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

**HEAVY WOOLLEN PLANNING SUB-COMMITTEE**

**Date: 23-Jun-2022**

**Subject: Planning Application 2021/93109 Erection of single storey extension  
9, Sackville Street, Ravensthorpe, Dewsbury, WF13 3BX**

**APPLICANT**

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**DATE VALID**

27-Sep-2021

**TARGET DATE**

22-Nov-2021

**EXTENSION EXPIRY DATE**

10-Mar-2022

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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.

[Public speaking at committee link](#)

**LOCATION PLAN**



**Map not to scale – for identification purposes only**

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**Electoral wards affected: Dewsbury West**

**Ward Councillors consulted: NO**

**Public or private: Public**

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**RECOMMENDATION:**

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

**1.0 INTRODUCTION:**

1.1 This application is brought to committee at the request of Ward Councillor Mussarat Pervaiz for the reasons outlined below.

1.2 *"I appreciate that the applicant has reduced the level of development from the initial submission. However, I would like this application to be determined by committee for members to consider the impacts of the proposed extension in terms of the amenities of the neighbouring residential properties and the additional highway implications of a larger business premises"*

1.2 The Chair of the Sub-Committee has confirmed that Cllr Pervaiz's reasons for the referral to the committee are valid having regard to the Councillor's Protocol for Planning Committees.

**2.0 SITE AND SURROUNDINGS:**

2.1 9 Sackville Street is a single storey retail unit with a small area of hard standing to the front and a larger grassed area to the rear with a remaining wall of an old outbuilding.

2.2 Sackville Street is a residential street with older terraced, two storey properties with a mixed palette of stone and brick.

**3.0 PROPOSAL:**

3.1 The application seeks planning permission for the erection of a single storey extension to the shop.

3.2 The rear extension would project 3.5m from the original rear wall of the building with a width of 4m, centrally positioned within the rear elevation. The roof form would be a perpendicular pitch.

3.3 The walls of the extension would be constructed using brick with tiles for the roof covering.

- 3.4 The plans submitted also indicate an enclosure of the land to the rear with a timber fence. The indicative images on the submitted plans suggest a height of 2m.

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

- 4.1 2002/90768 – erection of extension to shop to form shop, store and managers flat – refused
- 4.2 2005/90945 – erection of extension to shop to form store, two bedroom dwelling with associated parking and canopy to shop front – refused
- 4.3 Pre application advice for a larger scheme was also sought under 2021/20171. A summary of the comments provided included a clear outline that the proposed level of development submitted would be unacceptable with respect to visual amenity, residential amenity and highway safety. However, a reduced scheme might be supportable.

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

- 5.1 The initially submitted scheme included a large outbuilding to the rear and a canopy to the front with a slightly different position for the rear extension. The initial scheme raised concerns in terms of visual and residential amenity along with highway safety. Amended plans were sought to reduce the scheme to overcome 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 27<sup>th</sup> February 2019).

The site is unallocated on the Kirklees Local Plan

##### Kirklees Local Plan (2019):

- 6.2 **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
  - **LP13** – Town centre uses
  - **LP 22** – Parking
  - **LP 24** - Design
  - **LP 27** - Flood risk
  - **LP52** – Protection of Environmental Quality

##### Supplementary Planning Guidance / Documents:

- 6.3 None

##### National Planning Guidance:

- 6.4 Chapter 6 – Building a strong, competitive economy
- Chapter 7 – Ensuring the vitality of town centres
  - Chapter 12 – Achieving well-designed places
  - Chapter 14 – Meeting the challenge of climate change, flooding and coastal change

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

7.1 The application was advertised by neighbour letters giving until 15/11/2021 to comment on the initial plans.

7.2 As a result, three letters of objection and two petitions with a total of 23 signatures were received.

7.3 The materials considerations raised are summarised as follows:

- Highway safety.
- Overshadowing.
- Oppressive impact.
- Loss of privacy.
- Character of the area.
- Overdevelopment.
- Noise generation.
- Pollution.
- Odours.

7.4 The amended plans have also been advertised by neighbour letters giving until 03/03/2022 to comment.

7.5 One further representation received with an additional material consideration raised in relation to crime and anti-social behaviour.

## **8.0 CONSULTATION RESPONSES:**

### **8.1 Statutory:**

K.C. Environmental Health – support subject to conditions

K.C Highways Development Management – no objection

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

West Yorkshire Police – support the proposals

## **9.0 MAIN ISSUES**

- Principle of development
- Economy and town centres
- Visual amenity
- Residential amenity
- Highway issues
- Planning obligations
- Representations
- Other matters

## 10.0 APPRAISAL

### Principle of development

- 10.1 The site is without notation of 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 National Planning Policy Framework (NPPF).

### Economy and town centres

- 10.2 The building is an empty retail unit. Whilst a retail unit is a town centre use and the site is just outside the Ravensthorpe local centre, the site is located in close proximity. Furthermore, the historic use of the site is as a retail unit. The proposal to modestly increase the size of the unit and refurbish the site is considered to enhance the provision and would lead to an economic benefit by bringing the vacant unit back into use. The scheme is therefore considered to be acceptable in terms of policy LP13 of the KLP and chapters 6 & 7 of the NPPF.

### Visual Amenity

- 10.3 The building itself is in a state of disrepair and has a negative impact on the appearance of the street. The proposals would see enhancements to the building which would improve the visual aesthetics of the building within the street scene.
- 10.4 The increase proposed is modest in terms of the size, would not overdevelop the plot and would have limited visual impact in the wider area given the siting to the rear. Given the diversity of the area, the modest extension proposed would not be out of character with the wider area. The extension would be constructed using materials to match the main building and the size would be small and subservient. The extension is therefore considered to be acceptable in terms of visual amenity and compliant with policy LP24 of the KLP and chapter 12 of the NPPF.

### Residential Amenity

- 10.5 Consideration in relation to the impact on the residential amenity of neighbouring occupants shall now be set out, taking into account policy LP24 c) which sets out that proposals should promote good design by, amongst other things, extensions minimising impact on residential amenity of future and neighbouring occupants.
- 10.6 *Impact on 3 Sackville Street:* The adjacent neighbour to the southwest has a blank elevation facing the shop with an access between the properties. Given the relationship between the properties, the proposed extension together with the fencing at the rear would have no significant impact on the amenities of the occupiers of the adjacent 3 Sackville Street in terms of overbearing overshadowing or overlooking.

- 10.7 *Impact on 1 & 7 Sackville Street:* The neighbour to the west does have windows facing towards the site. However, these windows are elevated relative to the site. Furthermore, the extension proposed is single storey with a limited height. The separation of approximately 10.4m between the side of the extension and the neighbours' windows together with the single storey nature of the extension and the lower land level of the extension minimises the potential for any significant impact on the amenities of the occupiers of the neighbouring property. The 2m high fence shown on the plans which could be constructed under permitted development Part 2, Class A of the Town and country Planning (General Permitted Development) Order as a means of enclosure. This would provide a further screen between the extension and the neighbouring 1-7 Sackville Street. There are no concerns in terms of overbearing overshadowing or overlooking.
- 10.8 *Impact on 5 Sackville Street:* the adjacent neighbour to the northwest would not align with the proposed extension and as such there would be no significant impact. The fencing shown on the plan would be replacing the existing brick walling from the remains of the outbuilding and would not have an increased impact on the amenities of the occupiers of the neighbouring 5 Sackville Street in terms of overbearing overshadowing or overlooking.
- 10.9 *Impact on 11 Sackville Street:* The shop itself already lies adjacent to the neighbouring property to the east and the extension proposed would have no further impact on this neighbours' amenities in terms of overbearing overshadowing or overlooking.
- 10.10 *Impact on 15 Sackville Street:* the adjacent neighbour to the north does have a window in their side elevation. However, given the single storey nature of the extension together with the setback proposed from the shared boundary which would provide a separation of 4m, the impact on this neighbour is not considered to be significant in terms of overbearing overshadowing or overlooking.
- 10.11 *Impact on 4 & 6 Dearnley Street:* The neighbours to the rear on Dearnley Street occupy a position some 27m to the rear of the site. The proposed extension would therefore have no impact on the amenities of the occupiers of the neighbouring 4 or 6 Dearnley Street in terms of overbearing overshadowing or overlooking.
- 10.12 *Noise:* Although the amended plans do not detail the use of any equipment which could be noise generating, given the potential for the use of such equipment including though not exclusive to refrigeration units, extract systems, a condition is recommended to be included requiring the submission and approval of a noise report prior to the use of any such equipment in order to protect the amenities of the neighbouring properties.
- 10.13 *Hours of operation:* Given the residential nature of Sackville Street, it is considered appropriate to condition the hours of opening (with no deliveries or dispatches) for the retail unit between 07.30 and 18:00 Monday to Saturday with no opening on Sundays to protect the amenities of the neighbouring residents.

- 10.14 *Summary:* Having considered the above factors, the proposals are not considered to result in any significant adverse impact upon the residential amenity of any of the surrounding neighbouring occupants, subject to the inclusion of suggested conditions. The proposals therefore comply with policies LP24 and LP52 of the KLP and paragraph 120 (f) of the NPPF.

#### Highway issues

- 10.15 Given the reduction in the size of the proposed extension from the initial submission, the reduced scheme is unlikely to significantly increase the number of vehicles using the site compared to that which is currently generated from the existing building. Furthermore, the site is close to Ravensthorpe Centre. Highways DM Officers do not object to the scheme. The proposal is therefore considered to be acceptable in terms of policies LP21 & LP22 of the KLP.

#### Representations

- 10.16 The material considerations raised in the objections received are summarised as follows: -

- Highway safety  
*Officer Comment: addressed under paragraph 10.15 in the report above.*
- Overshadowing  
*Officer Comment: addressed under paragraph 10.8-10.11 in the report above.*
- Oppressive impact  
*Officer Comment: addressed under paragraph 10.8-10.11 in the report above.*
- Loss of Privacy  
*Officer Comment: addressed under paragraph 10.8-10.11 in the report above.*
- Character of the area  
*Officer Comment: addressed in paragraph 10.4 in the report above.*
- Overdevelopment  
*Officer Comment: addressed in paragraph 10.4 in the report above.*
- Noise generation  
*Officer Comment: addressed in paragraph 10.12 in the report above.*
- Pollution  
*Officer Comment: an extension to the existing retail unit would not be likely to result in any significant pollution.*
- Odours  
*Officer Comment: an extension to the existing retail unit would not result in any significant odours.*
- Crime and anti-social behaviour  
*Officer Comment: addressed in paragraph 10.18 in the report below.*

## Other Matters

- 10.18 *Crime & Anti-social behaviour:* In terms of the NPPF and KLP, both policy documents place some emphasis on crime and the potential for crime as well as anti-social behaviour being situations which should be reduced through the planning system where possible. Bringing the building back into a productive use would be preferable to allowing the building to remain vacant as the current vacant nature of the site is likely to attract undesirable activities to the empty building. West Yorkshire Police have been consulted and have no objections to the proposals to bring the building back into use.
- 10.19 *Flood Risk:* The application site is identified within Flood Zone 2 on the Environment Agency's flooding data. As part of the information accompanying the application, the applicant has completed the Environment Agency's pro-forma entitled 'Householder and other minor extensions in Flood Zones 2 and 3' as well as submitting a document setting out the applicant's proposed design solutions to address flood issues ('Effective Flood Performance Design'). The information submitted with the application is considered satisfactory for this nature of development and would address the aims of chapter 14 of the NPPF.
- 10.20 *Carbon Budget:* The proposal is a small scale development to an existing building. As such, no special measures were required in terms of the planning application with regards to carbon emissions. However, there are controls 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.
- 10.21 There are no other matters with respect to this application.

## **11.0 CONCLUSION**

- 11.1 The single storey rear extension has been considered with regards to the relevant policies relating to visual and residential amenity and are considered to be acceptable.
- 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. 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. Time scale for implementing permission
2. Development to be carried out in accordance with the approved details
3. Matching materials for the extension
4. Submission of a noise report
5. Hours of opening between 07.30 and 18:00 Monday to Saturday with no opening on Sundays.

**Background Papers:**

[Link to application details](https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2021%2f93109)

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2021%2f93109>

Certificate of Ownership – Certificate A signed.