during one quiet Friday period around 1.00 – 2pm) and clearly demonstrate the large numbers of vehicles and pedestrians *actually* passing this junction at potential prayer times.

The local residents of the Northfields Conservation Area request that these figures are fully taken account of.

Regards,

Kenneth Fedzin

4 December 2017.

Time Period	Direction of Travel	Count of Vehicles (Black) and Pedestrians (Red)	Period Total Ped's	Period Total Vehicles	Cumulative Total Pedestrians	Cumulative Total Vehicles
08.45 - 08.59	Up		0	20	24	189
	Down SOUTH	 1 11	4	20	15	193
09.00 - 09.14	Up		0	19	24	208
	Down	 11	3	26	18	219
09.15 - 09.29	Up		3	12	27	220
	Down		0	16	18	235
09.30 - 09.44	Up	 1	1	22	28	242
	Down	 11	3	15	21	250
09.45 - 10.00	Up		0	7	28	249
	Down		0	20	21	270

Total Vehicular Flow 519
Total Pedestrian Flow 49

Traffic Flow Survey for Oxford Road, Dewsbury at junction with Nowell Street

<u>Time Period</u>	<u>Direction of Travel</u>	<u>Count of Vehicles (Black) and Pedestrians (Red)</u>	<u>Period Total Ped's</u>	<u>Period Total Vehicles</u>	<u>Cumulative Total Pedestrians</u>	<u>Cumulative Total Vehicles</u>
<u>07.00 - 07.14</u>	Up		0	12	0	12
	Down from NS	 	0	14	0	14
<u>07.15 - 07.29</u>	Up	 	4	12	4	24
	Down from NS	 	1	15	1	29
<u>07.30 - 07.44</u>	Up	 	0	21	4	45
	Down from NS	 	1	30	2	59
<u>07.45 - 07.59</u>	Up	 	5	21	9	66
	Down	 	1	28	3	87
<u>08.00 - 08.14</u>	Up	 	8	35	17	101
	Down Bike	 	0	30	3	117
<u>08.15 - 08.29</u>	Up	 	5	32	22	133
	Down	 	1	42	4	159
<u>08.30 - 08.44</u>	Up	 	2	36	24	169
	Down from NS	 	7	14	11	173

Traffic Flow Survey for Oxford Road, Dewsbury at junction with Nowell Street

1/2

Time Period	Direction of Travel	Count of Vehicles (Black) and Pedestrians (Red)	Period Total Ped's	Period Total Vehicles	Cumulative Total Pedestrians	Cumulative Total Vehicles
14.30 - 14.44	Up	 Bus	5	28	5	28
	Down	 Ped	5	20	10	48
14.45 - 14.59	Up	 Bus	1	39	11	87
	Down	 Ped	7	31	18	118
15.00 - 15.14	Up	 Bus	4	35	22	153
	Down	 Ped	27	42	49	195
15.15 - 15.29	Up		0	44	49	239
	Down	 Ped	36	23	85	262
15.30 - 15.44	Up	 Ped	1	40	86	302
	Down	 Bus	14	61	100	363
15.45 - 15.59	Up	 Ped	4	27	104	390
	Down	 Ped	2	33	106	423
16.00 - 16.14	Up	 Ped	2	24	108	447
	Down	 Ped	5	28	113	475

Time Period	Direction of Travel	Count of Vehicles (Black) and Pedestrians (Red)	Period Total Ped's	Period Total Vehicles	Cumulative Total Pedestrians	Cumulative Total Vehicles
16.15 - 16.29	Up	### ### ### ### ###	3	21	116	496
	Down	### ### ### ### ### ### ### ###	4	37	120	533
16.30 - 16.44	Up	### ### ### ### ### ### ###	3	30	123	563
	Down	### ### ### 	1	18	124	581
16.45 - 16.59	Up	### ### ### ### ### ### ### ### ### ### ###	17	38	141	619
	Down	### ### ### ### ### ### ### ### ###	11	31	152	650
17.00 - 17.14	Up	### ### ### ### ### ### ###	7	32	159	682
	Down	### ### ### 	1	18	160	700
17.15 - 17.30	Up	### ### ### ### ### ### ###	4	39	164	739
	Down	### ### ### ### ###	3	23	167	762

Total Vehicular Flow 762 in 3 HRS

Total Pedestrian Flow 167 " "

Time Period	Direction of Travel	Count of Vehicles (Black) and Pedestrians (Red)	Period Total Ped's	Period Total Vehicles	Cumulative Total Pedestrians	Cumulative Total Vehicles
16.15 - 16.29	Up		4	16	86	462
	Down			20		482
16.30 - 16.44	Up		6	25	86	507
	Down			26		533
16.45 - 16.59	Up		10	38	96	571
	Down		4	26	100	597
17.00 - 17.14	Up		4	31	104	628
	Down		2	12	106	640
17.15 - 17.30	Up		5	42	111	682
	Down		1	27	111	709

Total Vehicular Flow 709
Total Pedestrian Flow 111

This page is intentionally left blank

Report of the Head of Strategic Investment

HEAVY WOOLLEN PLANNING SUB-COMMITTEE

Date: 14-Dec-2017

Subject: Planning Application 2017/93347 Outline application for erection of 32 dwellings Land off, Fieldhead Lane, Birstall, Batley

APPLICANT

Sir Robert Ogden Estates
Limited

DATE VALID

20-Oct-2017

TARGET DATE

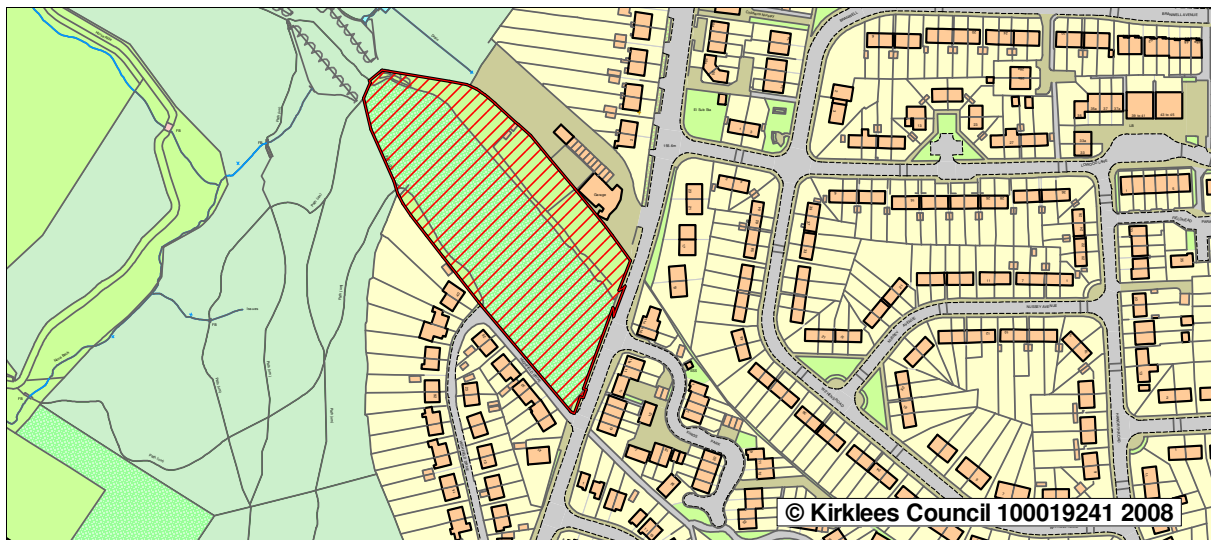
19-Jan-2018

EXTENSION EXPIRY DATE

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

<http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf>

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral Wards Affected: Birstall and Birkenshaw

Yes

Ward Members consulted
(referred to in report)

RECOMMENDATION:

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

1.0 INTRODUCTION:

- 1.1 This application is brought to the Heavy Woollen Planning Sub-Committee as the proposal is for residential development on a site exceeding 0.5 ha in area. This is in accordance with the Council's Scheme of Delegation.

2.0 SITE AND SURROUNDINGS:

- 2.1 The site comprises an area of 1.05 ha, roughly rectangular in shape, and is located on the western side of Field Head Road, Birstall. The site is a disused railway viaduct that has been backfilled. To the north of the site is a car and MOT centre, and to the south residential properties on Highfield Drive.
- 2.2 To the west of the site is the Oakwell Country Park. The site is self-seeded, and also contains a number of mature trees, to the west that are part of a larger group Tree Preservation Order, that extends over large areas of Oakwell Country Park. The frontage onto Fieldhead Road, currently comprises a brick wall approx 1.5m in height.
- 2.3. The site is unallocated on the Kirklees Unitary Development Plan, and is designated a part of a Green Corridor, and potential pedestrian / cycle route link.
- 2.4. The site is identified as a housing allocation on the Publication Darft Local Plan.

3.0 PROPOSAL:

- 3.1 Outline consent is sought for residential use, with access only applied for, and illustrative drawing showing 32no. dwellings is submitted. The principle access is proposed to be taken off Fieldhead Road, serving what would be a cul de sac of dwellings. An additional access point serving dwellings in the south-west corner of the site nearest, to Highfield Drive, is also applied for.

4.0 RELEVANT PLANNING HISTORY:

4.1 No relevant history.

5.0 HISTORY OF NEGOTIATIONS:

5.1 Improved visibility splays, and provision of improved footpath along Field head Lane requested and received.

5.2. Amended plan requested, and received showing the completion of the pedestrian/ cycle link up to the boundary with Oakwell Hall Park.

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 Development Plan for Kirklees currently comprises the saved policies within the Kirklees Unitary Development Plan (Saved 2007). The Council's Local Plan was submitted to the Secretary of State for Communities and Local Government on 25th April 2017, so that it can be examined by an independent inspector. The weight to be given to the Local Plan will be determined in accordance with the guidance in paragraph 216 of the National Planning Policy Framework. In particular, where the policies, proposals and designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2012), these may be given increased weight. At this stage of the plan making process the Publication Draft Local Plan is considered to carry significant weight. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

The site is unallocated on the Kirklees UDP proposals map and, on the PDLP is identified as a Housing allocation.

Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

- 6.2
- D2** - Unallocated land
 - BE1** – Design principles
 - BE2** – Quality of design
 - BE12** – Space about buildings
 - BE23** – Crime prevention
 - T10** – Highway safety
 - T18** - Proposed cycleway route
 - T19**- Parking standards
 - D6** Green corridor
 - NE9** – Retention of mature trees
 - G6** – Land contamination
 - EP4** – Noise sensitive development
 - H10** – Affordable housing
 - H18** – Provision of open space

Publication Draft Local Plan:

- 6.3. **PLP3** - Location of new development
PLP7 - Efficient and effective use of land and buildings
PLP11 - Housing mix and affordable housing
PLP20 - Sustainable travel
PLP21 - Highway safety and access
PLP22 - Parking
PLP23 - Core walking and cycling network
PLP24 - Design
PLP27 - Flood Risk
PLP28 - Drainage
PLP30 - Bio diversity and geodiversity
PLP32 - Landscape
PLP33 -Trees
PLP49 - Education and health needs
PLP63 - New open space

Supplementary Planning Guidance / Documents:

- 6.3. KC Policy Guidance “Providing for Education Needs Generated by New Development”.
- Interim Affordable Housing Policy

National Planning Policy Framework:

- 6.4 **Chapter 4** - Promoting sustainable transport
Chapter 6 - Delivering a wide choice of high quality homes
Chapter 7 - Requiring good design
Chapter 8 - Promoting healthy communities
Chapter 10 - Meeting the challenge of climate change, flooding and coastal change
Chapter 11 - Conserving and enhancing the natural environment

7.0 PUBLIC/LOCAL RESPONSE:

- 7.1 Five letters of representation have been received (one of the letters is a petition on behalf of 20 residents in Highfield Drive). The main points of concern are summarised as follows:
- The application site is at a higher level than Highfield Drive, and this could lead to problems with overlooking and over dominance;
 - Would like to maintain a well-defined boundary edge with Highfield Drive and the proposed development
 - The number of extra vehicles generated will cause further traffic problems on this busy road, and result in additional parking on Field head Road; would like to see yellow lines either side of the proposed access , to prevent parking on the main road
 - The indicated access to the SW corner of the site is not adequate , and would result in on street parking;
 - The site is filled, and any development would necessitate piling, which could pose problems for the neighbouring dwellings in terms of stability or subsidence;

- The proposal will put additional pressure on local services and amenities;
- No pedestrian access is shown to Oakwell Hall Park- there has been pedestrian access across this site since the 1960's would like a pedestrian access retained.
- A number of the trees in the site are protected, and should be safeguarded as part of any layout or reserved a matters submission.
- Potential problems with surface water run off for existing neighbours;
- Query ownership of an area currently containing a post office storage box.
- No objection in principle to development of the site, but the site needs to be developed sensitively. Would like to be kept informed about any Reserved Matters Application, covering layout, scale and

7.2. The following submission has been received on behalf of the Oakwell Hall Country Park:-

“As Kirklees Museums and Galleries Manager, I would like to request that consideration be given to any agreed development to include the allocation of funding for the creation of a surfaced route allowing access for residents from Fieldhead Lane down into and through Oakwell Hall Country Park, linking in to our existing accessible path network via a route. I appreciate that often such funding is allocated towards the provision of facilities within open spaces inside the curtilage of a development, but by steering this resource towards a ‘greenway’ down into the Park, it will offer the residents a greater opportunity to enjoy a much larger area of greenspace.

We feel this will provide existing and new residents with an easier, safer and traffic free route into the park, providing residents with more opportunity to enjoy the green space, facilities and events on offer in the Park.

Incidentally, we are also currently developing a mountain bike trail within the park and the vicinity of this development. This trail will be aimed at a family audience. We feel this could also be enjoyed by both existing and new residents from the Fieldhead Lane development, with this new ‘greenway’ into the Park providing safe, traffic free access to this trail, particularly for children and young people, playing a key role in promoting health and wellbeing among the local community.

Thank you for the opportunity to comment of the proposal.”

7.3 Ward Councillor Robert Light: sought clarification that there would be no access directly onto Highfield Drive, if there would be footpath access to Oakwell Park; and the retention of trees at the rear of the site.
No objection to the plan at this stage.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

The Environment Agency- No objection, recommend the inclusion of informative notes.

Yorkshire Water - Recommend conditions.

KC Highways Development Management - request additional information.

8.2 Non-statutory:

KC Public Rights of Way - The indicative layout should show the safeguarded cycleway link right across the site, but it fails to do so.

KC Environmental Health - recommend conditions.

KC Arboricultural officer - Would require an accurate trees survey before considering any layout.

KC Arboricultural officer - The trees to the rear of the site are protected, and should be retained. There are a number of trees , on the front part of the site, that are worthy of keeping, and any reserved matters application should be accompanied by a full Tree Survey, and if trees are proposed to be lost, then alternative replacements should be provided as part of any landscape proposal.

KC Conservation and Design - the indicative layout is well conceived, and should safeguard the access across the site, to Oakwell Hall Park.

KC Lead Local Flood Authority - Request further information.

KC Education Services - No education contribution is required in this instance.

KC Strategic Housing - The Councils Interim Affordable Housing policy is applicable, and an affordable contribution should be secured via a condition.

KC Landscape/Parks - the site is above the size threshold for the provision of public open space. This should be secured by condition. Note: an off-site contribution is likely to be acceptable in this case, should approval be granted.

Police Architectural Liaison Officer - Any cycle access route across this site should not compromise residential security, dwellings should face onto the route, also any on site public open space needs to benefit from natural supervision. At reserved matters stage a condition requiring the submission of crime reduction measures will be requested.

9.0 MAIN ISSUES

- Principle of development
- Urban design issues
- Residential amenity
- Highway issues
- Flood Risk/Drainage issues
- Landscape/ Biodiversity
- Environmental Issues (Noise; Remediation and Air Quality)
- Representations
- Conclusion.

10.0 APPRAISAL

Principle of development

- 10.1 The site is unallocated on the Unitary Development Plan, and identified as a potential housing allocation in the Emerging Local Plan. As such the principle of a residential use, on the site accords with both the current UDP designation, and the proposed Local Plan designation (subject to satisfying other material planning considerations).
- 10.2 Paragraph 14 of the National Planning Policy Framework presumes in favour of sustainable development, indicating that for decision asking making purposes this means "approving development proposals that accord with the development plan without delay". In addition the Council is currently unable to demonstrate a 5 year supply of deliverable housing sites, and in this context paragraph 49 of the National Planning Policy Framework indicates that "housing applications should be considered in the context of the presumption in favour of sustainable development.
- 10.3 The site is considered to be in a sustainable location with access to public transport, and local facilities, services and amenities As such there is no objection to releasing this site for housing at this time.
- 10.4 Given the scale of the development, and the numbers of units envisaged the Councils policies regarding the provision of Affordable Housing; Public Open Space and Education provision, are relevant.
- 10.5 No Education contribution is required in this instance, and given that the application is outline, with access only applied for the final numbers of dwellings is not being agreed at this time. As such the level of provision of Affordable Housing and Public Open Space, cannot be calculated, therefore both of these matters will be covered by condition.

Urban Design issues

- 10.6 The site has a frontage onto a main road, and is located in a built up area, which is primarily residential. The frontage is currently marked by a brick wall, which would be removed to form access points, and the illustrative layout indicates the provision of housing facing onto the road, of terrace and semi-detached type at a density of approx. 30 per ha. Additional housing with frontage onto Fieldhead Road, is a form of development, compatible with the area, the density of 30 per ha, is also appropriate, though in this case the satisfactory provision of a cycle route and access to the neighbouring Oakwell Hall Park needs to be incorporated in any future reserved matters layout.
- 10.7 To the rear of the site, and also neighbouring development is a substantial area of woodland which is protected by a group TPO, and forms part of the Oakwell Hall Country Park. This woodland provides an attractive green backdrop to the site, and the indicative layout indicates that these trees will be undisturbed, which is welcome.

- 10.8 The issues of scale and design will be the subject of Reserved Matters application, but 2 no storey dwellings would be the most appropriate form of development on this site, respecting the scale of the surrounding area

Residential Amenity

- 10.9 The nearest dwellings to this site are on Highfield Drive, to the south. Highfield Drive extends along the southern boundary of the application site linking to Fieldhead Road, as such the nearest dwellings on Highfield Drive look across Highfield Road towards the site. It is not consider that a residential use on this site will in itself result in any undue noise or nuisance to existing dwellings or their residential amenity.
- 10.10 The application site is at a slightly higher level (approx.1m) than the Highfield Drive dwellings. Layout and scale are not applied for at this stage, but any future siting/scale will be the subject of a Reserved Matters application that will be publicised, and the issues of safeguarding residential amenity in terms of privacy, and over dominance, will be considered at that stage.

Highway issues

- 10.11 The internal layout submitted at this stage is considered indicative and Highways Development Management (HDM) comments are therefore limited to the means of access from Field Head Lane only. Field Head Lane (B6125) forms the eastern boundary of the site with existing residential dwellings to the south (accessed via Highfield Drive), woodland to the west, and commercial buildings to the north. Field Head Lane is lit and subject to a 30mph speed limit and runs on a north/south alignment running from the A650 to Middlegate.
- 10.12 Adjacent to the proposed site, Field Head Lane has a carriageway width of approximately 6m with footways to both sides of some 1.6m to 2m.
- 10.13 The applicants have provided a Transport Statement prepared by Optima Highways consultants. This is summarised as follows:
- 10.14 Traffic surveys were undertaken in the vicinity of the Site on Tuesday 13th June. The resulting surveyed peak hours at the Field Head Lane/Kings Park junction are 07:30 - 08:30 in the AM and 17:00 - 18:00 in the PM period respectively.
- 10.15 Development trips generated by the proposed residential development have been determined using the TRICs data base for the AM and PM peaks. The two way peak hour trips are estimated as follows:

AM peak - 8 arrive and 11 depart - total 19

PM peak - 11 arrive and 7 depart - total 18

- 10.16 By comparison the traffic surveys undertaken by Optima on 13th June show the peak two way flows into Kings Park which is an existing development of 31 dwellings similar to the proposed development to be as follows

AM peak - 4 arrive and 15 depart - total 19

PM peak - 16 arrive and 7 depart - total 23

- 10.17 Speed surveys found 85th percentile northbound speeds of 31mph and southbound speeds of 30mph on Field Head Lane at the proposed site frontage.
- 10.18 Personal injury accident data has been obtained for the highway network in the vicinity of the Site for the most recently available five year period. The study area focuses on Field Head Lane, extending north to the Lowood Lane junction and the Middlegate/High Street junction to the south. For the 5 year period, there have been a total of 2 recorded accidents within the study area. Both accidents resulted in personal injuries being categorised as 'slight' in Nature. There have been no serious or fatal accidents within the study area during the 5 year period.
- 10.19 The nearest bus stops are located along Field Head Lane and Lowood Lane, 50 metres and 110 metres to the north and 120 and 145 metres to the south, of the proposed site access. These provide services running between Heckmondwike and Leeds and Dewsbury and Birstall at 60 and 30 minute intervals.
- 10.20 Vehicular access to the site is proposed from a new priority 'T' junction on Field Head Lane north of the Kings Park junction. The new site access is staggered some 17m north of the existing priority 'T' junction at Kings Park. Such a layout is acceptable forming a right-left stagger thereby separating out right turning movements into each access.
- 10.21 Vehicular access is also to be gained from Field Head Lane at the southern extent of the proposed site, north of Highfield Drive. This will provide access to two proposed dwellings with a maximum of 4 associated car parking spaces. Visibility splays are shown in both directions from the proposed new estate road and the proposed private driveway to the south, which include a 2.4m set back distance.

Drainage issues

- 10.22 The site is located within Flood Zone 1 (the areas least likely to flood), and given the size of the site (ie in excess of 1ha), a Flood Risk Assessment has been submitted with the application relating to surface water run off matters. The Environment Agency have been consulted and have raised no objection to the proposal.
- 10.23 As a greenfield site any new development should seek to at least maintain greenfield run off rates of 5l/s, in order to reduce risk of additional flooding down-stream. Additional details have been submitted at the request of the Local Lead Flood Authority, to clarify this and some other technical matters, and ensure development can be satisfactorily conditioned so as to comply with the aims of chapter 10 of the NPPF.

Landscape/ Biodiversity

- 10.24 The site is a former railway viaduct area, that has been grassed over and there are a number of trees across the site. Towards the rear of the site the trees are part of a larger wooded area that relates to the Oakwell Hall Park (and these trees are protected), with a number of trees on the north-east and south-west boundaries, that are not protected. Aside from the trees, the site does not have a significant amount of ecological value.

- 10.25 The proposal, whilst being in outline, does contain an indicative layout that confirms the protected woodland trees can be safeguarded and that a cycleway corridor, linking top the Oakwell Hall Park, can be achieved, as is required in the UDP policy T18 , and Policy PLP23 of the PDLP In terms of biodiversity enhancement, it is considered that this is best achieved on this site by the retention of the protected trees, a landscape scheme for the balance of the site, and the provision of bat and bird roost opportunities within any scheme.
- 10.26 Given the size of the scheme, the provision of POS is a material consideration. In this case the provision of on-site play equipment is not required, and an off-site contribution in lieu would be acceptable. Given the proximity to the Oakwell Hall Park and the requirement for a cycle / pedestrian link to it, it is considered appropriate that any financial off site contribution would be well spent improving access and links to a large number of people to Oakwell Hall Park, including possibly connecting up to a future mountain bike trail (see representations from Oakwell Hall Park (in paragraph 7.2 above). It is accepted that this is an early state in the development, and that numbers and financial contributions still have to be calculated and agreed, however it is appropriate to indicate that the Local Planning Authority, and the Kirklees Parks and Recreation Service are flexible in considering how best to use an off-site contribution.

Environmental Issues (Remediation: Noise and Air Quality)

- 10.27 This site is a former railway viaduct that has been filled for some time. The applicant has submitted a phase 1 contaminated land report, that is considered to be broadly acceptable. It is considered that the site can be made acceptable to receive a new residential development, and standard conditions to this end are recommended, in accordance with policy G6 of the UDP and chapter 11 of the NPPF.
- 10.28 The site has a frontage onto Fieldhead Lane, and is approx. 450m from the M62. As such it would be appropriate to impose a condition, requiring a Noise Report, to be submitted at the Reserved Matters stage to safeguard the residential amenities of any new occupiers, in accordance with the aims of chapter 11 of the NPPF.
- 10.29 The site has been assessed as a minor development, in accordance with the West Yorkshire Low Emissions Strategic Guidance, and a condition requiring the provision of electric charging points is required. In addition on this application the safeguarding / provision of a cycle link through the site would be a positive mitigation measure.

Representations

- 10.30 The representations received (outlined in paragraph 7.1, fall, into 3 broad categories:

1. No objection in principle, but would require the site to be developed sensitively.

Officer Response: *This is an outline application and layout, scale, landscaping and appearance are all reserved. If this application is approved it cannot be developed without Reserved Matters being approved. The local*

residents will be notified of such an application, to make comment on specifics. The access to the site is to be taken off Field head Road, and no access taken off Highfield Lane. Detailed comments about retaining a pedestrian access to the Oakwell Hall Park, and retaining protected trees are well made and agreed.

2. The level of traffic generated will be a problem on Field head Lane, resulting in additional congestion and on-street parking problems on an already busy road.

Officer Response: *The application has been accompanied by a Transport Assessment. The proposed access is considered to be acceptable, and improvements to the pavement along the Field head Lane frontage are proposed and will be secured by condition. The surrounding road network is capable of accommodating the new development subject to the imposition of appropriate conditions.*

3. The development will put additional pressure on local services and amenities

Officer response: *The Council's Education Service has been consulted on this proposal, and has confirmed that no financial contribution is required in its case i.e. there is capacity in the local schools. As such, this proposal accords with the Council's Education guidance.*

11.0 CONCLUSION

11.1 This site is unallocated on the UDP, and a housing allocation in the Emerging Local Plan. As such, there is no objection in principle to residential development on this site. In such cases the NPPF indicates that for decision making purposes such schemes should be approved without delay.

11.2 Access to the site is acceptable, and the site can be satisfactorily drained and remediated, making it fit to receive new residential development.

11.3 The principle constraint / opportunity on this site is the policy requirement to safeguard and deliver a pedestrian cycle link across the site to link up with Oakwell Hall Park. The indicative layout shows how this can be achieved, and in lieu of any on-site POS provision, the Landscape and Parks Service, have indicated they are willing to be flexible in seeking to connect up to the Oakwell Park network.

11.4 As such the development is considered to be acceptable and sustainable, and outline approval subject to the imposition of appropriate conditions is recommended.

12.0 CONDITIONS (Summary list. Full wording of conditions including any amendments/additions to be delegated to the Head of Strategic Investment)

1. Standard time frame for submission of reserved matters.
2. Requirement for Reserved Matters submission;
3. Highways conditions (access, visibility splays, improvement of footpath along frontage);
4. Environmental Health conditions (Site remediation; Noise mitigation; Electric charging points);
5. Drainage conditions (surface water/ run off, and foul connections)
6. Tree protection;

- 7 Bio diversity enhancement;
8. Provision of affordable Housing;
9. Provision of public open space contribution;
10. Footpath/cycleway connections from Fieldhead Lane down into and through Oakwell Hall Country Park

Background Papers:

Link to the application details:

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2017%2f93347>

Certificate of Ownership – Certificate B completed with Notice served on Kirklees Council, Civic Centre, dated 05/10/2017.

Report of the Head of Strategic Investment

HEAVY WOOLLEN PLANNING SUB-COMMITTEE

Date: 14-Dec-2017

Subject: Planning Application 2017/91976 Erection of 11 dwellings Land at, Savile Road, Savile Town, Dewsbury

APPLICANT

Ismail Adam, Savile
Developments Ltd

DATE VALID

30-Jun-2017

TARGET DATE

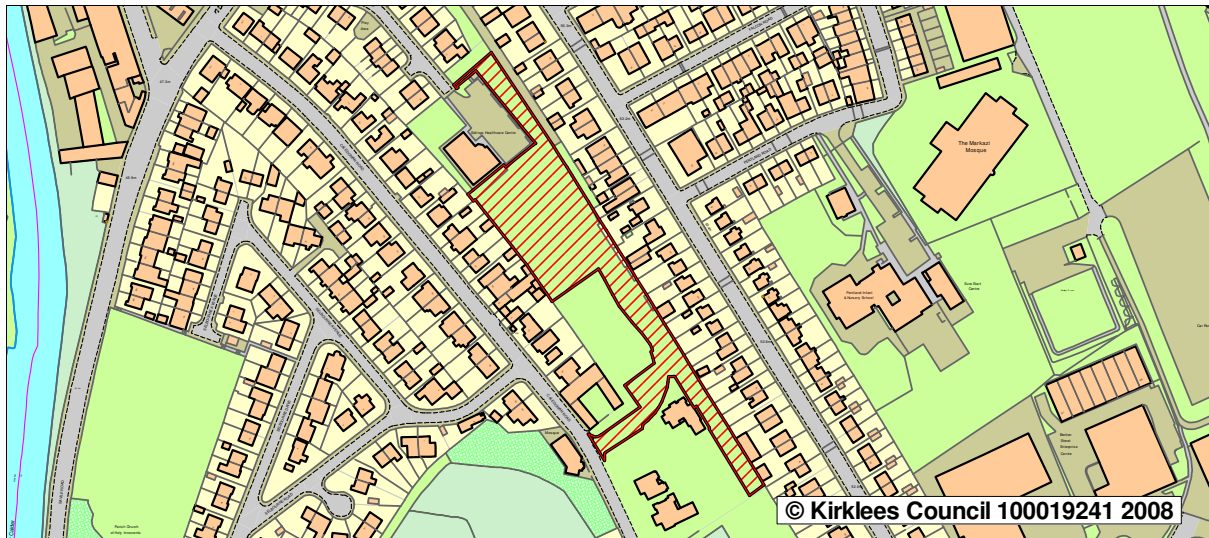
29-Sep-2017

EXTENSION EXPIRY DATE

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

<http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf>

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral Wards Affected: Dewsbury South

Yes

Ward Members consulted
(referred to in report)

RECOMMENDATION:

DELEGATE approval of the application and the issuing of the decision notice to the Head of Strategic Investment in order to complete the list of conditions including those contained within this report and to secure a variation to the existing Section 106 Agreement which covers:

- o Off-site affordable housing contribution - £34,169
- o Education Contribution - £25,183
- o POS provision and maintenance - £48,603; and
- o Travel Plan monitoring £15,000 (£3,000 per annum for 5 years).

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 Strategic Investment 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 Strategic Investment is authorised to determine the application and impose appropriate reasons for refusal under Delegated Powers.

1.0 INTRODUCTION:

1.1 This application is brought to the Heavy Woollen Planning Sub-Committee as the proposal is for residential development on a site in excess of 0.5ha. This is in accordance with the Council's Scheme of Delegation.

2.0 Site Description

2.1. This application comprises an area of 0.72 ha, and is a portion of a larger site that comprises an area of 1.55ha and is located approx 3km to the south of the Town Centre in the Savile Town area. The site is located between Caledonian Road to the south, Headfield Road to the north, and the Sidings to the west. The site is surrounded by residential development. There is a group of listed buildings on the Caledonian Road frontage [these are not within the application site], and in the south east corner there were 4 derelict cottages, now demolished. On the opposite side of Caledonian Road is a small mosque.

2.2. The remainder of the site is along the line of a former railway cutting that has been filled and grassed over with a planting scheme. There are significant level differences across the site with the land dropping quite markedly from the rear of Caledonian Road to the rear of Headfield Road; also at the top of The Sidings, there is a significant step up from the road to the site, which then gradually rises for its full length to the south.

- 2.3. The site is unallocated on the Kirklees Unitary Development Plan proposals map, is a green field site, and has a Green Corridor running through the site. Immediately to the south is an area allocated as Urban Greenspace on the Kirklees Unitary Development Plan proposals map.

3.0 Proposal

- 3.1 There is already an extant permission (2008/92254) for the erection of a Health Centre and 27 no. dwellings on this site; the Health Centre being located at the northern end of the site accessed off the Sidings. A previous application for Variation of Condition was agreed last year (2010/92630) which related to the housing element of the scheme. This application relates to a re-plan of an area of the site located to the south of the site adjacent to the now constructed Health Centre.
- 3.2. The approved scheme in this area provides 14 no dwellings (12 townhouses and 2 semi-detached dwellings), and the proposal seeks the erection of 3 no town houses, 2 detached properties, and 6 semi-detached properties totalling 11 i.e. 3 less than previously approved. Despite the reduction in the numbers, the extent of site coverage is approximately the same, and the dwellings are 2/3 storey, as already approved.
- 3.3 There is no alteration to the access arrangements and the visitor layby parking, but the new dwellings have their own parking arrangements with 4 of them having attached garages.
- 3.4 It is important to note that the previous approval is the subject of a Section 106 Agreement, which provides for:
- An Education contribution;
 - Provision and maintenance of POS;
 - Travel plan monitoring; and
 - An off-site affordable housing contribution.

4. Background and History

- 4.1 The site was formerly a railway cutting; previous 'Minerals' applications all granted in the 1990's for land filling were all subject to landscaping conditions.

- 4.2 The following is a list of the relevant planning application history on this site:-

2000/93767 Outline application for 50 houses [all social housing] - Refused

2006/94722 Erection of a Primary Care Trust Health Centre[Use Class D1] with associated car parking and 28 dwellings and access - Withdrawn.

2008/92254 Demolition of 4 derelict cottages and the erection of a Primary Care Trust Health Centre with associated car parking and the erection of 27 dwellings - Approved subject to a Section 106 Agreement. The Section 106 has been signed and the decision notice issued.

2010/92630 Variation of Condition 2 of 2008/92254.

[NB The variation in this case related to the residential element of the scheme, some re planning, amendments to elevation details and roofing. No change to the number of dwellings, or the disposition of POS and access points.] - Approved subject to the signing of a Deed of Variation to the original Section 106 Agreement. This Variation has been signed and the decision notice issued.

2011/92765 Variation of condition 2 for the design and construction of the Heath Centre - Approved and now completed.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 Alterations to the alignment of the access road, and the layby / visitor parking have been agreed, and an amendment to Plot 5 is to be submitted removing a first floor elevated terrace from the design in order to safeguard privacy for existing dwellings on Caledonian Road.

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 Development Plan for Kirklees currently comprises the saved policies within the Kirklees Unitary Development Plan (Saved 2007). The Council's Local Plan was submitted to the Secretary of State for Communities and Local Government on 25th April 2017, so that it can be examined by an independent inspector. The weight to be given to the Local Plan will be determined in accordance with the guidance in paragraph 216 of the National Planning Policy Framework. In particular, where the policies, proposals and designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2012), these may be given increased weight. At this stage of the plan making process the Publication Draft Local Plan is considered to carry considerable weight. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

The site is unallocated on the Kirklees UDP proposals map and remains unallocated on the PDLP.

6.2 Kirklees Unitary Development Plan

D2 - Unallocated

T10 – Highway safety

T19 – Parking standards

T16 - Footpaths on development sites

BE1 – Design principles

BE2 – Quality of design

BE12 – Space about buildings

BE23 – Crime prevention

H10 – Affordable housing

H18 – Provision of open space

D6 – Land adjoining green corridor

C2 - Community facilities separate from existing centres.

EP11 – Ecological landscaping

6.3 Kirklees Publication Draft Local Plan

PLP1 – Presumption in favour of sustainable development

PLP2 – Place shaping

PLP21 – Highway safety and access

PLP22 – Parking

PLP24 - Design

PLP27- Flood risk

PLP30- Bio diversity and geodiversity

PLP49 Education and Health Needs

PLP 63 new open space

6.4 National Policy Planning Policy Framework

Chapter 4 - Promoting sustainable transport

Chapter 6 - Delivering a wide choice of high quality housing

Chapter 7 - Requiring good design

Chapter 8 - Promoting healthy communities

Chapter 10 - Meeting the challenge of climate change, flooding and coastal change.

Chapter 11 - Conserving and enhancing the natural environment

NPPF Decision Taking – Planning conditions and Obligations. Paragraph 205 indicates that: “*where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time, and wherever appropriate be sufficiently flexible to prevent planned development being stalled*”.

Other Policy Considerations

Council’s policy on Education contributions

Interim Affordable Housing Policy

7.0 PUBLIC/LOCAL RESPONSE:

7.1 The application has been advertised by means of site notice and neighbour letters. Also the amended plans have been re-advertised. To date there have been no representations.

8.0 CONSULTATION RESPONSES:

8.1 Statutory

K.C. Highways Development Management - No objections recommend conditions.

8.2 Non-statutory:

K.C. Ecologist – In light of the history of the site and the previous works undertaken, no objection to the proposals. A condition relating the submission of an Ecological Design Strategy (EDS) is suggested.

K.C. Public Right of Way (PROW) – PROW would like to see the link from The Siding to the application site secured for both pedestrians and cyclists.

9.0 MAIN ISSUES

- Principle of development
- Urban design issues
- Residential amenity
- Highway issues
- Drainage issues
- Landscape and Biodiversity
- Planning Obligations

10.0 APPRAISAL

Principle of development

- 10.1 The principle of residential development on this site has already been established with an approval in 2008. The scheme approved was for a Health Centre and 27 no dwellings. The Health Centre is completed, and a number of the dwellings have also been built. As such there is no objection in principle to a scheme for 11 no dwellings.
- 10.2 The approved mixed use scheme (ie Health Centre and Residential) was subject to a Section 106 Agreement which covered the matters of on-site POS and maintenance, the provision of a Green Travel Plan, education contributions and an affordable housing contribution.
- 10.3 Technically this is a stand-alone scheme for 11 no dwellings, which together with the site area means that the issues of POS, and an affordable housing contribution would need to be considered, and existing contributions considered, or in this case retained as part of the overall development.
- 10.4 In order to retain the already secured contributions it is proposed to require a variation of the Section 106 Agreement to be signed, before issuing the decision.
- 10.5 The overall reduction in numbers of houses by 3 is a material consideration, and a recalculation/ reduction of the already agreed contributions could be required. (POS, affordable housing, and education contributions are all based upon numbers of units).

Urban Design issues

- 10.6 The development is located within an otherwise built up area, flanked by houses on 2 sides, and by a recently completed Health Centre. The degree of site coverage for the current proposal is slightly less than that already approved, and the overall density is only slightly less than the approved 20 per hectare (which is considered to be an efficient use of this site, given its constraints, in particular levels, and the need to provide a green corridor and footpath link for the full length of the site from the Health Centre to the green space to the north.
- 10.7 There is already a mixture of house types within the development ranging from a terraced town house, to a large 5 bedroom detached, as such the reduced numbers and altered types do not materially affect the layout or its appearance. The new scheme respects the prevailing building lines that are already agreed, and the scale of the building ie 2/ 3 storeys is also retained, each of these properties also front onto the access road, and the green corridor, and the heights/ scale satisfactorily reflect the levels drop across the site from east to west.
- 10.8 The area of public open space adjacent the listed building grouping at the site entrance off Caledonian Road, is unaffected by this scheme as is the footpath/ green corridor link, both of which were negotiated a part of the original scheme.
- 10.9. As such the amended application is considered to satisfactorily address, and safeguard the quality of the layout and design of the original scheme, and is considered to comply with the aims of Policies D2, BE1, and BE2 of the UDP, Policy PLP24 of the PDLP, and chapters 6 and 7 of the NPPF.

Residential Amenity

- 10.10 The nearest dwellings to this scheme are located to the east on Caledonian Road, and they back onto the site. These dwellings are sited at a slightly higher level than the application site. With the exception of plots 4 and 5, all of the dwellings have a back to back distance, in excess of 21m, which accords with the Council's space about buildings policy (Policy BE12 of the UDP).
- 10.11 Plots 1-3 actually back onto the Health Centre, so there is no potential for overlooking, also the Health Centre car park. As such there is no loss of privacy, and the garden areas are not shaded.
- 10.12 Plots 4 and 5, are the biggest plots on the site, and extend up to the rear boundary of the site with properties on Caledonian Road. However the dwellings are part 2/3 storey, and part single storey, and the buildings to the rear are single storey. The elevations of the upper floors and the habitable room windows (i.e. bedrooms) are over 21m distant from the properties on Caledonian Road, in accordance with the Council's space about buildings Policy. Plot 5 has been amended to remove an elevated terrace from the scheme that would have overlooked the rear of 59 and 61 Caledonian Road.

- 10.13 The relationship with the dwellings to the west, located on Headfield Road, is unaltered, with distances significantly greater than the space about building standards to accommodate the levels differences between the site and the Headfield Road properties.
- 10.14 In all, the proposals are considered acceptable from a residential amenity perspective and would accord with the aims of Policies D2 and BE12 of the UDP as well as Policy PLP24 of the PDLP.

Highway issues

- 10.15 The approved highway layout, and access points for both parts of this site (i.e. the Health Centre accessed off the Sidings, and the housing accessed off Caledonian Road) has been put in. This scheme reduces the number of units, but increases the size of two of them. As such the amount of residential parking has remained the same, but its distribution has altered. Each dwelling has sufficient parking within its curtilage, including in four cases an additional garage. Also the visitor parking provided in the layby opposite the new scheme has been retained.
- 10.16 Amended plans have been requested relating to the provision of a 600mm margin to enable adequate street lighting on the western side of the site. This is a technical requirement however the receipt of the amendments will confirm that the access road can be delivered to adoptable standard
- 10.17 Subject to the receipt of the amendments referred to above, no objections are raised from a highway safety and efficiency perspective. As this is technically a stand-alone application, relevant highway conditions will need to be repeated in order to ensure that the proposals comply with Policies D2, T10, and T19 of the UDP as well as Policies PLP21 and PLP22 of the PDLP.

Flood Risk/Drainage issues

- 10.18 This application site, is a small area of a much larger site that has the benefit of a mixed use permission for a Health Centre and 27 no dwellings. The mixed use approval was the subject of a Flood Risk and Drainage assessment which was accepted, and an overarching drainage solution for the entire development has been agreed, and partly implemented.
- 10.19 The existing approve drainage scheme can accommodate the proposed 11 dwellings instead of the already approved 14, without any need for change in capacity, or surface water collection, already agreed as part of the previous scheme and road adoption. However, as the scheme is technically a stand-alone application, it is necessary to restate this condition, to ensure its completion.

Landscape/ Bio diversity.

- 10.20 The comprehensive mixed use development accommodated a number of areas of open space for reasons of both visual amenity and bio diversity enhancement.

- 10.21 The open space area, adjacent to the listed building block off Caledonian Road, is retained, providing an attractive entrance feature off Caledonian Road, and affording a reasonable setting for the listed buildings. The green corridor link containing a footpath, between the Sidings, and the urban greenspace / playing fields to the south of the site, is retained, and is unaffected by the amended scheme. As well as a footpath route this green corridor is to improved habitat, and the existing Section 106 provides for this and its subsequent maintenance.
- 10.22 The amended scheme doesn't adversely impact upon open space provision, or the delivery of biodiversity enhancement, however as this provision is secured via an existing Section 106 agreement, and this scheme is technically a stand-alone application, a variation to the Section 106 needs to be signed to ensure the future provision and maintenance of these open space areas.

Planning obligations

- 10.23 The overall site of the mixed use development is covered by a Section 106 Agreement, that has been varied a number of times, but the agreed contributions remain
- Off-site affordable housing contribution - £34,169
 - Education Contribution - £25,183
 - POS provision and maintenance - £48,603; and
 - Travel Plan monitoring £15,000 (£3,000 per annum for 5 years).
- 10.24 This level of contribution has been the subject of a viability assessment and independent appraisal previously, but this was some time ago. The applicant has been asked to provide an update on this matter, given the levels of completions etc, but he has confirmed that he is not seeking to renegotiate the already agreed terms.
- 10.25 The scheme applied for, if approved will be the subject of a Variation of the Section 106, securing the above contributions. If there is to be a reappraisal, then as contributions are usually based upon the number of dwellings, the reduction in dwellings on the overall site would inevitably impact the overall total.

11.0 CONCLUSION

- 11.1 The residential use of this site is long established, and the amended layout (with a slight reduction in numbers) is still acceptable, and does not prejudice the delivery of the site or the already secured contributions, in the Section 106 Agreement.
- 11.2 This is a brown field site, which is difficult to deliver, and has been ongoing for some considerable time (note initial approval 2008 i.e. 9 years ago) .Sites such as these make a significant contribution towards the necessary supply of housing, and this amended scheme should enable the site to be fully delivered, instead of being stalled.
- 11.3 As such approval is recommended subject to a Variation of the existing Section 106 being signed to retain the already agreed contributions from the larger scheme.

12.0 CONDITIONS (Summary list. Full wording of conditions including any amendments/additions to be delegated to the Head of Strategic Investment)

1. Standard 3 years for commencement condition.
2. Development in accordance with approve plans
3. Samples of materials
4. Boundary treatments.
5. Finished floor levels and sections
6. Decontamination, remediation strategy and validation report.
7. Drainage (surface water and foul) details to be submitted for confirmation.
8. Highway conditions (surfacing, layout of highway, and provision/ surfacing of parking areas, bin collection areas.
9. Removal of permitted development rights for plots 4 and 5
- 10 Submission of Ecological design strategy

Background Papers:

Website link to the application details:-

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2017%2f91976>

Certificate of Ownership – Certificate A signed and dated 08/06/2017

Website link to previous variation of condition 2 application (2011/92765):

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2011%2f92765>

Website link to previous variation of condition 2 application (2010/92630):

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2010%2f92630>

Website link to previous application (2008/92254):

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2008%2f92254>

Report of the Head of Strategic Investment

HEAVY WOOLLEN PLANNING SUB-COMMITTEE

Date: 14-Dec-2017

Subject: Planning Application 2017/91872 Alterations to convert existing commercial premises to 4 flats (listed building within a Conservation Area) Methodist Resource Centre, 74, Daisy Hill, Dewsbury, WF13 1LS

APPLICANT

John Sumner, Bluespot
Investments Ltd

DATE VALID

07-Jun-2017

TARGET DATE

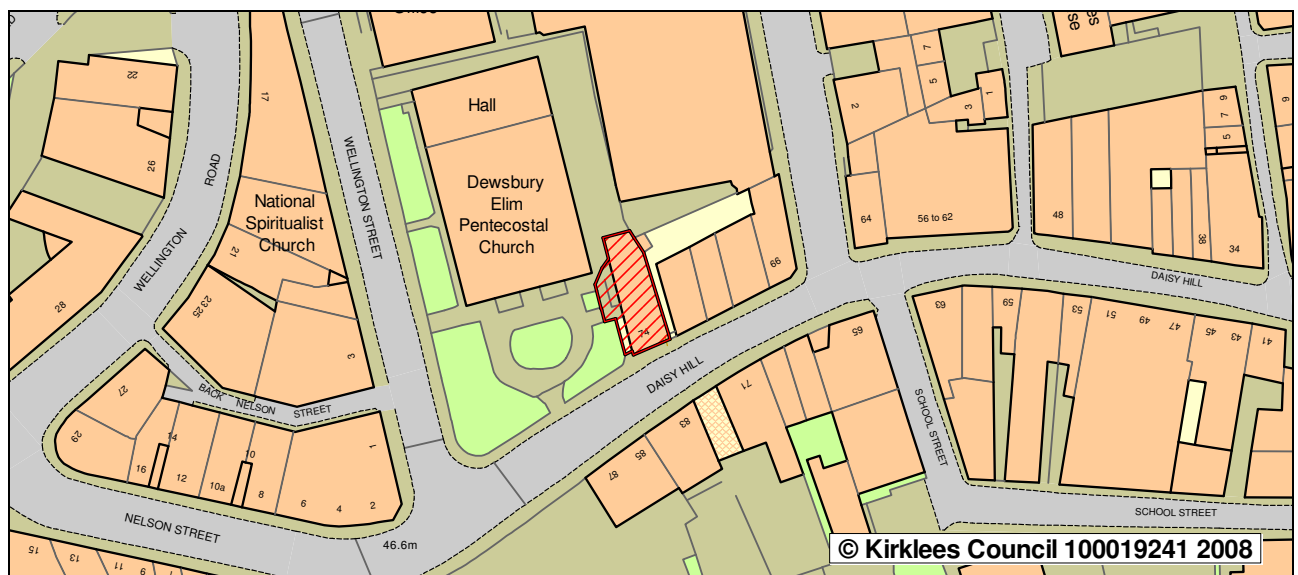
02-Aug-2017

EXTENSION EXPIRY DATE

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

<http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf>

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral Wards Affected: Dewsbury East

No

No Ward Members consulted

RECOMMENDATION:

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

1.0 INTRODUCTION:

1.1 The application has been brought to the Heavy Woollen Planning Sub-Committee due to the significant number of representation received in objection. This is in accordance with the Council's Scheme of Delegation.

2.0 SITE AND SURROUNDINGS:

2.1 The application relates to no. 74 Daisy Hill, Dewsbury, a 4 storey detached building of traditional design. The building has shop frontage on the ground floor.

2.2 The building is considered to be curtilage listed by virtue of the relationship with the adjacent Grade II Listed Church. It is an attractive traditional building with ashlar stone detailing and timber sash windows.

2.3 Daisy Hill is a steeply sloping cobbled highway, and the surrounding buildings are also of traditional design and construction. The area was formerly predominantly retail in nature however, many of the buildings have now been converted to residential use.

2.4 The site is located within the designated Dewsbury Town Centre Conservation Area.

3.0 PROPOSAL:

3.1 The application is for alterations and change of use to the building to 4 flats. The flats would be one to each floor, with 3 of them being one-bed flats and the remaining flat providing two-bed accommodation. The alterations would be mainly to the front of the ground floor apartment which would involve the replacement of the shop front with stone work and new timber framed windows. The other external alterations would be the replacement of other windows in the building with timber double glazed windows.

4.0 RELEVANT PLANNING HISTORY:

4.1 **2017/92396** – Listed Building Consent for alterations to convert existing commercial premises to 4 flats (within a conservation area) - Associated Listed Building Consent.

4.2 In addition to planning history at the application site itself, there have also been a number of other similar types of planning applications submitted along Daisy Hill. They are as follows:-

- No.68 – 2017/93660 – Change of use from office to 4 flats – Undermined
- Nos.81-83 – 2017/90071- Change of use of ground floor from office (A2) to 2 self-contained flats – Conditional Full Permission
- No.61 – 2016/94038 – Alterations to convert ground floor retail (A1) to dwelling (C3) – Conditional Full Permission
- No.45 – 2016/94011 – Alterations to convert retail (A1) to dwelling (C3) – Conditional Full Permission
- Nos.55-57 – 2016/93336 – Change of use and alterations from letting agency (A1) to residential (C3) – Conditional Full Permission
- No.72 – 2016/93020 – Change of use of office to 3 flats – Conditional Full Permission
- Nos. 81-83 – 2013/91671 – Alterations to convert offices/vacant storage floors to 5 apartments – Conditions Full Permission
- Nos.56-62 – 2013/90099 – Alterations to convert ground floor retail to 4 flats - Conditional Full Permission

5.0 HISTORY OF NEGOTIATIONS:

5.1 Concern was raised regarding the floor area of the proposed flats which was below those suggested in the Nationally Described Space Standards. In addition, no bin storage area was indicated on the submitted plans. Amended plans were received on 19/09/17 showing the number of flats reduced to 4 and a storage area for cycles and bins included.

5.2 Following receipt of heritage concerns being raised by the Council's Conservation & Design officer in respect of the opening details at ground floor level, a revised plan was received on 1 December 2017. This has amended the opening detail to include one window on the Daisy Hill frontage at ground floor level which would now match the proportions of the existing windows on the upper floors of this elevation. The plans also propose slight alterations to the side door and window which would be replaced with louvered openings.

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 Development Plan for Kirklees currently comprises the saved policies within the Kirklees Unitary Development Plan (Saved 2007). The Council's Local Plan was submitted to the Secretary of State for Communities and Local Government on 25th April 2017, so that it can be examined by an independent inspector. The Examination in Public began in October 2017.

The weight to be given to the Local Plan will be determined in accordance with the guidance in paragraph 216 of the National Planning Policy Framework. In particular, where the policies, proposals and designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2012), these may be given increased weight. At this stage of the Plan making process the Publication Draft Local Plan is considered to carry significant weight. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

The site is unallocated but within the designated Dewsbury Town Centre Conservation Area on the Kirklees UDP proposals map. The site is allocated as being within the Dewsbury town Centre Conservation Area on the PDLP.

Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

- 6.2 **B4** - change of use of business premises
 - BE1** - Quality of design
 - BE2** - Design principles
 - BE5** - Development within a Conservation Area
 - BE11** - Materials
 - BE12** - Space about buildings
 - EP4** - New development and noise
 - T10** - Highway safety
 - H8** – Change of use to residential

Supplementary Planning Guidance / Documents:

- 6.3 None relevant.

National Planning Guidance:

- 6.4 **Chapter 2** - Ensuring the vitality of town centres
 - Chapter 6** - Delivering a wide choice of quality homes
 - Chapter 7** - Requiring Good Design
 - Chapter 10** – Meeting the challenge of climate change, flooding and coastal change
 - Chapter 11** - Conserving and enhancing the natural environment
 - Chapter 12** - Conserving and enhancing the historic environment

- 6.5 Publication Draft Local Plan:

- PLP1** – Presumption in favour of sustainable development
- PLP2** – Place shaping
- PLP 11** - Housing mix and affordable housing
- PLP 15** - Residential use in town centres
- PLP 18** - Dewsbury Town Centre
- PLP21** – Highway safety and access
- PLP24** - Design
- PLP 35** - Historic environment

7.0 PUBLIC/LOCAL RESPONSE:

7.1 As a result of the original publicity for the application, 18 letters of were objection received. A summary of the issues raised are as follows:-

- Fire risk to residents on upper floors.
- Proximity to church would result in noise disturbance.
- Storage of bins in passageway.
- No space for cycle storage.
- No car parking.
- Flats are very small with poor access.
- Would create extra traffic which would not be good for the area.
- Recommend consulting the Victorian Society due to significance of the church.

7.2 Amended plans were received and subsequently re-publicised. A further two letters of objection were received. Both of these letters were from persons who had previously objected. The concerns issues raised are summarised below:-

- Access to upper flats is still poor.
- Access to cycle store would be up some steps.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

KC Highways Development Management: No objection subject to conditions requiring details of travel cards, cycle and waste storage facilities.

8.2 Non-statutory:

KC Environmental Health: Noise report required before development commences.

9.0 MAIN ISSUES

- Principle of development
- Urban design issues
- Residential amenity
- Housing issues
- Highway issues
- Drainage issues
- Planning obligations
- Representations
- Other matters

10.0 APPRAISAL

Principle of development

10.1 The site is within the Dewsbury Town Centre Conservation Area, Policy BE5 of the UDP is appropriate and sets out that development is acceptable providing it respects the architectural qualities of surrounding buildings and materials of construction and contributes to the preservation or enhancement of the area.

- 10.2 The site is also adjacent to the church yard of the Elim Pentecostal Church, a Grade II listed building; due to the links with the church and the date of the listing the Methodist Resource Centre building is also considered to be a curtilage listed building.
- 10.3 Chapter 12 of the NPPF is appropriate and states that in assessing an application, consideration needs to be given to the impact of the proposals on the heritage asset; in this case the Conservation Area and the Listed buildings, as such paragraphs 132-135 of the NPPF are relevant and a balanced judgment is required having regard to the scale of any harm or loss and the significance of the heritage assets.
- 10.4 Policy B4 of the UDP is also relevant for the change of use of premises last used for business and industry; any proposals should have regard to a number of criteria including:
- The suitability of the premises for the continued business use;
 - Compatibility of the proposed use with surrounding uses;
 - The effect on any heritage assets;
 - The effect on local amenity;
 - The effect on highway safety;
- 10.5 The applicant has submitted some supporting information in the Design and Access Statement which addresses some of the issues raised by the policy. Within this area of Dewsbury it is acknowledged that business premises are struggling and the change to residential/ mixed use is acceptable providing the proposals for the alterations reflect the current use and incorporate shop front details to match those on nearby properties.
- 10.6 With regard to housing policy, the Council is unable to demonstrate a five year supply of available housing land sufficient to satisfy the requirements of the National Planning Policy Framework (NPPF). Paragraph 49 of NPPF states that if a local planning authority cannot demonstrate a 5 year supply of deliverable housing sites “relevant policies for the supply of housing should not be considered up-to-date”. Paragraph 14 states that where “relevant policies are out of date” planning permission should be granted unless:
- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or
 - Specific policies in this Framework indicate development should be restricted. (For example, sites designated as Sites of Specific Scientific Interest; land designated as Green Belt, an Area of Outstanding Natural Beauty...etc)
- 10.7 The proposals relate to a building with an original shop frontage at ground level and which appears to have been purpose built for commercial use. The site is located within the Daisy Hill/Bond Street quarter as indicated in the Dewsbury Design Guide. This area comprises a good mix of uses, however there has been a large number of vacant properties including ground floor businesses and there is the opportunity to increase this mix of uses and provide further residential development. Many of the premises on Daisy Hill have already been converted to residential use as can be seen by the history of applications in this area and by visiting the site.

- 10.8 The application site is outside of the main shopping area and under current UDP policy there is no requirement for the applicant to promote the business for other service uses in this location. As noted above, information has been submitted which states that the property has been vacant for some time. The proposals would also enable the re-use of this curtilage listed building.
- 10.9 On balance, it is considered that, based on the evidence above, the buildings are suitable for residential development and the principle of development has been established.

Urban Design issues

- 10.10 The alterations to form the flats would be minimal with the main changes being to the ground floor shop front which would be partly walled up and new timber double glazed windows inserted. The window surrounds would be in stone.
- 10.11 As noted above the front elevation makes a considerable contribution to the character of this conservation area and as such any alterations should not harm the heritage asset. The amended proposals for a simple window at ground floor level are considered appropriate; the remaining shop front would be walled up with natural stone. A condition should be included that this should be ashlar stone to match that used on the existing ground floor.
- 10.12 The facing stone used should match that used on the first floor in terms of type and course depth and this should be conditioned. In terms of the windows and doors these should be timber with a painted finish and should be set back in the reveal by 75mm minimum.
- 10.13 Subject to conditions regarding materials and windows, the proposals are considered acceptable from an urban design perspective and in accordance with policies D2, BE1, BE2, and BE5 of the UDP, Policies PLP24 and PLP35 of the PDLP, and chapters 7 and 9 of the NPPF.

Residential Amenity

- 10.14 Policy BE12 of the UDP sets out suggested minimum separation distances in relation to proposed new dwellings and existing development. In this instance, the main elevation of the flat would face onto Daisy Hill, across which are premises which have recently been converted into flats (2017/90071) at ground floor level. The proposed plans show that the kitchen and living area of flat 1 would be to the front of the building and the bedrooms and shower room to the rear.
- 10.15 The approved plans for the development across Daisy Hill, nos. 81-83, show that the ground floor flats would have the living areas to the front of the building. There would be a distance of around 11m between the two properties which could cause some overlooking, however this is more likely to occur from passing members of the public as both buildings front directly on to the highway. It is also the case that similar relationships between the opposing buildings and the flats would also occur on the upper floors, however given the constraints of the site and the need to find an alternative and appropriate use for the building, this relationship is considered, by officers, to be acceptable. Other non-habitable room windows are to the side of the building which faces onto a yard area. Taking the above into account, whilst not meeting the all of the specified distances set out in policy BE12 of the UDP, the aims of the policy itself are considered to be met.

- 10.16 With regard to the impact of noise from traffic and the adjacent uses, Environmental Health has been consulted and has requested a condition requiring a noise report to be submitted showing how the development can be carried out without adversely impacting the future occupiers of the flats. This would also include any noise from the adjoining church, which has been raised as an issue by objectors. A ventilation scheme is also required to show how the flat would be ventilated without the need to open windows. These can be combined as one condition. With the inclusion of the suggested conditions, the proposals are considered to comply with the aims of policy EP4 of the UDP and chapter 11 of the NPPF.
- 10.17 On balance, it is considered that the proposed change of use will have a limited, but acceptable impact on residential amenity, and as such is in accordance with policies BE1, BE2, BE12, and EP4 of the UDP as well as chapter 11 of the NPPF.

Housing issues

- 10.18 The proposals are now for 4 flats, a reduction from the original 7 proposed; however this allows for an improved layout, with more internal floor space and as such would provide improved amenity for the occupiers. The 4 flats would add to the diversity of the housing stock in Dewsbury.
- 10.19 The proposals would result in the change of use of premises that were previously used for business and industry; as noted above, Policy B4 is relevant and suggests that this can be acceptable providing a number of criteria are satisfied; this would include suitability of the premises for continued use for business. These premises have been vacant for some time and the proposals would represent an appropriate use in this area given the number of properties which are already converted to residential use.
- 10.20 Policy H8 of the UDP specifically refers to the change of use of buildings to residential. This is considered acceptable subject to issues of employment and character of the area, specifically where the proposals affect a listed building or is within a conservation area. As previously assessed the alterations would be acceptable to this listed building and the issue of employment has also been addressed.

Highway issues

- 10.21 The site is located within the centre of Dewsbury and in close proximity to bus and train services, as well as shopping facilities. It is considered a sustainable location whereby no off-street parking is required. The applicant has proposed cycle storage facilities within the building which would be located on the first floor where there is access to the upper 3 flats. This is not ideal however given that the building is listed the scope for providing these facilities is limited by the layout.
- 10.22 Taking the above into account, the proposals are considered acceptable from a highway safety and efficiency perspective and would accord with the aims of Policy T10 of the UDP and Policy PLP21 of the PDLF.

Drainage issues

- 10.23 The proposals are to use the existing drainage with both foul and surface water to mains sewer. This is considered the only viable option for a conversion in this location and the proposal is considered to comply with the aims of chapter 10 of the NPPF.

Representations

- 10.24 A total of 20 representations have been received. Officers respond to the issues raised as follows:-

- Fire risk to residents on upper floors.
Officer Response: The conversion of the building would require Building Regulations approval (approved document B).
- Proximity to church would result in noise disturbance.
Officer Response: This has been addressed in the assessment above - a noise report would need to be submitted which would be secured by suggested condition.
- Storage of bins in passageway.
Officer Response: An internal storage area has been proposed within the building.
- No space for cycle storage.
Officer Response: An internal storage area has been proposed within the building.
- No car parking.
Officer Response: Due to the sustainable, town centre location of the site, off- street parking is not required.
- Flats are very small with poor access.
Officer Response: The amended plans have reduced the number of flats to 4, increasing the internal floor space.
- Would create extra traffic which would not be good for the area.
Officer Response: Any additional traffic would be limited as there is no off street parking associated with the development. In addition, parking restrictions apply on Daisy Hill.
- Recommend consulting the Victorian Society due to significance of the church.
Officer Response: The Council's Conservation and Design officer was consulted on the associated Listed Building Consent application, reference 2017/92396, which is also being considered on this agenda. The proposals are considered acceptable from a heritage perspective and would comply with the aims of chapter 12 of the NPPF. Furthermore, as set out in the report relating to the associated listed building consent, under the Arrangements for Handling Heritage Applications – notification to Historic England and National Amenity Societies and the Secretary of State (England) Direction 2015, Local Planning Authorities are obliged to consult the amenity societies, of which the Victorian Society is one, where applications involve the partial or total demolition of a listed building. In this instance, the proposal does not involve the partial or total demolition of the listed building and therefore consultation with The Victorian Society is not required in this instance.

- Access to upper flats is still poor.
Officer Response: Access is limited by the constraints of the building. It would not be appropriate to carry out large scale internal alterations given the listed building status.
- Access to cycle store would be up some steps.
Officer Response: Access is limited by the constraints of the building. As set out above, it would not be appropriate to carry out large scale internal alterations given the listed building status.

Planning obligations

- 10.25 The scale of the site is below the threshold below which any obligations would be triggered.

Other Matters

- 10.26 As noted above, the building is considered to be listed by virtue of its relationship with the Grade II listed church adjoining the site. The issues related to the listed status of the building are addressed in the associated Listed Building Consent (2017/92396), which is a separate item on this agenda.

11.0 CONCLUSION

- 11.1 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.
- 11.2 The proposals would bring back into use this vacant building in this town centre location, where the change of use to residential is considered appropriate development.
- 11.3 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.

12.0 CONDITIONS (Summary list. Full wording of conditions including any amendments/additions to be delegated to the Head of Strategic Investment)

1. Development shall be begun within three years of the date of this permission.
2. Development carried out in complete accordance with the plans and specifications.
3. Submission of Noise Report before development commences.
4. Provision of bin and cycle storage facilities before development first occupied.
5. Facing material to be natural ashlar stone to match that used on the ground floor front elevation.
6. Windows and doors to be timber frame.

Background Papers:

Link to the application details:

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2017%2f91872>

Certificate of Ownership – Notice served on owner with Certificate B signed. The Notice was served on The Methodist Church North Kirklees & Morley Circuit, dated 10/07/2017.

Link to the associated listed building consent application:

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2017%2f92396>

This page is intentionally left blank

Report of the Head of Strategic Investment

HEAVY WOOLLEN PLANNING SUB-COMMITTEE

Date: 14-Dec-2017

Subject: Planning Application 2017/92396 Listed Building Consent for alteration to convert existing commercial premises to 4 flats (Within a Conservation Area) Methodist Resource Centre, 74, Daisy Hill, Dewsbury, WF13 1LS

APPLICANT

John Sumner, Bluespot
Investments Ltd

DATE VALID

26-Jul-2017

TARGET DATE

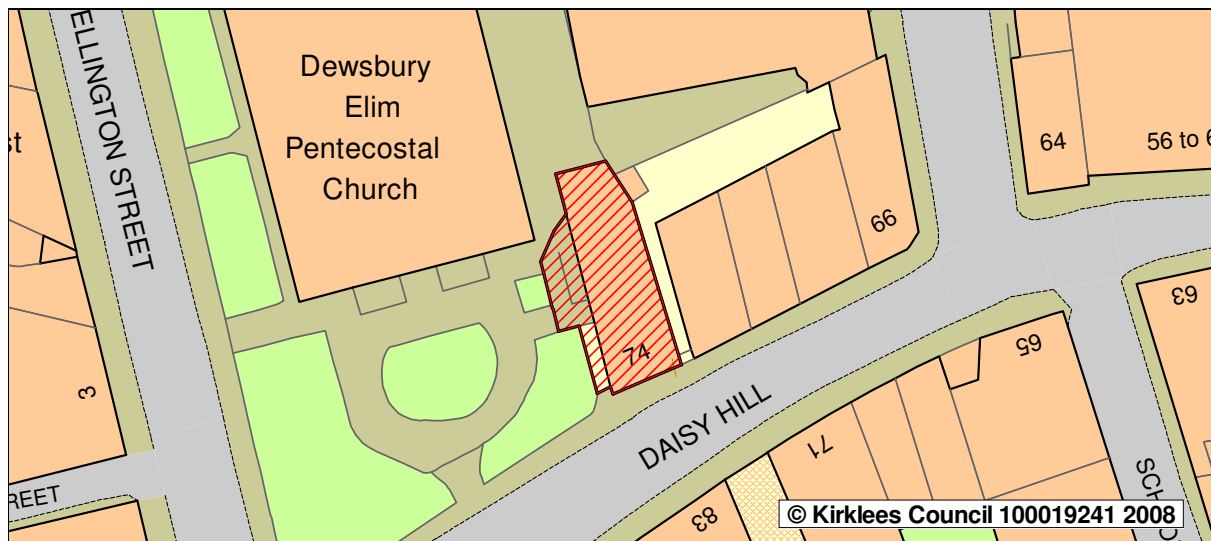
20-Sep-2017

EXTENSION EXPIRY DATE

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

<http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf>

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral Wards Affected: Dewsbury East

No

No Ward Members consulted

RECOMMENDATION:

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

1.0 INTRODUCTION:

1.1 The application relates to no. 74 Daisy Hill, Dewsbury, a 4 storey detached building of traditional build. The building has shop frontage on the ground floor. The proposal is for the change of use of the building to residential; the application has been brought to Committee due to the number of objections received.

2.0 SITE AND SURROUNDINGS:

2.1 The building is considered to be curtilage listed by virtue of the relationship with the adjacent grade II listed church. It is an attractive traditional building with ashlar stone detailing and timber sash windows.

2.2 Daisy Hill is a steeply sloping cobbled highway, and the surrounding buildings are also of traditional design and construction. The area was formerly predominantly retail in nature, however many of the buildings have now been converted to residential use.

2.3 The site is located within the Dewsbury Town Centre Conservation Area.

3.0 PROPOSAL:

3.1 The application is for Listed Building consent for alterations and change of use to the building to 4 flats. The flats would be one to each floor, with 3 of them being 1 bed flats and the remaining flat 2 bed accommodation. The alterations would be mainly to the front of the ground floor apartment which would involve the replacement of the shop front with stone work and new timber framed windows. The other external alterations would be the replacement of other windows in the building with timber double glazed windows.

4.0 RELEVANT PLANNING HISTORY:

4.1 **2017/91872** Alterations to convert existing commercial premises to 4 flats (within a conservation area). Associated planning application.

4.2 In addition to planning history at the application site itself, there have also been a number of other similar types of planning applications submitted along Daisy Hill. They are as follows:-

- No.68 – 2017/93660 – Change of use from office to 4 flats – Undermined
- Nos.81-83 – 2017/90071- Change of use of ground floor from office (A2) to 2 self-contained flats – Conditional Full Permission
- No.61 – 2016/94038 – Alterations to convert ground floor retail (A1) to dwelling (C3) – Conditional Full Permission
- No.45 – 2016/94011 – Alterations to convert retail (A1) to dwelling (C3) – Conditional Full Permission
- Nos.55-57 – 2016/93336 – Change of use and alterations from letting agency (A1) to residential (C3) – Conditional Full Permission
- No.72 – 2016/93020 – Change of use of office to 3 flats – Conditional Full Permission
- Nos. 81-83 – 2013/91671 – Alterations to convert offices/vacant storage floors to 5 apartments – Conditions Full Permission
- Nos.56-62 – 2013/90099 – Alterations to convert ground floor retail to 4 flats - Conditional Full Permission

5.0 HISTORY OF NEGOTIATIONS:

5.1 In respect of the associated planning application, concern was raised regarding the floor area of the proposed flats which was below those suggested in the Nationally Described Space Standards. In addition no bin storage area was indicated on the plans. Amended plans were received 19/09/17 showing the number of flats reduced to 4 and a storage area for cycles and bins included.

5.2 Following receipt of heritage concerns being raised by the Council's Conservation & Design officer in respect of the opening details at ground floor level, a revised plan was received on 1 December 2017. This has amended the opening detail to include one window on the Daisy Hill frontage at ground floor level which would now match the proportions of the existing windows on the upper floors of this elevation. The proposals also include slight amendments to a door and window in the side opening which would now be louvered timber.

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 Development Plan for Kirklees currently comprises the saved policies within the Kirklees Unitary Development Plan (Saved 2007). The Council's Local Plan was submitted to the Secretary of State for Communities and Local Government on 25th April 2017, so that it can be examined by an independent inspector. The Examination in Public began in October 2017. The weight to be

given to the Local Plan will be determined in accordance with the guidance in paragraph 216 of the National Planning Policy Framework. In particular, where the policies, proposals and designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2012), these may be given increased weight. At this stage of the Plan making process the Publication Draft Local Plan is considered to carry significant weight. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

The site is unallocated but within the designated Dewsbury Town Centre Conservation Area on the Kirklees UDP proposals map. The site is allocated as being within the Dewsbury town Centre Conservation Area on the PDLP.

Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

- 6.2 **BE1** - Quality of design
BE2 - Design principles
BE5 - Development within a Conservation Area
BE11 - Materials

Supplementary Planning Guidance / Documents:

- 6.3 None relevant

National Planning Guidance:

- 6.4 **Chapter 7** - Requiring Good Design
Chapter 12 - Conserving and enhancing the historic environment

6.5 Publication Draft Local Plan:

- PLP 18** - Dewsbury Town Centre
PLP 35 - Historic environment

7.0 PUBLIC/LOCAL RESPONSE:

- 7.1 As a result of the original publicity for this listed building consent application, 18 letters of objection received. A summary of the concerns raised, in respect of the matters associated with the listed building consent, they are as follows:

- Recommend consulting the Victorian Society due to significance of the church.

- 7.2 The following issues were raised and addressed as part of the associated planning application, reference 2017/91872:-

- Fire risk to residents on upper floors.
- Proximity to church would result in noise disturbance.
- Storage of bins in passageway.
- No space for cycle storage.
- No car parking.
- Flats are very small with poor access.
- Would create extra traffic which would not be good for the area.

7.3 Amended plans were received and re-publicised, with two further letters of objection received. Both of these letters are from persons who had previously objected and only raise issues in respect of the associated planning application.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

KC Conservation and Design - 4/12/17 Informal consultation: confirmed that the proposed alterations are now acceptable.

8.2 Non-statutory:

None Required

9.0 MAIN ISSUES

- Principle of development
- Impact on heritage assets
- Representations
- Other matters

10.0 APPRAISAL

Principle of development

- 10.1 The site is within the Dewsbury Town Centre Conservation Area, Policy BE5 of the UDP is appropriate and development is acceptable providing it respects the architectural qualities of surrounding buildings and materials of construction and contributes to the preservation or enhancement of the area.
- 10.2 The site is also adjacent to the church yard of the Elim Pentecostal Church, a Grade II listed building; due to the links with the church and the date of the listing the Methodist Resource Centre building is also considered to be a curtilage listed building.
- 10.3 Chapter 12 of the NPPF is appropriate and states that in assessing an application, consideration needs to be given to the impact of the proposals on the Heritage Asset; in this case the conservation area and The listed buildings, as such paragraphs 132-135 of the NPPF are relevant and a balanced judgment is required having regard to the scale of any harm or loss and the significance of the heritage assets. This harm should be weighed against the public benefits of the proposals, including the optimum viable use. In this case the re-use of the vacant building for residential purposes would weigh in favour of the proposals.

Impact on the Heritage assets:

- 10.4 Due to the relationship with the Church the Methodist resource centre is considered to be a curtilage listed building. The proposed alterations to the front elevation are the most contentious as these would alter the affect the shop frontage. The proposals are to remove the shop front including the pillars and build up the lower part of the front, with 3 windows above. Conservation and Design has raised concerns with this design and suggested a single window to match those on the floors above would be more appropriate. The amended plans were submitted on 1/12/17 and now show a single window at ground floor level which would match the proportions on those on the floors above.
- 10.5 The submitted information does not provide adequate detail on the build-up of the former shopfront. Further details are needed to understand how it is to be blocked up, ensuring that the stone matches both in colour and texture and matches the bond and that the stone detailing around the proposed ground floor window is appropriate. This can be required by suitable worded condition.
- 10.6 With regard to other alterations, the proposal is to replace the existing doors in the side elevation. The agent has confirmed that these are rotten and are not original to the building, providing the replacement doors are appropriate in design this would be acceptable. The amended plans now show a timber louvered door and window, these would be acceptable given that the bin store for the flats would be located in this part of the building.
- 10.7 The application also proposes to replace the windows with timber double glazed windows, Conservation and Design has not objected however further details are required, this again can be conditioned.
- 10.8 With regard to the internal alterations to form the flats, these would be minimal involving the removal of a few partition walls and would not have an adverse impact on the listed building.
- 10.9 Subject to appropriate conditions it is considered that the proposals would not harm the appearance or significance of the heritage assets and the proposals are considered in accordance with policy BE5 of the UDP and paragraph 134 of Chapter 12 of the NPPF.

Representations

- 10.10 A total of 20 representations received. This report addresses only those relevant to the Listed Building Consent, other objections have been dealt with in the associated planning application report.
- Recommend consulting the Victorian Society due to significance of the church.
Officer Response: Under the Arrangements for Handling Heritage Applications – notification to Historic England and National Amenity Societies and the Secretary of State (England) Direction 2015, Local Planning Authorities are obliged to consult the amenity societies, of which the Victorian Society is one, where applications involve the partial or total demolition of a listed building. In this instance, the proposal does not

involve the partial or total demolition of the listed building and therefore consultation with The Victorian Society is not required in this instance. However, the Council's Conservation and Design officer was consulted on the associated Listed Building Consent application and amendments have been requested in line with the comments received.

Other Matters

10.11 The issues of residential amenity and highway safety are addressed within the associated planning application (2017/91872).

11.0 CONCLUSION

11.1 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.

11.2 The proposals would bring back into use this vacant building in this town centre location, where the change of use to residential is considered appropriate development and any harm to the significance of the Heritage Assets is considered less than substantial.

11.3 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.

12.0 CONDITIONS (Summary list. Full wording of conditions including any amendments/additions to be delegated to the Head of Strategic Investment)

1. Timeframe for implementation of development (3 years).
2. Development to be carried out in accordance with submitted plans.
3. Details of the proposed windows including design and colour.
4. Details of the proposed external doors, including design and material.
5. Details of the build of the shop front, including design and materials & bonding, need to make sure fully matches that on the existing shop front.

Background Papers:

Application and history files.

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2017%2f91872>

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2017%2f92396>

Certificate of Ownership – Notice served on owner with Certificate B signed. The Notice was served on The Methodist Church North Kirklees & Morley Circuit, dated 10/07/2017.

This page is intentionally left blank

Report of the Head of Strategic Investment

HEAVY WOOLLEN PLANNING SUB-COMMITTEE

Date: 14-Dec-2017

Subject: Planning Application 2016/92558 Temporary Permission for the erection of single storey linked modular units Masjid-E-Noor Education Centre, Lees Hall Road, Thornhill Lees, Dewsbury, WF12 9HF

APPLICANT

Abdul Hakim, Masjid-E-Noor Education Centre

DATE VALID

27-Jul-2016

TARGET DATE

21-Sep-2016

EXTENSION EXPIRY DATE

10-Apr-2017

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

<http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf>

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral Wards Affected: Dewsbury South

N

Ward Members consulted
(referred to in report)

RECOMMENDATION: REFUSE

1. The proposal to provide additional class rooms in the form of a modular building to the rear of the main building would represent a significant increase in the capacity of the Masjid-E-Noor Education Centre. The parking provision included within the proposals is insufficient and as such the intensification is considered to represent a significant hazard in terms of highway safety. To permit the proposals would be contrary to policies D2, BE1, T10 and T19 of the Kirklees Unitary Development Plan, Policy PLP21 of the Publication Draft Local Plan and the aims of chapters 7 and 8 of the National Planning Policy Framework.

1.0 INTRODUCTION:

- 1.1 The application is brought to the Heavy Woollen Planning Sub-Committee for determination in accordance with the Council's Scheme of Delegation after being deferred from the Committee meeting held on the 18th May 2017. The application was deferred to give the applicant the opportunity to provide additional information regarding parking provision which was proposed for the Masjid E Noor on Charlesworth Street and required the applicant to provide a parking layout plan and serve appropriate Notice on any owner(s) of the land.
- 1.2 The information submitted in response to the request of members from the committee meeting is inadequate. The parking layout for 6 vehicles on Charlesworth Street is considered to be impractical although it is appreciated that the amended arrangements for the main car park showing 23 spaces, has the potential to provide an additional 2 spaces. With only an additional 2 practical spaces shown, it is the opinion of officers that the proposal for the proposed single storey modular units would represent an increase in the users of the facilities with an insufficient increase in the parking facilities for the centre. This would result in increased on-street parking to the detriment of highway safety. The proposal therefore would be contrary to the aims of Kirklees Unitary Development Plan and the National Planning Policy Framework.
- 1.3 The application was originally referred to Heavy Woollen Planning Sub-Committee at the request of Councillor Masood Ahmed for the following reason: *"I would like the members to consider the highway safety implications of the proposals. As the education centre is an existing community facility mainly used by the residents of Thornhill Lees, the requirement for the additional parking facilities could be considered to be overly burdensome."*

- 1.4 It has previously been confirmed by the Chair of the Sub-Committee that Councillor Masood Ahmed's reason for making the above request was valid having regard to the Councillor's Protocol for Planning Committees.

2.0 SITE AND SURROUNDINGS:

- 2.1 The Masjid-E-Noor Education Centre on Lees Hall Road is a stone built building, formerly a Methodist chapel, set back off the main road with a large car park. The building itself consists of 3 distinct elements, the main hall and lesser section to the side and a more modern flat roofed extension to the front. The main section of the building is traditional in appearance with stone detailing. There is also a detached outbuilding in the grounds to the front of the building. At the time of the original site visit (09/08/2016) work was underway for the approved extensions (2014/93706) and there were a number of cabins to both the front and the rear of the building. The works have since been substantially completed for the approved alterations and the cabins to the front of the building have been removed.
- 2.2 There are terraced properties to the south and west of the site, a new housing development to the rear of the building and a modern row of townhouses to the east of the former chapel.

3.0 PROPOSAL:

- 3.1 The applicant is seeking temporary permission for the installation of modular units to the rear of the education centre. The modular building would have a width of 21m, a depth of between 9.8m and 6.4m, an eaves height of 3m and an overall height of 4m. The building would have a clad finish which would combine boarding and a render. It is the intention the applicant to utilise the modular building as additional classroom facilities.
- 3.2 Following deferral of the application at the Heavy Woollen Planning Sub-Committee on 18th May 2017, additional parking has been shown on Charlesworth Street for 6 vehicles and the originally approved parking plan under 2014/93706 has been amended from 21 spaces to show 23 parking spaces. This was received on 2 December 2017. Revised Certificates have not been submitted.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

- 4.1 2002/90615– formation of access ramp – Conditional Full Permission
- 4.2 2010/91863 – conversion from church to 4 flats – refused for the following reasons
1. The proposed development by virtue of its design significantly alters the fabric of this undesignated heritage asset which plays a significant contribution to the visual amenity and character of the area. To approve the application would be contrary to Policies BE1 and BE2 of the UDP and the National Planning Policy Framework.

2. The proposal by virtue of its internal arrangement would result in overlooking at close quarter from the habitable room window to the western site boundary of the residential units to the west of the application site. To approve the application would be harmful to residential amenity and would be contrary to Policy D2 of the UDP.

3. Insufficient information has been submitted to enable the Local Planning Authority to formally assess the impact of the proposal on protected species to approve the application without a bat survey would be contrary to the National Planning Policy Framework.

- 4.3 2014/93706 - Erection of an internal first floor mezzanine, two entrances and fire escape, erection of ground floor extensions, alterations to the building and car park layout, and conversion of outbuilding to body wash room – granted and work commenced on site

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

5.1 The initially submitted plans included a flat roof with a height along the boundary of 3.7m. As such, there were originally visual amenity concerns regarding such a large flat roofed structure representing an incongruous feature when considered with the traditional stylings of the former Methodist church and with residential amenity given the proximity to the surrounding residential properties. Amended plans have been provided which reduce the eaves height of the structure and incorporating a hipped roof form.

5.2 As set out in section 1.0, the applicant was offered the opportunity by members of the Sub-Committee to provide additional information relating to the potential for additional parking to be formed on Charlesworth Street. The agent has supplied additional information in the form of an amended site plan showing 6 spaces on Charlesworth Street and an amended parking layout for the main car park showing an additional 2 parking spaces. The agent has also supplied an amended Design and Access Statement which clarifies the hours of operation for the school between 5pm and 6.30pm, the number of students as 60 and the number of teachers as 2.

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 Development Plan for Kirklees currently comprises the saved policies within the Kirklees Unitary Development Plan (Saved 2007). The Council's Local Plan was submitted to the Secretary of State for Communities and Local Government on 25th April 2017, so that it can be examined by an independent inspector. The Examination in Public began in October 2017. The weight to be given to the Local Plan will be determined in accordance with the guidance in paragraph 216 of the National Planning Policy Framework. In particular, where the policies, proposals and designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2012), these may be given increased weight. At this stage of the Plan making process the Publication Draft Local Plan is considered to carry significant weight. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

The site is unallocated on the UDP proposals map and on the PDLP.

6.2 Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

- **D2** – Unallocated Land
- **BE1** – Design principles
- **C1** – Community Facilities
- **T10** – Highway Safety
- **T19** – Parking standards
- **EP4** – Noise sensitive development

6.3 Supplementary Planning Guidance / Documents:

None relevant

Draft Local Plan Policies:

- 6.4 **PLP1** – Presumption in favour of sustainable development
PLP2 – Place shaping
PLP21 – Highway safety and access
PLP24 – Design
PLP48 – Community facilities and services

6.5 National Planning Policy Framework:

Chapter 7 – Requiring good design
Chapter 8 – Promoting healthy communities
Chapter 11- Conserving and enhancing the natural environment

7.0 PUBLIC/LOCAL RESPONSE:

7.1 As a result of the statutory publicity for the application, two (2) letters of objection were received.

7.2 A summary of the issues raised are as follows:

- Proximity of the extension to the boundary of no. 98 Brewery Lane.
- Loss of privacy to 98 Brewery Lane.
- Proximity to the neighbouring 250 and 250a Lees Hall Road

8.0 CONSULTATION RESPONSES:

8.1 **Statutory:**

KC Highways Development Management - Object to the proposals on highway safety grounds.

8.2 **Non-Statutory:**

None

9.0 MAIN ISSUES

- Principle of development
- Visual Amenity
- Residential amenity
- Highway issues
- Representations
- Other matters

10.0 APPRAISAL

Principle of development

- 10.1 The site is unallocated on the Kirklees Unitary Development Plan proposals map and on such sites there is a presumption in favour of development providing that the proposals would not cause harm to highway safety, residential and visual amenity or any other relevant considerations. These impacts will be considered in greater detail in the below assessment.
- 10.2 The existing building is an education centre and therefore would be considered to be an established community facility. Paragraph 70 of the NPPF states that planning policies and decisions should “ensure that established shops, facilities and services are able to develop and modernise in a way that is sustainable and retained for the benefit of the community”. Policy PLP48 of the PDLP also proposes support of development which enhances the provision for existing community and cultural facilities. The proposed extension would allow the facility to develop and as such the principle of development is acceptable providing the proposals do not prejudice highway safety, and visual and residential amenity.

Visual Amenity

- 10.3 The Masjid-E-Noor Education Centre is a traditional stone building with stone detailing on the main element of the structure. Originally the building was constructed as a Methodist church with a large area to the front between the building and the road and there is a smaller area to the rear. The building has existing single storey extensions to the front and rear.
- 10.4 It is appreciated that the building offers a community facility in the form of an education centre. The Local Planning Authority has supported the enhancement of these facilities with the previous planning application and permission was granted in 2014 to form an internal mezzanine, extend and alter the design of the existing extensions and other alterations to the building. The original building had a floor area of 240 square metres and the approved works increase the size to 378 square metres approximately. Construction has been substantially completed on the approved scheme.
- 10.5 The current scheme for the modular buildings would increase the floor space by a further 180 square meters approximately. Given the significant grounds the front and rear of the main building are significant, the site as a whole is considered to be a sufficient size to host the new building to the rear without overdeveloping the site.

- 10.6 The setting of the existing education centre, being a traditional stone building with ornate detailing, together with the diverse character of the surrounding residential and retail properties has been considered and negotiations did take place between the officer, the applicant and the agent to ensure that the decision would be based upon the most appropriate design. As a result of the discussions, the design has been amended from the initial larger flat roofed structure to produce a more sympathetic relationship between the traditional style of the former Methodist church and the neighbouring residential properties with the reduction proposed for the eaves height and the use of a hipped roof form. The overall single storey nature of the building would not have a particularly offensive visual appearance in the context of the site. The use of a combination cladding and boarded finish could result in an acceptable visual appearance of the building. The proposal could therefore be considered to be acceptable in terms of policies D2 and BE1 of the UDP, Policy PLP24 of the PDL, and advice within chapter 7 of the NPPF.

Residential Amenity

- 10.7 The nearest properties to the site which would have the potential to be affected by the proposals would be 98 Brewery Lane and 35-39 Providence Court. The building is proposed to be sited along the northern boundary with the properties on Brewery Lane and Providence Court occupying a lower position than the education centre. To a lesser extent, the neighbouring properties to the west, 248 to 256 Lees Hall Road and the properties to the east 100 to 106 Brewery Lane also share boundaries with the site.
- 10.8 The structure would be single storey and the height to the eaves has been reduced to 3m and the roof form would be hipped away from the neighbouring properties to the rear. There would be no windows in positions which could represent any loss of privacy and the use as a class room is not considered to have the potential to impact on auditory issues or produce odours. As such, the buildings are not considered to represent any significant harmful impact in terms of the amenities of the neighbouring properties and the proposal can be considered to be acceptable in terms of policies D2 and BE1 of the UDP, Policy PLP24 of the PDL, and chapter 7 within the NPPF.

Highway issues

- 10.9 The site is located close to the junction of Brewery Lane and Lees Hall Road and would have the potential to impact on highway safety. As such, Highways DM were consulted regarding the proposals.
- 10.10 The temporary modular building will be in addition to the extensions and alterations agreed through planning approval 2014/93706 and will create an additional approximately 110 sqm of teaching space (D2 Assembly and Leisure).
- 10.11 The 2014 approval increased the size of the proposed gentlemen's prayer hall to the ground floor by removing an existing stage. The existing hall is approximately 80 sqm which increased to approximately 105sqm. A second female prayer hall of an approximately equal size to the ground floor gentlemen's prayer hall was proposed to be provided to the first floor.

- 10.12 The capacity of the two Halls is confirmed at 110 (55 in each hall) with 70 anticipated to attend (45 in prayer hall 1 and 25 in prayer hall 2). This is based on the information submitted with the 2014 application. Based upon the capacity of the two halls and the proposals to provide improved parking facilities with 21 spaces, Highways DM considered the 2014 application to be acceptable.
- 10.13 This application now under consideration provides an additional approximately 110 sqm of teaching space (D2 Assembly and Leisure). The amended Design & Access Statement provided with the additional information has stated that the anticipated numbers likely to attend would be 60 students and 2 teachers.
- 10.14 The survey information provided with the 2014 application dated 26th February 2015 is potentially out of date given that it would have been undertaken prior to any works being undertaken to the extensions and alterations proposed by the 2014 application.
- 10.15 Recommended parking standards for this use class, as set out in Policy T19 of the UDP, is for 1 space per 6 children, which should be in addition to the 2014 approval. As set out in section 1 of this report, the applicant was provided by members at the May 2017 Heavy Woollen Planning Sub-Committee, with the opportunity to investigate whether additional parking provision could be provided along Charlesworth Street.
- 10.16 The additional information submitted by the applicant's agent on 2 December 2017 includes a proposed site plan showing 6 parking spaces on Charlesworth Street and the layout of the main car parking being altered from the approved plan to provide an additional two spaces. The agent has also supplied an updated Design & Access Statement which confirms that the hours of operation for the school will be 5pm till 6.30pm, with 60 students and 2 teachers.
- 10.17 Discussions have taken place between the Planning Officer and the Highways DM to discuss the revised proposals. The 6 parking spaces shown on Charlesworth Street would be impractical, with parking shown over the existing footway and without facilities to turn a vehicle, resulting in potential for dangerous reverse manoeuvres onto Brewery Lane. It is acknowledged that the new main car park layout would increase the parking provision by 2 vehicles. However, the required parking would be 10 spaces minimum, and a shortfall of 8 spaces, given the location of the site, is significant.
- 10.18 The proposals under consideration do not meet the recommended parking standards set out in Policy T19 of the UDP (there would be a shortfall of 8 parking spaces). As such, it remains the opinion of officers that the proposals would result in significant detrimental harm in terms of highway safety because of the intensification of use at the premises and subsequent increased demand in on street parking provision, contrary to the aims of Policies D2 and T10 of the UDP and Policy PLP21 of the PDLP.

Representations

- 10.19 Two letters of objection were received. The main issues are addressed by officers below.

- Proximity of the extension to the boundary of no. 98 Brewery Lane and to 205 & 250a Lees Hall Road.
Officer response: *The impact on the neighbour's amenities is a material consideration and amended plans were negotiated to reduce the height of the building along the boundary to reduce the impact. The extension is single storey with a hipped roof which would take the emphasis up and away from the neighbours and as such would not be considered to be harmful with regards to the amenities of 98 Brewery Lane or 250 & 250a Lees Hall Road.*
- Loss of privacy to 98 Brewery Lane.
Officer response: *loss of privacy is a material consideration. There are no windows proposed which would face towards the neighbouring residential properties. Furthermore, there is a fence along the boundary at a sufficient height to screen the building. There would not be any loss of privacy as a result of the proposed building.*

Other Matters

- 10.20 The amended site plan shows the newly proposed parking to be provided on Charlesworth Street. However, despite 6 months passing since the previous application was considered at the Heavy Woollen Planning Sub-Committee, no amended Certificates relating to ownership of Charlesworth Street have been submitted. Officers are of the opinion that sufficient time has been provided for the applicant to undertake the serving of notice and submit revised certificates and that, since they have not been forthcoming, members are advised to make a determination of this application on the originally submitted information. Since the additional parking shown on the revised site layout plan received on 2 December 2017 is impractical and would not address the significant highway safety concerns raised by officers, recommendation is once again to refuse the proposals.

11.0 CONCLUSION

- 11.1 It is the opinion of officers that the proposed single storey modular units would be unacceptable as they would represent an increase in the users of the facilities with no increase in the parking facilities for the centre which would be contrary to Kirklees Unitary Development Plan Policy and the National Planning Policy Framework. This would result in increased on street parking to the detriment of highway safety.
- 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 do not accord with the development plan and the adverse impacts of granting permission would significantly and demonstrably outweigh any benefits of the development when assessed against policies in the NPPF and other material consideration.

Background Papers:

Application details:

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2016%2f92558>

Relevant history:

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2014%2f93706+>

Certificate of Ownership –Certificate A signed on 23/07/2016

Report of the Head of Strategic Investment

HEAVY WOOLLEN PLANNING SUB-COMMITTEE

Date: 14-Dec-2017

Subject: Planning Application 2017/93357 Erection of detached dwelling (modified proposal) Plot 1, land to rear of, 59 Far Bank, Shelley, Huddersfield, HD8 8HS

APPLICANT

Jamie Wimpenny Homes

DATE VALID

29-Sep-2017

TARGET DATE

24-Nov-2017

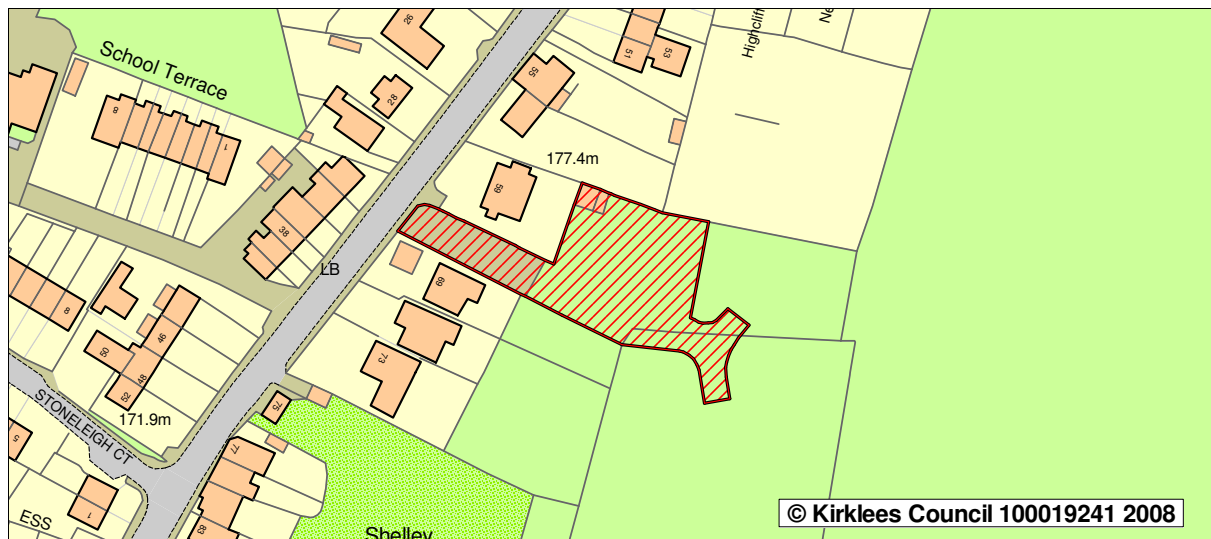
EXTENSION EXPIRY DATE

21-Dec-2017

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

<http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf>

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral Wards Affected: Kirkburton

No

Ward Members consulted
(referred to in report)

RECOMMENDATION:

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

1.0 INTRODUCTION:

- 1.1 The application is brought to the Heavy Woollen Planning Committee as the application represents a departure from the Kirklees Unitary Development Plan. This is in accordance with the Council's Scheme of Delegation.
- 1.2 The principle of residential development has previously been established on this site through the granting of planning permission for the erection of two dwellings (under application reference 2016/90756) which was approved by the Heavy Woollen Planning Sub-Committee on 15 December 2016. In light of the recent planning history, the principle of development is still considered to be acceptable by officers.
- 1.3 This application relates to the modification of the house design for what was previously approved as plot 1 under the above referenced planning application (2016/90756). The position of the dwelling would remain primarily the same as previously approved and the footprint would remain as an L-shaped form (but of different overall dimensions). The original dwelling was designed to be single storey where it was closest to the boundary with no.59 Far Bank, then incorporated a sloping roof up and away from this boundary to form an overall ridge height of 9.2m. The dwelling was of a contemporary design and was proposed to be predominantly clad in timber and incorporate some elements of natural stone, mainly around the site frontage.
- 1.4 The scheme now before members for consideration would increase the eaves height of the section of dwelling nearest to the boundary with no.59, but would have a lower overall ridge height than the previously approved plot 1. It has been designed with a hipped roof and would be faced predominantly in dyed and tumbled natural coursed stone.
- 1.5 A full assessment of the modified house type is set out in the report below however, to summarise, it is the view of officer that there would be no harmful effect on highway safety arising from the revised house type and the design of the dwelling would not have a detrimental impact on the visual amenities of the surrounding area. On balance, it is considered that revisions secured to the scheme have addressed residential amenity issues originally had by officers.

2.0 SITE AND SURROUNDINGS:

- 2.1 The application site is an open area of land to the rear of No.59 Far Bank at Shelley. The site is bounded by the garden area of No.53 Far Bank to the north, by undeveloped Green Belt land to the east, by undeveloped Provisional Open Land to the south, and by the rear garden areas of No.59 Far Bank to the west.
- 2.2 The site has an existing field access located between No. 59 and No.69 Far Bank. The site slopes downwards from west to east, and along the northern boundary are a number of mature trees. The site is allocated as Provisional Open Land on the Unitary Development Plan Proposals Map.

3.0 PROPOSAL:

- 3.1 Planning permission is sought for the erection of a detached dwelling. The proposed dwelling would be substantial in scale and would be two storeys in height, with additional accommodation above the integral garage. It is proposed that the dwelling would be constructed of dyed and tumbled natural coursed stone and artificial blue slate.
- 3.2 Off-street parking and a private amenity space is proposed to serve the dwelling. Access would be as per the previously approved application; via a 5 metre wide tarmac roadway culminating in a turning head.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 2016/90756 – Erection of 2 detached dwellings – Conditional Full Permission
- 4.2 2017/91074 – Erection of detached dwelling (modified proposal) (Plot 2) – Conditional Full Permission

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 Officers negotiated with the applicant to secure revisions to the design of the dwelling to address the impact on the residential amenity of the occupants of neighbouring property, No.59 Far Bank.

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 Development Plan for Kirklees currently comprises the saved policies within the Kirklees Unitary Development Plan (Saved 2007). The Council's Local Plan was submitted to the Secretary of State for Communities and Local Government on 25th April 2017, so that it can be examined by an independent inspector. The weight to be given to the Local Plan will be determined in accordance with the guidance in paragraph 216 of the National Planning Policy Framework. In particular, where the policies, proposals and designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2012), these may be given increased weight.

At this stage of the plan making process the Publication Draft Local Plan is considered to carry considerable weight. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

The site is allocated as Provisional Open Land on the Kirklees Unitary Development Plan proposals map and on the Publication Draft Local Plan.

Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

- 6.2 **D5** – Provisional open land
- BE1** – Design principles
- BE2** – Quality of design
- BE12** – Space about buildings
- T10** – Highway Safety
- D2** – Unallocated Land
- EP11** – Ecological landscaping
- NE9** – Retention of mature trees

Supplementary Planning Guidance / Documents:

- 6.3 None

Publication Draft Local Plan:

- 6.4 **PLP1** – Presumption in favour of sustainable development
- PLP2** – Place shaping
- PLP3** – Location of new development
- PLP6** – Safeguarded land (land to be safeguarded for potential future development)
- PLP21** – Highway safety and access
- PLP22** – Parking
- PLP24** - Design

National Planning Policy Framework:

- 6.5 **Chapter 6** - Delivering a wide choice of high quality homes
- Chapter 7** - Requiring good design
- Chapter 10** - Meeting the challenge of climate change, flooding and coastal change
- Chapter 11** - Conserving and enhancing the natural environment

7.0 PUBLIC/LOCAL RESPONSE:

- 7.1 As a result of the publicity for this application, two representations have been received. The main concerns raised are precised below:
 - This application would involve building opposite School Terrace. School Terrace is the main access and egress for pupils of Shelley First School who are aged 4-10 years, as well as a playgroup. Far Bank is dangerous enough at school start, closing and during school events without building work and another access point onto Far Bank. Cars are parked everywhere causing loss of sight lines, obstructions etc. The area is an accident waiting to happen.

- Shelley Community Association has made detailed comments on the land around this application which is currently safeguarded under the new Development Plan during the consultation period. The proposed layout for this application with its hammerhead, two pronged finish to the road layout appears designed to accommodate further houses, which would be objected to most strongly. Far Bank is already a very busy, dangerous road and this development is opposite School Terrace. Cars parked down this road at that point twice a day are horrendous with small children criss-crossing this road so we would hope that Highways have assessed this application carefully.

8.0 CONSULTATION RESPONSES:

None necessary when taking into account the planning history at the site.

9.0 MAIN ISSUES

- Principle of development
- Urban design issues
- Residential amenity
- Highway issues
- Drainage issues
- Representations
- Other matters

10.0 APPRAISAL

Principle of development

- 10.1 The application site is allocated Provisional Open Land (POL) on the UDP proposals map. However, the principle of residential development, for two dwellings, has previously been established on the site under planning application 2016/90756, which was considered by the Heavy Woollen Planning Sub-Committee on 15 December 2016. In light of the above, the principle of residential development is acceptable.

Urban Design issues

- 10.2 Policies BE1 and BE2 of the UDP are considerations in relation to design, materials, and layout. Paragraph 60 of the National Planning Policy Framework (NPPF) stipulates that planning policies and decisions should not attempt to impose architectural styles or particular tastes and should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is however, proper to seek to promote or reinforce local distinctiveness.
- 10.3 Within this surrounding area there is a mix of property types, with the majority having a traditional appearance and being of natural stone construction. The application site is not within a Conservation Area, nor are there any listed buildings within the vicinity of the site. Furthermore, the site itself is sited below the level of the adjacent highway and the proposal would not be viewed in the context of the street scene of properties directly fronting onto Far Bank.

- 10.4 The proposed dwelling would be two storeys in height and although it would be substantial in scale, it is considered it would be in keeping with neighbouring properties within the surrounding area. It is proposed the dwelling would be constructed of dyed and tumbled natural coursed stone and artificial blue slate. These materials are considered to be acceptable on this site, subject to samples being inspected by the Local Planning Authority and approved. A plan detailing the boundary treatment has been provided; this illustrates the provision of a 1.8 metre high hit and miss timber fence along the western and northern boundaries and a 1.2m high fence along the frontage of the site. The proposed boundary treatment is considered to be acceptable. The proposals are considered acceptable from a visual amenity perspective and would accord with the aims of Policies BE1 and BE2 of the UDP, Policy PLP24 of the PDL, as well as the aims of chapter 7 of the NPPF.

Residential Amenity

- 10.5 UDP Policy D2 requires residential amenity matters to be considered and policy BE12 sets out the normally recommended minimum distances between habitable and non-habitable room windows. The nearest neighbouring properties to the site which would be affected by the development include No.59 Far Bank located to the north-west of the site, No.69 Far Bank located to the south-west, and the approved Plot 2.
- 10.6 In respect of the impact on No.59 Far Bank, officers raised concerns with the applicant that the scale and massing of the dwelling in such close proximity to the shared boundary with No.59 Far Bank would have a detrimental impact on the outlook of this neighbouring property leading to a detrimental loss of light and privacy. This was with reference to the proposed accommodation above the garage, as the design of the previously approved plot successfully mitigated against this by incorporating an extended sloping roof thus bringing the bulk of the property away from No.59. In addition, the proposed lounge and 'bed 3' windows directly faced the habitable room windows of No.59 Far Bank at a distance of only 9.5 metres which failed to accord with policy BE12 of the UDP.
- 10.7 The applicant has re-designed the roof form to incorporate a hipped roof and has amended the fenestration to provide high level windows on the western elevation. It is considered on balance that this revision to the roof form would be acceptable to step the bulk of bedroom 2 away from this boundary. Bedroom 2 is set back from the principle elevation of the main house so the impact of this massing is limited to the length of this room. It is noted no objections have been received from the occupants of this property and on balance this is considered to be acceptable by officers. The proposed revisions to the fenestration detailing have addressed the previous issues regarding privacy.
- 10.8 In respect of the impact on No.69 Far Bank, this property is positioned to the south-west of the application site. The proposed windows of the dwelling would face directly south and it is not considered there would be a loss of privacy to this property or its private amenity space. Although full length windows are proposed, these would be secured by Juliet balconies only. Bedroom 2 would have a projecting window feature but it would not allow residents to step out onto an external balcony. Due to the distance to this property it is not considered there would be a detrimental overbearing impact either.

- 10.9 In respect of the impact on the approved Plot 2, there would be a substantial landscape buffer between the two properties and the proposed boundary fence would screen the habitable room windows proposed on the side elevation of Plot 1 at ground floor level. On the first floor, windows are proposed on the side elevation to serve the master bedroom and bed 4. There would be a distance of only 15 metres between these windows and the side elevation of the first floor of Plot 1, which would fall short of the normally recommended distance set out in policy BE12. However, due to the topography of the wider site which slopes to the south-east, the proposed windows on Plot 1 would not have a direct relationship with the small habitable room windows on Plot 2 and on balance this relationship is considered to be acceptable.
- 10.10 Taking the above factors into account, the proposals are considered, on balance, to be acceptable from a residential amenity perspective and in accordance with the aims of Policies BE1 and BE12 of the UDP as well as Policy PLP24 of the PDLP.

Highway issues

- 10.11 Policy T10 of the UDP sets out the matters against which new development will be assessed in terms of highway safety. Policy PLP21 of the PDLP is also applicable, relating to highway safety and access. In this instance, no revisions to the previously approved access are proposed and the proposed access arrangements remain acceptable. The proposal is not considered to result in any undue highway safety implications and would accord, once again, with the aims of Policy T10 of the UDP, as well as Policy PLP21 of the PDLP.

Drainage issues

- 10.12 The proposal is to drain surface water through a sustainable drainage system, which remains acceptable in accordance with the hierarchy of sustainable drainage. The proposal is once again considered to comply with the aims of chapter 10 of the NPPF.

Representations

- 10.13 Two representations have been received which are précised above in section 7 and which raise concerns about the impact on highway safety. As noted above no revisions to the previously approved access are proposed as part of this scheme and the proposed access arrangements remain acceptable. As with the previous planning application, the proposals are considered acceptable from a highway safety and efficiency perspective, and comply with the aims of Policy T10 of the UDP and Policy PLP21 of the PDLP.

Other Matters

- 10.14 In the previous application the applicant submitted details of ecological landscaping for the whole site. To mitigate against the effects of developing the site, a landscape / planting scheme was proposed to provide an enhanced environment for wildlife and included a wild flower meadow, and a 5 metre wide dense buffer between the plots.

This buffer is outside the red line boundary of this Plot 1 and is a condition on the corresponding application for a revised house type for Plot 2 (Ref 2017/91074). This matter is therefore addressed as part of the adjacent plot and officers are satisfied that the proposals remain in accordance with the aims of chapter 11 of the NPPF.

- 10.15 There are no other matters considered relevant to the determination of this application.

11.0 CONCLUSION

- 11.1 To conclude, the principle of residential development on this site has previously been established following the granting of planning permission for the erection of two dwellings by the Heavy Woollen Planning Sub-Committee on 15 December 2016.
- 11.2 The proposal, subject to the inclusion of appropriate conditions, is considered, by officers, to be acceptable for the reasons set out in this assessment.
- 11.3 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.
- 11.4 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.

12.0 CONDITIONS (Summary list. Full wording of conditions including any amendments/additions to be delegated to the Head of Strategic Investment)

1. 3 year time limit for implementation
2. Development carried out in accordance with the plans and specifications
3. Facing and roofing materials to be inspected and approved by the Local Planning Authority
4. Appropriate surfacing of all areas indicated for vehicular access and turning area
5. No gates/barriers to be erected across the vehicular access from Far Bank
6. Re-locating of street lighting column

Background Papers:

Website Links to the previous and current applications:

2016/90756 – Erection of 2 detached dwellings – Conditional Full Permission

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2016%2f90756>

2017/91074 – Erection of detached dwelling (modified proposal) (Plot 2) – Conditional Full Permission

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2017%2f91074>

Current Application:

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2017%2f93357>

Certificate of Ownership – Certificate B signed with Notice served on Gina Stead of 107 Far Bank, Shelley on 25 September 2017.

