
Report of the Head of Planning and Development

HEAVY WOOLLEN PLANNING SUB-COMMITTEE

Date: 25-Nov-2021

Subject: Planning Application 2019/94147 Demolition of existing building and erection of two storey community centre Quality Food Store, Ravenshouse Road, Dewsbury Moor, Dewsbury, WF13 3QU

APPLICANT

Mohaddis-E-Azam

Mission

DATE VALID

05-Feb-2020

TARGET DATE

01-Apr-2020

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

Ward Councillors consulted: Yes

Public or private: Public

RECOMMENDATION:

REFUSE

- 1 The proposed development, by reason of its bulk and mass in such a prominent, corner location, would result in a strident feature within the street scene and detract from the character of the area. To approve the application would be contrary to Policy LP 24 of the Kirklees Local Plan and guidance contained within Chapter 12 of the National Planning Policy Framework.
- 2 The proposed development, by reason its bulk, mass and close proximity to No.1 Low Road would result in an oppressive and overbearing impact upon the occupants of that property and result in overshadowing of the garden area, contrary to Policy LP24 of the Kirklees Local Plan and guidance contained within Chapter 12 of the National Planning Policy Framework.
- 3 The proposed development would result in the loss of a local shop which supports the day to day needs of the local area. It has not been demonstrated that there is adequate alternative provision in the locality to serve the local community which is in an equally accessible location. As such, to permit the development would be contrary to Policy LP 48 (c) of the Kirklees Local Plan.

1.0 INTRODUCTION:

- 1.1 The application is brought to the Heavy Woollen Planning Sub-Committee at the request of officers due to previous Committee involvement in the wider site.
- 1.2 The Chair of the Sub-Committee has confirmed that the reason for referring the application to committee is valid having regard to the Council's Scheme of Delegation.

2.0 SITE AND SURROUNDINGS:

- 2.1 The application site comprises an existing split level building in use as a retail shop with ancillary accommodation within the roofspace and to the rear, attached to a Mosque and Education Centre on the western side of Ravenshouse Road, Dewsbury Moor, Dewsbury. The site is located within a predominantly residential area, with dwellings to the east and west, and the Spen Valley Country Park further to the west. The site is separated from another commercial unit to the south by a partly surfaced parking area.

3.0 PROPOSAL:

- 3.1 Permission is sought for the demolition of the shop and erection of two storey building to be used as a community centre. The submitted plans indicate that the ground floor of the development would comprise a day centre with ancillary facilities (toilets, reception, office and kitchen), whilst the first floor would comprise a multi use games area, office/conference room, computer room, kitchen and toilet.

The proposed development would have an overall height of 9.5m, with parapet roof, faced in natural stone to the front and side elevation and brick to the rear.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

4.1 Application Site

98/92514 – Variation of condition 3 relating to hours of opening on previous approval 94/93332 for change of use from shop to hot food takeaway - refused

97/93494 – Variation of condition 3 relating to hours of opening on previous approval 94/93332 for change of use from shop to hot food takeaway - refused

97/91669 – Removal/variation of condition 2 relating to hours of opening on previous permission 96/90995 for variation of condition 3 on previous permission 94/93332 for change of use from shop to hot food takeaway - refused

96/90995 – Removal/variation of condition 3 relating to hours of opening on permission 94/93332 for change of use from shop to hot food takeaway - approved

95/93706 – Variation of condition 3 relating to hours of opening on previous permission 94/93332 for change of use from shop to hot food takeaway - refused

94/93332 – Change of use from shop to hot food takeaway - approved

93/05085 – Erection of two storey extension – approved

93/01489 – Erection of two storey extension and dormer extension – refused

92/05484 – Installation of shutters - approved

Adjacent Mosque and Education Centre

2021/91211 – Discharge of Conditions 3 and 7 on previous permission 2017/93161 for erection of extensions and alterations - approved

2019/92515 – Erection of extensions and alterations – approved

2018/92581 (land adjacent No.225c) – Change of use of land to car park – approved

2017/93161 – Erection of extensions and alterations – approved (not implemented)

2015/92957 – Erection of extensions and alterations – approved (not implemented)

2008/91573 – Erection of extensions and alterations to Muslim education centre - refused

2006/91570 – Change of Use from Off Licence and General Store to Mosque/Madrassa with alterations to form 6 no. parking spaces - approved

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

5.1 Through the course of the application the applicant was made aware of Officers' concerns relating to the impact of the development in respect of visual and residential amenity and highway safety. They have submitted some additional and amended information to attempt to address these 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).

Kirklees Local Plan (2019):

6.2 **LP 1** – Achieving sustainable development
LP 21 – Highway Safety and Access
LP 22 - Parking
LP 24 – Design
LP 48 – Community Facilities and services

National Planning Policy Framework:

6.3 **Chapter 8** – Promoting Healthy and Safe Communities
Chapter 12 – Achieving well designed places
Chapter 15 – Conserving and enhancing the natural environment

6.4 Supplementary Planning Guidance / Documents:

- Highways Design Guide Supplementary Planning Document
- West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance

6.5 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 pre dates 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.

7.0 PUBLIC/LOCAL RESPONSE:

- 7.1 As a result of site publicity, 93 representations have been received in relation to the application (92 in objection, including a petition of 139 signatures, and 1 in support). The concerns raised by objectors are addressed as follows:

Loss of existing shop

- The shop to be demolished is supporting the community and has continued to be stocked up through the coronavirus pandemic, also delivering to the elderly
- There is a greater need for a shop than a community centre; there are other community centres nearby

Highway Safety

- Existing traffic and parking problems already exist as a result of the Mosque. The proposal would exacerbate this.

Impact on amenity

- The proposals would destroy the character of the area.

Other Matters

- There is an existing problem of anti-social behaviour here

One representation has been received in support which states:

“Permission should be granted in order to provide a better education for children”

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

The Coal Authority: No objections subject to the imposition of conditions relating to intrusive site investigations and remediation

KC Highways DM: No objections in principle to the application.

KC Environmental Services: Recommend conditions relating to noise, hours of opening and site investigation works

8.2 Non-statutory

KC Crime Prevention officer: No objections, however has provided advice on incorporation of security measures within the development.

9.0 MAIN ISSUES

- Principle of development
- Urban design issues
- Residential amenity
- Highway issues
- 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.
- 10.2 Policy LP24 of the KLP is relevant to the proposal, in conjunction with Chapter 12 of the NPPF, regarding design. In this case, the proposed building would be attached to the existing Mosque, which has recently received planning permission for the erection of extensions.
- 10.3 The application relates to the loss of a community facility (local shop) and its replacement with a different type of community facility (community centre) and therefore Policy LP48 of the KLP is relevant which states that “*Proposals will be supported for development that protects, retains or enhances provision, quality or accessibility of existing community, education, leisure and cultural facilities that meets the needs of all members of the community*”. This matter will be assessed in greater detail below.
- 10.4 The proposal shall now be assessed against all other material planning considerations, including visual and residential amenity, as well as highway safety. These issues, along with other policy considerations, will be addressed below.

Urban Design issues

- 10.5 Relevant design policies include Policies LP2 and LP24 of the KLP and Chapter 12 of the NPPF. These policies seek for development to harmonise and respect the surrounding environment, with Policy LP24 (a) stating; ‘*[Proposals should promote good design by ensuring]: the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape*’.
- 10.6 The existing building is of single storey scale to the front with additions of varying design located to the rear and is considered to have a neutral impact upon visual amenity and the character of the street scene. Surrounding the site, the predominant character of existing development is that of two storey brick dwellings with hipped roofs, although immediately adjacent to the north lies a traditional two storey stone dwelling.

- 10.7 The proposals would result in a two storey building with parapet roof, comparable in scale to the resultant development approved at the adjoining Mosque (ref 2019/92515), with an overall height of approximately 9.5m. The submitted plans indicate the use of Yorkshire buff stone for the front and side elevations and red brick for the rear elevation, with grey slate roof. In relation to the proposed materials of construction, stone is not predominantly used within the vicinity of the site and the applicant has previously been advised that a mixture of materials would be more appropriate to reflect the appearance of the existing building.
- 10.8 Whilst it is acknowledged that the proposed building would be comparable in scale to the resultant development at the adjoining Mosque as a result of approval ref 2019/92515, Officers consider that the cumulative bulk and mass of the two elements would result in a strident feature within the streetscene which would detract from the character of the area. As such, the proposal would be contrary to Policy LP24 of the KLP and guidance contained within Chapter 12 of the NPPF.

Residential Amenity

- 10.9 The application site is located on a predominantly residential street, and the existing building is located opposite residential properties to the north, east and west. Furthermore, the topography of the site is such that the land falls away to the west.
- 10.10 Due to topography, the properties to the rear are set down in relation to the application site. Taking this into account in relation to the distance of the application property from the dwellings to the rear (approximately 20m). The properties to the east would also be located a similar distance from the proposed building, however No.1 Low Road would face the side of the proposed building at a distance of approximately 15m. Whilst the existing relationship between this property and the existing retail shop exists, this is a single storey building. The proposed development would result in a solid stone wall with parapet approximately 9.5m in height in close proximity to the principal elevation and main amenity space of 1 Low Road. Officers consider that there would be an overbearing and oppressive impact upon the occupiers of that property as a result of this relationship.
- 10.11 The proposed building would contain several window openings within the front and rear elevations, however the submitted plans indicate that the rear openings would be obscurely glazed. The side (north elevation) would be blank.
- 10.12 In summary, the proposal would have a detrimental impact upon the amenities of the occupiers of 1 Low Road, contrary to Policy LP24 of the KLP and guidance contained within Chapter 12 of the NPPF.

Highway issues

- 10.13 Ravenshouse Road is a 30mph, two-way, single carriageway, unclassified, distributor road of approximately 9m width with a hatched central reserve to protect right turn lanes, a pedestrian refuge, footways on both sides and street lighting present. It hosts a medium frequency bus route with stops within 130 metres of the application site. To the north of the site, the main road turns in to

Low Road while the narrow estate road to the rear of the site also takes up the name of Ravenshouse Road. This 'Back' Ravenshouse Road is a narrow (4.75m to 5.5m) estate road that serves a small number of residential properties. There have been a number of recorded complaints regarding car parking and obstruction issues in the area

- 10.14 Whilst this application has been under consideration, the change of use of land to car parking area to the south of the Mosque on Ravenshouse Road has been approved (ref: 18/92581), however the car park will require the cabins that are currently in place to be removed before the car park can be fully utilised.
- 10.15 In addition to the above, the applicant provided additional information on 26 October 2021 which states that the application site *would "primarily be used by the residents of the local area . . . with possibly some others from within a 500m radius"*. This cannot be guaranteed or enforced through the planning process and so holds little influence on trip generation. The applicant has not stated how this local use will be prioritised and how trips to the site from outside the immediate area will be discouraged. However, KC Highways DM still consider that, due to the size of the proposed site based on the submitted drawing AIB/CC/04 showing proposed floor plans, the proposals will not generate sufficient vehicular trips as to have a severe impact on the highway peaks or the efficiency of the operation of the highway network. Notwithstanding this, it is considered that the proposals may have the potential to exacerbate an existing parking problem in the area.
- 10.16 The additional information submitted suggested that the application site would not be open or in operation during the Friday peak times for the adjacent mosque, however this should also include a closure of the site during any other arranged high demand event at the mosque and it is the view of Officers that as the two sites are connected, this should be achievable and should be controlled by condition or set within an appropriate planning mechanism should planning permission be granted.
- 10.17 The additional information states that the now approved car park will be made available for the use of the community centre, however this is not included within the red line boundary of the current application site and should permission be granted, its use would need to be secured by an appropriate planning mechanism e.g. s106 legal agreement, so that the use of the car park by the proposed community centre will be guaranteed for the lifetime of the development. The car park should be made available for the full operating hours of the proposal site.
- 10.18 Officers do not consider that the now approved car park will address all parking problems in the area, however the provision of the additional 23 spaces will help alleviate them. It should be noted that the car park may be able to take over 23 cars if they are "packed" sufficiently, which could be available for the mosque peak times when arrivals and departures are expected to be at the same time.
- 10.19 The Kirklees Highway Safety Team are still receiving numerous complaints relating to parking, highway obstruction and highway safety in the immediate area of the site. Due to this, KC Highways DM recommend the applicant to consider the use of a Travel Plan for the site (and the adjacent mosque as part of the same trip generation site using a shared car park). This should identify

how car trips to the site will be discouraged and sustainable and active modes are promoted, what SMART targets can be set and what penalties will be included for failure to meet the targets. Monitoring of the travel plan should be in conjunction with the local highway authority or via membership of the West Yorkshire Travel Plan Network. Should planning permission be granted, this would need to be secured via a legal agreement (S106 agreement).

- 10.20 On balance, the application is considered to be acceptable on highways grounds with conditions or appropriate planning mechanisms (e.g. s106 legal agreement) relating to restricted use during busy times at the adjacent mosque and securing the use of the car park and travel plan. This would ensure that the proposals accord with Policies LP 21 and LP 22 of the KLP.

Representations

- 10.21 The comments received in representations are addressed as follows:

Loss of existing shop

Response: This matter is addressed in paragraph 10.23 below. The proposal would result in the loss of a local shop which supports the day to day needs of the local area. Whilst the proposed development would result in the creation of a community facility, this would not amount to a like for like replacement, and as such the proposal fails to comply with Policy LP48 of the KLP.

Highway Safety

Response: This matter is addressed above. An application for change of use of the land to the south of the site has recently been approved which would provide 23 off street parking spaces to serve the Mosque and proposed development.

Other Matters

Loss of Community Facility

- 10.22 The proposed development would result in the loss of a local shop which supports the day to day needs of the local area. Whilst it is acknowledged that the proposed development would result in the provision of a community facility in its own right, this would not be a like for like replacement of the existing community facility.

It has not been demonstrated that there is adequate alternative provision in the locality to serve the local community which is in an equally accessible location. As such, to permit the development would be contrary to Policy LP 48 (c) of the Kirklees Local Plan.

Coal Mining Legacy

- 10.23 The site is located within a High Risk Area as defined by the Coal Authority. A Coal Mining Risk Assessment was submitted with the previous application. The Coal Authority concurs with the recommendations set out within the submitted CMRA, and raises no objections to the proposed development, subject to the imposition of conditions requiring further intrusive site investigations to be undertaken before the commencement of development. This would ensure that the proposals accord with government guidance contained within Chapter 15 of the NPPF.

Crime Prevention

10.24 The Council's Crime Prevention Officer has made recommendations regarding security measures which could be incorporated into the development, should permission be granted.

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. The development proposals do not accord with the development plan and the adverse impacts of granting permission would significantly and demonstrably outweigh any benefits of the development when assessed against policies in the NPPF and other material considerations. The recommendation is therefore to refuse the application.

Background Papers:

Application files:

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2019%2f94147>

Approval ref 2019/92515 (Extensions and alterations to adjacent Mosque).

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2019/92515>

Approval ref: 2018/92581 (Change of use of land to car park):

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2018%2f92581>

Certificate of Ownership – Certificate A signed and dated.