
Report of the Head of Planning and Development

HEAVY WOOLLEN PLANNING SUB-COMMITTEE

Date: 22-Jun-2023

Subject: Planning Application 2022/94117 Change of use and alterations to convert existing building to garage MOT testing station Crossfield Farm, 17, Woodland Grove, Dewsbury Moor, Dewsbury, WF13 3PE

APPLICANT

I Ayub

DATE VALID

18-Jan-2023

TARGET DATE

15-Mar-2023

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.

[Public speaking at committee link](#)

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral wards affected: Dewsbury West

Ward Councillors consulted: No

Public or private: Public

RECOMMENDATION:

REFUSE

1. The proposed use would have an adverse and detrimental impact on the residential amenity of the neighbouring occupants as a result of noise and disturbance from car engines and ancillary uses associated with the proposed MOT garage over and above that considered acceptable in a residential setting directly adjacent to a large number of dwellings. Furthermore, customers visiting the site, which is located directly next to dwellings, would allow for views into gardens and habitable rooms, thus resulting in a detrimental and harmful loss of privacy for occupants of the neighbouring dwelling. To permit the development would be contrary to policy LP24 of the Kirklees Local and Paragraph Chapter 12 of the National Planning Policy Framework.

2. The proposed development would intensify the use of the site, resulting in a significant increase in the number of vehicles entering and exiting the site. The single track access from Heckmondwike Road would not be sufficient for the additional vehicle use and the access would not allow for two vehicles to pass. This would result in vehicles having to reverse on to or off a classified B road. Access would also be difficult for service vehicles from Heckmondwike Road into the site given the width of the existing access. As such, the site access would be sub-standard and unsuitable for any further intensification in use. The scheme would neither ensure the safe and efficient flow of traffic within the development or on the surrounding highway network, thus having a detrimental impact upon highway safety. To permit the development would be contrary to LP21 of the Kirklees Local Plan and Paragraphs 110 and 111 of the National Planning Policy Framework.

1.0 INTRODUCTION:

1.1 This application is brought to the Heavy Woollen Planning Sub Committee due to a significant volume of local opinion (33 representations received). This is in accordance with the Council's Scheme of Delegation.

2.0 SITE AND SURROUNDINGS:

2.1 The application site comprises a derelict two-storey stone built detached house. It is noted that the dwelling has large openings on the ground floor which have been recently added. The dwelling is surrounded by hardstanding and is accessible via an access road which runs between Nos.103 and 105 Heckmondwike Road, providing access to Heckmondwike Road. The property is identified as a non-designated heritage asset for its architectural merit and history.

2.2 Woodland Grove and the adjacent Heckmondwike Road are characterised by a mix of residential and commercial developments. The land level drops gradually from the east to the west with all buildings on Grove Hall Road set at a lower level than that which currently stands on site. A Public Footpath (DEW/104/10) runs along the southern boundary of the site.

3.0 PROPOSAL:

3.1 The application is seeking permission for the Change of use and alterations to convert the existing building to garage MOT testing station.

3.2 The site would use the existing access from Heckmondwike Road. The two large openings on the ground floor of the north and south elevations would have roller shutter doors installed and would have concrete ramps for vehicle access. Internally the first floor would be removed to allow for an increased head height.

3.3 The application does not propose the erection of any buildings on the site.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

2011/91653 Demolition of existing buildings and outline application for residential development (9 dwellings). Withdrawn

2012/90438 Demolition of existing buildings and outline application for erection of residential development (9 dwellings). Withdrawn

2014/93553 Alterations to convert existing building to 2 dwellings. Refused.

2020/90084 Demolition of existing house and barn and erection of office block/storage with canopy over parking area. Refused.

Enforcement

COMP/22/0021 Demolition of barn, Breach of condition (2020/62/90084/E) Also reports of breach of the original planning decision (2020/62/90084/E). Where the land will be used as a car sales. No further Action.

At 103 Heckmondwike Road

2020/91865 Erection of vehicle repair garage and boundary fence/gates. Conditional full permission.

2021/92795 Discharge of conditions 4 (Site Investigation), 5 (Coal Mining), 9-13 (Desk Study/Site Investigation) and 14 (Noise Assessment) on previous permission 2020/91865 erection of vehicle repair garage and boundary fence/gates. Split decision

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

5.1 The submitted plans raised significant concerns in terms of residential amenity and highway safety. Although the Kirklees Development Management Charter together with the National Planning Policy Framework and the DMPO 2015 encourages negotiation/engagement between Local Planning Authorities and agents/applicants, this is only within the scope of the application under

consideration. As there were multiple issues, these were considered too significant to resolve under this application. As such, amended plans have not been sought.

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 **LP1** – Achieving sustainable development
LP2 – Place shaping
LP3 – Location of new development
LP21 – Highways and access
LP22 – Parking
LP24 – Design
LP30 – Biodiversity and Geodiversity
LP51 – Protection and improvement of local air quality
LP52 – Protection and improvement of environmental quality
LP53 – Contaminated and unstable land

Supplementary Planning Guidance / Documents:

- 6.3 Kirklees Council has adopted (as of 29th June 2021) supplementary planning documents for guidance on house building, house extensions and alterations and open space, to be used alongside existing SPDs previously adopted. They are now being considered in the assessment of planning applications, with full weight attached. This guidance indicates how the Council will usually interpret its policies regarding such built development, although the general thrust of the advice is aligned with both the Kirklees Local Plan (KLP) and the National Planning Policy Framework (NPPF), requiring development to be considerate in terms of the character of the host property and the wider street scene. As such, it is anticipated that these SPDs will assist with ensuring enhanced consistency in both approach and outcomes relating to development. In this case the follow SPDs are applicable:
- Biodiversity Net Gain Technical Advice Note
 - Highways Design Guide

National Planning Guidance:

- 6.4 National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 20th July 2021, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

- 6.5 The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.
- Chapter 2 – Achieving sustainable development
 - Chapter 6 – Building a strong, competitive economy
 - Chapter 9 – Promoting sustainable transport
 - Chapter 11 – Making efficient use of land
 - Chapter 12 – Achieving well-designed places

7.0 PUBLIC/LOCAL RESPONSE:

- 7.1 The application was advertised by neighbour notification letters, site notice and in the press due to the proximity to a public right of way (DEW/104/10). Final publicity expired on 23rd February 2023.
- 7.2 33 representations were received, 21 against and 12 in support of the application. A petition was also submitted with 20 objections, one of which has also submitted a representation. It is noted that 5 of the objections were raised by two objectors, and 2 of the supporting comments were raised by the same neighbour. Their comments have been summarised as follows:

Objections

- Access sight lines are difficult on a busy main road.
- Parking problems on main road.
- Hazardous to pedestrians and school children.
- Increased volumes of traffic
- Middle of a residential area.
- Noise pollution
- Privacy, overlooking into neighbouring gardens and windows.
- Safety
- Site used late at night.
- Air pollution
- Another garage is not needed.
- Unauthorised workings and demolition at the property
- Previous application already refused at committee.
- Alterations to access under 2020/91865 not complete.
- Adjacent to potentially contaminated land
- Damage local wildlife
- Impact on value of homes.
- Groups of people congregating
- Dog barking and running near public footpath
- Did not received neighbour notification letter

Supporting comments

- Bring employment
- Bring a derelict building back into use
- Lots of parking
- Efficient use of space

- Essential service in a convenient location
- Revitalise community
- Already an existing garage

8.0 CONSULTATION RESPONSES:

Below is a summary of the consultation responses. Where relevant, these are expanded upon in the main assessment below.

8.1 KC Highways Development Management – Object and recommend refusal of the application based on concerns regarding visibility, width of access, uncontrolled parking, lack of access for service vehicles.

8.2 KC Environmental Health – No objections subject to condition

9.0 MAIN ISSUES

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

10.0 APPRAISAL

Principle of development

10.1 NPPF paragraph 12 and LP1 outlines a presumption in favour of sustainable development. Paragraph 8 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation. The dimensions of sustainable development will be considered throughout this proposal. The site is without notation on the KLP Policies Map. Policy LP2 states that: 'All development proposals should seek to build on the strengths, opportunities and help address challenges identified in the local plan, in order to protect and enhance the qualities which contribute to the character of these places, as set out in the four sub-area statement'.

10.2 Chapter 11 of the NPPF requires that planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improvement the environment and ensure safe and healthy living conditions. As well as this, Local Planning Authorities have the responsibility to help create the conditions, in which businesses can invest, expand, and adapt. It follows that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

10.3 In this case, the proposal would represent a more effective use of land than the current situation, contributing positively to the local economic growth through creation of employment opportunities. With these factors in mind, officers are satisfied that the proposal accords with chapters 6 and 9 and 11 of the NPPF. The principle of re-using/ re-developing the building and land adjacent could be considered favourably, so long as it contributes to the improvement of the environment and ensures safe and healthy living conditions of the neighbouring residents.

- 10.4 The site is unallocated in the Kirklees Local Plan. As such, in the broadest form, the development of this site is considered acceptable in accordance with Local Plan Policies LP1 and LP2. However, the development must now be assessed against all material considerations.

Impact on visual amenity

- 10.5 The NPPF offers guidance relating to design in Chapter 12 (achieving well designed places) provides a principal consideration concerning design which states: “The creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”.
- 10.6 Kirklees Local Plan policies LP1, LP2 and significantly LP24 all also seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, thus retaining a sense of local identity. LP24 states that proposals should promote good design by ensuring: “a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape...” Chapter 12 of the NPPF supports this.
- 10.7 The area surrounding the site is predominantly residential, however there are two commercial units to the west of the site. The existing garage to the west of the site separates the application site from Heckmondwike Road, thus shielding the property from the wider street scene. The site is also visible from the public footpath (DEW/104/10) which runs along the southern boundary of the site. Given that Heckmondwike Road is characterised by a mix of residential and commercial developments, to permit an MOT garage, as proposed, is unlikely to cause a significant change to the prevailing character of its immediate surroundings.
- 10.8 The proposed development would comprise a conversion of the existing former farmhouse and would not include any additional structures on the site. Two openings have already been formed in the northern and southern elevations and the surrounding site has been covered in hardstanding which was completed prior to the submission of this application. Although not ideal in terms of design, Officers consider that it would be unreasonable to refuse the proposal on visual amenity grounds based on the existing openings. The openings would be enclosed with roller shutters which would be in keeping with commercial use of the property. It is also noted that this proposal would bring a redundant building back into viable use.
- 10.9 It is noted that at the time of the previous application (2020/90084), the property was considered to be a Non-Designated Heritage Asset due to its architectural merit and history. The previous scheme was for demolition of the property, and the loss of the Non-Designated Heritage Asset was one of the grounds for refusal. As discussed above, the openings in the exterior of the property are not ideal in terms of design, however these have already been inserted. This application would retain the old farmhouse with minor alterations to the exterior and therefore this application would not result in the loss of a Non-Designated Heritage Asset.

10.10 Having taken the above into account, the proposed development would not cause any significant harm to visual amenity, complying with Policy LP24 of the Kirklees Local Plan (a) in terms of the form, scale and layout and the aims of chapter 12 of the National Planning Policy Framework.

Residential Amenity

10.11 Consideration in relation to the impact on the residential amenity of neighbouring occupants shall now be set out in terms of policy LP24 c), which states that proposals should promote good design by, amongst other things, providing a high standard of amenity for future and neighbouring occupiers.

10.12 The application site borders the rear amenity space for 18 residential dwellings along Groves Hall Road, Barley Croft and Woodland Grove.

10.13 The proposed use of the site as an MOT garage would lead to disturbance and harm to neighbouring residential properties from a number of sources. With regard to noise and disturbance, this would come from car engines, associated works and the coming and going of customers. Officers note the sound of car engines is typical in residential areas, however not to the degree caused by an MOT garage. Furthermore, by the nature of introducing visitors/customers to the site, it will increase the number of people within the forecourt, and parking facilities, which is adjacent to the entire rear private gardens of the adjacent properties and very close to the dwellings themselves. As such, this would result in a loss of privacy to the occupants of the adjacent dwellings. It is noted that the representations received have raised concerns regarding noise and air pollution and loss of privacy to neighbouring occupants.

10.14 If this application was to be recommended for approval, a noise report and details of lighting would need to be submitted and agreed by the LPA prior to development commencing and the hours of use would need to be restricted by condition in order to protect residential amenity.

10.15 Whilst it is noted that nos. 103 and 105 Heckmondwike Road are currently operating as an MOT garage, this does not have the same direct relationship to a significant number of residential dwellings as the proposed site and as such is not as close to sensitive receptors as the application site.

10.16 It is considered by officers that these issues which cause disturbance are specific to the use of the site for commercial use as an MOT garage, and when in such close proximity to residential properties, would have an adverse and detrimental impact on residential amenity and the health and wellbeing of the occupiers contrary to LP24, LP51 and LP52 of the KLP and Chapters 12 and 15 of the NPPF.

Highway issues

10.17 Local Plan Policy LP21 states that 'All proposals shall:

a. ensure the safe and efficient flow of traffic within the development and on the surrounding highway network...

e. Take into account the features of surrounding roads and footpaths and provide adequate layout and visibility to allow the development to be accessed safely;'

- 10.18 This is supported by Chapters 9 and 12 of the NPPF and guidance within the Highways Design Guide SPD. KC Highways Development Management have also been consulted as part of this application.
- 10.19 The application site is accessible via an access lane which goes through the centre of an existing garage at nos.103 and 105 Heckmondwike Road. Notice was served on the owner of the land and Certificate of Ownership B was signed and submitted with the application. The access lane provides access from Heckmondwike Road which is a classified B road (B6117). It is a single width lane which already provides access for a large number of vehicles visiting the existing garage.
- 10.20 KC Highways DM were formally consulted regarding the scheme and Officers have significant concerns regarding the access to the proposed site. Given the size of the application site, there should be ample space to provide off-street parking and service vehicle turning. However, the access has no pedestrian provisions and sight lines from the access on to Heckmondwike Road are poor in both directions due to the width of the existing footway along this section of Heckmondwike Road and adjacent boundary fencing. On-street parking to both sides of this access further reduces visibility. The lane is also single width and would not be sufficient for vehicles to pass one another.
- 10.21 Representations have raised significant concerns regarding the access and lack of visibility, especially in relation to the nearby Westmoor Primary School and increased footfall during drop off and pick up times.
- 10.22 Due to the nature of the proposed use, as an MOT garage, this would significantly intensify the number of vehicles entering and exiting the site. The existing access is sub-standard and there has been no attempt to mitigate this harm to highway safety.
- 10.23 It is noted the existing garage has also recently been granted permission to extend (2020/91865), although this should not result in additional vehicles. This was approved under the condition that the fences to the site frontage are set back to the rear of the visibility splays. If this application were to be recommended for approval, similar conditions would need to be added to this application. The surfacing and boundary treatment would also need to be controlled by condition.
- 10.24 As discussed, the proposed MOT garage use is contrary to Local Plan Policy LP24 as it neither ensures the safe and efficient flow of traffic within the development and on the surrounding highway network, nor provides an adequate layout and visibility to allow the development to be accessed safely. The scheme is also contrary to paragraph 110 of the NPPF as it does not provide a safe or suitable access to the site for all users. The scheme has an unacceptable impact on highway safety thus should be recommended for refusal as per Local Plan Policy LP21 and Paragraph 111 of the NPPF.

Representations

- 10.25 33 representations were received, 21 against and 12 in support of the application. It is noted that 5 of the objections were raised by two objectors, and 2 of the supporting comments were raised by the same neighbour. Their comments have been summarised as follows:

Objections

- Access sight lines are difficult on a busy main road.
- Parking problems on main road.
- Hazardous to pedestrians and school children.
- Increased volumes of traffic

Response: These are all material planning considerations that have been carefully considered in the highway safety section of this report.

- Middle of a residential area.
- Noise pollution
- Privacy, overlooking into neighbouring gardens and windows.
- Safety
- Site used late at night.
- Air pollution
- Groups of people congregating

Response: These are all material planning considerations that have been carefully considered in the highway safety section of this report.

- Another garage is not needed.
- Unauthorised workings and demolition at the property
- Previous application already refused at committee.
- Alterations to access under 2020/91865 not complete.

Response: Officers are aware of the site's history and context. This has been considered within the assessment where necessary.

- Adjacent to potentially contaminated land

Response: This is a material planning consideration which has been carefully considered in the other matters section of this report.

- Damage local wildlife

Response: This is a material planning consideration which has been carefully considered in the other matters section of this report.

- Impact on value of homes.

Response: this is not a material planning consideration so no further comment will be made.

- Dog barking and running near public footpath

Response: the application is for the change of use to an MOT garage and therefore, this is not a material planning consideration so no further comment will be made.

- Did not received neighbour notification letter

Response: this application was advertised by neighbour notification letters, site notice, online and in the press in accordance with the statutory publicity requirement for planning applications.

Supporting comments

- Bring employment
- Bring a derelict building back into use
- Lots of parking
- Efficient use of space
- Essential service in a convenient location

- Revitalise community
- Already an existing garage

Response: these comments have all been noted and taken into consideration where appropriate.

Other Matters

Carbon Budget

- 10.26 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.
- 10.27 When determining planning applications, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda. In order to meet the policy and guidance outline above, the provision of one electric vehicle charging point for every ten spaces to be installed could be sought by condition should the application be approved. There are controls in terms of Building Regulations, which will need to be adhered to as part of the construction process and which will require compliance with national standards. This will ensure the proposal accords with LP51 and LP52 of the KLP.

Land Contamination

- 10.28 The site lies adjacent to potentially contaminated land. The land around the building will need to be cleared but no detail is given on what needs to be done nor how it is to be done. The submitted plan from Martin Walsh Architecture dated 20 December 2022 Ref 0011-RevP1 shows 4no. concrete ramps which will require an element of groundworks. A condition is recommended for the discovery of unexpected contamination during any works. Therefore, the proposal complies with LP53 of the Kirklees Local Plan.
- 10.29 It is noted that the application site is within a High-Risk Area as defined by the Coal Authority. This application is for the change of use of an existing building, which would not include any additional structures or buildings other than concrete ramps which involve minimal groundworks and therefore a Coal Mining Risk Assessment was not required in this instance and The Coal Authority were not consulted.

Ecology

- 10.30 This application is for the change of use of an existing building and the application site is already entirely covered in hardstanding. Therefore, the site offers limited ecological potential, and the proposed change of use is considered to not cause any additional harm to ecology. The proposed site plan shows some additional green space and trees in the form of biodiversity enhancement to the proposed in the south-eastern and north-western corners of the site. Therefore, the proposal complies with Policy LP30 of the Kirklees Local Plan.

11.0 CONCLUSION

- 11.1 This application for the change of use and alterations to convert an existing building to garage MOT testing station at Crossfield Farm, 17 Woodland Grove has been assessed against relevant policies in the development plan as listed in the policy section of the report, the National Planning Policy Framework and other material considerations.
- 11.2 The proposed use would have an adverse and detrimental impact on the residential amenity of the neighbouring occupants as a result of noise and disturbance from car engines and ancillary uses of the proposed MOT garage over and above that considered acceptable in a residential setting directly adjacent to a large number of dwellings. Furthermore, customers visiting the site which runs the directly next to dwellings would allow for views into gardens and habitable rooms, thus resulting in a detrimental and harmful loss of privacy for the neighbouring dwelling.
- 11.3 The proposed development would intensify the use of the site, resulting in a significant increase in the number of vehicles entering and existing the site. The single track access from Heckmondwike Road would not be sufficient for the additional vehicle use and the access would not allow for two vehicles to pass. Access would also be difficult for service vehicles from Heckmondwike Road into the site given the width of the existing access. As such, officers consider the site access to be sub-standard and unsuitable for any further intensification in use.
- 11.4 This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that 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.

12.0 REASONS FOR REFUSAL

The reasons for refusal are set out at the beginning of this report.

Background Papers:

Application and history files.

[Planning application details | Kirklees Council](https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2022%2f94117)

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2022%2f94117>

Certificate of Ownership – Certificate B signed and dated.