
Report of the Head of Strategic Investment

HEAVY WOOLLEN PLANNING SUB-COMMITTEE

Date: 13-Jun-2019

Subject: Planning Application 2019/90281 Erection of boundary wall and fence, and formation of children's play area Park Hotel, 125, High Street, Westtown, Dewsbury, WF13 2QG

APPLICANT

M Pandor

DATE VALID

14-Feb-2019

TARGET DATE

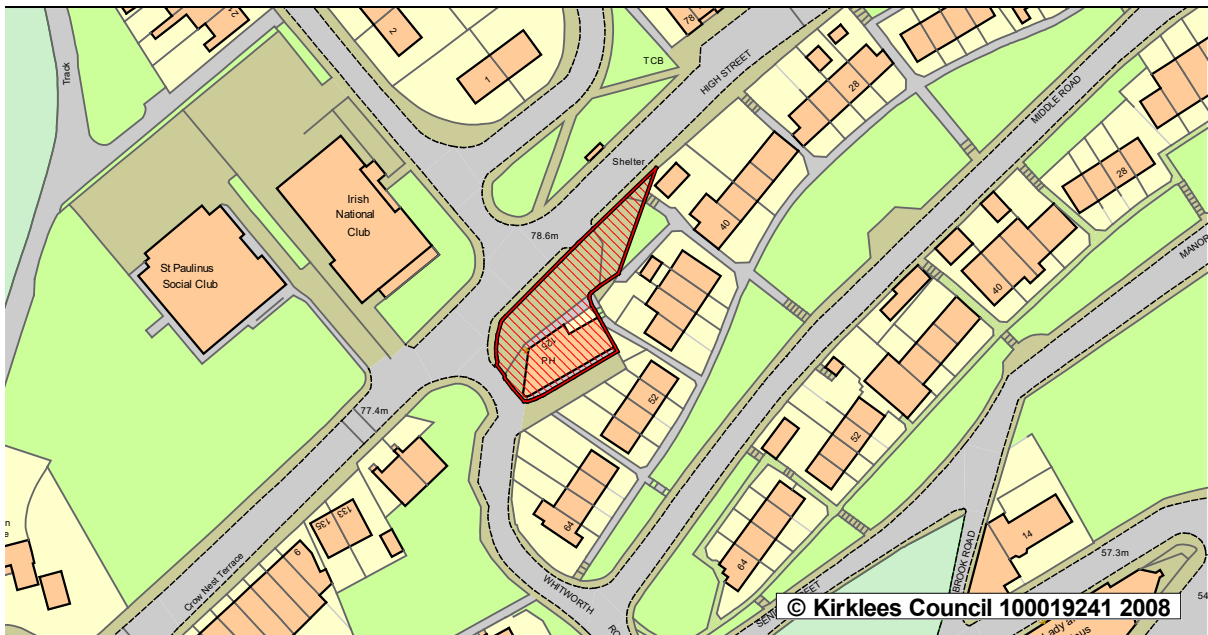
11-Apr-2019

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 West

No

Ward Members consulted

RECOMMENDATION:

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

1.0 INTRODUCTION:

- 1.1 The application is brought to the Heavy Woollen Planning Sub-Committee as the applicant is a family member of the Council's Leader Councillor Shabir Pandor. This is in accordance with Part 3.7 of the Constitution.
- 1.2 The Chair of the Sub-Committee has confirmed that this arrangement is appropriate, having regard to the Councillor's Protocol for Planning Committees.

2.0 SITE AND SURROUNDINGS

- 2.1 The application property is Park Hotel, no.125 High Street, Westtown, Dewsbury. It is a two storey stone built detached property, with a fenced play area and a hardstanding area to the front and a single storey flat roof extension to the side. The property was converted from a public house to a pre-school in 2013. The boundary treatment of the application site comprises a mix of post and chain fences and block walls. The site has two vehicle access points; one on High Street and another one on Whitworth Road.
- 2.2 The site and its surrounding area are characterised by a mix of residential and non-residential development. There are shops to the north-east and two clubs to the north-west of the application site. The properties in this area vary considerably in terms of scale, design and materials. There is a moderate change in land level with all properties to the north-west of High Street situated at a higher level than those to the south-east.

3.0 PROPOSAL:

- 3.1 The development proposal is for the erection of boundary walls and fences and the formation of a children's play area. The details of the proposal are as follows.

- 3.2 The boundary wall would be erected to the front and the side of the application site. It would be 2.4m high, constructed in natural stone and metal railings. There would be two gates for vehicular access; one on High Street and another one onto Whitworth Road.
- 3.3 Immediately behind the boundary wall would be two car parks; one with 7 spaces and the other one with 2 spaces. There would also be a children's play area in between the two car parks, which is approximately 11.0m wide and 12.0m deep. The play area would be separated from the car parks by 1.8m high green coloured horizontal railings.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

2013/92447 – Change of use of public house to children playgroup (125, High Street) – Approved

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

- 5.1 The Council's Highways Development Management team initially expressed concerns in regard to the proposed boundary wall as it was considered to have an adverse impact on visibility. There was also limited evidence initially submitted to confirm that the proposed parking provision would be adequate to meet the needs of the customers as well as the staff. The applicant was made aware of these concerns by officers.
- 5.2 Following a meeting between the applicant and officers, the applicant submitted further information in relation to parking. Additional to this, an amended plan was received on 03-Jun-2019, which demonstrates a visibility splay of 2.4m by 43.0m. There were changes to the layout of the car park to aid vehicle manoeuvring. Taking into account the above information, officers concluded the proposal to be acceptable from a highway safety, efficiency and parking perspective.
- 5.3 The applicant also added an additional section in the Design and Access Statement to set out the reasons for the height of the proposed boundary wall. These reasons have been considered and afforded appropriate weight in the visual amenity section in this report.

6.0 PLANNING POLICY:

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The 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 (KLP):

LP 1 – Achieving sustainable development

LP 2 – Placing shaping

LP 21 – Highway safety

LP 22 – Parking

LP 24 – Design

LP 52 – Protection and improvement of environmental quality

6.3 National Planning Policy Framework

Chapter 2 – Achieving sustainable development

Chapter 8 – Promoting healthy and safe communities

Chapter 12 – Achieving well-designed places

7.0 **PUBLIC/LOCAL RESPONSE:**

7.1 As a result of the initial and further publicity, no representations have been received.

8.0 **CONSULTATION RESPONSE:**

8.1 **Statutory**

None

8.2 **Non-statutory:**

KC Highways Development Management: No objections or concern with regard to the development proposal as shown on the amended plan received on 12-Apr-2019, subject to a condition to require the parking area be appropriately surfaced, drained and marked out in accordance with the details in the approved plan.

KC Environmental Health: No objections or concerns in terms of the children play area proposed. This is because the application site already has an outdoor play area. The proposed play area would be no closer to the nearby residential properties than the existing play area. Hence, it would not materially increase the noise and disturbance experienced by the occupants of the adjoining properties.

9.0 **MAIN ISSUES**

- Principle of development
- Impact on visual amenity
- Impact on residential amenity
- Impact on highway safety and parking
- Representations
- Other matters

10.0 **APPRAISAL**

Principle of development

10.1 Chapter 2 of the NPPF introduces the presumption in favour of sustainable development, which is the focus of policy LP1 of the Kirklees Local Plan. This policy stipulates that proposals that accord with policies in the Kirklees Local Plan will be approved without delay, unless material considerations indicate otherwise. Policy LP24 of the KLP is the overarching policy in relation to the design of all proposals, requiring them to respect the appearance and character of the existing development in the surrounding area as well as to protect the amenity of the future and neighbouring occupiers, to promote highway safety and sustainability. These considerations, along with others, are addressed in the following sections of this report.

- 10.2 The application property is currently used as a pre-school, which can be deemed a community facility for the purposes of chapter 8 of the NPPF. Paragraph 92 of the NPPF states that planning decisions should “*ensure that established ... facilities ... are able to develop and modernise and are retained for the benefit of the community*”. In this case, the applicant suggests in the supporting statement that the proposed boundary treatments would be essential in order to provide a safe environment and to ensure the health and well-being of the children, who attend the pre-school. Officers concur with the applicant that the proposal would be beneficial to the local communities by improving the existing facilities and consistent with the aim of chapter 8 of the NPPF.

Impact on visual amenity

- 10.3 The boundary wall would be erected to the front and side of the application site. Since the boundary wall would be relatively high and situated in close proximity to High Street, it would be visually prominent within the street scene. The neighbouring properties along High Street appear to be set back from the road considerably, with a large open area to the front. This evidently contributes to the existing character of the surrounding area. To permit the boundary wall as proposed is likely to have some adverse impact in terms of visual amenity.
- 10.4 Notwithstanding the above considerations, it is considered that the height of the boundary wall can be, on balance, acceptable in this particular instance as the purposes of erecting such a wall are to improve the security of the existing car park, to provide a safe outdoor environment for children to play and to deter unauthorised access and anti-social behaviour. To reduce the height of the boundary wall would render the boundary wall unsuitable for its intended purposes. The design and access statement states that Boothroyd School, for example, already has a boundary fence of a similar height for security and safeguarding reasons. It is a material consideration for the assessment of this application when considering the aims of chapter 8 of the NPPF which sets out that decisions should aim to achieve healthy, inclusive and safe places and to also provide social, recreational and cultural facilities and services the community needs.
- 10.5 Officers observed during the site visit that there is already a stone boundary wall further along High Street. The proposed boundary wall would roughly align with the existing boundary wall in close proximity of the application site. It would comprise a 1.2m stone wall and a 1.2m metal railing. It is considered that the use of metal railings above the 1.2m high stone wall would reduce the oppressiveness of the wall when viewed from High Street and Whitworth Road. For these reasons, officers do not find the proposal to be unduly detrimental to the character of the street scene. Since the proposed materials of construction are already evident at the application site, they are unlikely to cause any additional impact on visual amenity.
- 10.6 The design of the boundary wall would be considerably different from that of the neighbouring property e.g. The Irish National Club, which is located on the opposite side of High Street. Nonetheless, given the application site is not situated within a Conservation Area, the impact of permitting the proposed boundary wall on the existing character of the surrounding area is unlikely to be significant enough to warrant the refusal of the application.

- 10.7 In light of the above circumstances and on balance, officers conclude that the proposed development would be of an acceptable quality in terms of scale, design and materials, subject to conditions requiring the use of natural stone for the walling and that the railings would be coloured black (as opposed to green which was indicated as part of the application details). It would be in compliance with the aims of policy LP24 of the KLP and chapter 12 of the NPPF.

Impact on residential amenity (including noise and disturbance)

- 10.8 There are residential properties to the rear to the application site, including nos.42 to 48 Middle Road, Westtown. Due to the height of the boundary wall as proposed, as well as the difference in land level between the application property and these neighbouring properties, there is likely to be some impact on the living conditions of the occupants of these neighbouring properties. However, the impacts are not considered to be so adverse for the following reasons.
- 10.9 Nos.42 to 48 are two pairs of two storey brick built semi-detached properties with their rear elevation facing towards High Street. These properties are currently separated from the application property by a mid-level stone boundary wall. The proposed boundary wall would be approximately 18.9m from the external back wall of these neighbouring properties. Although the boundary wall would still limit the view from the windows of these neighbouring properties to some degree, it would give rise to an unacceptable overbearing impact on the occupants of these properties. The overshadowing impact is also deemed to be not significant when taking into account the physical separation between the proposed development and these neighbouring properties.
- 10.10 The garden of nos.42 to 48 are already subject to an overbearing impact because of the changing land level outlined in the site description section in this report. It is considered that the proposed boundary wall would not materially increase the overbearing impact on the garden of these properties, given the proposed boundary wall would be situated further away from their gardens than the existing boundary wall at the application site.
- 10.11 KC Environmental Health were consulted on this application because of the increase in scale of the children play area. Environmental Health considers that, having regard to the context of the site and the information submitted by the applicant that the proposal would not give rise to unacceptable noise and disturbance on the occupants of the adjacent residential properties. As such the proposal would not unduly prejudice their living conditions. There were no representations received from the neighbouring occupants in regard to the development proposal either.
- 10.12 On the basis of the above, officers conclude the development proposal to be acceptable from a residential amenity perspective and compliant with the aims of policies LP24 and LP52 of the KLP as well as Chapter 15 of the NPPF.

Impact on highway safety

- 10.13 The proposed development would not intensify the existing use of the application site. However, it would affect the existing parking arrangements by converting part of the existing parking area into a children's play area. The amended plan indicates that a total of 9 parking spaces would be made available to the customers and staff. The parking provision is deemed to be adequate to meet the needs of the existing development at the application site. The Council's Highways Development Management (HDM) officer also confirms that the layout of the car parks as shown on the amended plan would be acceptable and compliant with the aims of policy LP22 of the KLP in respect of parking. In the interest of highway safety, a condition shall be imposed to require all areas for parking to be surfaced, drained and marked out before the proposed development is first brought into use.
- 10.14 Although High Street is not a classified road, it is a relatively busy road serving a number of residential and non-residential development in immediate vicinity. There is also a bus route running along High Street with a stop directly outside the application property. Notwithstanding the existing situation at High Street, the proposal is unlikely to result in a significant adverse impact on highway safety and efficiency. This is because the proposed development would be supported by adequate parking provision off road. This would reduce the likelihood of on-street parking and disruption to the flow of traffic.
- 10.15 The proposed development would involve the erection of a 2.4m high boundary wall facing directly towards High Street. This is capable of affecting the sightline from High Street as well as Whitworth Road. The applicant has submitted a site plan on 03-Jun-2019 to show a visibility splay of 2.4m by 43.0m, which is consistent with the relevant guidance in the Manual for Streets. Officers consider that, on the basis of the details shown the site plan, that the proposal would not give rise to visibility issues.
- 10.16 Taking all the above factors into account, officers conclude that the proposal would be acceptable in terms of highway safety and efficiency and consistent with policy LP21 of the KLP.

Other matters

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

Representations

- 10.18 No representations were received from the occupants of the neighbouring properties as a result of the statutory publicity.

11.0 CONCLUSION

- 11.1 The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.
- 11.2 This application has been assessed against relevant policies in the development plan and other material considerations. Although officers acknowledge that the proposal by reason of its scale and siting would affect the character of the street scene to a degree, the economic and social benefit of supporting the proposal would significantly and demonstrably outweigh the harm to visual amenity, having regard to the relevant guidance in the NPPF along with other material considerations.
- 11.3 It is considered that the development would constitute sustainable development and is therefore recommended for approval.

CONDITIONS

1. Timeframe of 3 years for implementing the development
2. In accordance with submitted plans
3. Boundary walls be constructed in natural stones to match the existing property at the application site
4. All railings to be coloured black
5. All parking area be surfaced, drained and marked out into bays in accordance with approved details

Background Papers:

Application web link:

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2019/90281>

Certificate of Ownership: Certificate A signed and dated 29-Jan-2019