

PLANNING APPLICATIONS TO BE DECIDED BY PLANNING COMMITTEE

Application No : 2002/62/91480/E1
Grid Reference : SE 23810 23550
Development : CHANGE OF USE/ALTERATIONS AND EXTENSION TO GROUND FLOOR TO EXTEND ADJACENT SHOP
Location : 12/14, UPPER NORTH STREET, MOUNT PLEASANT, BATLEY, WF17 7PL.
Applicant : MULLACO FOODS
Recommendation : REFUSED 1

Application No : 2002/62/91142/E2
Grid Reference : SE 22040 17750
Development : ERECTION OF 3 DETACHED DORMER BUNGALOWS WITH INTEGRAL GARAGES
Location : WHITLEY ROAD, WHITLEY, DEWSBURY.
Applicant : A HUTTON
Recommendation : REFUSED 4

Application No : 2001/62/91748/E8
Grid Reference : SE 20130 11450
Development : REGRADING OF EXISTING CRICKET FIELD AND RECREATION GROUND, FORMATION OF FOOTBALL PITCHES AND BOWLS GREEN AND OUTLINE APPLICATION FOR ERECTION OF SPORTS PAVILION WITH ACCESS FROM WESTERLEY LANE
Location : WESTERLEY LANE, HUDDERSFIELD ROAD, SHELLEY, HUDDERSFIELD.
Applicant : SHELLEY COMMUNITY SPORT PROJECT
Recommendation : DELEGATE TO OFFICERS TO APPROVE 9

Application No : 2002/62/90647/E6
Grid Reference : SE 19690 12620
Development : ERECTION OF 2 DETACHED DWELLINGS WITH INTEGRAL GARAGES
Location : LAND OFF, RILEY LANE, KIRKBURTON, HUDDERSFIELD.
Applicant : D WALKER
Recommendation : CONDITIONAL FULL PERMISSION 23

Application No : 2002/62/91319/E2
Grid Reference : SE 23530 22280
Development : CHANGE OF USE FROM STAFF ACCOMMODATION TO STUDENT
HALL OF RESIDENCE
Location : 76 WEST PARK STREET/1 PARK ROAD, WESTBOROUGH,
DEWSBURY.
Applicant : WESTBOROUGH (HUDDERSFIELD) LTD
Recommendation : CONDITIONAL FULL PERMISSION 28

Application No : 2001/62/93048/E1
Grid Reference : SE 24520 22900
Development : CHANGE OF USE OF FIRST FLOOR (PART) FROM INDUSTRIAL
FACILITY TO THEATRE AND GROUND FLOOR (PART) TO CLASS
A1 RETAIL
Location : REDBRICK MILL, 218, BRADFORD ROAD, BATLEY CARR,
BATLEY.
Applicant : BULLAS & CO LTD
Recommendation : APPLICATION CALLED IN BY SEC. OF STATE 32

Application No : 2001/62/93279/E3
Grid Reference : SE 18070 25250
Development : ERECTION OF 38 NO. DWELLINGS WITH GARAGES,
ASSOCIATED ROAD AND SEWERS AND ADDITIONAL PARKING
SPACES
Location : LAND TO REAR OF 172-176, WESTGATE, CLECKHEATON.
Applicant : WHITE ROSE HOMES LTD
Recommendation : DELEGATE TO OFFICERS/SUBJECT TO S.106 OBLIGATION 43

Application No : 2001/62/93308/E1
Grid Reference : SE 23650 27790
Development : ERECTION OF 3 NO. RETAIL UNITS AND CENTRAL
MANAGEMENT OFFICE WITH ASSOCIATED CHANGES TO CAR
PARK, ACCESS FOR SERVICING, REAR SERVICING AND
LANDSCAPING.
Location : UNITS 8C, 8D & 8E, HOLDEN ING WAY, BIRSTALL RETAIL PARK
BIRSTALL, BATLEY, WF17 9AE.
Applicant : BIRSTALL CO-OWNERSHIP TRUST
Recommendation : CONDITIONAL FULL PERMISSION 55

Application No : 2001/60/93390/E3
Grid Reference : SE 20530 28140
Development : DEMOLITION OF ONE DWELLING AND OUTLINE FOR THE
ERECTION OF 12 DETACHED DWELLINGS WITH GARAGES
Location : SWINROYD, PROSPECT LANE, BIRKENSHAW, BD11 2LB.
Applicant : J RIDER
Recommendation : CONDITIONAL OUTLINE PERMISSION 67

Application No : 2001/62/93553/E1
Grid Reference : SE 22820 24950
Development : ERECTION OF DETACHED DWELLING
Location : LAND BETWEEN 23 & 25, WELWYN AVENUE, BATLEY.
Applicant : L A WILMAN & J SHARPE
Recommendation : REFUSED 78

Application No : 2001/60/93780/E3
Grid Reference : SE 20500 26100
Development : OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT
Location : GOMERSAL MILLS, SPEN LANE, CLIFFE LANE, GOMERSAL,
CLECKHEATON.
Applicant : GOMERSAL MILLS LTD.
Recommendation : DELEGATE TO OFFICERS/SUBJECT TO S.106 OBLIGATION 82

Application No : 2002/62/90525/E3
Grid Reference : SE 19010 24940
Development : ERECTION OF SINGLE STOREY EXTENSION TO REAR AND
REPLACE EXISTING FLAT ROOF WITH PITCHED ROOF
Location : 8 PYENOT GARDENS, CLECKHEATON, BD19 5AU.
Applicant : J A & MRS P N HAWTHORNTHWAITE
Recommendation : CONDITIONAL FULL PERMISSION 96

Application No : 2002/62/90667/E3
Grid Reference : SE 19940 25780
Development : ERECTION OF EXTENSION AND REFURBISHMENT OF EXISTING
BUILDING WITH ASSOCIATED CAR PARKING AND ACCESS
IMPROVEMENT
Location : 224 SPEN LANE, GOMERSAL, CLECKHEATON.
Applicant : RTS-GATE AUTOMATION
Recommendation : CONDITIONAL FULL PERMISSION 99

Application No : 2002/60/91193/E1
Grid Reference : SE 23030 24710
Development : OUTLINE APPLCIATION FOR ERECTION OF RESIDENTIAL
DEVELOPMENT
Location : LAND OFF, THE DRIVE/CHASTER STREET, CARLINGHOW,
BATLEY, WF17 8DX.
Applicant : P RIDER & K JONES
Recommendation : CONDITIONAL OUTLINE PERMISSION 104

Application No : 2002/70/91201/E3
Grid Reference : SE 18510 26420
Development : VARIATION OF CONDITIONS 14, 15 & 16 ON PREVIOUS
PERMISSION 99/60/92261 FOR OUTLINE APPLICATION FOR
ERECTION OF CLASS B1, B2 UNITS AND CAR SHOWROOM
DEVELOPMENT TO READ 'NO PART OF BUILDING 1, SITE 2
SHALL BE OCCUPIED UNLESS AND UNTIL THE SECTION 278
AGREEMENT FOR THE HIGHWAY WORKS TO JUNCTION 26 OF
THE M62 MOTORWAY, AS SHOWN IN PRINCIPLE ON
SANDERSON CONSULTING ENGINEER'S DRAWING NO.
C1828/101 HAS BEEN SIGNED BY ALL THE PARTIES INVOLVED'.
Location : SITE TWO, BRADFORD ROAD, CLECKHEATON.
Applicant : WILSON BOWDEN DEVELOPMENTS LIMITED
Recommendation : CONDITIONAL FULL PERMISSION 111

Application No : 2002/62/91309/E1
Grid Reference : SE 24630 23010
Development : ERECTION OF EXTENSION TO WAREHOUSE
Location : UNIT B, SAVILE STREET, BATLEY.
Applicant : ECOTEX
Recommendation : REFUSED 113

Application No : 2002/62/91590/E3
Grid Reference : SE 19730 26970
Development : ERECTION OF DETACHED DWELLING WITH INTEGRAL GARAGE
Location : ADJACENT, 173, DRUB LANE, DRUB, CLECKHEATON, BD19 4BZ.
Applicant : M STEAD
Recommendation : CONDITIONAL FULL PERMISSION 116

Application No : 2002/62/91607/E1
Grid Reference : SE 24480 24310
Development : DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF CLASS A1 RETAIL STORE, ANCILLARY CAFE/COFFEE SHOP, PETROL FILLING STATION, CUSTOMER CAR PARK, VEHICULAR AND PEDESTRIAN ACCESS INCLUDING GLAZED PEDESTRIAN FOOTBRIDGE AND ALTERATIONS AND IMPROVEMENTS TO ALFRED'S WAY AND ASSOCIATED WORKS
Location : COMMERCIAL STREET, ALFRED'S WAY, BRADFORD ROAD, BATLEY.
Applicant : TESCO STORES LTD.
Recommendation : REFER TO SECRETARY OF STATE 122

Application No : 2002/62/90951/E2
Grid Reference : SE 24430 22030
Development : CHANGE OF USE AND ALTERATIONS TO CONVERT FORMER MILL AND SHOWROOM TO 94 APARTMENTS WITH ALTERATIONS TO ROOF AND EXTERNAL PARKING
Location : SPINKWELL MILL, HALIFAX ROAD, DEWSBURY.
Applicant : BINKS EXECUTIVE HOMES LTD
Recommendation : DELEGATE TO OFFICERS 133

Application No : 2002/62/90952/E2
Grid Reference : SE 24460 22020
Development : CHANGE OF USE OF LAND TO CAR PARK AREA (LISTED BUILDING)
Location : LAND ADJACENT SPINKWELL MILL, HALIFAX ROAD, DEWSBURY.
Applicant : BINKS EXECUTIVE HOMES LTD
Recommendation : DELEGATE TO OFFICERS 138

Application No : 2002/62/90955/E2
Grid Reference : SE 23310 22620
Development : USE OF LAND TO FORM CAR PARK
Location : OPPOSITE DEWSBURY & DISTRICT HOSPITAL, HEALDS ROAD, DEWSBURY.
Applicant : DEWSBURY & DISTRICT HOSPITAL
Recommendation : REFER TO PLANNING AND HIGHWAYS COMMITTEE 141

Application No : 2002/62/91095/E2
Grid Reference : SE 23820 18440
Development : ERECTION OF 5 DETACHED DWELLINGS WITH INTEGRAL GARAGES
Location : PLOTS 5 TO 9, FOXROYD LANE, THORNHILL, DEWSBURY.
Applicant : LINFIT DESIGN & DEVELOPMENT
Recommendation : CONDITIONAL FULL PERMISSION 150

Application No : 2002/62/91242/E2
Grid Reference : SE 24590 20330
Development : ERECTION OF 2 STOREY EXTENSION TO SIDE AND REAR
Location : 100, HEADFIELD ROAD, SAVILE TOWN, DEWSBURY.
Applicant : M HUSSAIN
Recommendation : REFUSED 153

Application No : 2002/48/91495/E2
Grid Reference : SE 23920 21800
Development : CHANGE OF USE FROM CHILDRENS HOME AND STAFF
BUNGALOW TO OFFICE ACCOMMODATION
Location : RIVENDELL, LACEY STREET, DEWSBURY, WF13 2NB.
Applicant : KIRKLEES METROPOLITAN COUNCIL
Recommendation : DELEGATE TO OFFICERS TO APPROVE 157

Application No : 2002/65/91684/E2
Grid Reference : SE 24630 21780
Development : LISTED BUILDING CONSENT FOR INSTALLATION OF NEW SHOP
FRONT AND INTERNAL ALTERATIONS (WITHIN A
CONSERVATION AREA)
Location : 25/27, MARKET PLACE, DEWSBURY.
Applicant : LEISURAMA LTD
Recommendation : CONSENT GRANTED 160

Application No : 2002/48/91954/E2
Grid Reference : SE 22280 20680
Development : CHANGE OF USE OF EXISTING RESIDENTIAL AND DAY CARE
WITH OFFICES TO SOCIAL CARE UNIT, DAY SERVICES AND
OFFICES
Location : RED LAITHES COURT, BROOMER STREET, RAVENSTHORPE,
DEWSBURY.
Applicant : KIRKLEES METROPOLITAN COUNCIL
Recommendation : GRANTED UNDER REG.3 GENERAL REGULATIONS 1992 163

Application No : 2001/60/93808/E6
Grid Reference : SE 20320 15200
Development : DEMOLITION OF EXISTING BUNGALOW AND OUTLINE
APPLICATION FOR ERECTION OF 10 DWELLINGS
Location : LAND AT 299, WAKEFIELD ROAD, LEPTON, HUDDERSFIELD.
Applicant : MANAGEMENT SERVICES (YORKS) LTD
Recommendation : DELEGATE TO OFFICERS/SUBJECT TO S.106 OBLIGATION 165

Application No : 2002/62/91034/E6
Grid Reference : SE 19700 12670
Development : CHANGE OF USE OF RETAIL PREMISES TO TAXI BOOKING
OFFICE WITH ASSOCIATED PARKING (WITHIN A
CONSERVATION AREA)
Location : 137B NORTH ROAD, KIRKBURTON, HUDDERSFIELD.
Applicant : CHAUDARY ABDUL RAZAQ
Recommendation : REFUSED 170

Application No : 2002/65/91326/E6
Grid Reference : SE 17120 11370
Development : LISTED BUILDING CONSENT FOR ALTERATIONS TO EXISTING
GARAGE AND FORMATION OF NEW ENTRY
Location : LUMB HOUSE FARM, GREENSIDE ROAD, THURSTONLAND,
HUDDERSFIELD.
Applicant : MR & MRS M S BULLAS
Recommendation : CONSENT GRANTED 173

Application No : 2002/48/91613/E6
Grid Reference : SE 19630 12840
Development : USE OF PUBLIC OPEN SPACE FOR TEMPORARY CAR PARK
Location : OFF NORTH ROAD, KIRKBURTON, HUDDERSFIELD.
Applicant : KIRKLEES METROPOLITAN COUNCIL
Recommendation : GRANTED UNDER REG.3 GENERAL REGULATIONS 1992 176

Application No : 2002/62/91480/E1

Grid Reference : SE 23810 23550

Development : CHANGE OF USE/ALTERATIONS AND EXTENSION TO
GROUND FLOOR TO EXTEND ADJACENT SHOP

Location : 12/14, UPPER NORTH STREET, MOUNT PLEASANT, BATLEY,
WF17 7PL.

Applicant : MULLACO FOODS

Recommendation : REFUSED

SUMMARY

REASON FOR COMMITTEE DECISION

At the request of Councillor Speight who believes the proposal would be of community benefit. A decision was deferred at the June meeting for a site visit.

SIGNIFICANT CONSULTATIONS

Environmental Services - have concerns regarding noise and recommend no customer entrance/exit on Upper North Street

Highways - would lead to additional parking and congestion to the detriment of highway safety. Unable to support the application.

RELEVANT HISTORY

92/00293 - single storey extension to shop - Refused

97/90797 - change of use of garage to retail and erection of extension - Approved

97/93087 - kitchen extension to 2 dwellings - Approved

POLICY

S3 - Local centre

D2 - Development on land without notation and not subject to specific policies

REPRESENTATIONS

Public consultation period ends 3.6.02

None received to date

ASSESSMENT

Refusal recommended on highway safety and residential amenity grounds

- (1) The proposal is considered to be contrary to Unitary Development Plan Policy D2 by virtue of the likely increase in activity and consequent detrimental impact on residential amenity and highways safety.
- (2) The development would tend to shift retail activity away from the focus of the local shopping centre some 400 metres to the east of the site, to the detriment of the viability of the local shopping centre.

INFORMATION

The planning application is brought forward to Committee at the request of Councillor Speight who is of the opinion that the development will be of benefit to the local community. Members resolved to visit the site.

APPLICATION SITE/DESCRIPTION

The applicant owns the properties 12, 14 and 16 Upper North Street and 35 and 37 Oxford Street, Mount Pleasant, Batley which together form a rectangular plots bounded on the west side by Markham Street. The properties front onto Upper North Street and Oxford Street with yard areas to the rear. The retail use is currently confined to No. 16 Upper North Street and 35/37 Oxford Street. It is intended that retail use will be extended to the ground floor of 12 & 14 Upper North Street and that part of the rear yard will be covered to form an extension to the building, No. 12 will be used as a preparation area, the remainder as additional shop floor. As part of the proposed scheme for expansion the existing main door on Oxford Street will be closed and a new in and out system created further along the same elevation.

SITE HISTORY

1992/00293 - 35/37 Oxford Street - Erection of single storey extension to shop to form store - Refused 6 April 1992,

1997/90797 - 35/37 Oxford Street - Change of use of existing garage to additional retail area and erection of extension - Approved 8 August 1997.

1997/93087 - 10/12 Upper North Street - Kitchen extension for 2 dwellings - Approved 10 December 1997.

POLICY

The site lies to the west of a local shopping centre the focus of which is the junction of Banks Street and Purlwell Lane, to which Policy S3 applies.

- S6 Criteria for consideration of local shops
- S3 Development proposals in local shopping centres
- D2 Development on land without notation and to which no specific policies apply.

CONSULTATIONS

Environmental Services - concerns for potential noise disturbance to residents of Upper North Street from customers. Recommend no customer entrance/exit on Upper North Street.

Highways - The proposal includes the extension of retail use in this residential area without the provision of any off-street parking facilities. It is considered that the establishment of such an additional retail floor space would lead to further on-street parking in the area. This would add to the existing on-street parking and congestion to the detriment of highway safety and contrary to Policies D2 and T10 of the Council's Unitary Development Plan.

In the circumstances Highway Services could not support this application.

REPRESENTATIONS

Residents on Upper North Street articulated their intention to object to the proposal but, to date, none received.

ASSESSMENT

This proposal intends to create additional shop floor and preparation area by conversion and extension and to improve the flow of customers through the shop by altering the access from the present door, to a one way system. This will have the advantage of reducing the number of steps into the shop. The exit will in fact be level and will be available for wheelchair users coming in as well.

The concerns of Highways and Environmental Services are acknowledged. There is undoubtedly a need for local convenience shopping and the application site serves the particular requirements of the community. However, the desire to provide additional choice must be weighed against the needs of local residents in other respects. Those who live in closest proximity to the site endure on-street parking by shoppers, which at times can be a significant nuisance. This is unlikely to intensify as a consequence of the proposal and create conflict between shoppers who may be unable or unwilling to walk to the site and those living close by deliveries are also made from vehicles parked

on the street. On balance, therefore, it is considered that significant harm to residential amenity and highway safety would be a consequence of the proposal.

Application No : 2002/62/91142/E2

Grid Reference : SE 22040 17750

Development : ERECTION OF 3 DETACHED DORMER BUNGALOWS WITH INTEGRAL GARAGES

Location : WHITLEY ROAD, WHITLEY, DEWSBURY.

Applicant : A HUTTON

Recommendation : REFUSED

SUMMARY

REASON FOR COMMITTEE DECISION

Delegation Agreement

SIGNIFICANT CONSULTATIONS

None

RELEVANT HISTORY

84/2935 Outline application for three detached houses - Refused 24.7.84

84/4010 Outline application for one dwelling - Refused 8.11.85

97/92899 Outline application for two dwellings - Refused 24.11.97 and appeal dismissed

POLICY

PPG2 - Green Belts Unitary Development Plan Policies D8 and D13

REPRESENTATIONS

3 letters of support, 7 letters of objection

ASSESSMENT

Greenfield site in Green Belt. Development contrary to PPG2 and PPG3, Green Belt, design, highway and sustainability policies in Unitary Development Plan.

- (1) The site lies within an area of approved Green Belt within which it is intended that new development be severely restricted in accordance with PPG2 Green Belts and Policy D8 of the Kirklees Unitary Development Plan. The development is contrary to the advice in PPG2 and Policy D8 in that it would not be appropriate development. No very special circumstances as to why inappropriate development should be permitted in this case have been demonstrated by the applicant and in any case the proposal would be detrimental to the openness and visual amenity of the Green Belt.
- (2) It is considered that the proposed new dwellings would represent a form of development out of keeping with, and detrimental to, the open character of the Green Belt which would not take the form of infill and is therefore contrary to Policy D13 of the Unitary Development Plan.
- (3) The granting of planning permission for this greenfield site to be developed before currently identified brownfield housing sites would prejudice the implementation of the government's policies in Planning Policy Guidance Note 3 (PPG3) in its capacity of making the development of brownfield sites a priority.
- (4) The design of the proposed dwellings would be out of keeping with adjacent properties and this would be contrary to Policy BE2 of the Unitary Development Plan.
- (5) The proposed development would not provide accommodation within the curtilage of the site for the turning of vehicles and this would lead to vehicles manoeuvring onto a classified road which would be detrimental to highway safety and contrary to Policy BE2 of the Unitary Development Plan.
- (6) The development would not be in a location which would minimise the need to travel by private car and the development would not be in the best interests of energy conservation. This would be contrary to Policies G2 and G3 of the Unitary Development Plan.

INFORMATION

This application was originally brought to the Sub-Committee at the request of Councillor Iqbal who wishes the Committee to consider the development as infill. He also requested that a site visit be undertaken.

THE SITE

The site comprises 0.12 ha of almost level land on the south side of Whitley Road between existing houses, two of which are at present detached from the main settlement of Whitley.

To the north, across the road, is Whitley Reservoir and to the south is open farmland. The site is currently used for grazing horses.

THE PROPOSAL

This is a full application for the erection of three detached dormer bungalows with integral single garages. The materials proposed are brick and blue slate.

SITE HISTORY

84/2935	Outline application for three detached houses - Refused 24.7.84
85/4010	Outline application for one dwelling - Refused 8.11.85
97/92899	Outline application for two dwellings - Refused 24.11.97 and appeal dismissed

RELEVANT POLICIES

PPG2 - Green Belts
Unitary Development Plan Policies D8 - Green Belt and D13 Infill.

CONSULTATIONS

Highways - No objections in principle but the proposed site layout is not acceptable as it provides no internal turning provision

Coal Authority - No objections

WY Police (Crime Prevention) - No comments to date.

REPRESENTATIONS

3 letters of support: two from people who are involved in the application (i.e. the applicant and farmer - joint landowners) and one from an agricultural consultant who has involvement in the farm business. These letters indicate the current financial difficulties facing the farmer who urgently requires investment in his business to provide employment for himself and his son and possibly to create employment opportunities in the long term. The applicant has also offered to provide funds to make a play area or contribution to the local school, community centre or voluntary group in the village, but no details of this have been provided. The agricultural consultant supports the application to maintain the currently profitable situation and to secure future growth of the business.

7 letters of objection have been received from local residents on the following grounds:

1. The proposal is contrary to Unitary Development Plan Policies (specifically G2, G3, D1, D8, D13, BE1 and BE2) and PPG2.
2. The land is Green Belt grazing land and should remain so.
3. The effect on visual amenity.
4. Effect on rural character of the area.
5. Sustainability.

ASSESSMENT

This site has been refused planning permission on 3 previous occasions on Green Belt grounds. The last application in 1997 went to appeal and was dismissed. The Planning Inspector who dealt with that appeal had some useful points to make about the development of this site and the relevant policies and the following are important extracts from the Inspector's report dated 29.6.98.

Para.3

"National and local policies contain a strong presumption against inappropriate development in Green Belts except for a very limited number of specified purposes, or where there are very special circumstances. Residential development is not one of the purposes normally considered to be appropriate. However, Policy D13 of the Deposit Draft Unitary Development Plan says that within existing settlements in the Green Belt infill development will normally be permitted where the site is small, normally sufficient for not more than two dwellings and within an otherwise continuously built-up frontage; or is small and is largely surrounded by development; and that no detriment will be caused to adjoining occupiers of land or to the character of the surrounding area. PPG2 says that limited infilling in existing villages is not inappropriate under the circumstances described in para. 2.11 (of PPG2)".

Para.7

"The site cannot reasonably be regarded as being "small". It is not largely surrounded by development as there is open land to the south and most of the north side of Whitley Road opposite the site is occupied by the reservoir. It is detached from the development to the north east by the road. I consider that the proposal would be contrary to Policy D13 and would not be acceptable infill within a settlement. The scheme could also not be regarded as limited infilling as defined in PPG2. The proposed dwellings would therefore be inappropriate development within the Green Belt".

PPG2 states that inappropriate development is harmful to the Green Belt and goes on to say that very special circumstances to justify inappropriate development will not exist unless the harm is clearly outweighed by other considerations.

In this case the applicant puts forward the financial difficulties of the farmer as “very special circumstances”.

It has been stated previously that the business is currently profitable, is run by father and son employing local labour at peak times. Further investment is required to secure future income and growth.

It is accepted that many farmers nationally are experiencing difficulties in view of recent agricultural crises like foot & mouth disease; and local farmers have suffered from declining markets. However, to allow development on Green Belt greenfield sites purely on the grounds of financial difficulties would be to set a very dangerous precedent. There are many people, including development companies themselves who face financial difficulties which would be resolved by allowing new houses in the Green Belt and on greenfield sites and this is not regarded as “very exceptional circumstances”.

The site cannot be regarded as “infill” as explained by the Planning Inspector above and the proposal is clearly contrary to Policy D13. Furthermore, the type of houses proposed, being detached dormer bungalows, do not relate well in design terms to the existing houses on either side. The Highways officer has also stated that development of this site is not acceptable without internal turning facilities.

In summary, the principle of development on this site is not acceptable for the following reasons

- (a) greenfield site therefore contrary to PPG3;
- (b) in the Green Belt and contrary to Unitary Development Plan Policy D8
- (c) no very special circumstances having been demonstrated
- (d) not infill development in accordance with Policy D13
- (e) design out of keeping with adjacent dwellings which would be detrimental to visual amenity and contrary to Policy BE2
- (f) layout does not provide internal turning facilities which would be detrimental to highway safety and contrary to Policy BE2
- (g) the development is not in a sustainable location being in an area where the occupants would most likely need to travel by car and this would be contrary to Policies G2 and G3 of the Unitary Development Plan.

This large undeveloped plot contributes to the open character and appearance of the locality. New housing on this site would intensify the straggle of frontage development along Whitley Road and would seriously harm the openness of the Green Belt, For the reasons outlined above the application is recommended for refusal.

Application No : 2001/62/91748/E8

Grid Reference : SE 20130 11450

Development : REGRADING OF EXISTING CRICKET FIELD AND RECREATION GROUND, FORMATION OF FOOTBALL PITCHES AND BOWLS GREEN AND OUTLINE APPLICATION FOR ERECTION OF SPORTS PAVILION WITH ACCESS FROM WESTERLEY LANE

Location : WESTERLEY LANE, HUDDERSFIELD ROAD, SHELLEY, HUDDERSFIELD.

Applicant : SHELLEY COMMUNITY SPORT PROJECT

Recommendation : DELEGATE TO OFFICERS TO APPROVE

SUMMARY

REASON FOR COMMITTEE DECISION

Delegation Agreement

SIGNIFICANT CONSULTATIONS

Highways
Environmental Services
Kirkburton Parish Council
Sport England

RELEVANT HISTORY

90/01470 – Erection of changing room building for Shelley Cricket Club.

99/93575 – Erection of cricket pavilion.

2000/90922 – Formation of basket ball area.

2001/91075 – Erection of portable building for use by Shelley Cricket Club.

POLICY

NE8	T1
D8	T10
D10	T19

REPRESENTATIONS

Significant volume of representations both for and against.

ASSESSMENT

On balance considered to be acceptable subject to no objections from outstanding consultees.

IT IS RECOMMENDED THAT THE APPLICATION BE DELEGATED OF OFFICERS TO APPROVE WITH APPROPRIATE CONDITIONS

INFORMATION

The application is brought before Committee in accordance with the Council's scheme of delegation.

It seeks full planning permission for the regrading of the existing cricket field and recreation ground, the formation of 2 football pitches and a bowling green and the formation of an all weather multi use court. It also seeks outline planning permission for the siting of and means of access to serve a sports pavilion.

SITE/PROPOSAL

The site is approximately 5 hectares in area and extends north from Westerley Lane. The site is bounded to the east by existing dwellings on Westerley Lane and to the west by dwellings on Westerley Way and Westerley Close. The land rises from Westerley Lane before sloping relatively steeply down to the south and west, towards Huddersfield Road.

When first submitted, the application proposed to take access from Huddersfield Road. This was amended with access proposed from Westerley Close before a final amendment which now proposes access from Westerley Lane.

HISTORY

90/01470 – Erection of changing room building for Shelley Cricket Club.

99/93575 – Erection of cricket pavilion.

2000/90922 – Formation of basket ball area.

2001/91075 – Erection of portable building for use by Shelley Cricket Club.

POLICY

The site falls within Green Belt and within an area of high landscape value in the Council's Unitary Development Plan. The following policies will be material in considering the application:-

NE8 DEVELOPMENT WHICH WOULD ADVERSELY AFFECT LANDSCAPE QUALITY WILL NOT BE PERMITTED WITHIN AREAS OF HIGH LANDSCAPE VALUE. IN THESE LOCATIONS PARTICULAR ATTENTION SHOULD BE PAID TO SITING, DESIGN AND CONSTRUCTION MATERIALS AND THE TREATMENT OF ASSOCIATED LAND.

D8 WITHIN THE GREEN BELT, EXCEPT IN VERY SPECIAL CIRCUMSTANCES TO BE DEMONSTRATED BY APPLICANTS, PLANNING PERMISSION WILL NOT BE GRANTED FOR INAPPROPRIATE DEVELOPMENT, IE:

i THE CONSTRUCTION OF NEW BUILDINGS OTHER THAN FOR AGRICULTURE AND FORESTRY, ESSENTIAL FACILITIES FOR OUTDOOR SPORT AND OUTDOOR RECREATION, LIMITED AFFORDABLE HOUSING WHICH COMPLIES WITH POLICY H11, CEMETERIES AND OTHER USES OF LAND WHICH PRESERVE THE OPENNESS OF THE GREEN BELT AND DO NOT CONFLICT WITH THE PURPOSES OF INCLUDING LAND WITHIN IT, NAMELY :

REGULATING THE GROWTH OF URBAN AREAS;

PREVENTING THE COALESCENCE OF SETTLEMENTS;

PRESERVING THE OPEN LAND THAT EXTENDS INTO THE URBAN AREA FOR RECREATIONAL AND AMENITY USE;

PROVIDING FOR EASY ACCESS TO OPEN COUNTRY; AND

ASSISTING IN THE PROCESS OF URBAN REGENERATION;

AND

ii THE CARRYING OUT OF ENGINEERING AND OTHER OPERATIONS AND CHANGES OF USE UNLESS THEY MAINTAIN THE OPENNESS OF THE GREEN BELT AND DO NOT CONFLICT WITH THE PURPOSES OF INCLUDING LAND WITHIN IT (SET OUT IN i ABOVE).

DEVELOPMENT WHICH IS APPROPRIATE SHOULD NOT DETRACT FROM THE VISUAL AMENITY OF THE GREEN BELT BY REASON OF SITING, MATERIALS OR DESIGN.

D10 IN THE GREEN BELT PROPOSALS FOR OUTDOOR SPORT AND OUTDOOR RECREATION, INCLUDING RELATED FACILITIES, WILL BE CONSIDERED HAVING REGARD TO:

- i THE SCALE AND SITING OF ANY ANCILLARY BUILDINGS, SPECTATOR ACCOMMODATION, ACCESS ROADS AND PARKING AREAS WHICH SHOULD NOT EXCEED WHAT IS ESSENTIAL FOR THE SPORTING OR RECREATIONAL ACTIVITIES PROPOSED;**
- ii THE EFFECT ON THE LANDSCAPE, TREES OR WOODLAND, WILDLIFE OR THE ENJOYMENT OF ANY PUBLIC RIGHT OF WAY OR ACCESS AREA; AND**
- iii THE LEVEL OF TRAFFIC MOVEMENT, NOISE AND OTHER DISTURBANCE WHICH WOULD BE GENERATED.**

T1 PRIORITY WILL BE GIVEN TO:

- i SATISFYING THE NEEDS OF ALL SECTIONS OF THE COMMUNITY THROUGH AN EFFECTIVELY INTEGRATED TRANSPORT SYSTEM WITH EMPHASIS ON IMPROVING PUBLIC TRANSPORT AND ENCOURAGING A MODAL SHIFT AWAY FROM TRAVEL BY PRIVATE CAR;**
- ii PROMOTING A TRANSPORT NETWORK ON WHICH IT IS SAFE TO TRAVEL AND WHICH CAUSES MINIMAL DISTURBANCE THROUGH DANGER, NOISE AND AIR POLLUTION; AND**
- iii CO-ORDINATING LAND USE CHANGE WITH TRANSPORT PROVISION SO AS TO MINIMISE THE NEED TO TRAVEL AND LOCATING NEW DEVELOPMENT WHERE IT CAN BEST BE SERVED BY PUBLIC TRANSPORT AND WHERE IT MINIMISES THE NEED FOR EXPANSION OF THE HIGHWAY NETWORK.**

T10 NEW DEVELOPMENT WILL NOT NORMALLY BE PERMITTED IF IT WILL CREATE OR MATERIALLY ADD TO HIGHWAY SAFETY OR ENVIRONMENTAL PROBLEMS OR, IN THE CASE OF DEVELOPMENT WHICH WILL ATTRACT OR GENERATE A SIGNIFICANT NUMBER OF JOURNEYS, IF IT CANNOT BE SERVED ADEQUATELY BY THE EXISTING HIGHWAY NETWORK AND BY PUBLIC TRANSPORT. PROPOSALS WILL BE EXPECTED TO INCORPORATE APPROPRIATE HIGHWAY

INFRASTRUCTURE DESIGNED TO MEET RELEVANT SAFETY STANDARDS AND TO COMPLEMENT THE APPEARANCE OF THE DEVELOPMENT.

- T19 THE PROVISION OF OFF-STREET PARKING WILL BE REQUIRED IN NEW DEVELOPMENTS IN ACCORDANCE WITH THE STANDARDS SET OUT IN APPENDIX 2. WHERE PARKING IS PROVIDED IN CONNECTION WITH NEW DEVELOPMENTS IN TOWN CENTRES ARRANGEMENTS SHOULD BE MADE TO ENSURE THAT IT IS AVAILABLE TO SERVE THE CENTRE AS A WHOLE AND MANAGED IN ACCORDANCE WITH POLICY T20. PROPOSALS FOR DEVELOPMENT WHICH WILL ATTRACT OR GENERATE A SIGNIFICANT NUMBER OF JOURNEYS AND WHICH ARE TO BE LOCATED WHERE ACCESSIBILITY TO PUBLIC TRANSPORT IS POOR SHOULD INCLUDE ARRANGEMENTS FOR THE IMPROVEMENT OF PUBLIC TRANSPORT PROVISION, IN ADDITION TO MEETING THE PARKING STANDARDS.**

PPG2 'Green Belt s'; PPG13 'Transport'; PPG17 'Sport and Recreation' also provide guidance that is material to the consideration of the application.

CONSULTATIONS

Environmental Services – Concerned about potential noise nuisance to nearby residents from the proposed development, in particular from the pavilion and the activities associated with it.

Therefore the applicant should submit and agree with the Local Planning Authority a written scheme to demonstrate how local residents will be protected from noise from the proposed development.

Highways – All vehicular access to the site should be from Westerley Lane by means of a properly designed access between the cricket field and the existing football field.

Access proposed from Huddersfield Road was unacceptable in that the proposed right turn lane into the site from Huddersfield Road was too narrow given traffic speeds on Huddersfield Road, visibility splays of 4.5m x 160m could not be achieved without involving land that is outside of the applicants control.

Access proposed from Westerley Close was unacceptable in that Westerley Close is a quiet cul-de-sac giving access to predominantly sheltered housing with a childrens play area and recreation ground beyond. This renders it unsuitable to serve additional traffic. There is also a sharp bend on Westerley Close which makes it unsuitable for coach traffic.

Access proposed from Westerley Lane is considered to be acceptable subject to conditions.

Coal Authority – Provide information for the applicant on the past, present and future mining activities within the area.

Environment Agency – Request conditions to control the means of disposal of surface water.

Yorkshire Water – Request conditions to protect the line of a water main which crosses the site and to control the disposal of foul and surface water from the development.

Estates, Property & Markets Service

Landscape – The application proposes significant regrading of the site. The sections require careful interpretation to assess the impact of the development. There are no drainage proposals, these will be crucial to the usability of the pitches. The means for the disposal of surface water should be demonstrated given that there will be considerable run off especially before the grass is established.

Leisure & Recreation Services – The Council have not as yet given approval for the use of the recreation ground for access and parking as proposed.

Significant public consultation will be required before a decision on the future use of the recreation ground is made.

Kirkburton Parish Council – Object on highway grounds to access from Westerley Close. Access cuts across recreation ground isolating the childrens play area. The amount of parking would impact visually in an Area of High Landscape Value, it is also sited too close to old peoples bungalows.

Comments on access from Westerley Lane are that they agree in principle to the application but object to the entrance and the car park. They would like to point out that it is situated in Green Belt and in an Area of High Landscape Value. They suggest that the existing entrance to the cricket club on Westerley Lane is used, and that the car park is sited in the place of the proposed bowling green, as this would be safer for the children playing on the recreation ground.

Concern was expressed that access via the kissing gates may be difficult for people with prams and pushchairs.

I trust that these comments and suggestions will be taken into account when the application is considered.

Sport England – The proposed development will improve the facilities for sport on the site. Sport England therefore support the application.

REPRESENTATIONS

Access from Huddersfield Road

141 standard letters in support of the application have been received. The standard letter states that:

“As a member of the local community I am writing to confirm my support for the development of a local community sports facility.

As the village has grown over recent years, the sporting facilities have not and this is an ideal opportunity to develop sport for all members of the community.”

In the main the letters are signed by residents of Shelley, the letters were submitted by Shelley Sports and Social Club.

13 standard letters of objection have been received. The concerns raised are:

1. Any upgrading of facilities should be within existing recreation facility boundaries and not into green field sites with our main objection being a new ‘mini’ football pitch bordering our rear gardens on Hawthorne Way.
2. We believe that the noise from the users and spectators of the ‘mini’ pitch adjacent to our houses would be unacceptable due to the close proximity to our rear gardens.
3. Again due to close proximity of the ‘mini’ pitch the privacy in our rear gardens would be seriously compromised.
4. The residents feel the areas natural beauty would be spoiled.
5. We are unaware of any needs assessment being undertaken with all of Shelley residents to establish whether this development is needed or even wanted.
6. Houses were recently purchased in this area believing that all development work in the Shelley Park area had been completed as indicated by the original plans.
7. We feel as Shelley Park residents we have been subjected to more than enough disruption to our daily lives by building works and that it would be unreasonable to start a new large project which we believe is not needed or wanted by the vast majority of Shelley residents.
8. We also believe that existing facilities are more than adequate for the people who wish to use them.

12 individual letters have also been received that raise a number of concerns:

- The development will give rise to a more intensive use of the site which will result in additional vehicular traffic in and around the site which will be detrimental to the amenity of existing residents in the immediate vicinity and will add to vehicular congestion in the area. Insufficient parking is provided for the scale of the development.
- The introduction of a mini football pitch to the rear of the properties on Hawthorn Way will be detrimental to the amenity of occupiers of these properties.
- The proposed ponds and wetland areas will pose a danger to young children.
- There seems to be little demand to use the existing facilities, why the need to create additional sports facilities? Other facilities exist at Storthes Hall Park, Shelley High School and indoors at Waterloo.
- The proposed development extends into open fields, within Green Belt and is detrimental to the character and appearance of the area. Given the topography of the site, the development will be particularly visible, the regrading necessary to create the pitches will alter the appearance of the area.
- There will be a demand for floodlighting which will again affect the amenity of residents and the character and appearance of the area.
- The development will only cater for a minority of people, ie those interested in sport.
- The development would result in the loss of the opportunity for children to play in an unsupervised, unplanned way.
- There will be additional noise and disturbance from the 'Pavilion'. There is already disturbance after games from the use of the existing club house. These problems would be exacerbated if the pavilion is to be used by both the football club and the cricket club and also for functions and private bookings.
- The present pavilion has limited opening hours. If the Sports and Social Club relocates to the new pavilion, there is scope for regular licensing hours to be adopted and use of the new facility by other groups and for private functions will be detrimental to the amenity of residents in the area with scope for disturbance late in the evening.

Shelley Community Association have written to make it known that whilst its name appears on the title page of the supporting statement accompanying the application, this is without its permission, appearance or foreknowledge.

Access from Westerley Close

89 standard letters of support for the application have been received. The standard letter states that:

"I wish to inform you of my total support for the current proposals indicated on the amended planning application.

I trust you will take this representation into your considerations when balancing your decision making and approve the application without further delay.”

In the main the letters are signed by residents of Shelley. Some are signed by residents of Skelmanthorpe and Kirkburton and a small number are signed by residents from outside of the area (Huddersfield, Marsden, Brockholes and Bradford).

105 standard letters of objection have been received. The concerns raised are:

1. The application proposes to take an access road from Westerley Close to the new pavilion across the recreation ground, and to construct a car park for 68 vehicles (including overspill). This would impair the visual impact of an area designated as having high landscape value.
2. The planned car park would be close to bungalows occupied by elderly people and could create a nuisance, especially at night.
3. The proposal would pose a road safety hazard to all users of the recreation ground including children, as the access road will separate the play area from the rest of the playing field.
4. Traffic congestion would occur in the immediate vicinity of Westerley Close and the Westerley Way, Huddersfield Road junction.
5. Consultation on this proposed access has been minimal.

In the main the letters are signed by residents of Shelley. Some are signed by residents of Skelmanthorpe, Kirkburton, Highburton and Shepley, a small number are signed by residents from outside the area (Huddersfield, Penistone).

13 individual letters of objection have also been received that raise a number of concerns:

- Introduction of additional traffic through the recreation ground will be dangerous for children who play in the area.
- If the facilities are operated by a private organisation, the existing facilities which are free to use and can be used without having to book them will be lost. The new facilities would be managed and let and opportunities for informal recreation will be lost.
- The proposed development will give rise to additional traffic, Westerley Close is unsuitable to accommodate this as is the junction of Westerley Close with Westerley Lane and Westerley Lane with Huddersfield Road.
- The use of the pavilion for functions and as a clubhouse for the cricket and football clubs will give rise to disturbance to existing residents, particularly those on Westerley Close from vehicles using the facilities coming and going.

- There are inaccuracies in the supporting statement; there is no evidence that the existing cricket pavilion building and facilities are used all year round.
- The development will impact on the character and appearance of Green Belt.

Of these representations, there is an objection from Shelley Tenants and Residents Association. Shelley Community Association also submitted a statement of objection, their comments are considered fully in respect of the latest amendment to access the development from Westerley Lane.

Access from Westerley Lane

41 standard letters of support have been received. The letter states “ I confirm my total support for the current proposals indicated on the amended planning application.”

35 standard letters of objection have been received, the concerns raised are:

1. The application proposes to take an access road from Westerley Lane to the new pavilion through the football ground, and to construct a car park for 34 vehicles plus overspill. This would impair the visual impact of an area designated as having high landscape value.
2. The planned car park would be close to bungalows occupied by elderly people, and could create nuisance, especially at night.
3. The proposal would pose a road safety hazard to all users of the recreation ground.
4. Traffic congestion would occur in the immediate vicinity of Westerley Lane.
5. Access gates at other points would frustrate entry to young children in pushchairs, and create inconvenience for parents.
6. A car park is not an essential element in the development of sports facilities, other than to promote ease of access for people with disabilities
7. There has been no consultation on the amended application.

11 individual letters of objection have been received. The concerns raised are:

- The access to the car park and pavilion will conflict with ‘trim trail’. The trail and the playground are well used by local children.
- The development will give rise to additional traffic that will add to the congestion on Westerley Lane/Westerley Way and the junction with Huddersfield Road.
- The position of the car park has not changed. It is still too close to elderly persons houses on the Shelley Close. This will give rise to noise and disturbance to those residents.

- There is insufficient parking to support the development, this will result in parking on Westerley Lane. There is no information on how the pavilion will be accessed by emergency or service vehicles.
- Floodlighting to the all weather play area is too close to existing residential properties.
- Currently the playing field is available without charge for informal recreation and serves a valuable function in the area. The development will mean that the sports facilities will be 'managed' and recreation will have to be booked and paid for thereby reducing the opportunities for informal recreation.
- Westerley Lane and Westerley Way are already busy residential roads. The development will add to the traffic using Westerley lane which will lead to conflict between vehicles and pedestrians who cross the road to use the facilities.
- Traffic calming to Westerley Lane should be considered.

Shelley Community Association have made representations in respect of the development.

1. There will be no facilities for impromptu recreation in Shelley. Impromptu recreation ensures that our children play on the Recreation ground not on the streets. The Recreation Ground provides the only designated play area for the whole of Shelley. Government research (published in The Times 29.4.02) shows that child pedestrian fatalities is determined by the amount of time children spend on the streets. This is why we are determined to prevent the erosion of our only play area: our children need a safe play environment to encourage play away from streets.
2. The access road to the Car Park is far too long. Running through the sports grounds it is dangerous to users, and the passing of traffic along the route will lead to encroachment of the Green Belt.
3. The Car Park is sited in the middle of the Recreation Ground. This means the recreation Ground will no longer be safe for unaccompanied children. It will pose a threat to people walking to the shop and to Middle School children who use this route as a short cut.
4. Moving the proposed access to Westerley Lane means that more traffic will use the narrow roads of Westerly Way and Westerley Lane. These roads are already busy and there is very poor visibility. The Community Association is one of a number of concerned groups campaigning for better road safety on exactly these roads since so many unaccompanied children need to cross them or live on them.
5. The car park is adjacent to Old Person's Bungalows. This is unfair to the vulnerable. There will be noise, pollution, vandalism — everything connected to a pub car park.

6. There has been no public consultation on the amended proposals.

ASSESSMENT

The application site falls within Green Belt on the Council's Unitary Development Plan.

PPG2 'Green Belts' advises that the use of land for outdoor sport and recreation is an appropriate use within Green Belt. Policy D8 advises that new buildings to provide essential facilities for outdoor sports and recreation is appropriate but that development that is appropriate should not detract from the visual amenity of the Green Belt by reason of siting, materials or design. Policy D10 sets out the criteria against which proposals for outdoor sport and recreation, including related facilities will be considered, namely:

- i) the scale and siting of any ancillary buildings, access roads and parking areas which should not exceed what is essential of the sporting or recreational activities proposed.
- ii) the effect on the landscape, trees or woodland, wildlife or the enjoyment of any public rights of way or access.
- iii) the level of traffic movement, noise and other disturbance generated.

In principle, the formation of the new football field, the 'mini' football pitch, the bowls green together with the regrading of the cricket pitch and the existing football field is all appropriate development in the Green Belt. In the context of Policy D10, an issue is whether the development would have an adverse and unacceptable impact on the landscape. It is considered that the impact of the formation of the mini football pitch and the regrading of the cricket pitch and existing football field would not adversely affect the landscape. These areas already exist as sports pitches and the character and appearance of the area would not be unduly affected by the works proposed. The formation of the bowls green and the new football field will have more of an impact. To create the new football pitch, a level plateau will be formed. This is achieved by raising the level by approximately 0.6m towards Huddersfield Road and then grading a banking back down to existing ground level. To the north the level is raised by approximately 1m, again then being graded back down to existing ground level. The plateau will certainly be visible within the landscape, mainly because it will appear as a maintained sports pitch rather than agricultural land as at present, however this, together with the works required to form the plateau, are not considered to have such an adverse impact on the landscape such that permission should be refused, provided that as part of the overall scheme an effective landscaping scheme can be developed.

With regard to the enjoyment of public rights of way, there is a definitive footpath that crosses the site from Westerley Lane to Huddersfield Road via Westerley Close and Westerley Way. The line of the footpath is recognised within the proposed development, the impact of the development on its setting will be considered more fully in Highway Services comments.

With regard to the effect on wildlife, the applicant claims that the existing cricket and football pitches are regularly maintained and therefore have little ecological value. The agricultural land is low grade and currently used for grazing and as such flora and fauna is sparse. The application proposes to introduce an area of wildflower and meadow grass, together with wetland areas to provide a sustainable method of surface water drainage. This will add benefit in terms of wildlife.

The precise detail of the ponds will be a matter of detail to be agreed by condition.

Policy D10 raises the issue of the scale and siting of ancillary buildings, access roads and parking. The proposed pavilion/club house building covers an area of 600 sq m. It is intended that the building will incorporate changing rooms, kitchen, clubrooms, licensed bar and a community room; (although full permission has not been applied for at this stage) and will be able to provide for indoor sports such as snooker/billiards/pool, keep fit, aerobics and table tennis. It is considered that this goes beyond what is essential to support the recreational activities proposed and would be in conflict with Policies D8 and D10. The pavilion is proposed to be centrally located in relation to the cricket pitch, bowls green and football pitches, this location also allows the development to make use of a change in level so that it will appear two storey when viewed from Westerley Lane, allowing for viewing over the cricket pitch; single storey when viewed from Huddersfield Road, helping to limit the impact upon the openness and visual appearance of the Green Belt

The applicant puts forward a case in support of the proposed pavilion and the activities it intends to accommodate. The pavilion will provide the necessary facilities to support sporting activities; changing rooms, showers, toilets, disabled facilities, kitchen and administrative rooms. It will also provide facilities to replace those that presently exist at the cricket and football clubs and will provide the opportunity for other activities to take place; table tennis, keep fit, snooker/billiards/pool, aerobics. The present facilities for the football and cricket club are outdated and require significant investment to improve their standard. The proposed pavilion will provide a focal point for sporting activity in the area and will provide an asset for the clubs to help sustain their activities. These amount to very special circumstances that need to be considered against the conflict with Policies D8 and D10. If it is accepted that the scale of the pavilion and the activities it accommodates is acceptable, then the amount of car parking proposed is considered by Highways to be sufficient and does not exceed what is essential to support the level of activity proposed. Highways consider that in principle, access from Westerley Lane is acceptable and in terms of the impact on the Green Belt, this represents the access with the least impact in terms of openness and visual amenity. Highways detailed comments on the revised plan are awaited.

In terms of impact of the car park, it is related to the proposed pavilion and football pitches and because of the topography of the site it would not be particularly visible from Huddersfield Road and views across the site.

The final issue raised by Policy D10 is the level of traffic movement, noise and other disturbance which would be generated. The development will result in an increase in the level of activity associated with the use of the sports facilities. There is concern expressed by local residents that this will generate additional traffic movement along Westerley Lane and additional congestion in the area, particularly at the junction of Westerley Lane with Huddersfield Road. This will be considered by Highways in their comments, but in terms of Policy D10 this will not result in a significant impact on the Green Belt. Concern is also expressed by local residents that the development will give rise to noise and disturbance over and above that experienced at present, particularly from the more intensive use of facilities, and the development of the pavilion; with scope for functions, longer licensing hours, use of the facilities by other groups, associated vehicle movements, (car doors slamming and engines revving). There is particular concern about the proximity of the car park to existing bungalows on Westerley Close.

It is accepted that the development will have an impact on the amenity of existing residents. Hours of use restrictions can be imposed on the use of the sports pitches and the use of the pavilion.

Environmental Health can through legislation protect residents if noise and disturbance amounts to a statutory nuisance. Environmental Protection have been consulted in respect of this issue, their comments are awaited.

Representations have also raised the issue of floodlights to the multi-court. The application does not seek permission for floodlights, such development would require planning permission.

Representations received are explained fully elsewhere in the report, one issue that has been raised is that currently, the playing fields are available without charge and provide an opportunity for informal recreation within the area. The development will mean that the sports facilities will be managed, recreation will have to be booked and possibly paid for thereby reducing the opportunity for informal recreation. Whilst this is not a planning issue, it will be an issue for the Council to consider when it decides whether to dispose of the recreation ground.

It is recommended that the application be delegated to officers to approve with appropriate conditions.

Application No : 2002/62/90647/E6

Grid Reference : SE 19690 12620

Development : ERECTION OF 2 DETACHED DWELLINGS WITH INTEGRAL GARAGES

Location : LAND OFF, RILEY LANE, KIRKBURTON, HUDDERSFIELD.

Applicant : D WALKER

Recommendation : CONDITIONAL FULL PERMISSION

SUMMARY

REASON FOR COMMITTEE DECISION

In accordance with the Council's scheme of delegation.

SIGNIFICANT CONSULTATIONS

None

RELEVANT HISTORY

Outline planning permission was granted for the residential development (two dwellings) on this site in June 2000 (00/60/90234/E6)

POLICY

BE2
BE11
BE12

REPRESENTATIONS

Three letters of objection have been received from local residents who are concerned about highway safety, setting a precedent for other infill developments and the impact on the traditional fabric of the area, the loss of privacy and the size and scale of the proposed development.

One letter of support from a local resident stating that the site has been subject to fly tipping for many years.

Kirkburton Parish Council object as there is insufficient space for two dwellings, the proximity to Riley Park and possible issue of privacy.

Developer has submitted a letter to support the proposal stating that site clearing works have taken place to remove illegally dumped material, a wall has been removed due to its dangerous condition and a mining survey has been carried out including test digs.

ASSESSMENT

The site has no specific allocation on the proposals map of the UDP and lies outside the Kirkburton Conservation Area.

This site has outline planning permission for the erection of two dwellings which was granted in June 2000 (00/60/90234/E6) which established the principle of residential development on this site.

The site is steeply sloping and there are significant changes in levels between the adjacent property n Riley Park and the watercourse on Riley Lane which adjoins the site. The design of the two proposed properties reflects these level changes and they both have garaging facilities in the basement and two stories above providing living accommodation. The Council's privacy standards are satisfied by this proposal which complies with policy and is considered acceptable.

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- (1) The development shall be begun not later than the expiration of five years beginning with the date on which permission is granted.
 - (2) The development hereby permitted shall be carried out in complete accordance with the approved plans and specifications except as may be required by other conditions.
 - (3) No development shall take place until samples of all facing and roofing materials has been submitted to and approved in writing by the Local Planning Authority, and the development shall be constructed of the approved materials.
 - (4) No development shall take place until details of the siting, design and materials to be used in the construction of walls or fences for boundaries, screens or retaining walls have been approved in writing by the Local Planning Authority. (Screening shall be 2 metres in height). The approved walls/fences shall be erected before the development hereby approved is occupied/brought into use and shall thereafter be maintained.
 - (5) The garage or parking space intended to serve the dwelling(s) shall be provided and the parking spaces shall be drained, sealed and surfaced in accordance with details to be approved by the Local Planning Authority before the

dwelling(s) is/are occupied and shall not thereafter be used for any purpose other than parking and turning of vehicles.

- (6) The access serving the site shall be widened to a minimum of 4.5m for at least the first 10m before the development is occupied/brought into use.
- (7) Nothing shall be permitted to be planted or erected within a strip of land 2.0m deep measured from the carriageway edge of Riley Lane along the full frontage of the site which exceeds 1m in height above the level of the adjoining highway.
- (8) The gradient of the access shall not exceed 1 in 8 with suitable vertical curves at the access and any change in gradient.
- (9) The garages shall be used for the garaging of private motor vehicles or for uses ancillary to the enjoyment of the dwellinghouse as such and for no other purposes.
- (10) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 no buildings or extensions shall be erected in the area edged red on the approved plan without the prior written approval of the Local Planning Authority.

NOTE The applicant is advised to contact the Chief Engineer, Design & Construction, Flint Street, Fartown, Huddersfield HD1 6LG to discuss the implementation of the necessary works within the highway before building works commence

INFORMATION

This item is being considered by Sub-Committee in accordance with the Council's scheme of delegation. This application was deferred at the June Sub-Committee in order that Members could visit the site.

APPLICATION SITE/DESCRIPTION

The site lies off Riley Lane in Kirkburton and is bounded by residential development on Riley Park and a watercourse, which flows beneath Riley Lane. The site is a steeply sloping, former garden area and has recently been cleared of vegetation. Access is proposed from Riley Lane. Stone built boundary walls hold the site away from the beck in the valley bottom.

The proposal involves the erection of two detached dwellings with integral double garages at basement level. The living accommodation is situated above the garages. Access is proposed from Riley Lane

SITE HISTORY

Outline consent was granted for the erection of residential development (two dwellings) in June 2000 (2000/60/90234/E6).

POLICY

BE2
BE11
BE12

CONSULTATIONS

Highways - raise no objections to this proposal.

Environment Agency – raises no objection.

Coal Authority - raises no objection.

Kirkburton Parish Council - object as there is insufficient space for two dwellings due to the close proximity of Riley Park.

REPRESENTATIONS

Three letters of objection have been received from local residents who are concerned about the size of the development; loss of vegetation; overlooking; loss of privacy; highway safety; setting a precedent for other infill development and the effect on the traditional fabric of the area.

One letter of support from a neighbouring resident stating that the site has been subject to illegal flytipping for many years and that the development will prevent further abuse of the site.

The builder has also submitted evidence in support of this proposal stating that the site already has outline planning permission for residential development. Works to the site have involved the clearing of illegally dumped material, the demolition of an unsafe retaining wall and some exploratory test digs for a mining survey.

ASSESSMENT

The site has no specific allocation on the proposals map of the UDP and lies outside the Kirkburton Conservation Area. The proposal lies within the built up area of Kirkburton and is located in an accessible location and accords with the guidance provided in PPG3.

This site has outline planning permission for the erection of two dwellings which was granted in June 2000 (00/60/90234/E6) which established the principle of residential development on this site.

The site is steeply sloping and there are significant changes in levels between the adjacent property on Riley Park and the watercourse on Riley Lane, which adjoins the site. The design of the two proposed properties reflects these level changes and they both have garaging facilities in the basement and two stories above providing living accommodation. The large detached dwellings are positioned well within the site boundaries. Access is considered to be satisfactory in highway safety terms.

The Council's privacy standards are satisfied by this proposal as the new dwellings have non-habitable room windows facing the nearest elevation on the adjacent residential property, which is located at a higher level. Proposed materials are stone and tiles which are appropriate in this location given its close proximity to the Conservation Area. The proposal complies with policy and is considered acceptable.

Application No : 2002/62/91319/E2

Grid Reference : SE 23530 22280

Development : CHANGE OF USE FROM STAFF ACCOMMODATION TO
STUDENT HALL OF RESIDENCE

Location : 76 WEST PARK STREET/1 PARK ROAD, WESTBOROUGH,
DEWSBURY.

Applicant : WESTBOROUGH (HUDDERSFIELD) LTD

Recommendation : CONDITIONAL FULL PERMISSION

SUMMARY

REASON FOR COMMITTEE DECISION

Delegation Agreement

SIGNIFICANT CONSULTATIONS

None

RELEVANT HISTORY

88/62/03963 – change of use to residential care home granted September 1988
97/62/93800 – change of use from residential nursing home to staff accommodation in
connection with charity, granted February 1998

POLICY

Kirklees Unitary Development Plan BE5, H15

REPRESENTATIONS

Councillor Razaq has verbally stated that he reiterates the concerns raised by the
residents in respect of noise and disturbance.

13 letters of objection

4 letters of support

Letter of support from representative of applicant.

ASSESSMENT

Given the previous uses of the site and the lack of objection from both Highways and Environmental Services it is considered that the use is acceptable provided that the parking spaces previously approved on site are provided

GRANT SUBJECT TO THE FOLLOWING CONDITIONS

- (1) The development shall be begun not later than the expiration of five years beginning with the date on which permission is granted.
- (2) The premises shall be used as residential accommodation for students and for no other purpose (including any other purpose in Class C1 of the schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without modification).
- (3) Prior to the commencement of use the parking area accessed from Park Road shall be resurfaced in accordance with a scheme that has first been submitted to and approved in writing by the Local Planning Authority.
- (4) No development shall take place until provision has been made for the parking, loading and unloading of contractors plant and equipment and the parking of vehicles of the workforce within the site.

INFORMATION

This application is reported to Sub-Committee in recognition of the significant amount of objections received. This application was deferred at the 20 June Sub-Committee in order that Members could visit the site.

APPLICATION SITE/DESCRIPTION

Imposing detached property, originally two dwellinghouses, in the Northfields Conservation Area. The property is up to three storeys in places and is a mix of white painted brickwork and red brick. It has a blue slate roof. The property has a variety of mature landscape and provision on site for the parking of six cars accessed from Park Road. The property has a brick wall of around one metre in height with stone coping.

The proposal is to change the use of the property to student accommodation. This would be for a maximum of 18 students. There would be no staff accommodation on site although the applicant states that there would be an office in the building in term time each day between 8.30 am and 5.30 pm. No alterations to the building are proposed.

SITE HISTORY

88/62/03963 – change of use to residential care home granted September 1988
97/62/93800 – change of use from residential nursing home to staff accommodation in connection with charity, granted February 1998

POLICY

Kirklees Unitary Development Plan

The site is within the Northfields Conservation Area where Policy BE5 is relevant. Furthermore as the proposal is for a house in multiple occupation the criteria set out in Policy H15 is also relevant.

CONSULTATIONS

Highways – given the previous uses of the site a change of use is considered acceptable subject to conditions

Environmental Services – no observations

Access Group – level access, automatic doors, full disabled facilities requested – these suggestions could be forwarded if planning permission granted

REPRESENTATIONS

Councillor Razaq has verbally stated that he reiterates the concerns raised by residents in respect of noise and disturbance.

13 letters of objection received. The reasons for objection can be summarised as:-

- Noise and disturbance from use of property by students
- Traffic congestion from additional on-street parking, insufficient provision on site
- Litter,
- This is a conservation area which should be peaceful and where there should be no more commercial activities should be permitted
- Already hall of residence in the area, no need for further accommodation
- Lack of full time supervision will lead to problems, unsocial behaviour – already experienced this with previous use on site
- Lot of elderly people in this mainly residential area who would be unduly disturbed by use
- Would be better if returned to use as nursing home

4 letters of support received. Reasons can be summaries as:-

- ◆ owner of property opposite existing hall of residence “West Park House”, stated that has not caused nuisance or traffic congestion.

- ◆ organisation that has put students up in existing hall of residents, owned by the applicants, states that this is well run and is credit to neighbourhood.
- ◆ Dewsbury College states that it has inspected the applicant's other property on West Park Street and the property and grounds are in good order. Furthermore Members of college staff park in the grounds to ease congestion.
- ◆ The owner of the nursing home next door to the applicant's other premises on West Park Street state they have no reason to complain about noise or unruly behaviour since opened (almost 4 years) and that cannot recall more than 4-5 cars in car park.

Letter also received from a representative of the applicants. This is a lengthy document which can be precisised as follows:

- ◆ no fundamental policy objection raised by officers.
- ◆ property is in Conservation Area and current state of the building detracts from the appearance of Conservation Area. The current proposal will repair the building and improve the grounds and if approved works will take place as quickly as possible.
- ◆ Contrary to views of objectors there is a demand for this accommodation in the area.
- ◆ letters of support received indicating the applicants other student accommodation on West Park Street (West Park House) does not cause problems of noise and disturbance. Furthermore a noise and nuisance clause is written into every student agreement and serious breach would lead to exclusion from the premises. Consider will not cause disturbance to elderly.
- ◆ 6 parking spaces will be formed from Park Road and a further 2 could be accessed from West Park Street. This is sufficient in terms of Highway Services informal car parking standard, It is anticipated that many students will attend Dewsbury College and that few will have cars.
- ◆ No problems with litter at "West Park House"
- ◆ Just because there were problems with the last occupants of the property (used for rehabilitation) does not follow problems will occur with current use.
- ◆ will not be returned to use as nursing home because no demand and each application must be treated on its own merits.
- ◆ commercial activity appropriate, this is the authorised use.
- ◆ when visiting the site requests that Members look as West Park House in passing. In their view no evidence that this property detracts from residential amenity or the character of the Conservation Area.

ASSESSMENT

Whilst the application premises were originally built as domestic properties they have been used as a residential home and staff accommodation for some time. Letters received by residents in the area state that the latter use caused noise, disturbance and problems with anti-social behaviour that they do not wish to see repeated now. Whilst the disquiet of residents is understood the behaviour of residents is not under most circumstances a planning consideration. Environmental Services raise no

objections to the use of the premises for the occupation of students and it is considered that their occupation would not lead to an unacceptable increase in noise in the locality. Any statutory noise nuisance would be dealt with under other legislation.

The site is within the Northfields Conservation Area and there is concern that the development would be out of nature with the peace and quiet which characterises the area. Notwithstanding the comments made in the paragraph above the other matter which may impact on the conservation area is on-street parking. Under the previous planning permission for the staff accommodation six parking spaces were retained/created on site. Given the numbers of students it is proposed to accommodate this would equate to one-third of a parking space per student. There is not a formal parking standard within the UDP regarding student accommodation. However, Highway Services raise no objections to the application given the previous uses on site. It is likely that a number of residents would have cars but the spaces provided on site should minimise the need for parking on the road.

Matters relating to need for the accommodation and the potential for better uses of the site are not material planning considerations.

Given the previous uses of the site and the comments received from Environmental and Highways Services it is therefore recommended that planning permission be granted.

Application No : 2001/62/93048/E1

Grid Reference : SE 24520 22900

Development : CHANGE OF USE OF FIRST FLOOR (PART) FROM INDUSTRIAL FACILITY TO THEATRE AND GROUND FLOOR (PART) TO CLASS A1 RETAIL

Location : REDBRICK MILL, 218, BRADFORD ROAD, BATLEY CARR, BATLEY.

Applicant : BULLAS & CO LTD

Recommendation : APPLICATION CALLED IN BY SEC. OF STATE

SUMMARY

REASON FOR COMMITTEE DECISION

Delegation agreement

SIGNIFICANT CONSULTATIONS

No objections

RELEVANT HISTORY

May 2000 – permission for partial retail use (2000/62/90188/E1)

June 2000 – permission for use of ground floor as arts & crafts centre (2000/62/90987)

December 2000 – permission for change of use of unit 6 to horticultural training centre with ancillary retail sales.

October 2001 – permission for use of first floor for display and exhibition of Japanese antique furniture (2001/62/92051)

POLICY

D2 – proposals on unallocated sites acceptable subject to criteria

S1 – local and district centres to be the focus of shopping facilities

S4 – considerations for proposed large stores

C1 – community facilities should be provided in accessible locations

C2 – community facilities may be provided separates from existing centres subject to provisions

S12 – proposals for entertainment and leisure uses should normally be located in or on the edge of town centres subject to criteria

PPG 6 – large retail stores normally confined to locations in centres or edge of centre.

REPRESENTATIONS

Letters of support from Batley Carr Tenants and Residents Association, Batley Town Centre Steering Group and a local business. The Board of Batley Community Development Ltd withdrew its original objection and now gives its support to the proposed theatre. They are however concerned that retailing started before the application was determined. Yorkshire Arts support in principle the development of a new theatre. Ann Taylor MP supports the development

ASSESSMENT

The proposal is acceptable in this location on the grounds that it secures a community benefit.

RECOMMENDATION

Members are asked to indicate that if the application had not been called in the Council would have resolved that Officers be delegated to grant planning permission subject to the applicant signing of a Section 106 agreement requiring the construction of the

community theatre within an agreed timescale, and that a management plan is put into place incorporating a complete theatre production and events programme, to ensure a sustainable community venture; furthermore such permission should include the following condition.

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 the goods to be sold from the premises shall be restricted to furniture, household furnishings, housewares, hand crafted goods, gifts and collectables only.

INFORMATION

This application is put to Committee as a proposal for retail development in excess of 500 sq metres. The site is removed from any local or district centre. The application was deferred at the meeting on 25 April 2002 as the Government Office stated that they were considering calling in the application. The application was called in on 4 July 2002.

APPLICATION SITE/DESCRIPTION

The application relates to the group of buildings forming Redbrick Mill fronting Bradford Road, Jack Lane and Saville Street. These are partly occupied and partly under renovation.

The proposal is to use the ground floor of the buildings fronting Bradford Road and Jack Lane for retail and the first floor of the building fronting Saville Street as a community facility and theatre.

SITE HISTORY

00/90188 – planning permission granted in May 2000 for demolition of mill buildings and use of part of ground floor of unit 1 as computer sales and repair and use of part of ground floor of unit 4 as café.

00/90907 – planning permission granted in June 2000 for use of ground floor to arts and crafts centre.

01/92051 – planning permission granted by Committee on 4 October 2001 for use of the first floor of the main building fronting Bradford Road for the display, exhibition and ancillary sales of Japanese antique furniture.

POLICY

Unallocated on the UDP, policy D2 states that proposals for change of use will be determined with regard to, among other criteria, highway safety and visual amenity.

Policy S1 states that town and local centres will remain the focus of shopping and commercial activity.

Policy S4 states that proposals for large stores will be considered with regard to:

- The likely effect on the vitality and viability existing town or large local centre
- The benefit to the quality and range of shopping provision or from meeting an identified quantitative deficiency
- The accessibility to those without private transport
- The effect on highway safety and local amenity.

In locations outside town and local shopping centres:

- Whether suitable sites capable of meeting any identified need for new retail development are likely to be available within or on the edge of established town or large local shopping centres
- Whether other proposals in the UDP would be prejudiced
- The effect on travel patterns and car use

Policy C1 states that community facilities should be provided in accessible locations, normally town and local centres.

Policy C2 states that where they are in the interests of those to be served, community facilities will be permitted in locations separate from existing centres provided;

- There is no disturbance to the surrounding neighbourhood
- There is no detriment to highway safety

Policy S12 states that proposals for entertainment and leisure uses should be located within or on the edge of town and large local centres. Proposals will be considered with regard to:

- Whether it would meet a need that could not reasonably be met in an existing town or large local centre
- Whether it would retain a listed building in use which is no longer suitable for its original purpose
- The effect on local amenity and highway safety
- The level of accessibility by public transport

CONSULTATIONS

Highways – no objections subject to conditions.

Access – no comments.

Environmental Protection – no observations.

Cultural Services – Consider that the proposed theatre will be a useful addition to facilities in Batley / Dewsbury since its scale lies between Dewsbury Town Hall (too large for many community productions) and numerous community halls (a vital resource, but often too small to enable productions to accommodate the size of audience they need to be sustainable). It is centrally placed for Dewsbury and Batley and ideal for a range of other communities in North Kirklees. The scheme includes attractive supporting facilities which will appeal to wider audiences. It is considered that the theatre will have the support of local groups, importantly Dewsbury Little Theatre, subject to caveats on management arrangements, in the light of earlier consultations. Cultural Services have previously discussed the likely management arrangements with the Mill and Yorkshire Arts and a satisfactory agreement is considered likely. This would possibly involve the formation of a management committee including a representative of the Council

REPRESENTATIONS

Letters of support from the Secretary of the Batley Carr Tenants and Residents Association and a local business have been sent via the applicant. The Association welcomes the proposal as a benefit to the local economy and the community and a manifestation of the Mills Vision. The studio owner would welcome the addition of high quality exhibition space.

The Board of Batley Community Development Ltd withdrew its original objection to the application and now supports the proposed community theatre.

The Board is concerned about the way the application was submitted, in particular that insufficient time had been allowed for the application to be determined before the retail area came into use. The Board would like to be represented on The Board of the Theatre Trust.

The applicant has forwarded a copy of a letter of support from the Batley Amateur Thespian Society.

PLANNING POLICY IMPLICATIONS

1 Background

- 1.1 There has been significant developer interest in the Batley area over the last 6/7 years, with a number of retail schemes coming before the Council. All have been considered in the context of the Council's Shopping Strategy, which is detailed in the Kirklees Unitary Development Plan and in Supplementary Planning Guidance.
- 1.2 The key objective of this strategy is to ensure that 'town centres and local centres remain the focus of shopping, commercial, cultural and social activity...'. Therefore the acceptability of any new retail development is governed by:
 - (i) the effects (adverse or beneficial) on the health and vitality of nearby established shopping centres;
 - (ii) the nature and strength of linkages between existing shopping centres and any new development proposal;
 - (iii) whether there are other, more suitable sites for the development proposed (the sequential test); and (iv) whether a need exists for the retail floorspace proposed (in quantitative and qualitative terms).
- 1.3 The Council has supported a number of local mill refurbishment and redevelopment schemes. 2 good local examples are The Mill (previously known as the Yorkshire Mill Village) and Alexandra Mills.
 - (i) The Mill is located on Bradford Road, close to its junction with Hick Lane (approximately 130 metres from Batley town centre). The Mill focuses on clothing, furniture and household furnishings, which are particular weaknesses in the comparison offer of Batley town centre. The development is considered to accord with both the UDP Shopping Strategy and with the requirements of PPG6, a view supported by the DTLR.

- (ii) Alexandra Mills is located on the Bradford Road/Alexandra Road junction (approximately 550 metres from Batley town centre). Planning permission was granted in 1997 for a mixed-use scheme. Some 1,700 sq.m of retail floorspace was approved (restricted largely to sports goods and clothing) in order to ensure that the development (accommodating a motor museum for the Yorkshire car collection) would be economically viable. In other words, the proposal was able to secure wider benefits for the local community than just the provision of retail floorspace. A 'stand alone' retail development would not have been acceptable.

1.4 To ensure that the Council's shopping strategy remains robust and defensible, it must be applied consistently and fairly. It is therefore important that the nature, scale and form of development that is accepted at Redbrick Mill is compatible with this strategy, otherwise its use as an important tool for channelling developer/investor activity could be seriously prejudiced.

2 Redbrick Mill

2.1 The mill complex is located on Bradford Road, 1¼ kilometres from Batley town centre, and 1 kilometre from Dewsbury town centre. It is in a freestanding location, which severely limits any opportunity of spin-off trade benefiting nearby established shopping centres. Generally speaking, retail development in a 'stand alone' location is contrary to the UDP and to PPG6. Nevertheless, in order to assist the owner in utilising the mill building, the Council has granted planning permission for:

- (i) The relocation of an existing café and computer centre from peripheral buildings on the site (now demolished) to the main mill building (600 sq.m).
- (ii) A horticultural training centre (550 sq.m.).
- (iii) Arts and Crafts studios run by LOCA (1,000 sq.m.)
- (iv) A showroom for the retailing of furniture that is manufactured on the mill premises (590 sq.m.).
- (v) Showroom and exhibition space for Japanese antique furniture (1,405 sq.m.).

2.2 All of the above uses (which add up to 4,145 sq.m. or 44,600 sq.ft.) have planning conditions attached limiting retail sales to either an ancillary

function of the main use, or primarily to the sale of goods manufactured/produced on the site.

3 The application

- 3.1 The current planning application provides for 2,490 sq.m. (26,800 sq.ft) of retail floorspace (to accommodate 'Habitat' and to regularise other retail uses that currently do not have the benefit of planning permission), and the construction of a community theatre.
- 3.2 As noted above in the case of Alexandra Mills, the Council has in the past favourably considered retail development in free-standing locations as an exception to shopping policy, in order to secure significant wider community benefits. A new theatre would appear to present such a benefit. Support has been expressed verbally and in writing by a number of individuals and groups (see 'Consultation'). The Head of Cultural Services considers that there is a need for a medium sized theatre (approximately 250 seats) to serve the north Kirklees area, and that such a facility would make an important contribution to the quality of community life.
- 3.3 If further retail floorspace is to be provided at Redbrick Mill as a means of enabling the provision of a theatre, this should not be of such a scale that it would adversely affect established shopping centres. In this context, it is considered important that the site does not evolve into a second 'Mill Village' through incremental growth. Such a large retail scheme would be likely to have a very damaging effect on town centre health and vitality (Batley town centre in particular), create uncertainty in the commercial property market, and undermine the UDP Shopping Strategy by setting a dangerous precedent.
- 3.4 The applicant contends, and Officers accept, that the provision of all of the 2,490 sq.m. (26,800 sq.ft.) of retail floorspace that make up the current planning application is necessary to ensure that the proposed theatre is built. Any less floorspace would not generate sufficient revenue to support capital construction costs.
- 3.5 The amount of floorspace proposed is unlikely to give rise to any significant adverse consequences for the vitality and viability of Batley or any other town centre provided that trading is restricted to those goods falling within the term 'arts and crafts' as defined below. However, it must be recognised that any further increase in floorspace at Redbrick Mill or relaxation of the conditions on the currently permitted floorspace, will be likely to be unacceptable within the terms of existing UDP policy.

- 3.6 It is also important that the planning permission links the proposed retail floorspace to the operation of the theatre. Consequently a legal agreement will be needed to secure the completion of the theatre redevelopment/ refurbishment works within a reasonable timescale. The Management Company set up to run the theatre must also provide a regular events programme ensuring that a specified number of theatre productions are put on each year.
- 3.7 If Members agree with the Officer view that this planning application represents a means of securing a theatre – an important community facility to serve the Batley/Dewsbury area, then planning permission can be justified subject to a Planning Obligation requiring the construction of the community theatre within an agreed timescale, and a management plan being put into place incorporating a complete theatre production and events programme, to ensure a sustainable community venture. In addition a condition would be required restricting the goods to be sold from the premises shall be restricted to furniture, household furnishings, housewares, hand crafted goods, gifts and collectables only.

APPLICANTS STATEMENT

With regard to the proposed community facility the applicant states that the existing occupiers will be relocated within the complex. The space is well suited to the proposed use and disabled access and has been chosen in consultation with experts in the Arts and support from Yorkshire Arts and Bretton College. The multi-disciplinary arts centre will provide performance space, cinema, exhibition space, training space and a community hall. It would be complimentary to the Arts and Crafts activities undertaken in other parts of Redbrick Mill. Its location is felt to be central for North Kirklees between Dewsbury and Batley and it would fulfil a local need for such a facility.

It is stated that pre-submission discussions have taken place between the applicant, Kirklees Cultural Services, Yorkshire Arts and a number of local groups with a positive response. The Prince`s Trust have expressed interest in potential activities including retail sales, business space, exhibitions and training to the benefit of the local area and the success of the scheme.

It would be operated on a ‘not for profit’ basis by a steering Management Board consisting of the applicant, Redbrick Mill Ltd and interested user groups. Initial day-to-day management would be by Redbrick Mill staff under the control of the Board. The set up costs and part of the operating costs will be met by the applicant and Redbrick Mill Ltd from the retail trading activities elsewhere within the complex. Detailed costings have been supplied.

The applicant considers that the proposal complies with UDP policy C2 as nuisance will not be caused to the business character of the surroundings, there is sufficient off-street parking and there would not be a material intensification in traffic activity.

The applicant argues that, with regard to UDP policy C1 the site is in an accessible location being on a main road, close to public transport and within walking distance to Dewsbury town centre, as encouraged by the Council. It is also argued that Batley Carr is a local centre between Dewsbury and Batley which meets a local business and residential need.

The applicant argues that the uses in Redbrick Mill compliment and support the activities of Kirklees` Market Service to attract visitors to the area and stimulate economic activity. The retail activities would help to generate linked shopping trips to other local mill shops and market attractions. The activities in Redbrick Mill are supported by the Council`s Tourism Officer

With regard to the retail proposals it is argued that they are enabling development for the community uses within the same curtilage which is a material consideration and that they comply with UDP policy.

It is argued that the proposals meet the objectives in the Batley Mill Town UK document in terms of:

- Creating a destination for potential customers from a regional / national catchment
- Providing an outlet for indigenous media / arts business centre requirements
- Attracting complimentary leisure investment. The applicant states that the use would not set a precedent for further large scale retail development elsewhere on Bradford Road outside the defined centres as the application is linked to the proposed community facility / theatre as enabling development meeting an identified need by Cultural Services.

It is argued that the retail use will provide approximately 20 jobs in addition to those created by recent developments. It is a sustainable economic activity in the face of the declining textile industry.

Finally the applicant argues that he has a policy of utilising local firms for supplies and services wherever possible.

ASSESSMENT

It is Officers` view that this planning application represents a means of securing a theatre which is an important community facility to serve the Batley/Dewsbury area. If Members agree with this view then the Inspector at the forthcoming Call-in Inquiry will be told that the Council Considers that planning permission can be justified subject to a Planning Obligation requiring the construction of the community theatre within an agreed timescale, and a management plan being put into place incorporating a complete theatre production and events programme, to ensure a sustainable community venture. In addition a condition would be required including restricting the

goods to be sold from the premises shall be restricted to furniture, household furnishings, housewares, hand crafted goods, gifts and collectables only.

Application No : 2001/62/93279/E3

Grid Reference : SE 18070 25250

Development : ERECTION OF 38 NO. DWELLINGS WITH GARAGES,
ASSOCIATED ROAD AND SEWERS AND ADDITIONAL
PARKING SPACES

Location : LAND TO REAR OF 172-176, WESTGATE, CLECKHEATON.

Applicant : WHITE ROSE HOMES LTD

Recommendation : DELEGATE TO OFFICERS/SUBJECT TO S.106 OBLIGATION

SUMMARY

REASON FOR COMMITTEE DECISION

Delegation agreement

SIGNIFICANT CONSULTATIONS

Highways - comments awaited. No other objections.

RELEVANT HISTORY

None relevant

POLICY

D1, D2, DL1, DL2, DL3, NE9, BE1, BE2, BE11, BE12, BE23, H18, H10, EP10, T10 & PPG3 and PPG14 apply

REPRESENTATIONS

11 letters raising concerns on road safety, visual and residential amenity.

APPLICANTS STATEMENT

Proposal accords with policies and adds community value.

ASSESSMENT

No objections to principle of development.

THAT OFFICERS BE AUTHORISED TO GRANT PERMISSION SUBJECT TO THE APPLICANT ENTERING INTO A S106 AGREEMENT TO SECURE THE PROVISION OF AFFORDABLE HOUSING AND THE PROVISION AND MAINTENANCE OF PUBLIC OPEN SPACE AND TO INCLUDE THE FOLLOWING CONDITIONS.

- (1) The development shall be begun not later than the expiration of five years beginning with the date on which permission is granted.
- (2) The development hereby permitted shall be carried out in complete accordance with the approved plans and specifications except as may be required by other conditions.
- (3) No development shall take place until a sample facing brick and roofing tile have been submitted to and approved in writing by the Local Planning Authority, and the development shall be constructed of the approved materials.
- (4) Notwithstanding the submitted details no development shall take place until details of the siting, design and materials to be used in the construction of walls or fences for boundaries, screens or retaining walls have been approved in writing by the Local Planning Authority. (Screening shall be 2 metres in height). The approved walls/fences shall be erected before the development hereby approved is occupied/brought into use and shall thereafter be maintained.
- (5) Notwithstanding the submitted details no development shall take place until a comprehensive scheme for landscaping treatment of the site prepared in accordance with the Local Planning Authority's Code of Practice Note 2 has been submitted to and approved in writing by the Local Planning Authority.
- (6) Any planting, seeding or tree management works forming part of the landscaping scheme referred to in Condition 5 shall be carried out during the first planting, seeding or management season following the commencement of development, or as otherwise may be agreed in writing by the Local Planning Authority, and shall be maintained for a period of five years from the completion of planting works. All specimens which die within this period shall be replaced.
- (7) Before any materials are brought on site or development commences, the developer shall erect protective chestnut paling or similar fencing around all trees, shrubs or hedges to be retained, to the branch spread of individual trees or groups of trees/shrubs. The applicant shall obtain the Local Planning Authority's written confirmation that the fence is satisfactory and shall maintain

such fencing unaltered until the development is completed. No work shall be carried out within the protected area except in accordance with the Local Planning Authority's Code of Practice Note 1.

- (8) The site shall be developed by means of a separate system of drainage.
- (9) No development shall take place until the proposed means of disposal of the foul and surface water drainage, including any balancing and off-site works have been submitted to and agreed in writing with the Local Planning Authority; Q there shall be no piped discharge of surface water from the development prior to the completion of an approved surface water drainage scheme nor shall any buildings be occupied prior to the approval of an approved foul drainage scheme.
- (10) A Phase II investigation of the site for land contamination shall be carried out in accordance with the submitted details and a report including a remediation statement shall be submitted to and agreed in writing with the Local Planning Authority and such agreed remediation measures shall be fully carried out before the development commences in accordance with a written confirmation to the Local Planning Authority.
- (11) Before development commences a specialist site investigation and assessment should be carried out and agreed in writing with the Local Planning Authority; such details shall include the identification of mine workings within the site and the means of safe development and such agreed details shall be fully implemented before the dwellings are occupied in accordance with a written confirmation to the Local Planning Authority.
- (12) The areas to be used by vehicles including parking, loading and unloading areas shall be surfaced, sealed and drained before the development is occupied/brought into use and thereafter retained.
- (13) The arrangements referred to in Condition 12 shall include internal turning facilities for service vehicles.
- (14) No development shall take place until the access shown on the approved plan has been provided and the sight lines shown have been cleared of all obstructions to visibility exceeding 1m in height above the adjacent carriageway and retained as such.
- (15) The development shall not commence until the access has been constructed to a vertical alignment which has been previously agreed in writing with the Local Planning Authority.

- (16) The garage hereby approved shall be set back 5.6m from the back of footway/highway boundary.
- (17) The areas shown for parking on the approved plan shall be kept clear of all obstructions to such use and shall not be used for the erection of garages.
- (18) The garages shall be used for the garaging of private motor vehicles or for uses ancillary to the enjoyment of the dwellinghouse as such and for no other purposes.
- (19) No development shall take place until provision has been made for the parking, loading and unloading of contractors' plant and equipment and the parking of vehicles of the workforce within the site.
- (20) During building operations facilities shall be provided and retained at the exit from the site for the washing of vehicle wheels.
- (21) Notwithstanding the submitted plan, the driveway(s) to the property(ies) shall be a minimum of 3.2m in width in front of the building line.

NOTE The applicant is advised to contact the Design Engineer Flint Street, Fartown, Huddersfield (01484 225400) to arrange for the works to form the verge/footway crossings.

NOTE The applicant is advised to contact the Chief Engineer, Highway Development (Flint Street, Fartown, Huddersfield) to discuss road adoption arrangements

NOTE The public footpath/bridleway which crosses/abuts the site shall not, at any time, prior to, during or after building works, be unofficially obstructed or closed without prior written consent of the Council as Highway Authority.

NOTE To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of:

07.30 and 18.30 hours, Mondays to Fridays

08.00 and 13.00 hours, Saturdays

With no working on Sundays or Bank Holidays

In some cases, different site specific hours of operation may be appropriate.

Under the Control of Pollution Act 1974, Section 60, Kirklees Environmental Services are able to control noise on construction sites by serving a Notice which may include specifying the hours during which the works may be carried out.

INFORMATION

This application is brought to Committee as it relates to a site in excess of 0.5 hectare and is also one in which the Council has an interest as landowner of part of the site. At the May meeting Members resolved to visit the site and deferred a decision to negotiate amendments to the layout.

APPLICATION SITE/DESCRIPTION

The application site is to the rear of dwellings on Westgate and to the side of dwellings on Waltroyd Road and Moorside Rise. It is currently vacant but is marked by spoil heaps from historic mine workings, sporadic buildings in a bad state of repair and flytipping. There are mature trees on the boundary, which are the subject of a preservation order.

Full planning permission is sought for the erection of 38 dwellings (originally 39) in a cul de sac accessed by an improvement to the existing access point between nos 164 and 166 Westgate. These would be two storey dwellings in a mix of terrace, semi and detached types and faced in brick and concrete tiles.

In the light of Members' comments amended plans have now been received. A play area is provided in the south western corner of the site, previously proposed as a terrace of affordable houses adjacent to the rear of dwellings on Moorside Rise and Westgate.

In order to retain numbers on site house types in the area to the north have been changed from semi-detached to terrace.

SITE HISTORY

Nothing relevant.

POLICY

The site is partially unallocated and partially identified for derelict land reclamation on the UDP. The following policies are recommended as those, which should be given the most weight in Members' consideration.

Policy D2 states that proposals on unallocated sites will be determined subject to no prejudice to, the effect on visual and residential amenity and road safety, the

implementation of proposals in the Plan, the avoidance of over-development, the character of the surroundings, the conservation of energy, wildlife interests and the efficient operation of existing and planned infrastructure.

Policy DL1 states that derelict or neglected land will be brought into beneficial use to assist in the regeneration of the District. Policy DL2 states that priorities for such reclamation will be determined with regard to the extent that schemes will improve the visual environment or deal with serious contamination and secure the provisions of the Plan. Policy DL 3 identifies part of the land for reclamation by tree planting

Policy NE9 states that proposals should normally retain mature trees on the site.

Policies BE1 and BE2 state that new development should be good quality design to match and positively contribute to its surroundings.

Policy BE23 states that new development should incorporate crime prevention measures.

Policy BE12 states privacy standards for space about buildings.

Policy EP10 states that account will be taken of the extent that new development is energy efficient.

PPG 3 states a presumption for housing development on previously developed 'brownfield' land in locations close to existing facilities and nodes of transport and at densities to ensure its efficient use.

Policy T10 states that new development will not normally be permitted if it will create highway safety problems.

Policy H18 requires public open space provision

Policy H10 states that the provision of affordable housing will be a material consideration in areas where there is demonstrable need.

PPG 14 – Government advice on development on unstable land.

CONSULTATIONS

Highways – No objections to amended plans. Stability tests required before any roads are adopted.

Yorks Water – No objections.

Coal Authority - note the historic mineworking on site but no objections

Landscape - require on site play area provision with residual off-site works. In addition footpath routes are required to link into the existing adjacent to the site as safe routes to local schools.

In response to the amended plans Landscape Officers state that the proposed play area is not well sited. It would be better to be located more centrally giving equal access for all future residents in accordance with accepted standards. The proposed position is regarded as territorial to plots 2-8 possibly discouraging use by other residents. If the play area was relocated a smaller play area could be retained in this position incorporating a landscape buffer.

The proposed play area would provide facilities for toddlers and an off-site contribution is still required for upgrading facilities for older children in West End Park.

West Yorks Archaeological Service – no archaeological implications

West Yorks Police – would not support the proposal unless to ‘Secure by Design’ standards. It is stated that the applicant is reluctant to do this.

Env Health – no objections subject to compliance with an agreed land contamination remediation study. Also concerned at effect of construction work on residential amenity in the surrounding area. (This is outside Planning control but is recommended as a note to the decision notice)

Trees – no objections to amended plans

Housing – note a local demand for affordable housing and are in advanced discussion with the developer and a housing association.

Env Agency – comments awaited on land contamination issues

Education – additional children can be accommodated in the existing schools.

ACCESS – Part M of the Building Regulations applies

REPRESENTATIONS

Thirteen letters received summarised as follows:

- The site is in an untidy state with tipping and dog fouling
- Trees have been felled in the past and more are shown to be removed on the proposed plans. There is no landscaping alongside adjoining properties. It is argued that the loss of trees would be contrary to EEC directions to preserve wild birds’ habitats.
- The submitted plans are inaccurate regarding the location of existing property.

- The proposed dwellings including those shown on the amended plans will be too close to and unduly raised above existing property which will be visually intrusive and cause problems of overlooking, loss of natural light, devaluation of property and loss of privacy.
- A proposed parking area will be close to existing property which will prejudice access and maintenance to that property. Furthermore this is a private right of way.
- The scheme is incorporating part of existing boundary fences in private ownership. One resident wishes to ensure that boundaries are secure to prevent illegal short cuts to schools through private property.
- No details submitted of the means of filling in the mine shaft on site or the means of removal of the spoil heap. It is noted that treatment of underground voids could affect water sources and mine gas. The objector refers to Government advice on the development of land containing mine shafts and argues that the applicant has not submitted sufficient evidence regarding the effects on subsidence, water flows and gas migration which may affect a wider area than the site.
- Possible damaging effect on existing drainage during and after construction. Existing problems of surface water from the site flowing onto adjacent property and subsequently the highway are noted.
- Concern at loss existing informal footpath running directly up through the site to the adjacent bowling club which is shown on house deeds.
- Concern at the controls over use of the proposed parking area for existing residents which may result in existing caravans being displaced onto the narrow site access road or Westgate to the detriment of road safety.
- Cars currently park on this land at the rear of properties on Westgate and reverse into it, the plans will exacerbate the danger of such a manoeuvre particularly if an existing garage to the rear of 166 is to be retained.
- The proposed access to Westgate will be detrimental to road safety being opposite accesses to businesses and other property at a point where Westgate is very narrow, subject to on-street parking and busy. Furthermore the existing access is currently used by refuse vehicles to reverse into the area at the rear of properties on Westgate. It also has only one footpath to the access road at this point on the wrong side of the access to that which most people would use.
- It is argued that unacceptable parking restrictions will be required on Westgate to maintain the proposed sight lines otherwise on-street parking could result from the development to the detriment of road safety. Visibility would also be restricted by wheelie bins outside properties.
- The proposed footpath would be detrimental to road safety due to its narrow width and a lack of provision on both sides of the road
- There is no on-site play area and no direct access to West End Park to the north.
- Lack of information on the location of the former mine workings and possible detrimental impact of remedial work on stability and drainage to the surrounding area.
- Historic drainage problems in the area close to the site.
- No provision for maintenance access to adjacent properties

- The plans are inconsistent in distances between proposed and existing properties as well as the composition of house types. (This has been investigated and is a misunderstanding due to plans amended at different times.)
- The plans are misleading in that they show the eye level from the proposed properties of an adult of only 1.5 metres (5 ft) tall. Furthermore this information is not show on all the sections.
- The proposed dwellings on plots 2-4 will be elevated directly above existing dwellings leading to a loss of privacy and devaluation of property value. It is claimed that the amended plans are worse in this respect as they increase the height of the dwellings. The nearest dwelling to plots 2-4 has planning permission for a rear conservatory which will mean that the proposed dwellings would be closer to that building than is currently apparent. The relationship between proposed and existing dwellings is greater elsewhere.
- It is suggested that the bottom corner of the site shown as plots 2-4 be left as a natural grassed area as provision for childrens' and local residents recreation. Alternatively the proposed car park should be resited there.
- There is no provision for 'wheelie-bin' access behind 166-176 Westgate.
- The proposed footpath through the site will be a short cut to West End Park increasing pedestrian traffic through the site for which there is inadequate footpath provision or a school crossing patrol.
- The proposed parking area for existing residents is inadequate, furthermore, it is not clear if it will be gritted in winter.

APPLICANTS STATEMENT

Letter received from applicant regarding the identification and treatment of the mine workings in the scheme. The letter includes a consultant's report and states;

- The site has been investigated by boreholes to identify any shallow mine workings which are a major cause of subsidence damage. No such shallow workings were found.
- The mineshafts are identified beneath the spoil heaps and are localised so that there is no major effect on the existing underground conditions. Once the spoil heaps are removed to a licensed tip, the top of the shafts will be capped and the edge stabilised. If the shafts are not readily apparent upon removal of the spoil further trench and borehole investigation will be carried out in accordance with national guidance including continuous gas monitoring and employee safety precautions.
- The investigation has been done in accordance with Government advice in PPG14.
- Further control is exercised in that the development would need to comply with the Building Regulations which requires it to be carried out without affecting land stability.
- The installation of a surface water drainage scheme as part of the development will channel surplus water on the site thus there should be no major problems of surface water run off to adjacent properties as a result of the development.

No properties will be erected within 8 metres of the centre of the shaft which may result in a further planning application for a revised layout.

The applicant states that the layout is designed to provide a safe and secure residential environment as advocated by the 'Secured by Design' documents.

It is argued that the voluntary provision of parking for existing residents within the site and the improved access road are a community benefit.

The applicant is willing to enter into a Section 106 Agreement to provide affordable housing.

The site does not include land to the rear of Nos 12-22 Moorside Rise as this has been taken over as garden land by local residents including erection of outbuildings. However, the amended layout provides an access to this land should the obstacles to development be removed in the future.

It is argued the proposal is in accordance with Government advice in that the site is well placed to public transport routes with sheltered bus stops. Furthermore the layout provides safe and convenient footpath access to local facilities including West End Park.

The applicant argues that the density of development on Moorside Rise adjacent is 24 dw/hectare and 20 on Wallyroyd Road. The proposed density is approximately 29 dw/ha taking into account the undevelopable areas of the short stretch of access from Moorside, difficult site levels and the proposed parking area for existing residents. The density provides a correct balance between respect for the character of the area and securing the efficient use of available developable land. Following Members' previous comments the applicant has been asked to consider increasing the density further but is not willing to do so.

The applicant argues that the density should be considered in the light of the existing character of the area and a balanced approach should be taken whilst providing for the efficient use of land. He argues that efficient land use has been achieved and

- Provides for an increase in density of between 25% and 50%, when compared to the existing development on Moorside Rise and Wallyroyd Road.
- At 29 per hectare net is appropriate and acceptable given the recognised constraints and local area
- Provides a quality, mixed and inclusive residential scheme
- Provides in good faith (rather than as a requirement) safe, off street parking for existing local residents.
- Secures safe, landscaped on-site public open space
- Includes an improved footpath link to the local park
- Secures affordable housing

- Prioritises the regeneration of a degraded and derelict former colliery site to the benefit of the local community.

The applicant argues that the high development costs on this site, particularly remediation costs, together with the requirement for affordable housing and public open space provision mean that the profit margin is modest. It is argued that this level of return may not be acceptable to national housebuilders and can only be taken on by local firms such as the applicant. The Council's Estates Officers have been asked to verify the submitted costings and a reply is awaited.

The development would regenerate this derelict site and remove an unsightly area which has been subject to vandalism and tipping in the past.

It is argued that the proposal is in accordance with policies in the Unitary Development Plan and national Planning Guidance.

ASSESSMENT

There are no objections to the principle of residential use of the site. It is accepted that the site is previously developed and it is in a location which is in accordance with the advice in PPG3 and the need to protect the character and amenity of the surrounding area.

With regard to the derelict land policies the proposed use would be contrary to that envisaged in DL3 but this is not prescriptive and the proposal will assist regeneration in accordance with DL1. It is argued that the development would be a visual improvement to the current appearance the site. Furthermore the site was originally identified for reclamation in the former Heavy Woollen Local Plan adopted in 1985 which infers that any work was low priority.

Allowance is made for the areas of access road from Westgate and making allowance for the need to preserve trees.

The comments of Landscape Officers are noted but the amended plans have been formulated in accordance with Members expressed request at their previous meeting.

The applicant has investigated the location of the mine shafts on the site relative to its safe development. These are probably underneath the existing spoil heaps but their exact position is unknown without removal of the spoil. This would be removed to a licensed tip in accordance with a method statement yet to be submitted. Further investigation would then be carried out to identify the exact position of the shafts which will then be filled in accordance with engineer' recommendations. No properties will be erected within 8 metres of the centre of the shaft, which may result in a further planning application for a revised layout.

The Government advice on this matter is noted and the applicants comments are accepted. However the important issues are that the developer is aware of the possible implications of the mine shaft on the development, and that remedial action is required. PPG 14 states that a stability, ground investigation should be carried out where there are good reasons to believe that instability could make the ground unsuitable for the proposed development.

In other circumstances it may be appropriate to grant planning permission subject to conditions preventing the commencement of development until the site has been adequately assessed and suitable remedial action implemented. PPG 14 notes that in deciding whether conditions should be imposed the Planning Authority should not be influenced by any potential statutory or common law liability. The advice states that approval with suitable conditions may be appropriate when there is an expectation of general subsidence from deep mine working.

The advice states that the liability for safe development of the site rests with the developer.

The applicant does not strictly confirm that the layout has been designed to 'Secured by Design' accreditation but there is no justification to refuse the proposal in its current form. A balance is struck between the needs of crime prevention and a need to provide safe pedestrian routes linking to local schools and the surrounding network.

The residents' comments on current surface water drainage problems are noted but this is more a technical issue under other legislation controlled by the drainage authorities. Notwithstanding this it is argued that the imposition of an approved drainage system would improve the current situation where run-off is unregulated.

The main issue is the visual impact of the proposed dwellings on those existing. Level details and sectional drawings have been provided and are not considered to be sufficiently harmful to justify removal.

The development is seen as a welcome development of a 'brownfield' site.

Application No : 2001/62/93308/E1

Grid Reference : SE 23650 27790

Development : ERECTION OF 3 NO. RETAIL UNITS AND CENTRAL MANAGEMENT OFFICE WITH ASSOCIATED CHANGES TO CAR PARK, ACCESS FOR SERVICING, REAR SERVICING AND LANDSCAPING.

Location : UNITS 8C, 8D & 8E, HOLDEN ING WAY, BIRSTALL RETAIL PARK BIRSTALL, BATLEY, WF17 9AE.

Applicant : BIRSTALL CO-OWNERSHIP TRUST

Recommendation : CONDITIONAL FULL PERMISSION

SUMMARY

REASON FOR COMMITTEE DECISION

Delegation agreement

SIGNIFICANT CONSULTATIONS

Highways - object on car parking grounds.

No other significant responses however a full response is awaited.

RELEVANT HISTORY

Nothing specific beyond the history of general retail permissions for retail in the area as a whole.

POLICY

S4, D2, T10, BE1, BE2, BE11, BE23, EP10 are relevant
PPG6 and PPG13 also relevant

REPRESENTATIONS

None

ASSESSMENT

Highway objections on car parking issues however these are considered difficult to substantiate on appeal and approval is recommended.

APPROVE

- (1) The development shall be begun not later than the expiration of five years beginning with the date on which permission is granted.
- (2) The development hereby permitted shall be carried out in complete accordance with the approved plans and specifications except as may be required by other conditions.
- (3) No development shall take place until samples of all facing and roofing materials has been submitted to and approved in writing by the Local Planning Authority, and the development shall be constructed of the approved materials.
- (4) No development shall take place until a comprehensive scheme for landscaping treatment of the site prepared in accordance with the Local Planning Authority's Code of Practice Note 2 has been submitted to and approved in writing by the Local Planning Authority.
- (5) Any planting, seeding or tree management works forming part of the landscaping scheme referred to in Condition 4 shall be carried out during the first planting, seeding or management season following the commencement of development, or as otherwise may be agreed in writing by the Local Planning Authority, and shall be maintained for a period of five years from the completion of planting works. All specimens which die within this period shall be replaced.
- (6) External lighting details shall be in accordance with a scheme which shall have been submitted to and approved in writing by the Local Planning Authority before development commences. Details shall include location, design, dimensions and luminescence.
- (7) The areas to be used by vehicles including parking, loading and unloading areas shall be surfaced, sealed and drained before the development is occupied/brought into use and thereafter retained.
- (8) No development shall take place until provision has been made for the parking, loading and unloading of contractors' plant and equipment and the parking of vehicles of the workforce within the site.

- (9) During the period of construction facilities shall be provided and retained at the exit from the site for the washing of vehicle wheels.
- (10) The areas shown for parking on the approved plan shall be made operational before the unit hereby approved is brought into use and retained free of obstruction to the parking of vehicles thereafter.
- (11) No development shall commence until the details of a Green Travel Plan has been submitted to and agreed in writing with the Local Planning Authority including the timing of agreed measures.

INFORMATION

This application is put to Planning Committee as it proposes shopping development in excess of 500 sq metres. A decision was deferred at the January meeting to enable the applicant to discuss the Highways issues and await a response from the Highways Agency. The application was considered by Members in April and deferred to allow the applicant to try to resolve the Highway objections.

APPLICATION SITE/DESCRIPTION

The application relates to the north eastern section of the Birstall retail park. It is currently occupied by one large unit for MFI and three smaller units in one block. The proposal is to erect an additional block of three units between the MFI unit and recently built units to the west. This would be built over an existing car park.

The proposal will also include alterations to the service yard on the eastern side of the existing unit to form replacement car parking spaces and vehicle manoeuvring space. The proposal includes landscaping on the banking overlooking the Gelderd Road roundabout.

The applicant seeks an unrestricted retail use and is willing to compensate by accepting a restricted retail use by legal agreement on other units within his control.

SITE HISTORY

The whole site has a history of retail uses.

POLICY

In you Officer's opinion the following policies carry the most weight in the consideration of the application.

Unallocated on the UDP. Policy D2 states that development on such sites should be considered in the light of, among other criteria, visual amenity and road safety.

Policy S4 states that proposals for large stores will be considered having regard to:

- i the likely effect on the viability and vitality of any existing town or large local centre;
- ii the benefit to the quality and range of shopping provision or from meeting an identified quantitative deficiency;
- iii the accessibility of the proposed store to those without private transport;
- iv the effect on highway safety and local amenity;

and in the case of proposed developments located outside existing town and local shopping centres:

- v whether suitable sites capable of meeting any identified need for new retail development are likely to be available within, and for out of centre schemes, on the edge of, established town or large local shopping centres;
- vi whether they would prejudice other proposals in the plan, particularly provision for the protection of open land;
- vii the effect of out-of-centre developments on travel patterns and car use.

This policy reflects the Government Planning advice in PPG6.

Policy T10 states that new development will not normally be permitted if it will create or materially add to highway safety or environmental problems or cannot be adequately served by the existing highway network and public transport. Proposals will be expected to incorporate appropriate highway infrastructure to meet relevant safety standards.

BE1 – all development should be of good quality design such that it contributes to a built environment in accordance with identified criteria.

BE2 – new development to be in keeping with and take account of the characteristics of the site and its surroundings.

BE11 – new development should be constructed in materials to reflect those predominant in the area.

BE23 – new development should incorporate crime prevention measures.

EP10 – account will be taken of the extent that new development is energy efficient.

CONSULTATIONS

Highways - object on lack of off-street parking.

HIGHWAY COMMENTS

Introduction

The Birstall Retail Park development consists of a replacement Toys R Us (Unit 1), together with a new build warehouse (Unit 2) covered by application no. 2000/62/91 263 approved by a Decision Notice dated 26 January 2001.

Alteration and sub-division of the former Homebase DIY Store to form Units 3, 4 and 5. This was the subject of application no. 2000/62/91266 approved by a Decision Notice dated 26 January 2001.

Two new build warehouses, Units 6 and 7. Application no. 2000/62/91264 approved by a Decision Notice dated 26 January 2001.

MFI Unit 8; Carpet Right Unit 9; vacant Unit 10 and Holiday World Unit 11. Units 8-11 were subject to approvals in the early to mid 1990's.

Recently the Council approved an application, no. 2001/62/92755 for the sub division of Unit 8 and application no. 2001/62/93845 for the creation of I Unit out of 9 and 10 combined.

The floor areas of the individual units together with their car parking allocations is set out in detail below.

Members have also resolved to grant planning permission for a new retail unit on the car park off Holden Ing Way.

Unit	Description	Floor Areas Metres	Floor Areas Sq.ft	Car Parking
1	Toys 'R' Us	4,051	43,670)	
2	Sport Soccer	1,245	13,421)	188
3	Boots	1,289	13,895)	
4	Next	1,033	11,136)	
5	Gap	1,033	11,136)	319
6	J B Sports	842	9,076)	
7	Mamas & Papas	822	8,861)	

8	MFI	2,814	30,335	115
9	Carpet Right	930	10,025)	
10	Vacant	930	10,025)	126
11	Holiday World	930	10,025)	

The proposal under consideration to-day is the construction of an additional 3 retail units adjacent to MFI, increasing the overall floor area of the Birstall Retail Park by 2,315 sq metres or 24,950 sq ft. This represents a 14% increase in retail floor space.

Changes in car parking provision are set out in the table below. It will be noted that, although the total number of car parking spaces increases by 13, the actual number available to visitors decreases by 8.

Changes Due to Proposed Phase 3

	Existing	Change	Proposed
Floor Area (GEA)	16,048	÷ 2,315	18,363
Customer Parking	743	-8	735
Staff Parking	41	+21	62
Total Parking	784	+ 13	797

SUMMARY

There is insufficient car parking to support the existing operations on the Birstall Retail Park, which results in congestion on the circulation roads within the West Yorkshire Retail Park. This in turn affects free flow conditions on the A62 with traffic queuing back more than half a mile on both approaches to the Holden Ing Way roundabout and affecting the M62 and M621 motorway.

The proposed development does not include any meaningful increase in car parking provision, and its approval will therefore exacerbate existing adverse highway conditions.

The applicant has produced a Green Travel Plan, but based on available information it is considered that it will do very little to address the adverse impact of the proposed development on issues of acknowledge importance as described above.

Detail

Car Park A servicing Units 1-7 and consisting of 501 available spaces was found to be full on Saturday 24 November 2000. Full occurs when 90% of the available spaces are occupied. The maximum occupancy was recorded at 97.2%. However, on 24 November only Units 1, 3 and 5 were open with Units 2, 4, 6 and 7 representing some

42,494 sq ft of retail floor space or 37% of the retail floor space in Section A were not open for trading.

On Saturday 1 December car parking on the whole of the Birstall Retail Park was surveyed. Again the car parks A and B consisting of 721 available spaces were full with a maximum occupancy of 92.8%. Again, Units 2, 6, 7 and 10 representing 41,380 sq ft of retail floor space or 24 % of the retail park were not yet open for trading.

Over the Christmas and New Year period the car parks were theoretically and actually full.

A recent survey of car park A on Sunday 10 February recorded a maximum occupancy of 94.7% with Unit 6 still not open for trading.

On Saturday 5 January 2001 and Sunday 6 January 2001, congestion within the West Yorkshire retail park, attributable in part to the over demand for car parking at the Birstall Retail Park, gave rise to severe congestion problems on the A62. This led to long queues on the A62 which in turn interfered with the safety and operational efficiency of the M62 and M621.

In approving the Junction 27 Retail Park Development, the applicant through a Section 106 Agreement undertook to pay Arriva £61,000 per annum for 5 years to extend certain bus routes and increase the frequency of others.

Two years on and Arriva are losing money on these subsidised routes because the anticipated patronage has not materialised. They have suggested a new dedicated route from Dewsbury Bus Station via Batley, Birstall, Drighlington, Birkenshaw, Gomersal to Cleckheaton Bus Station and that previous routes be discontinued.

The current applicant has agreed to increase the subsidy for the remaining 3 years so that the proposed new route can have an hourly service in each direction. In addition the new service will have a special livery and there will be an extensive advertising campaign. However it is considered that these measures and others set out in the comprehensive Green Travel Plan will have very little impact on modal choice or the current imbalance whereby up to 17 visitors per hour arrive by public transport compared to between 3,600 -4,300 people per hour by car.

Conclusion

Highways Officers are unable to support the application for the following reasons:

1. There is insufficient car parking to support the proposed development.

- 2 If approved, the development would cause congestion to the adjacent highway network giving rise to conditions prejudicial to highway safety and the amenity of road users.
- 3 The submitted Green Travel Plan does not mitigate the adverse impact of the proposed development.
- 4 There is insufficient highway capacity to accommodate the traffic generated by the proposed development.
- 5 The application fails to satisfy the policies set out in PPG 13 (PPG 6) and RPG 12.

BIRSTALL RETAIL PARK

Policy Issues

The applicant claims, and it suits the Council's case, that the application be considered in the light of advice set out in PPG 13 issued in March 2001 and other relevant government advice.

The objectives of PPG 13 are set out in paragraph 4 as follows:

The objectives of this guidance are to integrate planning and transport at the national, regional, strategic and local levels.

- ◆ *promote more sustainable transport choices for both people and for moving freight.*
- ◆ *promote accessibility, jobs, shopping, leisure facilities and services by public transport, walking and cycling, and*
- ◆ *reduce the need to travel, especially by car.*

With respect to car parking PPG 13 is clear in setting maximum parking standards and gives the following advice:

Paragraph 51. "In developing and implementing policies on parking, local authorities shall:

Not require developers to provide more spaces than they themselves wish, other than in exceptional circumstances which might include for example where there are significant implications for road safety which cannot be resolved through the introduction or enforcement of off street parking controls."

Paragraph 51. "There shall be no minimum standards for development, other than parking for disabled people."

The car parking provision for the existing retail plus new unit does not exceed the maximum

- ◆ car parking limit set out in Appendix D, ie 1 space per 20 sq metres for the specific land use. The applicants claim that the proposal therefore complies with the policy.

However, Paragraph 55 states:

"It should not be assumed that where a proposal accords with the relevant maximum parking standard it is automatically accepted in terms of achieving the objectives of this guidance. Applicants for developments with significant transport implications should show (where appropriate in the transport assessment) the measures they are taking to minimise the need for parking."

As implied in paragraph 55 in conjunction with the application of maximum car parking standards there is a requirement for a balancing Green Travel Plan.

The applicant has submitted a comprehensive Green Travel Plan, one of the key elements being support for public transport to be run in conjunction with the Junction 27 Retail Park for the next 3 years, and the one off payment towards advertising and special livery colours.

However, further advice on this is set out in paragraph 89 as follows:

The government considers that travel plans should be submitted alongside planning applications which are likely to have significant transport implication, including those for:

- ◆ *all major developments comprising jobs, shopping, leisure and services (using the same threshold as set out in Annexe D*

However, unacceptable development should never be permitted because of the existence of a Travel Plan.

Additional advice is set out in paragraph 6 as follows:

In order to deliver the objectives of this guidance, when preparing development plans and considering planning applications, local authorities should:

- ◆ *actively manage the pattern of urban growth to make the fullest use of public transport, and focus major generators of travel demand in the city, town and district centres and near to major public transport interchanges.*

- ◆ *ensure that development comprising job, shopping, leisure and services offers a realistic choice of access by public transport, walking and cycling, recognising that this may be less achievable in some rural areas.*

Also paragraph 35 as follows:

Policies for retail and leisure should seek to promote the vitality and viability of existing town centres, which should be the preferred locations for new retail and leisure developments. At the regional and strategic level, local authorities should establish a hierarchy of town centres, taking account of accessibility by public transport, to identify preferred locations for major retail and leisure investment. At the local level, preference should be given to town centre sites, followed by edge of centre and, only then, out of centre sites in locations which are (or will be) well served by public transport. Where there is a clearly established need for such development and it cannot be accommodated in or on the edge of existing centres, it may be appropriate to combine the proposal with existing out of centre developments Provided that improvements to public transport can be negotiated. This is a summary of guidance in PPG 6.

Policy TI in RPG 12 on land use transport integration states that:

The following locational criteria should inform the identification of land use allocations

- i) *Development that generates a large number of passenger movements should be located at or close to sites which provide, or as a result of measures included as part of the scheme or where there are firm proposals in the L TP will provide, ready and convenient access on foot, by cycle and public transport.*

There is no evidence that the site or Green Travel Plan will offer a realistic choice of access by public transport on foot and by cycle or address the current imbalance of 3,600 to 4,300 people per hour arriving by car compared to the 17 arriving by public transport.

It is therefore submitted that the application constitutes unsuitable development because it fails to comply with policies set out in PPG 13 (PPG 6) and RPG 12.

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There is no evidence that the site or Green Travel Plan will offer a realistic choice of access by public transport on foot and by cycle or address the current imbalance of

3,600 to 4,300 people per hour arriving by car compared to the 17 arriving by public transport.

It is therefore submitted that the application constitutes unsuitable development because it fails to comply with policies set out in PPG 13 (PPG 6) and RPG 12.

Health & Safety Executive – no objections

Crime Prevention Officer – no objections subject to minor security works

Env Health – no objections

Yorks Water – no objections subject to conditions

TRANSCO – no objections

British Coal – no objections

Highways Agency – No objections.

REPRESENTATIONS

None

APPLICANTS STATEMENT

The applicant has submitted the following information in support of the application.

It is stated that the proposal will create a single car park for the whole of this part of the retail park which will be a more effective and efficient than the present arrangement. It is considered that the proposal meets national car parking standards in PPG 13.

Service vehicles will be redirected along the perimeter of the site rather than through it to the benefit of road safety.

It will provide a linked, covered retail terrace and, by filling the existing gap, will improve the visual appearance of this part of the retail park.

The applicant considers that the site is well served by bus services and is prepared to engage future and existing tenants of this part of the retail park in a Green Travel Plan involving car sharing and public transport use among staff.

ASSESSMENT

There are no objections to the proposal in retail policy terms. Similarly no objections are raised to the visual impact, the design mirroring the recent alterations to the former

'Homebase' store to the west. The layout is fixed by the need to fit into the existing car parking court.

Highway objections are on parking grounds which meetings between the applicant and Officers have failed to resolve. However, in conjunction with the Solicitor to the Council, officers have considered the applicant's legal submission. Members are advised that a refusal would be difficult to substantiate on appeal for the following reasons:

- ◆ The development is in accordance with the maximum parking standards for this type of use in Government Planning advice, and within the appropriate range set out in Regional Planning Guidance.
- ◆ There are no objections from the Highways Agency.
- ◆ Government Planning Advice states that developers should not be required to provide more spaces than they wish except in exceptional circumstances which have not been demonstrated in this case.
- ◆ The Local Planning Authority can require a higher level of car parking where the development will have significant implications for road safety. The Highways Service believe that there are significant implications but the evidence for such a view is unsubstantial.

In such circumstances approval is recommended subject to, among other conditions, the submission and agreement of a Green Travel Plan.

Application No : 2001/60/93390/E3

Grid Reference : SE 20530 28140

**Development : DEMOLITION OF ONE DWELLING AND OUTLINE FOR THE
ERECTION OF 12 DETACHED DWELLINGS WITH GARAGES**

Location : SWINROYD, PROSPECT LANE, BIRKENSHAW, BD11 2LB.

Applicant : J RIDER

Recommendation : CONDITIONAL OUTLINE PERMISSION

SUMMARY

REASON FOR COMMITTEE DECISION

Delegation agreement

SIGNIFICANT CONSULTATIONS

Highways – on balance approval recommended
No objections from other consultees.

RELEVANT HISTORY

None on this site but history of planning permission for residential development in the area on Appeal.

POLICY

Policies D2, BE1, BE2, BE11, BE12, BE23, EP4, EP10, H18, T10 and DL1 apply.
PPG3 – appropriate locations and density for residential development.

REPRESENTATIONS

Objections raised as contrary to local and national policy and on a detrimental effect on highway safety, residential and visual amenity and the character of the area.

ASSESSMENT

Main issues are assessment in the light of Unitary Development Plan policy and PPG3 as well as the planning history in the surrounding area. On balance approval recommended.

Officers be authorised to grant planning permission subject to agreement being reached with the applicant for the provision and future maintenance of public open space on the site. Such planning permission shall include the following conditions:

- (1) (a) the application for approval of any reserved matter shall be made not later than the expiration of three years beginning with the date of the grant of the outline permission and, (b) the development shall be begun not later than whichever is the later of the following dates:-
 - (1) the expiration of five years beginning with the date of the grant of the outline permission, or
 - (2) the expiration of two years beginning with the date of the approval of the reserved matters, or in the case of approval on different dates, the date of the final approval of the last such matter to be approved.

- (2) No development shall take place until plans detailing:
- (a) the layout of the site, including the disposition and levels of roads, building(s) and other land
 - (b) the design and external appearance of the building(s)
 - (c) the relationship surrounding buildings
 - (d) the colour, type and texture of materials to be used
 - (e) details of screen, retaining and boundary walls
 - (f) landscaping of the site
 - (g) drainage
 - (h) the parking, loading and unloading of vehicles

have been submitted to and approved in writing by the Local Planning Authority

INFORMATION

This application is brought to Sub-Committee as it relates to a site in excess of 0.5 hectare.

APPLICATION SITE/DESCRIPTION

The application relates to a site partly laid out as garden to the dwelling known as 'Swinroyd', a detached dormer bungalow off Prospect Lane, and partly as rough and cut grassland.

Outline planning permission is sought for the erection of twelve detached dwellings and the formation of a new access to Prospect Lane. Siting and means of access are to be determined at this stage with all other matters reserved for future approval. The proposal also includes the demolition of the existing dwelling.

The proposal shows twelve detached houses in a private cul de sac accessed off Prospect Road. In its original format the proposal included visibility splays at the new access, footpath provision along the Prospect Lane frontage and improvements to its southern spur. Following lengthy discussions with the Highways officer amended plans have been submitted showing a short extended footpath down the southern spur and a widened footpath on the Prospect Lane frontage together with a passing place adjacent to no 46/48 Prospect Lane.

SITE HISTORY

There is no recent history on this site subsequent to 1979. However there is a recent history in the immediate area which is relevant.

In August 1996 planning permission was refused for the erection of 7 dwellings on the site immediately to the west on Prospect Lane including improvements to the junction of Prospect Lane and Old Lane (ref 96/90646). The reason was the unacceptable intensification of use of Prospect Lane which was incapable of serving the development. A subsequent appeal was allowed as the Inspector accepted that the effect of increased traffic was off-set by the proposed improvements. It was a condition that the land to the south was laid out as public open space

In February 1999 permission for 3 dwellings further to the west of the above site was refused (ref 98/93025) on the grounds of the unacceptable intensification of use of Prospect Lane and that development would be contrary to the designation of the land as Urban Greenspace in the then draft UDP. A subsequent appeal was dismissed solely on the harm to the Urban Greenspace. The Inspector did not support the Council's objections on highway grounds, accepting that the effect of increased traffic was off-set by the proposed improvements to Prospect Lane.

On 21 February 2002 outline planning permission was granted for one dwelling in the rear garden of Prospect Cottage with a new access onto Prospect Lane (ref 01/92976).

POLICY

The site is unallocated in the Unitary Development Plan and Members are advised that the following policies should carry the most weight in their consideration.

- D2 – planning permission will be granted on unallocated sites provided that identified criteria are not prejudiced
- BE1 – all development should be of good quality design such that it contributes to a built environment in accordance with identified criteria.
- BE2 – new development to be in keeping with and take account of the characteristics of the site and its surroundings
- BE11 – new development should be constructed in materials to reflect those predominant in the area.
- BE12 – recommended privacy distances between existing and proposed dwellings
- BE23 – new development should incorporate crime prevention measures
- EP10 – account will be taken of the extent that new development is energy efficient
- T10 – new development not normally permitted if it will create highway safety problems.
- NE9 – mature trees should normally be retained in new development
- H18 – new development on sites of this size should incorporate public open space.

PPG3 advises that housing should be directed to previously developed 'brownfield' land, in locations close to public transport and footpath links and designed to make efficient use of land.

The application should be assessed against possible relaxations of the Council's stance against greenfield development agreed by the Cabinet on 26 September 2001.

The report states that pending the completion of a full urban capacity study all applications for housing development on greenfield sites will be opposed on the basis that they will prejudice the development of brownfield housing opportunities. However, the Council will consider relaxation of this stance under certain circumstances notably where one or more of the following circumstances apply:

- a the proposed development involves a greenfield site within a built-up area rather than on its edge,
 - (i) where housing development would not be contrary to any UDP policy;
 - (ii) which has little or no amenity or wildlife value; and
 - (iii) is not located in an area where there is a shortage of open space which would justify retaining the land as open with the objective of realising its potential for recreation, amenity or wildlife.
- b a proposal for greenfield housing development would support specific regeneration objectives of the Council which could not be met from brownfield site development.
- c the release of greenfield sites for housing would enable the development of brownfield sites.
- d a proposal for greenfield housing development would enable economic regeneration.

In the case of c and d above, the Council will need to be satisfied that the brownfield development or economic regeneration would not otherwise occur in the foreseeable future and that they are sufficiently significant to justify the scale of greenfield land release proposed. It will also need to be satisfied that a situation will not arise where a locality would be unfairly penalised to provide a benefit elsewhere.

CONSULTATIONS

Highways – no objections to amended plans

British Coal – no objections

West Yorks Police – comments awaited

Env Health – no objections

Yorks Water – no objections subject to conditions.

Env Agency – no comments received.

PUBLIC / MEMBER COMMENT

In response to the publicity on the original plans 22 letters of objection, including a 17 signature petition have been received summarised below. The amended plans showing the further highway improvements have not been publicised.

Highway Safety

- The accompanying traffic report identifies a significant amount of traffic generated by the proposal. However local residents state that traffic speeds are greater than those quoted in the report.
- It is stated that Prospect Lane is already over-used due to the development of 7 houses nearby in 1997. This in turn has a 'knock on' effect on Old Lane and Whitehall Road. The development would attract an increased number of cars and service vehicles.
- Prospect Lane is only wide enough for one car in places which results in cases of cars parking or driving on the path or reversing back down the road. One resident claims his drive is used for a vehicle 'refuge'. Its narrow width inhibits access particularly emergency vehicles. It is stated that refuse vehicle already have difficulty negotiating the road. The lane has no pavement at one point and is used by several homes for the elderly as well as schoolchildren and young families. The proposed access improvements with the development would not resolve road safety problems elsewhere on Prospect Lane and its junction with Old Lane where sight lines have been reduced by recent developments. There is a resultant back-up onto surrounding roads.
- There is limited visibility at the junctions of Prospect Lane and other roads
- A nearby turning area is used for parking
- At its narrow stretch safety is further impaired by blind exits from frontage properties for pedestrians and vehicles.
- The development would lead to three developments taking access at close proximity on Prospect Lane. There have been recent refusals of planning permission for residential development for road safety grounds elsewhere on Prospect Lane.
- Recent improvements to Prospect Lane associated with other developments have led to speedier traffic on the road up to the point where it narrows as well as its use as a turning area.
- The lack of accidents in the area stated in the report accompanying the application is due to minimal traffic in the area and local knowledge.

- The proposed access would cause conflict close to the [public footpath entrance on the other side of the road.
- Road safety problems would be worse during construction period as experienced during other recent development and during winter months when the surface is not treated.
- There is no adequate provision for safe negotiation of the nearby public footpath.

Residential and Visual Amenity

- The proposed buildings would block light to and views from adjacent property.
- There will be noise and pollution nuisance from the future occupiers and traffic as well as a reduction in the privacy of dwellings with windows close up to the road.
- There would be a detrimental effect on privacy.
- The proposed houses would be out of scale with nearby bungalows and result in a loss of privacy.
- The location of buildings would not be conducive to crime prevention.

Character of the area

- The proposed development would be out of character with the area as the site is surrounded by bungalows
- A recent planning application on land allocated as Urban Greenspace in the area was refused on appeal and approval of this application would contradict the views of the Inspector in terms of the open character of the area.
- The increased traffic may cause damage to nearby listed buildings.
- The southern part of the site is a balance between open land in the area and the built form.
- The proposal would result in a loss of valuable open space in the village which has been eroded by other recent developments.
- The proposal would result in a loss of wildlife and trees and possibly an ancient boundary hedge.
- The demolition of the existing bungalow would be detrimental to the character of the area.

- There is a history of refusal of planning permission on the bottom part of the site on road safety grounds in the early 1980's. Furthermore planning permission for a dwelling in the grounds of Prospect Cottage has recently been allowed.
- It is argued that granting planning permission would undermine the Council's efforts to improve the quality of life and the environment.

Planning Policy

- The site is a 'greenfield' site the development of which would be contrary to PPG3 advice.
- The proposed density is less than that suggested in PPG3 thus this is an inefficient use of land.
- There are a number of more suitable sites for development in the area.
- The proposal would be contrary to UDP policy D2 as it would prejudice the identified criteria in the policy.
- The proposal would be contrary to policy T10

Some objectors request Members to visit the site to view the problems.

Spensborough Flower Fund Homes – object on behalf of the residents of nos 22-60 Whitehall Grove. It is stated that the residents are elderly and their safety would be prejudiced by the increased traffic from the development as they walk along Prospect Lane which is single width.

Ramblers Association – object that the site is not shown as Housing on the UDP and that a previous application has been refused on highway safety grounds

Councillor Palfreeman supports the public objection adding that the Council has acknowledged road safety problems in the area by recently installing a pedestrian refuge on Whitehall Road to ease crossing problems for those wishing to enter the path at the bottom of Prospect Lane. Councillor Palfreeman asks for a site visit to allow local residents to illustrate their case.

APPLICANTS STATEMENT

Supporting information with the application states:

- The site has a Planning history of outline planning permission for three houses and horticultural buildings on various parts.in the 1970's and 80's.

- Planning permission has been granted for residential development in the surrounding area
- The proposal accords with UDP policy on the development of unallocated sites
- The proposal is in accordance with PPG3 in that the house and garden of 'Swinroyd' are accepted as previously developed 'brownfield' land. The remaining area has a history of use as a paddock / horticultural nursery use. Whilst it is not clear whether this can be classed as 'greenfield', development of the site would nevertheless meet the accepted criteria agreed by Cabinet as it is largely surrounded by development and has no other beneficial use.
- The scheme provides for public open space on-site though this is slightly less than required under policy H18 (0.031 hectare as opposed to 0.036)
- Whilst the proposal is for a density less than that advised in PPG3 this is due to access constraints and the need for tree retention.

The submitted information also includes a Highway statement which concludes that:

- Access along Prospect Lane has been improved by recent widening and junction improvement works along with the provision of turning facilities.
- There is a lack of an accident record in the area.
- Planning permission was refused on highway grounds for residential development at the west end of Prospect Lane in 1996. An appeal was allowed as the Inspector considered the associated highway improvements sufficient to overcome the Council's objections. These works have now been implemented. Similarly a proposal for three houses off Prospect Lane was refused on road safety grounds and that the site was designated as Urban Greenspace. The road safety objections were dismissed on appeal.
- The proposal includes road widening of Prospect Lane at its western end and improvements to its junction on the southern spur and provision of a new footway link which are regarded as benefits to existing and proposed users, particularly pedestrians outweighing the effects of insignificant increased traffic generated on Prospect Lane.

In response to the public objection the applicant states the following:

Highway Safety

The application is accompanied by a Highway consultant's report which demonstrates that the proposal is acceptable in Highway terms. The proposals will include road widening and improvements to visibility together with a new footway on the southern

side of Prospect Lane which will provide a route for pedestrians to cross Prospect lane away from the junction.

The calculations on traffic generation are in accordance with nationally accepted guidance. The assessment has been made in the light of accurate data on the number of existing houses in the area and the increase in traffic is effectively from a very low flow to a low flow.

The number of proposed dwellings has been kept low to minimise the effect on the road network.

No evidence has been submitted to justify the objections on highway safety.

Residential and visual amenity

Issues of overlooking can be resolved upon the submission of design details as reserved matters.

The layout accords with the UDP space about buildings standards.

Character of the area

- The site is not identified locally or nationally for its wildlife or conservation value nor is it formally protected as open land despite the opportunity to do so as part of the UDP process. No public representations were received to this effect during the UDP Inquiry. The public comments on wildlife value are not supported by evidence.
- The refusal of development on an adjacent site rested on its allocation as Urban Greenspace on the UDP.
- The site area does not include open space to which the public has access thus it has no recreation value.
- The site is enclosed and well screened such that it has no visual value.
- The proposal includes new planting for wildlife habitats and public open space.
- The hedge to be removed is privet of no special merit.

Planning Policy

- The proposal is accords with PPG3 and the Council's interpretation of it. The paddock area is acceptable 'greenfield' development in accordance with the interpretation of the Regeneration Management Board.

- Whilst the density is below the minimum identified in PPG3 it is argued that this should not be seen as a prescriptive standard to be applied at all costs regardless of other material planning considerations. It is stated that the proposal makes the best use of urban land sensitive to other material planning considerations particularly the capacity of the local road network and the existing trees on site.

ASSESSMENT

The proposed demolition of 'Swinroyd' is acceptable. The dwelling is not listed or in a conservation area and the scheme will result in a net increase in dwellings.

It is accepted that the established garden area of 'Swinroyd' is brownfield development for the purposes of PPG3. Whilst the remainder of the site is 'greenfield' land for the purposes of PPG3 its development would be in accordance with item (a) in the criteria of acceptable development agreed by Cabinet.

Given that the site adjoins an area designated as Urban Greenspace such a setting would weigh heavily against any argument on loss of open space. Whilst objections have been raised on the grounds of wildlife / amenity value and that the site has blended into the landscape no clear reason to outweigh re-use has been demonstrated. Furthermore any amenity value of the paddock is limited due to the lack of public access and tree cover.

The site accords with other locational factors in PPG3 in that it is within a built up area close to nodes of transport.

At 20 dwellings / hectare the proposal is below the 30 - 50 dw / ha densities required under PPG3 for the efficient use of land. However, the applicant's contention that restrictions on the road network prohibit an increase in density is supported by Highways Officers. The applicant's justification regarding the need to protect trees is less strong. Whilst trees adjacent to the site on its western boundary are subject to a TPO, the trees within the site are poor and not worthy of a preservation order.

On balance approval is recommended.

Application No : 2001/62/93553/E1

Grid Reference : SE 22820 24950

Development : ERECTION OF DETACHED DWELLING

Location : LAND BETWEEN 23 & 25, WELWYN AVENUE, BATLEY.

Applicant : L A WILMAN & J SHARPE

Recommendation : REFUSED

SUMMARY

REASON FOR COMMITTEE DECISION

Request of Cllr Speight, and the application raises significant local concern

SIGNIFICANT CONSULTATIONS

HIGHWAYS: Development is unacceptable on highway safety grounds

RELEVANT HISTORY

Nil

POLICY

D2 Amenity/sustainability/highway safety

BE11- Materials

BE12- New dwellings-facing distances/space about dwellings

T10 Proposals and highway safety

REPRESENTATIONS

8 objection letters have been received from local residents.

ASSESSMENT

The proposal involves the erection of a detached dwelling in a rear garden area. The house type would allow direct overlooking over adjacent neighbours' private amenity space, and the proposals raise highway safety concerns given the narrow width of Welwyn Avenue, on street parking and additional traffic generated.

The agent has tried to address these points by suggesting a different house type, and refutes highway safety concerns. The proposal would lead to a loss of amenity by

reason of overlooking, and would be of detriment to highway safety. The proposal is contrary to UDP policies D2 and T10.

REFUSE

- (1) The proposed development, by reason of design, siting and orientation of habitable room windows, would lead to the overlooking of gardens on Fairfield Avenue, and the consequent loss of privacy and amenity to residents. The proposal is thus contrary to policy D2 and BE12 of the Unitary Development Plan for Kirklees.
- (2) The proposed development would lead to the generation of additional traffic and manoeuvring on Welwyn Avenue, which is already of sub-standard width and layout to safely accommodate on-street parking and the turning and manoeuvring of traffic, including service vehicles. The proposal would thus be detrimental to highway safety and contrary to policies D2 and T10 of the Unitary Development Plan for Kirklees.

INFORMATION

The proposal is brought to Sub-Committee at the request of Cllr Speight (in the event of a recommendation of refusal) and because the proposals generate significant local concern.

APPLICATION SITE/DESCRIPTION

The site comprises part of a rear garden area shared between numbers 23 and 25 Welwyn Avenue, two stone and brick faced end-terraced houses under blue slate roofs. The houses share a single gated access point and driveway from Welwyn Avenue, a cul-de-sac of approximately 4-4.5 m in width, with narrow footways on either side. There is a small turning area at the end of the street. The site is bounded by brick walling and fencing. Beyond are fields, and gardens of adjacent houses on Fairfield Avenue.

The proposal is for a detached house, which would be sited in the north-western part of the garden area, adjacent to the rear garden of 2 Fairfield Avenue. It would incorporate an existing detached double garage. Materials proposed are facing bricks under concrete tiles.

SITE HISTORY

None recorded

POLICY

D2 – Development on sites without notation: issues of amenity, sustainability and highway safety.

BE11- Use of sympathetic building materials

BE12- Facing distances and space about dwellings

T10 Highway safety, environment and public transport issues

CONSULTATIONS

Highways The proposals are unacceptable and would lead to additional traffic using a narrow road, which is not suitable for additional traffic, creating additional hazards for users of Welwyn Avenue. On-street parking limits the availability of space for vehicles to manoeuvre. The proposal is contrary to policies D2 and T10.

Coal Authority The site is within influence of former workings: movement is likely to have ceased.

REPRESENTATIONS

8 letters of objection have been received. Grounds for objection comprise:

- The site is likely to access from Fairfield Avenue, unmade/unadopted
- Welwyn Avenue is narrow and congested due to parked cars
- Some residents have off street parking but park on street to avoid difficulties accessing their drives
- The site access is also a shared access to the rear of other houses
- The development would overlook the garden of and rear windows of 2 Fairfield Avenue and would also overshadow/cause loss of light
- Blocking of views

Correspondence with the applicant's agent makes the following points:

- Overlooking can be overcome by design (a different house type has been suggested)
- Several houses on Welwyn Avenue have driveways or have space for off-street car parking
- The development would not lead to a loss of highway safety and the police have no records to show that Welwyn Avenue/junction with Carlinghow Lane is unsafe
- There would be no material amenity or environmental impacts
- Access will not be taken from Fairfield Avenue
- Limited access to the rear of houses over the site exists by foot only

ASSESSMENT

This application comprises 'tandem' development, which is cited in PPG1 as a potentially unacceptable type of development because of potential amenity conflicts. However, PPG3 now encourages the use of 'brownfield' land for development and this land is such a site, falling within a domestic curtilage.

Spatially, a dwelling could be accommodated on this site in the position intended without any detrimental impact on the streetscene, but it would overshadow adjacent rear gardens in the morning. However, it would not lead to overshadowing in the afternoon period. Notwithstanding these points, there are key amenity and highway objections.

Firstly, the house siting and design is such that principal habitable windows would overlook the rear garden of 2 Fairfield Avenue to the west, and would compromise the residential amenity and privacy of that dwelling. This also applies to a lesser degree to the east elevation, which would overlook the rear gardens of 25-28 Welwyn Avenue, but which are relatively open to view. This element could be addressed by a different house type, under a separate application.

Secondly, in highways terms, the development would lead to a further dwelling accessed from a highway with a sub-standard access width and turning facility, which has limited capacity to accept on-street parking without cars parking on the footway to allow larger vehicles and service vehicles to pass.

Whilst many properties have parking facilities and space to make parking facilities, this has not been implemented and to a large extent, residents still rely on on-street car parking, and in highway terms the existing access is not considered to be suitable to accept another dwelling.

It is considered that the additional traffic generated by the development would be detrimental to highway safety in increasing trips on this narrow and unsuitable road, creating additional hazards for users of Welwyn Avenue, which can only accept parking on one side of the road, leaving the remainder of the carriageway and footway for manoeuvring.

Notwithstanding the potential delivery of brownfield development, it is considered that this development would be detrimental to highway safety and residential amenity and on balance is recommended for refusal.

Application No : 2001/60/93780/E3

Grid Reference : SE 20500 26100

Development : OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT

Location : GOMERSAL MILLS, SPEN LANE, CLIFFE LANE, GOMERSAL, CLECKHEATON.

Applicant : GOMERSAL MILLS LTD.

Recommendation : DELEGATE TO OFFICERS/SUBJECT TO S.106 OBLIGATION

SUMMARY

REASON FOR COMMITTEE DECISION

Delegation agreement

SIGNIFICANT CONSULTATIONS

No significant objections

RELEVANT HISTORY

Nothing relevant to this application

POLICY

Policies D2, B1, B4, H10, H18, T10, NE6, R13 and PPG3 apply.

REPRESENTATIONS

Substantial level of public response of which the majority do not object in principle but concerns on road safety in the surrounding area. Other concerns on the effect on the character and existing facilities of the surrounding area.

ASSESSMENT

OFFICERS BE AUTHORISED TO APPROVE SUBJECT TO THE APPLICANT ENTERING INTO A FORMAL AGREEMENT SECURING THE PROVISION OF HIGHWAY IMPROVEMENTS AND EDUCATION FACILITIES IN THE SCHOOL CATCHMENT AREA; SUCH PERMISSION TO INCLUDE THE FOLLOWING CONDITIONS

- (1) (a) the application for approval of any reserved matter shall be made not later than the expiration of three years beginning with the date of the grant of the outline permission and, (b) the development shall be begun not later than whichever is the later of the following dates:-
 - (1) the expiration of five years beginning with the date of the grant of the outline permission, or
 - (2) the expiration of two years beginning with the date of the approval of the reserved matters, or in the case of approval on different dates, the date of the final approval of the last such matter to be approved.
- (2) No development shall take place until plans detailing:
 - (a) the layout of the site, including the disposition and levels of roads, building(s) and other land
 - (b) the design and external appearance of the building(s)
 - (c) the relationship surrounding buildings
 - (d) the colour, type and texture of materials to be used
 - (e) details of screen, retaining and boundary walls
 - (f) landscaping of the site
 - (g) drainage
 - (h) the parking, loading and unloading of vehicles
have been submitted to and approved in writing by the Local Planning Authority.
 - (i) the application site has been subjected to a detailed desk study and site investigation and remediation objectives have been determined through risk assessment and approved in writing with the Local Planning Authority
 - (j) Detailed proposals for the removal, containment or otherwise rendering harmless of any contamination (the 'Reclamation Method Statement') have been submitted to and agreed in writing with the Local Planning Authority
 - (k) The works specified in the Reclamation Method Statement have been completed in accordance with the approved scheme and a report validating the remediated site has been approved in writing by the Local Planning Authority
- (3) If during development, contamination not previously considered is identified then an additional method statement regarding this material shall be submitted to and agreed in writing with the Local Planning Authority.

- (4) Notwithstanding the submitted details no development shall commence until details of the proposed accesses to the site have been submitted to and approved in writing with the Local Planning Authority, such accesses shall be fully implemented before any dwellings are occupied and shall remain free of obstruction thereafter
- (5) No works of demolition or development shall take place in the area shown hatched on the approved plan until the implementation of a programme of archaeological recording in accordance with a written scheme of investigation which shall previously have been submitted to and agreed in writing with the Local Planning Authority.
- (6) No development shall take place until plans detailing the provision of Public Open Space, in accordance with the provisions of the Kirklees Unitary Development Plan have been submitted to, and approved in writing by the Local Planning Authority. Details submitted shall provide for the layout, timing, implementation and arrangements for subsequent maintenance of the Public Open Space, in accordance with the provisions of the Kirklees Unitary Development Plan.
- (7) No development shall take place until proposals for securing affordable housing in accordance with the provisions of the Unitary Development Plan have been submitted to and approved in writing by the Local Planning Authority.
- (8) The site shall be developed by means of a separate system of drainage.
- (9) Unless otherwise agreed in writing by the Local Planning Authority no piped drainage of surface water from the development shall take place until a drainage scheme agreed under the terms of this permission has been completed and made operational

NOTE:With regard to the drainage requirements in condition 2 above the applicants attention is drawn to the guidance in the accompanying letters from the Environment Agency and Yorkshire Water.

INFORMATION

This application is put to Planning Committee as it relates to a site exceeding 0.5 hectare and as it has attracted substantial public comment.

APPLICATION SITE/DESCRIPTION

The site is 8.4 hectares in size used for industry in an area which is predominantly residential in character. Its main frontages and accesses are to Cliffe Lane to the north and Spen Lane to the south. The site abuts a public footpath between the two roads on its eastern boundary. In addition the Gomersal Conservation area including the listed

Red House Museum lies to the east and north. However, except for a narrow strip the two are separated by newer residential development. St. Mary's Church opposite the site on Spen Lane is also listed.

The site includes 10 existing dwellings at the junction of Burnleyville and Cliffe Lane however the application does not include their demolition.

The application is for outline planning permission for residential development. Approval for the means of access is sought at this stage which would be on Spen Lane and Cliffe Lane. Existing accesses on Spen Lane (2), Cliffe Lane and Burnleyville would be closed.

The proposal includes new improved pedestrian links to Spen Lane and the public footpath along the eastern boundary, which link to existing pedestrian routes to schools. In addition the applicant proposes to extend the Spen Lane Pedestrian Safety Zone, currently being formulated by the Council at the junctions of Spen Lane, Barrington Parade and Woodlands Road, along the site frontage and beyond to Pollard Avenue.

The application does not propose the closing of the public footpath close to the eastern boundary.

All other matters have been reserved for future approval and, whilst the submitted details estimate a development of 290 dwellings there is no illustrative layout, density or design schemes. This figure is compatible with the recommended densities in PPG3. However, the plans do provide for the existing mill pond fronting Spen Lane to be retained.

SITE HISTORY

Various applications for structures within the complex including telecommunications installations but nothing relevant to consideration of the current proposal.

POLICY

The site is unallocated on the Unitary Development Plan. Policy D2 states that development will be allowed on unallocated sites subject to, among other criteria, the following not being prejudiced; residential and visual amenity, highway safety, the character of the surrounding area and the efficient use of existing and planned infrastructure.

Policy B1 states that the employment needs of the District will be met by, among others; maintaining the stock of business premises except where they are unsuitable for, or there is no realistic prospect of re-use or redevelopment for business or industrial use or it would lead to environmental problems.

Policy B4 states that proposals for change of use of business / industry sites will be considered with regard to, among other criteria; its suitability for continued business / industry use, the availability of equivalent quality business / industry sites, the number of jobs likely to be created or maintained, the compatibility of the proposed use with its surroundings, the effect on the future operational flexibility of neighbouring businesses, the effect on buildings of archaeological or historic interest, the effect on local amenity and the local highway network.

Policy H10 requires the provision of affordable housing on sites of this size where a need has been demonstrated.

Policy H18 requires public open space to be provided.

Policy T10 states that new development will not normally be permitted if it will create or materially add to highway safety or environmental problems or cannot be adequately served by the existing highway network and public transport. Proposals will be expected to incorporate appropriate highway infrastructure to meet relevant safety standards.

Policy NE6 states that water areas within redevelopment sites should normally be protected.

Policy R13 states that development proposals which would affect a public right of way should take into account the convenience of users and disabled access.

PPG3 states that residential development should be directed to previously developed sites ('brownfield land'), within the built up area close to jobs, services and public transport. The Guidance also advises that employment land should be re-allocated to housing where it cannot be realistically taken up for its allocated use.

CONSULTATIONS

COMMENTS OF THE HIGHWAYS SERVICE

For assessment purposes the development potential for the site is assumed to be 290 units. The site will have a vehicular access off Cliffe Lane and Spen Lane.

Peak hour trip generations and assignments have been agreed. In the morning peak hour the development will generate 177 movements out and 38 movements in. During the evening peak 145 movements in and 64 movements out. A daily total is in the order of 1,105 movements in and out.

For analysis purposes it has been assumed that two thirds of the residential traffic will access Spen Lane and one third Cliffe Lane. On Spen Lane 55 vehicles will travel towards Cleckheaton and 14 from it in the morning peak hour. Also there will be 58 movements towards Gomersal Hill Top and 16 from it. The 58 movements towards

Gomersal Hill Top represents a 26% increase in current traffic levels. Mitigation is a process whereby the level of generated traffic from a proposed development, and its associated impact on the surrounding highway network, is reduced by taking into consideration existing or potential traffic flows from the development site.

It is agreed that currently there is no activity on the site, so that “netting off” is not available to the applicant. However, the applicant suggests that the Council should take account of the traffic that could be generated from a re-use of the site and has put forward indicative traffic flows in support of this.

The applicant has also suggested that if the site were cleared and redeveloped for office use, the level of generated traffic would be higher than that proposed for the residential development. However, it should be noted that clearance and re-development of the site for industrial purposes would require planning permission, and any such application would be subject to the same considerations as the current application.

The applicant has submitted a report that confirms re-use of the buildings on the site is unlikely to be a viable financial proposition. Based on this report, it is considered by the Highways Service that there is no mitigation to the detrimental impact that the development traffic will have on the Hill Top junction and the application could be perceived to be contrary to Policies D4 and T10. However, it is acknowledged that, although re-use of the existing buildings on the site is unlikely to be viable, re-development for alternative industrial uses (subject to obtaining planning approval) is a possibility. This would result in the continuation of industrial traffic from the site.

Whilst the Transport Assessment submitted by the applicant’s Traffic Consultants acknowledged that the junction will be at capacity in 2003, without any development traffic, there have been no proposals for a junction improvement at Hill Top. It should be noted that, if the development did come forward with an improvement scheme for the Hill Top junction, in addition to benefits to local traffic there would be public transport and pedestrian safety benefits, and in respect of these the Council would be prepared to make a contribution.

However, the applicant is not prepared to consider an improvement at Hill Top junction for a number of reasons.

1. The applicant cannot put forward a viable or deliverable scheme.
2. Does not feel that the impact of the development is so significant if mitigation is taken into consideration.
3. That any resultant congestion on Spen Lane A643 would lead to peak hour spreading, and traffic diverting onto other roads on the surrounding highway network.

With respect to this latter point, the surrounding highway network is mostly residential in nature and contemplation of additional through traffic with associated road safety implications, is not acceptable. Coupled with this, the Council is in receipt of complaints about the volume and speed of traffic on a number of roads in the area and has already introduced traffic calming on Shirley Estate and Grove Lane to discourage undesirable through traffic.

Although the applicant has not put forward any proposals for the improvement of the Hill Top junction, the Council is actively looking at this matter. The Council has commissioned a firm of consultants and they have produced a scheme which is geometrically and functionally in terms of traffic management and pedestrian safety acceptable to the Council. Currently second stage consultations are ongoing with interested parties and only at the conclusion of this exercise in September can any judgement be made on the deliverability of an improvement scheme.

It is very possible therefore that come September the Council will have an improvement scheme for the Hill Top junction to which the applicant can make a contribution in support of their application for the redevelopment of the Gomersal Mills site.

Instead of an improvement scheme at Gomersal Hill Top, the applicant has proposed a traffic calming/pedestrian safety scheme for Spen Lane between Fusden Lane and Hill Top. Although the Council has no proposals for such an extensive scheme, overall the proposal would make a positive contribution to road safety. The applicant also proposes, subject to approval from Leisure and Recreation, to construct a link path between the development site and Gomersal First School on land adjacent to the Red House Museum.

Concern is still expressed about the scope of the work on Spen Lane, and the failure of the applicant to address the impact of the proposed development traffic on the more vulnerable areas of the surrounding highway network. At this time, however, there is no improvement scheme for the Hilltop junction and the application has to be judged on its merits. The traffic calming proposals will have a positive contribution to road safety, and are 'deliverable' in the context of this development. However, it is the Highways Service opinion that the applicant has not fully addressed all concerns expressed in relation to management of the traffic that would be generated from this development, and a preference has to be expressed for the improvement of the Hilltop junction as a means of dealing with the effect of the development on public highway safety.

OTHER CONSULTATIONS

Education Service – The development would generate a potential number of children beyond the capacity of local schools such that funds for additional accommodation are required.

Mid Yorks Chamber of Commerce – given the location of the site surrounded by residential properties consider it realistic to accept residential use.

Landscape – suggest that public open space be incorporated in the site by means of the retention of the mill pond, a buffer zone on the south and west boundaries including integration of the existing footpath close to the latter and small play areas within the development.

Environmental Protection – no objections subject to conditions addressing potential contamination.

Yorkshire Water – no objections subject to conditions

British Coal – standard response

West Yorks Archaeology Service – recommend a condition allowing archaeological recording prior to any development.

Housing – Advise that affordable housing should be provided on-site and/or a financial contribution made for off-site provision. (Officers comment: Further detailed justification is awaited from Housing officers before this requirement could be justified).

Economic Development Service – no objections

Environment Agency – no objections subject to conditions addressing potential contamination and satisfactory drainage.

REPRESENTATIONS

54 letters received summarised as follows of which the majority raise no objections to the principle of residential development subject to clarification and consideration of detailed issues. The comments may be summarised as follows;

Effect on road safety

- ◆ Concern expressed at the volume of traffic associated with the development during and after construction. The applicant's covering information makes no reference to the effect of traffic from the site using Drub Lane which is the quickest and most obvious route to junction 26 of the M62 from the proposed development. Local residents anticipate that the use of Drub Lane would be attractive to future residents as it would avoid queuing traffic at the Birkenshaw roundabout and at the Hunsworth traffic lights. The letters state that traffic has increased on Drub Lane in recent years, specifically since the installation of traffic lights at Hunsworth and recent housing development. They note instances of accidents and damage to cars parked on Drub Lane and that access to property is difficult due to speeding vehicles. They argue that Drub Lane is difficult to negotiate in snow, has substandard and non-existent pavements and has a number of dangerous bends, one in particular where two cars cannot pass simultaneously. Furthermore attention

is drawn to a recent planning decision where permission was refused for a dwelling on the grounds of the detriment to road safety on Drub Lane. It is suggested that permanent traffic calming measures for Drub Lane be incorporated into the proposal to address this problem including surfacing, a weight restriction and/or a one-way or traffic flow regulation system together with speed restrictions close to the childrens' playground. These views are supported by the Drub Village Institute.

- ◆ Similar arguments are made for traffic calming on Grove Lane, Cliffe Lane, West Lane, Mazebrook Lane and Reform Street. It is argued that Grove Lane is a 'rat run' by traffic to the detriment of road safety as vehicles ignore a 'one-way' restriction, the road has no footpath for most of its narrow length and is used as a route to local schools by pedestrians, entry from Oxford Road is restricted due to parked cars and traffic calming on Grove Lane. Cliffe Lane has similar problems and is in need of traffic calming and vehicle restrictions as it is used particularly by HGV's and as a route to avoid Cleckheaton Town Centre and Hill Top. Additional restrictions are required at Fusden Lane and Bawson Court
- ◆ The junction of West Lane and Oxford Road is a 'blind spot' particularly when buses are manoeuvring.
- ◆ It is argued that, notwithstanding the comments of the applicant the proposal will result in an increase in traffic in the area during peak time.
- ◆ There will be additional traffic generated onto Spen Lane and Cliffe Lane leading to further congestion at Hill Top and the junction with Oxford Road and Church Lane and that of West Lane / Oxford Road and Latham Lane. This would defeat the object of any proposed improvements to the Hill Top junction. Furthermore it is argued that simply improving the Hill Top junction as part of the proposal will only attract drivers who normally use other routes. One letter identifies no problem with this junction and considers that improving it would result in delays and inconvenience.
- ◆ Concern at the possibility of the development including a connecting route between Spen Lane and Cliffe Lane.
- ◆ Whilst the applicant refers to the number of bus routes passing the site it is noted that these are not direct to Leeds and Bradford and so would not be an attractive proposition.
- ◆ The increase in traffic will increase air pollution in the area.

Effect on character of the area

- ◆ It is argued that the proposal, along with others in the area will be detrimental to the village character and environment of Gomersal and will result in 'town cramming' leading to increased crime.
- ◆ The scale of the development is too much for the area particularly the capacity of local schools childrens' groups and facilities.
- ◆ The site should be used as community benefit for children to play, a youth centre, elderly persons' flats or a police station.
- ◆ The Spensborough Chamber of Trade support the proposal as a source of increased trade in the area but would wish to see executive style housing in keeping with the area.

APPLICANTS STATEMENT

Policy Issues

The site has a long history of wool processing, manufacturing and transportation which has declined over time such that there are now only an estimated 20 employees.

It is argued that the site is no longer suitable for industrial use as businesses prefer sites with modern single storey buildings, large yards and better transportation links. The premises are characterised by old multi-storey buildings with low working heights and high maintenance costs lacking the access and servicing arrangements required by modern businesses. The site has been marketed, including a refurbished area without success. There has been no interest in sub-division due to cost, need for major demolition, multi-levels, possible contamination and lack of facilities. It is argued that the site can only attract low rental values but requires high insurance. In such circumstances the buildings are not readily lettable and their re-use in the medium / long term is not a realistic proposition.

It is stated that the site is a secondary location for business purposes having no direct link to the motorway network. Access for industrial traffic is poor through residential areas and via the difficult junction of Spen Lane and Oxford Road. The site is surrounded by residential areas which restricts business expansion and hours of operation.

The applicant states that there is a substantial area land in the area which is more suitable for future business demand than this site and that such views were shared by the Inspector at a recent public inquiry into development at Vale Mills, Wakefield Road, Huddersfield as well as the Council's proof of evidence at the recent Tesco Inquiry.

The proposal accords with other aspects of UDP policy B4 in that there are no other business in the area which would be adversely affected by residential development; there are no formally identified buildings of architectural or historical importance within the site; and there would be a positive effect on local amenity and the local highway network by the loss of a non-conforming use and HGV traffic respectively as well as the potential pedestrian safety improvements.

It is stated that the proposal accords with the guidance in PPG3 in that it is previously developed and would help the Council to meet its target for 'brownfield' development required by the Government. The site is close to local shops and schools and well served by public transport. It is argued that there are no problems regarding the capacity of existing or potential infrastructure nor are there any physical or environmental constraints to development and the proposal would help support local facilities and services.

It is also argued that the proposal represents a 'windfall' site which will help to meet the Council's housing targets in the UDP and Regional Planning Guidance.

The applicant is willing to enter into a Section 106 Agreement in relation to a fair and reasonable contribution towards education facilities, should it be that confirmation can be given that there is insufficient supply within the two local schools. Similarly the applicant is willing to accept a condition of planning permission requiring affordable housing provision in any future scheme subject to a need being proven at the time of Members' consideration of the current scheme.

Highways Issues

The applicant has submitted a detailed Traffic Impact Assessment (TIA) which concludes that, notwithstanding the difficulties identified above, the industrial use could be reactivated at any time with no control available to the Planning Authority. The traffic movements associated with the reintroduction of commercial use on this site could exceed those associated with residential use, particularly HGVs. Thus the potential for traffic congestion would be no worse and road safety would be improved.

The applicant has considered a request from Officers for a major financial contribution to the cost of improving the Hill Top junction so that such works can be complete before the development is occupied. It is recognised by the applicant and Highways Officers that this junction is already operating close to its maximum practical capacity at peak times and that no proposals for improvements to the Hill Top junction have been put forward by the Highway Authority. Furthermore, there is agreement by all parties that no significant improvements to capacity or safety can be secured within the constraints imposed by the existing highway limitations. A previous Council promoted scheme for improvements of this junction is now recognised as no longer appropriate for this reason. Work undertaken by the Council's own highway consultants has produced some indicative illustrative proposals and it is agreed that these are both extremely expensive and affect land outside the highway which is not within Council ownership and which would require Compulsory Purchase Order procedures (for which there is currently no Authority). The applicant believes that under any circumstances these proposals could not in themselves provide a long term solution to the capacity problems.

It is stated that whilst the problems at "Hill Top" have been recognised for many years, the Authority have not promoted a scheme through any Council programme and there is no land protected for the improvement to this junction for development control purposes. Previous expectations set out in relation to a recent Tesco proposal in Cleckheaton have not materialised and the attempt to secure financial contribution through this method was in any case held to be outside the remit of government guidelines in relation to developer contributions. Through the process of that Planning Inquiry highway officers of the Council suggested that the redevelopment of the Gomersal Mills complex would provide the necessary finance to improve this junction.

The planning application puts a strong case identifying the limited impacts that the traffic generated from a housing development would have on the highway network. The Traffic Assessment suggests that proposed housing development of the application site, in itself, is not expected to give rise to more than a 4% increase in total in traffic movements through the junction at peak times. It has been recognised by officers of the Council that the correct approach is to compare the potential traffic generations from a residential scheme with those that could be generated by the continuing use of the site for industrial purposes and the linked Heavy Goods Vehicle movements that would be generated from this scheme.

Discussions in relation to the traffic issues have progressed with the Council Officers and it has become increasingly clear that the most realistic and reasonable approach to looking at matters is to consider opportunities for enhancing pedestrian safety in the vicinity of Spen Lane itself. There is an acknowledged road safety problem on Spen Lane, as reflected in the recent initiatives taken by the Council themselves. The scheme has been supported by significant measures along Spen Lane, including new footways and a pedestrian island on the site frontage. In addition, illustrative proposals for a Pedestrian Safety Zone treatment of the whole length of Spen Lane within Gomersal have been offered as part of the scheme proposals. In addition, a new pedestrian link from the site to Oxford Road, opposite the school, has also been offered in order to minimise the potential for conflict with vehicular traffic currently faced by children walking to and from the school. It is the applicant's view that such measures, rather than improving the capacity of the Hill Top junction (which potentially will increase traffic movements along Spen Lane) represents a significant improvement to pedestrian and highway safety. The applicant would be willing to provide finance to support the implementation of the above measures, or such other measures of comparable cost which the Council may prefer.

In the event of Members refusing this planning application there would be no option for the site owner other than to actively promote the re-use of the premises for industrial purposes. It has already been agreed with Council Officers that the preference would be to redevelop this brownfield site for housing purposes and in itself this will enhance amenity for residents in the locality. Any re-use of the site for industrial purposes would re-introduce industrial traffic onto the local road network and would offer the Authority no opportunity to control the extent, size, timing or routing of vehicles in order to secure improvements to the sub-standard site access or to seek finance for off-site road improvements. This option would not only increase industrial traffic movements through the Hill Top junction, where the primary factor in the historic accident record is the presence of HGVs, but given the existing main service access is from Cliffe Lane, it would re-introduce a significant and uncontrollable number of HGV movements together with increased flows of employee vehicles onto the highly unsatisfactory West Lane route.

On balance therefore the applicant asks that due consideration is given to the latent traffic generation potential of the existing premises and would suggest that there is a strong balance in favour of support for the housing development on this site. Support

for the current application will enable a practical and achievable improvement to pedestrian safety along Spen Lane and introduce the opportunity for a safe route to the school on Oxford Road.

ASSESSMENT

There are no objections to the basic principle of development and the means of access proposed at this stage. On balance the proposal accords with UDP policies B1 and B4 and policy requirements of design and layout, including public open space provision and improvements to the setting of the adjacent public footpath can be satisfactorily addressed in the consideration of reserved matters should Members grant permission at this stage.

The proposal is in accordance with PPG3 in that it is a 'brownfield' site, within the built up area and in a convenient location close to local facilities and public transport. As no detail of the number of units is applied for at this stage densities can be determined as part of the reserved matters. The development of a 'brownfield' site of this size will contribute significantly to the district wide annual target that the Council has to achieve.

Other key issues in the consideration of the application are the provision of Education facilities and affordable housing and the impact of the development on the local highway network.

Whilst there is no policy in the UDP requiring the developer to contribute to improved education facilities, as there is for affordable housing and public open space, nevertheless Government Circular states the impact of the development on existing school capacity is a material planning consideration. In this case the proposal is an unallocated 'windfall' site which was not anticipated to be made available for development during this stage of the UDP. In such circumstances it considered reasonable to require provision for the anticipated demand on education facilities by the proposed scheme. The applicant is agreeable to this and discussions are on-going with regard to the financial contribution.

The applicant is agreeable to a requirement for affordable housing if a local need can be justified in accordance with UDP policy H10 and Government Planning advice. However, the information submitted by the Housing Service is not considered to be sufficient to justify this requirement at this stage and further comments have been requested. The recommendation is based on the assumption that such justification will be put forward before the Committee meeting.

It is accepted that the proposed development will have a significant impact on the surrounding highway network and the Hill Top junction in particular. The applicant has raised no objections to the principle of making a financial contribution to improvement works to the surrounding highway network commensurate with the scale and type of development proposed. Officers support the applicant's arguments regarding the net impact of the traffic generated from the proposed development , the practical

constraints to improving the Hill Top junction and the lack of any commitment to such a scheme in the Council's programme of works. In particular, consideration should be given to the traffic generation that could result from a resumption of the industrial use of the site. On balance Officers consider that the improvement scheme put forward by the applicant represents a practical and more certain means of securing highway safety improvements commensurate with the scale and nature of the proposed development in accordance with Government Planning advice. In particular, there is no justification for requiring this proposal to fund in its entirety an improvement scheme for the Hilltop junction.

In conclusion, the main issue to consider is whether the grant of planning permission for housing on this existing industrial site would secure benefits, or disadvantages for the area. It is unlikely that the site will fall into complete disuse. If residential development is not permitted, it is possible that applications will be submitted to redevelop the site for this use. The traffic implications of a resumption of industrial use would be significant. Similarly, as the site is surrounded by housing, noise and disturbance from commercial activities would be detrimental to the surrounding residents, although this is not a new situation but a return to former activities.

If the principle of residential development is acceptable in policy terms, the remaining issue is the highway impact of the development. The applicant agrees that additional traffic will be generated to the surrounding highway network, including Hilltop junction. The impact of this has been calculated to be a 26% increase at peak times, although congestion at these times is already perceived to be unsatisfactory. There has been an awareness for many years that the junction is in need of improvement, and therefore it is not possible to relate the need for improvement solely to this proposal. There is no current scheme for improvement of this junction, although there may be one by September this year. The applicant's willingness to make a financial contribution to highway improvements, specifically at this time to pedestrian safety measures, has been assessed to be a reasonable reaction to the situation. The applicant would, as an alternative, be willing to see this contribution used to offset part of the costs of improving Hilltop if this is perceived to be a better use of the money, if a scheme is devised by the Council before any planning permission granted is implemented. The remaining concerns of the Highway Service are noted, but the applicant's proposals in this respect have been assessed to be pragmatic, and sufficient to allow outline planning permission to be recommended for approval.

To summarise, the redevelopment of this 'brownfield' site for housing would bring about substantial benefits in terms of the removal of the industrial use in this residential area, and delivery of affordable housing and public open space in accordance with Council policy. The applicant is willing to fund agreed impacts on local educational needs, and to contribute to traffic safety measures. The latter can be calculated now and would be incorporated in a S 106 Obligation before the outline planning permission is issued. On balance, therefore, approval of the application is recommended.

Application No : 2002/62/90525/E3

Grid Reference : SE 19010 24940

Development : ERECTION OF SINGLE STOREY EXTENSION TO REAR AND
REPLACE EXISTING FLAT ROOF WITH PITCHED ROOF

Location : 8 PYENOT GARDENS, CLECKHEATON, BD19 5AU.

Applicant : J A & MRS P N HAWTHORNTHWAITE

Recommendation : CONDITIONAL FULL PERMISSION

SUMMARY

REASON FOR COMMITTEE DECISION

Request of Cllr Andrew Pinnock

SIGNIFICANT CONSULTATIONS

Nil

RELEVANT HISTORY

Nil

POLICY

D2, BE13, BE14

REPRESENTATIONS

One letter of objection from adjoining neighbour

ASSESSMENT

The proposals are minor and would not have a wider effect on the streetscene, and comply with policy. Whilst the rear extension would lead to the enclosure and enveloping of a rear window at the adjoining property, that window is already bounded by an annex at the adjoining property. This circumstance is not such that a refusal on policy grounds could be supported.

- (1) The development shall be begun not later than the expiration of five years beginning with the date on which permission is granted.
- (2) The materials used shall match those used on the existing building in terms of type, colour, texture and scale.
- (3) No light or other opening shall be made in any part of the side elevation walls of the rear extension hereby approved, unless otherwise approved in writing by the Local Planning Authority.

INFORMATION

This application is before Members at the request of Cllr Andrew Pinnock, to allow the adjoining resident's concerns to be aired and considered by Members.

APPLICATION SITE/DESCRIPTION

The property is a brick and render faced semi detached bungalow set against the Spen Valley Greenway embankment. It is one of several pairs of asymmetrically designed bungalows in a row where one of the pair has a forward projecting annex. In addition to the adjoining annex, the subject bungalow also has a small projecting extension under a flat roof. Both properties have a rearward projecting annex.

The proposal is to provide a hipped roof over the frontage extension, and extend to the rear, between the existing annex and party boundary, again under a hipped roof.

SITE HISTORY

Nil

POLICY

D2- Amenity

BE13- Extensions: scale, design, roofscape

BE14- Extensions: projection, design, scale

CONSULTATIONS

Nil

REPRESENTATIONS

One letter of objection from adjoining neighbour at number 6 Pyenot Gardens.

Grounds for objection:-

- Extensions would lead to general loss of amenity, privacy, personal space and quality of life, given that the representee has limited mobility and spends much time at home
- Rear extension would be immediately adjacent to the representee's bedroom window, and would lead to an enclosed passage-way and loss of direct sunlight

ASSESSMENT

The issues relate to design, streetscene, and residential amenity.

The front elevation would see the provision of a hipped roof over the existing flat roof. Emulating the hipped roof projection on number 6 Pyenot gardens, this may 'compete' with that element, but the existing design of the property means that this would not unbalance, or have a wider streetscene impact.

The rear extension comprises a 2.6m projecting hipped roof annex, aligning with the existing annex, which is acceptable in design terms, complying with policy BE14. The existing rear annex will partly overshadow the rear garden area in the early afternoon, and the new extension is unlikely to significantly change this, given the hipped roof design. There would, however, be a sense of enclosure.

The Greenway (west) will already result in overshadowing, particularly in the winter. The objector's view is that the rear extension may additionally reduce sunlight from the south, and create a 'passageway' and sense of enclosure to the bedroom. However, it is also the objector's own extension which bounds the bedroom window, and this should not penalize acceptable development.

Despite understandable concerns, the proposals comply with policy BE14, in being less than the permitted standard 3m projection for extensions. On balance, it is considered unsustainable in policy grounds to refuse this application.

Application No : 2002/62/90667/E3

Grid Reference : SE 19940 25780

**Development : ERECTION OF EXTENSION AND REFURBISHMENT OF
EXISTING BUILDING WITH ASSOCIATED CAR PARKING AND
ACCESS IMPROVEMENT**

Location : 224 SPEN LANE, GOMERSAL, CLECKHEATON.

Applicant : RTS-GATE AUTOMATION

Recommendation : CONDITIONAL FULL PERMISSION

SUMMARY

REASON FOR COMMITTEE DECISION

Delegation agreement

SIGNIFICANT CONSULTATIONS

No objections

RELEVANT HISTORY

None

POLICY

B1, B5, D11, BE1, BE2 apply.
PPG 4 is relevant

REPRESENTATIONS

Representations from one householder objecting on detriment to visual and residential amenity

ASSESSMENT

Need to encourage economic development weighed against effect on character of Green Belt and the effect on local residents. On balance approval recommended.

APPROVE

- (1) The development shall be begun not later than the expiration of five years beginning with the date on which permission is granted.
- (2) The development hereby permitted shall be carried out in complete accordance with the approved plans and specifications except as may be required by other conditions.
- (3) No development shall take place until samples of all facing and roofing materials has been submitted to and approved in writing by the Local Planning Authority, and the development shall be constructed of the approved materials.
- (4) The areas to be used by vehicles including parking, loading and unloading areas shall be surfaced, sealed and drained before the development is occupied/brought into use and thereafter retained.
- (5) The arrangements referred to in Condition 4 shall include internal turning facilities for service vehicles.
- (6) Nothing shall be permitted to be planted or erected within a strip of land 2.0m deep measured from the carriageway edge along the full frontage of the site which exceeds 1m in height above the level of the adjoining highway.
- (7) The development shall not be occupied/brought into use until all obstructions to visibility exceeding 1m in height above the adjacent carriageway within a strip of land 2m back from the edge of the carriageway have been removed or lowered and retained as such.
- (8) The access shall be constructed to a vertical alignment which has been previously agreed in writing with the Local Planning Authority before the development is occupied/brought into use.
- (9) The areas shown for parking on the approved plan shall be kept clear of all obstructions to such use and shall not be used for the erection of garages.
- (10) No development shall take place until provision has been made for the parking, loading and unloading of contractors' plant and equipment and the parking of vehicles of the workforce within the site.
- (11) If, during the development works, any visible contamination or odorous material is encountered the developer shall notify the Local Planning Authority and work shall stop on that part of the site until a method statement of remediation has been implemented in accordance with written verification to the Local Planning Authority.

NOTE The applicant is advised to contact the Design Engineer Flint Street, Fartown, Huddersfield (01484 225400) to arrange for the works to form the verge/footway crossings.

NOTE It is noted that the proposed disabled access ramp would be unduly steep at 1 in 8. A gradient of 1 in 20 is normally recommended. It is also suggested that level access should be provided within the building and disabled facilities are provided. The provision may be eligible for grant aid, information on which is available from the Council's Access Officer, Rob Greenwood on 01484 223324.

INFORMATION

This application is brought to Committee at the request of Councillor Andrew Pinnock who wishes members to consider the objector's views

APPLICATION SITE/DESCRIPTION

The application relates to a group of commercial buildings currently used for the manufacture of gates. The premises front Spen Lane and back onto a cricket ground. There are residential properties on either side. The buildings are traditional in design and a mixture of brick and render.

The proposal involves;

- Replacement of existing buildings with a new extension adjacent to the north eastern boundary with no 226 Spen Lane and the rear boundary to the cricket field.
- Demolition of buildings within the premises to provide additional car parking
- Providing a car parking area to the front of the premises within part of an existing garden.
- Hard surfacing an existing gravel access road at the side adjacent to no 212 Spen Lane

The extension will be a modern industrial 'shed' type design faced in profiled metal cladding.

SITE HISTORY

None

POLICY

The site lies within the Green Belt. Policy D11 states that proposals for extensions to buildings within the Green Belt will be considered with regard to the impact on the openness and character of the area and its size relative to the original existing building which should remain the dominant element. The policy states that in the case of

traditional buildings the effect on the character of the existing building should be considered.

Policies BE1 and BE2 state that new development should be good quality design to match and positively contribute to its surroundings.

Policy B1 states that the employment needs of the District will be met by, among other means,

- Maintaining the stock of established business premises except where this would lead to environmental problems or where such premises are unsuitable for business use or there is no realistic prospect of re-use or redevelopment for business purposes.
- Accommodating the extension of business premises except where there would be an adverse environmental impact.

Policy B5 states that the extension of business premises will be permitted provided that residential amenity, visual amenity and highway safety are safeguarded.

PPG 4 states that the Government encourages economic development in a way which is compatible with environmental objectives.

CONSULTATIONS

Highways – no objections subject to conditions.

Env Health – no objections subject to restrictions on hours of work and activities to protect residential amenity and the method of dealing with possible contamination revealed as a result of the building operations.

British Coal - no objections

ACCESS – Suggest amendments to the access ramp gradient.

REPRESENTATIONS

One householder objects that the development would have a substantial effect on the adjacent house and garden due to loss of light and its visually dominant appearance. It is stated that the proposal will increase the existing height of the building up to the boundary with his property and would be clad in visually detrimental metal sheeting

APPLICANTS STATEMENT

The applicant states that the proposal involves only 50 sq metres of additional floor area, they are an improvement to the haphazard appearance of the existing buildings

and would provide additional parking facilities. The applicant has investigated means of reducing the height of the extension but is unable to do so as this is required in the manufacturing process.

ASSESSMENT

In Officers opinion the main issues are the need to encourage economic development weighed against the effect of the extensions on the character of the premises and the openness of the Green Belt in which it lies and the effect on the visual and residential amenity of adjacent property.

The proposed extensions will be visible from all sides of the site. In terms of the view from the objector's property the current building is a shallow roofed structure set down from the garden level with eaves up to the top of a boundary hedge. This would be replaced by the proposed extension which would be 'gable on' to the boundary. It would be between approximately 1.25 and 2.5 metres higher. It would also extend a further 6 metres back towards the rear boundary.

On the elevation to Spen Lane the proposal would remove an existing single storey rendered building which is in a semi-derelict state. This would be replaced by a larger building almost up to two story height.

On the rear elevation to the cricket field the proposed extension would appear as a large structure between 6.75 and 7.3 metres high across the substantial width of the site.

Whilst the proposed extension is a significant area however, given the associated demolition of existing buildings the proposal will effectively be a consolidation of the existing floorspace. The existing buildings have a traditional design but those to be removed have no visual merit nor do are they in a healthy condition. The buildings are not listed nor do they lie in a Conservation Area.

It is considered that the extensions would maintain the openness of the Green Belt and the limited character of the site whilst enhancing the commercial prospects of the business. It would also represent an improvement in road safety through the creation of off-street parking facilities. Officers note and sympathise with the objections but on balance it is not thought that there is sufficient harm to justify refusal of planning permission.

The comments of Environmental Health Officers are noted however, given the length of established use of the site and the retention of existing buildings it would be difficult to isolate the perceived harm resulting from activity in the proposed building in order to justify enforcement action. In such circumstances it is not considered reasonable to impose such control by condition furthermore such a condition would be difficult to enforce.

Application No : 2002/60/91193/E1

Grid Reference : SE 23030 24710

Development : OUTLINE APPLCIATION FOR ERECTION OF RESIDENTIAL DEVELOPMENT

Location : LAND OFF, THE DRIVE/CHASTER STREET, CARLINGHOW, BATLEY, WF17 8DX.

Applicant : P RIDER & K JONES

Recommendation : CONDITIONAL OUTLINE PERMISSION

SUMMARY

REASON FOR COMMITTEE DECISION

Delegation agreement

SIGNIFICANT CONSULTATIONS

No objections raised in principle

RELEVANT HISTORY

Previous outline planning permission for residential in 1996 now expired

POLICY

Allocated residential site on the UDP.
PPG3 – appropriate locations for residential development

REPRESENTATIONS

Objections received on grounds of residential and visual amenity, detriment to road safety and character of area.

APPLICANTS STATEMENT

The proposal is in accordance with UDP policy and PPG3 guidance.

ASSESSMENT

Acceptable development on a 'brownfield' site in accordance with the UDP allocation.

APPROVE

- (1) (a) the application for approval of any reserved matter shall be made not later than the expiration of three years beginning with the date of the grant of the outline permission and,
(b) the development shall be begun not later than whichever is the later of the following dates:-
 - (1) the expiration of five years beginning with the date of the grant of the outline permission, or
 - (2) the expiration of two years beginning with the date of the approval of the reserved matters, or in the case of approval on different dates, the date of the final approval of the last such matter to be approved.
- (2) No development shall take place until plans detailing:
 - (a) the layout of the site, including the disposition and levels of roads, building(s) and other land
 - (b) the means of access to the site and building(s)
 - (c) the design and external appearance of the building(s)
 - (d) the relationship surrounding buildings
 - (e) the colour, type and texture of materials to be used
 - (f) details of screen, retaining and boundary walls
 - (g) landscaping of the site
 - (h) drainage
 - (i) the parking, loading and unloading of vehicles

have been submitted to and approved in writing by the Local Planning Authority.

- (3) No development shall take place until plans detailing the provision of Public Open Space, in accordance with the provisions of the Kirklees Unitary Development Plan have been submitted to, and approved in writing by the Local Planning Authority. Details submitted shall provide for the layout, timing, implementation and arrangements for subsequent maintenance of the Public Open Space, in accordance with the provisions of the Kirklees Unitary Development Plan.
- (4) No development shall take place until the site has been investigated for contamination, combustibility and landfill gas, the terms of which shall be agreed in writing with the Local Planning Authority prior to investigation. Any remediation works required as a result of such investigation shall be agreed in writing with the Local Planning Authority prior to implementation and such agreed work shall be fully implemented and verified as such in writing to the Local Planning Authority before development commences.
- (5) The site shall be developed by means of a separate system of drainage.

NOTE The public footpath/bridleway which crosses/abuts the site shall not, at any time, prior to, during or after building works, be unofficially obstructed or closed without prior written consent of the Council as Highway Authority. In addition representations have been received claiming a further footpath across the site. This is being considered by the Highway Authority and it is advised that this be accommodated in any future proposed layout. Details of the definitive and claimed rights of way affecting the site may be obtained from the Council's Highways Service (01484 225575).

INFORMATION

This application is brought to Committee as it relates to a site in excess of 0.5 hectare.

APPLICATION SITE/DESCRIPTION

This application relates to an open area of land to the south, east and west of residential development The Drive, Enfield Close and Chaster Street. There are open fields to the north. It has open access from the adjacent roads and appears to be used for informal access. There is a public footpath crossing the site between Chaster Street and Enfield Close.

Outline planning permission is sought for residential development with all matters reserved for future approval.

SITE HISTORY

96/90334 – outline planning application for 30 dwellings on the eastern half of this site granted in May 1996.

96/90391 – outline planning permission for the remaining western half of the site granted in June 1996.

96/93025 & 96/93029 – applications to vary the terms of application nos. 96/90334 and 96/90391 regarding affordable housing granted December 1996. The condition retained the principle of securing affordable housing in the future development.

POLICY

- The site is allocated for residential development on the Unitary Development Plan (site H11.12).

Policy R13 states that development proposals affecting a public right of way should take into account the convenience of users and the provision of facilities for disabled people.

The site lies within the Regeneration Area whereby the Council will pursue policies to promote regeneration through measures to revitalise the local economy, improve the physical environment and strengthen community action. Resources will be used effectively to achieve new job opportunities and better housing and living conditions. It is stated that the UDP aims to provide the appropriate framework for land use and development decisions which will assist the process of regeneration.

PPG3 advises that housing should be directed to previously developed 'brownfield' land, in locations close to public transport and footpath links and designed to make efficient use of land.

The application should be assessed against possible relaxations of the Council's stance against greenfield development agreed by the Cabinet on 26 September 2001. The report states that pending the completion of a full urban capacity study all applications for housing development on greenfield sites will be opposed on the basis that they will prejudice the development of brownfield housing opportunities. However, the Council will consider relaxation of this stance under certain circumstances notably where one or more of the following circumstances apply:

- a the proposed development involves a greenfield site within a built-up area rather than on its edge,
 - (I) where housing development would not be contrary to any UDP policy;
 - (II) which has little or no amenity or wildlife value; and
 - (iii) is not located in an area where there is a shortage of open space which would justify retaining the land as open with the objective of realising its potential for recreation, amenity or wildlife.
- b a proposal for greenfield housing development would support specific regeneration objectives of the Council which could not be met from brownfield site development.
- c the release of greenfield sites for housing would enable the development of brownfield sites.
- d a proposal for greenfield housing development would enable economic regeneration.

In the case of c and d above, the Council will need to be satisfied that the brownfield development or economic regeneration would not otherwise occur in the foreseeable future and that they are sufficiently significant to justify the scale of greenfield land release proposed. It will also need to be satisfied that a situation will not arise where a locality would be unfairly penalised to provide a benefit elsewhere.

Given that the application is for outline planning permission with all matters reserved it is considered that the following policies are relevant.

The site is also identified as derelict land (site 11.30) on the UDP. Policy DL1 states that derelict or neglected land will be brought into beneficial use to assist in the regeneration of the District. Policy DL2 states that priorities for such reclamation will be determined with regard to the extent that schemes will improve the visual environment or deal with serious contamination and secure the provisions of the Plan. Policy DL 3 identifies part of the land for reclamation by housing development in accordance with the allocation.

The site lies in a traffic calming zone – policy T5. In addition policy T10 states that development will not normally be permitted if it will create or materially add to highway safety or environmental problems.

Policy H18 requires public open space provision

Policy H10 states that the provision of affordable housing will be a material consideration in areas where there is demonstrable need.

CONSULTATIONS

Highways – acceptable in principle but the site levels could make it difficult to achieve a satisfactory layout. All details should be reserved and the route of the public footpath protected. A representation has been received claiming a public footpath route across the site from The Drive. Highways Officers recommend that, in the absence of a formal determination of this representation, a condition be attached protecting this route.

Env Health – information provided with the application indicates potential contamination and presence of landfill gas. Officers recommend a full survey and identification of remedial measures be undertaken prior to approval of details.

Crime Prevention Officer – positive discussions have taken place with the developer to secure details in accordance with Secured by Design principles in any future scheme.

Housing – no comment

British Coal and Env Agency – no objections

Comments awaited from, Yorkshire Water and Landscape.

REPRESENTATIONS

20 letters received, including correspondence from the Carlinghow Residents' Association summarised as follows:

- Potential loss of informal play area for local children, plant and wildlife habitat including bats and a dog walking facility. There are no alternative comparable facilities in the area.

- The loss of this open area would be detrimental to the character of the surrounding area particularly since a new housing estate has already been developed off The Drive.
- Notwithstanding the information submitted by the applicant there would be a loss of trees.
- The public footpath across the site is a safe popular and convenient route for local people and should remain open. Its setting would be spoilt by new building.
- In addition to the definitive right of way across the site it is alleged that there are other well used routes through the site. One correspondent has instigated proceedings with the Highways Service to formalise a route from The Drive to the southern boundary.
- The land is contaminated and undermined and has been the site of an underground fire in the past.
- Development would be detrimental to views from the surrounding area and affect property values
- Existing schools are already over subscribed and development would also put pressure on other local community facilities and services.
- Development would exacerbate existing problems of on-street parking in the area which in turn restricts vehicle access and impairs visibility for pedestrians and drivers.
- Traffic from the development would add to problems of congestion and road safety on the adjacent and surrounding road network, Carlinghow Lane in particular being over-used and allegedly the subject of a future traffic calming scheme. Increased traffic on that road could also impair access to/from the fire station.
- One letter raises no objection to the principle of private housing but objects to housing association provision.
- Committee is asked to visit the site prior to determination.

APPLICANTS STATEMENT

The applicant argues that the site falls within the definition of previously developed land in PPG3 which includes land previously used for mineral extraction where provisions for restoration have not been made through the development control procedure, where associated structures and working are not visible and where there are no clear reasons to outweigh the retention of the open use of the site such as nature conservation or its amenity use. The applicant refers to an appeal decision in Wakefield in June 2000 where the Inspector supported this view

The application includes a ground investigation report which states that the site has previously been worked for coal extraction and is contaminated with industrial waste.

It is argued that the site has no value for nature conservation nor does it provide a specific amenity function in the area which is well served by public open space.

With regard to other criteria in PPG3 the applicant argues that the site is in a sustainable location within the urban area of Carlinghow close to leisure, employment

and shopping opportunities and is well served by public transport. There is no reason why the required densities cannot be achieved in any future detailed scheme.

ASSESSMENT

The site is a former mineral site that has revegetated over the years. It has the appearance of scrub land, is allocated on the UDP as a housing site and given former mining activity is also designated as Derelict Land. The Housing Land Supply Review (HLSR) 2001 identifies the site as 'greenfield'. This judgement value has been arrived at by the fact that the site has naturally revegetated. However, It is considered that the land falls within the definition of 'previously developed (brownfield)' land given its previous use for mineral extraction. Although PPG3 excludes land that has blended into the landscape in the process of time, from the definition of 'previously developed land' which gives a basis for the sites' status on the 2001 HLSR, this definition is qualified "where there is a clear reason that could outweigh the reuse of the site." In this case there is no evidence to outweigh the re-use of the site and as such it is considered that the site is 'brownfield' and in accordance with PPG3.

It should be noted that should Members take the view that the site is 'greenfield' it lies within the urban area and as such falls within the criteria for acceptable 'greenfield' development as amended by Cabinet on 26 September 2001.

Public concerns at the effect of increased traffic and the effect on the footpath are noted. However, the site has been allocated for residential development as part of the formal UDP adoption process and Highway Officers raise no objections. Similarly, whilst the effect on the setting of a public footpath is a material planning consideration, there is a strong assumption of the acceptance of the principle of development through the allocation of the site on the UDP. Consideration of the detailed design of the layout, including the retention of the current or an alternative footpath route is open to Members upon the submission of reserved matters.

There are no trees worthy of a tree preservation order within the site although it would be possible to retain some existing trees as part of any future landscaping scheme.

The views of the Education Service have not been sought as these would have been considered as part of the UDP process when the site was allocated for housing.

In the light of the response from Housing Services there is no justification to require affordable housing provision as part of any planning permission.

Application No : 2002/70/91201/E3

Grid Reference : SE 18510 26420

Development : VARIATION OF CONDITIONS 14, 15 & 16 ON PREVIOUS PERMISSION 99/60/92261 FOR OUTLINE APPLICATION FOR ERECTION OF CLASS B1, B2 UNITS AND CAR SHOWROOM DEVELOPMENT TO READ 'NO PART OF BUILDING 1, SITE 2 SHALL BE OCCUPIED UNLESS AND UNTIL THE SECTION 278 AGREEMENT FOR THE HIGHWAY WORKS TO JUNCTION 26 OF THE M62 MOTORWAY, AS SHOWN IN PRINCIPLE ON SANDERSON CONSULTING ENGINEER'S DRAWING NO. C1828/101 HAS BEEN SIGNED BY ALL THE PARTIES INVOLVED'.

Location : SITE TWO, BRADFORD ROAD, CLECKHEATON.

Applicant : WILSON BOWDEN DEVELOPMENTS LIMITED

Recommendation : CONDITIONAL FULL PERMISSION

SUMMARY

REASON FOR COMMITTEE DECISION

Sub-Committee decided the original application.

SIGNIFICANT CONSULTATIONS

The Highways Agency – Accepts the proposed variation

RELEVANT HISTORY

Application 99/60/92261/E3

POLICY

Allocated for business and industry

REPRESENTATIONS

None

ASSESSMENT

As the Highway Agency have agreed the relaxation approval of the revised condition is recommended.

THAT THE CONDITIONS BE VARIED BY THE SUBSTITUTION OF THE REQUESTED NEW CONDITION.

Conditions 14,15 and 16 attached to Planning Consent 99/60/92261/E3 shall be replaced by:

- (1) No part of Building 1, Site 2 shall be occupied unless and until the Section 278 Agreement for the Highway Works to Junction 26 of the M62 Motorway, as shown in principle on Sanderson Consulting Engineer's Drawing Number C1828/101 has been signed by all the parties involved

INFORMATION

At the Direction of the Highways Agency Application 99/60/92261/E3 was approved subject to conditions which allowed the regrading of the site and construction of an office building and a car showroom but the applicant had to fully signalise the M62 Junction 26 circulatory carriageway prior to the start of work on the remaining development (a warehouse). The applicants have an occupier for the warehouse and the revised condition has been agreed so as to allow its date of occupation to be brought forward. Approval of the variation to the conditions is recommended.

APPLICATION SITE/DESCRIPTION

The site of the proposed warehouse is on land previously occupied by BBA within the Scandinavia Mills complex off Bradford Road.

SITE HISTORY

Outline approval 99/60/92261/E3 was granted Class B1, B2 Units and a Car Showroom.

Detailed approval 2000/62/90318/E3 was subsequently given for development including detailed plans for Building 1 on Site 2.

POLICY

The proposal for a B2 use is acceptable on this site.

CONSULTATIONS

Highways - Awaited.

REPRESENTATIONS

None

ASSESSMENT

As the Highway Agency have agreed the relaxation approval of the revised condition is recommended.

Application No : 2002/62/91309/E1

Grid Reference : SE 24630 23010

Development : ERECTION OF EXTENSION TO WAREHOUSE

Location : UNIT B, SAVILE STREET, BATLEY.

Applicant : ECOTEX

Recommendation : REFUSED

SUMMARY

REASON FOR COMMITTEE DECISION

Request of Councillor Mary Harkin

SIGNIFICANT CONSULTATIONS

Highways recommend refusal

RELEVANT HISTORY

2001/93854
99/91822
97/93626

POLICY

D2 - Land of no notation
B5 - Extensions to business premises
T10 - Road safety implications of new development

REPRESENTATIONS

Publicity expired 15.5.2002. No response.

ASSESSMENT

Refuse

INFORMATION

This application is before Sub-Committee at the request of Councillor Mary Harkin who notes that the proposal would help resolve existing on-street car parking problems in the area.

SITE/PROPOSAL

Unit B, Savile Street, Batley is currently occupied by Ecotex. Part of a converted mill complex, the unit is built of part stone and cladding. Situated to the rear of the unit adjacent to Batley Beck is an access yard. The proposal is for the erection of an extension (119 m²) to the rear of the existing warehouse.

RELEVANT HISTORY

2002/93854 - Erection of extension to warehouse - Refused on highway grounds.

99/91822 - Erection of extension to form industrial unit - Approved, not yet implemented.

97/93626 - Erection of steel store - Refused on highway grounds.

CONSULTATIONS

Highways - recommend refusal as the proposal would intensify the use of the substandard Savile Road/Jack Lane junction. Whilst parking spaces are shown the proposed extension would reduce turning areas for service vehicles.

Env. Agency - No objections.

POLICY

Policies D2 and B5 set out below apply:

D2 PLANNING PERMISSION FOR THE DEVELOPMENT (INCLUDING CHANGE OF USE) OF LAND AND BUILDINGS WITHOUT NOTATION ON THE PROPOSALS MAP, AND NOT SUBJECT TO SPECIFIC POLICIES IN THE PLAN, WILL BE GRANTED PROVIDED THAT PROPOSALS DO NOT PREJUDICE:

- i THE IMPLEMENTATION OF PROPOSALS IN THE PLAN;**
- ii THE AVOIDANCE OF OVER-DEVELOPMENT;**
- iii THE CONSERVATION OF ENERGY;**
- iv HIGHWAY SAFETY;**
- v RESIDENTIAL AMENITY;**
- vi VISUAL AMENITY;**
- vii THE CHARACTER OF THE SURROUNDINGS;**
- viii WILDLIFE INTERESTS; AND**
- ix THE EFFICIENT OPERATION OF EXISTING AND PLANNED INFRASTRUCTURE.**

B5 PROPOSALS FOR THE EXTENSION OF BUSINESS PREMISES WILL BE PERMITTED PROVIDED THE AMENITY OF OCCUPIERS OF NEIGHBOURING PROPERTIES, VISUAL AMENITY AND HIGHWAY SAFETY ARE SAFEGUARDED.

T10 NEW DEVELOPMENT WILL NOT NORMALLY BE PERMITTED IF IT WILL CREATE OR MATERIALLY ADD TO HIGHWAY SAFETY PROBLEMS.

PUBLICITY RESPONSE

Site notices and NNL expired 15 May 2002 no letters of objection received.

ASSESSMENT

The applicant seeks to erect an extension 119 m² to the rear of the existing warehouse . This is to be an additional building and together with the unimplemented permission

(99/62/91822) would create a building 225 m² almost the size of the original application (97/62/93626) which was refused on highway grounds.

It is felt that the proposal would intensify the use of the Savile Street/Jack Lane junction, which is substandard with very restricted visibility and although the plans show parking spaces, the area where the proposal building is to be erected will reduce areas for turning facilities for service vehicles.

The proposal is contrary to Policies D2, T10 and B5 of the Council's Unitary Development Plan, to the detriment of highway safety. Refusal is recommended.

Application No : 2002/62/91590/E3

Grid Reference : SE 19730 26970

Development : ERECTION OF DETACHED DWELLING WITH INTEGRAL GARAGE

Location : ADJACENT, 173, DRUB LANE, DRUB, CLECKHEATON, BD19 4BZ.

Applicant : M STEAD

Recommendation : CONDITIONAL FULL PERMISSION

SUMMARY

REASON FOR COMMITTEE DECISION

The site is one where there has been previous Member interest and local concern.

SIGNIFICANT CONSULTATIONS

Highways: No objections subject to standard conditions.

RELEVANT HISTORY

2000/62/90544 - Refusal of full planning application for detached bungalow and garage. Dismissed on appeal.

99/62/91506 - Refusal of full planning application for detached bungalow on 6 September 1999.

95/60/93248 - Grant of outline planning permission for erection of detached cottage and garage on 12 June 1996.

POLICY

D8, D13, BE2, BE11, BE12

REPRESENTATIONS

4 objection letters received from local residents.

ASSESSMENT

This proposal comprises infill within the Green Belt and addresses main reasons for the refusal of the previous application, with regard to the overlooking of the site from No. 173 Drub Lane. The amenity area is set to the south-west and the habitable room windows would not be overlooked.

Rear elevation windows would be sited close to the boundary with the 'public' frontage area attached to No. 171 Drub Lane, and appropriate screening and levels details could ensure that the privacy and amenity of that property are respected.

DELEGATE TO OFFICERS TO APPROVE SUBJECT TO SATISFACTORY LEVELS AND BOUNDARY TREATMENTS TO PREVENT OVERLOOKING

- (1) The development shall be begun not later than the expiration of five years beginning with the date on which permission is granted.
- (2) The development hereby permitted shall be carried out in complete accordance with the approved plans and specifications except as may be required by other conditions.
- (3) The building(s)/development shall be constructed of regular coursed natural stone with a pitched faced finish.
- (4) The roofing materials shall be flat profile roofing tiles to harmonise with the roofs of the existing buildings in the vicinity of the site a sample of which shall be submitted to and approved in writing by the Local Planning Authority before development commences
- (5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 no buildings or extensions shall be erected in the site area on the approved plan without the prior written approval of the Local Planning Authority.

- (6) No development shall take place until details of the height, design and materials to be used for the erection of screen wall(s)/fence(s) between the points marked A-B on the approved plan have been submitted to and approved in writing by the Local Planning Authority. The approved walls/fences shall be erected before the development hereby approved is occupied/brought into use and shall thereafter be maintained. (It is anticipated that unless there are special reasons screening will be 2 metres high or 1.68 metres above finished floor level of the proposed building).
- (7) The 2 metre high planting screen on the front boundary marked green on the approved plan shall be maintained and retained to the satisfaction of the Local Planning Authority.
- (8) The areas to be used by vehicles including parking, loading and unloading areas shall be surfaced, sealed and drained before the development is occupied/brought into use and thereafter retained.
- (9) The arrangements referred to in Condition 8 shall include internal turning facilities for private vehicles.
- (10) Nothing shall be permitted to be planted or erected within a strip of land 2.0m deep measured from the carriageway edge of Drub Lane along the full frontage of the site which exceeds 1m in height above the level of the adjoining highway.
- (11) The development shall not be occupied/brought into use until all obstructions to visibility exceeding 1m in height above the adjacent carriageway within a strip of land 2m back from the edge of the carriageway have been removed or lowered and retained as such.
- (12) The garages shall be used for the garaging of private motor vehicles or for uses ancillary to the enjoyment of the dwellinghouse as such and for no other purposes.
- (13) The gradient of the access shall not exceed 1 in 8 with suitable vertical curves at the access and any change in gradient.
- (14) Any gates shall be at least 5m from the back of footway and hung so as to only open inwards.
- (15) Facilities shall be provided and retained at the exit from the site during building works for the washing of vehicle wheels.

NOTE The applicant is advised to contact the Design Engineer Flint Street, Fartown, Huddersfield (01484 225400) to arrange for the works to form the verge/footway crossings.

NOTE The public footpath/bridleway which crosses/abuts the site shall not, at any time, prior to, during or after building works, be unofficially obstructed or closed without prior written consent of the Council as Highway Authority.

INFORMATION

This application is referred to Sub-Committee because of previous Member interest and their refusal in 2000 of a similar scale of development on this site.

APPLICATION SITE/DESCRIPTION

The site is a parcel of land bounded by coniferous and beech hedging, with a gentle fall to the west. The site fronts Drub Lane and formerly comprised the frontage garden to No. 173 Drub Lane, a late 1960's/early 1970's detached house in an elevated position, with a balconied frontage overlooking the site. The driveway to No. 173 bounds the north east of the site.

To the north of the site is a similarly modern house, No. 171, again in an elevated position, whilst to the east and west are older stone built houses under stone slate roofs. On the opposite side of Drub Lane stand modern semi-detached houses. The location of the site almost suggests a 'village green' type plot, were it not bounded by hedging.

SITE HISTORY

2000/62/90544 - Detached bungalow and garage. Recommended for approval. Refused at Sub-Committee, on grounds of over-development, lack of amenity space and being overlooked by No. 173 Drub Lane. Appeal dismissed on 20 November 2000. Reason for dismissal: overlooking of the site from No. 173 Drub Lane. The Inspector considered that the access and amenity area was satisfactory, as was the distance/overlooking of properties from the appeal site.

99/62/91506 - Detached bungalow and garage. Recommended for approval. Refused at Sub-Committee on grounds of height/massing in relation to the topography, space about dwellings, overlooking and over-development. Decision issued on 6 September 1999.

95/60/93428 - Grant of outline planning permission (siting and access) for erection of detached cottage and garage on 12 June 1996.

78/02217 - Refusal of outline planing permission for detached dwelling. Green Belt grounds, and overlooking.

POLICY

D8 - Principal of development within the Green Belt.

D13 - Infill development in Green Belt: bounded by development, built up frontage, acceptable in amenity terms, and suitable for no more than two dwellings.

BE2 - Site context, topography, safe access provision.

BE12 - Facing distances/space about dwellings.

CONSULTATIONS

Highways - No objections subject to standard conditions.

Coal Authority - Site is within influence of former workings.

REPRESENTATIONS

4 letters of objection have been received from local residents. Grounds for objection and other comments comprise:-

- Previous history of refusals of permission.
- Permission granted previously stipulated single storey only (N.B. This is not stated in the 1996 permission).
- Rooms could be formed in the roofspace (overlooking issue).
- Dwelling would be elevated above the ridge of No. 141 Drub Lane.
- Dwelling would detract from the frontage.
- Outlook from adjacent properties would be spoiled.
- Development on this site would lead to overcrowding in Drub.
- Proposal would add to traffic problems.
- Disruption by construction works.
- If approved the west elevation lounge window should be removed, and the boundary hedge should remain.

ASSESSMENT

Full planning permission is sought for a detached bungalow of stone construction, under an artificial stone slate roof. The proposals also include a detached garage. The buildings would be situated against the north-western periphery of the site, and access taken from No. 73 Drub Lane. Kirklees Highway Service, which state that there are no highway safety objections to the development, subject to conditions.

The principle of development has previously been established, although permission granted in June 1996 has lapsed, and the Council is entitled to review this position. This site is washed over by the Green Belt and is brownfield land as defined in PPG3. Whilst there have been previous refusals of permission on the land, the site is nevertheless set within a cluster of dwellings and can not feasibly be developed for greater than two dwellings. In terms of Policy D13 and PPG3, this site is considered to

be appropriate for development, although the proposal would result in the loss of a pleasant green break in the cluster of buildings.

The remaining key issues relate to visual and residential amenity, highway safety and the relatively recent appeal history relating to the site.

The submitted plan shows the construction of a gable-fronted bungalow with limited roof space accommodation centred in the frontage and western end of the building. Further roof space void also appears to be capable of being used.

The proposed bungalow appears to take up much of the site, leaving relatively little room for amenity space within the site, although the plot gives more amenity space than the previous application. However, current Unitary Development Plan Policies do not specify the extent of suitable amenity provision and of note is the Inspector's comment in his November 2000 decision letter that :-

" The Unitary Development Plan does not contain any standards or guidelines on...the provision of external amenity space. Although the proposed dwelling occupies a substantial part of the site, I consider the area in the south-west part of the site, which wraps around the southern and western elevations of the proposed bungalow would provide an adequate private sitting out area for a 2-bedroom dwelling."

Since the last application and appeal, these plans now place the garage, accommodation and habitable room windows in such a position as to set the windows in such a position as not to be overlooked and the building in such a design as to provide private sitting out in the south-west of the site.

In the above context, it is considered that the latest application addresses the key reason for the Inspector's dismissal of the proposals on appeal and shows a comparable area of amenity space to the previously refused plans. However, of note is a bedroom window on the first floor elevation of No. 141 Drub Lane, which would be likely to view over the rear of the garden.

Elevationally, the proposed bungalow has a simple massing and gabled frontage and would not offer any real design continuity with the adjacent frontage houses at Nos. 141 and 181 Drub Lane. However, this locality has an eclectic mix of house types, with a combination of older and more modern house types and the site backdrop context is that of more modern houses. Consequently, it is considered that the dwelling type is acceptable for the site in question.

Notwithstanding the above points, a key consideration is the relative levels of the property in relation to the streetscene and adjacent properties. Elevation and cross-sectional details of the proposals are required before this application can be considered properly and to this end it is recommended that the proposals be delegated to officers to approve, but only once satisfactory site levels and cross-sectional details have been

considered. This is particularly relevant in relation to residents' concerns in terms of overcrowding and by implication, overbearing.

Application No : 2002/62/91607/E1

Grid Reference : SE 24480 24310

Development : DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF CLASS A1 RETAIL STORE, ANCILLARY CAFE/COFFEE SHOP, PETROL FILLING STATION, CUSTOMER CAR PARK, VEHICULAR AND PEDESTRIAN ACCESS INCLUDING GLAZED PEDESTRIAN FOOTBRIDGE AND ALTERATIONS AND IMPROVEMENTS TO ALFRED'S WAY AND ASSOCIATED WORKS

Location : COMMERCIAL STREET, ALFRED'S WAY, BRADFORD ROAD, BATLEY.

Applicant : TESCO STORES LTD.

Recommendation : REFER TO SECRETARY OF STATE

SUMMARY

REASON FOR COMMITTEE DECISION

Delegation Agreement

SIGNIFICANT CONSULTATIONS

Highways – No objection subject to conditions

Environment Agency – Grant subject to conditions

Yorkshire Water – Grant subject to conditions

Environmental Health – Request Contamination Risk Assessment and Noise Report

RELEVANT HISTORY

99/62/93505/E1 – Retail Store etc for Tesco granted by Secretary of State 21 November 2001

POLICY

PPG6 (Town Centres and Retail Developments 1993)

UDP:

S1 – Town Centres to be shopping focus.

S2 – Effect on other shopping centres

S4 – Proposals for large stores

S11 – Primary shopping frontage

B4 – Loss of business/industry

BE1, BE2 – Design

BE11 – Stone

T5 – Traffic calming

T10 – Highway safety

T12 – Public Transport

T16 – Pedestrian Routes

Supplementary Planning Guidance: Large Retail Stores

REPRESENTATIONS

One letter – should include stone and tree planting (Required by Conditions)

ASSESSMENT

The Town Centre site is acceptable in principle. The proposal is broadly similar to that which was approved by the Secretary of State after a "Call-in" Inquiry. Approval is recommended.

- (1) The development shall be begun not later than the expiration of five years beginning with the date on which permission is granted.
- (2) No development shall take place until a comprehensive scheme for landscaping treatment of the site prepared in accordance with the Local Planning Authority's Code of Practice Note 2 has been submitted to and approved in writing by the Local Planning Authority.
- (3) Any planting, seeding or tree management works forming part of the landscaping scheme referred to in Condition 2 shall be carried out during the first planting, seeding or management season following the commencement of development, or as otherwise may be agreed in writing by the Local Planning Authority, and shall be maintained for a period of five years from the completion of planting works. All specimens which die within this period shall be replaced.
- (4) No development shall take place until samples of all facing and roofing materials have been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed of the approved materials. The roof and other elevations, except where required otherwise by condition 15, shall be faced in a material silver-grey in colour.

- (5) Before development commences full details of the design of the external appearance of Alfreds Way shall be submitted to and approved in writing by the Local Planning Authority. The details shall incorporate the principles depicted in the submitted drawings.
- (6) Before development commences full details of a new internal floor surface for Alfreds Way shall be submitted to and approved in writing by the Local Planning Authority.
- (7) No development shall take place until samples of the materials to be used in the construction of the boundary treatment along Commercial Street have been approved in writing by the Local Planning Authority.
- (8) The items referred to in Conditions 5, 6 and 7 above and the escalator, lift and steps shall be completed before the supermarket is first brought into use and retained in accordance with those conditions.

HIGHWAYS

- (9) Before development commences details of the geometrical layout and means of controlling the signalised access onto Bradford Road shall be agreed in writing by the Local Planning Authority.
- (10) Before the development becomes operational, the signalised access with Bradford Road shall have been constructed, commissioned and maintained thereafter for that purpose.
- (11) Before development commences details for the incorporation of SCOOT Loops at the signalised junctions of Branch Road and Hick Lane with Bradford Road shall be approved in writing by the Local Planning Authority.
- (12) Before development commences details regarding the replacement of the controller to the pelican crossing on Commercial Street shall be agreed in writing by the Local Planning Authority .
- (13) Before development commences a scheme of pedestrian signing in the Spa Street area shall be agreed in writing by the Local Planning Authority .
- (14) Before development commences, the position of the pelican crossing on Bradford Road adjacent to the store frontage shall be agreed in writing by the Local Planning Authority .

- (15) Unless agreed in writing, before the development becomes operational, the pelican crossing defined in (14) above shall have been installed, commissioned and be maintained thereafter.
- (16) Before development commences details of how the Council is to be reimbursed for the cost incurred in processing a TRO, and for the erection of any necessary signs on Bank Field Road shall be agreed in writing with the Local Planning Authority .
- (17) Before development commences, details of the service access off Bradford Road shall be agreed in writing by the Local Planning Authority .
- (18) Before development commences, traffic management and appropriate signing associated with the petrol filling station shall be approved in writing by the Local Planning Authority .
- (19) Before development commences, details of a formal walking route between the store and Batley bus station (within the site boundaries) shall be agreed in writing by the Local Planning Authority .
- (20) Unless or otherwise agreed in writing, before development becomes operational, a formal walking route between the store and Batley bus station (within the site boundaries) shall have been constructed, commissioned and maintained thereafter for that purpose.
- (21) Before development commences, all vehicular and pedestrian areas shall be subject to a Part 1 Safety Audit to the written satisfaction of the Local Planning Authority .
- (22) Any design or other deficiencies identified in the Safety Audit shall be addressed to the written satisfaction of the Local Planning Authority before development commences.
- (23) Before development commences, details of a commuted sum to cover 10 years maintenance of the new signal controlled access shall be agreed in writing by the Local Planning Authority .

DRAINAGE ISSUES

- (24) Unless otherwise agreed in writing by the Local Planning Authority, no building or other obstruction shall be located over or within 5.0 metres of the line of the sewer, which crosses the site.
- (25) The site shall be developed with separate systems of drainage for foul and surface water.

- (26) No development shall take place until details of the proposed means of disposal of surface water drainage, including details of any balancing works and off-site works, have been submitted to and approved by the Local Planning Authority.
- (27) Unless otherwise approved in writing by the Local Planning Authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works.

WATERCOURSE ISSUES

- (28) The culvert running under the site shall be upgraded in accordance with the proposal outlined within the Flood Risk Assessment.

NOTE The applicant will require prior consent from the Environment Agency under the Water Resources Act and Land Drainage Byelaws for both permanent and temporary works.

POLLUTION ISSUES

- (29) Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

NOTE For information: From 1 March 2002, the Environment Agency should be informed of any instance where the following is proposed.

- more than 3500 litres of oil stored at any single private dwelling - more than 200 litres of oil at an industrial, commercial or institutional site

The above activities are regulated by the Control of Pollution (Oil Storage) (England) Regulations 2001. These guidelines are intended to help reduce pollution caused by inadequate storage of oil in fixed tank installation. For further information, please refer to the Agency web page: 'www.environment-agency.gov.uk/business').

- (30) Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor installed in accordance

with a scheme previously submitted to and approved in writing by the Local Planning Authority. Roof water shall not pass through the interceptor.

Detergents and vehicle washings, including steam cleaning, should not discharge into the surface water drainage or via a petrol interceptor.

- (31) Prior to the commencement of any works on site, a settlement facility for the removal of suspended solids from surface water run-off during construction works shall be provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be retained throughout the construction period.

CONTAMINATION

- (32) Unless otherwise agreed in writing by the Local Planning Authority prior to development the applicant shall submit a Phase 1 and Phase 2 Risk Assessment.

NOISE

- (33) Unless otherwise agreed in writing by the Local Planning Authority before development commences the applicant shall submit a Noise Report detailing how the noise impact from the site shall be minimised.

INFORMATION

The application is before Sub-Committee because of the size of the retail development.

APPLICATION SITE/DESCRIPTION

The site is located at Batley centre adjacent to Commercial Street which forms its southern boundary. The northern boundary is formed by Bradford Road, the eastern by Well Lane and the western by Alfreds Way.

Commercial Street is the main shopping street in Batley centre and is at a higher level than the site which is, in itself, relatively flat. There are existing vehicular accesses from Bradford Road and Well Lane. Pedestrian access can be gained to the existing store from Commercial Street and from Alfreds Way or from the rear car park.

Currently the site is occupied by a number of buildings and different uses, these include the existing Tesco store, a petrol filling station, Tesco car park, industrial buildings on Bradford Road and Well Lane, (including Well Lane Business Centre) and the shops along the eastern side of Alfreds Way. Batley beck runs east-west across the site in an enclosed culvert.

It is proposed to demolish the existing store and the other on-site buildings (including half of Alfreds Way) and erect a new Tesco retail store. The new building would be single storey and externally clad in glazing, sheeting and natural stone. The main shop access will face west towards Alfreds Way. A petrol filling station is proposed in the north western corner of the site.

The main vehicular access will remain from Bradford Road with a secondary access from Well Lane. A bridge pedestrian link is proposed from Commercial Street down to the new development incorporating steps, lift and escalator. Another pedestrian link will also be available from Alfreds Way.

The application is very similar to the retail store for which planning permission was granted by the Secretary of State in November 2001. The main differences are:

Increased floor area.

The approved scheme proposed a store of 8445 m², (90,900 ft²), gross floor area the current proposal is for 8,469 m², (91,160 ft²), gross area.

Increased site area.

An additional parcel of land, (S&S Motors) has been acquired at the northeastern corner of the site. This has enabled the footprint of the store to be moved in a southeasterly direction approximately 24 metres further along Bradford Road.

Levels

The finished floor level of the supermarket is 950 mm higher than in the approved scheme.

Pedestrian Access

The glazed pedestrian footbridge is also moved approximately 24 metres further along Commercial Street in the direction of Well Lane. Covered stairs are still included between the entrance to the footbridge on Commercial Street and the car park. A lift and escalator are also retained linking the bridge to the floor level of the store.

Alfred's Way will still be improved. A number of units will be removed from the northeastern side of the mall and replaced with glazing.

Access and Parking

There will now be one access from Bradford Road to the car park and petrol filling station. A secondary access remains from Well Lane and Spa Street. The car park has been increased from 460 to 605 spaces. (At present there are 160 spaces).

Amenity and Design Issues

Moving the store further along Bradford Road towards Well Lane will increase the distance from the Listed Park Road Junior and Infants School. As required by Inquiry Inspector the scheme now includes stone in the elevations to Bradford Road and the car park.

The revised proposal enables the present store to remain in operation while the new store is under construction.

SITE HISTORY

78/62/0938/A1 and 78/62/0939/A1 – Alfred’s Way, the existing Tesco Store, (originally Hillards), Iceland, Netto and Dysons, (originally a Co-op Supermarket), together with the other units fronting Commercial Street were constructed in the late 70’s. A petrol filling station was added in the 1980’s.

76/5971 – Advance Factory Units for English Industrial Estates on Bradford Road. (Which will be demolished as part of these proposals.)

76/1852 – Factory Unit for S R Gents. In 1993 the building was converted and extended to form the Well Lane Business Centre, which will also be demolished.

99/62/93505/E1 - Tesco Store granted by Secretary of State after “Call-in”. Amendments subsequently agreed including single access to Bradford Road.

2002/62/93750/E1 – “Twin” application of above. Undetermined.

POLICY

PPG6 (Town Centres and Retail Developments 1993)

UDP:

S1 – Town Centres to be shopping focus.

S2 – Effect on other shopping centres

S4 – Proposals for large stores

S11 – Primary shopping frontage

B4 – Loss of business/industry

BE1, BE2 – Design

BE11 – Stone

T5 – Traffic calming

T10 – Highway safety

T12 – Public Transport

T16 – Pedestrian Routes

Supplementary Planning Guidance: Large Retail Stores

The Secretary of State for Transport, Local Government and the Regions granted Planning Permission in November 2001 for a new Tesco foodstore following a public inquiry. The inspector in his report commented that “The implementation of the [Tesco] scheme would represent a major boost to the UDP strategy to achieve a thriving economy, a flourishing community and a healthy environment in the form of sustainable development. A positive effect would ensue for the vitality and viability of Batley town centre. This would include a substantial benefit to the quality and range of shopping provision in Batley, amounting to the satisfaction of quantitative and qualitative needs”. He continued “on accessibility, pedestrians would have to negotiate a substantial difference in levels to access the store from the town’s main shopping street, but given that there is no realistic town centre alternative, I consider that the proposal should be regarded as accessible to pedestrians, offering safe, convenient and pleasant routes from Commercial Street, the car park and bus stops”.

The new planning application is very similar to that approved by the Secretary of State. The only differences that have a bearing on retail policy are:

1. A slight increase in the size of the proposed store. The increase in the size of the store is very small in scale and amounts to no more than 24 sq m.
2. Movement of the store further along Bradford Road, and a corresponding easterly movement of the pedestrian access further along Commercial Street. The store and pedestrian link will move easterly by a distance of 24 metres. The revised position of the pedestrian link will bring it closer to the Batley DIY store. This will ensure that a greater number of shoppers are drawn further along Commercial street than at present in order to use the pedestrian link.

Correspondence from the applicant confirms that the pedestrian link will comprise a glazed footbridge and escalator, a covered stairwell and a lift.

The new application accords with both national and regional planning guidance as it relates to town centres and retail developments. The application proposal satisfies the sequential test, is readily accessible by a choice of means of transport, will contribute to the health and vitality of Batley town centre and will enhance the quality of retail facilities available to shoppers.

It is rare that an opportunity arises that allows a large purpose built foodstore to be constructed within an existing shopping centre. Tesco’s proposed redevelopment is therefore welcomed. It is considered that Batley can support a store of the scale proposed without adversely affecting the town’s performance or function. The multi-million pound scheme will enhance the attractiveness of the town as a shopping destination and become a catalyst for further investment.

CONSULTATIONS

Highways

Apart from a slight repositioning of the store, the only significant change to the scheme already approved by the Government Inspector is the position of the signalised access which will now serve the whole of the site, including existing users.

The new signalised access will separate and control the various turning movements at the junction in the interests of safety and capacity, whilst at the same time providing formal pedestrian crossing facilities.

However, Members should note that a small side street, Back Field Road, is located in the middle of the junction, between the two stop lines on Bradford Road. For technical and capacity reasons it is not possible to signalise the side street.

To avoid the very serious accident risk of uncontrolled vehicles entering the junction, it is proposed that Bank Field Road be made one way, away from Bradford Road. Subject to planning permission the Council, at the developer's expense, will process a Traffic Regulation Order to give effect to this proposal.

Coal Authority

No objections to previous proposal. Comments awaited on this application.

Environment Agency

Based upon the conclusions reached in the submitted Flood Risk Assessment, the Agency has withdrawn its initial objections. Improvement of the culvert under the site is paramount and the Agency requests that a requirement to provide the new culvert is made a condition of approval. No objection subject to conditions.

Yorkshire Water

No objection subject to conditions.

Disabled Access Group

Request:

- Braille letters and audio for the lift
- Toilets to have sliding doors
- Main doors to be automatic
- Visit before store opens
- Requests from last application to be repeated.

Highways Agency

No objection

West Yorkshire Archaeological Service

No objections

Batley Town Centre Manager

Concerned re. Taxis/private hire facilities, materials and details of treatment to Alfreds Way.

REPRESENTATIONS

To date only one letter has been received. This is from Malcolm Haigh, (an objector at the "Call-in" Inquiry), who raises the following points:

- The proposal should include natural stone rather than artificial stone. (The applicants have since confirmed that the Bradford Road and Car Park elevations will include natural stone, as required by the Inquiry Inspector.).
- There is no indication that an escalator will be provided. (The applicants have since confirmed that the development includes an escalator, lift and steps.) (This will be required by condition).
- Moving the store away from the school on the opposite side of the road is welcomed.
- The car park should be softened by tree planting. (A condition will be imposed requiring a landscape scheme).

ASSESSMENT

The proposals comply with retail policy and is broadly similar to the scheme which was approved by the Secretary of State in November 2001. Approval is recommended subject to conditions. The application will have to be first referred to the Secretary of State.

Application No : 2002/62/90951/E2

Grid Reference : SE 24430 22030

Development : CHANGE OF USE AND ALTERATIONS TO CONVERT FORMER MILL AND SHOWROOM TO 94 APARTMENTS WITH ALTERATIONS TO ROOF AND EXTERNAL PARKING

Location : SPINKWELL MILL, HALIFAX ROAD, DEWSBURY.

Applicant : BINKS EXECUTIVE HOMES LTD

Recommendation : DELEGATE TO OFFICERS

SUMMARY

REASON FOR COMMITTEE DECISION

Delegation Agreement

SIGNIFICANT CONSULTATIONS

Highways – comments awaited on Transport Assessment

Environmental Services – noise assessment and contamination report required

Environment Agency – object as part of the site is in flood risk area

RELEVANT HISTORY

87/62/05739/A2 – change of use of warehouse to retail showroom (ground floor) approved Feb 1988

2002/62/90952/E2 – change of use of land to car park, adjacent site but in support of conversion, current application reported elsewhere on the agenda

POLICY

PPG25, PPG13, PPG3, PPG4

Kirklees Unitary Development Plan – main policies – D2, EP4, H10-12, T10, B4, BE2, H8, BE3

REPRESENTATIONS

2 letters of objection

ASSESSMENT

Principle of the change of use considered appropriate if means of access can be obtained and sensible amount of parking provided and amenities of residents protected in terms of noise. Alterations to the building, including new parking deck considered acceptable and flood risk is minimal. Negotiations regarding affordable housing ongoing.

DELEGATE TO OFFICERS TO APPROVE SUBJECT TO THE RESOLUTION OF ALL OUTSTANDING ISSUES AND SUBJECT TO THE IMPOSITION OF SUITABLE PLANNING CONDITIONS.

INFORMATION

The application is reported to Sub-Committee as the site exceeds 0.5ha.

APPLICATION SITE/DESCRIPTION

Imposing 6 storey stone and slate building on the NE side of Halifax Road, close to its junction with the ring road. The building is currently vacant. The site is accessed from Bradford Road, this private vehicular access also forms the service delivery road for the Safeway supermarket.

To the north of the site is Safeways, to the south east there is a public right of way (120) and the Grade II listed railway viaduct.

The application is to alter and change the use of the building to form 94 apartments. This would include the erection of a car parking deck on the rear elevation of the building and alterations to the roof to form an additional storey with glazed features.

The creation of the car park deck would require the closure of the right of way which runs through the site. Both pedestrian and vehicular access would be from Bradford Road via the existing private road.

SITE HISTORY

87/62/05739/A2 – change of use of warehouse to retail showroom (ground floor) approved Feb 1988

2002/62/90952/E2 – change of use of land to car park, adjacent site but in support of conversion, current application reported elsewhere on the agenda

POLICY

There are a number of PPGs that have relevance to the determination of the application. Specifically these are:- PPG3 – Housing which states that conversion of buildings to housing can be an important source of additional housing, especially in town centres; PPG4 – Industrial and Commercial Development, which states that consideration needs to be given to the juxtaposition of potentially incompatible uses; PPG13 – Transport which states that reducing the amount of car parking is essential as part of a package of planning and transport measures, to promote sustainable travel choices; PPG25 – Development and Flood Risk states that the susceptibility of land flooding is a material planning consideration.

Kirklees Unitary Development Plan

The site is without notation on the Unitary Development Plan where policy D2 applies. In addition a number of other policies are also of significant relevance namely; EP4 (noise), T10 (traffic considerations), B4 (sites previously used for business uses), H8 (conversion of buildings to residential), BE3 (impact of development on the setting of listed buildings), H10-12 (affordable housing)

CONSULTATIONS

Highways – currently assessing a transport assessment regarding issues over the ability of the service road to accommodate the development and the level of car parking.

Coal Authority – standard comments

Environment Agency – object stating that the site is within the indicative flood risk area

Environmental Services – require noise assessment and contaminated land report. Noise assessment requested because of the proximity of the railway, the contamination report could be conditioned if planning permission granted.

Yorkshire Water – standard recommendations

Housing Services – demand for accommodation in the area mainly 1 and 2 bedroom units to rent. Housing Services would seek on-site provision to be managed by a Housing Association.

West Yorkshire Archaeological Service – no significant archaeological implications

Economic Development Service – multi-storey mill vacant for many years and unlikely to be reused for business and industry except the ground floor, even if this

happened the building fabric would deteriorate. The continued vacancy and deterioration of such a prominent landmark is unacceptable, whilst the current proposal would bring it back into use. These factors, together with its location on the edge of the town centre and close to the railway station lead to support from EDS

Access Group – disabled access possible and require disabled parking provision

REPRESENTATIONS

Two letters of objection. The first is from The Ramblers Association who object to the closure of footpath 120 and an unofficial path which crosses the site. Taken together this would mean that pedestrians would have to use footway to Bradford Road as an alternative which is dangerous to pedestrians. Because of this the Association object to the whole scheme. They suggest a compromise with the footpath through the viaduct and across the car park to the pedestrian crossing on the ring road.

An objection has been received on behalf of Safeway's. They consider that the conversion is unsuitable on amenity grounds, contrary to H8 and PPG4, as the apartments would be adjacent to the service yard and access of Safeway's. Furthermore they consider that the car park would be unacceptable development within the setting of a listed building and that the transport impact of the development has not been properly assessed.

The agent has written in support of the application that the Bradford Road footway is adequate to provide access between Safeway's and the town centre. There is also a separate access between the store and Halifax Road. The suggested route proposed by The Ramblers is not feasible. In terms of the site flooding this relates to only a small area of the car park closest to Bradford Road. They consider that the conversion would not increase flood risk and the residential accommodation is above ground level in any case. The new car park would only affect floodwater storage capacity to a minimal degree. In line with PPG25 should take a 'balance flexible approach'.

The agent also sets out the reasons for wishing to stop up the existing right of way. These can be summarised as preventing unlawful access to the site in the interests of reducing crime and in order to accommodate the construction of the ramp to the car parking deck. The ramp requires the lifting of the level of the land crossed by the current footpath.

ASSESSMENT

This prominent building was last used for business purposes being a warehouse and furniture store on the lower floor. It has been empty for some time and even when in use in more recent years this was restricted to the lower areas of the building. In assessing the acceptability of the principle of the scheme Policy B4 of the Unitary Development Plan is of prime relevance. This sets out a number of criteria regarding the change of use of buildings last used for business purposes to ensure that there are

a stock of business premises maintained commensurate with likely demand. However, having taken advice from Economic Development Service they state that given the continued vacancy of the building and its age and design it is unlikely to be put to effective commercial use again in the future. They therefore support its conversion. Subject to the compatibility of the use to the adjacent business premises, the effect on the local highway network and the effect of the alterations on the appearance of the building therefore the use is considered acceptable in principle.

Highway Services are currently considering the Transport Assessment prepared for the applicants. This has been required to assess:-

- the ability of the junction of the service road with Bradford Road to safely accommodate the traffic generated by the proposal in terms of capacity, highway safety and the effect on traffic flow on Bradford Road
- the suitability of the service road in relation to the current levels of congestion that arise by either authorised or unauthorised on-street parking
- The design of the site entrance in relation to both pedestrian and vehicle visibility
- The level of car parking proposed in relation to PPG13 and examination of the linkages between the site and the town centre/public transport facilities in respect of measures to encourage alternative sustainable transport, including evidence in relation to the proposed closure of the definitive public footpath within the site to construct the new car deck.
- The practicalities of the car parking layout both inside the existing mill and on the external areas and the new car deck.

Any comments on these matters will be verbally reported to Sub-Committee and it is not therefore possible at this stage to assess the acceptability of the proposal in terms of access and parking and the need to close the public right of way through the site.

Alterations are proposed to the building. The most major of these is a new roof structure which would create a gabled roof with glazed atrium through the centre of the building. The new roof would allow another storey of accommodation to be created with terraces below a parapet. On the northern elevation some new openings with balconies would be created on three floors. This is necessary because an area of walling is presently blank where an extension has been removed.

The car parking proposed for the site includes the erection of a car parking deck to the north and west elevations. This would be 4.4 metres height, including parapet, and has been designed drawing reference from the nearby viaduct with a series of arched openings. Given the scale of the building the deck is visually acceptable, subject to matching materials.

The alterations proposed to the building and the new car parking deck are considered to not materially affect the setting of the adjacent listed structure. Indeed bringing this building back into viable use via a sensitive scheme will enhance the viaduct and this area of Dewsbury.

Given the position of the building adjacent to an active railway, busy roads and commercial uses the impact of noise on future occupiers requires assessment. The applicants have been asked to provide a noise assessment and this is being discussed with Environmental Services. Any issues arising from this will be verbally reported to members.

The Environment Agency object to the application because part of the site falls within a floodzone of Batley Beck. However, this relates to only a narrow section of the proposed car park. Given this whilst the reason for the objection is understood it is not considered that this development represents a risk to future residents or materially affects the storage capacity of floodwater.

Housing Services state that there is a demand for affordable housing in this area. This has been passed to the applicants and their comments on this matter are awaited.

To conclude, the development of the building for residential purposes could be acceptable if the issues outlined in this report can be resolved. It is therefore recommended that the application be delegated to officers to approve when such issues are resolved. If this is not possible the application will be returned to Sub-Committee.

Application No : 2002/62/90952/E2

Grid Reference : SE 24460 22020

Development : CHANGE OF USE OF LAND TO CAR PARK AREA (LISTED BUILDING)

Location : LAND ADJACENT SPINKWELL MILL, HALIFAX ROAD, DEWSBURY.

Applicant : BINKS EXECUTIVE HOMES LTD

Recommendation : DELEGATE TO OFFICERS

SUMMARY

REASON FOR COMMITTEE DECISION

Because of related application reported elsewhere on the agenda

SIGNIFICANT CONSULTATIONS

Highways – comments awaited

Railtrack – no objections

RELEVANT HISTORY

2002/62/90951 – alterations and conversions to Spinkwell Mills to form 94 apartments, reported elsewhere on the agenda

POLICY

Kirklees Unitary Development Plan BE3, T10 and PPG15

REPRESENTATIONS

Ramblers Association- proposed fencing would make a much used unofficial path impassable

ASSESSMENT

The principle of the use of the land is acceptable provided there are no objections from Highway Services. Much of the land has been used for unofficial car parking for many years. The proposed fencing is considered visually acceptable.

DELEGATE TO OFFICERS TO APPROVE SUBJECT TO HIGHWAY ISSUES BEING RESOLVED AND SUBJECT TO THE IMPOSITION OF SUITABLE PLANNING CONDITIONS

INFORMATION

This application is reported to Sub-Committee because it is related to application 2002/62/90951/E2 reported elsewhere on this agenda.

APPLICATION SITE/DESCRIPTION

Irregular shaped area of land at the junction of Halifax Road, Bradford Road and Dewsbury Ring Road. The application includes land beneath the railway viaduct, a

Grade II listed building, a tarmaced access way and part of a planted embankment which abuts the footway.

The application is to formalise the use of this land for parking, including an access through the viaduct adjacent to the southernmost arch, the provision of parking spaces beneath the arches and a new area of parking using some of the land currently landscaped. A new fence is also proposed around the land at the back edge of the footway. The fence would not touch the viaduct.

SITE HISTORY

2002/62/90951 – alterations and conversions to Spinkwell Mills to form 94 apartments, reported elsewhere on the agenda

POLICY

Kirklees Unitary Development Plan

The site is without notation where policy D2 applies. In addition the proposal could affect the setting of a listed building and as such Policy BE3 and PPG15 require consideration. As the proposal is for car parking the implications of policy T10 are of relevance.

CONSULTATIONS

Highways – Transport Assessment submitted in respect of allied application for conversion of Spinkwell Mills (which considers the need for car parking and the acceptability of the proposed access off Bradford Road along a private road).

Railtrack – no objections in principle but cannot guarantee that they would be willing to grant a tenancy if planning permission granted

REPRESENTATIONS

Ramblers Association - proposed fencing would make a much used unofficial path impassable (between Bradford Road and the town centre).

ASSESSMENT

The use of this land for car parking would require little physical alteration save for the removal of some of the landscaped bank to form a level surface and the erection of metal railings. Additional landscape is shown to the edge of the pavement which would help screen the cars from public view. It is considered that the use would not detrimentally impact upon the setting of the listed structure as the mass of each arch would be still be fully visible and the use would be easily reversible. The use of the land

is proposed to support the conversion of Spinkwell Mills and if this scheme went ahead it would enhance the setting of the viaduct.

The Ramblers Association object to the application as it would close off an unofficial path from Bradford Road across the site to the town centre. This is not a definitive public right of way and there is a footway to Bradford Road offering an alternative to the unofficial track through the site.

At the time of writing Highways had not formally responded to the Transport Assessment submitted in respect of the adequacy of access and the need for the amount of parking shown. It is therefore recommended that the application be delegated to officers to approve upon resolution of access and parking issues subject to the imposition of suitable planning conditions. If the transport assessment cannot show the need for this area to be used as car parking in support of the conversion of Spinkwell Mills this application will be reported back to Sub-Committee.

Application No : 2002/62/90955/E2

Grid Reference : SE 23310 22620

Development : USE OF LAND TO FORM CAR PARK

Location : OPPOSITE DEWSBURY & DISTRICT HOSPITAL, HEALDS ROAD, DEWSBURY.

Applicant : DEWSBURY & DISTRICT HOSPITAL

Recommendation : REFER TO PLANNING AND HIGHWAYS COMMITTEE

SUMMARY

REASON FOR COMMITTEE DECISION

Delegation Agreement

SIGNIFICANT CONSULTATIONS

Highways – no objections, subject to conditions

Environmental Services – restrict hours of use and control lighting columns

Leisure Services - potential conflict between use as cricket ground adjacent and car park.

RELEVANT HISTORY

2000/92587 application for residential development, resolved to approve subject to Section 106 Obligation still an outstanding application

POLICY

Kirklees Unitary Development Plan allocates site for residential development. Also consider criteria in policies BE1, BE2 and T10.

REPRESENTATIONS

5 letters of objection

ASSESSMENT

Departure from the Unitary Development Plan but the requirement to provide adequate parking for the hospital in a convenient location could have greater merit than a housing site if there are no other opportunities in the hospital grounds for parking if the site is further developed, information awaited. The layout and the detailed management of the site would need to ensure that residential amenities are protected, that conflict between parking and the adjacent cricket pitch is minimised and that the recommendations of a recent ecological report carried out on behalf of a previous applicant should also be taken into account. As a departure if Members are minded to approve this application would have to be reported to the Planning and Highways Committee.

IF THE APPLICANTS PROVIDE INFORMATION TO PROVE THAT THERE ARE ONLY LIMITED/NO OPPORTUNITIES TO PROVIDE THIS PARKING AREA WITHIN THE EXISTING HOSPITAL CURTILAGE IF EXISTING CAR PARK IS LOST, REFER TO THE PLANNING AND HIGHWAYS COMMITTEE AS A DEPARTURE FROM THE KIRKLEES UNITARY DEVELOPMENT PLAN WHICH MEMBERS OF THE HEAVY WOOLLEN AREA PLANNING SUB-COMMITTEE ARE MINDED TO APPROVE SUBJECT TO THE IMPOSITION OF SUITABLE PLANNING CONDITIONS

INFORMATION

This application was reported to Sub-Committee as the development would be a departure from the Kirklees Unitary Development Plan. It was deferred at the meeting of 20 June 2002 in order that the applicant provide details of the car parking on the main hospital site which could be lost if this application was granted and implemented.

SITE

Approximately 1.3 ha of land to the south of Healds Road. To the east of the site is a public footpath and Birkdale High School, to the south is residential development on Birkdale Grove, to the west a cricket pitch and gardens and to the north a Child Care Unit and across Healds Road Dewsbury Hospital. The application site rises from Healds Road with the highest point being the south eastern corner of the site.

The site is bounded by high stone walls on all but the western boundary where the land is open and slopes down to the playing fields. The Child Care Unit has a wooden fence demarcating it from this site.

There are a number of trees along the boundary with the playing fields, along Healds Road and other scrub/semi-mature trees alongside the boundary walls and in the south east corner of the site. The majority of the land is rough grassland with a number of surfaced pathways, footings etc from its previous use as cottage homes.

PROPOSAL

This is to create a 382 space car park for Dewsbury Hospital. The car park is shown to be accessed from Healds Road with the existing wall demolished and a new wall rebuilt behind the proposed visibility splays. Twenty disabled parking spaces are shown close to Healds Road. The parking is laid out in rows some with landscape strips between some rows and pedestrian footways at the end of rows and in the middle of the longer rows. The car park is shown to be illuminated from a number of lights on lighting columns. Some regrading work is shown to be carried out to accommodate the use but this is not extreme and overall the proposal is to work with the existing contours. The current plans show the retention of existing landscape on the western boundary and the erection of a “high fence” on this boundary.

RELEVANT PLANNING HISTORY

2000/92587 – proposal for 39 dwellings, delegated to officers to approve at the Sub-Committee meeting on 22 February 2001 subject to a Section 106 Agreement being secured for affordable housing and public open space. The application is still outstanding

RELEVANT PLANNING POLICY

Kirklees Unitary Development Plan

The site is allocated for housing on the proposals map and by policy H6 of the UDP. As the car park is proposed to serve an existing use it is difficult to attach other UDP policies to the development as these are designed to be assessed with new uses. However if this is assessed as new development in its own right then the general criteria set down by policies BE1, BE2 and T10 is also relevant.

CONSULTATIONS

HEALTH & SAFETY EXECUTIVE – no reasons to object on major hazard grounds.

ENVIRONMENTAL SERVICES – concerned if 24 hour use because immediately adjacent to residential property. Recommend restricted between 8am-10pm. Also lights should be designed to avoid disturbance to residential properties.

YORKSHIRE WATER – make a number of comments on surface water drainage issues and recommend conditions

THE COAL AUTHORITY - Standard comments

WEST YORKSHIRE POLICE – security measures must be main priority and would wish to see applicants design incorporate all the requirements for secure car park status. They will also consult with applicants.

HIGHWAY SERVICE – proposals may involve changes to existing Traffic Regulation Orders, further information required on visibility splays, has Green Travel Plan been sought? is the car park justified, is this development a pre-cursor to developing on existing car parks?

LANDSCAPE CONSULTANCY – (verbal) layout provides landscaped strips and a buffer between site and houses on Birkdale Grove. Need to think about how site will be drained and how to separate this use from nearby cricket club to prevent damage to cars. The landscape scheme chosen needs to ensure that it doesn't overshadow residents of Birkdale Grove.

LEISURE SERVICES - Adjacent recreation area is heavily used in the cricket season. The distance from the middle of the cricket square to the car park is reachable by batsmen of all levels. Protective netting could be considered but who would be responsible for any claims made?

REPRESENTATIONS

Councillor Razaq has verbally stated that more information is needed to assess the need for a car park here and that he is sympathetic to the issues raised by the objectors.

5 letters of objection received. The reasons for objection can be summarised as:-

- 1) proximity of car parking spaces to residential property
- 2) loss of privacy

- 3) noise and disturbance from development in presently quiet area
- 4) disturbance from headlights
- 5) potential for inappropriate use of car park
- 6) access/egress problems on Healds Road – especially by ambulance service
- 7) increased risk to vulnerable groups from the development (schoolchildren, hospital users, residents of the children’s home)
- 8) growing needs of local people for a convenient and accessible open space
- 9) will another ecological assessment take place?
- 10) will the Government report in relation to retention of existing open spaces be taken into account in the determination of this application, especially as the UDP is under review? It is not too late to protect this piece of open land
- 11) should be retained as open space, it is adjacent to open space and in an oasis of tranquillity. “Desire line” across site show it is well used by people.
- 12) hospital already has extensive car parking and additional facilities appear to be available from the main Halifax Road entrance. This would be better than Healds Road which already has congestion from school and hospital traffic.
- 13) Urban Green Space Task Force has reported to Government encouraging the renaissance of parks and Urban Green Space and encourages people to register with the government those pieces of land which they see as important local green space. The objectors have informed the local MP about this piece of land.

Applicant’s Agent has written a further letter stating that:

1. The prime purpose of the car park is not to increase spaces but provide parking off main site for staff to allow for expansion of the hospital by building on on-site car parks. At present there is no space for future development of the main site and the space created by the formation of the car park would ensure that all development needs of the site could be met for the foreseeable future.
2. Public transport access to the site has been improved in the past by re-routing most buses using Halifax Road through the site.
3. There are secure cycle and motorcycle parking areas adjacent to the main staff changing areas.

4. All footpaths have been improved providing dropped kerbs, textured pavings etc to make the site easily accessible for pedestrians.

ASSESSMENT

The assessment of the current application needs to consider its compliance with the Unitary Development Plan, any Government policies and Guidance which have post dated the Unitary Development Plan and all other material planning considerations.

Firstly, in terms of the Unitary Development Plan the site is allocated for housing. It was allocated for housing in the plan taking into account relevant Government Guidance at that time and sought to strike a balance between meeting the needs of development and the need to protect existing green spaces within the urban area. There is no record of objections being received in respect of this allocation during the Unitary Development Plan process.

The proposed development is clearly a departure from the Unitary Development Plan. However it is valid to note the proximity of the hospital to the site and that the choice of sites which could accommodate hospital car parking beyond the grounds of the hospital are limited. The applicant has been requested to provide evidence of opportunities within the hospital curtilage for potential car parking and the outcome of this search. If there is limited or no space available to cater for additional car parking, then notwithstanding the housing allocation, the proposal as a car park would have greater merit than as a housing site, due to its location. A car park would not prejudice the future developability of the site for housing and the future opportunity to consider the site as a future housing site would still exist. Any additional information received from the applicants will be reported to Members.

Objections have been made to the principle of developing this site rather than retaining it as an open space. As part of the work for the Unitary Development Plan existing green spaces, including play areas, were comprehensively assessed as part of an urban open land study. This assessment process used a scoring mechanism so that relative comparisons could be made between sites. On the Heavy Woollen District Local Plan the application site had been allocated as part of an Urban Green Area. However, on the Unitary Development Plan only those areas of identifiable value were shown on the proposal map as 'Urban Greenspace'. The recreation area to the west of the application site was so assessed and is Urban Greenspace on the Unitary Development Plan. The application site was allocated for housing being the site of a former Children's Home and suitable for redevelopment.

Notwithstanding the above a question has been raised by one objector as to the weight to be given to the final report of the Urban Green Space Task Force "Green Spaces, Better Places" 2002. It is considered that this report is informative. The report primarily deals with:

1. Improving urban parks and green spaces. Typologies of such spaces are listed in Section 5.2 Table 1 eg parks and gardens, provision of children's play, amenity green spaces, outdoor sport provision, allotments, cemeteries, natural and semi-natural urban green space, green corridors and civic spaces. None of these types of space relate to the site in question. The site is cleared brownfield site, never formally restored as a public amenity area and unofficially used, as an objector states, among other things, for dog walking. The task force report is therefore considered to be of little direct relevant as regards this site. Indeed paragraph 32 of the report specifically refers to dog walking acting as a deterrent to use open spaces by some sections of society.
2. The 93 page report highlights the need for greater investment in urban parks and green spaces through more funding and a more focused approach through public private partnership, community groups, public agencies, training initiatives.
3. Development of supportive information (databases) to assist creating a strategic policy framework.
4. Recommending a new national agency for urban parks and green spaces be formed.

The Review of the Unitary Development Plan will take full account of the report. The review timetable has not yet been published. The preparation of review proposals is not however expected before spring of next year. The Council, however, has a duty to consider applications as submitted in the light of all material circumstances and in the context of planning permission pertinent to the application proposal. The report has been considered but does not alter the recommendation to Sub-Committee.

The 'Representations' section of this report has precised objections received, one of which is that a convenient informal open space will be lost. The site, whilst not maintained, is used by people for a variety of uses. As an informal recreation space, (which is vested with Social Services and for which there are no rights to use the land as such) it serves residents who would otherwise visit Crow Nest Park, Rockhouse Recreation Ground, Hyrstlands Park. For residents who live close to the application site it would be more of an inconvenience to visit the other recreation areas. However, it is considered that this would be an insufficient reason to refuse the application. As set out in the preceding paragraphs the site is allocated for housing development in the adopted development plan, the importance of this green space was also assessed during preparation of the plan. This area is not considered deficient in open space.

One objector enquires whether the developer will be asked to provide an ecological report. When the application for housing development was submitted an objector highlighted the detrimental impact on wildlife from the development of this site and the applicant was asked to submit an ecological report. This was carried out in winter and it was mentioned in the report that there could be other flora/fauna present in other

months. (There were no important species present at the time the report was carried out). However the site has been inspected by a landscape architect in the last month and it appears that the development will not adversely affect a site of natural importance, this had already been assessed as part of the development plan process. A further ecological report has not therefore been requested although the recommendations previously made would be appropriate in the consideration of this development. These were that the impact of the development could be mitigated by following the recommendations set out in the ecological report, i.e.

- i) Retain perimeter features; natural stone walls and peripheral trees.
- ii) Retain areas of rough grasslands on the western bank beside the playing fields, and an open corridor along the southern boundary of the site and, if possible, alongside the Healds Road boundary.
- iii) Incorporate landscaping which is designed to maximise ecological value and reflect local biodiversity. Plant locally-native trees, shrubs and herbs in order to achieve this.
- iv) The development could be made more attractive to bats by the inclusion of bat bricks or tiles into new properties, thereby increasing the number of potential local roost sites. Such bricks and tiles are available from Marshalls Clay Products. (not relevant)

These recommendations have been forwarded to the applicants and their comments are awaited.

The creation of a car park may allow for greater use of car visiting the hospital, dependent on what happens to existing parking facilities. PPG13 states that proposals to expand health facilities should improve access by public transport, walking and cycling. The applicant has been asked to provide details of current and proposed facilities for modes of transport other than cars visiting the hospital. This is to ensure that if the proposal is acceptable in principle there is not an over-provision of parking and that other modes of transport are encouraged.

Whilst Highways have raised no objection in principle to the development, a car park in this location would create an intensively used pedestrian crossing on Healds Road between the car park and the hospital. The applicant has therefore been asked to address the impact of additional traffic on Healds Road and the potential need for a formal pedestrian crossing. Furthermore additional comments from Highway Services state that the proposal may involve changes to existing Traffic Regulations Orders. Further information is required on visibility splays, has a Green Travel plan been sought? Is the car park justified and is this development a pre-cursor to developing on existing car parks? Information on these matters, together with the information requested by Members at last Sub-Committee is awaited.

In terms of crime prevention, West Yorkshire Police have been consulted for their comments on the application. Their comments require “secure car park” status. This requires certain types of fencing, surveillance, speed control, exit control barrier, CCTV and lighting. West Yorkshire Police would liaise directly with the applicants over these matters.

The creation of a large car park would visually alter the area. However, the application endeavours to work with existing contours and areas of new planting are shown on most boundaries of the site and within the site. The existing landscape is not worthy of protection. New landscape buffers are shown on the western and southern boundaries of the site. The southern boundary adjoins residential development and the western boundary the cricket pitch. Leisure Services have highlighted the potential problems of the proximity of cars to the cricket pitch. The applicants have stated that they will provide a “high fence” and have moved parking away from the western boundary. However, if the principle of development is agreed further negotiations would be required to minimise the risks associated.

The car park adjoins residential properties on the northern and southern boundaries and part of the eastern boundary where the increased activity proposed could affect residential amenity. Environmental Services suggest restricted hours of use (8 am to 10 pm). Controls would also be required to ensure there was no light pollution from car headlights and lighting from the car park and that there were adequate “buffers” between the two uses to minimise noise and loss of privacy. If the principle of development is accepted further amendments may be required to the submitted plans.

In conclusion, the principle of development may be acceptable if there are limited/no opportunities for alternative parking arrangements within the curtilage of the hospital site and the matters raised by Members and Highway Services are adequately resolved. If this is demonstrated then as a departure from the Unitary Development Plan any recommendation to approve the application would have to be forward to the Planning and Highways Committee. In addition, if Planning and Highways Committee support the application, as the Council currently owns the land to which the application relates, it would be necessary to notify the application to the Secretary of State under the Departure Direction.

Application No : 2002/62/91095/E2

Grid Reference : SE 23820 18440

Development : ERECTION OF 5 DETACHED DWELLINGS WITH INTEGRAL GARAGES

Location : PLOTS 5 TO 9, FOXROYD LANE, THORNHILL, DEWSBURY.

Applicant : LINFIT DESIGN & DEVELOPMENT

Recommendation : CONDITIONAL FULL PERMISSION

SUMMARY

REASON FOR COMMITTEE DECISION

Delegation Agreement.

SIGNIFICANT CONSULTATIONS

Highways - No objections in principle, subject to conditions.

RELEVANT HISTORY

91/2876 - Outline - Residential development - Approved.
97/91687 - Outline - Residential development - Approved.
00/93579 - Reserved Matters - 8 houses - Approved.

POLICY

PPG3
Unitary Development Plan – H6, BE2, BE12, T19.

REPRESENTATIONS

6 letters of objection plus petition of 153 signatures.

ASSESSMENT

Amendment to an already approved scheme.

INFORMATION

This application is brought to the Sub-Committee at the request of Councillor Iqbal, so that Members can discuss the issues of over-development and highways impact.

THE SITE

The site comprises 0.2ha of steeply sloping grassland on the south side of Foxroyd Lane, Thornhill. The site forms part of a larger development site extending southwards to Whitley Road. To the east is Edge Top Working Mens Club and to the south there are a number of dwellings and Thornhill Baptist Chapel.

PROPOSAL

The current application is seeking full permission for the erection of 5 detached dwellings with integral garages taking access from Foxroyd Lane.

HISTORY

The site has quite a long history dating back to 1991, which can be summarised briefly as follows :-

- 19.6.92 Outline planning permission granted for residential development (ref: 91/2876). Decision made by Committee at request of Ward Councillor.
- 1995 Site was allocated for housing in Unitary Development Plan.
- 9.1.98 Outline planning permission granted for residential development (ref: 97/91687). Decision made by Committee at request of Ward Councillor and after site visit.
- 6.12.2000 Reserved Matters application submitted (ref: 00/93579). 9 houses proposed, later reduced to 8 to provide on-site turning facility for service vehicles off Foxroyd Lane. Four houses to be accessed from Foxroyd Lane, four from Whitley Road. No objections from Highways; no Member involvement. Application approved under Delegated Powers 10.8.2001.

RELEVANT POLICIES

Unitary Development Plan Housing Allocation (H.10.29) Policy H6.

PPG3 Housing.

BE2 Design of new dwellings.

BE12 Space about new dwellings.

T19 Off-street parking provision.

CONSULTATIONS

Highways - No objections in principle subject to conditions

Coal Authority - No objections.

Crime Prevention - Recommend suitable crime prevention measures.

REPRESENTATIONS

7 letters of objection including 2 from the same person and one from the Foxroyd Tenants and Residents Association. A further letter was received from the Baptist Chapel which does not directly relate to the current application but to the Whitley Road part of the larger development site. In addition a petition of 153 signatures has been submitted.

The grounds of objection can be summarised as follows :-

- (1) Increase traffic generation on Foxroyd Lane.
- (2) Steep drives leading to on-street parking.
- (3) Loss of view for residents.
- (4) Loss of public bench and viewpoint.
- (5) Effect on wildlife.
- (6) Loss of open space.
- (7) Noise and dirt during construction.

ASSESSMENT

The land to which this application relates has a valid full planning permission for the erection of four detached houses of the same house type as currently proposed. This was approved last year as part of a scheme for the development of a larger site extending between Foxroyd Lane and Whitley Road, with 8 houses in total. The current proposal is seeking permission for a modified scheme which differs from the one previously approved in two ways :-

- (i) The houses would be accessed by individual driveways directly off Foxroyd Lane as opposed to being served by a single private drive with one access point onto the existing highway; and
- (ii) The inclusion of a single additional dwelling which becomes possible as a result of the proposed change to the access arrangements which removes the need for an on-site service vehicle turning facility.

It is clear that there are strong feelings among local residents who are opposing any development of this site.

However, it must be stressed that full planning permission exists for the site and the current proposal is for modifications to the approved scheme.

The siting of the proposed houses and levels for plots 7-9 are identical to the previous approval as are the house designs. The additional house now proposed would be sited on the former Plot 5 at the rear of the existing properties at 18-24 Whitley Road. This large plot has been sub-divided to accommodate two dwellings of the same design as the others fronting Foxroyd Lane.

The proposed layout complies with Policy BE12 with regard to space about new dwellings.

The Highways Officer has raised no objections to the proposal as amended, taking the view that one additional dwelling is unlikely to create a significant increase in traffic on Foxroyd Lane.

Negotiations are still ongoing with the applicant with regard to details of the proposed access arrangements such as gradients of driveways but there is no objection to the proposed accesses in principle.

For this reason it is recommended that the application be delegated to officers to approved subject to satisfactory details of access being submitted.

Application No : 2002/62/91242/E2

Grid Reference : SE 24590 20330

Development : ERECTION OF 2 STOREY EXTENSION TO SIDE AND REAR

Location : 100, HEADFIELD ROAD, SAVILE TOWN, DEWSBURY.

Applicant : M HUSSAIN

Recommendation : REFUSED

SUMMARY

REASON FOR COMMITTEE DECISION

Request from Councillor Beetham

SIGNIFICANT CONSULTATIONS

None

RELEVANT HISTORY

98/93456: Approval of garages, excavations and walling at 100 & 102 Headfield Road.

01/91507: Approval of two-storey extension (first floor depth measuring 3.0m and ground floor depth measuring 4.0m) at 102 Headfield Road.

POLICY

BE14 (depth of 3.0m extensions acceptable)

G4/D2(vi)/BE1/BE13 (design/appearance)

D2(v) (residential amenity)

PPG1 – personal circumstances

REPRESENTATIONS

Support from Cllr Beetham:

1. size of extensions no bigger than others in the vicinity
2. personal circumstances of the family in occupation which is large and extends to three generations.

ASSESSMENT

Conflicts with policy. Approval would result in an overbearing impact onto the residents of No. 102 where it would unduly harm their residential amenities.

Refuse

- (1) The excessive depth of the proposed two storey extension towards the rear elevation of the application property would result in an overbearing impact towards the occupiers of No. 102 Headfield Road. As such their residential amenities would be adversely affected, conflicting with the objectives of Policy D2(v) of the Councils Unitary Development Plan.

INFORMATION

This application is brought before Sub-Committee at the request from Councillor Beetham.

APPLICATION SITE/DESCRIPTION

The application site relates to a brick built two storey semi-detached dwelling situated on a row of similar property types. Areas of garden exist to the front and rear with a drive leading to a detached brick garage to the rear. There is an existing two-storey brick extension to the rear of the property which extends approximately half of the width of the house from the path boundary with 102 Headfield Road. The depth of the ground floor element extends approximately 4.0m and the first floor element extends approximately 2.0m in depth.

The application is for a:

1. two-storey side extension (slightly set back from the front building line); and
2. a two-storey rear extension of 4m projection.

Taken together the extension would “wrap-around” the existing building and extend almost to the boundary with 98 Headfield Road (150mm from boundary)

POLICY

The following policies are applicable to this application.

BE14 (depth of 3.0m extensions acceptable)
G4/D2(vi)/BE1/BE13 (design/appearance)
D2(v) (residential amenity)
PPG1 (paragraph 38) discusses personal circumstances.

HISTORY

98/93456: Approval of garages, excavations and walling at 100 & 102 Headfield Road.

2001/91507: Approval of two-storey extension (first floor depth measuring 3.0m and ground floor depth measuring 4.0m) at 102 Headfield Road. This also included side extension.

REPRESENTATIONS

Letter of support received by Councillor Beetham (site notice expired).

1. size of extensions no bigger than others in the vicinity.

2. personal circumstances of the family in occupation which is large and extends to three generations.

ASSESSMENT

The intended design/materials is considered to respect and reflect the host property and complies with the relevant policies (G4/D2(vi)/BE1/BE13). However the key issue is the impact of the proposed rear 2-storey extension upon the adjacent residents. In order to avoid an arbitrary assessment policy BE14 provides a criteria on this matter i.e. extensions which do not have a detrimental impact on visual or residential amenities are acceptable providing they do not exceed 3.0m in depth. This implies that a projection of an extension beyond 3.0m in depth which is in close proximity to another property is considered unduly overbearing. Applications should be assessed using this as a reference point and clearly the application exceeds the limit to what is considered acceptable.

A letter sent to the applicant's agent indicating that a reduction, where the first floor and ground floor was limited to 3.0m and 4.0m respectively, would be acceptable. Although the suggested size of the ground floor extension is beyond what normally would be considered acceptable, the fact that a ground floor extension of 4.0m in depth already exists at this site is a material consideration as is the fact that because of this extension a similar scheme at 102 Headfield Road was approved. The amended plans as suggested by Officers were received. However, it is now understood that the applicants wish to revert back to the plans as originally submitted and it is on this basis the assessment is made.

The issue of personal circumstances has been raised, specifically relating to the applicant's large family. PPG1 makes it clear that a planning permission runs with the land and it is seldom desirable to provide for any other arrangement. It acknowledges that exceptionally, however, the personal circumstances of an occupier may be material to the consideration of a planning application. Nevertheless the policy guidance is unambiguous in stating that such arguments will seldom outweigh the more general planning considerations.

Reference has also been made to the fact that the proposed extension is no bigger than others in the vicinity. Extensions which exceed 3.0m depth to semi-detached houses have occasionally been allowed along Headfield Road the majority of which where residents of adjoining semi-detached have agreed to build large extensions concurrently and where accommodation was required to meet a medical need. Where extensions to semi-detached houses are built concurrently it creates a situation where the negative effect from the extensions is cancelled out.

Given the above a refusal is recommended on the originally submitted scheme. If the applicants were to indicate that the amended reduced scheme was the one they wished to be considered, the application would be recommended for approval.

Application No : 2002/48/91495/E2

Grid Reference : SE 23920 21800

Development : CHANGE OF USE FROM CHILDRENS HOME AND STAFF BUNGALOW TO OFFICE ACCOMMODATION

Location : RIVENDELL, LACEY STREET, DEWSBURY, WF13 2NB.

Applicant : KIRKLEES METROPOLITAN COUNCIL

Recommendation : DELEGATE TO OFFICERS TO APPROVE

SUMMARY

REASON FOR COMMITTEE DECISION

Delegation Agreement.

SIGNIFICANT CONSULTATIONS

Highway Services – comments awaited.

RELEVANT HISTORY

None

POLICY

Kirklees Unitary Development Plan - land without notation, Policies D2, T10 and B8 apply.

REPRESENTATIONS

None to date.

ASSESSMENT

The main issue to consider is the impact of access and parking to the building. The site is within a residential area served by a narrow access road and the building has limited parking. Issues have not yet been resolved and it is therefore recommended that the application be delegated to officers to approve subject to any access and parking issues being resolved.

DELEGATE TO OFFICERS TO APPROVE SUBJECT TO THE RESOLUTION OF ANY ACCESS AND PARKING ISSUES RAISED BY HIGHWAY SERVICES AND SUBJECT TO THE IMPOSITION OF SUITABLE PLANNING CONDITIONS

INFORMATION

This application was originally reported to Sub-Committee as it has been submitted by a Council Service. It was deferred at the meeting on 20 June 2002 to allow more time to resolve access and parking issues.

APPLICATION SITE/DESCRIPTION

The site consists of a single/two-storey detached building with ancillary caretaker's bungalow. It was last used as a children's home but is currently vacant. It is accessed from Lacey Street, a narrow residential road that serves a complex of flats and houses. The building is bounded by a variety of residential property except on the north-east boundary where The Flatts Nursery School is situated.

The grounds of the building are on sloping land; the building itself also appears to be split-level. The highest land is adjacent to Moorlands Road to the north, sloping down to Princess Gardens to the south. There are a variety of mature trees on the site together with a small hard surfaced play area.

The proposal is to change the use to office accommodation for Local Authority staff with on-site parking provision. The application form states that there would be a total of 26 staff and that 30 car parking spaces would be provided. The premises would be open between the hours of 07.30 and 1830. Details of parking provision have been provided and show the provision of 20 car parking spaces, 6 of which are outside the application site. The applicants also state that they have had discussions with the Dewsbury Trades Club to the rear of the site which is not in use during the day. They wish to come to some arrangement to use these car parking spaces which would result in less development for car parking on site and income for a local club.

SITE HISTORY

None relevant.

POLICY

In the Kirklees Unitary Development Plan the site is without notation where general Policy D2 applies. In addition given that the proposal is to change the use of a building in a residential area to a Class B1 use the criteria set out by Policy B8 is also relevant. This requires consideration of:- the visual amenity of the proposed access and parking

areas and changes to the building; residential amenity and loss of residential accommodation. Given the increase in traffic Policy T10 is also relevant.

CONSULTATIONS

Highways – concerned about the road system serving the site and the proposal to use off-site car parking facilities.

Environmental Services – no observations.

Access Group – Kirklees Access Standards apply.

REPRESENTATIONS

None received to date.

ASSESSMENT

The building to which the application relates is a purpose built children`s home probably built in the 1960s. It is situated in quite large grounds that do have areas of mature landscape as well as expanses of grassed areas. The proposed use is one that, subject to the criteria set out in Policy B8, is normally acceptable in a residential environment. The proposed use is quiet and would only operate during Local Authority office hours, any proposal for weekend use is currently being investigated. No alterations are proposed to the building itself and therefore the relationship between this property and those it surrounds would not alter in terms of overlooking.

The only issue that has not been adequately resolved at the time of writing is access and parking. This is both the adequacy of the vehicular access to the building to serve the increase in traffic and the number and location of parking spaces thereafter required on site to satisfy the use and prevent an increase in on-street parking on roads that appear incapable of supporting such use. Highway Services have concerns about the access to the premises and the proposal to use off-site parking facilities. Negotiations are on-going and will be verbally reported to Members.

At this time therefore the recommendation is to delegate to officers to approve upon resolution of access and parking issues and subject to the imposition of suitable planning conditions. If there is no resolution of access/parking the application will be brought back to Sub-Committee.

Application No : 2002/65/91684/E2

Grid Reference : SE 24630 21780

Development : LISTED BUILDING CONSENT FOR INSTALLATION OF NEW SHOP FRONT AND INTERNAL ALTERATIONS (WITHIN A CONSERVATION AREA)

Location : 25/27, MARKET PLACE, DEWSBURY.

Applicant : LEISURAMA LTD

Recommendation : CONSENT GRANTED

SUMMARY

REASON FOR COMMITTEE DECISION

Delegation Agreement.

SIGNIFICANT CONSULTATIONS

None.

RELEVANT HISTORY

99/93042 – Change of use to A3

01/90141 – Listed Building Consent for repositioning door and erection of illuminated sign.

POLICY

BE3 – Development affecting Listed Buildings

BE5 – Development within Conservation Areas

REPRESENTATIONS

None

ASSESSMENT

Proposed shop front in keeping with original and removes existing unattractive cladding.

APPROVE

- (1) The development shall be begun not later than the expiration of five years beginning with the date on which permission is granted.
- (2) Unless otherwise agreed in writing by the Local Planning Authority the development hereby permitted shall be carried out in complete accordance with the approved plans and specifications except as may be required by other conditions.

INFORMATION

This application is brought to the Sub-Committee as it relates to an application for Listed Building Consent where planning permission is also required.

THE SITE/APPLICATION

The application site is a vacant shop unit in Dewsbury Town Centre in a prominent position fronting Market Place on the corner with The Arcade. The building has a three storey stone frontage to Market Place built as part of The Arcade. The adjacent property (No. 27) is in use as an amusement centre and the proposal is to extend this use into the vacant shop next door. The last use of this building was as a hot food takeaway trading under the name of "King Pie". The current application is for the installation of a new shopfront to match the adjacent "Leisuretime" frontage.

RELEVANT HISTORY

02/91683 – Change of use of hot food takeaway to amusement and gaming centre and installation of new shop front therefore not yet determined.

01/90141 – Listed Building Consent for repositioning door and erection of illuminated sign – refused.

99/93043 – Change of use from bakers/confectioners to A3 hot food takeaway – approved.

RELEVANT POLICY

Unitary Development Plan Policy BE3 requires development affecting Listed Buildings to pay special attention to the desirability of preserving the Listed Building or any features of special architectural or historic interest which it possesses.

Policy BE5 states that development within Conservation Areas should preserve or enhance the character and appearance of the Conservation Area.

PPG15 Government advice on Listed Buildings and Conservation Areas.

CONSULTATIONS

None.

REPRESENTATIONS

None.

ASSESSMENT

The shop occupies the ground floor unit on the side of the entrance to The Arcade, which is a Grade II Listed Building. The application for Listed Building Consent refer specifically to the installation of a new shop front.

The existing shop front, which was installed without the benefit of Listed Building Consent, consists of plain man-made panels with no decorative features and are not in keeping with the character and appearance of the building.

The proposed shop front would have a painted timber finish and would be of a more traditional design, more in keeping with the existing shop front at No. 27 and other new shop fronts elsewhere in Dewsbury Town Centre.

The proposal would be an improvement to the existing building and is recommended for approval as enhancing the Listed Building and the Conservation Area.

Application No : 2002/48/91954/E2

Grid Reference : SE 22280 20680

Development : CHANGE OF USE OF EXISTING RESIDENTIAL AND DAY CARE WITH OFFICES TO SOCIAL CARE UNIT, DAY SERVICES AND OFFICES

Location : RED LAITHES COURT, BROOMER STREET, RAVENSTHORPE, DEWSBURY.

Applicant : KIRKLEES METROPOLITAN COUNCIL

Recommendation : GRANTED UNDER REG.3 GENERAL REGULATIONS 1992

SUMMARY

REASON FOR COMMITTEE DECISION

Delegation Agreement

SIGNIFICANT CONSULTATIONS

None

RELEVANT HISTORY

None

POLICY

Kirklees Unitary Development Plan – D2

REPRESENTATIONS

None to date

ASSESSMENT

Acceptable change to established community facility

GRANT SUBJECT TO THE FOLLOWING CONDITION

- (1) The development shall be begun not later than the expiration of five years beginning with the date on which permission is granted.

INFORMATION

The application is reported to Sub-Committee as the applicant is a Council Service

APPLICATION SITE/DESCRIPTION

Detached mainly single storey building on the junction of Broomer Street with Red Laithes Lane. The building is buff brick with an artificial slate roof. Access and parking is available from both Broomer Street and Red Laithes Lane. The site has a variety of mature landscape to its boundaries. The complex is in a wholly residential area with a large area of open land to the north and east which has planning permission for residential development.

The proposal is to change the use of the building to provide a special care unit together with day services and offices. This would involve only internal alterations.

SITE HISTORY

None

POLICY

Kirklees Unitary Development Plan
The site is without notation on the UDP where policy D2 is relevant.

CONSULTATIONS

Highways – no objections

Environmental Services – no observations

REPRESENTATIONS

None to date

ASSESSMENT

The current complex is an established feature of the area providing a range of uses for the local community. It appears from the description of development that this will

continue albeit with a changed emphasis from the services currently on offer. No external alterations are proposed and there are adequate servicing and parking facilities available on site. The change of use is therefore considered acceptable.

Application No : 2001/60/93808/E6

Grid Reference : SE 20320 15200

Development : DEMOLITION OF EXISTING BUNGALOW AND OUTLINE APPLICATION FOR ERECTION OF 10 DWELLINGS

Location : LAND AT 299, WAKEFIELD ROAD, LEPTON, HUDDERSFIELD.

Applicant : MANAGEMENT SERVICES (YORKS) LTD

Recommendation : DELEGATE TO OFFICERS/SUBJECT TO S.106 OBLIGATION

SUMMARY

REASON FOR COMMITTEE DECISION

Delegation agreement.

SIGNIFICANT CONSULTATIONS

Kirkburton Parish Council: Object on green belt grounds.

Highways: No objections.

Environmental Health: Information on remediation of contaminated land is under consideration. Information on noise levels to which the site would be subjected also under consideration.

RELEVANT HISTORY

KI 1270 Permission granted in 1959 for the erection of an extension to the garage, tipping of land and the formation of an access onto Pinfold Lane.

91/03862. Outline application for residential development. Refused.

92/00585. Outline application for residential development. Refused.

95/92719. Deemed application via Enforcement Notice. Enforcement Notice withdrawn.

01/93310. Outline for residential development. Withdrawn.

POLICY

**D8 Green Belt.
BE2 New Development.**

REPRESENTATIONS

Four letters of objection received. One is from a local resident concerned that development is taking place on green belt land, the site is contaminated by oil, and expressing concerned about the future of the public footpath crossing the site. One letter from Heckmondwike questions the safety of the proposed access onto Wakefield Road. The Ramblers Association object on the grounds that the public footpath was not drawn on the plan, its fate is therefore uncertain. ARROW say that the line of the public footpath should be protected.

ASSESSMENT

Complies with policy.

RECOMMENDATION

Delegate to officers to approve subject to no adverse comments from outstanding consultees and to a S106 agreement to protect the land edged blue from future development.

- (1) (a) the application for approval of any reserved matter shall be made not later than the expiration of three years beginning with the date of the grant of the outline permission and, (b) the development shall be begun not later than whichever is the later of the following dates:-
 - (1) the expiration of five years beginning with the date of the grant of the outline permission, or
 - (2) the expiration of two years beginning with the date of the approval of the reserved matters, or in the case of approval on different dates, the date of the final approval of the last such matter to be approved.
- (2) No development shall take place until plans detailing:
 - (a) the layout of the site, including the disposition and levels of roads, building(s) and other land
 - (b) the design and external appearance of the building(s)
 - (c) the relationship surrounding buildings
 - (d) the colour, type and texture of materials to be used
 - (e) details of screen, retaining and boundary walls
 - (f) landscaping of the site
 - (g) drainage
 - (h) the parking, loading and unloading of vehicles

have been submitted to and approved in writing by the Local Planning Authority.

- (3) The arrangements referred to in Condition 2 shall include internal turning facilities for service vehicles.
- (4) The garage or parking space intended to serve the dwelling(s) shall be provided and the parking spaces shall be drained, sealed and surfaced in accordance with details to be approved by the Local Planning Authority before the dwelling(s) is/are occupied and shall not thereafter be used for any purpose other than parking and turning of vehicles.
- (5) The gradient of the access shall not exceed 1 in 8 with suitable vertical curves at the access and any change in gradient.
- (6) No development shall take place until provision has been made for the parking, loading and unloading of contractors' plant and equipment and the parking of vehicles of the workforce within the site.
- (7) Facilities shall be provided and retained at the exit from the site for the washing of vehicle wheels.
- (8) The existing access points shall be closed down and the footways reinstated to the satisfaction of the Local Planning Authority
- (9) No development shall take place until plans detailing the provision of Public Open Space, in accordance with the provisions of the Kirklees Unitary Development Plan have been submitted to, and approved in writing by the Local Planning Authority. Details submitted shall provide for the layout, timing, implementation and arrangements for subsequent maintenance of the Public Open Space, in accordance with the provisions of the Kirklees Unitary Development Plan.

NOTE The applicant is advised to contact the Chief Engineer, Highway Development (Flint Street, Fartown, Huddersfield) to discuss road adoption arrangements.

NOTE The applicant is advised that the development will require the closure/diversion of a public footpath/highway for which specific approval must be previously obtained.

INFORMATION

This application is brought to the Planning Sub-Committee because, the recommendation would require the Council to enter into a S106 Agreement to ensure that development permitted under a previous permission will not be carried out.

APPLICATION SITE/DESCRIPTION

Outline application for residential development with details of access to be considered. There is a large repair workshop/garage building to the Wakefield Road frontage with a forecourt. At the rear is a large area of hardstanding and some outdoor storage of vehicles. Also at the rear there is a bungalow and some vacant land. It is proposed to demolish the workshop and the bungalow and develop the site with 10 dwellings. Details of access have been submitted for approval.

SITE HISTORY

KI 1270 Permission granted in 1959 for the erection of an extension to the garage, tipping of land and the formation of an access onto Pinfold Lane.
91/03862. Outline application for residential development. Refused.
92/00585. Outline application for residential development. Refused.
95/92719. Deemed application via Enforcement Notice. Enforcement Notice withdrawn.
01/93319. Outline for Residential development. Withdrawn.

POLICY

D8 Green Belt
BE2 New development

CONSULTATIONS

Kirkburton Parish Council: Object on Green Belt grounds.
Environmental Health: Comments awaited.
Coal Authority: Standard comments.
Yorkshire Water; No objections subject to conditions.
Highways: No objections.

REPRESENTATIONS

Four letters of objection received. One is from a local resident concerned that development is taking place on green belt land, the site is contaminated by oil, and expressing concerned about the future of the public footpath crossing the site. One letter from Heckmondwike questions the safety of the proposed access onto Wakefield Road. The Ramblers Association object on the grounds that the public footpath was not drawn on the plan, its fate is therefore uncertain. ARROW say that the line of the public footpath should be protected.

ASSESSMENT

Green Belt

The applicants have submitted the following points and asked that these be considered as justifying 'very special circumstances' why this development should be allowed in the green belt:

- The present use of the site is unattractive and untidy because of the nature of the business being carried on. The proposed development would improve the visual amenity of the area.
- Heavy vehicles which leave the site as early as 4.00am would no longer do so to the benefit of local people.
- Slow moving heavy vehicles leaving the site are more of a danger in highway safety terms on this stretch of Wakefield Road than lighter swifter vehicles associated with a residential use.
- The site could be used more intensively for the current use and the above problems would be compounded.

These points, together with the 1959 planning permission (which is still valid) for the formation of a new access road onto Pinfold Lane, lead to the conclusion that it would be appropriate to permit development of the site as proposed. However, it is considered appropriate to protect adjacent land which is currently undeveloped and not affected by these proposals from future development by means of a S106 agreement. Unless this is in place, development could by virtue of the 1959 permission extend across the whole site upto, and with access onto, Pinfold Lane.

PPG3

The site is classed as brownfield and to comply with PPG3 should be developed to a higher density, however, highway safety reasons and Green Belt considerations dictate that the current density (10 dwellings) should not be exceeded.

Highway Safety

The proposed development of 10 no. dwellings is likely to be a less intensive use of the site than the current use and would reduce the number of commercial vehicle movements on this stretch of Wakefield Road.

Contaminated Land

A report has been submitted by the applicant detailing the extent of contamination of the site and proposing remediation measures. This is currently being considered and a

view is required from Environmental Health as to the accuracy of the report and the acceptability of the proposed remediation measures before permission can be granted.

Noise Nuisance.

Due to the proximity of the site to Wakefield Road information on the predicted noise levels within the site is required. This has only recently been submitted and a view is awaited from Environmental Health on its acceptability and the implications for any proposed dwellings.

Application No : 2002/62/91034/E6

Grid Reference : SE 19700 12670

Development : CHANGE OF USE OF RETAIL PREMISES TO TAXI BOOKING OFFICE WITH ASSOCIATED PARKING (WITHIN A CONSERVATION AREA)

Location : 137B NORTH ROAD, KIRKBURTON, HUDDERSFIELD.

Applicant : CHAUDARY ABDUL RAZAQ

Recommendation : REFUSED

SUMMARY

REASON FOR COMMITTEE DECISION

Officer request.

SIGNIFICANT CONSULTATIONS

Kirkburton Parish Council: Object on grounds of highway safety. Road improvements in this area do not include a taxi rank.

Highways: Recommend refusal.

RELEVANT HISTORY

None

POLICY

BE5 Conservation Area.

S15 Taxi Booking Offices.

S3 Local Centres. (Kirkburton is a large Local Centre).

REPRESENTATIONS

Three individual letters have been received from people living near to the site. These are concerned about any on-street parking which may result, and the associated noise from people waiting, car doors slamming, and litter, especially late at night.

Letter signed by the three Ward Members for Kirkburton indicating they all agree that if the office is for taking telephone bookings only, this could be done from anywhere and that the proposed premises would be likely to generate pick up traffic despite the intentions of the applicant.

ASSESSMENT

Contrary to policy S15.

RECOMMENDATION

Refuse

- (1) The proposals do not include any provision for the off-street parking of employees vehicles; and in addition it is likely that the premises will attract pick up traffic from outside the office despite the intention to operate telephone bookings only. As the application site is in close proximity to a pedestrian crossing and to three priority give-way junctions any increase in on-street parking would be detrimental to the free and safe flow of traffic and would therefore be contrary to policies T10 and S15(iii) of the Kirklees Unitary Development Plan.
- (2) It is likely that noise nuisance will be caused by people arriving and leaving the premises late in the evening and causing disturbance to people living nearby. The proposal would therefore be contrary to policy S15(ii) of the Kirklees Unitary Development Plan.

INFORMATION

SITE/APPLICATION DESCRIPTION

The application relates to an unused timber shed with a felt roof located in the centre of village of Kirkburton at junction of Hallas Road/North Road. There is a grassed area of land to the rear. It is proposed to change the use of the former shoe repairers premises to a taxi booking office with the taxis operating from the taxi rank at Turnshaw Road.

RELEVANT HISTORY

None.

POLICY

BE5 Conservation Area.

S15 Taxi Booking Offices.

S3 Local Centres. (Kirkburton is a large Local Centre).

ACCESS CONSIDERATIONS

None.

CONSULTATION RESPONSES

Kirkburton Parish Council: Object on grounds of highway safety. Road improvements in this area do not include a taxi rank.

Highways: Recommend refusal.

Environmental Health: Due to close proximity of residential properties temporary permission should be granted for one year to assess noise nuisance potential problem from customers calling/waiting at the premises.

PUBLIC/MEMBERS RESPONSE

Three individual letters have been received from people living near to the site. These are concerned about any on-street parking which may result, and the associated noise from people waiting, car doors slamming, and litter, especially late at night.

Two letters received from other taxi firms questioning the need for another firm to be located in this area.

Cllr Christine Smith comments that a recent application for change of use of the adjacent property was refused due to highway reasons and therefore this application should be refused also.

Cllr Khan comments that he considers the proposal would meet highway requirements given the way the applicant intends to operate the business.

Letter signed by the three Ward Members for Kirkburton indicating they all agree that if the office is for taking telephone bookings only, this could be done from anywhere and that the proposed premises would be likely to generate pick-up traffic despite the intentions of the applicant.

ASSESSMENT

An application for change of use to taxi booking office at this address would normally be refused due to the highway safety problems which would result and the noise nuisance likely to be created by people waiting for taxis which would affect people living nearby.

However, in this instance the applicant has submitted a statement indicating that he intends to operate the business in a particular way to overcome these problems.i.e:

- The office will accommodate a receptionist who will take telephone bookings only and no bookings will be taken at the office itself. The bookings would be for taxis to call at customers houses or for taxis from the nearby taxi rank in Turnshaw Road.

The applicant has also asked that the following points be taken into consideration:

- The previous A1 use would be a more intensive use of the premises in terms of car customers and staff parking.
- He is willing to accept a temporary permission for one year.
- He is willing to accept a condition limiting the hours of operation of the business.

Conclusion

Even though the applicant is willing to operate the business in a particular way to overcome the problems of on-street parking and noise nuisance it would be very difficult to ensure, by planning conditions, that the business would in fact operate and continue to operate as intended. The problems likely to result from persons and vehicles calling at the premises and the potential for noise nuisance to be caused to nearby residential properties therefore leads to the conclusion that refusal is justified.

Application No : 2002/65/91326/E6

Grid Reference : SE 17120 11370

**Development : LISTED BUILDING CONSENT FOR ALTERATIONS TO
EXISTING GARAGE AND FORMATION OF NEW ENTRY**

**Location : LUMB HOUSE FARM, GREENSIDE ROAD, THURSTONLAND,
HUDDERSFIELD.**

Applicant : MR & MRS M S BULLAS

Recommendation : CONSENT GRANTED

SUMMARY

REASON FOR COMMITTEE DECISION

Delegation agreement.

SIGNIFICANT CONSULTATIONS

Kirkburton Parish Council: Approve. Agree Kirklees comments.
Highways; No objection.

RELEVANT HISTORY

96/90203 & 90204 Listed Building Consent and Planning Permission granted for Re-use and adaptation of barns/outbuildings to form dwelling and extension and alterations to existing farmhouse.

POLICY

D8 Green Belt.

BE3 Listed Buildings.

BE2 New Development.

REPRESENTATIONS

None.

ASSESSMENT

Complies with policy.

RECOMMENDATION

- (1) The development shall be begun not later than the expiration of five years beginning with the date on which permission is granted.
- (2) The development hereby permitted shall be carried out in complete accordance with the approved plans and specifications except as may be required by other conditions.
- (3) All garage doors shall be constructed of vertical boarded timber unless otherwise agreed in writing by the Local Planning Authority.

INFORMATION

This application is brought to the Planning Sub-Committee as it is an application for Listed Building Consent where Planning permission is also needed.

APPLICATION SITE/DESCRIPTION

No alterations are proposed to the main Listed Building. Alterations are proposed to the existing garage/outbuilding to relocate the garage doors. Also proposed is the formation of new vehicle access onto Greenside Road.

SITE HISTORY

96/90203 & 90204 Listed Building Consent and Planning Permission granted for Re-use and adaptation of barns/outbuildings to form dwelling and extension and alterations to existing farmhouse.

POLICY

D8 Green Belt.

BE3 Listed Buildings.

BE2 New Development.

CONSULTATIONS

Kirkburton Parish Council: Approve. Agree Kirklees comments.
Highways; No objection.

REPRESENTATIONS

None.

ASSESSMENT

Listed Building

The alterations to the outbuildings involve walling up the existing garage door openings and forming two new garage doors on the north side of the buildings. The associated parking/turning area is not changed and the new access is sufficiently distant from the Listed from the Listed Building so as not to affect its setting.

Green Belt

The formation of the new vehicle access onto Greenside Road is proposed within land which has been enclosed at the rear of the dwelling, is closely associated with the dwelling, and does not detrimentally affect the openness of the green belt.

Highway Safety

At present there is a single access serving two properties. The proposal will provide independent access for each property and will result in two access points onto Greenside Road in close proximity. Given the amount of separation between the two drives and the visibility available onto Greenside Road, the new arrangements are considered to be acceptable.

Application No : 2002/48/91613/E6

Grid Reference : SE 19630 12840

Development : USE OF PUBLIC OPEN SPACE FOR TEMPORARY CAR PARK

Location : OFF NORTH ROAD, KIRKBURTON, HUDDERSFIELD.

Applicant : KIRKLEES METROPOLITAN COUNCIL

Recommendation : GRANTED UNDER REG.3 GENERAL REGULATIONS 1992

SUMMARY

REASON FOR COMMITTEE DECISION

Delegation agreement.

SIGNIFICANT CONSULTATIONS

Kirkburton Parish Council: No objection.
Highways; No objection.

RELEVANT HISTORY

90/05551 Outline application for Public Parking, Retail and Residential Development.
Refused because the land was not allocated for development.

POLICY

BE5 Conservation Area.
D3 Urban Greenspace.
T10 Highway Safety.

REPRESENTATIONS

Two letters of objection received from residents of North Road concerned about the impact of increased traffic movements and the destruction of the natural existing environment.

ASSESSMENT

Complies with policy.

- (1) The permission hereby granted shall be for a limited period only to expire on 17 January 2002 and on the expiration of this period the use shall cease and the site shall be restored, unless after proper application having been made the period shall be extended by the Local Planning Authority.

INFORMATION

This application is brought to the Planning Sub-Committee as it is submitted by KMC Highways Services.

APPLICATION SITE/DESCRIPTION

It is proposed to form a temporary car park on a grassed area in the bottom of a small valley accessed by two narrow single track lanes.

SITE HISTORY

90/05551 Outline application for Public Parking, Retail and Residential Development. Refused because the land was not allocated for development.

POLICY

BE5 Conservation Area.
D3 Urban Greenspace.
T10 Highway Safety.

CONSULTATIONS

Kirkburton Parish Council: No objection.
Highways; No objection.

REPRESENTATIONS

Two letters of objection received from residents of North Road concerned about the impact of increased traffic movements and the destruction of the natural existing environment.

ASSESSMENT

The application is submitted by KMC Highways with the intention of easing the on-street parking situation on North Road whilst road works are carried out to a nearby section of North Road. It is intended that traders will use the car park.

The relevant policy D3 allows development within an area designated as Urban Greenspace provided there is a clear community benefit. In this instance this has been demonstrated, furthermore the development proposed is temporary, for a period of five months.

Objections have been received from local residents concerned about the unsuitability of the access tracks and their junctions with North Road to serve the proposed car park. The intention is not for the car park to be for general public use, it is intended that the traders will park their vehicles in the car park, freeing up limited on-street spaces for shoppers.
