

# Public Document Pack



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

**Julie Muscroft**

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Wednesday 13 March 2019

## 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 21 March 2019**.

(A coach will depart the Town Hall, at 11.15am to undertake Site Visits. The consideration of Planning Applications will commence at 1.00pm in the Reception Room at Dewsbury Town Hall.)

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 Fazila Loonat  
Councillor Mussarat Pervaiz  
Councillor Andrew Pinnock  
Councillor Cathy Scott  
Councillor Kath Taylor  
Councillor Mark Thompson  
Councillor Graham Turner

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  
V Lees-Hamilton  
N Patrick

#### **Green**

K Allison  
A Cooper

#### **Independent**

C Greaves  
T Lyons

#### **Labour**

E Firth  
S Hall  
N Mather  
H Richards  
M Sokhal  
R Walker

#### **Liberal Democrat**

R Eastwood  
C Iredale  
A Munro

# Agenda

## Reports or Explanatory Notes Attached

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**Pages**

**1: Appointment of the Chair**

To appoint a Chair for this meeting of the Sub Committee, in the absence of Councillor Kane.

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**2: Membership of the Committee**

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

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**3: Minutes of Previous Meeting**

To receive the Minutes of the previous meeting of the Sub-Committee held on 7 February 2019.

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1 - 6

**4: Interests and Lobbying**

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.

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7 - 8

**5: 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.

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**6: 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.

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**7: Public Question Time**

The Committee will hear any questions from the general public.

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**8: Site Visit - Application No: 2018/93195**

Demolition of existing storage unit and erection of replacement storage unit (Class B8) at land at, William Street, Ravensthorpe, Dewsbury.

(Estimated time of arrival at site – 11.30am)

Contact Officer: Nia Thomas, Planning Services

Wards affected: Dewsbury West

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**9: Review of Planning Appeal Decisions (Heavy Woollen Area) - 2018**

9 - 16

The Sub Committee will receive a report setting out an annual review of appeals against decisions of the Local Planning Authority, as submitted to the Secretary of State.

Contact Officer: Ellie Worth, Planning Services

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**Planning Applications**

17 - 20

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 18 March 2019.

To pre-register, please contact [andrea.woodside@kirklees.gov.uk](mailto: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 prior to the meeting.

**10: Planning Application - Application No: 2018/93126** 21 - 28

Erection of rear extension with store below and rear dormer window at 16, Thomas Street, Heckmondwike.

Contact Officer: Jennie Booth, Planning Services

Wards affected: Heckmondwike

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**11: Planning Application - Application No: 2018/93195** 29 - 40

Demolition of existing storage unit and erection of replacement storage unit (Class B8) at land at, William Street, Ravensthorpe, Dewsbury.

Contact Officer: Nia Thomas, Planning Services

Wards affected: Dewsbury West

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### **Planning Update**

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

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Contact Officer: Andrea Woodside

## KIRKLEES COUNCIL

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

**Thursday 7th February 2019**

Present: Councillor Paul Kane (Chair)  
Councillor Mahmood Akhtar  
Councillor Michelle Grainger-Mead  
Councillor John Lawson  
Councillor Fazila Loonat  
Councillor Andrew Pinnock  
Councillor Cathy Scott  
Councillor Kath Taylor  
Councillor Mark Thompson  
Councillor Graham Turner  
Councillor Steve Hall

- 1 Membership of the Committee**  
Councillor S Hall substituted for Councillor Pervaiz.
- 2 Minutes of Previous Meeting**  
**RESOLVED** – That the Minutes of the Meeting held on 20 December 2018 be approved as a correct record.
- 3 Interests and Lobbying**  
All Members present declared that they had been lobbied on Application 2018/92718.
- 4 Admission of the Public**  
It was noted that all Agenda Items would be considered in public session.
- 5 Deputations/Petitions**  
None received.
- 6 Public Question Time**  
No questions were asked.
- 7 Site Visit - Application No: 2018/93126**  
Site visit undertaken.
- 8 Site Visit - Application No: 2018/93781**  
Site visit undertaken.
- 9 Site Visit - Application No: 2018/92175**  
Site visit undertaken.

## **Planning Sub-Committee (Heavy Woollen Area) - 7 February 2019**

### **10 Site Visit - Application No: 2018/91571**

Site visit undertaken.

### **11 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 of the Local Planning Authority.

**RESOLVED** – That the report be noted.

### **12 Conservation Area Notification 2019/90208**

The Committee gave consideration to Conservation Area Notification 2019/90208 – Consent for tree work at Blenheim House, Oxford Road, Dewsbury, relating to two trees in the rear garden of the property, which is protected by Northfields Conservation Area. The proposal sought consent for works to a silver birch tree, and the felling and removal of a eucalyptus, and it was recommended that this be permitted as the trees did not warrant protection by a Tree Preservation Order.

**RESOLVED** – That a decision of ‘no objection’ be recorded.

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

For: Councillors Akhtar, Grainger-Mead, S Hall, Kane, Lawson, Loonat, A Pinnock, Scott, K Taylor, Thompson and Turner (11 votes)

Against: (no votes)

### **13 Planning Application - Application No: 2018/91571**

The Committee gave consideration to Application 2018/91571 – demolition of existing dwelling and workshop and erection of 4 dwellings at 16 Cumberworth Lane, Upper Cumberworth.

**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
- development to be in accordance with submitted plans
- permitted development rights removed for extensions and outbuildings
- notwithstanding submitted information, details of all facing materials and roofing materials to be submitted for approval
- landscaping plan including boundary treatment details
- permitted development rights removed for openings to the side elevations
- permeable surfacing
- drainage scheme
- charging points
- reporting of unexpected contamination
- notwithstanding submitted plans, details of areas for bin storage
- submission of a construction management plan



## Planning Sub-Committee (Heavy Woollen Area) - 7 February 2019

2) That additional conditions be added to require (i) the use of natural stone to the front and both gable elevations (ii) a natural slate roof and (iii) a compliant finish colour of permeable surfacing areas.

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

For: Councillors Akhtar, Grainger-Mead, S Hall, Kane, Lawson, Loonat, A Pinnock, Scott, K Taylor, Thompson and Turner (11 votes)

Against: (no votes)

### 14 **Planning Application - Application No: 2018/92175**

The Committee gave consideration to Application 2018/92175 – Change of use and alterations to convert from driving range to dog day care facility at Mount Pleasant Farm, Jackroyd Lane, Upper Hopton, Mirfield.

Under the provisions of Council Procedure Rule 37, the Sub-Committee received a representation from Matthew Chambers (objector).

#### **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
- development to be carried out in accordance with the plans and specifications
- noise report to be submitted before commencement of any construction work
- hours of opening restricted to 07:30 to 19:00 Monday to Friday, 07:30 to 12:00 midday Saturday, and no opening on Sundays or Bank Holidays
- the kennels shall not be used for overnight stays
- intrusive site investigation and mitigation measures to be carried out before commencement of construction work
- reporting of unexpected contamination
- no access to be taken from Jackroyd Lane
- traffic statement to show how access to the development would be controlled
- parking to be provided in accordance with submitted details
- details of waste disposal method
- waste storage and collection area to be provided in accordance with submitted details
- landscaping details to be submitted

2) That Officers be requested to give further consideration to matters of concern raised by the Sub-Committee before the decision notice is issued, specifically; matters of noise report and mitigation, drainage (surface and foul), extra landscaping to the all weather play area and the management plan whereby no dogs are to be left overnight on the premises, including circumstances when owner collection times may be unexpectedly delayed.

## Planning Sub-Committee (Heavy Woollen Area) - 7 February 2019

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

For: Councillors Akhtar, S Hall, Kane, Lawson, Loonat, Scott and Turner (7 votes)

Against: Councillors Grainger-Mead, A Pinnock, K Taylor and Thompson (4 votes)

### 15 **Planning Application - Application No: 2018/93781**

The Committee gave consideration to Application 2018/93781– Change of use of existing post office into living accommodation and erection of new post office/general store (modified proposal 2014/90895) with raised garden area and drive to rear at Hightown Post Office, 483 Halifax Road, Hightown.

Under the provisions of Council Procedure Rule 37, the Sub-Committee received representations from Mr Rounding, Mrs Rounding, Dale Philips, Gillian Milnes, Michael Haynes, Andrew Lancaster, Caroline Williams, Darren Munt, Michelle Bowman (on behalf of Richard Thornton), Kirsty Mercer, Rachel Walker and Melanie Bain (local residents/in support), Alison Hall and Richard Walker (co-owners/applicant) and Simon Russell (applicant's agent).

**RESOLVED** – That the determination of the application be deferred in order to enable the applicant to consider issues of concern raised by the Sub-Committee, specifically, a reduction to the height and pitch of the roof, widening of the footpath, changes to the car parking area and creation of a bin and refuge area.

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

For: Councillors Akhtar, Grainger-Mead, S Hall, Kane, Lawson, Loonat, A Pinnock, Scott, K Taylor, Thompson and Turner (11 votes)

Against: (no votes)

### 16 **Planning Application - Application No: 2018/92718**

The Committee gave consideration to Application 2018/92718 – Alterations to convert one dwelling into two dwellings at 33-35 Windy Bank Lane, Hightown, Liversedge.

Under the provisions of Council Procedure Rule 37, the Sub-Committee received a representation from Harry Jervis (objector).

**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;

- time limit for implementation (3 years)
- plans to be approved
- removal of permitted development rights

## **Planning Sub-Committee (Heavy Woollen Area) - 7 February 2019**

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

For: Councillors Akhtar, Grainger-Mead, S Hall, Kane, Lawson, Loonat, A Pinnock, Scott, K Taylor, Thompson and Turner (11 votes)

Against: (no votes)

### **17 Planning Application - Application No: 2018/93126**

The Committee gave consideration to Application 2018/93126 – Erection of rear extension with store below and rear dormer window at 16 Thomas Street, Heckmondwike.

Under the provisions of Council Procedure Rule 37, the Sub-Committee received a representation from Mr Q Hussain (applicant).

**RESOLVED** – That the determination of the application be deferred in order to enable the applicant to consider a reduction to the length of the extension on the boundary (with neighbour) to 3 metres.

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

For: Councillors Akhtar, S Hall, Kane, Lawson, Loonat, A Pinnock, Scott, K Taylor and Turner (9 votes)

Against: Councillors Grainger-Mead and Thompson (2 votes)

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**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*)

Date: 21st March 2019

Title of report: **A Review of Planning Appeal Decisions**  
(*Jan 2018 – December 2018*).

Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	No
Is it in the <a href="#">Council's Forward Plan</a> ?	No
Is it eligible for "call in" by <a href="#">Scrutiny</a> ?	No
Date signed off by <u>Director</u> & name  Is it signed off by the Director of Resources?  Is it signed off by the Acting Assistant Director - Legal & Governance?	Karl Battersby (05/03/2019)  No financial implications  No legal implications
Cabinet member <a href="#">portfolio</a>	Economy (Councillor McBride)

Electoral [wards](#) affected: All

Ward councillors consulted: No

Public or private: PUBLIC

**1. Purpose of report**

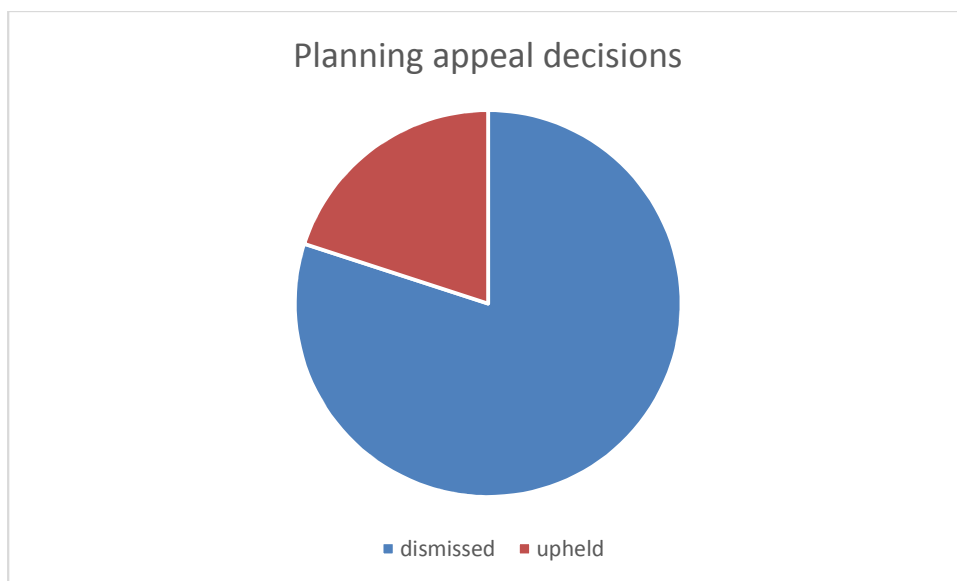
1.1 For information purposes

## 2. Key points

### Planning Appeals

- 2.1 Between January 2018 and December 2018, there were 35 planning appeals submitted relating to planning (and tree works) applications in electoral wards within the Heavy Woollen Sub-Committee area of the district. Of these, 80% were dismissed. Appendix 1 provides a list of relevant appeals and the level of the decision.
- 2.2 Figure 1 below shows a breakdown of planning application (including tree works) appeals, whether dismissed or upheld.

*Figure 1: Breakdown of planning application (including tree works) appeal decisions*



### Trees appeals

- 2.3 Of the 35 planning appeals, there was 1 tree works appeal (2017/94188). This was dismissed.

### Application for award of costs.

- 2.4 1 application for an award of costs was lodged in respect of application ref. 2017/93470. This was refused.



## **Delegated and Committee Decisions**

- 2.5 Of the 35 appeals, 32 decisions were determined under delegated powers. Of these, 26 were dismissed (81%). 3 planning applications were determined by Planning Committee. Of the decisions made by planning committee, 2 out of the 3 appeals were dismissed. 1 was in accordance with officer recommendation. The appeal that was upheld was also contrary to officer recommendation. Appendix 1 provides a list of relevant appeals.

### **Council's appeal performance in relation to Central Government Standards: Criteria for designation (revised 2018)**

- 2.6 The Government measures the performance of local authorities in deciding applications for planning permission, pursuant to section 62B of the Town and Country Planning Act 1990. This includes assessing local planning authorities' performance on the 'quality' of their decisions on applications for major and non-major development. This is measured by the proportion of decisions on applications that are subsequently overturned at appeal. If an authority is 'designated' as underperforming, applicants have the option of submitting their applications directly to the Planning Inspectorate (who act on behalf of the Secretary of State) for determination.
- 2.7 The criteria for designation, as revised in November 2018, sets out the threshold for designation on applications for both major and non-major development above which the local planning authority is eligible for designation. This is 10% of an authority's total number of decisions on applications made during [a specific 2 year period] being overturned at appeal.
- 2.8 To note, the latest published performance tables from the MHCLG (August 2018) provides Experimental Statistics to enable local authorities to validate the information held. Using these tables, for the 24 months to the end of June 2017, a total of 2.4% of decisions on Major applications were overturned at appeal. This equates to 4 appeals overturned from the 181 applications Kirklees determined in the same period. The corresponding information for non-major decisions was a total of 0.6% decisions overturned at appeal. This related to 26 decisions being overturned at appeal as a percentage of the 4,347 applications determined in the same period. From the information held by MHCLG, Kirklees would not fall within the criteria for designation.

### **3. Implications for the Council**

Not applicable

### **4. Consultees and their opinions**

Not applicable

### **5. Next steps**

Not applicable

- 6. Officer recommendations and reasons**  
To note
- 7. Cabinet portfolio holder recommendation**  
Not applicable
- 8. Contact officer and relevant papers**  
Mathias Franklin – Head of Development Management
- 9. Director responsible**  
Karl Battersby – Strategic Director for Economy and Infrastructure.

Appendix 1 – List of planning application appeals including tree works decided between January and December 2018 (Heavy Woollen Area)

1. 2017/90879 487, Bradford Road, Birkenshaw, Bradford, BD11 2DS - High Hedge – Officer Decision – Appeal Dismissed
2. 2017/90500 Adj, Greenfield House, Green Lane, High Flatts, Huddersfield, HD8 8XU - Outline application for removal of existing agricultural building and erection of two detached rural exception affordable dwellings – Officer Decision (Non determined) – Appeal Dismissed
3. 2016/92449 85, Dark Lane, Batley, WF17 7PW - Erection of shop and extension to existing dwelling to form link to shop – Officer Decision – Appeal Dismissed
4. 2016/94312 Corn Mill Bottom, Shelley, Huddersfield, HD8 8JJ - Erection of one dwelling and demolition of workshop/garage – Officer Decision – Appeal Dismissed
5. 2016/92862 Land to rear of, 2-5, The Crescent, Hightown - Outline application for erection of detached bungalow – Officer Decision – Appeal Dismissed
6. 2017/92993 33, Walker Street, Earlsheaton, Dewsbury, WF12 8LB - Erection of ground floor extension with basement below – Officer Decision – Appeal Dismissed
7. 2017/91900 120, Savile Road, Savile Town, Dewsbury, WF12 9LP - Erection of front and rear dormers – Committee Decision (in accordance with officer recommendation) – Appeal Dismissed
8. 2017/91476 32A, Gregory Springs Lane, Lower Hopton, Mirfield, WF14 8LE - Erection of first floor front and rear extensions – Officer Decision – Appeal Dismissed
9. 2017/92671 Rear of, 678a, Bradford Road, Birkenshaw, BD11 2EE - Reserved matters application pursuant to outline permission 2016/90511 for erection of one dwelling – Officer Decision – Appeal Dismissed
10. 2017/92537 16, Hall Lane, Highburton, Huddersfield, HD8 0QW - Demolition of existing single storey side extension and erection of single storey side extension (within a Conservation Area) – Officer Decision – Appeal Upheld

11. 2016/94215 The Mansion Storthes Hall, Storthes Hall Lane, Kirkburton, Huddersfield, HD8 0PR - Erection of raised tree house and decking (within the curtilage of a Listed Building) – Officer Decision – Appeal Dismissed
12. 2017/92498 77, Leeds Road, Littletown, Liversedge, WF15 6JA - Outline application for the erection of two detached dwellings – Officer Decision (Non determined) – Appeal Dismissed
13. 2017/93968 33, Grange Road, Staincliffe, Batley, WF17 7AT - Erection of cabin to form annex accommodation associated with 33, Grange Road, Staincliffe, Batley, WF17 7AT – Officer Decision – Appeal Dismissed
14. 2017/93877 35, Chadwick Crescent, Dewsbury, WF13 2JF - Erection of extension and alterations to covert garage to garden room – Officer Decision – Appeal Dismissed.
15. 2017/93943 87C, Low Lane, Birstall, Batley, WF17 9HB - Change of use from hot and cold sandwich shop to hot food takeaway (A5) – Officer Decision – Appeal Upheld
16. 2018/90539 54, Lemans Drive, Dewsbury, WF13 4AL - Erection of front and rear dormer windows and alterations to rear conservatory to create kitchen – Officer Decision – Appeal Dismissed
17. 2018/90534 34, Bristfield Road, Thornhill, Dewsbury, WF12 0PW - Erection of dormer window to rear – Officer Decision – Appeal Upheld
18. 2017/93734 2, Ravens Crescent, Scout Hill, Dewsbury, WF13 3QF – Erection of fence – Officer Decision – Appeal Dismissed.
19. 2017/91415 Rockwood House, Cockermouth Lane, Flockton, Huddersfield, WF4 4BS - Erection of single storey side extension – Officer Decision – Appeal Upheld
20. 2017/94118 6, The Meadows, Denby Dale, Huddersfield, HD8 8TQ - Erection of two storey side and single storey front and rear extensions – Officer Decision – Appeal Dismissed
21. 2018/90115 185, Drub Lane, Drub, Cleckheaton, BD19 4BZ - Erection of two storey side and front extensions with single storey element – Officer Decision – Appeal Dismissed
22. 2017/93152 161, Bradford Road, Cleckheaton, BD19 3TJ - Variation conditions 3 (opening hours) and 4 (delivery hours) on previous permission

2007/93417 for change of use from A1 (post office) to A5 (take-away) – Officer Decision – Appeal Dismissed

23. 2017/93470 adj, 93, Stocks Bank Road, Mirfield, WF14 9QB - Demolition of existing garage erection of detached dwelling with integral garage – Decision by committee (in contrary with officer recommendation) – Appeal Dismissed.
24. 2018/90333 adj, 225, Drub Lane, Drub, Cleckheaton, BD19 4BZ - Erection of detached dwelling with integral garage – Officer Decision – Appeal Dismissed
25. 2018/90521 Woodhouse Farmhouse, Woodhouse Lane, Emley, Huddersfield, HD8 9QX - Erection of extensions – Officer Decision – Appeal Dismissed
26. 2018/90165 697, Bradford Road, Oakenshaw, BD12 7DT - Change of use from A1 (retail) to A5 (hot food takeaway), erection of single storey side extension and formation of 2no. flats at first floor – Officer Decision – Appeal Dismissed
27. 2017/94188 25, Birkhead Close, Highburton, Huddersfield, HD8 0GR - Works to TPO(s) 28/98 – Officer Decision – Appeal Dismissed
28. 2018/91807 522, Bradford Road, Birkenshaw, BD19 4AY - Erection of single and two storey side and rear extensions – Officer Decision – Appeal Upheld
29. 2017/93222 Tangerine Confectionery Limited, Westgate, Cleckheaton, BD19 5EB - Installation of a sugar silo and associated concrete base – Decision by committee (in contrary with officer recommendation) – Appeal Upheld
30. 2018/91310 Nordia, 98, Penistone Road, Kirkburton, Huddersfield, HD8 0TA - Erection of two storey rear extension – Officer Decision – Appeal Dismissed
31. 2018/92198 49, Old Lane, Birkenshaw, BD11 2LA - Demolition of existing garage and erection of two storey side extension and dormer extension to front – Officer Decision – Appeal Dismissed
32. 2018/91916 20, Garden Street, Ravensthorpe, Dewsbury, WF13 3AR - Erection of porch to front – Officer Decision – Appeal Dismissed
33. 2017/94093 Land Adjacent, Plough Barn, Birds Edge Lane, Birds Edge, Huddersfield, HD8 8XR - Outline application for two detached dwellings – Officer Decision – Appeal Upheld
34. 2017/92595 Wilson House Farm, Briestfield Road, Briestfield, Dewsbury, WF12 0PA - Erection of agricultural building – Officer Decision – Appeal Dismissed

35.2018/91226 Land at, Holly View Farm, Field Head Lane, Birstall, WF17 9BW -  
Demolition of existing building and erection two storey workshop and office  
(B1 Use) and detached garage – Officer Decision – Appeal Dismissed

Appeals lodged but subsequently withdrawn

2017/93635 3, Low Moor, Town End Lane, Lepton, Huddersfield, HD8 0NB -  
Certificate of Lawfulness for existing use of land as domestic – Officer Decision –  
Appeal Withdrawn

2017/92211 Grove Cottage, 10, Grove Street, Norristhorpe, Liversedge, WF15 7AP -  
Erection of extensions, alteration to increase roof height to form second floor –  
Decision by Committee (in contrary with officer recommendation) – Appeal  
Withdrawn

**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 48 of the National Planning Policy Framework 2018. 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 (2018), these may be given increased weight. At this stage of the Plan making process the Publication Draft Local Plan, its published modifications and Inspector's final report dated 30 January 2019 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 24<sup>th</sup> July 2018, the Planning Practice Guidance Suite (PPGS) first 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 54 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.**

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## Report of the Head of Strategic Investment

### HEAVY WOOLLEN PLANNING SUB-COMMITTEE

Date: 21-Mar-2019

Subject: Planning Application 2018/93126 Erection of rear extension with store below and rear dormer window 16, Thomas Street, Heckmondwike, WF16 0NW

#### APPLICANT

Q Hussian

#### DATE VALID

25-Sep-2018

#### TARGET DATE

20-Nov-2018

#### EXTENSION EXPIRY DATE

25-Mar-2019

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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

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**Electoral Wards Affected: Heckmondwike**

No

Ward Members consulted

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**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 Planning Sub-Committee for determination after it was deferred from the previous meeting held on 7<sup>th</sup> February 2019. The application was deferred to allow the applicant the opportunity to amend the proposals to reduce the harmful impact on the primary window of the adjoining no.22 Thomas Street. Members suggested the applicant reduce the projection along the common boundary with the adjoining no.22 Thomas Street and retain the 4 metre projection along the boundary with no.14 Thomas Street.
- 1.2 Since the application was deferred, further discussions have taken place with the applicant and amended plans submitted taking into account the above. On the basis of the submitted amended plans and for the reasons set out in the main assessment below, the recommendation by officers is now amended to delegate approval of the application.
- 1.3 It should be noted that since the previous planning application was deferred, the Local Plan has now been adopted as the development plan for Kirklees, replacing the previous Unitary Development Plan.
- 1.4 The application was originally brought to committee at the request of Councillor David Sheard for the following reason: *“I have visited the applicant and on balance believe circumstances justify an exception in this case. The main reason being that the applicant is a carer for his wife who has physical and non-physical medical needs that her doctors have said will only get worse, which is where the downstairs extension whilst marginal (though needed) now, will become more needed in the near future. On the ground, the terrace is really two joined terraces one of two houses and one of three with a large number of steps to the back door, but they have exceptionally long gardens. I don't feel that the extra metre would be detrimental to the neighbours to such an extent to justify refusal. I am therefore requesting that this application be referred to the planning committee on the basis that it is needed to make caring for his wife at home possible with as much dignity as can be afforded.”*

- 1.5 The Chair of the Heavy Woollen Planning Sub-Committee previously confirmed that Councillor David Sheard's reason for making this request is valid having regard to the Councillor's Protocol for Planning Committees.

## **2.0 SITE AND SURROUNDINGS:**

- 2.1 The application site, no.16 Thomas Street, Heckmondwike is a stone built mid terraced property. The front door of the property opens onto the back of the pavement and there is a long paved yard area to the rear.
- 2.2 The property backs onto Walkley Lane. There are business units to the south east, Moorbank Mills on the opposite side of Thomas Street along with the entrance to Brunswick Place and similar terraces each side of the site.

## **3.0 PROPOSAL:**

- 3.1 The applicant is seeking permission for the erection of a rear extension with a lower ground floor and a rear dormer.
- 3.2 Following receipt of amended plans, the rear extension is now proposed to project 3 metres from the original rear wall of the dwelling along the boundary with the adjoining 22 Thomas Street stepping out to 4 metres along the common boundary with the adjoining 14 Thomas Street and would extend across the full width of the property (the proposal was to originally project 4.0 metres across the full width of the property). The proposal includes accommodation on the lower level and the ground floor of the property with steps up to the ground floor entrance and down to the lower entrance. The roof over the extension is proposed to be of a lean to design.
- 3.3 The walls of the extension are proposed to be constructed using reconstituted stone and concrete tiles for the roof covering.
- 3.4 As previously reported to members, a rear dormer is also proposed. The dormer would be centrally sited within the rear roof plane and would have a width of 3.4 metres with an eaves height of 1.7 metres and an overall height of 2.4 metres. The roof over the dormer would be pitched and the dormer would be clad with vertically hung tiles.

## **4.0 RELEVANT PLANNING HISTORY (including enforcement history):**

- 4.1 None

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

- 5.1 Given the height and projection of 4 metres, the proposed extension was considered to result in overshadowing and an overbearing impact on the adjoining properties. In particular, the adjoining 22 Thomas Street is a back to back property and the overbearing impact would have been on their principle window. There are considered to be no mitigating factors on site to justify the harm. On this basis, the applicant was requested to submit amended plans showing a reduction in the projection of the proposed extension to 3 metres. No amended plans were forthcoming prior to the application being considered at the 7<sup>th</sup> February 2019 Heavy Woollen Planning Sub-Committee, however the applicant's agent submitted a letter from the GP in support of the proposal on medical grounds.

5.2 Following the resolution of the previous Heavy Woollen Planning Sub-Committee to defer the application, the agent has now amended the plans to reduce the originally proposed 4 metres projection along the common boundary with the adjoining 22 Thomas Street. This is in line with member's request.

## **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 statutory Development Plan for Kirklees is the Local Plan (adopted 27<sup>th</sup> February 2019).

### **6.2 Kirklees Local Plan:**

- **PLP 1** (as modified) – Achieving sustainable development
- **PLP 2** (as modified) – Place shaping
- **PLP 22** (as modified) – Parking
- **PLP 24** (as modified) - Design

### **6.3 National Planning Policy Framework:**

- **Chapter 12** – Achieving well-designed places

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

7.1 The application was advertised by site notice and neighbour notification letters. No representations were received in relation to site publicity.

7.2 Following receipt of amended plans, because the rear extension has been reduced in scale, it was not considered necessary by officers to undertake further publicity. This is in accordance with the Council's Development Management Charter.

## **8.0 CONSULTATION RESPONSES:**

### **8.1 Statutory:**

None

### **8.2 Non-statutory:**

None

## **9.0 MAIN ISSUES**

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

## 10.0 APPRAISAL

### Principle of development

- 10.1 The site is without notation on the Kirklees Local Plan (KLP). Policy PLP1 (as modified) of the KLP states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. In terms of extending and making alterations to a property, Policy PLP24 (as modified) of the KLP is relevant, in conjunction with Chapter 12 of the NPPF, regarding design. In this case, the principle of development is considered acceptable and the proposal shall now be assessed against all other material planning considerations, including visual and residential amenity, as well as highway safety.
- 10.2 These issues, along with other policy considerations, will be addressed below.

### Visual Amenity

- 10.3 Thomas Street is characterised by a mix of residential and commercial properties with varying sizes of building and age. Dependent upon design, scale and detailing, it may be acceptable to extend the host property.
- 10.4 The scheme under consideration consists of two elements which shall be addressed below.
- 10.5 *Single storey rear extension:* As set out to members in the previous committee report considered on 7<sup>th</sup> February, the scale of the rear extension can be considered to be acceptable relative to the size of the host property and its associated curtilage. The materials proposed include the use of reconstituted stone which would be similar in appearance to the original dwelling. Notwithstanding this, any discrepancy in the finish would be limited to the rear of the dwelling and would have limited visual impact. The detailing can also be considered to be appropriate for a development this type. As such, the rear extension can be considered to be acceptable in terms of visual amenity.
- 10.6 *Rear dormer:* The design of the proposed dormer is considered likely to form an appropriate relationship with the host property. It is also quite likely to constitute permitted development. Taking into consideration the provisions of Schedule 2, Class B of The Town and Country Planning (General Permitted Development) Order 2015, the development would not exceed the highest part of the roof; is not to the principal elevation; the cubic content of the resulting roof space would not exceed 40 cubic metres; it does not include a veranda, balcony or raised platform; the plans indicate that the development would not involve the installation, alteration or replacement of a chimney, flue or soil and vent pipe. The site is not within a Conservation Area.
- 10.7 As previously reported to members, the proposed rear extension and dormer would not cause any significant harm to the visual amenity of either the host dwelling or the wider street scene, complying with Policy PLP24 (as modified) of the Kirklees Local Plan and the aims of chapter 12 of the National Planning Policy Framework.

### Residential Amenity

- 10.8 *Impact on 22 Thomas Street:* The extension to the rear of the host property would be positioned to the south east of the adjoining property and would have the potential to cause some overshadowing in the middle of the morning. There would also be some overbearing impact given the height of the extension. The neighbouring property is a back to back dwelling, the main habitable room of which is located towards the common boundary with the proposed extension. However, following receipt of amended plans, the reduced projection of 3m along this common boundary is considered, by officers, to reduce the impact and it is therefore considered that the impact on the amenity of the occupiers of No.22 Thomas Street would not be so significant so as to justify refusal.
- 10.9 The proposed dormer would be located up within the roof plane and as such would be unlikely to have any significant impact upon the amenity of the occupiers of the adjoining 22 Thomas Street.
- 10.10 *Impact on 18 Thomas Street:* The extension to the rear of the host property would be positioned to the north west of No.18 and would not therefore result in any overshadowing given the orientation of the extension relative to the neighbouring property. However, the exaggerated height of the extension and the 4m projection, would have the potential to form an overbearing and oppressive impact given the proximity to the common boundary. However, it was noted on the site visit that the neighbour's rear door is towards the common boundary with the extension which would go some way to mitigating the harm in terms of the amenities of the occupiers of the adjoining 18 Thomas Street.
- 10.11 The dormer would be located up within the roof plane and as such would be unlikely to have any significant impact upon the amenities of the occupiers of the adjoining 18 Thomas Street.
- 10.12 Having considered the above factors, the proposals as amended, on balance, are not considered to result in any significant adverse impact upon the residential amenity of any surrounding neighbouring occupants. The amended projection of the rear extension along the common boundary with the adjoining 22 Thomas Street is considered sufficient to mitigate any undue impact on these neighbouring occupants. In order to ensure that the privacy of neighbouring occupants is safeguarded into the future, a condition removing permitted development for the insertion of new openings in both side elevations of the rear extension is recommended. With the inclusion of this suggested condition, the proposal is therefore considered to comply with Policy PLP24 (as modified) of the Kirklees Local Plan and Paragraph 127 (f) of the National Planning Policy Framework.

### Highway issues

- 10.13 The proposals would result in some intensification of the residential use. However whilst there is no off-road parking provision on site at present and the proposals do not include the provision of a such a facility, there is on street parking available on Thomas Street. As such, the scheme would not represent any additional harm in terms of highway safety and as such complies with Policy PLP22 (as modified) of the Kirklees Local Plan.



## Representations

10.14 None received

## Other Matters

- 10.15 *Personal Circumstances:* The applicant is seeking consent for part of the rear extension to provide downstairs toilet/bathing facilities. A letter was provided from their GP which cited their justification for the request. This letter was reviewed and it was previously reported to members on 7<sup>th</sup> February that it did not provide sufficient justification on disability grounds, given the nature of the resident's ailment, for the scale of the rear extension previously proposed. The Council's Accessible Homes Team have been informally consulted and they have confirmed that there is no current referral to their service and that they are not aware of the applicant's situation.
- 10.16 There are no other matters for considered relevant to the determination of this application.

## **11.0 CONCLUSION**

- 11.1 This application to erect a rear extension and a dormer within the rear roof plane of 16 Thomas Street has been assessed against relevant policies in the development plan as listed in the policy section of the report, the National Planning Policy Framework and other material considerations.
- 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 and, following receipt of amended plans, recommendation is to approve.

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

1. Standard timeframe for implementation (3 years)
2. Development in accordance with plans
3. Facing and roofing materials to match those used on the host dwelling
4. Remove permitted development rights for the insertion of windows/openings in the side elevations of the rear extension

## **Background Papers:**

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2018%2f93126>

Certificate of Ownership –Certificate A signed and dated: 21.09.2018

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## Report of the Head of Strategic Investment

### HEAVY WOOLLEN PLANNING SUB-COMMITTEE

Date: 21-Mar-2019

**Subject: Planning Application 2018/93195 Demolition of existing storage unit and erection of replacement storage unit (Class B8) Land at, William Street, Ravensthorpe, Dewsbury, WF13 3LW**

#### APPLICANT

A Hussain

#### DATE VALID

19-Nov-2018

#### TARGET DATE

14-Jan-2019

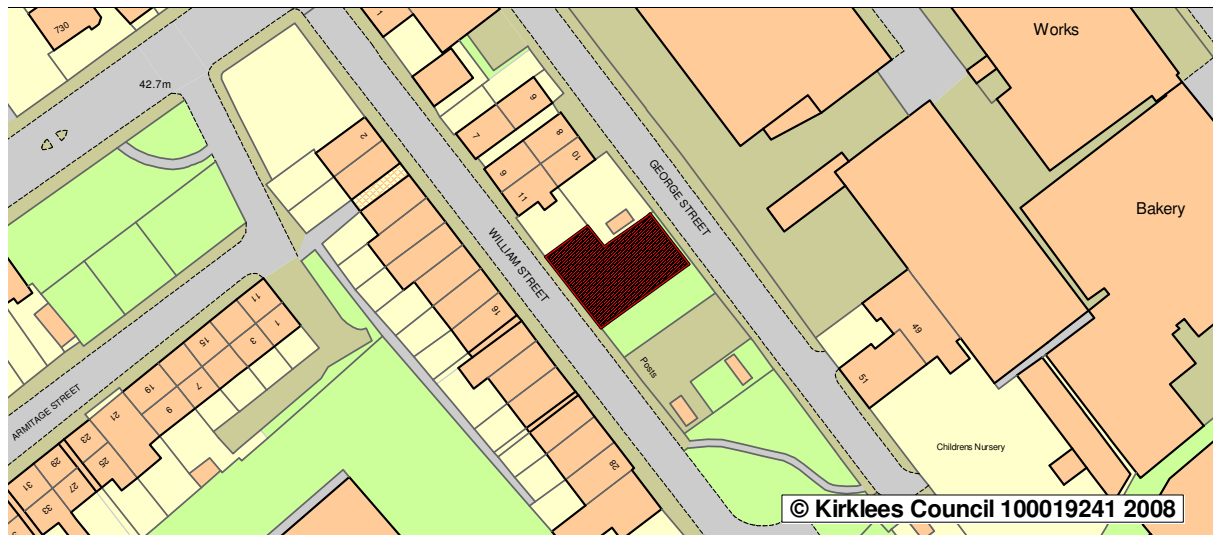
#### EXTENSION EXPIRY DATE

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

#### LOCATION PLAN



Map not to scale – for identification purposes only

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**Electoral Wards Affected: Dewsbury West**

No

Ward Members consulted  
(referred to in report)

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**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 Sub-Committee due to the significant number of representations that have been received. This is in accordance with the Council's Scheme of Delegation.

**2.0 SITE AND SURROUNDINGS:**

2.1 The application site, which is located at William Street in Ravensthorpe, comprises of a piece of land to the rear of two residential properties and currently accommodates a small metal clad storage building, as well as domestic paraphernalia. The site is bounded by fencing and hedging and is on a similar level to the nearby residential properties.

2.2 Surrounding the site are industrial buildings to the north-east and south-east of the application site, with a row of terraced residential properties to the south-west and a pair of semi-detached dwellings to the north-west.

2.3 The site is unallocated on the Kirklees Local Plan.

**3.0 PROPOSAL:**

3.1 Planning permission is sought for the erection of a replacement storage building to the rear of no. 10 George Street and no. 11 William Street. The building would be 5 metres in overall height (3.4 metres to the eaves), it would be 14 metres in width and would be 8 metres in length.

3.2 The building would be constructed from dark green metal cladding for the external walls with some pebble dash render for the external walls. The roof would be constructed from metal sheeting and there would be a shutter in the front elevation.

- 3.3 The building would be used for the storage of mattresses and furniture and there would be a loading area for transit vans to the front of the building.
- 3.4 There would be two doorway access points to the building, as shown on the submitted plans, which would be accessed from George Street and William Street. The Design and Access Statement confirms that the main access to the building would be from George Street.
- 3.5 The existing storage unit on the site is proposed to be demolished.

**4.0 RELEVANT PLANNING HISTORY (including enforcement history):**

- 4.1 No relevant planning history

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

- 5.1 The case officer has been in negotiations with the agent to reduce the scale of the building in order to ensure that the impact on residential amenity is acceptable for the properties in close proximity to the site. The case officer has also been in contact with the agent with regards to the use of the building – this has now been clarified. The neighbouring occupiers have been notified of the amended plans.
- 5.2 *Figure 1: Comparison table of existing, originally proposed and revised proposal dimensions*

	<b>Existing building</b>	<b>Original proposal</b>	<b>Revised proposal (amendments)</b>
<b>Overall height</b>	4.25m	5.92m	5m
<b>Eaves height</b>	2 m	4.4m	3.4m
<b>Length</b>	6.3m	9m	8m
<b>Width</b>	6.7m	15m	14m

**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 statutory Development Plan for Kirklees is the Local Plan (adopted 27<sup>th</sup> February 2019).
- 6.2 Kirklees Local Plan (KLP):

- PLP1** (as modified) – Presumption in favour of sustainable development
- PLP2** (as modified) – Place shaping
- PLP21** (as modified) – Highway Safety
- PLP22** (as modified) – Parking Provision
- PLP24** (as modified) – Design
- PLP27** (as modified) – Flood Risk
- PLP28** (as modified) – Drainage
- PLP52** (as modified) – Protection and improvement of environmental quality
- PLP53** (as modified) – Contaminated and unstable land

### 6.3 National Planning Policy Framework:

**Chapter 6** - Building a strong, competitive economy

**Chapter 9** – Promoting sustainable transport

**Chapter 12** – Achieving well designed places

**Chapter 14** – Meeting the need for climate change, coastal change and flooding

**Chapter 15** – Conserving and enhancing the natural environment

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

7.1 Following the initial publicity period, 8 representations against the application have been submitted. The comments raised are summarised as follows:

- Building will block light
- View will be ugly
- Vans coming to unlock stock will block the street and create an unsafe place for children
- Increased noise pollution – there will be no restriction so residents will be disturbed late in the evening/early morning
- Plenty of empty storage areas in Ravensthorpe, why not use those
- Not appropriate in residential area
- Busy street for parking
- Currently being used for restoring vehicles as a hobby
- Causes people to get blocked in – if there was an emergency, couldn't get out
- This area is not for business
- No objection if building was same height as old one and entrance from William Street was blocked up
- If business doesn't work, could sell to someone who could run a noisy business from there
- Council should be encouraging the use of vacant storage buildings rather than allowing new ones in residential areas
- Old Keelings factory has been vacant for years, the council could buy it and sub-let areas of it.

7.2 A petition has been also been submitted which contains 21 signatures.

7.3 Following the extended publicity period, no further comments have been received.

7.4 Officer comments in response to the representations will be made in the report below.

### 8.0 **CONSULTATION RESPONSES:**

8.1 **Statutory:**

**K.C. Highways Development Management** – No objection

**Local Lead Flood Authority** – No objection

## 8.2 Non-statutory:

**K.C Environmental Health** – No objection 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 without notation on the Kirklees Local Plan (KLP). Policy PLP1 (as modified) of the KLP states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. Policy PLP24 (as modified) of the KLP is relevant and states that “good design should be at the core of all proposals in the district”. Residential amenity, highway safety and flood risk will also be assessed in this report below.
- 10.2 Chapter 6 of the NPPF discusses how planning decisions should assist businesses to expand. This is considered to be relevant in this instance as the Design and Access Statement submitted with the application states that the storage building would be available to support local businesses, thus generating sustainable economic development.

### Urban Design issues

- 10.3 The proposed building is larger in scale than the existing structure and would be constructed from metal cladding and pebble dash render to give an industrial appearance. Within close proximity to the application site, there is an industrial area that accommodates buildings of a similar appearance to that which is proposed, albeit on a much larger scale. Given there is a varied character in this mixed use area, which also includes residential dwellings, Officers consider that the proposed storage building would not appear out of place within this context, especially considering the existing building on the site.
- 10.4 In terms of the impact on the streetscene, the building would be visible and would project above the existing hedge and fence boundary treatments around the site. However, given that the eaves height has been reduced to 3.4 metres from the originally proposed eaves height of 4.4 metres, a large amount of the bulk and massing would be screened, thus reducing its visible impact.

- 10.5 The building would be functional in its design and materials and would be similar to the surrounding industrial buildings, albeit of a smaller scale. Given the reduction in scale that Officers have negotiated during the course of the application (and as set out in *Figure 1* in paragraph 5.2), the scale and siting of the building would mean that it would not be overly dominant. The section drawing submitted shows the building within the context of the nearby properties, with the height being sympathetic to the scale of these dwellings, and with the materials and openings also being acceptable for the use of the building. The proposed palette of materials is varied which would help to break up its bulk and create an acceptable visual appearance. The form, scale and details of the development are considered by Officers to respect the character and landscape of the area, thus complying with Policy PLP24 (a) (as modified) of the KLP and Paragraph 127(c) of the NPPF.
- 10.6 The reduced height and length of the building from the original proposal means that its scale, in the opinion of officers, would be acceptable. It would not overly dominate the surroundings and would not appear out of place. The building would not result in overdevelopment of the site – there would be an area to the front of the building which would be hardstanding which is appropriate in this context. The building would not harm the character of the area where there is no predominant urban form.
- 10.7 Taking into account the above, Officers consider that the proposed development would, on balance, be acceptable from a visual amenity perspective, complying with Policy PLP24 (as modified) of the KLP and Chapter 12 of the National Planning Policy Framework.

#### Residential Amenity

- 10.8 The impact on residential amenity is considered by officers to be, on balance, acceptable. No objections have been raised in regards to overbearing or overlooking as a result of the proposed development.
- 10.9 It is acknowledged that the building would be located in close proximity to the row of terraced properties and the pair of semi-detached dwellings, all of which have habitable room windows in the elevations facing the application site. For this reason, careful consideration needs to be given to the impact on residential amenity.
- 10.10 Following receipt of amended plans to reduce the scale of the replacement building, which in turn increases the distance to the neighbouring semi-detached dwellings from that of the original proposal, Officers are satisfied that the proposal would not cause undue detrimental harm to the amenity of the occupiers of surrounding properties and that the proposal complies with Policy PLP24 (as modified) of the KLP which states “proposals should provide a high standard of amenity for future and neighbouring occupiers, including maintaining appropriate distances between buildings”.



- 10.11 There would be a distance of 15.2 metres between the front elevation of the storage building and the neighbouring semi-detached dwellings at no. 10 George Street and no. 11 William Street as proposed. Whilst the overall height of the building would increase, this would only be by 0.75 metres, with the eaves height also increasing by 1.4 metres. The section drawing submitted during the course of the application demonstrates the relationship that would result between the proposed replacement building and the dwellings; this is considered satisfactory by officers, especially given the changes to the roof form from a gable roof to hipped roof form which was secured during the course of the application. This results in a reduction in the overall bulk and massing of the building, with the bulk being significantly reduced (from the originally proposed scheme), with the roof also sloping away from the boundary. The distance to the boundary of the gardens has been increased from the original proposal too. Considering the above factors, the impact on these habitable room windows and the private amenity space of these neighbouring properties in relation to dominance and overshadowing is considered, by Officers, to be acceptable. The proposed situation would not be significantly detrimental to residential amenity.
- 10.12 In terms of the relationship with the row of terraced houses to the south-east of the site, given that the existing building is a relatively large structure, consideration needs to be given to the additional harm that would arise as a result of an increased height. There would be a distance of 11.4 metres between the proposed storage building and the row of terraced dwellings. The reduction in the eaves height from 4.4 metres (original proposal) to 3.4 metres (amended proposal) means that the bulk and massing of the storage building would not have a direct relationship with the first floor windows of the nearby domestic properties. Considering this relationship and the distance between the buildings means that, in the opinion of officers, the proposed development would not have a significant overbearing impact over and above the existing situation.
- 10.13 To the north-east side, there would be no impact on residential amenity. There are no habitable spaces within the industrial areas and the use of the proposed building is compatible with these industrial processes.
- 10.14 To the rear of the site, there is an outline planning permission for residential development that is currently pending consideration (application reference 2016/94290). There would be a distance of over 20 metres between the rear elevation of the proposed dwellings and the application site boundary (with approximately 11 metres from the rear boundary of the George Street site). Given this distance and the scale of the proposed building, as well as the fact that the proposed layout of the residential development is only indicative at this stage, officers consider that the storage building would not prejudice the use of the land to the rear for residential purposes.
- 10.15 Given the use of the building for storage purposes and the fact that the openings are doorways to provide access to the building would mean that there would be no detrimental overlooking impact from the building into the amenity space or habitable room of nearby residential units. Furthermore, a condition has been recommended to ensure that the building is used for storage only.

- 10.16 In terms of noise, the proposal would not result in additional noise over and above the existing situation given the use of the building as storage for mattresses and furniture (as confirmed by the applicant's agent). No industrial processes would be undertaken in the storage building and any associated vehicular movements are not considered to be harmful in respect of noise given the existing industrial buildings in close proximity to the site, as well as the small scale of the development proposal. It is not likely that more than one vehicle would visit the site at any one time, thus noise levels are not considered to rise significantly above the existing situation, complying with Policy PLP52 (as modified) of the KLP and Paragraph 170 (e) of the NPPF which states that planning decisions should prevent new development from contributing to noise pollution.
- 10.17 Overall, the proposal is considered to be, on balance, acceptable from a residential amenity perspective, compliant with Policies PLP24 and PLP52 (as modified) of the KLP and guidance with the National Planning Policy Framework, in particular, Paragraph 127 (f) of Chapter 12 and Paragraph 170 (e) of Chapter 15.

#### Highway issues

- 10.18 A number of representations have been received relating to highway safety concerns. Highways Development Management (HDM) have been consulted on the application which proposes to erect a large replacement storage building in place of the existing structure. There would be an off-street loading area for a delivery van.
- 10.19 The main access would be from George Street where there are already a number of industrial/commercial uses using this street as an access, thus confirming that this street can accommodate small transit vans for this purpose.
- 10.20 Given that the building is for storage, and it is of a relatively modest size, HDM do not consider there to be a significant level of vehicular movements to and from the site, thus ensuring that the proposal would not represent an intensification of the use of the site.
- 10.21 Due to the bulky nature of the items for storage, they would likely be dropped off one at a time, with delivery vehicles using the dedicated area to the front of the building for parking and unloading. Given that the building would be used for storage purposes only, there would be no need for staff parking.
- 10.22 Considering the above, it is considered that there would be no highway safety issues and the parking at the site is acceptable. The proposal would not result in displacement of additional vehicles onto the highway.
- 10.23 Taking the above into account, the proposal is considered acceptable from a highway safety and efficiency perspective, complying with Policies PLP21 (as modified) and PLP22 (as modified) of the KLP and Chapter 9 of the NPPF.

### Drainage issues

- 10.24 The Local Lead Flood Authority (LLFA) has been consulted on the proposal as the site and its surroundings lie within Flood Zone 2. The LLFA initially commented on the application to advise that the Flood Risk Assessment (FRA) was not comprehensive enough and that there was no surface water drainage strategy provided.
- 10.25 Following correspondence between the case officer, agent and the LLFA, an amended FRA was submitted. The amended FRA has been reviewed by the LLFA and is considered to be acceptable. A condition has been recommended to ensure that the development is carried out in accordance with this document.
- 10.26 It is noted that a surface water drainage strategy has not been provided and therefore the LLFA uphold their initial objection on this basis. The case officer has been advised that a drainage strategy can be secured by condition and therefore Officers are satisfied that the development is acceptable in terms of flood risk, with the inclusion of conditions.
- 10.27 As such, subject to the inclusion of the above suggested conditions, the proposal complies with Policy PLP28 (as modified) of the KLP and Chapter 14 of the NPPF.

### Representations

- 10.28 Eight representations, along with a petition containing 21 signatures, was received as a result of the initial publicity of the application. The concerns raised are summarised below and addressed by officers as follows:

- Will block light

**Officer comment: see residential amenity section of this report. The scale of the building and the distance between the buildings is considered to be acceptable to ensure a reasonable level of amenity.**

- View of the building will be ugly:

**Officer comment: The design of the building is functional and is similar in appearance to other buildings in the area.**

- Vans coming to unlock stock will block the street and create an unsafe place for children. If there was an emergency, residents couldn't get out.

**Officer comment: see highway safety section of this report. The use of the building is not considered to result in intensification of the site.**

- Increased noise pollution – there will be no restriction so residents will be disturbed late in the evening/early morning

**Officer comment: A condition has been recommended with regards to the hours of operation to ensure that the level of amenity for occupiers is acceptable. K.C Environmental Health do not object to the application.**

- Plenty of empty storage areas in Ravensthorpe, why not use those. Not appropriate in residential area, this area is not for business (the unit is currently used for restoring vehicles as a hobby)

**Officer comment: The application site has to be assessed on its own merits. In very close proximity to the application site, there is an industrial/commercial area. Officers are therefore of the opinion that this is a mixed use area whereby the proposed use of the building would be appropriate.**

- Busy street for parking

**Officer comment: see highway safety section of this report. The proposal is not considered to intensify on-street parking at or within close proximity to the site.**

- No objection if building was same height as old one and entrance from William Street was blocked up

**Officer comment: amendments have been sought to reduce the scale of the building. Whilst it is acknowledged that the building would be larger than that which exists on site, it is not considered to be harmful to either visual or residential amenity. In addition, HDM have no objection to the proposed access.**

- If business doesn't work, could sell to someone who could run a noisy business from there

**Officer comment: a condition has been recommended to ensure that the building is used as storage purposes only in order to protect residential amenity and highway safety.**

- Council should be encouraging the use of vacant storage buildings rather than allowing new ones in residential areas/ old Keelings factory has been vacant for years, the council could buy it and sub-let areas of it.

**Officer comment: this is not a material planning consideration.**

### Other Matters

10.29 No other matters are considered relevant to the determination of this application.

## **11.0 CONCLUSION**

11.1 To conclude, there is an existing building located on the site which is used for storage purposes. This proposal is to erect a larger building on the site for the same purposes. It is therefore considered that, with the inclusion of the suggested conditions set out in section 12.0 below, the proposal would have minimal impact with regards to visual amenity, residential amenity, highway safety and flood risk as discussed in the above report.

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 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. Standard timeframe for implementation (3 years)
2. Development in accordance with plans
3. Facing and roofing materials
4. Vehicle parking areas to be of permeable surfacing
5. Electric charging points
6. Hours of use (deliveries to or dispatches from the premises should not take place outside the times of 08:00 to 18:00 Monday to Saturday. No activities to take place on Sundays or Bank Holidays).
7. Building shall only be used for storage purposes
8. Reporting of unexpected land contamination
9. Air quality impact assessment determining the introduction of receptors into an area of poor air quality
10. Submission of a drainage strategy
11. Development to be carried out in accordance with the submitted Flood Risk Assessment (prepared by Innervision Design Ltd, updated December 2018)

**Background Papers:**

Application documents can be viewed using the link below:

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2018/93195>

Certificate of ownership – Certificate A signed and dated: 28/09/2018

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## KIRKLEES METROPOLITAN COUNCIL

### PLANNING SERVICE

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

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

21 MARCH 2019

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**Planning Application 2018/93195**

**Item 11 – Page 29**

**Demolition of existing storage unit and erection of replacement storage unit (Class B8)**

**Land at, William Street, Ravensthorpe, Dewsbury, WF13 3LW**

Following the publication of the final agenda, additional plans have been submitted which show an outline of the existing building overlaid onto the proposed elevations of the replacement storage building. This is for comparison purposes. These plans are labelled as 'Proposed Erection of new industrial unit for storage Rev C'.

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