

**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:	2022/62/92313/E
Site Address:	Land to rear of, Yorkshire House, South Street, Dewsbury, WF13 1JT
Description:	Erection of hotel (within a Conservation Area)
Recommending Officer:	RichardA Gilbert

DECISION - Refused

I hereby authorise the refusal of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

David Wordsworth

AUTHORISED OFFICER

Date: 03/07/23

DELEGATED OFFICER REPORT

Application Reference: 2022/92313

Location: Land to rear of, Yorkshire House, South Street, Dewsbury, WF13 1JT

Development Description: Erection of hotel (within a Conservation Area)

RECOMMENDATION: Refusal of Permission

Reasons:

- 1** It is the opinion of the Local Planning Authority that the proposed development would incur the loss of surface car parking required for the effective operation of the uses at the ground floor of Yorkshire House (secured under 2004/95343) and that the loss of the parking provision will incur unacceptable highway safety issues on School Street and South Street contrary to Local Plan Policy LP21 Highways and Access.
- 2** It is the opinion of the Local Planning Authority that the proposed development constitutes less than substantial harm to the setting of the nearby designated heritage assets 63 Daisy Hill and the Dewsbury Town Centre Conservation Area on account of the development's height, massing and external material finish. The heritage harm identified is not outweighed by the public benefits of the scheme, those being primarily economic in nature, and the proposal is consequently found to be contrary to Local Plan Policies LP18 Dewsbury Town Centre and LP35 Historic Environment as well as Paragraph 202 of the National Planning Policy Framework.
- 3** The design quality of the scheme, as concerns its form, scale and external appearance lack consideration of the positive character elements of the surrounding built form present across School Street, South Street and Daisy Hill. The proposal's layout overdevelops the site and, as a consequence, the scheme is not able to provide opportunities for soft landscaping which thereby exacerbates the predominance of hard landscaping along School Street following the removal of existing early mature trees beside the site access. The resultant detrimental effect of the hotel development on the visual amenity of the street scene would diminish the quality of Dewsbury Town Centre, contrary to Local Plan Policies LP18 Dewsbury Town Centre, LP24 Design, LP32 Landscaping and LP33 Trees.
- 4** Insufficient information has been provided which satisfies the Local Planning Authority that the current layout and form of the development

is capable of allowing vehicles to safely egress from the site in a forward gear or that adequate controls can be put in place to manage vehicles attempting to visit the site which may otherwise block the safe flow of traffic on School Street. On the basis of the potential for highway safety and capacity issues being created as a result of the development, the proposal is found to be contrary to Kirklees Local Plan Policy LP21 Highways and Access.

- 5** The height and proximity of the proposed development will adversely affect the amenity of residents whose dwellings have their main habitable room window located on the northern elevations of Yorkshire House. The development will serve to overshadow and overbear these residential properties, particularly those at the first floor, resulting in a reduction in natural light entering habitable rooms whilst at the same time significantly reducing the quality of the sole outlook that the affected dwellings currently enjoy. For these reasons, the development is determined to be contrary to Kirklees Local Plan Policy LP24.
- 6** Insufficient information has been provided to determine that the site is capable of being serviced by a drainage system that would allow for a 30% reduction in surface water run-off. The lack of surface water drainage information is contrary to Kirklees Local Plan Policy LP28 Drainage.

1.0 INTRODUCTION:

- 1.1** This full planning application has been submitted to seek the erection of a hotel development in Dewsbury town centre.
- 1.2** The application is considered a delegated item as the site area is below 0.5HA for a development proposed as non-residential in land use terms.

2.0 SITE AND SURROUNDINGS:

- 2.1** The site is located within Dewsbury town centre to the rear of Yorkshire House located directly to the south with access provided from the corner of School Street to the north. Other surrounding uses include further surface car parking for car sales purposes to the west, Howlands Social Centre/Community Hub to the east in a former C of E School building as well as a residential development of 8 residential flats directly north on School Street permitted under 2012/93586. The Planning Statement confirms that the site is currently used for private car parking.
- 2.2** In respect of designations, the access and bin store location is situated within the boundary of the Dewsbury Town Centre Conservation Area. The site is not within a primary shopping area, however it is within the

defined town centre boundary. In respect of flood risk, the site is within flood zone 1 which is identified as locations with the lowest risk of flooding. School Street, which serves the site, is an adopted highway.

3.0 PROPOSAL:

- 3.1 The content of the application centres on the construction of a six storey hotel on the site under use class C1. The hotel is proposed with 1685sq.m of gross internal floorspace consisting of 75 guest rooms alongside a reception, dining area and ancillary operational rooms at the ground floor. The hotel would be broadly rectangular in footprint with an internal staircase and elevator shaft projecting out from the main part of the northern elevation. The ground floor of the building would be set-in to allow for vehicular access across the western elevation with the upper floors cantilevered over the access way to provide greater internal space.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

- 4.0 The following historic applications are relevant to the proposed scheme and concern Yorkshire House adjoining directly to the south:

98/93205 – Outline Application for Retail Development – Approval Subject to Conditions

The outline application is no longer extant as dedicated reserved matters applications were not submitted within timescales set out within the decision notice.

- 2004/95343 - CHANGE OF USE AND ALTERATIONS OF GROUND FLOOR OFFICES TO 3 NO A3 (FOOD AND DRINK) UNITS AND 1 NO. A1 (SHOP) UNIT – Approved subject to Conditions

The red-line boundary of this permission includes the car park that comprises the site for 2022/92313. The plans for this permission indicate that it has been implemented and that planning units at the ground floor of Yorkshire House have a reliance on the car parking at the rear where the hotel is cited. The use of one of these units now varies from the 2004 permission, in that Unit 4 is not a coffee shop but a restaurant/takeaway (Santo's) with no internal seating(which under the Use Class Order 2020 is now classified as Sui Generis as opposed to A3/A5). However both units 1 and 3 are still in their permitted use, the former being a mobile phone retail shop 'O2' and the latter being a fried-chicken restaurant/takeaway 'Dubai Shawarma'. The permission's application form also indicates that there were to be 20 parking spaces on the site. Unit 2 has since been amalgamated into the retail shop, however altogether the ground floor units are reliant on the parking at

the rear. This review of uses is considered up to date given that Google Street View imagery is from October 2022.

2006/93182 – Change of Use from Offices to Gymnasium – Approved Subject to Conditions

The red-line boundary of this permission includes the car park that comprises the site for 2022/92313. It is considered that the permission for the gym and creche at the third floor remains active until such time as the residential use permitted under 2016/93368 is implemented.

2016/92503 – Prior approval for proposed change of use of the first, second, and fourth floors from offices (Class B1(a)) to 24 dwellings (Class C3) – Prior Approval Granted Subject to Conditions

The car park at the rear of Yorkshire House is not within the red line boundary for this granting of prior approval, however it is situated within a blue line boundary denoted on the approved location plan. The supporting documentation makes no reference to the requirement to use the car park.

2016/92665 – ‘External Alterations’ – Approved Subject to Conditions

The car park at the rear of Yorkshire House is not within the red line boundary for this permission however it is situated within a blue line boundary denoted on the approved location plan. The supporting documentation makes no reference to the requirement to use the car park.

2016/93368 – Alterations to convert 3rd floor gymnasium to 8 apartments – Approved Subject to Conditions

The car park area is not indicated to be within either the red-line boundary provided and no blue line boundary is indicated. The application makes no indication of the development’s reliance upon the car park in the submitted documentation.

2021/91639 – Removal of Existing roof top shisha bar and café and erection of extension and formation of 7 flats – Pending Consideration

This is an application that is yet to be determined at Yorkshire House directly south of the site.

With regard to the above history list, the permission most pertinent to this application is 2004/95343, as it indicates that the commercial units located at the ground floor of Yorkshire House have reliance on the proposal site as a car parking area for the purpose of staff and customer parking.

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

- 5.1 In respect of negotiations relating to this scheme, the LPA was notified that the original applicant was subject to a disqualification order under the Company Director Disqualification Act which preceded the submission of this application. As a consequence, the application was invalid until such time as a new applicant was added to the application. The new applicant was provided by the agent on the 15th December 2022 and the application was valid from this date.
- 5.2 No revisions to the scheme have been provided other than the requests for further information and documentation outlined in consultee responses to the application.

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 The application site is within the Dewsbury Town Centre Conservation Area and the boundary of Dewsbury Town Centre from a retail perspective.
- 6.3 The following policies within the Local Plan are most relevant to the assessment of this application:

LP1 – Presumption in favour of sustainable development
LP2 – Place shaping
LP3 – Location of new development
LP4 – Providing infrastructure
LP7 – Efficient and effective use of land and buildings
LP8 – Safeguarding Employment Land and Premises
LP9 – Supporting skilled and flexible communities and workforce
LP13 – Town centre uses
LP16 – Food and drink uses and the evening economy
LP18 – Dewsbury Town Centre
LP20 – Sustainable travel
LP21 – Highways and access
LP22 – Parking
LP24 – Design
LP27 – Flood risk
LP28 – Drainage
LP30 – Biodiversity and geodiversity
LP32 – Landscape

LP35 – Historic Environment
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 Relevant Guidance includes the following:

- Dewsbury Conservation Area Appraisal
- Dewsbury Townscape Heritage Initiative Documents
- Biodiversity Net Gain – Technical Advice Note (2021)
- Highway Design Guide SPD (2019)
- Development on Land Affected by Contamination – Technical Guidance (2017)

Other Local Material Considerations

- 6.4
- Dewsbury Town Centre – Strategic Development Framework & Delivery Programme 2018
 - Dewsbury Blueprint
 - Dewsbury Heritage Action Zone
 - Dewsbury Design Guide

Regional Planning Guidance:

6.5 Relevant guidance and documents are:

- West Yorkshire Low Emissions Strategy and Air Quality and Emissions

National Planning Policy and Guidance:

6.6 The National Planning Policy Framework (2021) seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of the proposal. Relevant paragraphs/chapters are:

- Chapter 2 – Achieving sustainable development
- Chapter 4 – Decision-making
- Chapter 6 – Building a strong competitive economy
- Chapter 11 – Making effective use of land
- Chapter 12 – Achieving well-designed places

- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment
- Chapter 16 – Conserving and enhancing the historic environment

6.6 Since March 2014 Planning Practice Guidance for England has been published online.

Climate change

6.7 On 12/11/2019 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.

7.0 PUBLIC/LOCAL RESPONSE:

7.1 In accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 (DMPO), the application was originally advertised as a major development that affects the setting of a conservation area by means of two site notices on 14/09/2022, an advertisement in the local press on 29/09/2022 and by direct neighbour notification to adjoining properties.

7.2 As a result of this consultation, 9 letters of representation were received, redacted versions can be found on the council’s website and the concerns raised are summarised below:

- No disabled bedrooms or disabled facilities (such as toilets);
- No indication of double or family rooms;
- No meeting spaces shown on submitted floor plans;
- Concerns as regards the functionality of the proposed restaurant and its ability to cater for the hotel’s indicative capacity;
- Proposed waste storage location unacceptable due to potential for a rat infestation given its location adjacent a derelict building subject to renovation work;
- Insufficient area for storage in rooms or communal areas;
- Amenity issues for neighbouring units in respect of the smell of externally located waste storage bins;

- Inadequate parking facilities;
- Over-supply of 1 bedroom facilities and accommodation within the local area;
- The proposal will exacerbate existing anti-social behaviour issues within the town centre, which are already severe;
- Lack of on-site car parking;
- Servicing the building will be restricted by the limitations of the access point and turning provision within the site;
- The access will also create issues for emergency services;
- The development will cause issues on the highway network;
- Fear of crime issues with the scheme;
- The proposal blocks the fire escape for Yorkshire House;
- Design of the proposal is not in-keeping with the conservation area;
- Noise impact of the scheme will be detrimental to the local area;
- There is no demand for this scheme as there are already a significant amount of vacant residential properties in the town centre;
- The application form is incorrect as trees are located on the site.
- The proposal includes inappropriate building materials which would not complement the local area.
- Three listed buildings are indicated to be harmed by the proposal and multiple representors consider harm to the Howland Centre as a non-designated heritage asset;
- Consideration that the proposal does not account for mitigation of archaeological harm;

7.3 Dewsbury Chamber of Trade Comments provided the following representation –

The following objections were assembled from the opinions of the thirty six business owners and members of the Dewsbury Chamber of Trade and adopted at the meeting of 4th October 2022. The application form states that there are no trees on the site yet the location and site plan clearly indicate a number of trees.

Planning Policy LP22 advises that car parking provision in new development is determined by a number of factors. If this is truly a hotel then visitors will be arriving from far and wide and a number of these will require on site car parking. This is the current reality on which the financial viability of the hotel will depend. The longer term policy objective of reducing car travel should not be used to justify the absence of parking. In the absence of travel facilities there is a likelihood that the small, low quality accommodation will be taken up by residents and/or used by the government or other agency seeking accommodation for vulnerable members of the community experiencing difficulties of one sort or another.

The site is currently the car park serving Yorkshire House which has, itself, been converted to low quality residential accommodation which is

detrimental to the council's long term strategies for the town. Should the car park be built over as requested this locks in the future use of Yorkshire House. This is bad policy both by the owner and for the council which should be aiming to maintain flexibility of future use. The loss of this car park also adds to the problem of parking in Dewsbury Town Centre by further reducing the total number of spaces available.

Policy LP24 promotes good design. It is impossible to establish this without a massing plan that shows its relationship to its existing neighbours. This plan will then highlight how the scale of this 6 storey building relates to its neighbours. The materials suggested on the building are totally inappropriate to blend with its surroundings.

Policy LP35 refers to designated heritage assets. This proposal will cause immense harm to the Conservation Area, the three Listed Buildings, Howlands Centre a non-designated heritage asset and the archaeological significance of the site. In particular, being alongside the whole length of Howlands and substantially taller, the proposed construction will block out natural light from half the windows of the community centre.

National Planning Policy Framework NPPF Para 111 - Most development should be prevented if there is an impact on highway safety. The proposed development does not deal with how service and emergency vehicles will access and egress the site in a safe manner.

NPPF Para 126 refers to good design and without further information on the proposals relating to vehicle manoeuvring, massing drawing, building/room sizes and compatible materials an evaluation cannot be undertaken.

NPPF Para 130 is to ensure visually attractive, good architecture, landscaping and sympathetic to the local character it is my opinion on the information presented that this proposal falls way short of this required standard.

This building will require a sprinkler system and there is no provision for a sprinkler tank shown on the drawings. There are very limited facilities for laundry and waste disposal and the level of traffic expected from a hotel of this size will cause chaos in School Street and Daisy Hill.

Post Grenfell, the ability to access and fight fires is greatly impeded on the North and South elevations due to the topography and inaccessibility. Part of this site is within the Conservation Area with 3 listed buildings in very close proximity.

The Heritage Statement forming part of this application is totally inadequate and should be prepared by a suitably qualified person that addresses all the heritage and historical issues. Had the Heritage

Statement been carried out by a suitably qualified person the archaeological significance of the site would have been highlighted, together with the presence of three important listed buildings within a “stones throw” of the site.

While a hotel is needed in Dewsbury this proposal appears to be a thinly disguised attempt to create low cost, low quality accommodation adding to that already operated by the applicant within an area where there is already a high population of low income and high social need residents. This type of accommodation is known to have a negative impact on such residents and will also have only a negative effect on the future development of the town.

*For the above reasons the membership of the Dewsbury Chamber of Trade consider that the proposals put forward are unacceptable and permission should be refused. President Dewsbury Chamber of Trade
4 October 2022*

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

KC Highways Development Management:

Object to the proposal concerning site access and the resultant ability to service the proposed development effectively as well as a lack of consideration to off-street parking, drop off and pick up points and disabled parking. A transport statement has been provided by the applicant, authored by Paragon Highways (January 2023 – PO 2159), however it does not provide requisite information in respect of site access design and service arrangements, as required by KC Highways Development Management

Local Lead Flood Authority:

Further information required.

Yorkshire Water:

No objection subject to condition.

8.2 Non-statutory:

KC Waste Strategy:

Advisory Comments Provided, defer to Highways DC in respect of servicing the site for RCVs.

KC Environmental Health:

No objections subject to conditions

KC Building Control:

No response

KC Crime Prevention:

Object to the proposal citing potential for crime from the proposed scheme.

KC Trees:

No objections subject to amendment

KC Conservation & Design:

Object to the proposal on the basis of less than substantial harm to the Daisy Hill Conservation Area not being outweighed by its public benefits.

WY Archaeology Service:

Requirement for a condition for archaeological recording prior to or during the construction period.

KC Ecology:

No objections subject to a condition for installation of a bat wall system which would provide a biodiversity net gain for the development.

KC Landscape:

Lack of sufficient landscaping details to make an assessment.

West Yorkshire Fire Authority:

No response

9.0 MAIN ISSUES

- Principle of development
- Highway/Access
- Heritage & Archaeology
- Residential Amenity & Design
- Trees, Landscape and Ecology
- Drainage
- Ground Risks

- Representations
- Other matters

10.0 APPRAISAL

Principle of development

- 10.1 Planning law requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions. The starting point in assessing any planning application is to ascertain whether or not a proposal accords with the relevant policies within the development plan, in this case, the Kirklees Local Plan. If a planning application does not accord with the development plan, then regard should be as to whether there are other material considerations, including the NPPF, which indicate the planning permission should be granted.
- 10.2 Given the commercial nature of the proposal, the following Local Plan Policies are applicable in this instance: LP2 – Place Shaping, LP3 – Location of New Development, LP7 – Efficient and Effective use of Land and Buildings and LP13 – Town Centre Uses.
- 10.3 Kirklees Local Plan Policy LP2 states '*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 boxes below*'. The Dewsbury and Mirfield Place Shaping Statement under LP2 identifies Dewsbury Town Centre as a strategic location for growth that will be driven by housing and economic development in the town centre. A challenge to growth identified in the Place Shaping Statement is that Dewsbury Conservation Area is on the heritage at risk register. The application form indicates that the proposal would generate up to 24 full time equivalent jobs within Dewsbury Town Centre, which would indicate that it provisionally complies with LP2 subject to other material considerations, such as design and heritage matters.
- 10.4 Kirklees Local Plan Policy LP3 requires development to reflect spatial priorities for urban renaissance and regeneration and the need to provide for new jobs. Undoubtedly the proposal would provide jobs for the local area, however discussions relating to proposal's impact on the appearance (inclusive of scale, materials and layout) and heritage of the local area is determined to be less clear – these matters will be discussed in greater detail within the assessment below. Nevertheless, given the outcome of the design and heritage analysis, it is not felt that the current submission would contribute to the urban regeneration of Dewsbury and could in fact add to issues with the town centre through displacement of off-street parking availability tied to adjacent

commercial units at Yorkshire House. As such the proposal is deemed to be contrary to Policy LP3.

- 10.5 In respect of Local Plan Policy LP7 and the need to use land and buildings efficiently and effectively, the policy promotes the adaptation of underused properties provided that they are not of high environmental value. The site is considered a 'Built Up Area' under the Local Plan's Biodiversity Opportunity Zones and is partially within a conservation area, but otherwise has no special environmental designation or protection. Overall, there are no officer concerns in respect of meeting the requirements of LP7 to more effectively use land other than the reliance of commercial units on the site's current use as surface car parking.
- 10.6 With regard to Local Plan Policy LP13 – Town Centre Uses - Dewsbury is a principal town centre and the proposed development for a C1 Hotel use would be in line with the main town centre uses permitted in principal town centres, as set out in the Glossary of the Kirklees Local Plan.
- 10.7 The proposal partially meets the requirements of the Kirklees Local Plan in respect of Policies LP7 and LP13 as regards place shaping, the efficient use of land and the location of the proposed use. However the proposal is at odds with the Strategic Spatial Priorities for Dewsbury in respect of regeneration due to its appearance and heritage impacts as well as its potential to displace parking that is tied to an existing permission (2004/95343). There are undoubtedly positive elements to the scheme in respect of job creation that would partially meet the requirements of Policies LP2 and LP3, however the multiple concerns previously cited outweigh this economic benefit given the long term potential for the proposal to detract from regeneration of Dewsbury Town Centre

Highway/Access

- 10.8 As required by Kirlees Local Plan Policy LP21, proposals shall demonstrate that they can accommodate sustainable modes of transport and be accessed effectively and safely by all users. New development will normally be permitted where safe and suitable access to the site can be achieved for all people and where the residual cumulative impacts are not severe. Proposals shall demonstrate adequate information and mitigation measures to avoid a detrimental impact on highway safety. With special regard to this application, clauses f and g of LP21 are pertinent. The former requires all proposals to take into account access for emergency, service and refuse vehicles whilst the latter requires all proposals to provide on-site safe, secure and convenient cycle parking/storage facilities to encourage sustainable travel modes.

- 10.9 It is identified that development permitted under 2004/95343 is in use at the ground floor of Yorkshire House. The site area for this application is tied to the 2004 permission through inclusion of the parking area at the rear of Yorkshire House up to School Street in the red line boundary of that application as well as the citation of 18 existing parking spaces, supplemented by a further 2 spaces resulting from the development, cited in the application form for 2004/95343. As such it is the opinion of the Local Planning Authority that the car park at the rear of Yorkshire House, which this application intends to change the use of, is necessary for the effective operation of the uses permitted under 2004/95343 so that on-street parking issues are not created elsewhere. No evidence has been provided to the Local Planning Authority that the ground floor commercial units at Yorkshire House do not rely on the car park of the application site. Indeed it is noted by the Case Officer that due to the proposal site now being barriered off from use, that car parking is incurring access issues across the unadopted street situated to the west of Yorkshire House that is used to access the rear of 20-26 South Street.
- 10.10 Further to the above, a Traffic Statement requested by Highways Development Management has subsequently been submitted by the applicant. It addresses some of the consultee's requirements, such as an assessment of the viability of various travel modes, accident analysis as well as multi-mode trip generation information. However detailed appraisals of the operation of the site access and the feasibility of servicing the development have not been provided.
- 10.11 In respect of the site access, it is accepted that the access point is historically established however, due to the proportion of the site being devoted to a physical structure, little surface manoeuvring space is provided that may not otherwise be blocked by multiple vehicles attempting to access or egress from the site at one time and no vehicle management measures are proposed which could control or reduce the likelihood of this occurring and thereby disrupting the safe flow of traffic along School Street. Similarly, the cantilevered overhang of the first floor has the potential to disrupt the ability of certain service vehicles to use the mini-turning head provided within the site and no swept paths or restricted vehicle heights are identified within the Transport Statement to evidence that vehicles are able to egress from the site in a forward gear.
- 10.12 Undoubtedly the proposal is sited in a highly sustainable location between Dewsbury's bus and train stations, however the LPA would question the safety implications for the highway network from the removal of a surface car park required by neighbouring commercial units as well as the feasibility of the development's access and servicing from the information currently submitted, or the lack thereof. Likewise, though walking and cycling are identified as potential modes of transport to justify the lack of private vehicle parking on the site, no secure cycle parking is identified on the floor plans. Overall the

displacement of surface parking and the lack of information to confirm that access and servicing of the site can be conducted safely will form two reasons for refusal.

- 10.13 To conclude, the proposed development is not determined to be acceptable in respect of transport safety and the development's impact on the transport network. The development is consequently found to be contrary to LP21 – Highways and Access of the Kirklees Local Plan.

Heritage & Archaeology

- 10.14 As outlined in Sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects a listed building/conservation area or its setting, the local planning authority shall have special regard to the desirability of preserving the building/conservation area or its setting or any features of special architectural, historic interest, character or appearance which they possess.
- 10.15 The proposal site is currently a car park directly adjacent to the boundary of the Dewsbury Town Centre Conservation Area to the north, and adjacent to a former school building to the east which is dated 1843 and, although outside the conservation area, is a non-designated heritage asset. On the corner of School Street and within the conservation area, is the Grade II listed 63 Daisy Hill.
- 10.16 Daisy Hill is a designated area within the Dewsbury Heritage Action Zone, a regeneration initiative within Dewsbury Town Centre which aims to restore and enhance heritage assets and promote the quality of its environment. It is also a key area within the Dewsbury Blueprint.
- 10.17 The predominant character of the Daisy Hill area is typified by two and three-storey retail and commercial premises, many of which are terraces dating to the early 19th century. These are constructed in natural stone with pitched slate and stone slate roofs. Some elements are in brick, although this is not the predominant material, and some elevations have been rendered.
- 10.18 The proposed building is six storeys high with a flat roof and simple design detailing, and the external materials are red brick and render (colour not submitted) with grey uPVC windows.
- 10.19 A heritage statement has been submitted with the application; however, no assessment has been made on the impact of the development on the setting of the nearby heritage assets. Kirklees

Local Plan Policy LP35, in line with NPPF Paragraph 197, requires local authorities to take account of the desirability of new development making a positive contribution to local character and distinctiveness. The substantial building, as proposed, dominates the surrounding street scene, particularly the former school building, and KC Conservation and Development Management consider it to make a negative contribution to the local character on account of its incongruent height, mass and material composition relative to its context.

10.20 Further to the above, Policy LP35 and Paragraph 200 of the NPPF require any harm to the significance of a designated heritage asset, namely the setting of the conservation area and the nearby listed asset (63 Daisy Hill), to have clear and convincing justification. No justification has been submitted for the proposal in terms of scale, design and materials. Consequently, it is considered that the potential harm of the proposal is on the higher side of less than substantial and therefore Paragraph 202 of the NPPF applies. Consequently, less than substantial harm to the significance of a heritage asset should be weighed against the public benefits of the proposal and judgement should be made as to whether the harm or loss of significance is outweighed by those identified benefits.

10.21 The main public benefit identified within the supporting Planning and Heritage statement, authored by Roger Lee Planning Ltd, relate to the economic benefits of the hotel development upon the local economy from employment creation as well as the sustainable location of the development and its focus on options for travel other than by private motor vehicles. Though commendable, the purported public benefits are conjectural and have not been substantiated with robust evidence. The applicant does not have control of how customers' will travel to the hotel and may still predominantly rely on off-site parking facilities in the absence of on-site parking spaces. Likewise the scope of economic benefits have not been quantified and the creation of 24 FTE employees on the application form has also not been substantiated in respect of the detail of the hotel's operating requirements and the pay levels for the identified roles. This is not to say that the proposed development would not have an economic benefit, however KC Conservation and Development Management remain unconvinced that the scope of economic benefit overcomes the harm and loss of significance upon the Dewsbury Town Centre Conservation Area and 63 Daisy Hill from the height, massing and material palette of the proposed development.

- 10.22 As regards the archaeological impacts of the proposed development, consultation with West Yorkshire Archaeological Advisory Service confirms that such impacts are able to be dealt with through an appropriately worded condition that would require the developer to have an archaeological watching brief throughout the construction period, with details of the watching brief agreed prior to commencement.
- 10.23 Overall the proposed hotel development is found to consist of less than substantial harm to the to designated heritage assets. The harm, though less than substantial, is not considered to be outweighed by the development's public benefits and is thus contrary to Policies LP18 – Dewsbury Town Centre and LP35 – Historic Environment as well as Sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990 and Paragraph 202 of the NPPF.

Residential Amenity & Design

Residential Amenity

- 10.24 Policy LP24 of the Kirklees Local Plan requires all new development proposals to promote good design by ensuring they provide a high standard of amenity for future and neighbouring occupiers; including maintaining appropriate distances between buildings.
- 10.25 The development would be situated directly north of Yorkshire House which has been subject to an approved 'prior approval' application under 2016/92503 and is subject to a further planning application under consideration at the fourth floor of Yorkshire House (reference 2021/91639). At a minimum, Development Management are able to identify from the proposed floor plans for Yorkshire House that habitable windows that serve 2 residential units (identified as 1.1 and 3.1) would face onto the development at a distance of approximately 16m. Given the proposed height of the hotel at 18.5m over 6 storeys relative to the 5 storeys of Yorkshire House, and that the arrangement of the windows serving units 1.1 and 3.1 are perpendicular to the external wall of Yorkshire House's staircase, Development Management have significant concerns in respect of the overbearing effect of the hotel relative to the windows serving the habitable spaces of the cited units - particularly on the basis that the cited fenestra provide the sole outlook for those units.
- 10.26 Further to the above, it is also possible that a tunnelling effect would be created by the eastern elevation of the proposed hotel and the roof slope of the neighbouring community centre upon the only habitable windows serving residential units 1.8 and 3.8 within Yorkshire House – this would diminish light serving those windows, particular those at lower floors.

- 10.27 As concerns the potential amenity impacts on residential units to the north of the development site, Development Management have assessed the potential for harm and consider that the site-orientation relationship between the proposed hotel and the residential units being constructed at the Old Auction Rooms on School Street could also incur overshadowing issues. However the permission for this building is no longer extant (2012/93586), despite works being undertaken on the Old Auction House in 2023 to make it watertight. The works, which include the provision of flat-roof dormers that were never originally permitted, consist of a breach of planning control on account of the permission no longer being extant, and therefore a reason for refusal in this respect cannot be substantiated.
- 10.28 With regard to other types of amenity issues, specifically noise, odour and contaminated land, consultation with KC Environmental Health has confirmed that such issues are able to be resolved through the use of appropriately worded conditions.

Visual Amenity & Design

- 10.29 Policy LP23 states that proposals should promote good design by ensuring the form, scale, layout and details of all development respects the character of the local townscape. Meanwhile Policy LP18 requires proposals within Dewsbury Town Centre to preserve and enhance the town's cultural and architectural heritage and open spaces.
- 10.30 In respect of the form and layout of the proposed building, it has little merit in terms of its shape as it largely resembles a rectangular cube owing to its flat roof which, in combination with a lack of articulation or texture to the façade, is inferior to similar mid-20th Century development immediately adjacent at Yorkshire House, 6 School Street and 47 Daisy Hill. The deficiencies in respect of the proposal's form are brought into sharper relief when contrasted to more traditional buildings such as 63 Daisy Hill and the Howland Centre which, though more classical in style, provide positive character elements within and adjacent to the Conservation Area. The hotel's built form is further exacerbated by the layout of the hotel, which is too large and resultantly over-develops the site in order to maximise internal floor area to the detriment of external space that could be devoted to soft landscaping and vehicle manoeuvring for service purposes.
- 10.31 The scale of the building would make it the tallest structure in the immediate vicinity at six storeys in height. Given that Yorkshire House currently forms the tallest structure in the immediate area, and that the site is in a somewhat backland location, a maximum height of five storeys could be permitted. At six storeys in height, combined with the proposal's large cubic appearance, the hotel development would overdevelop the site and would dominate the character of the area despite being in a more set-back location.

- 10.32 Despite being on the edge of the Conservation Area where natural stone is the predominant finishing material, the development has not included this material in any part of its detailing and uses ordinary and unremarkable materials - indicated as red brick and polymer render on the application form. By way of a further contrast, the similar 20th Century buildings previously identified – those being Yorkshire House and 47 Daisy Hill – both include natural stone in the detailing of their principle elevations.
- 10.33 Natural Yorkshire stone is the material which gives Dewsbury its distinctive character and its lack of inclusion in any way, shape or form is a significant detraction from the design quality of the hotel and the development's reliance on white render across the majority of the hotel's elevations is unwelcome as it is not reflective of the area. Render does not weather well in the wet and humid environment of northern England and should be used sparingly and at lower heights to allow maintenance to be made easier. Indeed efforts have been made in the Conservation Area (upon the listed building at 63 Daisy Hill) to remove render to expose the natural stone beneath.
- 10.34 The inclusion of red-brick on the stairwell section of the hotel is not necessarily unwelcome, as red brick is present in secondary elevations of surrounding buildings across School Street, South Street and Daisy Hill. However no detailing of the type of brick or their coursing has been provided which could contribute to providing quality design element. This is a missed opportunity.
- 10.35 Cumulatively, and for the reasons set out above, the excessive size, massing, scale and material finish of the proposed hotel building would be contrary to the visual amenity of the surrounding area across the vistas provided from School Street and South Street.

Conclusion

- 10.35 Overall the proposed development does not accord with the residential amenity requirements of LP24 – Design and LP18 – Dewsbury Town Centre both in terms of residential and visual amenity. This is due to the cited impacts on overbearance and light loss for residential dwellings situated within Yorkshire House as well as the low quality design of the proposal within the streetscene.

Trees, Landscape & Ecology

Trees

- 10.36 Local Plan Policy LP33 requires proposals to retain any valuable or important trees where they make a contribution to public amenity. Where tree loss is deemed acceptable, developers will be required to submit a detailed mitigation scheme.

- 10.37 The trees on the site are semi mature cherry trees that provide some canopy cover and greenery within a heavily built up urban area. The proposals will require the removal of the trees on the site given the constraints of this small site and the nature of the proposals. KC Trees have indicated that they would have no objection to the proposals as it would not be feasible nor justifiable to retain the trees currently on the site. However there appears to be no intention to mitigate or provide any planting with the proposals. The scheme should consider including a small street tree or raised planter near the entrance to the proposed hotel as a way to contribute to the green streets principles of development and provide some mitigation for the trees that need to be removed.

Landscaping

- 10.38 Though the scheme is within a dense urban environment, no attempt has been made to include any form of soft landscaping within the red line boundary. Again, a lack of detail in this respect diminishes the quality of the scheme from a visual amenity perspective, especially when existing foliage is to be removed to make way for hard-surfacing and bin storage areas.

Ecology

- 10.39 KC Ecology have reviewed the proposal and have indicated that they do have no objections subject to the imposition of a condition requiring the installation of bat boxes within the scheme.

Conclusion

- 10.40 To conclude, the development is able to be found in accordance with Policy LP30 Biodiversity and Geodiversity, however the development does not meet the requirements of Policies LP32 Landscape and LP33 Trees which, by association further adversely affects the findings in respect of visual amenity under LP Policy 24 Design.

Drainage

- 10.41 Development Management have consulted the Lead Local Flood Authority (LLFA) with regard to this application. The LLFA have stated that insufficient information has been provided to allow for an assessment to be made in respect of Policies LP27 Flood Risk and LP28 Drainage.
- 10.42 The LLFA require a survey of the existing drainage infrastructure serving the site - this will enable the LLFA to determine a discharge rate limit for the development. From this a drainage design can be developed which will infer the ability to incorporate the feasibility of a SuD system that can comply with Kirklees Brownfield Drainage Policy

which requires a minimum 30% reduction in surface water run-off than the status quo. No drainage design of any description has been provided.

- 10.43 On the basis of insufficient information to determine the application, the proposal is contrary to policies LP27 and LP28 of the Kirklees Local Plan.

Ground Risks

- 10.44 The development has not been submitted with any supporting information relating to ground contamination and subsequent recommendations to ensure that the site is developed safely for future inhabitants. Irrespective of this, Environmental Health have stated that they have no objections subject to the attachment of appropriately worded conditions that require the submission of a Phase 1, Phase 2 and subsequent remediation and verification reports. This approach is in accordance with Kirklees Local Plan Policy LP53 Contaminated and Unstable Land.

Representations

- 10.45 To date, a total of 9 representations have been received in response to the council's publicity of the application. The material considerations raised in comments largely align with the reasons for refusal set out by Development Management in the recommended decision.

Other Matters

- 10.46 There are no other matters.

11.0 CONCLUSION

- 11.1 Though a C1 hotel use within Dewsbury is welcome, the formulation of the proposal is not acceptable. The development does not attempt to offset the loss of surface parking for established commercial units thereby incurring unacceptable highway safety issues observed by the Case Officer at the west of Yorkshire House. Similarly the proposal is not supported with requisite information to make an accurate determination as to the suitability of the access or the servicing of the building for its intended purpose.
- 11.2 The proposal has economic benefits, however these have not been quantified and are significantly outweighed by the cumulative impacts identified in respect of transport, heritage, visual and residential amenity effects that the development would incur or which remain unanswered.

- 11.3 Overall the proposal is poorly conceived and lacks key information. It is therefore contrary to development plan policies LP18, LP21, LP24, LP28, LP32, LP33 and LP35 and recommended for refusal of permission.

Officer Recommendation - Refuse

12.0 REASONS FOR REFUSAL

- 1 It is the opinion of the Local Planning Authority that the proposed development would incur the loss of surface car parking required for the effective operation of the uses at the ground floor of Yorkshire House (secured under 2004/95343) and that the loss of the parking provision will incur unacceptable highway safety issues on School Street and South Street contrary to Local Plan Policy LP21 Highways and Access.
- 2 It is the opinion of the Local Planning Authority that the proposed development constitutes less than substantial harm to the setting of the nearby designated heritage assets 63 Daisy Hill and the Dewsbury Town Centre Conservation Area on account of the development's height, massing and external material finish. The heritage harm identified is not outweighed by the public benefits of the scheme, those being primarily economic in nature, and the proposal is consequently found to be contrary to Local Plan Policies LP18 Dewsbury Town Centre and LP35 Historic Environment as well as Paragraph 202 of the National Planning Policy Framework.
- 3 The design quality of the scheme, as concerns its form, scale and external appearance lack consideration of the positive character elements of the surrounding built form present across School Street, South Street and Daisy Hill. The proposal's layout overdevelops the site and, as a consequence, the scheme is not able to provide opportunities for soft landscaping which thereby exacerbates the predominance of hard landscaping along School Street following the removal of existing early mature trees beside the site access. The resultant detrimental effect of the hotel development on the visual amenity of the street scene would diminish the quality of Dewsbury Town Centre, contrary to Local Plan Policies LP18 Dewsbury Town Centre, LP24 Design, LP32 Landscaping and LP33 Trees.
- 4 Insufficient information has been provided which satisfies the Local Planning Authority that the current layout and form of the development is capable of allowing vehicles to safely egress from the site in a forward gear or that adequate controls can be put in place to manage vehicles attempting to visit the site which may otherwise block the safe flow of traffic on School Street. On the basis of the potential for highway safety and capacity issues being created as a result of the development, the proposal is found to be contrary to Kirklees Local Plan Policy LP21 Highways and Access.

- 5 The height and proximity of the proposed development will adversely affect the amenity of residents whose dwellings have their main habitable room window located on the northern elevations of Yorkshire House. The development will serve to overshadow and overbear these residential properties, particularly those at the first floor, resulting in a reduction in natural light entering habitable rooms whilst at the same time significantly reducing the quality of the sole outlook that the affected dwellings currently enjoy. For these reasons, the development is determined to be contrary to Kirklees Local Plan Policy LP24.
- 6 Insufficient information has been provided to determine that the site is capable of being serviced by a drainage system that would allow for a 30% reduction in surface water run-off. The lack of surface water drainage information is contrary to Kirklees Local Plan Policy LP28 Drainage.

Background Papers:

Application and history files.

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2022%2f92313>

Certificate of Ownership – Certificate A signed: