Town and Country Planning Act 1990

Town and Country Planning (Development Management Procedure) (England) Order 2015

REFUSAL OF PERMISSION FOR DEVELOPMENT

Application Number: 2023/62/93495/E

To: Roger Lee Planning Ltd
18, Leeds Road
Methley
Leeds
LS26 9EQ

For: Y Zaman

In pursuance of its powers under the above-mentioned Act and Order the KIRKLEES COUNCIL (hereinafter called "The Council") as Local Planning Authority hereby refuses to permit:-

ERECTION OF HOTEL (WITHIN A CONSERVATION AREA)

At: LAND REAR OF, YORKSHIRE HOUSE, SOUTH STREET, DEWSBURY, WF13 1JT

In accordance with the plan(s) and applications submitted to the Council on 25-Jun-2024. The reasons for the Council's decision to refuse permission for the development are:

1. 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 application ref: 2004/95343). The loss and displacement of the parking provision would incur unacceptable highway safety issues on School Street and South Street, contrary to Local Plan Policy LP21(a, f) and LP22 of the Kirklees Local Plan and Chapter 9 of the National Planning Policy Framework.

2. The proposed development would constitute 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 harm identified would not be outweighed by the public benefits of the scheme, those being primarily economic in nature, and the proposal is determined to be contrary to Local Plan Policies LP18(b, i) and LP35 of the Kirklees Local Plan, Sections 66 and 72 of the Planning (Listed Building & Conservation Areas) Act (1990), as well as Chapter 16 of the National Planning Policy Framework.

3. Insufficient information has been provided to satisfy the Local Planning Authority that the current layout and form of the development is capable of allowing larger vehicles to safely reverse into the site and that the site can be serviced by larger vehicles without obstructing the safe flow of traffic on School Street. On the basis of the potential for highway safety issues being created as a result of the development, the proposal is found to be contrary to Kirklees Local Plan Policy LP21 (a, f) and Chapter 9 of the National Planning Policy Framework.

4. 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 and massing would result in an overdevelopment of the site, resulting in a detrimental effect on the visual amenity of the street scene, which would diminish the quality of Dewsbury Town Centre, contrary to Local Plan Policies LP18(b) and LP24(a), as well as Chapter 12 of the National Planning Policy Framework.

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 elevation of Yorkshire House. The development will serve to overshadow and overbear these residential properties, particularly those at 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(b) and Chapter 12 of the National Planning Policy Framework.

Plans and specifications schedule:

Plan Type	**Reference**	**Web ID**	**Date Received**
Location and Site Plan as Existing	21-055-01A	-	28th November 2023
Site Plan & Elevations as Proposed	21-055-50B	B	26th June 2024
Plans as Proposed	21-055-51B	B	26th June 2024
Site Plan & Elevations as Proposed	21-055-52	-	28th November 2023
Drainage Assessment – Supporting Information	-	-	28th November 2023

Ecological Impact Assessment – Supporting Information	231036/EcIA/1.	-	26th June 2024
The Biodiversity Metric 4.0 – Calculation Tool – Supporting Information	-	-	26th June 2024
Crime Prevention Statement – Supporting Information	-	-	3rd May 2024
Planning and Heritage Statement – Supporting Information	-	-	28th November 2023
Transport Assessment – Supporting Information	2159A	Revision 1	10th May 2024
Appendix A – Climate Change Statement – Supporting Information	-	-	28th November 2023

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 Authority have, where possible, made a preapplication advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application.

No amendments have been sought on this occasion as the proposals were considered to be wholly unacceptable upon submission and the number of amendments required to overcome officers' concerns would be beyond reasonable and the scope of the original application.

Development within a Coal Mining Area

DEVELOPMENT LOW RISK AREA - STANDING ADVICE

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Mining Remediation Authority on 0345 762 6846 or if a hazard is encountered on site call the emergency line 0800 288 4242.

Further information is also available on the Mining Remediation Authority website at: Mining Remediation Authority - GOV.UK

The application has been publicised by notice(s) in the vicinity of the site. It is respectfully requested that the notice(s) now be removed and responsibly disposed of to avoid harm to the appearance of the area

Appeals to the Secretary of State

- **If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.**

- **If an enforcement notice is served or has been served relating to the same or substantially the same land and development as in your application and if you want to appeal against the local planning authority's decision on your application, then you must do so within:**

i) 28 days from the date of this notice where the enforcement notice has been served,
ii) 28 days of the date of service of the enforcement notice or,
iii) the specified period starting from the date of this notice,

whichever period expires earlier.

- **If you want to appeal against your Local Planning Authority's decision then you must do so within the specified period, starting on the date of this notice.**

- **The "specified period" is 12 weeks where the development relates to a "minor commercial application" as defined within the Town and Country Planning (Development Management Procedure) Order 2010 (as amended), or 6 months in any other case.**

- **Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at the Planning Inspectorate website**
  Further information on the Planning Appeal process can be found online at the Planning Inspectorates website

- **You must use the correct Planning Appeal Form when making your appeal. If requesting forms from the Planning Inspectorate, please state the type of application that the appeal relates to so they can send you the appeal form you require.**

- **The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.**

- **The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.**

- **In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by him.**

Please note, only the applicant possesses the right of appeal.

Purchase Notices

- **If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.**

In these circumstances, the owner may serve a purchase notice on the Council. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

An important part of improving our service is to review your feedback on the way that we have dealt with your planning application(s). Please take a couple of minutes to email your comments to dc.admin@kirklees.gov.uk so that we can work on continually improving our customer service. Thank you.

Dated: 10-Feb-2025

Signed:

David Shepherd
Executive Director for Place

Decision Documents

The decision notice indicates which documents relate to the decision. These documents can be viewed online at the Kirklees Planning Website, by clicking on the 'search and view existing planning applications and decisions' and by searching for application number 2023/62/93495/E .

If a paper copy of the decision notice or decided plans are required please email dc.admin@kirklees.gov.uk or telephone 01484 414746 with the application number. There may be a charge for this service.

All communications should be sent to one of the following address:

E-mail: dc.admin@kirklees.gov.uk

Write to: Kirklees Council
Planning and Development Service
PO Box 1720
Huddersfield
HD1 9EL