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**Report of the Head of Planning and Development**

**STRATEGIC PLANNING COMMITTEE**

**Date: 15-Jul-2020**

**Subject: Planning Application 2019/93311 Erection of first floor extension Park Pre-School, 125, High Street, Westtown, Dewsbury, WF13 2QG**

**APPLICANT**

Mr & Mrs Pandor

**DATE VALID**

30-Oct-2019

**TARGET DATE**

25-Dec-2019

**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**

**Ward Councillors consulted:**

**Public or private: Public**

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**RECOMMENDATION:**

**DELEGATE approval of the application to the Head of Planning and Development in order to complete the list of conditions including those contained within this report and issue the decision.**

**1.0 INTRODUCTION:**

- 1.1 This application is brought to the Strategic Planning 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 Strategic Planning Committee has confirmed that the reason for bringing this application to the Sub-Committee is valid in respect of Section F (Scheme of Delegation to Officers) of the Constitution of Kirklees Council.

**2.0 SITE AND SURROUNDINGS**

- 2.0 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 site is enclosed by stone walls with metal fences above. There are two vehicular accesses: one on High Street and another one on Whitworth Road.
- 2.1 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 Planning permission is sought for the erection of a first-floor extension to the existing pre-school. This extension would be 7.0m wide, 9.5m deep and 11.0m in height when measured from ground immediately adjacent to the rear. The ridge would be set at the same level as that of the host building. The facing and roofing materials would be artificial stone and slate tiles to match existing.

- 3.2 The proposed extension would have a dual pitched roof with windows of a similar size and design compared to those of the existing building. It would provide a meeting room, which would be used during the day by the staff members, parents and students of the pre-school. In the evenings and weekends however, the applicant has proposed to use the room for interfaith meetings and educational classes, which would require further approval because the hours of use are currently restricted to 8:00 and 18:00 Monday to Friday by condition 3 of planning permission 2013/92447. The number of attendees associated with these activities would be no more than 23 in any given time.

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

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

2019/90281 – Erection of boundary wall and fence, and formation of children's play area (125, High Street) – Approved

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

- 5.1 Further information was sought during the course of this application in order to appreciate the nature of development under consideration and to assess the consequential impact on highway safety and residential amenity. This information was submitted on 24-Feb-2020 and 17-Apr-2020. No amendments to the scheme were requested thereafter.

#### **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 30** – Biodiversity and geodiversity

**LP 48** – Community facilities and services

**LP 52** – Protection and improvement of environmental quality

#### **6.3 National Planning Policy Framework (NPPF):**

**Chapter 2** – Achieving sustainable development

**Chapter 8** – Promoting healthy and safe communities

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

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

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

7.1 As a result of the statutory publicity for this planning application, two representations were received from residents, who raised the following issues:

- The extension would overshadow neighbouring properties to the eastern aspect
- There would be more noise and disturbance on the neighbours living in the vicinity of the application site
- The access of neighbouring properties has already been blocked.
- Occupants of the properties to the rear could be overlooked by this extension
- There might be health and safety hazard for the children

## **8.0 CONSULTATION RESPONSE:**

The following is a brief summary of consultee advice (more details are contained within the assessment section of the report, where appropriate):

### **8.1 Statutory**

**KC Highways Development Management Team** – It is considered that the proposal would not give rise to a significant increase in traffic generation and parking requirement as there would be no crossover period between the pre-school and the evening activities. Planning permission 2013/92447 consists of a condition restricting the number of pupils that can attend the facility at any one time. As long as this condition remains, we do not find the proposed extension unduly detrimental in highway terms.

**KC Environmental Health Services** – No objections to the proposed extension however the outdoor area associated with the pre-school shall not be used for any purpose other than for parking and access to the building.

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

None required

## **9.0 MAIN ISSUES**

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

## **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 in this report.

#### Impact on visual amenity

- 10.2 The proposal is for a first-floor extension to the existing building currently occupied by a pre-school. This extension would be modest in scale compared to the host building. Therefore, it could be read as a subservient addition, complying with policy LP24 of the KLP. The scale of development could be supported from a visual amenity perspective.
- 10.3 The facing and roof materials of this extension would be artificial stone and slate tiles. The proposed roofing material could be appropriate visually as it is already used in the construction of the existing building on site. Officers noted on the site visit that the property concerned was constructed in regular coursed natural stone, which amongst other things, contributes positively to its traditional appearance. It is considered that the facing material as proposed would adversely affect the visual amenity of the host building and the local street scene because of its prominent location. To achieve a satisfactory appearance that harmonises with the application property, a condition is recommended to require the extension to have a regular coursed natural stone finish to match the existing building. Subject to this condition, the proposal would be acceptable in respect of its materials of construction.
- 10.4 The first-floor extension would have a dual pitched roof to match the host building with windows of a similar size and design. This extension would appear more sympathetic visually than the existing flat roof structure to the side of the building. Consequently, it is considered that this development would achieve an appropriate design that would preserve and enhance the traditional appearance of the property concerned.
- 10.5 In conclusion, the proposed development would be of a satisfactory design quality, which would preserve the visual appearance of the application property and the character of its immediate surroundings. Subject to the condition in relation to the facing material, this development would not adversely affect the local street scene. Under those circumstances, officers are satisfied that the current proposal has complied with policy LP24 of the KLP and chapter 12 of the NPF, thus acceptable in terms of visual amenity.

#### Impact on residential amenity (including noise and other disturbance)

- 10.6 The application property is currently occupied by a pre-school. The first-floor extension as proposed would be used primarily as part of the existing pre-school, providing a meeting room to the staff members, students and parents. It is also intended that the extension would be used for other purposes in the evenings and the weekends including interfaith meetings and education classes. KC Environmental Health Service has been consulted on this development but no objection has been raised concerning the hours of use.

- 10.7 Notwithstanding the above consideration, condition 3 of planning permission 2013/92447 stipulates that no activities shall be carried out on the premises outside the hours of 8:00 and 18:00 Monday to Friday; and no activities shall take place on Saturdays, Sundays and Bank Holidays. The hours of use restriction would be applicable to the current proposal, which seeks to erect an extension to the pre-school approved in 2013. Acknowledging that, officers do not find the extension to result in a greater impact of noise and disturbance compared to the current situation.
- 10.8 The appropriateness of extending the hours of use beyond what is current stipulated by condition 3 of planning permission 2013/92447 would be assessed in the subsequent variation of condition application. The occupants of the neighbouring residential properties including nos.46 and 52 Middle Road, Westtown would still be protected from unacceptable noise and disturbance by condition, as per existing. Consequently, this application would accord with policy LP52 of the KLP.
- 10.9 The application property is set on higher ground than the neighbouring residential properties at nos.50 and 54 Middle Road, Westtown. It is recognised that any extension to the existing building on site could intrinsically affect the living conditions of occupants of the properties concerned by reason of overbearing and overshadowing. There might also be an overlooking impact on these properties and their garden, although this is likely to be mitigated to a degree by the substantial change in land level. The residential amenity impact on these neighbours is addressed further in the following paragraphs.
- 10.10 Nos.50 to 54, Middle Road are a row of terraced properties to the rear of the application site, setting at an angle and a lower level compared to the property on site. Because of this angled relationship, the separation distance between the pre-school and this terrace row increases gradually from 8.0m to 16.4m. The first floor of these terraced properties roughly level with the ground floor of the application property. In this respect, the windows of these neighbouring occupiers are already overshadowed to a degree by the existing building on site.
- 10.11 It is acknowledged that the proposed first floor extension could further increase the bulk of the application property, resulting in an additional impact on the living conditions of the occupants of the adjoining terraced properties. However, it is not considered unduly detrimental in residential amenity terms on this occasion, noting that the first-floor windows of the neighbours concerned have already been affected by the existing development on site because of the significant difference in land level. Additional to this consideration, the separation distance between the pre-school and the terrace would be retained as existing and the angled relationship as discussed in paragraph 10.9 would soften the overbearing and overshadowing impacts upon the windows and garden of these neighbours.
- 10.12 The first-floor extension would have two windows in the rear elevation serving a meeting room. These windows might have a view of the terraced properties and their garden to the rear. Nevertheless, the application property has already had windows with a more direct overlooking relationship in this aspect. It is not considered that the occupants of these adjoining properties would experience a significantly greater impact on their privacy compared to

the current situation. The application property is currently used for non-residential purposes and set at an angle to the terrace. Acknowledging these factors, officers do not find the proposed development unduly harmful to the privacy of these neighbouring occupants, despite its close relationship with the surrounding residential properties.

- 10.13 In summary, although it is accepted that the development proposal could give rise to an additional impact on the living conditions of the occupants of the terraced properties to the rear of the application site, officers have concluded in this instance given the mitigation factors already discussed in the paragraphs above that the overshadowing, overbearing and overlooking impacts would not be unduly detrimental with regard to assessment criteria outlined in policy LP24 of the KLP. To manage the noise and disturbance associated with this development, a condition would be imposed to restrict the hours of use as per the recommendation of the environmental health officer. Subject to that, the proposal would, on balance, be acceptable from a residential amenity perspective, complying with policies LP24 and LP52 of the KLP and chapter 15 of the NPPF.

#### Impact on highway safety

- 10.14 This application is for a modest sized first floor extension to an existing pre-school. It would be used primarily as part of the pre-school, serving the existing staff members, pupils and parents. Therefore, the extension itself would not give rise to a material increase in traffic generation that would prejudice highway safety. There is a parking area to the front of the application property, which the highway officer has confirmed is enough to meet the parking requirements of the pre-school in accordance with policy LP22 of the KLP and KC Highway Design Guide SPD. For these reasons, the proposal could be supported in respect of highway safety and parking.
- 10.15 It is understood that the extension is intended to be used for other purposes outside the pre-school hours, which could intensify the current use of the site. Nevertheless, the highway officer is satisfied on this occasion that the impact on highway safety and parking could be acceptable because there is already a condition in planning permission 2013/92447, restricting the maximum number of pupils that could attend the facility on site at any one point. This condition would apply to the proposed extension in the same way as the existing building. Consequently, a spike in traffic generation would be avoided. The current level of parking provision is considered adequate to support the development under consideration.
- 10.16 Although the principle of extending the hours of use is considered acceptable from a highway safety perspective, a variation of condition application would still be required to enable the extension and the host building be used for the hours the applicant intends. A footnote could be inserted to the decision notice to provide clarity on this matter.
- 10.17 In conclusion, it is considered that the first floor extension and the extended hours of use could be supported in terms of highway safety and parking as there is already an appropriate measure in place to manage the level of traffic associated with the pre-school. There would be sufficient off street parking provision to meet the requirement of the extension. Accordingly, the proposal would comply with policies LP21 and LP22 of the KLP.

## Other matters

### *Climate change*

- 10.18 On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target, however it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.
- 10.19 The proposal is for a modest extension to an existing pre-school. As such, no specific measures were required in terms of the planning application with regards to carbon emissions. However, there are controls in place in terms of Building Regulations which will need to be adhered to as part of the construction process which will require compliance with national standards.

### *Ecology*

- 10.20 The site is located within a bat alert layer. Following a site visit, the building appeared to be well sealed and there was no evidence of bat roosts or bat roost potential was found. A footnote has been added to the decision notice to provide the applicant with advice should bats or evidence of bats be found during construction. This would accord with the aims of policy LP30 of the KLP and chapter 15 of the NPPF.
- 10.21 There are no other matters considered relevant to the determination of this application.

## Representations

- 10.22 As a result of the statutory publicity for this planning application, two representations have been received from nearby residents, who raised the following issues
- The extension would overshadow neighbouring properties to the eastern aspect  
**Response:** The overshadowing impact arising from this extension would not be significantly harmful to the living conditions of the neighbours for the reasons given in paragraph 10.10 in this report.
  - There would be more noise and disturbance on the neighbours living in the vicinity of the application site  
**Response:** KC Environmental Health Service consider the noise impact to be acceptable subject to a condition restricting the hours of use.
  - The access of neighbouring properties has already been blocked.  
**Response:** The extension would be built on top of an existing single storey structure and therefore would not cause obstructions to the access of the adjoining residential properties. A footnote would be inserted to the decision notice to give clarity on this matter.



- Occupants of the properties to the rear could be overlooked by this extension

**Response:** The proposed development would not unduly prejudice the privacy of the occupants of the neighbouring terraced properties.

- There might be health and safety hazard for the children

**Response:** The existing building is already used as a pre-school. The erection of an extension is unlikely to cause additional health and safety issues to the pupils.

10.23 The above comments have been considered carefully and given appropriate weight when assessing the impact of the development proposal. It is concluded that having regard to the comments received above as well as the responses from the relevant consultees that the proposal would be acceptable and compliant with the aims of the policies in the KLP and the guidelines in the NPPF.

## **11.0 CONCLUSION**

11.1 This application seeks permission to erect a first floor extension to an existing pre-school. It has been concluded that the extension would be designed in such that it would preserve the visual appearance of the existing building at no.125 High Street and those surrounding it. The impact on residential amenity has been considered, on balance, acceptable on this occasion when taking into account the existing spatial relationship between the application property and the neighbouring residential properties as well as the difference in land level. Noise and disturbance associated with the current proposal would still be restricted by condition 3 of planning permission 2013/92447 until a variation of condition application has been received and subsequently decided. Furthermore, there would be adequately parking provision to support the extension concerned. For these reasons, officers are satisfied that the proposal would accord with the relevant policies in the KLP and the NPPF.

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. As set out above, 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 Planning and Development)**

1. Timeframe of 3 years for implementing the development
2. In accordance with the submitted plans
3. External walls be faced with regular coursed natural stone
4. Hours of use condition

**Background Papers:**

**Planning Application web link details:**

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2019/93311>

Certificate of Ownership: Certificate of Ownership A has been submitted as part of this application.