
Report of the Head of Strategic Investment

HEAVY WOOLLEN PLANNING SUB-COMMITTEE

Date: 13-Jun-2019

Subject: Planning Application 2019/90813 Formation of private car park facility for the use of the community centre 61 Battye Street Land between, St Philip's Close, and Battye Street, Dewsbury, WF13 1PB

APPLICANT

T Hussain

DATE VALID

12-Mar-2019

TARGET DATE

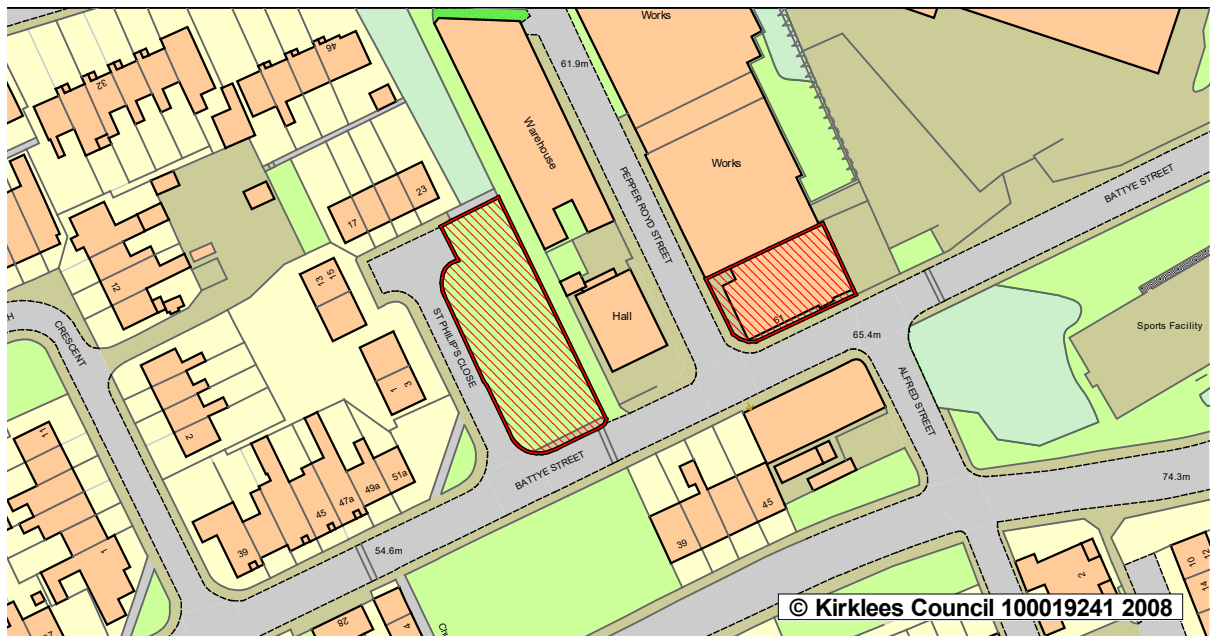
07-May-2019

EXTENSION EXPIRY DATE

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

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

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral Wards Affected: Dewsbury East

No

Ward Members consulted
(referred to in report)

RECOMMENDATION:

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

1.0 INTRODUCTION:

- 1.1 The application has been brought to Heavy Woollen Sub Committee due to the significant number of representations that have been received as a result of the publicity period.
- 1.2 The Chair of the Planning Committee has confirmed that this is appropriate and would comply with the Councillor's Protocol for Planning Committees.

2.0 SITE AND SURROUNDINGS:

- 2.1 The site relates to an area of grassed land which is located between St Phillip's Close and Battye Street in Dewsbury. The land is located adjacent to residential properties to the north-west and south-west, with a community hall and warehouse building to the north-east.
- 2.2 The land is currently an area of open space with a mature tree on its frontage. The site is relatively flat. On the opposite side of Battye Street there is an area of sloping grassed open space which has been granted planning permission for residential development.
- 2.3 The site is unallocated on the Kirklees Local Plan.

3.0 PROPOSAL:

- 3.1 Planning permission is sought for the change of use of land to create a car park with 20 spaces for users of the community facility. The submitted site plan shows the layout of the car park, with a grassed area to remain to the rear, with small areas of grassland on either side of the entrance. The plan also shows the tree to be retained.
- 3.2 The applicant has confirmed that the car park will be surfaced from permeable grasscrete and will have a barrier to the front of the site.

- 3.3 The car park will be accessed from Battye Street and the site plan confirms that a dropped kerb will be installed.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

2015/90068 – Outline application for erection of up to 4 dwellings OUTLINE APPROVED (Land off Battye Street)

2017/93614 – Reserved matters application pursuant to outline permission APPROVED (Land off Battye Street)

2017/90211 for erection of residential development APPROVAL of RM (Land off Battye Street)

2017/90211 – Outline application for erection of residential development APPROVED (Land off Battye Street)

2018/92390 – Erection of 7 dwellings APPROVED (Land off Battye Street)

2012/91050 – Change of use from cycle shop to community centre and alterations APPROVED (no. 61 Battye Street)

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

- 5.1 Additional information was requested by Highways DM with regards to sightlines from the site's access and how the barrier gates will operate. The information has been provided and this addresses initial Highways DM concerns.

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 27th February 2019).

The site is unallocated on the Kirklees Local Plan.

6.2 Kirklees Local Plan (2019):

- **LP1** – Presumption in favour of sustainable development
- **LP2** – Place shaping
- **LP3** – Location of new development
- **LP21** – Highway Safety
- **LP22** – Parking Provision
- **LP24** – Design
- **LP37** – Flood Risk
- **LP33** - Trees
- **LP47** – Healthy, active and safe lifestyles
- **LP50** – Sport and physical activity
- **LP52** – Protection and improvement of environmental quality

6.3 Supplementary Planning Guidance / Documents:

Highways Design Guide

6.4 National Planning Policy Framework:

- **Chapter 8** – Promoting healthy and safe communities
- **Chapter 12** – Achieving well-designed places
- **Chapter 14** – Meeting the challenge of climate change, coastal change and flooding
- **Chapter 15** – Conserving and enhancing the natural environment

7.0 **PUBLIC/LOCAL RESPONSE:**

7.1 23 representations have been received. The concerns raised are summarised as follows:

- Road safety grounds – car park being near a nursery, a play area and local school.
- Land would encourage more traffic and would add to existing highway problems
- Increase risk of accident
- No-where else where children can play
- Car headlights can shine straight into living rooms
- Reduce quality of life so one individual can make more money (renting out community centre)
- Noise
- Drugs, drink

Officer comments in response will be made in Section 6 of this report.

8.0 **CONSULTATION RESPONSES:**

8.1 **Statutory:**

K.C Highways Development Management - no objection following receipt of additional information on how barriers will operate and confirmation that sightlines will be acceptable (to be secured via condition).

8.2 **Non-statutory:**

K.C. Planning Policy – no objection. Piece of land not identified as area of special amenity value and does not have visual amenity quality to be deemed as such.

K.C Trees – no objection subject to condition requiring Arboricultural Method Statement.

K.C Environmental Health – no objection subject to electric vehicle charging points provided within the car park.

K.C Physical Resources and Procurement – no objection, including its use for car parking.

Police Architectural Liaison Officer – comments received. See other matters.

9.0 MAIN ISSUES

9.1 The main issues for consideration are as follows:-

- 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 LP1 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 LP24 of the KLP is relevant and states that “good design should be at the core of all proposals in the district”.
- 10.2 As well as the above, consideration has been given to Paragraph 97 of the National Planning Policy Framework which stipulates that access to high quality open space is important for the health and well-being of communities and that areas of open space should not be built on subject to certain exceptions.
- 10.3 K.C Planning Policy have been consulted on the application and confirmed that the application site has not been identified as an area of valuable open space within the Local Plan open space allocations. Following a site visit and discussion with K.C Planning Policy, Officers consider that the site does not have enough quality and character to be designated as protected open space, thus being appropriate development to comply with Paragraph 97 of the National Planning Policy Framework and policy LP50 of the Kirklees Local Plan.
- 10.4 In this case, the principle of development on the application site is considered to be acceptable and shall be assessed against other material planning considerations below.

Urban Design issues

- 10.5 Officers have considered the amenity value that the site provides within the area and the harm that would arise as a result of developing the land to form a car park.

- 10.6 The site is located in very close proximity to Battye Street which is a main thoroughfare through the area, where there are a variety of uses and buildings, none of which are considered to have special architectural merit. Whilst it is acknowledged that a large area of hardstanding will have an impact on visual amenity (character of the area and streetscene), in this context, the formation of a car park is considered, by Officers, to be acceptable. Small pockets of grassed areas will be retained within the development site as well as the mature tree on the site frontage.
- 10.7 At the time of the site visit, there was a signpost on the land stating that no ball games were to be played and there were no signs of the land being used by local people for recreational purposes. Officers do not consider that the site has significant recreational value or promotes community involvement significantly enough to warrant refusal of the application. The site is not considered by Officers to create a sense of place, and is not overly safe and welcoming for members of the public to use as open space given its location adjacent to a frequently used highway.
- 10.8 There are no architectural features within the site and the residential properties surrounding the site do not have any significant architectural merit, thus the uses bordering the site are of a low amenity value. Officers consider that the site does not contribute to the streetscene or character of the area significantly enough to warrant a recommendation of refusal to ensure the safeguarding of this piece of land for community use. The car park and proposed barrier, subject to appropriate landscaping as shown on the site plan, is considered to be acceptable in terms of policy LP24 of the KLP and Chapter 12 of the NPPF.
- 10.9 As discussed above, Officers do not consider that the site shows the characteristics of valuable public open space as stated in Paragraph 100 of the NPPF.
- 10.10 K.C Planning Policy have been consulted on the application and it was confirmed that the application site has not been identified as Local Green Space as part of the Kirklees Local Plan allocations and that the application site does not offer sufficient characteristics of valuable open space to oppose the use of the land as a car park which will provide benefits to the local community through providing parking for users of the community hall. Officers acknowledge that the granting of planning permission for residential development on the opposite side of the road will mean a reduction in public open space in the area, however this does not mean that, in the opinion of officers, the application site is significant enough to be retained.
- 10.11 It is important to note that the piece of land on the opposite side of Battye Street has been granted planning permission for the erection of 8 dwellings. Whilst this area is currently open land, the proposed residential development has been considered to be acceptable under app ref. 2018/92390.
- 10.12 To summarise, officers do not consider that the site provides a significant level of amenity value to outweigh the other material considerations that are in favour of the proposed development. The site is of a reasonable size and provides some community benefit by virtue of being an area of open land, but is not considered by Officers to be visually interesting given its location and surrounding uses. The site does not have historic significance or a richness of wildlife. Considering the above, Officers consider that the proposed development complies with the aims of policies LP24 and LP50 of the Kirklees Local Plan and Chapters 8 and 12 of the NPPF.

Residential Amenity

- 10.13 The impact on residential amenity is considered to be acceptable. The proposed development does not include the erection of buildings or structures and therefore there will be no overbearing or overlooking / loss of privacy.
- 10.14 In terms of noise and disturbance, K.C Environmental Health have been consulted and there is no objection to the proposed development in terms of noise and disturbance relating to the use in close proximity to residential properties. The use in itself is not a significant noise generator over and above the use of the venue itself.
- 10.15 Furthermore, the residential properties are also in close proximity to the main road which a large number of vehicles will pass through. The vehicular movements that result from this change of use will not significantly harm residential amenity in this regard.
- 10.16 Considering the above, Officers consider that the proposal complies with Policies LP24 and LP52 of the Kirklees Local Plan and guidance contained within the National Planning Policy Framework. The proposed development would not create a harmful impact on residential amenity for occupiers of neighbouring properties.

Highway issues

- 10.17 The impact on highway safety is considered, by Officers, to be acceptable following the receipt of additional information. Highways DM initially commented that the parking area would encroach onto the existing footway and create a 1.0 metre wide pedestrian border around the site. The reduction in the width of the public footway provision at this location was not acceptable and would lead to highway safety issues for pedestrians.
- 10.18 Additional information and amended plans have been provided to address this concern. The plan shows that the existing pavement will remain unchanged and a dropped kerb will be installed. Battye Street is not a classified road and therefore planning permission for the dropped kerb is not required.
- 10.19 The agent has also confirmed that the barrier will only be used before an event and after all vehicles have left, the proposed barrier is acceptable. There would be no queuing to access the car park which would ensure that there are no highway safety issues.
- 10.20 In order to ensure that the proposed development will not create highway safety issues, the sightlines from the access onto Battye Street would need to be provided and there must be no structures erected that would impede visibility from the proposed car park access. In order to ensure this, the following condition has been recommended by Highways DM:

“Nothing to be planted or erected within a strip of land 2 metres deep measured from the carriageway edge along the full frontage which exceeds over 1 metre in height”.

- 10.21 A condition has also been recommended to ensure that electric vehicle charging points are provided within the car park to comply with Chapters 9 and 14 of the National Planning Policy Framework and Policies LP27 and LP51 of the Kirklees Local Plan.
- 10.22 To conclude, Officers consider that the proposed development will not lead to highway safety issues, complying with Policies LP21 and LP22 of the KLP as well as guidance within the National Planning Policy Framework.

Drainage issues

- 10.23 A condition has been recommended to ensure that all hardstanding within the application site is constructed of a permeable surface in accordance with the Environment Agency's guidance. These surfaces allow water to soak through the surface into the ground below to ensure that any surface water runoff does not cause flooding risks to the site and its surroundings. Officers are satisfied that the proposed development complies with policy LP27 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework in this respect.

Representations

- 10.24 23 representations have been received raising the following concerns which are addressed as follows:
- Road safety grounds – car park being near a nursery, a play area and local school.
Officer comment: see highway safety section of this report. Following receipt of additional information, the proposals are not considered to be significantly harmful to highway safety.
 - Land would encourage more traffic and would add to existing highways problems
Officer comment: see highway safety section of this report. The proposal has been carefully assessed by HDM and it is not considered to result in any undue highway safety implications.
 - Increase risk of accident
Officer comment: see highway safety section of this report. The proposal is considered acceptable from a highway safety perspective.
 - Nowhere else where children can play
Officer comment: this land does not provide a formal play area for children and indeed there are signs erected on the site stating 'no ball games'.
 - Car headlights can shine straight into living rooms
Officer comment: K.C Environmental Health have raised no objection to the proposal. Given the location of the car park, there is no direct relationship between the car park and the nearby residential properties.
 - Reduce quality of life so one individual can make more money (renting out community centre)
Officer comment: not a material planning consideration.

- Noise

Officer comment: K.C Environmental Health have not raised an objection to the proposal. The noise generated by the use will not harmful over and above the existing situation.

- Drugs, drink

Officer comment: Consideration has been given to crime – see other matters section of this report. Consultation has been undertaken by the Police Architectural Liaison Officer.

Other Matters

- 10.25 *Trees* - To the front of the site is a mature Poplar tree which has been shown on the proposed site plan to be retained. The tree is mature and of amenity value to the streetscene of Batty Street. However, it is acknowledged that the tree is not protected by a tree preservation order or any conservation area status.
- 10.26 However, given the amenity value that the tree provides, the Council's Arboricultural Officer has advised that there is no objection to the proposed development subject to an Arboricultural Method Statement being conditioned to ensure that the formation of the proposed car park does not damage the mature tree and its roots.
- 10.27 Officers consider that, with the inclusion of the suggested condition, the proposal complies with Policy LP33 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.
- 10.28 *Crime and Disorder* - The Police Architectural Liaison Officer has been consulted on the planning application and stated that there have been several crime incidents within the area involving vehicles. Whilst there is no objection to the proposed development, several recommendations have been put forward in relation to ensuring that incidents of crime and disorder do not increase as a result of the development. The following comments have been made:
- Advise that security fencing is erected around the site perimeter
 - Car park kept locked at night – management plan to main site and car park operations
 - Access must be restricted from public land by installing a lockable gate
 - External lighting must comply with BS5489 standards
 - CCTV should cover the secure parking to ensure that nuisance and anti-social behaviour are considered.
 - Motorcycle parking bays can be made more secure through the installation of ground anchors
- 10.29 The conditions which are considered necessary would be recommended on the decision notice, should planning permission be granted. Footnotes would also be recommended which would advise the applicant of further crime prevention measures that should be considered. Officers are satisfied that the formation of a car park will not create crime issues above the existing community hall use.

- 10.30 Subject to the imposition of conditions/advisory footnotes, Officers consider that the proposed development complies with Policy LP47 of the Kirklees Local Plan and Chapter 8 of the National Planning Policy Framework.
- 10.31 Boundary treatment – As part of the application details, no specification has been provided in regard to the position, height or type/design of boundary treatment. Whilst it is acknowledged that this could be controlled to a degree via permitted development set out in the Town & Country Planning (General Permitted Development) Order, it is considered necessary, by officers, to impose a condition requiring such details to be submitted to and approved in writing by the Local Planning Authority before any boundary treatments are first erected. This would be to ensure that any boundary treatments are positioned appropriately and that acceptable materials/heights/design is used, in the interest of safeguarding visual and residential amenity, in accordance with Policy LP24 of the KLP and Chapter 12 of the NPPF.
- 10.32 Users of the proposed car park – As set out in the description of the development and what has formed the basis of this assessment, is that the car park would be used in association with the existing community facility operating from no.61 Battye Street. So as to ensure that this remains the case, a condition is recommended to be imposed by officers; this would ensure that the car park would not be used as an independent facility but used, at all times, in association with the community facility. This would ensure that the proposal complies with the aims of chapter 8 of the NPPF (in terms of providing an enhancement to an existing community facility), as well as Policy LP24 of the KLP and Chapter 12 of the NPPF in respect of residential amenity.

11.0 CONCLUSION

- 11.1 To conclude, the proposed car park, in terms of its size and layout, is considered acceptable by officers in this location. It would relate satisfactorily to the varied development within the vicinity of the site and, in the view of officers, would not result in any significant residential amenity implications. In addition, the proposal is not considered to result in any undue highway safety implications either.
- 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 and 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 commencement of development (3 years)
2. Development to be in accordance with plans
3. Permeable hardstanding
4. Nothing planted/erected within a strip of land 2 metre deep from the carriageway edge of Battye Street which exceeds 1 metre in height
5. Arboricultural Method Statement to ensure mature Poplar tree is to be retained
6. Scheme to detail CCTV measures at the site.
7. Full detail of the position, height, material and design of any boundary treatment.
8. The car park shall be used in association with the community facility operating at no. 61 Battye Street and shall not be used independently from it.

Background Papers:

Link to application details:-

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2019%2f90813>

Certificate B signed on 12.3.2019 and notice served on Kirklees Council