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**Report of the Head of Development Management**

**HEAVY WOOLLEN PLANNING SUB-COMMITTEE**

**Date: 18-May-2017**

**Subject: Planning Application 2016/93053 Erection of extension to function hall and change of use of attached dwellings (C3) to ancillary prayer room and formation of additional parking Former Ravensthorpe WMC, Huddersfield Road, Ravensthorpe, Dewsbury, WF13 3ET and land opposite 486 Huddersfield Road**

**APPLICANT**

Mr Ashiq Hussain

**DATE VALID**

19-Oct-2016

**TARGET DATE**

14-Dec-2016

**EXTENSION EXPIRY DATE**

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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: Dewsbury West**

Yes

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 Development Management in order to complete the list of conditions including those contained within this report and to secure a S106 agreement to cover the following matters:**

**1. Car park management plan for remote car parking area to ensure it is available at all times the development is in use and for the lifetime of the development.**

**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 Development Management 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 Development Management is authorised to determine the application and impose appropriate reasons for refusal under Delegated Powers.**

**1.0 INTRODUCTION:**

1.1 The application is brought to the Heavy Woollen Planning Sub-Committee due to the significant number of representations received, and previous member interest in the site.

**2.0 SITE AND SURROUNDINGS:**

2.1 549 Huddersfield Road, Ravensthorpe is a former Working Mens Club, now used as a Function Hall known as "The Grand", located behind existing dwellings fronting Huddersfield Road. The site comprises the original building and later extension, with car park to the side, on the site of the former bowling green. The site is located adjacent to a mixture of commercial and residential uses, approximately 200m from the centre of Ravensthorpe.

2.2 The current application also includes a partially surfaced car park to the east of the Function Hall, opposite 486 Huddersfield Road.

### **3.0 PROPOSAL:**

- 3.1 Full Permission is sought for the erection of extensions to the Function Hall, in addition to the change of use the attached dwellings to ancillary prayer room, and the formation of additional parking on land to the east. As part of the development, the applicant proposes to increase the hours of opening beyond those approved as part of the original application. The proposed hours of opening are 11.00 to 23.00 7 days a week.
- 3.2 The majority of the works which form the proposals have already been undertaken and approved as part of previous applications.

### **4.0 RELEVANT PLANNING HISTORY:**

- 4.1 2015/93294 – Installation of 1 no. non illuminated sign - Refused
- 2015/93293 – Variation of Condition 6 (opening times) on previous permission 2012/90468 for erection of extension (Modified Proposal) – Refused (Appeal Dismissed)
- 2014/92784 – Variation of Condition 6 (opening times) on previous permission 2012/90468 for erection of extension (Modified Proposal) – Deemed withdrawn
- 2014/92616 – Erection of external flues – Approved
- 2014/92615 – Erection of non-illuminated sign - Refused
- 2014/92613 – Variation of Condition 2 on previous permission ref: 2012/90468 for the erection of extension - Approved
- 2013/91238 – Variation of Condition 2 on previous permission 2010/91970 relating to change of use of premises to function hall, erection of extension and change of use of bowling green to car park - Approved
- 2012/90468 – Erection of extension (Modified proposal) – Approved (partly implemented)
- 2010/92835 – Erection of front extension – Refused
- 2010/92950 – Change of use of dwellings to storage for private hire function room – Deemed Withdrawn
- 2010/91970 – Change of use of premises to function hall, erection of single storey extension and change of use of bowling green to car park - Approved

## **5.0 HISTORY OF NEGOTIATIONS:**

- 5.1 Through the course of the application, additional information was requested from the applicant in the form of a Traffic/Car Park Management Plan in order for Officers to assess how the additional car parking was to be managed and marshalled. This was received and re-advertised by site notice, press advert and neighbour notification letter.
- 5.2 The description of development was also amended, following discussion with the applicant's agent, in order to more accurately reflect the current use of the site. The amended description was also re-advertised along with the additional information outlined above.

## **6.0 PLANNING POLICY:**

- 6.1 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.

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

- **D2** – Unallocated land
- **BE1** – Design principles
- **BE2** – Quality of design
- **B5** – Extensions to business premises
- **T10** – Highway Safety
- **T19** – Parking Standards
- **EP4** - Noise Sensitive Development

### **National Planning Guidance:**

- 6.3 The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.
- Chapter 1 – Building a strong, competitive economy
  - Chapter 7 – Requiring good design
  - Chapter 10 – Meeting the challenge of climate change, flooding and coastal change

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

7.1 The application has been publicised by site notice, press advert and neighbour notification letter. As a result of site publicity, 21 letters of objection have been received, in addition to a petition of 337 signatures. The concerns raised are summarised as follows:

- The applicant is already operating within the opening hours requested on the application form, and holds two weddings in one day (afternoon and evening)
- The site is noisy with fireworks, revving car engines and loud music
- Surrounding streets are blocked by coaches and limousines, causing a nuisance to adjacent residents
- The use of the site results in congestion along Huddersfield Road
- Question how the building can include a prayer room when there is loud music and fireworks all night
- Health and Safety issue arising from lack of lighting in undercroft parking
- Proposals will impact on local property values
- Suggest that hours of opening are extended to 11pm on weekends only

7.2 The application was re-advertised on receipt of additional information and any representations received in relation to that re-publicity will be reported in the update.

## **8.0 CONSULTATION RESPONSES:**

8.1 **Statutory:**

**KC Highways Development Management:**

8.2 **Non-statutory:**

**KC Environmental Services:** Await response following re-consultation on additional information

## **9.0 MAIN ISSUES**

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

## 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]”.

Furthermore, Policy B5 of the UDP allows for the extension of existing business premises provided that the amenity of occupiers of neighbouring properties, visual amenity and highway safety are safeguarded. Chapter 1 of the NPPF also sets out that the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth and that planning should operate to encourage and not act as an impediment to sustainable growth.

All these considerations are addressed later in this assessment.

### Urban Design issues

- 10.2 Policies BE1 and BE2 of the UDP are considerations in relation to design, materials and layout. Furthermore, paragraph 60 of the NPPF stipulates that planning decisions should not stifle innovation through unsubstantiated requirements to conform to certain development forms or styles, although it is proper to seek to promote or reinforce local distinctiveness.
- 10.3 The overall design of the proposed extensions has been assessed previously and at that time it was considered that whilst the extensions were to have a differing appearance to that of the host building, immediately to the rear of the site were industrial buildings which had a similar design and the proposals would result in a juxtaposition of the contemporary and traditional. The scale of the proposed extensions was not, on balance, considered to be problematic when taken into account with the large scale commercial building adjacent the site to the south.
- 10.4 The use of render, ashlar stone and cladding to the external elevations of the extensions, again, has previously been considered to be acceptable and would not detract from the visual amenity of the area.
- 10.5 The current proposal involves the change of use of the former back to back residential properties to the north west of the main function hall to provide prayer room facilities to serve clients of the Function Hall. The external alterations required to facilitate this use are considered by Officers to be minimal in nature and would not detract from the appearance of the host building, nor surrounding area.
- 10.6 The additional parking area to the east of the site has a partially surfaced character and is currently used for parking.

### Residential Amenity

- 10.7 Paragraph 17 of the NPPF lists the core planning principles which should underpin both plan-making and decision taking. One of these principles is that planning should: *“always seek to ensure high quality design and a good standard of amenity for all existing and future occupants of land”*.
- 10.8 Policy BE1 (iv) of the UDP echoes the above advice, stating that: *all development...should contribute to a built environment which promotes a healthy environment, including space...about buildings”*
- 10.9 The current proposals (with regard to the built envelope of the site) would not differ significantly from the previously approved applications with regard to their impact upon residential amenity.
- 10.10 KC Environmental Services (Pollution and Noise Control) have been consulted on the application and initially raised concerns with regard to the hours of opening proposed by the applicant, as complaints have been received with respect to the existing car parking arrangement and resultant noise disturbance to residents. Environmental Services have recommended the imposition of a condition requiring the submission of a Car Park Management Scheme that specifically addresses how local residents will be protected from excessive noise from the car park. As a Car Park Management Plan has been submitted through the course of the application, KC Environmental Services have been re-consulted and their response is awaited.

### Highway issues

- 10.11 Access to the former WMC is gained via a private access off Huddersfield Road. The width of the access varies between 5.5m and 6.0m. In addition to serving the site, it also provides access to approximately 15 dwellings to the north of the site and Ravensthorpe Mills industrial units to the south. The existing car park serving the site has provision for 98 spaces.
- 10.12 The additional car park to serve the Function Hall is located approximately 125m to the east, also accessed off Huddersfield Road, and associated with Calder Vale Mills. The submitted details indicate that this would provide provision for a further 81 parking spaces.
- 10.13 In response to concerns raised by KC Highways DM over increased traffic during peak times on Huddersfield Road, a Traffic/Car Park Management Plan has been submitted by the applicant. This sets out how the existing car park and additional parking would be managed: -
- Both car parks to be allocated a colour
  - Fully trained Parking Marshalls to be placed at locations set out within the Traffic/Car Park Management Plan with hand held directional signage to each coloured car park
  - Each car park would be managed by Parking Marshalls, in accordance with the following:

#### 10.14 'Green' Parking (Existing Car Park)

- This would provide priority parking for the Wedding Party, and managed on a reserved space basis. Parking cards will be provided by the Function Hall to be displayed on the windscreen of vehicles on arrival.
- Parking Marshalls would direct the vehicles from the highway through the parking area to the specific parking space in order to keep traffic moving quickly from Huddersfield Road and maintain flow through the site.
- Traffic will be directed on a 'one-way' system into the car park by Marshalls identified by wearing High Visibility jackets and communicating via radio.

#### 10.15 Blue Parking (Additional Car Park)

- Vehicles to be directed by Parking Marshalls using hand signage from Huddersfield Road
- This car park to be used by all other guests including any coach arrivals
- Vehicles to be parked by Marshalls and occupy spaces furthest away from site entrance first

10.16 The submitted Traffic/Car Park Management Plan also makes reference to the provision of a box junction on Huddersfield Road at the junction with the site access. The provision of this could be secured by condition.

10.17 The proposed Traffic/Car Park Management Plan is considered to be acceptable from a Highways perspective, however the increase in opening hours to include peak weekday traffic periods and the additional moving traffic generated by the proposal is still considered to be a potential issue at peak times. Officers therefore consider the hours of opening to customers of 19.00 to 23.00 Monday to Friday and 11.00 to 23.00 on Saturdays and Sundays. There shall be no opening on Bank Holidays except in instances where a Bank Holiday falls immediately after Ramadan. The detail of the instances when post Ramadan Bank holiday opening will be permitted will need to be agreed through a suitably worded condition.

#### Flood Risk

10.7 A Flood Risk Assessment (FRA) was submitted with previous applications and on the basis of this; the Environment Agency raised no objections subject to the development being carried out in accordance with the guidance contained within it. The current proposals would not impact on the content of the previously submitted FRA. As such, subject to the inclusion of a condition setting out that the development is to be carried out in accordance with the content of the FRA, the proposal would accord with the aims of chapter 10 of the NPPF.

## Representations

10.8 The representations received are addressed as follows:

The applicant is already operating within the opening hours requested on the application form, and holds two weddings in one day (afternoon and evening)

**Response:** The site is the subject of an Enforcement complaint and the current application seeks to regularise the situation with regard to the hours of opening.

The site is noisy with fireworks, revving car engines and loud music

**Response:**

Surrounding streets are blocked by coaches and limousines, causing a nuisance to adjacent residents

**Response:** The applicant has submitted a Traffic/Car Park Management Plan which aims to address the management of vehicles arriving and leaving the site in order to reduce traffic congestion along Huddersfield Road.

The use of the site results in congestion along Huddersfield Road

**Response:** This is addressed above

Question how the building can include a prayer room when there is loud music and fireworks all night

**Response:** The prayer room would be ancillary to the Function Hall use

Health and Safety issue arising from lack of lighting in undercroft parking

**Response:**

Proposals will impact on local property values

**Response:** This is not a material planning consideration

Other Matters – Building Control/H&SE etc

10.9 This will be expanded in the update report to committee.

## **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.

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 Development Management)**

1. Development to be carried out in accordance with approved plans and details
2. Car parking to be available at all times the business is operating and carried out in accordance with Traffic and Car Park Management Plan
3. Hours of use; not before 7pm and not after 11pm Monday to Friday. Not before 11am or after 11pm Saturday and Sunday. No Bank Holiday openings.
4. Bank Holiday openings of 11am to 11pm will be allowed were a Bank Holiday follows immediately after the month of Ramadan with the detail of this to be agreed in writing with the LPA within 3 months of the date of issue of the decision notice.
5. Management plan to be agreed to protect neighbours from noise for use of the car parking areas by visitors, guests and staff.
6. Delivery management plan to be agreed in writing with the LPA within 3 months of the date of issue of the decision notice.

**Background Papers:**

Application and history files.

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2016%2f93053>

Certificate of Ownership – Notice served on Owner/Agricultural Tenant of Caldervale Mills and Certificate B signed.