

## PLANNING APPLICATIONS TO BE DECIDED BY PLANNING COMMITTEE

Application No : 2002/62/94101/E0  
Grid Reference : SE 20390 19380  
Development : CHANGE OF USE TO INCLUDE WASTE TRANSFER STATION  
AND B2 USE  
Location : ROGAN & DAWSON ENGINEERING WORKS, HOPTON NEW  
ROAD, BACK STATION ROAD, MIRFIELD, WF14 8NF.  
Applicant : P & P WILKINSON LTD  
Decision: DEFERRED 1

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Application No : 2001/60/93686/E4  
Grid Reference : SE 20000 19090  
Development : OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT  
Location : WASTE LANE, OFF HOPTON LANE, LOWER HOPTON,  
MIRFIELD.  
Applicant : L S WILSON  
Decision : DELEGATE TO OFFICERS TO APPROVE 11

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Application No : 2002/62/91944/E6  
Grid Reference : SE 20000 10730  
Development : ERECTION OF 24 FLATS, 36 HOUSES AND 1 OFFICE UNIT  
Location : ABBEY ROAD NORTH, SHEPLEY, HUDDERSFIELD.  
Applicant : PERSIMMONS HOMES (W. YORKS)  
Decision : DEFERRED 14

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Application No : 2001/62/91493/E1  
Grid Reference : SE 22510 25830  
Development : ERECTION OF GENERAL INDUSTRIAL  
Location : SMITHIES MILL, 885-887 BRADFORD ROAD, BATLEY, WF17  
8NS.  
Applicant : J TOWNEND  
Decision : CONDITIONAL FULL PERMISSION 23

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Application No : 2002/62/93479/E1  
Grid Reference : SE 24860 23540  
Development : CHANGE OF USE FROM EXHIBITION SPACE AND GALLERY  
TO SPORTS AND OUTDOOR WEAR RETAIL (CLASS A1)  
Location : BUILDING H, ALEXANDRA MILLS, ALEXANDRA ROAD,  
BATLEY, WF17 6JA.  
Applicant : ALEXANDRA MILLS LTD  
Decision : REFUSED 27

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Application No : 2002/70/94475/E3  
Grid Reference : SE 18390 26620  
Development : VARIATION OF CONDITION 1 RELATING TO AN EXTENSION OF TIME FOR SUBMISSION OF RESERVED MATTERS ON PREVIOUS APPROVAL 99/60/90517/E3 FOR OUTLINE APPLICATION FOR ERECTION OF CLASS B1 DEVELOPMENT  
Location : SITE 1, WHITEHALL ROAD, BRADFORD ROAD, CLECKHEATON.  
Applicant : WILSON BOWDEN DEVELOPMENTS  
Decision : CONDITIONAL FULL PERMISSION 31

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Application No : 2002/70/94476/E3  
Grid Reference : SE 18580 26400  
Development : VARIATION OF CONDITION 1 RELATING TO AN EXTENSION OF TIME FOR SUBMISSION OF RESERVED MATTERS ON PREVIOUS APPROVAL 99/60/92261/E3 FOR OUTLINE APPLICATION FOR ERECTION OF CLASS B1, B2 AND CAR SHOWROOM DEVELOPMENT.  
Location : SITE 2, FORMER SCANDINAVIA MILLS, BRADFORD ROAD, CLECKHEATON.  
Applicant : WILSON BOWDEN DEVELOPMENTS  
Decision : DELEGATE TO OFFICERS TO APPROVE 34

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Application No : 2002/48/94541/E1  
Grid Reference : SE 22680 23750  
Development : INSTALLATION OF NEW SHOP FRONT  
Location : 28, COMMON ROAD, BATLEY.  
Applicant : KIRKLEES METROPOLITAN COUNCIL  
Decision : GRANTED UNDER REG.3 GENERAL REGULATIONS 1992 37

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Application No : 2003/62/90135/E1  
Grid Reference : SE 23480 27620  
Development : ERECTION OF RETAIL WAREHOUSE (AMENDMENT TO PREVIOUS APPROVED PLAN)  
Location : UNIT L, JUNCTION 27 RETAIL PARK, HOLDEN ING WAY, GELDERD ROAD, BIRSTALL, BATLEY.  
Applicant : THE HENDERSON UK RETAIL WAREHOUSE  
Decision : CONDITIONAL FULL PERMISSION 40

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Application No : 2003/62/90188/E3  
Grid Reference : SE 18920 23810  
Development : ERECTION OF 2 STOREY, PORCH AND CONSERVATORY  
EXTENSIONS  
Location : 46, CLOUGH LANE, LIVERSEDGE, WF15 8AD.  
Applicant : MR & MRS P THOMPSON  
Decision : APPROVED 45

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Application No : 2003/62/90368/E3  
Grid Reference : SE 20360 28140  
Development : ERECTION OF DETACHED DWELLING WITH INTEGRAL  
GARAGE  
Location : GARDEN TO, 680A BRADFORD ROAD, BIRKENSHAW, BD11  
2EE.  
Applicant : G J FARKAS  
Decision : CONDITIONAL FULL PERMISSION 49

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Application No : 2003/62/90447/E1  
Grid Reference : SE 23250 27720  
Development : ERECTION OF EXTENSION TO EXISTING RETAIL STORE (USE  
CLASS A1), INCLUDING RECONFIGURATION OF CAR PARKING, NEW CAR  
PARKING, LANDSCAPING AND ALTERATIONS TO VEHICULAR AND PEDESTRIAN  
ACCESS. EXTERNAL ALTERATIONS TO EXISTING BUILDING INCLUDING RE-  
CLADDING.  
Location : IKEA STORE, HOLDEN ING WAY, BIRSTALL, BATLEY, WF17  
9AE.  
Applicant : IKEA PROPERTIES INVESTMENTS LTD  
Decision : DELEGATE TO OFFICERS/SUBJECT TO S.106 OBLIGATION 53

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Application No : 2003/62/90448/E1  
Grid Reference : SE 23060 27680  
Development : PARTIAL CHANGE OF USE OF WAREHOUSE TO OFFICES,  
NEW ENTRANCE AND ALTERATIONS TO STAFF CAR PARKING  
Location : IKEA WAREHOUSE, HOLDEN ING WAY, BIRSTALL, BATLEY,  
WF17 9EA.  
Applicant : IKEA PROPERTIES INVESTMENTS LTD.  
Decision : APPROVE WITH CONDITIONS 59

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Application No : 2003/70/90602/E1  
Grid Reference : SE 23480 27620  
Development : VARIATION OF CONDITION 17 RELATING THE USE OF THE  
USE OF THE PREMISES ON PREVIOUS PERMISSION 2001/62/92054/E1 FOR  
ERECTION OF RETAIL UNIT (CLASS A1), ANCILLARY CAR PARKING, SERVICE  
YARD AND LANDSCAPING AND ALTERATION TO EXISTING VEHICULAR ACCESS  
Location : UNIT L, JUNCTION 27 BUSINESS PARK, HOLDEN ING WAY,  
BIRSTALL, BATLEY.  
Applicant : THE HENDERSON UK RETAIL WAREHOUSE  
Decision : DEFERRED 63

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Application No : 2003/62/90607/E3  
Grid Reference : SE 19750 29500  
Development : RENEWAL OF PREVIOUS PERMISSION FOR EXTENSION TO  
EXISTING GOLF COURSE  
Location : EAST BIERLEY GOLF CLUB, SOUTH VIEW ROAD, BRADFORD  
& HECKMONDWIKE ROAD, EAST BIERLEY.  
Applicant : R J WELCH, HON, SEC.  
Decision : CONDITIONAL FULL PERMISSION 66

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Application No : 2003/48/90657/E3  
Grid Reference : SE 20990 25720  
Development : ERECTION OF EXTERNAL PLATFORM LIFT  
Location : OXFORD GRANGE, OXFORD CLOSE, GOMERSAL,  
CLECKHEATON.  
Applicant : KIRKLEES METROPOLITAN COUNCIL  
Decision : GRANTED UNDER REG.3 GENERAL REGULATIONS 1992 71

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Application No : 2003/62/90860/E3  
Grid Reference : SE 18210 25410  
Development : ERECTION OF DRAMA CLASSROOM  
Location : WEST END MIDDLE SCHOOL, SOUTH PARADE,  
CLECKHEATON.  
Applicant : JARVIS CONSTRUCTION (UK) LTD  
Decision : CONDITIONAL FULL PERMISSION 73

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Application No : 2003/62/91060/E3  
Grid Reference : SE 19250 25080  
Development : CHANGE OF USE FROM DOMESTIC GARDEN AND HOUSE TO  
CAR SALES AREA  
Location : G & N CAR SALES, DEWSBURY ROAD, CLECKHEATON.  
Applicant : MR D SINGH  
Decision: DELEGATE TO OFFICERS TO APPROVE 75

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Application No : 2003/48/90457/E2  
Grid Reference : SE 26280 23150  
Development : ERECTION OF 2.4M HIGH PALISADE SECURITY FENCING & GATES  
Location : SHAW CROSS I & N SCHOOL, LEEDS ROAD, SHAW CROSS, DEWSBURY, WF12 7HP.  
Applicant : KIRKLEES METROPOLITAN COUNCIL  
Decision : GRANTED UNDER REG.3 GENERAL REGULATIONS 1992 79

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Application No : 2003/62/90472/E2  
Grid Reference : SE 24580 20430  
Development : ERECTION OF 2 STOREY EXTENSION  
Location : 83, HEADFIELD ROAD, SAVILE TOWN, DEWSBURY, WF12 9JF.  
Applicant : MR B HUSSAIN  
Decision: DEFERRED 81

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Application No : 2003/70/90627/E5  
Grid Reference : SE 21620 23150  
Development : VARIATION OF CONDITION 1 ON PREVIOUS PERMISSION 99/70/93595 TO VARY CONDITION 1 RELATING TO THE TIME PERIOD FOR SUBMISSION OF RESERVED MATTERS ON PREVIOUS PERMISSION 96/60/92956 FOR OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT AND ASSOCIATED ACCESS  
Location : LAND ADJOINING STATION LANE, HECKMONDWIKE.  
Applicant : IDIOM ESTATES LTD  
Decision : CONDITIONAL FULL PERMISSION 84

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Application No : 2003/48/90737/E2  
Grid Reference : SE 24300 20190  
Development : ERECTION OF EXTENSION AND ALTERATIONS TO 2 TEACHING BLOCKS  
Location : BLOCKS A & B, HEADFIELD CE (C) JUNIOR SCHOOL, VICARAGE ROAD, THORNHILL LEES, DEWSBURY.  
Applicant : KIRKLEES METROPOLITAN COUNCIL  
Decision : GRANTED UNDER REG.3 GENERAL REGULATIONS 1992 88

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Application No : 2003/62/90362/E4  
Grid Reference : SE 21420 20030  
Development : CONVERSION AND EXTENSION OF PUBLIC HOUSE TO 45 FLATS  
Location : THE MARMVILLE, 6 CHURCH LANE, MIRFIELD.  
Applicant : DARREN SMITH (BUILDERS) LTD  
Decision : DELEGATE TO OFFICERS/SUBJECT TO S.106 OBLIGATION 92

Application No : 2003/62/90363/E4  
Grid Reference : SE 20620 21040  
Development : ERECTION OF 4 NO. TOWN HOUSES WITH ASSOCIATED  
PARKING  
Location : ORCHARD WORKS, GREENSIDE ROAD, MIRFIELD, WF14 0AU.  
Applicant : DARREN SMITH (BUILDERS) LTD  
Decision : DELEGATE TO OFFICERS TO APPROVE 98

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Application No : 2003/62/90467/E4  
Grid Reference : SE 20210 20090  
Development : ERECTION OF 5 NO. DETACHED DWELLINGS WITH GARAGES  
AND CONVERSION OF STABLES/KENNELS AND SURGERY TO 2 NO.  
DWELLINGS AND ERECTION OF GARAGES  
Location : BEECH GROVE HOUSE, DOCTOR LANE, MIRFIELD.  
Applicant : VANTAGE HOMES  
Decision : CONDITIONAL FULL PERMISSION 102

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Application No : 2003/65/90571/E6  
Grid Reference : SE 19960 15460  
Development : LISTED BUILDING CONSENT FOR RE-USE AND ADAPTATION  
OF BARN TO 2 NO. DWELLINGS  
Location : THORNES FARM BARN, THORNES FARM, KNOTTY LANE,  
LEPTON, HUDDERSFIELD.  
Applicant : K SMITH  
Decision : CONSENT GRANTED 106

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Application No : 2003/62/90716/E7  
Grid Reference : SE 23200 10290  
Development : ERECTION OF REAR CLASSROOM EXTENSION  
Location : ST AIDAN'S CE VA PRIMARY SCHOOL, SMITHY CLOSE,  
SKELMANTHORPE, HUDDERSFIELD, HD8 9JA.  
Applicant : THE SCHOOL GOVERNORS  
Decision : CONDITIONAL FULL PERMISSION 110

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Application No : 2003/62/90793/E6  
Grid Reference : SE 19010 14920  
Development : ERECTION OF 2 DETACHED HOUSES AND GARAGES  
Location : PLOTS 1 & 2 THE MEADOWS, OFF FIELDS ROAD, LEPTON,  
HUDDERSFIELD  
Applicant : ASQUITH HOMES  
Decision : DELEGATE TO OFFICERS/SUBJECT TO S.106 OBLIGATION 114

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**Application No : 2002/62/94101/E0**

**Grid Reference : SE 20390 19380**

**Development : CHANGE OF USE TO INCLUDE WASTE TRANSFER STATION AND B2 USE**

**Location : ROGAN & DAWSON ENGINEERING WORKS, HOPTON NEW ROAD, BACK STATION ROAD, MIRFIELD, WF14 8NF.**

**Applicant : P & P WILKINSON LTD**

**Recommendation : CONDITIONAL FULL PERMISSION**

## **SUMMARY**

### **REASON FOR COMMITTEE DECISION**

Delegated Agreement. This application was deferred in order for Members to make a site visit.

### **SIGNIFICANT CONSULTTEES**

Highways, Environmental Services and Environment Agency raise no objection subject to conditions.

### **RELEVANT HISTORY**

Existing B2 industrial use rights  
Planning permission 2001/62/91713/E4 for "Installation of 12.6m high steel chimney"

### **POLICY**

WD7: Criteria for assessing waste management facilities.

### **REPRESENTATIONS**

145 letters of objection from local residents  
23 signature petition from the Upper Hopton Community Association  
2 from local businesses  
Objection from Mirfield Town Council

### **ASSESSMENT**

- Local residents objections based on mistaken assumption that the proposal involves waste incineration.

- Local business objection not material.
  - Subject to conditions to cover the concerns of consultees, local residents and Town Council, the proposals satisfy the requirements of Unitary Development Plan Policy WD7.
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## **COMMENCEMENT**

- (1) The development shall be begun not later than the expiration of five years beginning with the date on which permission is granted.

## **ACCESS**

- (2) The sole means of vehicular access to and from the site shall be via the existing entrance off Back Station Road shown on approved application Drawing No.02/C31/01.
- (3) No development shall take place until plans detailing arrangements for access, layout and parking have been submitted to and approved in writing by the Local Planning Authority.
- (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) Unless otherwise agreed in writing by the Local Planning Authority there shall be no more than 20 heavy goods vehicles entering the site and 20 heavy goods vehicles leaving the site in any one working day.

## **PREVENTION OF POLLUTION/PROTECTION OF LOCAL AMENITY**

- (7) Only clean, dry, non-putrescible, non-odiferous and non-hazardous general building, demolition and excavation wastes shall be imported into the site for transfer.
- (8) No waste storage, transfer, sorting or other treatment operations shall take place on the site outside the confines of the building shown on approved application plan No.02/C31/01 unless otherwise agreed in writing by the Local Planning Authority.

- (9) No waste imported to the site shall be incinerated or burnt and a fire at the site shall be regarded as an emergency and immediate action shall be take to extinguish it.
- (10) No waste imported into the site or the products from the operation of the waste transfer station shall be used on the site in any process which is an activity listed in Schedule 1 of the Pollution Prevention and Control (England and Wales) Regulation 2000 other than crushing and screening
- (11) Unless otherwise agreed in writing by the Local Planning Authority there shall be no composting of waste which is imported into the site.
- (12) Unless otherwise agreed in writing by the Local Planning Authority waste shall not be imported to the site or transferred or treated in any way on the site or exported from the site outside the hours of:
- 07.30 - 18.00 Mondays to Fridays  
07.30 - 13.00 Saturdays
- or at any time on Sundays or on Public or Bank Holidays.
- (13) Prior to any waste material being imported into the site a scheme shall be submitted for the written approval of the Local Planning Authority which indicates the measures to be employed to minimise noise from the site and in particular (but without prejudice to the foregoing) efficient silencers shall be fitted to and used by all vehicles and machinery on the site and engines of vehicles and plant shall not be left running when the vehicle or plant is not in use. The approved scheme shall be implemented prior to any waste material being imported into the site and shall be complied with at all times.
- (14) No waste shall be imported to the site until a detailed scheme and programme for the suppression of dust has been submitted to and approved by the Local Planning Authority. The submitted scheme shall provide for, inter alia, preventing the escape of dust from the building on site to be used for waste transfer and treatment, the escape of dust from waste containers or vehicles in transit on the site, the damping down of surfaces on the site external to the building on it during dry weather and a programme of monitoring of dust emissions. The approved scheme shall be implemented in full and maintained for as long as the site is used for waste transfer and treatment use.
- (15) Unless otherwise agreed in writing by the Local Planning Authority prior to any waste material being imported into the site details of any plant or machinery which is to be used on the site shall be submitted for the prior written approval of the Local Planning Authority and no plant or machinery shall subsequently be brought onto the site without the written approval of the Local Planning Authority.

- (16) The height of empty skips or waste containers stored outside on the site shall not exceed 3 metres.
- (17) 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.
- (18) Roof drainage downwater pipes shall at all times be sealed at ground level to prevent the ingress of any contaminated water/run off.

## **INFORMATION**

This application was deferred in order for Members to visit the site.

### **1. SITE LOCATION AND DESCRIPTION**

- 1.1 The site fronts Hopton New Road on the corner of Back Station Road near Mirfield Railway Station. A large brick building (790 m<sup>2</sup>) formerly an engineering works but now disused stands in the middle of the site. An extensive area of allotment gardens lie adjacent the southern boundary. Immediately adjacent the north western boundary of the site is Boulds Bins a skip hire depot/waste transfer station. Further back along Back Station Road is an old industrial estate. The site is located in a largely industrial area isolated from Mirfield Town Centre by the railway embankment/Mirfield Station on the northern side and from the residential area to the south by the River Calder.

### **2. DEVELOPMENT PLAN PROVISIONS**

- 2.1. The southern end of the site, about 40% of the total area, is shown as Washland on Unitary Development Plan Proposals Map No. 4 and subject to Unitary Development Plan Policy EP3.
- 2.2. Unitary Development Plan Policy WD7 sets out criteria for assessing the acceptability of proposals for waste transfer (and/or treatment) purposes.

'PROPOSALS FOR THE USE OF LAND FOR THE RECEIPT, STORAGE, TREATMENT INCLUDING INCINERATION AND RECOVERY OF USEFUL MATERIALS AND TRANSFER OF WASTE INCLUDING THE USE OF LAND AS A SCRAPYARD WILL NORMALLY BE PERMITTED WHERE:

- i THE VISUAL IMPACT OF THE PROPOSALS DOES NOT CAUSE DETRIMENT TO RESIDENTIAL PROPERTIES AND THE QUALITY OF THE LANDSCAPE OR TOWNSCAPE SETTING;
- ii PROVISION CAN BE MADE FOR THE SUPPRESSION OF NOISE, DUST, ODOUR, SMOKE AND FLUE GAS EMISSIONS FROM THE SITE SO THAT THE AMENITY OF OCCUPIERS OF ADJACENT PROPERTIES, IN PARTICULAR RESIDENTIAL PROPERTIES, IS PROTECTED;
- iii CONTAMINATION OF LAND AND POLLUTION OF GROUNDWATER AND SURFACE WATER, ON AND OFF THE SITE, CAN BE PREVENTED;
- iv ACCESS, VEHICLE MANOEUVRING AND CUSTOMER AND EMPLOYEE CAR PARKING ARRANGEMENTS CAN BE ACCOMMODATED WITHOUT PREJUDICE TO HIGHWAY SAFETY AND MAINTENANCE; AND
- v SITES DO NOT ADJOIN LAND PERMITTED OR ALLOCATED FOR ANY USE WHICH WOULD BE ADVERSELY AFFECTED BY THE PROPOSED USE.

### **3. RELEVANT PLANNING HISTORY**

- 3.1. Planning application No. 2001/62/91713/E4 for "Installation of 12.6m high steel chimney" was granted on 4 October 2001 and refers to the construction of the chimney at the south western corner of the existing industrial building.

### **4. APPLICANT'S PROPOSALS**

- 4.1. The applicant proposes the operation of a waste transfer station involving waste materials resulting from building site operations. The operation would involve the sorting of waste material to recover any materials which could be re-used, all other waste would be bulked-up and transported to a landfill site. All loading and unloading and waste transfer would take place inside the existing building and all access to the site would involve the existing access and doors. The only external storage would be empty skips.

- 4.2. The applicant estimates that 15 skip wagons would deliver waste to the site each day and that 5 HGV's would transport materials away from the site, resulting in a maximum of 40 wagon movements each day. The proposed operating hours are 24 hours a day, 7 days a week. The applicant has expressed his willingness to sign a Section 106 Agreement which would ensure that his wagons would not use Hopton Lane to transport waste and other materials to and from the site.
- 4.3. The applicant states that the B2 industrial use is referred to in the application in order that the existing industrial use rights would not be lost by virtue of a grant of planning permission for a waste transfer station only.
- 4.4. **Additional Information**
- 4.4.1. Highways Services officers have undertaken a traffic survey on Hopton Lane over a period of 6 weeks in order to determine the existing numbers of movements on this route. The results of this survey will be reported to the Committee.

## 5. CONSULTATIONS

- 5.1. **Internal Environmental Health** - Any permission granted should:
- limit the wastes handled to types not likely to give rise to an environmental nuisance.
  - limit waste transfer etc operation to normal operating hours only (not 24 hours, 7 days a week)
  - require submission of a dust control/monitoring scheme prior to any permitted waste transfer use commencing on the site.
- Highways** - No objection in principle provided any permission granted has conditions attached requiring submitted for approval:
- details of provision for parking and vehicular manoeuvring within the site.
  - scheme for hard surfacing of areas to be used by vehicles.
- 5.2. **External Environment Agency** - No objection in principle (notwithstanding the site is within the 1% (low risk) indicative floodplain) subject to any grant of permission having attached standard conditions requiring bunding of fuel etc tanks and the sealing of roof drainage downwater pipes.

## 6. PUBLICITY AND REPRESENTATIONS

6.1. A total of 145 letters of objection have been received from residents and local businesses in Mirfield. A large number of the letters were initially sent in response to an unattributable leaflet delivered over a wide area of Mirfield and Lower Hopton, claiming that the application site was going to become a Waste Incineration Plant releasing dioxins etc into the atmosphere. Whilst the range of the reasons for objecting has increased in subsequent letters the majority continued to repeat the belief that the waste which was brought onto the site would be used to fuel an incinerator.

6.2. The principal reasons which were given for objecting to the proposals were:

- The importation of hazardous wastes and toxic residues to the site leading to the discharge of noxious fumes.
- The use of toxic wastes brought into the site as a fuel in a kiln to be operated in association with the previously approved chimney
- There are already enough waste management facilities/waste transfer stations in the local area.
- Prejudice the redevelopment of the area.
- The proposed development is inappropriate in this residential area.
- Would be a retrograde development in view of the improving character of Mirfield.
- The local highway infrastructure is inadequate and there is already too much HGV traffic in the area.
- Adverse visual impact when viewed from the adjacent main railway line.
- Potential for pollutants to contaminate the adjacent allotments
- Impact of pollution and traffic on local schools
- Impact of dust and noise on the amenity of the area
- The siting of a waste transfer here would encourage fly tipping on Back Station Road.
- Risk of vermin

- Risk of devaluation of local property.

### 6.3 **Mirfield Town Council**

At their meeting on 19 December 2002, the Town Council resolved to object to the application proposal because of:

- (a) the principle of using this site for this purpose (Town Centre site)
- (b) Highways - increased traffic; Back Station Road is unadopted.
- (c) proposed operating hours unacceptable.

### 6.4 **Mirfield Civic Society**

The Society, although not objecting in principle to a Waste Transfer Station used solely for the purpose of sorting and not incineration sited in an industrial location, does have concerns.

In recent years there has been significant residential development in the area and coupled with the nearby school they have concerns about any potential noise, dust, health risks and adverse effect on road safety.

They request that their concerns be taken into consideration by the Planning Authority when deciding whether this application merits approval.

### 6.5 **Local Businesses**

Forge Plant Ltd who operate a waste transfer station at Scout Hill, Dewsbury object to the application on the grounds that a new waste transfer business within 2 miles would be demaging for their business.

James Holdsworth & Bros Ltd who own South Brook Mills adjacent the application site indicate that they are working with the owners of Ledgard Bridge Mills and other adjacent enterprises to produce a master plan for the conversion of both mills into residential apartment units. Such investment in their view would give a new lease of life to an historically important group of buildings. Their intention is then to move their present manufacturing (and 60 employees) into single storey premises more in keeping with modern manufacturing practices onto either a new site or their other premises at Marsden.

They object to any grant of permission for the proposed waste transfer station which they say would jeopardise their opportunity to obtain a permission for residential conversion of the mill premises (because the

uses would be incompatible), and to secure existing employment and enhance the local area.

## **7. ASSESSMENT**

### **Comments on objections received to the application**

- 7.1 Most objectors have misconstrued the application thinking that it would entail waste incineration and the level of their concern about air emissions, the scale of the proposed use and the risk to health appear to be based upon this mistaken assumption. To allay these anxieties any approval of the application proposals could and should be conditioned so that waste incineration or the use of products from the waste transfer station in any process listed in the Pollution Prevention and Control (England and Wales) Regulations, is clearly prohibited.
- 7.2 Some objectors have suggested that the current application has been submitted in order to facilitate the importation of hazardous materials onto the site at a later date. These objectors claim that the hazardous wastes would be used in the production of either bricks or aggregate for which the previous planning permission for the erection of a chimney, was obtained. It should be noted that if planning permission were to be granted for the operation of a waste transfer station, in addition to the above condition prohibiting the burning or incineration of waste, a condition would also be attached to such a permission which would strictly limit the waste types which could be imported onto the site and would specifically prohibit the importation of hazardous wastes. The waste types would be limited even further by the waste licence which would detail the permitted waste types and quantities of permitted waste. At present only a waste licence would be required to enable the importation of the hazardous wastes to take place in conjunction with the operation of a kiln, in view of the existing B2 general industrial use rights which already exist on the site there would be no requirement to obtain a further planning permission.
- 7.3 It has also been suggested that it would be a simple matter for the applicant to vary the conditions attached to a planning permission which restrict the waste types to enable hazardous wastes to be imported. The fact is that the Planning Authority would examine any such application with as much care and would consult the same authorities as would be the case in dealing with the initial planning application. Nevertheless, to satisfy the concerns of local residents a condition should be attached to any planning permission granted for waste transfer which would require the submission of a planning application before any materials not previously permitted were imported into the site.

- 7.4 Some objectors have claimed that there is a long term objective of developing a brickworks on the application site to replace the former brickworks at Spa Green, Huddersfield. The size of this site is simply not appropriate for such a development. At the former Spa Green brickworks site, the floor area of the production plant site was approximately 17000 sq.m., the total area of the Rogan & Dawson site is 3500 sq.m. The total length of the Rogan & Dawson site is 110 metres compared to a length of 170 metres for the building which housed the kilns on the Spa Green site. It is quite clear that it would not be practical to construct a similar brick making facility on the site at Mirfield.
- 7.5 Whilst many detail points of objection are raised by local residents and the Town Council to the traffic impact of the application proposals, Highways Services advise that the proposals are acceptable provided any approval has standard requirements attached.
- 7.6 The number of waste transfer station that already exist in the Mirfield - Dewsbury area and the commercial implications of another waste transfer station for existing similar businesses are not material planning considerations. In any case, waste transfer stations cater for many different markets and do not necessarily compete directly. The impact of a proposal upon local property values is also not material to a decision on a planning application.
- 7.7 The visual impact of a waste transfer operation on the site, when viewed from the adjacent main railway line is not likely to be any more adverse than is the existing condition of the site.
- 7.8 Limiting the types of waste handled, the hours within which waste transfer use could operate and requiring a dust control scheme and a noise control scheme and ensuring that waste transfer takes place inside the existing building, would address the concerns expressed by local residents about potential adverse impacts upon local amenity. In any case the application site is not immediately adjacent housing. Local allotment gardens also lie adjacent but could be protected by similar controls to those suggested above.
- 7.9 Vermin (rats or insects) would be prevented if the wastes handled were limited to non-putrescible only and, for example, composting was prohibited.
- 7.10 James Holdsworth & Bros Ltd are probably correct in thinking that an approval for the present application could prejudice any application to convert the remainder of the industrial estate/mills to residential use. However, the land referred is not allocated for residential use in the Unitary Development Plan and no detailed proposals have so far been

received for the conversion of the mills into residential properties. The objection therefore is not material and should not be taken into consideration in determining the present waste transfer station application. It is essentially a land assembly issue which is for market forces to resolve.

### **Policy Context**

- 7.11 B2 industrial use rights already exist on the site. It is the waste transfer use which would be a new element. It is considered that the criteria in Unitary Development Plan Policy WD7 for the assessment of waste transfer proposals are satisfied provided any approval has appropriate conditions attached. The Environment Agency's comments indicate no conflict with Policy EP3. A favourable recommendation on these terms is attached to the application.
- 

**Application No : 2001/60/93686/E4**

**Grid Reference : SE 20000 19090**

**Development : OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT**

**Location : WASTE LANE, OFF HOPTON LANE, LOWER HOPTON, MIRFIELD.**

**Applicant : L S WILSON**

**Recommendation : REFUSED**

### **SUMMARY**

#### **REASON FOR COMMITTEE DECISION**

Delegation Agreement

#### **SIGNIFICANT CONSULTATIONS**

**Highways:** Awaited

**Town Council:** Object, greenfield site, concerns about access

#### **RELEVANT HISTORY**

None

## **POLICY**

PPG3 Housing  
D2  
T10

## **REPRESENTATIONS**

5 letters of objection

## **ASSESSMENT**

Considered to be contrary to the advice of PPG3 Housing and the Councils policy statement about the circumstances where a greenfield site can be considered for development.

## **RECOMMENDATION**

### **REFUSE**

- (1) The grant of outline planning permission on this site would provide the opportunity for this greenfield site to be developed before identified brownfield sites and would therefore prejudice the presumption in Planning Policy Guidance Note 3 'Housing' that brownfield sites should be developed before greenfield sites.

## **INFORMATION**

The application is brought before Sub-committee in accordance with the Councils scheme of delegation at the request of Councillor Kathleen Taylor. The application was deferred by Members at the last meeting in order that they visit the site.

## **APPLICATION SITE/DESCRIPTION**

The application seeks outline planning permission for residential development, with means of access to be considered.

The site extends to some 0.3 ha in area and was last used for grazing. It is bounded by residential development to three sides, on the other side of Waste Lane is open land.

The site is accessed from Waste Lane.

## **SITE HISTORY**

None relevant

## **POLICY**

PPG3 'Housing' will be a material consideration.  
Policies D2, T10 will be relevant.

## **CONSULTATIONS**

**Env Health** - No objections

**Highways** - Comments on amended access details awaited.

**Coal Authority** - Provides information on past, present and future mining activities in the vicinity of the site.

**Yorkshire Water** - Recommend conditions to control the disposal of foul and surface water

**Mirfield Town Council** – Object; it is a greenfield site not surrounded by development; highway concerns regarding visibility and gradients.

## **REPRESENTATIONS**

5 letters of representation have been received. Concerns expressed relate to:  
Impact on highway safety of additional traffic using Waste Lane and Hopton Lane  
Waste Lane is used by walkers and horse riders; additional traffic on Waste Lane will conflict with this use.

The land is not allocated for residential development  
The infrastructure in Mirfield is inadequate to support existing development.  
It would result in the loss of another area of open space

## **ASSESSMENT**

The site is previously undeveloped land and for the purposes of PPG3 'Housing' it is a greenfield site. PPG3 advocates the re development of previously developed land before the development of a greenfield site; the development proposed would therefore be contrary to this advice.

The Councils Cabinet agreed a policy on 12<sup>th</sup> September 2001 in respect of applications to develop greenfield sites that sets out the circumstances in which development might be considered to be acceptable. This is where:

- 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.

It is considered that the circumstances set out in this policy do not apply to this site, as the site is not within a built up area.

Amended plans for the access arrangements from Hopton Lane via Waste Lane are with Highways for consideration.

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**Application No : 2002/62/91944/E6**

**Grid Reference : SE 20000 10730**

**Development : ERECTION OF 24 FLATS, 36 HOUSES AND 1 OFFICE UNIT**

**Location : ABBEY ROAD NORTH, SHEPLEY, HUDDERSFIELD.**

**Applicant : PERSIMMONS HOMES (W. YORKS)**

**Recommendation : SUBJECT TO S 106 OBLIGATION**

### **SUMMARY**

#### **REASON FOR COMMITTEE DECISION**

Delegation agreement

## **SIGNIFICANT CONSULTATIONS**

### **Highways**

Amended layout and additional information in respect of access under consideration.

### **Environment Agency**

The flood risk assessment provides details of a proposed means of reducing flood risk to the development site and to neighbouring properties by widening Shepley Dyke to increase its capacity. The assessment also contains details of the proposed means of surface water run off limitation for the site with surface water being balanced on site and discharged to Shepley Dyke at the greenfield run off rate of 5 litres/second/hectare.

### **Estates Property and Markets**

Conclude that the site is best suited to residential use due to poor topography, access, values and demand for alternative land uses at this time. Only if development costs can be reduced or higher land values achieved could the site be developed solely for commercial use.

The layout incorporates provision for public open space. The detailed arrangements for implementation and subsequent maintenance will be the subject of a S106 obligation.

### **Economic Development Service**

There has been a lack of industrial and commercial development interest in the site over a period in excess of 20 years. This is likely to relate to abnormal development costs, the cost of a lengthy access road and the lack of direct main road frontage which potential occupiers would perceive as a disadvantage.

There is demand for serviced main road sites with good access and for industrial and office development. There is little availability locally to Shepley/Shelley; some of the available accommodation is in old premises in varying condition. The proposed office unit and serviced employment land is therefore likely to be attractive to the market and will have a reasonable prospect of being taken up. The office element and the serviced employment land are a necessary part of the application, EDS support the application.

### **Education Services**

Insufficient capacity at Kirkburton Middle and Shelley High Schools to accommodate demand from the development. A financial contribution will be required.

## **Housing Services**

There is a need for family accommodation for rent, the priority being for on site 2 and 3 bedroom properties.

## **Kirkburton Parish Council**

No comment

## **REPRESENTATIONS**

Significant number of representations received

## **RELEVANT HISTORY**

None

## **POLICY**

The site is allocated for business and industry on the Councils Unitary Development Plan, policies B1 and B2 will be material.

Policies H10, affordable housing and H18, public open space will be material.

Policies BE1 and BE2, design of new development; BE11, materials; BE12, space about buildings; EP10, energy efficiency; T10 and T19, access and parking will all be material.

PPG3 'Housing', PPG25 'Development and Flood' will be material considerations.

## **ASSESSMENT**

Considered to be acceptable subject to Highway Service comments and a S106 to secure provision of affordable housing, a contribution to provide education infrastructure, the implementation and subsequent maintenance of POS and the implementation of the office development and serviced employment land.

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Refer to Planning and Highways Committee with a recommendation to approve with appropriate conditions subject to no adverse comment from Highway Services and subject to a S106 obligation to secure the provision of affordable housing, a contribution to provide education infrastructure, the implementation and subsequent maintenance of POS and the implementation of the office development and serviced employment land.

## **INFORMATION**

The application is brought before committee in accordance with the Councils delegation agreement

## **APPLICATION SITE/DESCRIPTION**

The application seeks planning permission for a development of 24 flats, 36 houses and 1 office unit and also provides a further 0.3 hectares of serviced employment land.

The site extends to some 2.2 hectares in total, of which approximately 1.54 hectares is proposed for residential development, 0.4 hectares is proposed for employment and 0.4 hectares is proposed as open space.

The site includes an area of land that was until 1981 occupied by Shepley New Mills, the area of land to the south of the former mill comprises agricultural land.

Access is proposed from the A629 Abbey Road North, between properties 18 and 20.

## **SITE HISTORY**

No relevant history since 1990

## **POLICY**

The site is allocated for business and industry on the Councils Unitary Development Plan, policies B1 and B2 will be material.

Policies H10, affordable housing and H18, public open space will be material.

Policies BE1 and BE2, design of new development; BE11, materials; BE12, space about buildings; EP10, energy efficiency; T10 and T19, access and parking will all be material.

PPG3 'Housing', PPG25 'Development and Flood' will be material considerations.

## **CONSULTATIONS**

### **Env Health**

Recommend conditions to require details of a scheme for remediation of contamination to be agreed and then implemented and measures to protect occupiers of the dwellings from vehicle noise be agreed and implemented.

## **Highways**

Amended layout and additional information in respect of access under consideration.

## **Coal Authority**

Provides information on past, present and future mining activity within the vicinity of the site.

## **Environment Agency**

The flood risk assessment provides details of a proposed means of reducing flood risk to the development site and to neighboring properties by widening Shepley Dyke to increase its capacity. The assessment also contains details of the proposed means of surface water run off limitation for the site with surface water being balanced on site and discharged to Shepley Dyke at the greenfield run off rate of 5 litres/second/hectare.

## **Yorkshire Water**

Recommend conditions to control the discharge of foul and surface water.

## **West Yorkshire Ecology**

Accept most of the conclusions of the revised Ecological Survey. Recommend that the area of wet grassland identified in the survey be resurveyed at a more appropriate time of year to assess its ecological value. Where possible mature trees should be retained, new planting should be of a native species. No vegetation should be cleared, including tree or shrub removal or pruning during the bird-breeding season.

## **Estates Property and Markets**

Conclude that the site is best suited to residential use due to poor topography, access, values and demand for alternative land uses at this time. Only if development costs can be reduced or higher land values achieved could the site be developed solely for commercial use.

The layout incorporates provision for public open space. The detailed arrangements for implementation and subsequent maintenance will be the subject of a S106 obligation.

## **Economic Development Service**

There has been a lack of industrial and commercial development interest in the site over a period in excess of 20 years. This is likely to relate to abnormal development

costs, the cost of a lengthy access road and the lack of direct main road frontage which potential occupiers would perceive as a disadvantage.

There is demand for serviced main road sites with good access and for industrial and office development. There is little availability locally to Shepley/Shelley; some of the available accommodation is in old premises in varying condition. The proposed office unit and serviced employment land is therefore likely to be attractive to the market and will have a reasonable prospect of being taken up. The office element and the serviced employment land are a necessary part of the application, EDS support the application.

### **Education Services**

Insufficient capacity at Kirkburton Middle and Shelley High Schools to accommodate demand from the development. A financial contribution will be required.

### **Housing Services**

There is a need for family accommodation for rent, the priority being for on site 2 and 3 bedroom properties.

### **Kirkburton Parish Council**

No comment

## **REPRESENTATIONS**

When first advertised the application attracted 82 individual letters of objection together with a further 33 standard letters of objection.

The areas of concern are:

- The development proposed would be contrary to the Councils UDP in that the land is allocated for industry; the proposed development would be a departure from the adopted plan.
- There is evidence of a need for industrial land in the area.
- The development proposed would also be contrary to policy B4 of the Councils UDP.
- The extent of residential development proposed extends beyond the area associated with the mill into land used for grazing.
- Since the mill was demolished, the site has revegetated and now provides a natural habitat for wildlife and fauna.
- Development of the site will result in the loss of trees.
- The existing drainage system in the area is inadequate to accommodate the development. There is evidence of flooding in the past from Shepley Dyke that passes through the application site. The development will increase the risk of

flooding to existing properties through the discharge of surface water into Shepley Dyke.

- The local infrastructure in the area is inadequate to support the development. There is insufficient capacity at existing schools, the health centre in Shepley is already over stretched, facilities for recreation within the village are inadequate, shopping facilities are limited and there is poor accessibility to public transport.
- The development would give rise to additional traffic onto Abbey Road/Penistone Road. This is already a busy road regularly used by HGVs and there have been a number of serious accidents.
- Proposals to narrow the road and provide a turn lane into the development will create traffic congestion in that area. There will be conflict with access to existing properties on Abbey Road, some of which have no off street parking. There will also be conflict with existing bus stops on Abbey Road if the carriage width is reduced.
- The development and the density proposed are out of keeping with the character, scale and appearance of the area. The three story flats would be obtrusive and would give rise to loss of amenity to existing residents because of overlooking.

The application was re-advertised on receipt of supporting information. A further 12 letters of objection have been received. Additional concerns relate to:

- The design and appearance of the proposed office building that is felt to be out of keeping with the scale and character of traditional buildings in the area. The use of render and cladding are not in keeping with the local vernacular style and windows at first floor level will overlook private garden areas.
- The development takes no account of the existing bridleway that runs along the periphery of the site. This route should be integrated with the development as the bridleway provides a safe and more convenient route for walking and cycling to reach the station and the village centre.

## **ASSESSMENT**

The application site is allocated on the Councils UDP for Industry. Residential development would therefore in principle be a departure from the Councils Development Plan.

The applicant has provided information in the form of a financial appraisal that concludes that the site is not financially viable for industrial development. This information has been assessed by the Councils Estates, Property and Markets Service, they advise that the site is best suited to residential use due to poor topography, access, values and demand for alternative land uses at this time. Only if development costs can be reduced or higher land values achieved could the site be developed solely for commercial use. Economic Development Service also advise that there has been a lack of industrial and commercial development interest in the site over a period in excess of 20 years. This is likely to relate to abnormal development costs, the cost of a lengthy access road and the lack of direct main road frontage which potential occupiers would perceive as a disadvantage.

If it is accepted that industrial development would not be viable, it is then necessary to consider whether in principle residential development would be appropriate. The site includes an area of land that was until 1981 occupied by Shepley New Mills. The extent of the residential development proposed relates to land that was curtilage to the former mill. It is therefore considered to be previously developed land in the context of PPG3 'Housing'. PPG3 seeks to direct new residential development towards land that has been previously developed (brownfield) rather than to use previously undeveloped land (greenfield), where those brownfield sites are in sustainable locations.

In terms of sustainability, there is a definitive footpath that runs adjacent to the site, providing access to local facilities (shop, post office, barbers, church, meeting hall and first school) at Shelley approx. 350-500m from the development. The footpath also provides pedestrian access to Shepley Station and beyond to Shepley village centre with the range of services it accommodates. There is an opportunity through the application to consider improvements to Stretch Gate in terms of surfacing, drainage and lighting that would further encourage pedestrian use. Employment uses and a public house are located on the A629, again accessible on foot or by public transport.

There are bus stops on the A629 that could be accessed either via Stretch Gate or via the proposed access road. One of the bus stops closest to the proposed access road is to be repositioned, again there is scope through the application to consider improvements to bus stops to encourage use of public transport. There are two bus services operating along the A629, the 237 (Huddersfield to Denby Dale operates on an hourly frequency, the 239 (Huddersfield to Sheffield) operates half hourly.

It is therefore considered that the site is suitably located for residential development and such development would be sustainable in so far as it would reuse land that has been previously developed and there is access to services and facilities by means other than the private car.

In terms of density, PPG3 advocates a minimum density of 30 dwellings /hectare. Taking the net developable area, the development would be in the order of 37 dwellings/hectare.

Given the previous use of the site the applicant has undertaken a survey to determine the extent of potential contamination

The development will also bring about an element of employment use to the site. It is proposed to provide 950-sq. m of office floorspace together with 0.3 ha of serviced employment land. Economic Development Service advise that there is demand for serviced main road sites with good access and for industrial and office development. There is little availability locally to Shepley/Shelley; some of the available accommodation is in old premises in varying condition. The proposed office unit and serviced employment land is therefore likely to be attractive to the market and will have a reasonable prospect of being taken up. The office element and the serviced employment land are a necessary part of the application.

It will be necessary to secure the implementation of the office and serviced employment land in conjunction with the implementation of the residential development.

Concerns have been raised through representations about the potential risk of flooding to the proposed development and the impact on the development on the risk of flood to existing development. The applicant has undertaken a flood risk assessment and this has been considered by the Environment Agency. The Agency advise that The flood risk assessment provides details of a proposed means of reducing flood risk to the development site and to neighboring properties by widening Shepley Dyke to increase its capacity. The assessment also contains details of the proposed means of surface water run off limitation for the site with surface water being balanced on site and discharged to Shepley Dyke at the greenfield run off rate of 5 litres/second/hectare. The Agency is satisfied that with these measures, the development will be adequately protected from the risk of flooding and the development will not increase the risk of flooding to existing development.

Concerns have been raised in representations about the ecological value of the site. The applicant has undertaken an ecology survey. Its findings are:  
There were no field signs identified to indicate that badgers are foraging on any part of the site, mature trees on the site are potential bat roost sites.  
No water vole field signs were found and the watercourses through the site are unsuitable water vole habitat,

No other signs of protected species were identified on the site.

The botanical survey identified no plants, species or habitats to warrant protection or conservation.

A clump of Japanese Knotweed was identified on the northern section of the site.

The Wildlife and Countryside Act 1981 provides the control to deal with the presence of this plant, this legislation is administered by DEFRA.

The applicant has also undertaken a bat survey. No signs of bats were found during the survey. The site has limited potential for roosting bats, the main option being in the crevices and dead wood of trees along the western boundary. To mitigate this it is recommended that trees to the western boundary are retained and landscaping works should incorporate planting of native trees and shrubs.

The surveys have been considered by West Yorkshire Ecology, they accept the findings of the surveys but qualify this with a requirement for conditions to be applied.

Education Services have identified that there is insufficient capacity at Kirkburton Middle and Shelley High Schools to accommodate demand from the development. A financial contribution will be required. This can be secured by means of a S106 obligation.

The residential layout provides a mix of 3 and 4 bed detached, semi detached and terraced houses, together with 2 bed flats. Materials are to be agreed by condition, but it is considered that stone or artificial stone would be appropriate to the area.

The layout is acceptable in terms of space about buildings policy BE12. The layout incorporates public open space in accordance with policy H18; a S106 will be required to secure its implementation and subsequent maintenance.

Policy H10 relates to the provision of affordable housing. Housing Services identify a need for family accommodation for rent, the priority being for on site 2 and 3 bedroom properties. A S106 will be required to secure a provision on site to be managed by a registered social landlord in accordance with the Councils policy.

Comments from Highway Services are awaited at the time of writing the report, comments will be provided in the update report.

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**Application No : 2001/62/91493/E1**

**Grid Reference : SE 22510 25830**

**Development : ERECTION OF GENERAL INDUSTRIAL**

**Location : SMITHIES MILL, 885-887 BRADFORD ROAD, BATLEY, WF17 8NS.**

**Applicant : J TOWNEND**

**Recommendation : CONDITIONAL FULL PERMISSION**

### **SUMMARY**

#### **REASON FOR COMMITTEE DECISION**

Delegation agreement.

#### **SIGNIFICANT CONSULTATIONS**

**Highways** – Comments awaited on further information.

No objections from remaining consultees.

## **RELEVANT HISTORY**

Long history, most relevant being use of yard as a contractors yard, since discontinued but subject to a refusal of planning permission recently dismissed on appeal.

## **POLICY**

**D2** – proposals on unallocated sites determined with regard to identified criteria.

## **REPRESENTATIONS**

2 letters of objection, visual amenity, residential amenity, road safety, no need for further buildings.

## **ASSESSMENT**

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) 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 unless otherwise agreed in writing by the Local Planning Authority.

## **INFORMATION**

This application was previously put to Planning Sub-Committee on 1 November 2001 when Members visited the site. It was resolved to defer a decision pending resolution of Highway issues.

## **APPLICATION SITE / DESCRIPTION**

Smithies Mill lies off Bradford Road and Smithies Moor Lane with access off both roads. The building is a mixture of stone, largely on the frontage to Bradford Road and brick on newer extensions to the rear. The block to the frontage of Bradford Road is an attractive detailed stone property, two storeys at the front and three at the rear. However no part of the mill complex is Listed nor does it lie within a Conservation Area.

Planning permission is sought to erect a new building to the west of the existing block on the frontage of Bradford Road. The building would be used for garage/stores/workshop on the lower ground floor, sales, customer reception and display office, storage on the ground floor and offices, design storage on the first floor.

This would be two-storey to the Bradford Road frontage, faced in artificial stone. It would be built over an area currently used for informal storage and car parking.

## **SITE HISTORY**

**2001/60/91494/E1** – application for outline planning permission for two general industrial buildings in the yard to the south east reported for consideration by Members further along the agenda.

**2000/62/92125/E1** – refusal of planning permission for 1.84 high steel boundary fence to Smithies Moor Lane in September 2000 on the grounds of the effect on visual amenity and trees.

**2000/62/92124/E1** – refusal of planning permission for re-siting of water tank within the yard off Smithies Moor Lane in October 2000 on the grounds of its effect on visual and residential amenity. This application was recently dismissed on appeal to the Secretary of State.

**2000/62/92114/E1** – retrospective application for use of land for contractors` depot following enforcement investigation, refused in January 2001 on the grounds that it was detrimental to visual and residential amenity. This application was recently dismissed on appeal to the Secretary of State however, the use has ceased.

**2000/62/93545/E1** – full and outline application for use of land and erection of new building on the Bradford Road frontage for motor trade use, withdrawn.

**97/62/91045** – planning permission for extension to mill building, rebuilding gable and erection of boundary fence granted November 1997.

**95/62/93257** – planning permission for new access to Bradford Road and improvement to existing accesses to Smithies Moor Lane granted March 1997.

## **POLICY**

The site is within a traffic calming zone but is otherwise unallocated on the Unitary Development Plan.

**Policy T5** states that traffic calming measures will be introduced to alleviate the effects of through traffic and heavy goods vehicles.

**Policy D2** states that development will be allowed on unallocated sites subject to among others, 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; accommodating the extension of business premises except where there would be adverse environmental impact.

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

## **CONSULTATIONS**

**Highways** – further comments awaited following further clarification of the proposed use and floor space.

**Environmental Protection** – no observations.

**Coal Authority** – no objections.

**Yorkshire Water** – no comment.

**British Coal** – no comments.

**Environment Agency** – no objections subject to conditions.

## **REPRESENTATIONS**

Two letters received objecting:

- Whilst office use would be acceptable, other commercial uses would not due to pollution, particularly from cars, traffic noise and increase in the existing problems of noise from machinery of existing operators at night and Sunday morning.
- The existing yard is cramped leading to delivery vehicles parking and loading on the road as they are unable to enter the site.
- The building will result in the loss of a potential parking area currently used for storage.
- There would be disruption to local residents from traffic generated by the proposal and associated parking and moving.
- The junction of Bradford Road and Smithies Moor Lane is busy, has restricted visibility and is subject to speeding traffic.
- Smithies Moor Lane is too narrow to accommodate commercial traffic.

- The area is already subject to disturbance from commercial traffic to other premises nearby.
- The building is too large.
- There are vacant units in the complex, therefore no need for this development.

## **ASSESSMENT**

The proposed uses are generally compatible with the existing uses within the mill complex. However further clarification has been requested in order to make a full assessment of off- street car parking requirements. This has been received and a verbal recommendation will be made at the Meeting.

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**Application No : 2002/62/93479/E1**

**Grid Reference : SE 24860 23540**

**Development : CHANGE OF USE FROM EXHIBITION SPACE AND GALLERY TO SPORTS AND OUTDOOR WEAR RETAIL (CLASS A1)**

**Location : BUILDING H, ALEXANDRA MILLS, ALEXANDRA ROAD, BATLEY, WF17 6JA.**

**Applicant : ALEXANDRA MILLS LTD**

**Recommendation : REFUSED**

## **SUMMARY**

### **REASON FOR COMMITTEE DECISION**

Delegation agreement.

### **SIGNIFICANT CONSULTATIONS**

**Highways** - concern at lack of off-street parking.

### **RELEVANT HISTORY**

Previous history of planning permission for retail and exhibition use.

## **POLICY**

Policies D2, S1, S4, S12, T10, R2, BE23 and EP10 apply.  
PPG 6 – retail uses and town centres.

## **REPRESENTATIONS**

None received.

## **ASSESSMENT**

Notwithstanding the applicant's covering statement the proposal is considered contrary to Unitary Development Plan policy and PPG 6 advice.

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## **REFUSE**

- (1) The proposal, by virtue of the lack of sufficient off-street parking facilities, would be detrimental to road safety and Policy T10 of the Unitary Development Plan.
- (2) The proposal represents the provision of retail floorspace away from a local or town centre to the detriment of the vitality and viability of such existing centres contrary to Policy S1 of the Unitary development Plan and the advice in PPG 6.

## **INFORMATION**

This application is put to Planning Committee as it proposes more than 500 sq metres retail floorspace.

## **APPLICATION SITE/DESCRIPTION**

The application relates to the Alexandra Mills complex between Bradford Road and Alexandra Road. The proposal is for change of use of a detached two storey building on Alexandra Road from exhibition space and gallery to retail. The application is partially retrospective as the ground floor is already in retail use for the sale of fitness and sports equipment.

## **SITE HISTORY**

96/90311 – planning permission granted for the Alexandra Mill complex for change of use and external alterations from retail / manufacturing / storage to vintage car

collection and display / steam machinery display / bi-plane display / café / retail / bar and offices.

The site of the current application (building H) was identified for proposed exhibition space, gallery and offices and was not to be brought into use until a car parking scheme had been agreed in writing with the Local Planning Authority. At the time of that application building H included a substantial area of floorspace that has since been demolished.

Conditions on the planning permission restricted the type of goods that could be sold from the premises and restricted the operation of the retail, manufacturing and office use to Monday to Friday only. The reasons for the conditions were, respectively, to protect the vitality of Batley Town Centre and in the interests of road safety as insufficient car parking had been provided.

96/93723 – planning permission granted for change of use to visitor centre for Fox's Biscuits incorporating exhibition and display space with ancillary retail. This permission was never implemented.

97/92391 - planning permission for the first floor of a building within the Mill complex to the north west of the application site (building G) for candle manufacturing / exhibition and ancillary retail. No restrictive conditions on occupation or operation.

99/ 93543 – planning permission granted for alteration to the above condition to allow the retail of sports and play equipment.

2000/91928 – planning permission for a building within the Mill complex to the north west of the application site (unit 5) for sports related retail use. The approved plan showed the current application site wholly demolished and the site utilised for car parking. In addition the area of the former Union Mills opposite the site was shown within the applicant's control and to be used for a 40 space overspill car park. Planning permission was conditional upon, among other requirements, the overspill car park being made available for operational use before the retail operation was commenced.

## **POLICY**

The site is unallocated on the Unitary Development Plan and in your Officers' opinion the following policies carry the most weight in the consideration of the application.

- Policy D2 states that development on such sites should be considered in the light of, among other criteria, visual amenity and road safety.
- Policy S1 states that town and local centres will continue to be the focus of shopping and commercial activity.

- 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.
- BE23 – new development should incorporate crime prevention measures
- EP10 – account will be taken of the extent that new development is energy efficient

The advice in PPG 6 (Town Centres & Retail Developments) is reflected in policy S1.

## **CONSULTATIONS**

**Highways** – concerned at the lack of off-street parking.

## **REPRESENTATIONS**

No response.

## **APPLICANTS STATEMENT**

The applicant states that the use would comprise the sale of sports equipment on the ground floor and outdoor wear on the first floor. The application for use of the ground floor is retrospective. There is an existing lift from ground to first floor.

It is recognised that the building was granted permission in 1996 for exhibition space, gallery and offices. That permission was implemented but a large section of the building was subsequently demolished, the area of which was in part approved as a gallery.

The applicant argues that there is a large car park within the Alexandra Mills curtilage and also within the site of the former Union Mills to the west.

The sports and outdoor concept for the development of Alexandra Mills was previously set out as part of the ‘Sportsfactory’ concept for the development and further regeneration of Alexandra Mill considered as part of the previous application 2000/91928. The concept was defined as *‘a new interactive concept encompassing outdoor, team and adrenaline sports supported by specialist leisure and niche retailing’*

The current proposal is intended to be followed by those to develop the concept further in relation to building G immediately to the north to provide a critical mass and impetus for the development of the concept.

It is argued that Alexandra Mill is an established location for mixed use activity with specialist retailing as enabling development to support the motor museum. The current proposal accords with this principle.

The applicant states that there are no suitable and available alternative locations for the use closer to Batley town centre given the required format and scale and its link to the 'Sportsfactory' concept and the sustainable visitor attraction within Batley Mill Town UK. There is operator demand, as evidenced by the current occupation, and there does not appear to be an existing sports wear retailer within the defined town centre of Batley. The proposal would help to stem the leakage of spending to substantial operators at the Birstall Retail Park.

It is argued that the application site is easily accessible by bus, cycle and rail as well as having pedestrian access to Batley Town Centre..

## **ASSESSMENT**

The applicant has been requested to clarify the parking issues but has not provided information. In such circumstances refusal on these grounds is recommended.

In addition the proposal involves additional retail floorspace in a location away from a town and local centre contrary to Unitary Development Plan policy. The applicant's supporting information has been considered but this is not considered of sufficient weight to overcome the policy objection.

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**Application No : 2002/70/94475/E3**

**Grid Reference : SE 18390 26620**

**Development : VARIATION OF CONDITION 1 RELATING TO AN EXTENSION OF TIME FOR SUBMISSION OF RESERVED MATTERS ON PREVIOUS APPROVAL 99/60/90517/E3 FOR OUTLINE APPLICATION FOR ERECTION OF CLASS B1 DEVELOPMENT**

**Location : SITE 1, WHITEHALL ROAD, BRADFORD ROAD, CLECKHEATON.**

**Applicant : WILSON BOWDEN DEVELOPMENTS**

**Recommendation : CONDITIONAL FULL PERMISSION**

## **SUMMARY**

### **REASON FOR COMMITTEE DECISION**

Delegation agreement

## **SIGNIFICANT CONSULTATIONS**

No objections – comments awaited from H & SE

## **RELEVANT HISTORY**

History of planning permission for business uses.

## **POLICY**

Policies D2, EP4, T10, R13 and B1 apply.  
PPG 24 –guidance on development and noise.  
PPG 4 Industrial and Commercial development..

## **REPRESENTATIONS**

No response

## **ASSESSMENT**

Approval sought to vary a condition of a previous outline planning permission to extend the period of time for the submission of reserved matters. No change in planning circumstances and recommendation is to approve.

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## **APPROVE**

- (1) The development shall be begun not later than the expiration of five years beginning with the date on which permission is granted.

## **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 substantial area fronting Bradford Road and Whitehall Road close to junction 26 of the M62. It is undergoing partial development for business use.

Planning permission is sought to vary condition 1 of an earlier outline planning permission for B1 (Business) use, ref. 99/60/90517/E3, granted by Committee on 23 December 1999. This would effectively allow the applicant a further three years to submit reserved matters for approval.

## **SITE HISTORY**

Since the earlier grant of outline planning permission there have been a number of planning permissions for business use on the site and adjacent land forming part of the larger business park.

## **POLICY**

The site is allocated for business, general industry and storage and distribution on the Unitary Development Plan with a footnote that this is subject to the views of the Highways Authority. Members are advised that the following policies are also applicable in their consideration.

- EP4 – account will be taken of the effects of proposed noise-generating uses on existing noise sensitive uses.
- T10 – new development not normally permitted if it will create highway safety problems.
- B1 – the employment needs of the District will be met by, among other actions, providing land to accommodate the requirements of existing businesses and the establishment of new businesses.

## **CONSULTATIONS**

**Highways** – no objections.

**Env Health** – no objections subject to the imposition of the previous conditions

**British Coal** – no objections

**Env Agency** – no objection subject to conditions

**Yorkshire Water** – no comments

Highways Agency – **no objections**

**Health & Safety Executive** – comments awaited.

## **REPRESENTATIONS**

None received

## **ASSESSMENT**

It is not considered that there has been a material change in Planning circumstances since the original grant of planning permission. In such circumstances it is recommended that the variation be agreed.

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**Application No :** 2002/70/94476/E3

**Grid Reference :** SE 18580 26400

**Development :** VARIATION OF CONDITION 1 RELATING TO AN EXTENSION OF TIME FOR SUBMISSION OF RESERVED MATTERS ON PREVIOUS APPROVAL 99/60/92261/E3 FOR OUTLINE APPLICATION FOR ERECTION OF CLASS B1, B2 AND CAR SHOWROOM DEVELOPMENT.

**Location :** SITE 2, FORMER SCANDINAVIA MILLS, BRADFORD ROAD, CLECKHEATON.

**Applicant :** WILSON BOWDEN DEVELOPMENTS

**Recommendation :** CONDITIONAL FULL PERMISSION

## **SUMMARY**

### **REASON FOR COMMITTEE DECISION**

Delegation agreement

### **SIGNIFICANT CONSULTATIONS**

No objections – comments awaited from H & SE

### **RELEVANT HISTORY**

History of planning permission for business uses.

### **POLICY**

Policies D2, EP4, T10, R13 and B1 apply.  
PPG 24 – guidance on development and noise.  
PPG 4 – Industrial and Commercial development.

### **REPRESENTATIONS**

No response

## **ASSESSMENT**

Approval sought to vary a condition of a previous outline planning permission to extend the period of time for the submission of reserved matters. No change in planning circumstances and recommendation is to approve.

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## **APPROVE**

- (1) The development shall be begun not later than the expiration of five years beginning with the date on which permission is granted.

NOTE It should be noted that all other conditions of the approved planning application no. 99/60/902261/E3 remain applicable.

## **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 substantial area of land alongside the former Scandinavia Mills accessed off Bradford Road. The site has a small frontage to Hunsworth Lane. It is undergoing partial development for business use.

Planning permission is sought to vary condition 1 of an earlier outline planning permission for erection of class B1 (Business), B2 (General Industrial) units and car showroom development, ref 99/60/92261/E3, granted by Committee on 23 December 1999. This would effectively allow the applicant a further three years to submit reserved matters for approval.

## **SITE HISTORY**

Since the earlier grant of outline planning permission there have been a number of planning permissions for business use on the site and adjacent land forming part of the larger business park.

## **POLICY**

The site is allocated for business, general industry and storage and distribution on the Unitary Development Plan with a footnote that this is subject to the views of the

Highways Authority. Members are advised that the following policies are also applicable in their consideration.

- EP4 – account will be taken of the effects of proposed noise-generating uses on existing noise sensitive uses.
- T10 – new development not normally permitted if it will create highway safety problems.
- B1 – the employment needs of the District will be met by, among other actions, providing land to accommodate the requirements of existing businesses and the establishment of new businesses.

## **CONSULTATIONS**

**Highways** – no objections.

**Environmental Health** – no objections subject to the imposition of the previous conditions.

**British Coal** – no objections.

**Environment Agency** – no objection subject to conditions.

**Yorkshire Water** – no comments.

Highways Agency – **no objections.**

**Health & Safety Executive** – comments awaited.

## **REPRESENTATIONS**

None received

## **ASSESSMENT**

It is not considered that there has been a material change in Planning circumstances since the original grant of planning permission. In such circumstances it is recommended that the variation be agreed.

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**Application No : 2002/48/94541/E1**

**Grid Reference : SE 22680 23750**

**Development : INSTALLATION OF NEW SHOP FRONT**

**Location : 28, COMMON ROAD, BATLEY.**

**Applicant : KIRKLEES METROPOLITAN COUNCIL**

**Recommendation : GRANTED UNDER REG.3 GENERAL REGULATIONS 1992**

### **SUMMARY**

#### **REASON FOR COMMITTEE DECISION**

The application is submitted by another Service Area of the Council (Estates Property & Markets Service).

#### **SIGNIFICANT CONSULTATIONS**

None consulted

#### **RELEVANT HISTORY**

None relevant

#### **POLICY**

The site lies within an area of land without specific notation and traffic calming zone  
Unitary Development Plan Policy  
BE16 – Criteria for alterations to existing shop fronts

#### **REPRESENTATIONS**

None

#### **ASSESSMENT**

The proposed alterations to the existing shop front would contribute to improving the physical appearance of the premises. Complies with Council Policy BE16.

## **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.

NOTE The application was reported to a meeting of the local disabled access group where it was requested that consideration be given to:

- automatic doors to main entrance
- low counter area

## **INFORMATION**

This application is reported to Sub-Committee as it has been submitted by a Council Service.

## **APPLICATION SITE/DESCRIPTION**

Situated in a predominately residential area, this is a flat roofed three-storey brick building, ground floor units used for A1/A3 uses with top two floors currently being used as residential units. The application unit appears to be vacant, however has been used as a chip shop previously.

## **SITE HISTORY**

None relevant.

## **POLICY**

**BE16 NEW SHOP FRONTS, OR ALTERATIONS TO EXISTING SHOP FRONTS WILL NORMALLY BE PERMITTED PROVIDED THAT:**

- i THEY RELATE IN SCALE AND PROPORTION TO THE HOST BUILDING, AND RESPECT THE CHARACTER AND APPEARANCE OF THE SURROUNDING AREA;**
- ii EXISTING ARCHITECTURAL FEATURES ARE RETAINED AND INCORPORATED INTO THE PROPOSALS;**

- iii **FASCIAS AND STALL RISERS ARE DESIGNED TO RESPECT THE SCALE, DESIGN AND ARCHITECTURAL FEATURES OF THE BUILDING AS A WHOLE, AND OF ADJACENT PROPERTIES;**
- iv **REPLACEMENT FASCIA SIGNS RESPECT THE CHARACTER AND APPEARANCE OF THE HOST AND ADJACENT BUILDINGS IN TERMS OF COLOUR, MATERIALS, LETTERING STYLE, AND ILLUMINATION WHERE EXISTING FEATURES OF THIS NATURE MAKE A POSITIVE CONTRIBUTION TO THE STREET SCENE: AND**
- v **LARGE AREAS OF GLASS ARE SUB-DIVIDED BY GLAZING BARS IRRESPECTIVE OF INDIVIDUAL BUILDING FRONTAGE OR THE EXTENT OF THE INDIVIDUAL SHOP UNIT.**

### **CONSULTATIONS**

None consulted.

### **REPRESENTATIONS**

None received.

### **ASSESSMENT**

The proposal is basically to provide level access, a new door which is indicated to be set back giving a recess effect and new right hand side window to match the other window.

The alterations are considered in terms of materials and style would not detract from the traditional character of this unit as a whole and would be an improvement to what exists.

The proposal is recommended for approval subject to conditions.

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**Application No :** 2003/62/90135/E1

**Grid Reference :** SE 23480 27620

**Development :** ERECTION OF RETAIL WAREHOUSE (AMENDMENT TO PREVIOUS APPROVED PLAN)

**Location :** UNIT L, JUNCTION 27 RETAIL PARK, HOLDEN ING WAY, GELDERD ROAD, BIRSTALL, BATLEY.

**Applicant :** THE HENDERSON UK RETAIL WAREHOUSE

**Recommendation :** CONDITIONAL FULL PERMISSION

### **SUMMARY**

#### **REASON FOR COMMITTEE DECISION**

Delegation Agreement. This is a retail unit of greater than 500 sq metres.

#### **SIGNIFICANT CONSULTATIONS**

**POLICY:** [Previous consultation] No retail policy objections. Previous restrictive conditions need to be imposed. Previous highway concerns will need to be considered.

**HIGHWAYS AGENCY:** No objections.

**HIGHWAYS:** No objections to proposals if they relate purely to elevational changes

**YORKSHIRE WATER:** Conditions recommended relating to foul/surface water drainage

**COAL AUTHORITY:** Within likely zone of influence of former workings.

#### **RELEVANT HISTORY**

**2003/70/90602-** Concurrent application to modify planning condition imposed on previously approved retail unit. Relates to type of goods sold.

**2001/62/92054-** Grant of conditional full permission for retail unit.

#### **POLICY**

## **REPRESENTATIONS**

Nil.

## **ASSESSMENT**

The proposal is submitted to modify the elevational treatment of the previously approved retail unit on this site, under permission reference 2001/62/92054/E1.

The application again proposes a retail unit with a floorspace of 10,000 sq ft (929 sq m) which in policy terms is considered to comply with Policy S4, where the principle of large stores in this location is considered to be acceptable. The unit design, appearance and materials are significantly modified from the previous unit, but are considered to be acceptable.

Technically, this is a fresh planning application, but in the circumstances of this proposal relating to elevational issues, approval is recommended subject to relevant conditions being imposed as per the previous permission.

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## **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.
- (3) 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.
- (4) Unless otherwise agreed in writing by the Local Planning Authority, floorscape and hard landscaping materials shall match the adjacent Brindle block pavements and buff paving.
- (5) 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) No access other than that shown on the approval plan shall be formed into the site without the prior written approval of the Local Planning Authority.
- (8) The development shall not be occupied/brought into use 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.
- (9) The development shall not be occupied/brought into use until the areas to be used by vehicles including parking, loading and unloading areas have been surfaced, sealed and drained and made available for use.
- (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) Unless otherwise agreed in writing by the Local Planning Authority, during the construction of the retail unit, facilities shall be provided and retained at the exit from the site for the washing of vehicle wheels.
- (12) The development shall not be occupied until a Green Travel Plan has been submitted to, and approved in writing by the Local Planning Authority. A brief of the terms of reference and scope of the plan shall be agreed in writing with the Local Planning Authority prior to the submission of the said Plan, and shall include details of its phasing and implementation. The plan shall be implemented thereafter as approved, or as otherwise agreed in writing by the Local Planning Authority.
- (13) No development shall take place until full details of the proposed means of disposal of foul and surface water drainage, including details of any flow-balancing or off-site works, have been submitted to, and approved in writing by the Local Planning Authority.
- (14) Unless otherwise agreed in writing by the Local Planning Authority, no piped discharge of surface water from the application site shall take place until the required surface water drainage works have been completed in accordance with details to be submitted to and approved by the Local Planning Authority.

- (15) Surface water from vehicle parking and hardstanding areas shall be passed through an interceptor of adequate capacity prior to discharge to sewers. Roof drainage shall not be passed through any interceptor.
- (16) Unless otherwise agreed in writing by the Local Planning Authority, no part of the development hereby permitted shall be sub-divided or have a gross retail floor area of less than 750-sq m.
- (17) Unless otherwise agreed and varied in writing by the Local Planning Authority, the premises shall not be used, other than as ancillary sales, for the retail of food for consumption off the premises; toys, fashion accessories, including handbags and luggage; clothing and shoes (other than sports clothing and footwear), watches and jewellery, perfume and toiletries, books, music records, video tapes, audio tapes and computer software without the consent of the Local Planning Authority. Not less than 50% of the total sales floorspace of the unit, in the event of it being used for the sale of sports goods and clothing shall be used for the sale, display and testing of sports equipment.

NOTE Building Regulations may have compulsory requirements for the provision of facilities for disabled people under Part M of the said Regulations.

This will be dealt with separately by the Council's Building Control Section in the context of any application submitted under the Building Regulations.

## **INFORMATION**

The application is brought before Members as required under the Delegation Agreement. This proposal represents a retail proposal of greater than 500sq metres. This site is one which Members have visited in connection with a similar retail unit in 2001.

## **APPLICATION SITE/DESCRIPTION**

The site is part of a car parking area on the west of Holden Ing Way near to the principal entrance to the Birstall Retail Park off Gelderd Road. The site is bounded by retail units and a small food outlet.

The proposal is for a new 10,000 sq ft (929 sq m) retail unit, effectively a revised external design of previously approved proposals.

## **SITE HISTORY**

**2001/62/92054/E1**- Grant of conditional full permission for retail unit following Members' delegation of proposals to officers.

## **POLICY**

**BE1:** assessment of proposals against identified criteria of appearance, local identity, highway safety, landscaping, energy efficiency, public transport access.

**S4:** assessment criteria in relation to concurrent availability of large sites, potential for prejudicing other UDP plan policies, impact on travel patterns and car use.

**D2** relates to highway safety and amenity in general.

## **CONSULTATIONS**

**Highways Agency-** No objections.

**Highways-** No objection to strictly amended submission but otherwise a Transport Assessment is required. Previous documentation would be acceptable. A Section 106 Agreement is required to cover a Green travel Plan/public transport provision.

**Coal Authority-** Site within influence of former workings.

**Yorkshire Water-** Conditions recommended relating to foul/surface water drainage and connection to sewers.

## **REPRESENTATIONS**

Nil.

## **ASSESSMENT**

The proposal is technically a new planning application for a retail unit of 10,000 sq ft (929 sq m) and is designed to reflect the adjacent retail units to the west of the site, which exhibit the 'corporate' design of the site owner.

Elevations would comprise polished aggregate blocks under various composite coloured panels, with oval roof canopy detailing, and this design is considered to be acceptable.

As with the previous unit, the key remaining issue in relation to the site is the impact on highway safety and local highway network. Kirklees Highways Service advise that unless the proposals are strictly in relation to amending the previous application, then a Transport Assessment will be required, with a Green Travel Plan and public transport contribution being secured by a Section 106 Agreement.

However, in this case, whilst in technical terms the unit is a fresh planning submission, it is exactly the same floorspace as the previously approved unit (ref

2001/62/92054/E1) which was subject to conditions (including a Green Travel Plan) following advice from Legal Services.

The proposals are considered to raise no materially changed planning circumstances and it is recommended that permission be granted for this unit, subject to appropriate conditions to reflect those previously imposed on permission 2001/62/92054/E1.

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**Application No :** 2003/62/90188/E3

**Grid Reference :** SE 18920 23810

**Development :** ERECTION OF 2 STOREY, PORCH AND CONSERVATORY EXTENSIONS

**Location :** 46, CLOUGH LANE, LIVERSEDGE, WF15 8AD.

**Applicant :** MR & MRS P THOMPSON

**Recommendation :** REFUSED

## SUMMARY

### REASON FOR COMMITTEE DECISION

At the request by Councillor Fox. This application was first presented to Sub-Committee on 27<sup>th</sup> February where it was deferred for a site visit. At the last Sub-Committee it came to light that the applicant's daughter suffered from a debilitating medical condition. The Sub-Committee deferred their decision pending further information on this.

### POLICY

The site is identified as Green Belt on the Unitary Development Plan BE1/BE2/BE13 (design/appearance/materials)  
PPG2/D11 (extension of buildings within Green Belt)  
PPG1 (paragraph 38) discusses personal circumstances.

### HISTORY

2002/93551 – Refused: 2/storey extension and conservatory/porch.

97/90993 – Refused: Formation of a parking area. Refused on grounds of conflict with green belt policy and highway safety.

94/90550 – Approved: Conservatory extension. This has been built.

## **REPRESENTATIONS**

1 letter has been received expressing support.

## **ASSESSMENT**

Whilst sympathy is expressed at the applicant's genuine medical circumstances the proposals are considered to conflict with policies in the context of the green belt. According to PPG1 personal circumstances do not normally overcome general policy considerations.

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## **REFUSE**

- (1) The proposed extension due to its location and size would form a discordant feature on the host building and, together with the previous extensions would harm the character of the host building and the open character of the surrounding Green Belt contrary to Policy D11 of the Kirklees Unitary Development Plan.

## **INFORMATION**

This application was initially brought before the Planning Sub-Committee, on 27<sup>th</sup> February at the request of Councillor Fox for the following reasons:

- 1) there have been no objections to the proposals
- 2) the property is not overlooked and would not spoil appearance of the green belt.
- 3) existing conservatory is out of character with the original building. The conservatory is approximately half the height of the proposed two-storey extension which would be built on the same footprint. The first floor extension does not impinge on green belt land.

At the Sub-Committee on 27<sup>th</sup> February the application was deferred for a site visit and at the last Sub-Committee it came to light that the applicant's daughter suffered from a debilitating medical condition. This led to the need for the applicants to care for their young grandchildren hence the need for the proposed larger accommodation. The Sub-Committee deferred their decision pending further information on this.

## **APPLICATION SITE/DESCRIPTION**

No. 46 Clough Lane is two-storey residential property and is at the south end of a terrace consisting of 4 properties. The front curtilage of this terrace adjoins onto the foot way of Clough Lane itself. A conservatory is sited at the south elevation of the application property spanning across the full width of the gable. Immediately to the south of the conservatory is an existing garage which has been built at a much lower level where the top of the garage forms a patio area.

The application relates to:

1. a 2-storey extension along the south gable of the application property.
2. a conservatory/porch which would be positioned directly to the rear of the 2-storey extension.

Matching stone for the walling and stone slate for the roofing is proposed.

The proposed 2-storey extension and the conservatory/porch would displace the existing conservatory and their combined footprint exceed the footprint of the existing conservatory towards the south and the west elevation.

## **POLICY**

The site is identified as Green Belt on the Unitary Development Plan.

BE1/BE2/BE13 - these policies require good quality design/appearance/materials which should be in-keeping with its surroundings and to respect the host premises.

PPG2/D11 - extension of buildings within Green Belt should be considered having regard to:

- 1) impact on openness/character of greenbelt.
- 2) size of the extension in relation to the original building which should remain the dominant element.
- 3) effect on character of the existing building.

PPG1 (paragraph 38) discusses personal circumstances.

## **HISTORY**

2002/93551 – Refused: 2/storey extension and conservatory/porch. This application is similar to the one which has been re-submitted subject of Committee consideration. In addition the applicant has submitted an appeal for this application and officers are currently preparing a written statement.

97/90993 – Refused: Formation of a parking area. Refused on grounds of conflict with green belt policy and highway safety.

94/90550 – Approved: Conservatory extension. This has been built.

## **REPRESENTATIONS**

Publicity period expired 13.02.03. To date 1 letter has been received expressing support.

## **ASSESSMENT**

The proposed development, in terms of both the floor area and volume, represents an approximate increase by 100% with respect to the original dwellinghouse. Policy D11 requires the original building to remain the dominant element. The existing conservatory is a later addition to the house and therefore is not taken to constitute the original house. The front, rear and particularly the side (south) elevations clearly show that the original dwellinghouse would no longer remain the dominant element hence conflicting with the requirements of policy D11 of the Unitary Development Plan.

The extensions would be to the south gable of application house and the south of the site is characterised by open fields. It is therefore considered that the proposed development would prejudice the open character of the green belt especially towards the south of the application property thereby conflicting with the aims of PPG2 and policy D11 of the Unitary Development Plan.

Following the Sub-Committee's request for the applicants to provide more medical background the following letters have been received:

- a) A letter by the applicant. In summary it states that due to the disabling condition of their daughter, their grandchildren stay with them between 8 to 13 nights per month depending on the condition of their daughter.
- b) A letter from the applicant's daughters GP. This confirms that the applicants daughter suffers from a disabling muscular-skeleton condition known as fibromyalgia. It also confirms that the applicant's daughters husband 'has had surgery for a congenital heart condition and for which he continues to have follow-up'.
- c) A copy of a letter from the applicant's daughters specialist to her GP detailing the treatment carried out.

Whilst Officers have every sympathy with the applicant's genuine medical circumstances 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.

Given the above a refusal is recommended.

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**Application No :** 2003/62/90368/E3

**Grid Reference :** SE 20360 28140

**Development :** ERECTION OF DETACHED DWELLING WITH INTEGRAL GARAGE

**Location :** GARDEN TO, 680A BRADFORD ROAD, BIRKENSHAW, BD11 2EE.

**Applicant :** G J FARKAS

**Recommendation :** CONDITIONAL FULL PERMISSION

### **SUMMARY**

#### **REASON FOR COMMITTEE DECISION**

Delegation Agreement

#### **POLICY**

- Site has no notation on the UDP in which case policy D2 is applicable – need to safeguard residential amenities, visual amenities and highway safety.
- Council's Cabinet (12 Sept. 2001) – this lists a relaxation criteria to development on greenfield sites.
- PPG3 – the presumption is that brownfield sites should be developed before greenfield sites. Density - minimum rate of 30 houses per hectare.
- H1 – need for new housings
- T10/PPG13 – need to safeguard highway safety
- BE12 – space about buildings

#### **SIGNIFICANT CONSULTATIONS**

Highways: No objections

Coal Authority: No objections

#### **REPRESENTATIONS**

Four letters have been received expressing objection to the proposals.

## **ASSESSMENT**

The proposals are considered to comply with space about buildings policy and the relaxation of the opposition to development on greenfield sites is considered to apply. It is considered difficult to meet the minimum density requirements. Application recommended for approval.

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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) Unless otherwise agreed in writing by the Local Planning Authority no light or other openings shall be created other than those shown on the approved plan (i.e. elevation facing north).
- (3) The development hereby permitted shall be carried out in complete accordance with the approved plans and specifications with particular regard to siting and use of materials as shown and identified on the approved plans except as may be required by other conditions unless otherwise agreed in writing by the Local Planning Authority.
- (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 private vehicles.
- (6) During building works facilities shall be provided and retained at the exit from the site for the washing of vehicle wheels.

## **INFORMATION**

This application is brought before Sub-committee at the request of Councillor Light as he is concerned at the siting and size of the proposed development.

## **APPLICATION SITE/DESCRIPTION**

The application site, lies directly behind (east) 680b Bradford Road where the access is between the properties of 680b and 682 Bradford Road. 682 Bradford Road is to the north of the application site and 680 Bradford Road lies south of the site. To the east

of the site there are 2 properties, however, they are relatively further away from the site. The site is a mainly grassed area and is relatively level.

The application proposes a two storey single dwellinghouse containing an integral garage. The front elevation is shown to be faced in stone and the remaining elevations are of render. Tiles are proposed for the roofing. The siting of the dwelling is shown to be directly east of 680 Bradford which has a rear elevation containing no habitable room openings. The curtilage also extends onto part of the existing rear garden of 680a Bradford Road (applicant's garden).

The net site area measures 600 square metres.

## **POLICY**

Members are advised that the following policies are relevant to the consideration of this application:

D2(iv)/D2(vi)/D2(v) - On sites where there is no notation on the UDP applications need to fulfil a criteria which amongst other issues includes the need to safeguard highway safety, residential amenities and visual amenities.

PPG3 - the presumption will be that brownfield sites should be developed before greenfield sites. Minimum density requirements of 30 houses per hectare seeks to achieve an efficient development of land.

Cabinet (12 Sept. 2001) - this lists a relaxation criteria to development on greenfield sites. One of the criteria is land which has little amenity value.

T10 – new development will not be permitted if it will create or materially add to highway safety.

H1 – need for new housings

BE1 – all development should be of good quality design.

BE12 – (space about buildings) the minimum acceptable distances will normally be:

- i 21.0m between a habitable room window of a dwelling and a habitable room window of a facing dwelling;
- ii 12.0m between a habitable room window of a dwelling and a blank wall or a wall containing the window of a non habitable room;
- iii 10.5m between a habitable room window of a dwelling and the boundary of any adjacent undeveloped land; and

- iv 1.5m between any wall of a new dwelling and the boundary of any adjacent land (other than a highway).

EP10 – All new development should be energy efficient.

## **CONSULTATIONS**

Highways: No objections

Coal Authority: No objections

## **REPRESENTATIONS**

4 letters have been received expressing concern at the proposal. The following is a summary of the issues raised:

- 1) inappropriate access
- 2) the site is a greenfield site (orchard)
- 3) Loss of residential amenities (failure to comply with BE12)
- 4) Addition of noise

## **ASSESSMENT**

The Government advice contained in PPG3 requires a commitment to maximising the re-use of previously-developed land (i.e. brownfield sites) in order both to promote regeneration and minimise the amount of greenfield land being taken for development. Evidence shows that until recently (due to felling of trees) part of the site was an orchard and would be defined as a greenfield site. The representations with respect to this issue have been noted. However it is considered that the relaxation of the opposition to development on greenfield sites as agreed by the Councils Cabinet on 12<sup>th</sup> September 2001 applies in this case as the site is within the built up area having little amenity or recreation value for the general public (as it is a privately owned land).

The application falls short of the minimum density requirement set under PPG3. However given the constraints of an irregular shaped curtilage it would be difficult to add another property on the application site.

The proposed house is surrounded by houses towards the south (680 Bradford Road), west (680b Bradford Road) and north (682 Bradford Road). Concerns have been raised on the grounds of loss of amenity and privacy and each of these properties has to be carefully considered in the context of policy BE12 (space about buildings). 680 Bradford Road contains habitable room windows which would face onto the rear blank wall of the proposed house at a distance of 12m. This distance is sufficient to comply with policy. The rear of 680b Bradford Road contains no habitable room windows hence there would be no material loss of amenities for its residents. There is a small patio area at the rear, however, the front windows of the proposed dwelling would not

directly face onto it. The distance between front elevation of the proposed dwelling and the boundary of 682 Bradford Road would be 14m which is in compliance with policy. A habitable room window on the side elevation of 682 Bradford Road would face in the direction of the siting of the proposed dwelling. This window, which used to be a secondary opening until a rear conservatory was built, would directly face onto a boundary hedge within the ownership of the residents at 682 Bradford Road. It is therefore not considered an undue loss of amenities or privacy would result.

Concerns have been raised regarding the access. These have been noted, however, Highway Services considered the proposal would not materially prejudice highway safety.

Concern has also been expressed with regards to the design of the proposed dwelling. Although its design/appearance would bear little similarity to surrounding properties due to its inconspicuous siting it is not considered that the proposed dwelling would result in material harm to visual amenities.

The objection regarding the addition of noise has been noted, however, a proposed dwellinghouse is not considered to give rise to harmful levels of noise.

In conclusion the application is considered to comply with the relevant policies and approval is recommended.

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**Application No : 2003/62/90447/E1**

**Grid Reference : SE 23250 27720**

**Development : ERECTION OF EXTENSION TO EXISTING RETAIL STORE (USE CLASS A1), INCLUDING RECONFIGURATION OF CAR PARKING, NEW CAR PARKING, LANDSCAPING AND ALTERATIONS TO VEHICULAR AND PEDESTRIAN ACCESS. EXTERNAL ALTERATIONS TO EXISTING BUILDING INCLUDING RE-CLADDING.**

**Location : IKEA STORE, HOLDEN ING WAY, BIRSTALL, BATLEY, WF17 9AE.**

**Applicant : IKEA PROPERTIES INVESTMENTS LTD**

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

## **SUMMARY**

## **REASON FOR COMMITTEE DECISION**

Delegation agreement

## **SIGNIFICANT CONSULTATIONS**

No objections

## **RELEVANT HISTORY**

History of retail development on the site.

## **POLICY**

D2, S4, T10, BE2, EP10, R13 are relevant  
PPG 6

## **REPRESENTATIONS**

None

## **ASSESSMENT**

Given the existing uses in the vicinity and the previous planning permissions on this site, no objections are raised.

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## **SUBJECT TO THE APPLICANT ENTERING INTO A SECTION 106 AGREEMENT REQUIRING THE SUBMISSION OF FINANCIAL PROVISIONS FOR A SUBSIDY TO BUS SERVICES AND THE MONITORING OF A GREEN TRAVEL PLAN DELEGATE TO OFFICERS TO APPROVE 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 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) 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.
- (7) Unless otherwise agreed in writing by the Local Planning Authority below ground drainage ducts and service entry points shall be sealed where they enter the building.
- (8) Unless otherwise agreed in writing by the Local Planning Authority cavities adjacent to or below ground level and trenches serving the items referred to in Condition 7 shall be ventilated.
- (9) Unless otherwise agreed in writing by the Local Planning Authority a continuous gas impermeable membrane shall be incorporated in the sub-floor base.
- (10) 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.

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 put to Planning Committee as it proposes shopping development in excess of 500 sq metres. The application is submitted in conjunction with that reported below for alterations and the formation of office space in the existing warehouse building to the west.

## **APPLICATION SITE/DESCRIPTION**

The application relates to the existing IKEA store and car park at Birstall Retail Park. Full planning permission is sought for an extension to the store on the eastern elevation over part of the existing surface car park. This will involve an additional 2,475 sq metres of floorspace. The extension would harmonise with the host building in terms of its materials, massing and design.

The proposal also involves the erection of a new deck to the existing two storey car park resulting in a net increase in parking space from 958 to 965.

It is proposed to provide new canopies over revised entrance and goods 'pick up' area.

The proposal involves a diversion of the existing public footpath crossing the site. This currently goes around the existing building between Holden Ing Way and the Drighlington by-pass via a pedestrian bridge over the motorway. The diversion would take the route around the edge of the proposed extension.

## **SITE HISTORY**

2000/92769 – planning permission refused for formation of customer collection facilities and additional hardstanding on the frontage to Holden Ing Way in December 2000 on road safety grounds.

94/91798 – approval of reserved matters for the existing retail unit and car park in August 1994.

94/91181 – extension of time for submission of reserved matters granted in June 1994.

90/03455 – outline planning permission for a wider area including the application site for industrial, non-food retail, petrol filling station, diner and associated landscaping and parking granted in February 1991.

## **POLICY**

The site is in an area unallocated for any purpose on the Unitary Development Plan. In your Officers' opinion the following policies carry the most weight in the consideration of the application.

D2 – planning permission will be granted for development on unallocated sites subject to no prejudice to, among other criteria; energy conservation, highway safety, visual amenity, the character of the surroundings and the efficient operation of existing and planned infrastructure.

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.

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

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

R13 – development proposals which affect a public right of way should take into account the convenience of users and the provision of disabled facilities.

## **CONSULTATIONS**

**Highways** – comments awaited.

**Health & Safety Executive** – no objections.

**Environment Agency** - no objections subject to conditions.

**Yorkshire Water** – no objections.

**British Coal** – no objections.

**Highways Agency** – comments awaited.

**Access Group** – request additional disabled toilets.

**Environmental Health** – comments awaited.

**Leeds MBC** – no response.

## **REPRESENTATIONS**

None.

## **APPLICANTS STATEMENT**

The applicant has submitted supporting information which may be summarised as follows:

- The proposal is consistent with Unitary Development Plan policy and national planning guidance.
- IKEA is unique with particular size and layout requirements and the Birstall store has a compelling qualitative need for the extension, the existing store being in need of refurbishment and external improvement. The development can only be accommodated at the existing site.
- The store's catchment and product range means that there will be no impact on any particular sector or centre. The proposals are driven by the need to improve existing staff and customer facilities rather than increasing customer numbers.
- The proposals, including that reported below, would provide approximately an additional 71 jobs enhancing the important role of IKEA in the local and national economy.
- The objective is to create a building which enhances the appearance of the site and blends with the wider environment.
- The proposal will enhance customer and staff facilities and improve access and links to the wider locality which will be achieved by quality design and materials. It will underline the company's image and its product range.
- The alterations to the customer pick-up area, the reduction of the number of site accesses and improvements to the car park layout will reduce congestion at the store.
- The proposal includes improved pedestrian links to/from the remainder of the retail park, reducing the need for car trips between units. In addition the proposal includes provision of 50 cycle stands.

- A Green Travel Plan (GTP) has been produced in association with the Council's Workplace Travel Plan Officer. This includes non-financial promotion of existing bus services; incentives and promotion of car sharing, taxi use, and more sustainable transport use; creating a network forum of neighbouring organisations to address transport issues; appointment of a store travel plan co-ordinator; encouragement of cheaper home delivery; maximisation of 'off-peak' use of the store; consolidation of deliveries and increased stock capacity to avoid return trips.
- The highway alterations will encourage vehicles to use the High Wood Lane junction rather than Holden Ing Way.
- It is considered that there will be no traffic problems associated with the proposal.

## **ASSESSMENT**

There are no objections in principle to the proposal. It is considered that, on balance, the proposal is in accordance with Unitary Development Plan policy and Government advice. Subject to no objections being received from the Highways Agency approval is recommended. Notwithstanding the applicant's offered Green Travel Plan it is considered appropriate to require a financial contribution to the proposed additional bus service to the retail park. This would be consistent with recent decisions on the site and would require permission to be subject to a S106 agreement.

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**Application No : 2003/62/90448/E1**

**Grid Reference : SE 23060 27680**

**Development : PARTIAL CHANGE OF USE OF WAREHOUSE TO OFFICES,  
NEW ENTRANCE AND ALTERATIONS TO STAFF CAR  
PARKING**

**Location : IKEA WAREHOUSE, HOLDEN ING WAY, BIRSTALL, BATLEY,  
WF17 9EA.**

**Applicant : IKEA PROPERTIES INVESTMENTS LTD.**

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

## **SUMMARY**

### **REASON FOR COMMITTEE DECISION**

Delegation agreement

### **SIGNIFICANT CONSULTATIONS**

No objections

**RELEVANT HISTORY**

**POLICY**

**REPRESENTATIONS**

None

**ASSESSMENT**

Given the existing uses in the vicinity and the previous planning permissions on this site, no objections are raised.

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**SUBJECT TO THE APPLICANT ENTERING INTO A SECTION 106 AGREEMENT REQUIRING THE SUBMISSION OF FINANCIAL PROVISIONS FOR THE MONITORING OF A GREEN TRAVEL PLAN, DELEGATE TO OFFICERS TO APPROVE 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 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) 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 Sub-Committee as it relates to a site in excess of 0.5 hectare. The application is submitted in conjunction with that reported above for an extension to the retail store.

## **APPLICATION SITE/DESCRIPTION**

The application relates to the existing IKEA warehouse and car park at Birstall Retail Park. Full planning permission is sought for partial change of use to offices associated with IKEA's overall operation and external alterations to form a new staff entrance at the side together with alterations to staff car parking.

The new entrance would be two storey to accommodate a change in ground levels at this point.

## **SITE HISTORY**

2002/90592 – external alterations to warehouse, alterations to parking/ delivery areas and formation of ramped docking area granted 23 April 2002.

## **POLICY**

The site is in an area unallocated for any purpose on the Unitary Development Plan. In your Officers' opinion the following policies carry the most weight in the consideration of the application.

D2 – planning permission will be granted for development on unallocated sites subject to no prejudice to, among other criteria; energy conservation, highway safety, visual amenity, the character of the surroundings and the efficient operation of existing and planned infrastructure.

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.

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

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

## **CONSULTATIONS**

**Highways\_** – comments awaited

**Health & Safety Executive** – no objections  
**Environment Agency** - no objections subject to conditions  
**Yorkshire Water** – no objections  
**British Coal** – no objections  
**Highways Agency** – comments awaited  
**Access Group** – build to accessible standards

## **REPRESENTATIONS**

None

## **APPLICANTS STATEMENT**

The applicant has submitted supporting information detailed as part of the report to application 03/62/90447 above. This relevance of that information to this application can be summarised as follows;

- The proposals would provide approximately an additional 71 jobs enhancing the important role of IKEA in the local and national economy.
- A Green Travel Plan (GTP) has been produced in association with the Council's Workplace Travel Plan Officer. This includes non-financial promotion of existing bus services; incentives and promotion of car sharing, taxi use, and more sustainable transport use; creating a network forum of neighbouring organisations to address transport issues; appointment of a store travel plan co-ordinator; encouragement of cheaper home delivery; maximisation of 'off-peak' use of the store; consolidation of deliveries and increased stock capacity to avoid return trips.
- It is considered that there will be no traffic problems associated with the proposal.

## **ASSESSMENT**

There are no objections in principle to the proposal. It is considered that, on balance, the proposal is in accordance with UDP policy. Subject to no objections being received from the Highways Agency approval is recommended.

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**Application No :** 2003/70/90602/E1

**Grid Reference :** SE 23480 27620

**Development :** VARIATION OF CONDITION 17 RELATING THE USE OF THE USE OF THE PREMISES ON PREVIOUS PERMISSION 2001/62/92054/E1 FOR ERECTION OF RETAIL UNIT (CLASS A1), ANCILLARY CAR PARKING, SERVICE YARD AND LANDSCAPING AND ALTERATION TO EXISTING VEHICULAR ACCESS

**Location :** UNIT L, JUNCTION 27 BUSINESS PARK, HOLDEN ING WAY, BIRSTALL, BATLEY.

**Applicant :** THE HENDERSON UK RETAIL WAREHOUSE

**Recommendation :** DELEGATE TO OFFICERS

### **SUMMARY**

#### **REASON FOR COMMITTEE DECISION**

Delegation Agreement. This proposal relates to a retail unit of greater than 500 sq metres.

#### **SIGNIFICANT CONSULTATIONS**

**POLICY:** Initial response: Concern at relaxation of restrictive condition, which would lead to similar applications to relax this condition across the retail park, which could impact on local centres.

**HIGHWAYS AGENCY:** No objections.

**HIGHWAYS:** No objections.

#### **RELEVANT HISTORY**

**2003/62/90135-** Concurrent application for erection of 10,000 sq ft (929 sq m) retail unit (modified elevations to approved unit under 2001/62/92054).

**2001/62/92054-** Grant of conditional full permission for retail unit.

## **REPRESENTATIONS**

Nil.

## **ASSESSMENT**

The proposal is submitted to modify Condition 17 imposed under permission reference 2001/62/92054/E1. This specifically relates to the type and range of goods to be sold, and floorspace sub-division, in order to safeguard the vitality and viability of existing shopping centres and to ensure that the range of goods to be sold is predominantly 'bulky' in nature.

The applicant has submitted a large amount of supporting information which principally relates to other retail applications, appeals and caselaw elsewhere. This information is still being assessed, but the initial policy assessment is that if the condition as imposed is varied, it will lead to its variation across the retail park and thus undermine the Council's attempts to protect local centres such as Birstall and Batley.

In the circumstances, it is recommended that the proposals be Delegated to Officers to determine.

## **RECOMMENDATION**

**DELEGATE TO OFFICERS TO DETERMINE, PENDING ASSESSMENT OF SUBMITTED SUPPORTING DOCUMENTS.**

## **INFORMATION**

The application is brought before Members as required under the Delegation Agreement. This proposal relates to a retail proposal of greater than 500sq metres. This site is one which Members have visited in connection with a similar retail unit in 2001.

## **APPLICATION SITE/DESCRIPTION**

The site is part of a car parking area on the west of Holden Ing Way near to the principal entrance to the Birstall Retail Park off Gelderd Road. The site is bounded by retail units and a small food outlet.

The proposal is to modify Condition 17 of permission 2001/62/92054/E1 for a new 10,000 sq ft (929 sq m) retail unit.

## **SITE HISTORY**

**2003/62/90135/E1**- Concurrent full planning application for revised elevational treatment of retail unit previously approved.

**2001/62/92054/E1**- Grant of conditional full permission for retail unit following Members' delegation of proposals to officers.

## **POLICY**

**S4:** assessment criteria in relation to concurrent availability of large sites, potential for prejudicing other Unitary Development Plan policies, impact on local centres and travel patterns/car use.

**D2** relates to highway safety and amenity in general.

## **CONSULTATIONS**

**Policy:** Submitted information with the application is being assessed. Initial response is that whilst the Unitary Development Plan accepts the principle of large new stores on this retail park, the specific condition as imposed reflects that imposed on other units across the retail park, primarily to limit the type of goods sold and thus protect local centres. In the event of its relaxation, this could lead to the relaxation across the retail park and impact on local centres.

**Highways Agency**- No objections.

**Environment Agency** - No objections

**Highways**- No objection.

## **REPRESENTATIONS**

Nil.

## **ASSESSMENT**

The proposal is to modify Condition 17 of permission 2001/62/92054/E1 which relates to an extant permission for a retail unit and the specific nature of goods sold, and sub-division of floorspace.

The condition as imposed states:

**The premises shall not be used, other than as ancillary sales, for the retail of food for the consumption off the premises; toys, fashion accessories, including handbags and luggage; clothing and shoes (other than sports clothing and**

footwear), watches and jewellery, perfume and toiletries, books, music records, video tapes, audio tapes and computer software without the consent of the Local Planning Authority. \* Not less than 50% of the total sales of floorspace of the unit, in the event of it being used for the sale of sports goods and clothing shall be used for the sale, display and testing of sports equipment.

The proposal is to vary to the condition to that proposed by the applicant, which would insert the following text after the asterisk (\*) in the above condition:

**“ , unless these items (excluding food and clothing and footwear) are sold by a catalogue shop retailer.”**

This would allow the unit to be tenanted by Argos, which is the prospective occupant. Such a retailer, with a full range of large and smaller goods is typically a town centre retailer and policy concern is to prevent such retailing undermining the local retail centres such as Birstall and Batley.

Initial policy assessment is that the amendment of this condition would potentially lead to a retail park wide relaxation of this condition imposed, and occupancy of units by retailers including stores such as Argos and Index. This could potentially harm local centres.

The applicant has submitted numerous supporting documents with the application, which relates to specific cases, appeals and case law. These policy implications are still under consideration.

In the circumstances, until this assessment has been made, it is recommended that the application be Delegated to Officers to decide.

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**Application No : 2003/62/90607/E3**

**Grid Reference : SE 19750 29500**

**Development : RENEWAL OF PREVIOUS PERMISSION FOR EXTENSION TO EXISTING GOLF COURSE**

**Location : EAST BIERLEY GOLF CLUB, SOUTH VIEW ROAD, BRADFORD & HECKMONDWIKE ROAD, EAST BIERLEY.**

**Applicant : R J WELCH, HON, SEC.**

**Recommendation : CONDITIONAL FULL PERMISSION**

## **SUMMARY**

## **REASON FOR COMMITTEE DECISION**

Delegation agreement

## **SIGNIFICANT CONSULTATIONS**

No objections raised in principle

## **RELEVANT HISTORY**

Extant planning permission for extension to golf course granted by Committee on 3 April 1998; the current planning application seeks a renewal of that permission which expires on 15 April 2003.

## **POLICY**

Site is in the Green Belt, policies D8, D10 and R13 apply. PPG 17 is also a material consideration.

## **REPRESENTATIONS**

Three letters, two from existing land owners opposing the scheme, another from East Bierley Village Preservation Society in favour.

Support from Councillor Andrew Palfreeman

## **ASSESSMENT**

Application accords with policy – no material change in circumstances to refuse

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## **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) Before any development is first commenced, full details of any surface water drainage of the course layout including the position of all holes, tees, greens, bunkers and details of any alterations to ground levels including provision for the storage of top soil and sub-soil and the methods to be used in handling such materials shall be submitted to and approved in writing by the Local Planning Authority. The works shall only be carried out in full accordance with the agreed details prior to the use commencing, unless otherwise agreed in writing by the Local Planning Authority.

- (3) Before the development is first commenced full details of the proposed extension to the car park shall be submitted to and approved in writing by the Local Planning Authority. The works shall only be carried out in full accordance with the agreed details.
- (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. This scheme shall include details of all trees and hedgerows on the site indicating those to be retained and measures for their protection during the course of development.
- (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.

NOTE Under the Hedgerow Regulations 1997 permission is required from the Local Planning Authority to remove hedgerows under certain circumstances. Before any such work is commenced the developer is advised to contact the Local Planning Authority to discuss these requirements.

## **INFORMATION**

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

## **APPLICATION SITE/DESCRIPTION**

This application relates to an area of 15.3 hectares of land to the north and east of the existing East Bierley Golf Club. The area abuts public footpaths along its south western and north western boundaries. The area is grazing land divided into a series of fields by stone walls and wire fencing. There are dwellings close to the site in Verity Street, South View Road, Bradford Road and at/adjacent Moorside Farm.

The application seeks a renewal of an extant planning permission for an extension to the golf course which was granted with conditions by the Area Planning Committee on 3 April 1998. The current application is in the same format as that previously approved in that there is no reference to a specific number of holes and there are no details of course layout, landscaping or levels. The Club wishes to extend the existing car park adjacent to the Club House in South View Road but similarly no details are produced.

Given the scale of the proposal and the character of the site it is not considered that an Environmental Impact Assessment is required.

## **SITE HISTORY**

**97/62/92204** – planning permission for extension to existing golf course granted by Sub-Committee on 3 April 1998.

## **POLICY**

The site is shown within the Green Belt on the UDP. Policy D8 states that, except in very special circumstances, planning permission will not be granted for inappropriate development in the Green Belt. The policy identifies appropriate development as, among others, uses of land which preserve the openness of the Green Belt and do not conflict with the purposes of including land within it and essential facilities for outdoor sport and recreation.

The introduction to policy D10 states that outdoor sport and recreation are appropriate uses within the Green Belt. The policy itself states that proposals for outdoor sport and recreation in the Green Belt will be considered with regard to;

- the scale of any ancillary buildings and operations;
- the effect on landscape, trees or woodland, wildlife or the enjoyment of any public right of way or access area; and
- the level of traffic movement, noise and other disturbance which would be generated.

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.

PPG 17 (Sport & Recreation) advises that golf courses should open up the countryside for recreation but can also have a significant impact. As such they need to be located and designed in harmony with the surrounding countryside and to conserve the natural environment.

## **CONSULTATIONS**

**Highways** – no objections subject to the repetition of the previous conditions.

**Yorkshire Water** – no observations

**Env Agency** – no objections subject to conditions requiring the approval of drainage works.

**English Golf Union** – no response

**TRANSCO** – no objections subject to protection of the high pressure gas pipeline in the vicinity.

**Bradford MBC** – no comments received.

## **REPRESENTATIONS**

Three letters received including one from East Bierley Village Preservation Society (EBVPS).

A letter from the owner of the land states that, notwithstanding the planning application, she intends to keep the land as farmland. Similarly a letter from another part owner of the land opposes the application.

The EBVPS supports the application as an environmental and visual enhancement to the village by removal of a coal tip and other redundant buildings on the land together with the potential for tree planting. The Society considers the proposal will be an additional recreational and community facility and would preserve the green belt from pressure of development.

Councillor Andrew Palfreeman supports the application on the grounds that the Club is a prominent part of the local community and the proposal would increase the community use of the facility and make it easier for a wider section of the community to take part in the game. Cllr Palfreeman states that the extension is a significant investment by the Club with additional financial support from Sport England and the active support of the Council's Leisure Services. He also states that the plans have widespread support from the local community and community groups.

## **ASSESSMENT**

The proposed use is in accordance with UDP policy and Government Planning advice on development in the Green Belt. It is not considered that there has been a material change in the Planning circumstances since the previous grant of conditional planning permission which would justify refusal.

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**Application No : 2003/48/90657/E3**

**Grid Reference : SE 20990 25720**

**Development : ERECTION OF EXTERNAL PLATFORM LIFT**

**Location : OXFORD GRANGE, OXFORD CLOSE, GOMERSAL,  
CLECKHEATON.**

**Applicant : KIRKLEES METROPOLITAN COUNCIL**

**Recommendation : GRANTED UNDER REG.3 GENERAL REGULATIONS 1992**

### **SUMMARY**

#### **REASON FOR COMMITTEE DECISION**

Delegation Agreement

#### **SIGNIFICANT CONSULTATIONS**

None

#### **POLICY**

D2(vi)/BE1 (visual appearance)

D2(v) (residential amenities)

#### **REPRESENTATIONS**

None received to date

#### **ASSESSMENT**

Complies with policy

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#### **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 materials used shall match those used on the existing building in terms of type, colour, texture and scale.

## **INFORMATION**

This application is brought before Sub-Committee as the applicant is a Council Service.

## **APPLICATION SITE/DESCRIPTION**

The application site, Project House, is sheltered housing for the elderly. It is mainly a 2-storey block, brick building fronting onto Oxford Road and Oxford Close.

The application proposes a 2-storey extension housing a platform lift where the footprint of the extension measures 2.0m by 1.9m. Intended use of materials would match the host premises. The proposed development would protrude from the recessed part of the host building facing onto Oxford Close and would be set well within the site.

## **POLICY**

Members are advised that the following policies are relevant to the consideration of this application:

D2(vi)/D2(v) - On sites where there is no notation on the Unitary Development Plan applications need to fulfil a criteria which amongst other issues includes the need to safeguard residential amenities and visual amenities.

BE1 – all development should be of good quality design.

## **CONSULTATION**

None.

## **REPRESENTATIONS**

None received.

## **ASSESSMENT**

The siting of the extension is to be located at a relatively inconspicuous part of the host premises where the proposed design, materials and appearance are considered to comply with policy.

Only the corridor windows would directly face onto the proposed extension hence it is not considered that the development would unduly effect the residential amenity of the residents.

The application is considered to comply with policy and approval is recommended.

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**Application No : 2003/62/90860/E3**

**Grid Reference : SE 18210 25410**

**Development : ERECTION OF DRAMA CLASSROOM**

**Location : WEST END MIDDLE SCHOOL, SOUTH PARADE,  
CLECKHEATON.**

**Applicant : JARVIS CONSTRUCTION (UK) LTD**

**Recommendation : CONDITIONAL FULL PERMISSION**

### **SUMMARY**

#### **REASON FOR COMMITTEE DECISION**

Delegation agreement: the application relates to a Kirklees Council School.

#### **SIGNIFICANT CONSULTATIONS**

Nil.

#### **RELEVANT HISTORY**

**2000/62/93084** - Grant of conditional full planning permission for extensions, and rebuilding of school.

#### **POLICY**

D2  
BE2

#### **REPRESENTATIONS**

Nil

#### **ASSESSMENT**

Minor extension within fully enclosed courtyard bounded by larger extension currently under construction. Extension would not be viewed from outside the site and would have no amenity impact. Considered to be acceptable.

## **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 materials used shall match those used on the existing building in terms of type, colour, texture and scale.

## **INFORMATION**

The application is brought before Members as it relates to a Kirklees Council school.

## **APPLICATION SITE/DESCRIPTION**

The site is the south-western corner of a fully enclosed courtyard formed by existing school buildings and a large extension nearing completion, near to houses on Park View. The site is not visible from the street, given its enclosure, but views over the school may be had from the first floors of nearby houses on Park View.

The application relates to a classroom extension of some 19.5 x 18.5m within the courtyard. This was the former playground, which has now been replaced by a larger playground by the new northern wing of the school.

## **SITE HISTORY**

**2000/62/90384** - Grant of conditional full permission for rebuilding and extension of school.

## **POLICY**

**D2** - amenity, highway safety and impacts on built environment. considerations

**BE2** - Proposals to be in keeping with surrounding development, density, scale, design.

## **CONSULTATIONS**

Nil.

## **REPRESENTATIONS**

Nil. Any received will be reported at the Sub-Committee update.

## **ASSESSMENT**

This development relates to a proposed flat roofed extension within the courtyard. It would not be seen from the nearby streets given the height and scale of roofs on the existing school.

Whilst part of the site could be viewed from the first floor nearby houses on Park View to the west, this development would be dominated by the new hall extension presently under construction the west of the site, and is not such that it could give rise to amenity issues. This is a minor development that raises no significant wider issues.

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**Application No :** 2003/62/91060/E3

**Grid Reference :** SE 19250 25080

**Development :** CHANGE OF USE FROM DOMESTIC GARDEN AND HOUSE TO  
CAR SALES AREA

**Location :** G & N CAR SALES, DEWSBURY ROAD, CLECKHEATON.

**Applicant :** MR D SINGH

**Recommendation :** CONDITIONAL FULL PERMISSION

### **SUMMARY**

#### **REASON FOR COMMITTEE DECISION**

Delegation agreement

#### **SIGNIFICANT CONSULTATIONS**

**Highways** – no objections

**Environmental Health** – no objections

#### **RELEVANT HISTORY**

Demolition of the dwelling approved in 2002. Planning permission for use of the dwelling as 4 flats approved in 2000. Adjacent business has planning permission for car sales.

## **POLICY**

D2, EP4 and T10 relevant

## **REPRESENTATIONS**

None at time of writing

## **ASSESSMENT**

Application is retrospective. Effect on residential amenity and road safety not considered significant to justify a recommendation of refusal

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## **APPROVE**

- (1) The stone wall bounding the eastern boundary shall be retained
- (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) Notwithstanding the submitted plans this permission does not extend to the proposed floodlight / camera column and flagpoles.
- (5) No direct vehicular / pedestrian access shall be taken to / from the site and Dewsbury Road and the existing stone boundary wall shall be retained.
- (6) 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.

## **INFORMATION**

This application is brought to Sub-Committee as it relates to a site in which Members have expressed interest in the past.

## **APPLICATION SITE/DESCRIPTION**

The application relates to the site of a, now demolished, detached dwelling fronting Dewsbury Road formerly known as 'Netherlands'. The applicant's used car sales business is on land to the rear and west side whilst there are dwellings to the east along the Dewsbury Road frontage. There are residential properties opposite the site on Dewsbury Road.

Planning permission is sought to change the use of the land to car sales as an extension of the adjacent business. The application is retrospective as the use has commenced. The submitted layout plan shows a 1.4 metre wide grass verge with shrub planting to the Dewsbury Road frontage and conifer planting along the side boundary to the adjacent dwelling. The planting is to be a continuation of that approved on the existing sales area. The conifer planting is additional to those existing on the adjacent dwelling. The area would be surfaced in tarmac. In addition the plans show a floodlighting pole of unspecified height with security camera on the boundary to the adjacent dwellings and six 6 metre high flagpoles on the frontage to Dewsbury Road.

## **SITE HISTORY**

The following history of the application site and the adjacent business is of relevance:

2002/90362 planning permission for change of use to increase car sales area and installation of floodlights and security cameras granted 28 March 2002. This site included part of the garden of 'Netherlands'.

2002/90075 – notification of demolition of 'Netherlands' approved 18 October 2002. This followed the Secretary of State's decision to refuse the Council's request to list the building.

2000/93589 – planning permission for erection of 14 floodlight columns and 2.15m high close boarded fence refused in March 2001 on the grounds that the floodlighting columns would be detrimental to residential and visual amenity.

99/93423 – planning permission for erection of office buildings and valeting bay, change of use of part of garden to car sales area and boundary walling granted in February 2000.

99/93374 – Planning permission for conversion to 4 flats granted 18 April 2000.

99/91329 – Planning permission for change of use of the dwelling to offices, erection of office blocks and car valeting bay on the application site and adjacent land refused on 4 August 1999 on the grounds of residential amenity, highway safety and the loss of a residential unit.

## **POLICY**

The site is unallocated in the Unitary Development Plan, 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
- EP4 – account will be taken of the effects on nearby noise sensitive uses to proposed noise generating uses
- T10 – new development not normally permitted if it will create highway safety problems.

## **CONSULTATIONS**

**Highways** – no objections subject to conditions.

**Environmental Health** – no objections.

## **REPRESENTATIONS**

None at the time of writing

## **ASSESSMENT**

It is considered that the proposal is acceptable. The effect on residential amenity will not be significant in Planning terms given the extent and location of the existing car sales operation relative to existing dwellings and the existence of a substantial existing wall and proposed screen planting between the site and the adjoining dwelling.

The proposed floodlight and camera pole and flagpoles are not considered acceptable given their proximity to the existing dwelling and a condition is recommended deleting them. The flagpoles would not form part of the application if they took the form of advertisements as they would require advertisement consent. At the time of writing this is being clarified with the applicant.

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**Application No :** 2003/48/90457/E2

**Grid Reference :** SE 26280 23150

**Development :** ERECTION OF 2.4M HIGH PALISADE SECURITY FENCING & GATES

**Location :** SHAW CROSS I & N SCHOOL, LEEDS ROAD, SHAW CROSS, DEWSBURY, WF12 7HP.

**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**

D2 – Land without notation

D8 – Green Belt

#### **REPRESENTATIONS**

None.

#### **ASSESSMENT**

Similar type of fencing to that around many Kirklees Schools

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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) 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.

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 brought to the Sub-Committee as the applicant is another Council Service.

## **APPLICATION SITE/DESCRIPTION**

The application seeks consent for a complete line of fencing around three sides of the school and three other shorter lengths on the south east side, adjacent to properties fronting Leeds Road. The type of fencing proposed would be 2.4 metres high metal palisade style with a green powder-coated finish. The fence would be set behind the existing hedge bounding the site adjacent to Shaw Cross Young Peoples Club to the south west. It would follow the line of Footpath No 147 to the north east of the site, and would separate the school buildings from the playing fields to the north west which are in the Green Belt.

## **SITE HISTORY**

None.

## **POLICY**

D2 – Land without notation

D8 – Green Belt

## **CONSULTATIONS**

**Highways** – no objections

**W Y Police** – recommend a different type of fencing.

## **REPRESENTATIONS**

None.

## **ASSESSMENT**

The fencing is the same type as that which has been erected around many schools in Kirklees and no objections have been raised to the proposal.

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**Application No :** 2003/62/90472/E2

**Grid Reference :** SE 24580 20430

**Development :** ERECTION OF 2 STOREY EXTENSION

**Location :** 83, HEADFIELD ROAD, SAVILE TOWN, DEWSBURY, WF12 9JF.

**Applicant :** MR B HUSSAIN

**Recommendation :** REFUSED

## **SUMMARY**

### **REASON FOR COMMITTEE DECISION**

Delegation Agreement

### **SIGNIFICANT CONSULTATIONS**

None

### **RELEVANT HISTORY**

None

### **POLICY**

BE13 & BE14 – House extensions

### **REPRESENTATIONS**

None

## **ASSESSMENT**

Extension projects 4 metres. Contrary to Policy. No “Special circumstances” claimed by applicant.

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## **REFUSE**

- (1) The proposed extension would, by virtue of its size and position, be detrimental to the amenities of the adjacent dwelling by creating an oppressive outlook and causing overshadowing. It is therefore considered that the development would be contrary to Policy BE14 of the Kirklees Unitary Development Plan.

## **INFORMATION**

This application is brought to the Sub-Committee at the request of Councillor David Beetham who states that the applicant has an extended family and urgently requires more living space.

## **APPLICATION SITE/DESCRIPTION**

The existing house is a stone and render fronted semi-detached house with brick sides and rear. The house is on the east side of Headfield Road where the rear gardens are almost 2 metres lower than the ground floor level of the dwellings. This creates in effect a three storey extension at the rear.

The application seeks consent for a two storey rear extension to provide a new kitchen and dining room with one enlarged bedroom and new bathroom on the first floor. The overall projection of the extension would be 4.0 metres from the rear wall of the existing house. Nos 81 and 85 Headfield Road (the adjacent houses) have no rear extensions.

## **SITE HISTORY**

None.

## **POLICY**

BE 13 – extensions should respect design features of existing house

BE 14 – extensions normally permitted:  
to the front and relatively small in scale  
to the rear not exceeding 3.0m projection  
not resulting in terracing effect

## **CONSULTATIONS**

None.

## **REPRESENTATIONS**

Letter received from applicant in support of his application citing other large extensions nearby and extended family.

## **ASSESSMENT**

The existing house is semi-detached with ample space at the side to extend as others nearby have done. This would reduce the need for such a large extension at the rear which would have a serious overshadowing effect on no 81 Headfield Road and would create an oppressive outlook for no 85 Headfield Road. On this (eastern) side of Headfield Road Policy BE14 has been upheld and there are no other extensions which exceed a 3 metre projection except for the recent approval at no 75 where members considered that there were exceptional circumstances. (ref 03/90042 approved 27.3.03).

No such circumstances have been put forward by the applicant in this case. The need to extend the property to accommodate his extended family is accepted but there are other ways to do this that would not be contrary to the adopted Policies of the Council. In view of this the application is recommended for refusal.

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**Application No :** 2003/70/90627/E5

**Grid Reference :** SE 21620 23150

**Development :** VARIATION OF CONDITION 1 ON PREVIOUS PERMISSION 99/70/93595 TO VARY CONDITION 1 RELATING TO THE TIME PERIOD FOR SUBMISSION OF RESERVED MATTERS ON PREVIOUS PERMISSION 96/60/92956 FOR OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT AND ASSOCIATED ACCESS

**Location :** LAND ADJOINING STATION LANE, HECKMONDWIKE.

**Applicant :** IDIOM ESTATES LTD

**Recommendation :** CONDITIONAL FULL PERMISSION

### **SUMMARY**

#### **REASON FOR COMMITTEE DECISION**

Delegation Agreement

#### **SIGNIFICANT CONSULTATIONS**

None

#### **RELEVANT HISTORY**

**99/70/93595/E5** – variation of condition one relating to the time period for submission of reserved matters on previous permission 96/60/92956 for outline application for residential development and associated access – granted March 2000

**97/91795** - Outline application for residential development (adjoining land) - Granted 29 April 1999.

**96/60/92956/E5** - Outline application for residential development and associated access - Granted 2 January 1997.

#### **POLICY**

PPG3. Kirklees Unitary Development Plan main policies:- B2, B1, H10-H12, H18, EP4, T10. Site allocated for business and industry

## **REPRESENTATIONS**

None received to date

## **ASSESSMENT**

This application seeks solely to once again vary a condition to allow additional time to submit details of reserved matters. Circumstances are not considered to have materially changed since the last extension of time was granted. Indeed, since the publication of PPG3 the development of a large brownfield site close to a town centre is encouraged. The request is therefore considered acceptable.

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## **GRANT**

- (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.

NOTE This approval relates solely to the variation of Condition 1 of original planning permission number 96/60/92956/E5. All other conditions attached to this permission are still valid and should be adhered to in the submission of any application(s) for the approval of reserved matters.

## **INFORMATION**

This application is brought before Sub-Committee as the site exceeds 0.5ha in area.

## **SITE**

The site is around 1.31ha in area and presently forms a predominantly flat area, last used as a railway goods siding.

To the north-east of the site and on higher ground are a number of commercial uses all accessed from Walkley Lane. To the south-west is a disused railway line now used as part of the Spen Valley Greenway and more open land and a number of commercial uses on Spen Vale Street.

Access to the site is currently gained from Railway Street which is a cul-de-sac. This also serves the Railway Hotel.

## **PROPOSAL**

This is simply to extend Condition 1 of an outline planning permission for residential development and associated access which was originally granted on 2 January 1997. Condition 1 allowed three years for the submission of reserved matters. This has been extended once and the current application seeks to extend that period by a further three years.

## **RELEVANT SITE HISTORY**

**99/70/93595/E5** – variation of condition one relating to the time period for submission of reserved matters on previous permission 96/60/92956 for outline application for residential development and associated access – granted March 2000

**97/91795** - Outline application for residential development (adjoining land) - Granted 29 April 1999.

**96/60/92956/E5** - Outline application for residential development and associated access - Granted 2 January 1997.

## **POLICY**

Within the UDP the majority of the site is allocated for business and industry. It is also shown as an area of derelict land and to the east of the site a green corridor is shown on the line of the disused railway. The relevant policies are:-

**B2** - Allocates the site for business, general industrial and storage and distribution uses.

**B1** - States that derelict land will be brought into beneficial use.

**H10-H12** - Affordable housing.

**H18** - Public Open Space on sites of over 0.4ha.

**EP4** - States that noise sensitive development in proximity to existing sources of noise will be considered taking into account the effects of existing or projected noise levels on the occupiers of the proposed noise sensitive development.

**T10** – highway and accessibility considerations in new development

## **CONSULTATIONS**

**Health and Safety Executive** – do not give comments on ‘retrospective’ applications

## **REPRESENTATIONS**

None received to date.

## **ASSESSMENT**

This application seeks solely to extend once again the period of time within which to submit details of reserved matters. The original application was approved following an assessment of the pro's and cons of residential development. The site at that stage was allocated for industrial development under the Heavy Woollen District Local Plan. Since this time the land to the south of this site, included the disused railway line which will be retained as open space and is used as part of the Spen Valley Greenway, has also been granted planning permission for residential development. Most of this land was also allocated for industrial purposes under the HWDLP and still is shown to be allocated for business and industry in the UDP.

Whilst the approval of the original application was contrary to the provisions of the HWDLP and the emerging UDP it was considered that there were material circumstances which dictated that the application be approved. These related to the proximity of this brownfield site to the town centre, the fact that the long standing industrial allocation had not been taken up and that residential development would relate to the existing character of the area. For Members information the original application was also referred to the Secretary of State as a departure. The Secretary of State chose not to call the application in.

It is considered that circumstances have not altered so materially since the original grant of outline planning permission to make this application to vary the time limit to submit reserved matters unacceptable. Whilst the UDP still allocates the site for industrial purposes the arguments in favour of the original application are still applicable and the terms of the draft UDP, as it then was, were taken into account in the determination of this application in 1996/7. It is therefore recommended that the variation of condition be approved.

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**Application No :** 2003/48/90737/E2

**Grid Reference :** SE 24300 20190

**Development :** ERECTION OF EXTENSION AND ALTERATIONS TO 2  
TEACHING BLOCKS

**Location :** BLOCKS A & B, HEADFIELD CE (C) JUNIOR SCHOOL,  
VICARAGE ROAD, THORNHILL LEES, DEWSBURY.

**Applicant :** KIRKLEES METROPOLITAN COUNCIL

**Recommendation :** GRANTED UNDER REG.3 GENERAL REGULATIONS 1992

## **SUMMARY**

### **REASON FOR COMMITTEE DECISION**

Delegation Agreement

### **SIGNIFICANT CONSULTATIONS**

Highways – no objections

### **RELEVANT HISTORY**

2001/48/90005 – erection of extension to classroom block, approved February 2001

### **POLICY**

On the Kirklees Unitary Development Plan, part Urban Greenspace, part without notation

### **REPRESENTATIONS**

One letter of objection

### **ASSESSMENT**

Extension to Block A, whilst in Urban Greenspace, is an acceptable extension to an existing use and the school is in extensive grounds. The extension to Block B is close to residential properties and would have an impact on outlook from non-habitable room windows. However scheme overall acceptable.

## **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) 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.
- (3) The materials used shall match those used on the existing building in terms of type, colour, texture and scale.
- (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.
- (5) Prior to the commencement of development details of the proposed landscape scheme between block B and 4 Savile Mews shall be agreed in writing by the Local Planning Authority. Thereafter the approved scheme shall be implemented within the first planting season following the commencement of development and maintained for a period of 5 years.

## **INFORMATION**

This application is reported to Sub-Committee as the applicant is a Council Service.

## **APPLICATION SITE/DESCRIPTION**

Relates to the Headfield Junior School complex. The school complex is made up of a number of separate classroom blocks with a main administrative building. The school is set in extensive grounds sloping down from the north east to the south west and is accessed from Vicarage Road.

The classroom blocks to be extended are both light brick with concrete tiled roofs with sections of flat roofing within the centre of the blocks. All blocks are single storey. Block A is in the centre of the built complex and the land to be utilised for the extension is currently a hard surfaced play area. The extension is 10 metres in length and 13 metres in width and would provide two new classrooms. It would have a gable roof at right angles to the mono-pitch roof of the host building. In addition to this the proposal is to remodel the internal layout of the block A. Internal partitions would be altered and window arrangement changed to provide a total of five classrooms in the extended block with an entrance/cloakroom and new toilet blocks. The area of hard playground

lost would be replaced by extending the hard surface south east. The latter work would not require the formal grant of planning permission.

Block B is the most south westerly block at the school. It is the closest to residential properties located to the south west and north east of the site. The proposed extension is to the north west elevation and would extend 10 metres towards 4 Savile Mews a bungalow with two windows facing on to the site. The extension would be built over an open grassed area that slopes towards the boundary with 4 Savile Mews. The block would be remodelled in a similar manner to Block A and is of the same exterior appearance save window positions. In addition the layout plan shows screen landscaping between the extended Block B and the 4 Savile Mews.

Three temporary classrooms on the Vicarage Road frontage would be removed if the proposal went ahead. No alterations are proposed to the car parking or access.

## **SITE HISTORY**

2001/48/90005 – erection of extension to classroom block, approved February 2001

## **POLICY**

### **Kirklees Unitary Development Plan**

D3 – urban Greenspace  
D2 – land without notation  
BE1/BE2 general design considerations

## **CONSULTATIONS**

**Highways** – no objections subject to conditions

**Environmental Services** – no observations

**Trees Officer** – no objections

**Access Group** – Kirklees Access Standards apply. Doors should have 1 metre door sets and swing both ways except fire doors.

## **REPRESENTATIONS**

One letter of objection received. This is concerned about the loss of light and privacy from extending Block B towards a residential property.

## ASSESSMENT

The background to the application is that it is the long term intention of the Headteacher to make the footprint of the school more compact, to reduce the traffic of pupils around the school and improve the security of the school. A feasibility study was carried out which firstly looked at various locations for a stand alone extension. Following budget estimates the cost of providing a stand alone building anywhere on the site was shown to be prohibitive. It was also considered that providing a new satellite building would only compound the existing security/pupil traffic problems at the school.

It was then that the possibility of extending two existing satellite buildings was considered providing two buildings that would each house five classrooms. This would allow a whole school year to be taught in one block, allowing all but one year to be taught in close proximity to the main school.

The design of extensions forming this application are based on building on mainly flat land and extending in such a way to cause minimum disruption to the existing building fabric.

The extension to Block A is not contentious. Whilst it does fall within Urban Greenspace it is an extension to an existing use built over hardsurfacing. It would not harm visual amenity, opportunities for sport and recreation would be protected by replacing the hard play area lost and there would be no material impact on wildlife value.

The proposal to extend Block B towards residential property is more problematical. The bungalow at 4 Savile Mews has been extended from that originally built and has windows in the side extension. These windows facing the site serve a porch area and a kitchen and so are both non-habitable. However, there will be some loss of light to these windows as the extension would only be some 12 metres from this side elevation. This distance is normally acceptable when new dwellings are erected, furthermore the windows in the classroom extension have been relocated to the side elevations to prevent overlooking to 4 Savile Mews and the relationship is now considered acceptable. There would be some loss of view but this is not a planning matter.

The design of the extended blocks is acceptable. The extensions would have gabled roofs of the same overall height as the mono-pitch roofs they would tie into. The new window arrangements do not detract from the simple modern appearance of the current blocks. Furthermore when extended it will be possible to remove a number of temporary classrooms from the Vicarage Road frontage so improving the overall appearance of the complex.

To conclude there are no highway objections to the scheme and approval is recommended for approval.

**Application No :** 2003/62/90362/E4

**Grid Reference :** SE 21420 20030

**Development :** CONVERSION AND EXTENSION OF PUBLIC HOUSE TO 45 FLATS

**Location :** THE MARMAVILLE, 6 CHURCH LANE, MIRFIELD.

**Applicant :** DARREN SMITH (BUILDERS) LTD

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

### **SUMMARY**

#### **REASON FOR COMMITTEE DECISION**

Delegation agreement

#### **SIGNIFICANT CONSULTATIONS**

**Highway Services:** Awaited

**Housing Services:** There is a need for 3 bed family accommodation for rent. No objections provided that affordable housing requirement is met. It may appropriate to provide this off site.

**Town Council** – Object, impact on green belt, visual impact inappropriate in this area

#### **RELEVANT HISTORY**

01/62/91786/E4 - Conversion and extension of the public house, the conversion of the two gatehouses and the erection of new dwellings to form a total of 25 dwellings together with the erection of detached garage blocks. - Granted

#### **POLICY**

D8, D11, D12, D12(A)

T18

H10, H18

BE1, BE2, BE11, BE12.

#### **REPRESENTATIONS**

None

## **ASSESSMENT**

Considered that very special circumstances exist to justify what would otherwise be inappropriate development.

Implementation of a section of strategic pedestrian/cycleway, Affordable housing, public open space and a contribution to improve off site open space can all be secured by a S106 obligation.

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**DELEGATE TO OFFICERS TO APPROVE WITH CONDITIONS  
SUBJECT TO S.106 OBLIGATION.**

## **INFORMATION**

The application is brought before Committee given the site area and as the recommendation would involve the Council entering into a S106 Obligation. Planning permission was granted in December 2002 for the conversion and extension of the public house, the conversion of the two gatehouses and the erection of new dwellings to form a total of 25 dwellings together with the erection of detached garage blocks. Work has since commenced on the implementation of the planning permission.

## **APPLICATION SITE/DESCRIPTION**

The site presently comprises the main building formerly the Marmaville Public House, the two gatehouses which front Church Lane and car parking. The extensions to the main property have now been demolished and work has commenced on the refurbishment of the property. The two gatehouses have now been refurbished.

To the north of the site there are residential properties and open land, to the west there are residential properties, to the southeast is the route of a dismantled railway line and a commercial garage.

## **SITE HISTORY**

86/62/04856/A4 – Change of use from Country Club to restaurant. – Granted

93/62/03826/E4 – Erection of Extension. – Granted conditionally

96/62/90762/E4 – Erection of extension and alterations with associated car parking. – Granted conditionally.

99/53/92500/E4 – Erection of 22.5m tower with 3 antennae, microwave dish and equipment cabin. – Granted

01/62/91786/E4 - Conversion and extension of the public house, the conversion of the two gatehouses and the erection of new dwellings to form a total of 25 dwellings together with the erection of detached garage blocks. - Granted

## **POLICY**

The site falls within Green Belt on the Councils UDP. Policies D8, D11, D12 and D12(A) will be relevant.

A pedestrian/cycleway is identified along the route of a dismantled railway that runs from Hurst Lane in Mirfield through to Heckmondwike where it would then join the Spenn Valley Greenway. Part of this route passes through the application site; policy T18 will therefore be a material consideration.

Policies BE1 and BE2 – general design; BE11 – materials; BE12 – space about buildings; H10 – affordable housing and H18 public open space will all be material considerations

PPG2 ‘Green Belt’ and PPG3 ‘Housing will be relevant.

## **CONSULTATIONS**

**Highways-** awaited

**Housing Services** – There is a need for 3 bed family accommodation for rent. No objections provided that affordable housing requirement is met. It may appropriate to provide this off site.

**Estates Property and Markets Service** – It would be appropriate to provide a commuted sum to improve open space off site. It is anticipated that this sum would be used to improve facilities in Knowl Park.

Coal Authority – provides information on past, present and future mining activity within the area.

**Yorkshire Water** – request condition to control the means of disposal of foul and surface water.

**Town Council** – Object, impact on green belt, visual impact inappropriate in this area

## **REPRESENTATIONS**

None

## ASSESSMENT

The proposed development represents a revision to the scheme previously granted planning permission in December 2002. The applicant has re examined the proposals in light of market conditions and enquiry's from the public. This has resulted in a scheme providing flats and apartments as opposed to dwellings. This facilitates an increase in density from 24 dwellings to 45 flats/apartments without expanding the developable area. The revised proposals provide for 41 new 2 bedroom flats and 4 2 bedroom flats within the converted Marmaville. Furthermore, underground parking is proposed which removes the need for the detached garage blocks that were approved as part of the previous planning permission.

Given the sites location within the Green Belt, new residential development would be inappropriate unless very special circumstances exist to justify it. The special circumstances put forward by the applicant in relation to the previous permission apply equally to the development now proposed:

- 'The site has been used as a country club/public house/function facility for many years. From the planning history, it can be seen that there have been a number of additions to the original property, designed to improve the facilities on offer. Without being too unkind, the design of these additions in relation to the host building have not been particularly complimentary, and detract from the setting of the site.
- Also of significance has been the numerous changes of ownership of the business over the years. Each operator has struggled to maximise the potential of the site. The former operators, Wolvehampton & Dudley Breweries PLC confirmed that 'following a review of profitability ... by the Company, a decision was made to cease trading with effect from October 2001. '
- The application proposals acknowledge the need to deal with the development sensitively and therefore seek to focus the development around the developed area of the existing building and hard surfaced areas, demolishing the incompatible additions to the original property and building a courtyard of flats/apartments to the rear of the existing property. There would be no encroachment of the development into open countryside and the setting of the site would be enhanced in visual terms supplemented by appropriate landscaping. The proposals retain and restore the house, gatehouses and landscape setting back to their original state. This is achieved by demolishing the many and varied extensions which have been added to the original house over the years, and by restoring the facades to the North, South and East which are currently blighted by the many erroneous additions.
- The original property is a fine example of its type and very much a local landmark. Its retention and restoration is at the fulcrum of the future success of the development. The complex environment relationship between house gatehouses and the landscape will be retained and enhanced by the proposals.

- The new build element would be in a horseshoe pattern around the southern façade of the existing house, which creates a pleasant courtyard, with a formal garden arrangement and at its centre and accommodates underground car parking. The planning concept is to contain the new build element in as tight a pattern as is possible within the confines of the previously developed area of the site.
- Care has been taken to minimise the effect of the new build on the mature landscape contained within the site. This is particularly relevant along the East and West edges, where there are many mature specimens, albeit the remnants of a previous orchard.
- This will enhance rather than detract from the setting of the site within the Green Belt and at the very least maintained the current element of openness. The proposals provide a setting where views into and from the countryside are enhanced.
- To add to the above in advancing a case of very special circumstances, the development will facilitate the implementation of the strategic cycle link on the southern boundary of the site. This area of the route identified on the UDP, is protected from development and would be provided by the applicant. Given the position of this element of the strategic cycle way network in relation to Huddersfield Road, this is seen as a key location and will hopefully be welcomed by the Council. Furthermore, given the strategic importance of providing the identified cycle ways in the UDP, the opportunity provided by the development of the site is not insignificant.
- When balanced with the visual improvements of the site offered by the development and a layout that in no way diminishes the openness of the Green Belt, these very special circumstances are considered sufficient to outweigh the general presumption against inappropriate development. To add further weight to the merits of the proposals, the site is defined as previously developed (brownfield land) and given its location adjoining the urban areas of Mirfield and Ravensthorpe, is supported by advice in PPG3.'

The circumstances put forward by the applicant are considered to be sufficient to justify development that would otherwise be inappropriate. The opportunity to secure arrangements for the implementation of a section of the pedestrian/cycleway is an important element of the application. It is also intended that the requirement for public open space will be met by a linear arrangement alongside the pedestrian/cycleway and through a contribution to upgrade open space off site at Knowl Park. The design, implementation and subsequent maintenance of both the pedestrian/cycleway and the public open space, together with the contribution will be secured through a Section 106 Obligation.

In the context of PPG3, the land is considered to be previously developed and its location is sustainable in terms of access to public transport and proximity to services

and amenities. The increase in density by developing flats as opposed to dwellings is consistent with the objective of making the most efficient use of previously developed land where it is in a sustainable location.

The layout and design is appropriate in terms of Policies BE1, BE2, BE11 and BE12 and the development would bring about the restoration of an attractive property and would maintain its setting within its substantial grounds. It is intended that the grounds and the central courtyard would be maintained and managed by a management company set up through the development the trees within the site including the avenue of Lombardy Poplars are protected by a Preservation Order.

The increase in density triggers a need to provide for affordable housing in accordance with the Councils policy. Housing Services have identified a need for 3 bedroom family accommodation for rent. To meet this need the applicant intends to provide 4 three bed dwellings off site on land in the applicants ownership at Orchard Works, Greenside Road, Mirfield. A planning application has been submitted for this development, the S106 will need to set out the arrangements for implementing the affordable housing.

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**Application No :** 2003/62/90363/E4

**Grid Reference :** SE 20620 21040

**Development :** ERECTION OF 4 NO. TOWN HOUSES WITH ASSOCIATED PARKING

**Location :** ORCHARD WORKS, GREENSIDE ROAD, MIRFIELD, WF14 0AU.

**Applicant :** DARREN SMITH (BUILDERS) LTD

**Recommendation :** DELEGATE TO OFFICERS TO APPROVE

### **SUMMARY**

#### **REASON FOR COMMITTEE DECISION**

Town Council comments contrary to officer recommendation

#### **SIGNIFICANT CONSULTATIONS**

Highways – recommend conditional approval

British Coal – recommend developer seeks appropriate technical advice

Mirfield Town Council – object

#### **RELEVANT HISTORY**

None

#### **POLICY**

D2 – No Land Allocation

BE1/BE2 – Design of New Development

BE12 – Spaces About Dwellings

BE11 – Materials of Construction

T10 – Highway Safety

T19 – Parking Provision

#### **REPRESENTATIONS**

3 letters of objection received

## ASSESSMENT

Delegate to Officers to Approve upon receipt of amendments

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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) Any pointing/repointing shall be carried out within the confines of the joint and shall be weathered struck and cut/recessed or flush. Strap or ribbon pointing shall not be used. A sample of the intended work shall be prepared for inspection (approximately 1 square metre) and shall be approved in writing before the pointing/repointing is carried out.
- (5) 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 X-X 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.
- (6) 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.
- (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) The arrangements referred to in Condition 7 shall include internal turning facilities for private vehicles.
- (9) The garage hereby approved shall be set back 5.6m from the back of footway/highway boundary.

- (10) 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.
- (11) 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.

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**

The planning application is brought forward to Committee as Mirfield Town Council have submitted views contrary to officers recommendation.

## **APPLICATION SITE/DESCRIPTION**

The application relates to a small infill building plot situated between two existing housing at The Orchads, Mirfield. The site is accessed from Greenside Road onto a small sloping cul-de-sac development. There are two stone/stone slate semi-detached cottages to the west and a large modern stone built detached property to the east. To the north of the site are a pair of brick semi-detached 1970s properties which side onto the rear of the site.

## **SITE HISTORY**

None

## **POLICY**

D2 – No Land Allocation  
BE1/BE2 – Design of New Development  
BE12 – Spaces About Dwellings  
BE11 – Materials of Construction  
T10 – Highway Safety  
T19 – Parking Provision

## **CONSULTATIONS**

Highways – sent 19/11/2002, following clarification of parking and turning provision recommend conditional approval

British Coal – set 19/11/2002, information given regarding previous coal workings and advice to prospective developers

Mirfield Town Council – sent 19/11/2002, object to the proposal due to the scale and design of the property and also highway concerns

## **REPRESENTATIONS**

3 letters of objection have been received from neighbouring properties regarding issues of

- scale and design of the 3 – storey property
- overbearing impact on cottage property
- loss of light and view
- types of boundary construction

## **ASSESSMENT**

The proposal seeks to erect a detached 3 storey property with an integral garage on land inbetween nos. 12 The Orchards and no. 22 Greenside Road, Mirfield.

In terms of the principle of developing the land for housing it is considered that whilst the application site has not been previously developed it is considered that it constitutes small infill development within a predominately urban residential area and therefore satisfies the Councils policy on greenfield development.

The positioning of the property as first submitted did not comply with the Councils spaces about dwellings policy in that 1.5 metres was not achieved from the boundary with no.22 Greenside road. Amended plans are awaited to reposition the property within the site.

In terms of overall design, it was considered that a three storey dwelling in this position was inappropriate and out of keeping in relation to the neighbouring properties. In

addition, the changes in level would exacerbate the problem as no. 22 Greenside Road is on a lower level. Amended plans are awaited to lower the height of the roof to a 2 storey dwelling in keeping with the neighbouring properties.

The parking and turning provision proposed is in accordance with highway standards and is therefore in accordance with UDP Policy T10/T19.

Delegate to officers to approve following receipt of amendments is therefore recommended.

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**Application No :** 2003/62/90467/E4

**Grid Reference :** SE 20210 20090

**Development :** ERECTION OF 5 NO. DETACHED DWELLINGS WITH GARAGES AND CONVERSION OF STABLES/KENNELS AND SURGERY TO 2 NO. DWELLINGS AND ERECTION OF GARAGES

**Location :** BEECH GROVE HOUSE, DOCTOR LANE, MIRFIELD.

**Applicant :** VANTAGE HOMES

**Recommendation :** CONDITIONAL FULL PERMISSION

### **SUMMARY**

#### **REASON FOR COMMITTEE DECISION**

Delegation Agreement

#### **SIGNIFICANT CONSULTATIONS**

**Trees** – conditional approval

**Highways** – conditional approval

**British Coal** – no observations

**Yorkshire Water** – conditional approval

#### **RELEVANT HISTORY**

**02/92036** – Erection of 6 Detached Dwellings with Garages, Conversion of Stables/Kennels into One Dwelling and Conversion of Surgery/Flat to One Dwelling and Detached garage – refused on the grounds of the density as specified by PPG3, proximity of Plot 1 to a TPO tree, lack of provision for public open space, and layout of the site.

## **POLICY**

**D2** – No Land Allocation

**BE1** – Design of Development

**BE2** – Quality of Development

**BE11** – Materials of Construction

**BE12** – Spaces About Dwellings

**NE9** – Impact of Development on Protected Trees

**T10** – Highway Safety

**H18** – Provision of Public Open Space

## **REPRESENTATIONS**

4 letters of objection received

## **ASSESSMENT**

Conditional Approval

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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.

(other conditions to be attached)

## **INFORMATION**

The application is brought forward to Sub-Committee as Mirfield Town Council has expressed views contrary to officers recommendation.

## **APPLICATION SITE/DESCRIPTION**

The application relates to a 0.4 hectare site adjacent to Beech Grove House, Doctor Lane, Mirfield. A large part of the dwelling house was recently used as a veterinary surgery, but the use has since expired and this section of the building is now vacant. The property seems to have been extended to the east from the original property. There is a detached brick/stone outbuilding to the north east of the site that seems to be used as a garage. The site forms part of the large gardens to Beech Grove House that extend to the north west and south of the site containing a number of protected trees. The site is accessed via two entrances from Doctor Lane, there is also evidence that an access was used previously onto Chapel Street.

The site at present is divided in two by a 2 metre high stone wall that passes from north to south adjacent to eastern elevation of the property. The area of land to the east of the wall comprises a private access road and an area of wasteground containing mature trees along the frontage of Doctor Lane.

## **SITE HISTORY**

**02/92036** – Erection of 6 Detached Dwellings with Garages, Conversion of Stables/Kennels into One Dwelling and Conversion of Surgery/Flat to One Dwelling and Detached garage – Refused on the grounds of the density as specified by PPG3, proximity of Plot 1 to a TPO tree, lack of provision for public open space, and layout of the site.

## **POLICY**

The site has no land allocation and therefore UDP Policy D2 applies. In addition, as the proposal involves the erection of new dwellings the guidance given in Planning Policy Guidance Note 3 is applicable in this case.

**BE1** – Design of Development

**BE2** – Quality of Development

**BE12** – Space About Dwellings

**BE11** – Materials of Construction

**T10** – Highway Safety

**NE9** – Protection of Trees

**H18** – Provision of Public Open Space

## **CONSULTATIONS**

**Highways** – recommend conditional approval

**British Coal** – no observations

**Yorkshire Water** – conditional approval

**Mirfield Town Council** – object to the proposal due to highway problems at Doctor Lane and also the proposed layout and design of the properties.

## **REPRESENTATIONS**

4 letters of objection received. The main issues concerning residents of the area are:

The loss of mature trees at the site;

The proposed access points on Doctor Lane and resultant increase in traffic;

The layout of the site is not in keeping with the existing and adjoining layout of properties and will have an overbearing effect on the existing properties;

The existing access point onto Chapel Street and its intended future use if any;

## **ASSESSMENT**

The proposal is a re-submission of a recently refused application and seeks to erect 5 detached properties within the site, to convert an existing stables to the rear of the site into 1 dwelling and to convert the existing veterinary surgery into 1 dwelling. The differences to the new submission is the removal of 1 dwelling to the frontage of the site and the removal of the mansion house from the application boundary. The total site area for this application is 0.3 hectares whereas previously the site area was 0.5 hectares.

In terms of PPG3 and the principle of developing this site for residential units, the site constitutes a brownfield site as it is curtilage to an existing property..

In terms of trees, the position of Plot 1 has been amended to ensure the preservation of the protected trees in accordance with UDP Policies BE1/NE9.

In terms of density, the site area, excluding the existing house, is in the order of 0.3ha. Applying the minimum density set out in PPG3, the development should accommodate

9 dwellings. Highway Services however, express concerns about the impact in highway safety terms of a development of this scale. It is therefore considered that 5 new dwellings together with the conversion of the surgery and kennels to form 2 further dwellings is the maximum that the site can accommodate.

In terms of spacing about dwellings the layout takes account of the minimum distances as specified by UDP Policy BE12.

Approval of this proposal is therefore recommended.

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**Application No : 2003/65/90571/E6**

**Grid Reference : SE 19960 15460**

**Development : LISTED BUILDING CONSENT FOR RE-USE AND ADAPTATION OF BARN TO 2 NO. DWELLINGS**

**Location : THORNES FARM BARN, THORNES FARM, KNOTTY LANE, LEPTON, HUDDERSFIELD.**

**Applicant : K SMITH**

**Recommendation : CONSENT GRANTED**

### **SUMMARY**

#### **REASON FOR COMMITTEE DECISION**

Delegation Agreement (Listed Building Consent also requiring Planning Permission)

#### **SIGNIFICANT CONSULTATIONS**

**Highways** – raise concern as the proposal will increase the number of dwellings served from a private drive to more than 5 dwellings which is the recommended maximum.

**West Yorkshire Archaeology** – recommend approval but raise concern as to the number of rooflights.

**English Heritage** – awaiting comments

**Conservation and Design** – no objection

**Kirkburton Parish Council** – approve but object to number of rooflights

**RELEVANT HISTORY**

**02/65/90520** – Listed Building Consent for Construction of Party Wall to Sub-Divide Barn to 2 Dwellings, conditional approval

**02/62/90519/E6** – Change of Use of Barn to 2 Dwellings, conditional approval

**POLICY**

**D8** – Green Belt

***BE3** – Development Affecting Listed Buildings*

**D12** – Re-Use of Buildings in the Green Belt

**D12a** - Removal of Permitted Development

**REPRESENTATIONS**

None

## **ASSESSMENT**

**REFER TO SECRETARY OF STATE. IF MINDED NOT TO INTERVENE,  
DELEGATE TO OFFICERS TO APPROVE WITH APPROPRIATE CONDITIONS**

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## **INFORMATION**

The planning application is brought forward to Sub-Committee as the proposal requires both Listed Building Consent and planning permission.

## **APPLICATION SITE/DESCRIPTION**

Large stone built barn with stone slate roof which is vacant and falling into disrepair. The barn dates from the early 17<sup>th</sup> century with two bays added to the east end in the early 18<sup>th</sup> century with a milking parlour added later. There are open fronted cart-sheds attached to the back of the barn which retains timber trusses on oak posts. Access is from Thurgory Lane which is a farm track off Knotty Lane. There are residential dwellings adjoining the site arranged around the former farmyard.

There is currently a brick built detached stable block to the north of the site.

## **SITE HISTORY**

**02/65/90520** – Listed Building Consent for Construction of Party Wall to Sub-Divide Barn to 2 Dwellings, conditional approval

**02/62/90519/E6** – Change of Use of Barn to 2 Dwellings, conditional approval

## **POLICY**

The site is located within the Green Belt so UDP **Policy D8** applies.

**BE3** – Development Affecting Listed Buildings

**D12** – Re-Use of Buildings in the Green Belt

**D12a** - Removal of Permitted Development

## **CONSULTATIONS**

**Highways:** are raising concern as the proposal will increase the number of dwellings served from a private drive to more than five dwellings which is the recommended maximum.

**Conservation and Design:** proposal result of pre-application discussion, no objection

**West Yorkshire Archaeology Service:** No objection but concerned about number of rooflights

**English Heritage:** awaiting comment

## **REPRESENTATIONS**

None received

## **ASSESSMENT**

This proposal seeks Listed Building consent for the re-use, alterations and sub division of the existing Grade II Listed barn to form 2 dwellings.

In terms of design, it is considered that the proposal is sensitive to the character and appearance of the building and would preserve the listed building and its architectural important features in accordance with UDP Policy BE3.

In terms of the extent of demolition and rebuild, it is considered that more than 50% of the north east elevation will need to be reconstructed as the brick is in a state of disrepair along with partial foundation collapse. English Heritage comments are awaited.

As a result of this demolition the application will have to be referred to the Secretary of State for determination.

West Yorkshire Archaeology raise concerns as to the number of rooflights in the barn. Amended plans are awaited to reduce the number of lights on the principal front of the barn.

In terms of the proposed access points, highways were originally opposed to this arrangement, however as the means of access were approved on the change of use, it is not anticipated that there will be a problem. In addition, a formal planning application is needed which will give further details as to the proposed access, layout of driveways and position of garages.

The form and general design of the building is in keeping with its surroundings as it forms part of the Thornes Farm development and the alternative to reuse is that the building may fall further into disrepair and dereliction.

The barn in question is a Grade II Listed Building and its preservation is important to the group of buildings at Thornes Farm.

**Approval of this proposal is therefore recommended pending referral to Secretary of State.**

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**Application No : 2003/62/90716/E7**

**Grid Reference : SE 23200 10290**

**Development : ERECTION OF REAR CLASSROOM EXTENSION**

**Location : ST AIDAN'S CE VA PRIMARY SCHOOL, SMITHY CLOSE,  
SKELMANTHORPE, HUDDERSFIELD, HD8 9JA.**

**Applicant : THE SCHOOL GOVERNORS**

**Recommendation : CONDITIONAL FULL PERMISSION**

### **SUMMARY**

#### **REASON FOR COMMITTEE DECISION**

Kirklees Metropolitan Council application

#### **SIGNIFICANT CONSULTATIONS**

**Highways** – recommend conditional approval

**Coal Authority** – no observations

**Denby Dale Parish Council** – no objection

#### **RELEVANT HISTORY**

98/91676 – Erection of Single Storey Extension

94/93872 – Erection of Classroom and Library Extension

#### **POLICY**

D3 – Urban Greenspace

BE1 – Design of Development

BE2 – Quality of Development

BE11 – Materials of Construction

## **REPRESENTATIONS**

None received

## **ASSESSMENT**

Conditional Approval

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## **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) All external facing materials shall match the existing school buildings unless otherwise agreed 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**

The planning application is brought forward to Sub-Committee as the application has been submitted by Kirklees Metropolitan Council.

## **APPLICATION SITE/DESCRIPTION**

The application relates to St Aidans CE VA Primary School located adjacent to Smithy Close, Skelmanthorpe.

## **SITE HISTORY**

98/91676 – Erection of Single Storey Extension, approved (expires August).

94/93872 – Erection of Classroom and Library Extension, approved.

## **POLICY**

The site is defined as Urban Greenspace and therefore Unitary Development Plan Policy D3 applies.

BE1 – Design of Development, retains a sense of local identity and is visually attractive.

BE2 – Quality of Development, respects surrounding development, design, scale, layout and height.

BE11 – Materials of Construction.

## **CONSULTATIONS**

**Highways** – recommend conditional approval.

**Coal Authority** – no observations.

**Denby Dale Parish Council** – no objection to the proposal.

## **REPRESENTATIONS**

None received .

## **ASSESSMENT**

The proposal seeks to erect a small classroom extension to the rear of the main school building.

In terms of the proposed development, it is considered that the extension is not associated with an open land use. However, the development represents a specific benefit to the community due to improved school facilities in accordance with Unitary Development Plan Policy D3.

In terms of visual amenity, the siting, materials and design of the extension ensures it harmonises with the existing roof styles and window styles on the building in accordance with Unitary Development Plan Policies BE1/BE2.

Approval of this proposal is therefore recommended.



**Application No : 2003/62/90793/E6**

**Grid Reference : SE 19010 14920**

**Development : ERECTION OF 2 DETACHED HOUSES AND GARAGES**

**Location : PLOTS 1 & 2 THE MEADOWS, OFF FIELDS ROAD, LEPTON,  
HUDDERSFIELD**

**Applicant : ASQUITH HOMES**

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

### **SUMMARY**

#### **REASON FOR COMMITTEE DECISION**

The application is subject to a S. 106 Legal Agreement

#### **SIGNIFICANT CONSULTATIONS**

**Environmental Health  
Highways  
British Coal  
Kirkburton Parish Council**

#### **RELEVANT HISTORY**

**02/94394** – Plots, 3, 4 & 5 The Meadows, Fields Road, Lepton

**00/93141** – Erection of 2 Detached Dwellings with Garages (Plots 6 & 7)

**96/92172** – Outline application for residential development and new access

#### **POLICY**

**D2** – No Land Allocation  
**B4** – Sites Last Used for Business and Industry  
**BE1** – Design of New Development  
**BE2** – Quality of Development  
**BE11** – Materials of Construction  
**BE12** – Spaces About New Dwellings  
**T10** – Highway Safety

## H10 – Public Open Space

### REPRESENTATIONS

None

### ASSESSMENT

Delegate to Officers to Approve subject to s.106 agreement

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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) Before development commences, details of existing and proposed ground levels and proposed finished floor levels shall be submitted to and agreed in writing by the Local Planning Authority. The development shall then be implemented in accordance with the details agreed.
- (5) 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.
- (6) 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.
- (7) The gradient of the private drives shall not exceed 1 in 8 with suitable vertical curves at the access and any change in gradient.
- (8) Before the development is commenced, a site investigation shall be carried out in line with guidance document "The development of contaminated sites", and appropriate reports submitted to the LPA. Any proposed remediation scheme shall be agreed in writing with the Local Planning Authority.

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.

NOTE The permission is subject to a S.106 Obligation relating to the provision of Public Open Space

## **INFORMATION**

The planning application is brought forward to Sub-Committee as the application involves entering into a S.106 Legal Agreement to secure off-site public open space contributions at Lepton playing fields.

## **APPLICATION SITE/DESCRIPTION**

The application relates to the former Lion works site off Field Road, Lepton. The site is adjacent to Lepton First School playing fields and is positioned directly behind properties on Fields Road. At the time of visit, the site had been cleared and foundations set for Plots 6/7. The site is located within a primarily residential area.

## **SITE HISTORY**

**02/94394** – Erection of 3 Detached Dwellings with Garages (Plots 3, 4 & 5), conditional approval subject to s.106 agreement securing off site contributions to public open space at Lepton playing fields

**2000/93141** – Erection of 2 Detached Dwellings with Garages (Plots 6 & 7), conditional approval subject to s.106 agreement securing off site contributions to public open space at Lepton playing fields.

**96/92172** – Outline application for residential development and new access, conditional approval

## **POLICY**

The site is defined as land without notation and therefore UDP Policy D2 applies.

**B4** – Sites Last Used for Business and Industry

**BE1** – Design of New Development

**BE2** – Quality of Development

**BE11** – Materials of Construction

**BE12** – Spaces About New Dwellings

**T10** – Highway Safety

**H10** – Public Open Space

## **CONSULTATIONS**

**Environmental Health** – recommend condition relating to a contamination report to be submitted before development commences

**Highways** - awaiting response

**British Coal** – no observations

**Kirkburton Parish Council**

## **REPRESENTATIONS**

None

## **ASSESSMENT**

The site has previously had an outline approval for residential development in 1996, therefore the principal of this type of development is acceptable. In addition, the site forms part of previous industrial use and is therefore a brownfield site in accordance with national guidelines in PPG3. Also, previous applications in 2000 and 2002 were approved for the erection of 2 and 3 dwellings and formation of access on plots directly adjacent to this proposal.

The application seeks approval for the erection of 2 detached dwellings to the north west part of the site and associated garaging, with the intention to develop a total of 8 dwellings in the future. The previous outline approval included land to the south of this site (Council owned), the intention is to develop this area in the future following negotiation with Estates. The previous approvals for 2 and 3 dwellings included a s.106 agreement to secure the provision of a commuted sum to off site public open space. This application would therefore have to supplement this approval with an additional agreement.

In terms of highway issues, the proposed access forms part of the previous approval and therefore is in place to serve this development. Further highway comments awaited.

In terms of residential amenity and spaces about dwellings, the proposed siting of the dwellings are in accordance with UDP Policy in that all requirements of spaces about habitable room windows/blank walls and boundaries are met.

In addition, the proposed conservatories and sun rooms all incorporate solid walling to the side elevation to further reduce any detrimental effects to the privacy of neighbouring gardens in accordance with UDP Policy D2.

In terms of materials and design, the proposed dwellings are reflective of the brick/concrete tile pitched roof properties to the west in accordance with UDP Policy BE1/BE2/BE11.

Approval of this proposal is therefore recommended.

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