

**KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE**

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) – SECTION 70

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS

Reference No: 2019/62/93266/E

Site Address: 21-23a, Leeds Road, Liversedge, WF15 6JB

Description: Change of use from carpet showroom to nursery/out of school club

Recommending Officer: Nia Thomas

DECISION - REFUSE

I hereby authorise the refusal of this application for the reasons set out by members of the Heavy Woollen Planning Sub-Committee on 9 January 2020 and as summarised in the Committee Decision Authorisation annexed below in respect of the above matter.

Julia Steadman

AUTHORISED OFFICER

Date: 14-Jan-2020

Decision Authorisation – Committee Decision

Committee: Heavy Woollen Planning Sub Committee

Date of Committee: 09/01/2020

Application Number: 2019/93266

Officer 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 and issue the decision.

Committee Decision: Refused

Summary of Committee Decision:

Members resolved to refuse the application, contrary to the Officers' recommendation. It was considered that the intensification and compatibility of uses would be harmful to amenity in relation to air quality given the close proximity of the site to three main roads, residential amenity as a result of the proposed hours of use (to the occupants of the first floor of the building) and the proposed parking provision and layout was considered impractical and unsatisfactory to ensure that there would be no highway safety issues as a result of the proposed development.

Members considered that the proposed development was not in the interests of proper planning and would be contrary to Policies LP1, LP21, LP22, LP24 and LP51 of the Kirklees Local Plan and Chapters 9, 12, 14 and 15 of the National Planning Policy Framework.

Reason for Refusal:

1. The proposed development, by virtue of the intensification of the site, its incompatibility with the surrounding uses, and the resultant implications in relation to air quality and noise, would result in a harmful impact to the amenity of the occupiers of the existing residential units (located on the upper floor of the application property) and the future users of the nursery, as well as a detrimental impact on highway safety due to a lack of safe, accessible and practicable parking provision. To permit the development would be contrary to Policies LP1, LP21, LP22, LP24 and LP51 of the Kirklees Local Plan and Chapters 9, 12, 14 and 15 of the National Planning Policy Framework and would fail to be in the interests of proper planning.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Block plan	19/16/B	-	18.12.2019

Plan Type	Reference	Version	Date Received
Proposed floor plans	19/16/A	-	15.10.2019
Location plan	1:1250	-	15.10.2019
Design and Access Statement	-	-	15.10.2019
Flood map for planning	-	-	15.10.2019
Flood Risk Assessment	Revised Aug 2019	-	15.10.2019
Acoustic Report	J2883	-	15.10.2019

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Planning Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. The case officer requested further information relating to parking provision and layout at the site. Considering this additional information, Officers recommended an on balance approval of the application to Members of the Heavy Woollen Planning Sub-Committee, subject to conditions. However, after due consideration, it was resolved that there would be harm to residential amenity in terms of air quality, noise and highway safety. Furthermore, the proposed use of the building would result in an intensification of the site, with the proposed use of the building also being considered to be incompatible with the surrounding uses.

Report Dated: 13.01.2020