

KIRKLEES METROPOLITAN COUNCIL

PLANNING SERVICES

PLANNING SUB-COMMITTEE (HUDDERSFIELD AREA)

13 MARCH 2003

**LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985
BACKGROUND PAPERS**

There is a file for each planning application containing application forms, plans and background papers.

Ms P A Ashton - Extension 1607

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PLANNING APPLICATIONS TO BE DECIDED BY PLANNING COMMITTEE

Application No : 2002/60/94147/W3
Grid Reference : SE 13560 07270
Development : DEMOLITION OF EXISTING DWELLING AND OUTLINE
APPLICATION FOR ERECTION OF RESIDENTIAL
DEVELOPMENT (MAXIMUM OF 3 NO. DWELLINGS)
Location : DUNSLEY POULTRY FARM, BROW LANE, HOLMFIRTH.
Applicant : D N SYKES
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Development : CHANGE OF USE OF 3 NO. POULTRY SHEDS TO PROVIDE
STORAGE FOR CARAVANS
Location : DUNSLEY POULTRY FARM, BROW LANE, HOLMFIRTH.
Applicant : D N SYKES
Decision: REFUSED 14

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Grid Reference : SE 13120 06290
Development : VARIATION OF CONDITION 2 ON PREVIOUS PERMISSION
91/62/00024/W0 TO PERMIT THE CONTINUATION OF MINERAL
EXTRACTION AND LANDFILL UNTIL 31 DECEMBER 2026
Location : WINDY RIDGE QUARRY, CARTWORTH MOOR ROAD,
CARTWORTH MOOR, HUDDERSFIELD, HD7 1QS.
Applicant : R M & S PEEL
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OVERBURDEN AND INERT WASTE
Location : WINDY RIDGE QUARRY, CARTWORTH MOOR ROAD,
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Application No : 2002/60/94147/W3

Grid Reference : SE 13560 07270

Development : DEMOLITION OF EXISTING DWELLING AND OUTLINE APPLICATION FOR ERECTION OF RESIDENTIAL DEVELOPMENT (MAXIMUM OF 3 NO. DWELLINGS)

Location : DUNSLEY POULTRY FARM, BROW LANE, HOLMFIRTH.

Applicant : D N SYKES

Recommendation : REFUSED

SUMMARY

REASON FOR COMMITTEE DECISION

Significant departure from Development Plan. Deferred at Sub-Committee on 13 February 2003 for a site visit.

SIGNIFICANT CONSULTATIONS

Highways - No objection

Parish Council - Object

RELEVANT HISTORY

Previous proposals in connection with the poultry farm.

POLICY

D8
PPG2

REPRESENTATIONS

One letter of objection.

ASSESSMENT

Inappropriate development contrary to Unitary Development Plan Policy D8 and advice in PPG2. No "very special circumstances" to justify granting planning permission.

Reduction in proposed maximum number of dwellings from 5 to 3 does not justify any change in recommendation.

- (1) The site lies within an area which has received approval as Green Belt within which it is intended that new development be severely restricted. The proposal would be unrelated to any existing settlement and such development is neither appropriate to the Green Belt nor are there any special reasons why it should be permitted in this case. Such development would be contrary to the objectives of Unitary Development Plan Policy D8 and the advice in PPG2 (Green Belts).

INFORMATION

This application is brought before the Sub-Committee for determination because it consists of a departure from the Development Plan. The application was deferred at the last Sub-Committee Meeting on 13 February 2003 to enable a site visit to be arranged.

THE SITE

New Dunsley Poultry Farm lies approx. 1 km to the south west of Holmfirth town centre adjacent to the junction of Brow Lane and Hill House Road. It consists of two existing dwellings and a number of large, but relatively low roofed, poultry sheds. Access to the site is taken from Hill House Road. The site occupies an elevated position overlooking the Upper Holme Valley.

There are a number of protected trees on the Brow Lane frontage.

THE PROPOSALS

Outline planning permission was sought for residential development up to a maximum of 5 dwellings. Since the last Sub-Committee meeting, the Agent has written to state that, on reflection, his client would like to reduce this to a maximum of 3 dwellings.

Two parts of the site are identified for development:

- (i) An area of the south western end of the site adjacent to the site entrance and to the existing dwellings: One of these would be demolished and replaced by a new dwelling.
- (ii) A somewhat larger area at north-eastern corner of the site. This area is adjacent to a disused barn in separate ownership at New Dunsley which already has planning permission for conversion to residential use.

No details of siting of individual dwellings have been submitted at this Outline stage for formal approval although an indicative possible layout has been provided.

Members should also note that there is a concurrent application for the same Applicant which is also before the Sub-Committee for determination which seeks consent to change the use of 3 of the existing poultry sheds to caravan storage (Application Ref: 2002/62/94148/W3). The remaining poultry sheds would be demolished.

The Applicant's Agent has stated that both applications have been prompted by a notable decline in the poultry business primarily as a result of the impact of imports. The business has provided a diminishing return over the past 5 years with some years operating in deficit.

The Agent has made detailed submissions in respect of both applications and a full copy of his report has been placed in the Local Governance Information Office for Members to consult. However, the principal points made in support by the Agent are as follows:-

“On its own it is recognised that residential development of this site is inappropriate development in the Green Belt. However, we believe that “very special circumstances” exist here to warrant the approval of planning permission.

This report has already outlined the background to the applications and the circumstances that the applicant finds himself in. These are further amplified below.

In 2000, the applicant underwent open-heart surgery which led to a rethink of the future of the business. Financial returns had diminished over the last 5 years and significant investment was required to replace sub-standard buildings. The economic climate in UK poultry, coupled with the applicant's health problems, have resulted in the need to re-assess matters.

The site's location within the Green Belt is acknowledged. The residential proposals seek permission for a maximum of 5 No. dwellings (now 3), one of which represents a replacement dwelling. The others will be in a farmyard type setting and cover significantly less ground than the poultry sheds to be demolished. The end result will be a site with less building coverage than at present and a consequent improvement in the openness of the Green Belt in this locality.

Added to the above, the proposals see the cessation of a longstanding poultry business with the removal of some 27,000 sq. ft. of buildings, which, whilst operated in an exemplary manner, is visually intrusive in this location, given the design and scale of buildings, and is a smelly use. The consequence of closure provide significant benefits to the site and local residents.

Consultation with local residents has taken place prior to submission of the application where the proposals have been fully explained. Letters of support from these residents are enclosed.

“The closure of the production in poultry would be of great benefit to surrounding residential areas, ie. reduction in smells, HGV traffic”.

11 Hillhouse, Cartworth Moor.

“This particular scheme we think ought to be treated as an exception... There is no doubt that the net effect of this small scheme will be positive for all the local residents.”

Malkin House, Brow Lane, Holmfirth

“Having seen the proposed plans for New Dunsley Farm, they can only improve the surrounding area both visually and environmentally. The site, if not used, would become like many other unoccupied sites – an eyesore.”

Lane Bottom Farm, Royd Lane, Holmfirth

“I support Mr Sykes proposal on the following grounds;

- Reduction of heavy goods traffic on small lanes;
- Reduction of smell nuisance from current chicken farm;
- With proper planning controls, the visual amenity will be improved.”

Malkin House Farm, Brow Lane, Holmfirth

The proposals will see the removal of what is often called a “bad neighbour” use in planning terms, to the overall benefits of nearby residents and the Green Belt in general. The number and location of the dwellings proposed are at a sensible level to ensure there is no detrimental impact.

It is noted that in February 2002, planning permission was given for 2 No. dwellings at Wellhouse Kennels at nearby Cartworth Bank Road (in the Green Belt). Very special circumstances related to the removal of the “bad neighbours’ use and unsightly buildings were accepted by the Council. Whilst each case is judged on its merits, there are parallels with the application site. If anything, the very special circumstances advanced in this application are greater.

Given the above, we consider that the proposals represent very special circumstances to warrant approval. Conditions can be imposed to limit the number and location of new dwellings and remove permitted development rights in order to ensure that the dwellings do not diminish from the openness of the Green Belt.

The overall impact of the proposals in visual and traffic terms will be significantly less than the existing poultry business. The impact is therefore a positive one that deserves support.”

PLANNING HISTORY OF THE SITE

2002/90995 - Erection of poultry shed - Granted 1 July 2002
2001/91828 - Conversion of implement shed to dwelling - Granted 15 Aug 2001
2001/90722 - Garage/office extension - Granted 4 May 2001

In addition, consents have been granted for telecommunications development at the site.

POLICY

The site lies within the green belt in the adopted Unitary Development Plan. The following policies are considered to be particularly relevant.

D8 - Development in green belt
T10 - Access
NE9 - Tree protection
G6 - Contaminated Land

Relevant Government Advice is contained in PPG2 (Green Belts)

As agricultural land/buildings the site is not considered as a brown field site in terms of PPG3.

CONSULTATION SUMMARY

Highways - Acceptable (subject to conditions) on the assumption that the poultry farm business and associated HGV movements cease.

Environmental Services – The site may be contaminated from former uses and a site investigation will be required if development is permitted.

Holme Valley Parish Council - Refuse. Proposals contrary to green belt policy.

Coal Authority – No identified problems.

Yorkshire Water – No objections

Environment Agency – No objections subject to satisfactory drainage arrangements.

REPRESENTATIONS

One letter of objection has been received from a resident of Hill House Edge which raises the following principal grounds of objection.

- Inappropriate residential development. May set a precedent
- There are no agricultural grounds to support this proposal.
- The site is not served by public transport
- The telecom transmitters on the site could have harmful health risks for future occupiers of the proposed development.

ASSESSMENT

The site lies in a relatively isolated position in the green belt where, by definition, new residential development is inappropriate unless required for uses appropriate to the green belt (e.g. agricultural workers dwellings) or where very special circumstances can be shown to exist which justify an exception to Unitary Development Plan Policy D8 and the advice in PPG2 (Green Belts). As defined in PPG3 the site is not a brownfield site because the land and buildings were last used for agriculture.

Whilst the proposals put forward would result in removal of some existing sheds thereby leading to a net reduction in buildings on the site, it must be emphasised that these are existing agricultural buildings which are set within an agricultural landscape and which are appropriate green belt development. Replacing the sheds with dwellings will alter the character of the site from agricultural to residential in a relatively remote unsustainable location where the car is likely to be the sole means of transport.

The personal circumstances of the Applicant are noted but in the Officers' view these do not constitute very special circumstances which would justify permitting this development. Equally, there is nothing put forward to indicate why this site could not continue in agricultural use even if this is in new ownership.

Officers would also like to comment on the planning permission for 2 houses granted at Cartowrth Bank Road in February 2002 to which the Applicant's Agent refers. Officers do not accept that this earlier decision creates any precedent which would justify permitting residential development on the current site. In particular, the 'bad neighbour' use at Cartowrth Bank Road was a kennel use, not an agricultural activity. Furthermore, the site at Cartowrth Bank Road is closely adjoined on 2 sides by existing residential properties unlike the current application site.

Finally, the Applicant's decision to reduce the maximum number of dwellings from 5 to 3 does not affect the Officers' recommendation. The arguments put forward by the Applicant to justify the granting of planning permission for new housing could be applied to many other agricultural holdings in the green belt and, if accepted, would lead to a significant and damaging effect on the Council's policy objectives to

safeguard the green belt. Furthermore, the construction of new dwellings, as proposed, cannot be regarded as agricultural diversification.

Refusal of the application is recommended.

Application No : 2002/62/94148/W3

Grid Reference : SE 13560 07270

Development : CHANGE OF USE OF 3 NO. POULTRY SHEDS TO PROVIDE STORAGE FOR CARAVANS

Location : DUNSLEY POULTRY FARM, BROW LANE, HOLMFIRTH.

Applicant : D N SYKES

Recommendation : REFUSED

SUMMARY

REASON FOR COMMITTEE DECISION

Significant development in green belt. Deferred at the last Sub-Committee meeting for a site visit.

SIGNIFICANT CONSULTATIONS

Highways – object

Parish Council – object on highway grounds

RELEVANT HISTORY

Previous proposals in connection with the poultry farm.

POLICY

D8, D12, T10

PPG2

REPRESENTATIONS

One letter of objection

ASSESSMENT

Proposals harmful to highway safety.
Recommend refusal.

REFUSE

- (1) The proposed development is likely to result in traffic congestion in Brow Lane and on the surrounding substandard highway network to the detriment of public and highway safety. As such the development would be contrary to the objectives of Policy T10 of the Unitary Development Plan.

INFORMATION

This application is brought before Sub-Committee for determination because it involves significant development in the green belt.

The application has also been submitted in conjunction with an application for residential development which is also before the Sub-Committee for determination (Ref: 2002/60/94147/W3). The applications were deferred at the last meeting of the Sub-Committee on 13 February 2003 to enable a site visit to be arranged.

SITE/PLANNING HISTORY

See report for application 2002/60/94147/W3.

PROPOSALS

Full planning permission is sought for the change of use of 3 of the existing poultry sheds on the site for the storage of caravans. These 3 sheds have a combined floorspace of approximately 2,800 sq metres. The Applicant's Agent has submitted a supporting statement, a full copy of which is available for Members to inspect in the Local Governance Information Office. However, information provided by the Agent includes the following:

"There are currently 6 No. poultry sheds on the site. 3 are modern, meeting all required standards, whilst the other 3 are old and sub-standard. The older buildings do not satisfy EU standards and would need replacing if the business is to continue and remain competitive.

The intention is to demolish the 3 older poultry buildings whilst retaining the 3 modern buildings to use them for secure storage of caravans. The buildings are capable of accommodating some 100-120 caravans. The building fronting Brow Lane will be reduced in size.

Given the nature of the storage, it is likely to be a seasonal use with the facility being used the most during the winter months. However, people require caravan storage for a variety of reasons and the facility would be available all year round.

A collection and delivery service will be offered. Traffic in respect of the use will be significantly less than that currently generated by the poultry business, thus representing an improvement in traffic terms, removing articulated lorry movements from the locality. HGV movements for the existing poultry business average at about 40 per month, moving some 7,000 tonnes per year. Photos showing the size of the HGV's visiting the site are enclosed."

The Agent has further supported this application as follows:-

"Such a proposal would be consistent with UDP Policy D12 which is supportive of the re-use of buildings in the Green Belt. Demolition of part of the building fronting Brow Lane will assist in improving the openness of the Green Belt in the locality. Further visual improvements are offered with the removal of the build feed hoppers and air vents on the top of the buildings.

Further support for these proposals are given in UDP Policy B23, which recognises the need to be supportive of agricultural diversification. This support is stronger where the proposals involve the re-use of existing buildings.

Furthermore, the proposal is consistent with advice in PPG2 and PPG7.

In terms of any concerns over the traffic impact of the proposals, the closure of the poultry business will result in a net reduction in vehicle movements to and from this site. Furthermore, and of significance, there will be a complete cessation of large hgv's visiting the site. This amounts to an improvement in highway terms.

To further assist matters, it is the applicant's intention to operate a pick up and delivery service for caravans."

Following the last Sub-Committee, the Applicant's Agent has written to state that the use of Brow Lane by caravans would be discouraged although he acknowledges this would be difficult to enforce. He suggests that a one-year temporary planning permission might be given in order to assess the situation.

POLICY

The site lies within the green belt and the following Unitary Development Plan Policies are particularly relevant:

D8 – Development in the green belt.
D12 – Re-use of buildings in green belt.
T10 – Access.

PPG2 and PPG7 give relevant Government advice.

CONSULTATION SUMMARY

Highway Services – Brow Lane and the surrounding road network are substandard in terms of width, gradient and pedestrian facilities. The removal of HGV traffic from the poultry business would be a significant benefit to highway safety.

However, there are significant concerns over the proposed storage of 120 caravans and how the business will work. Although customers will be offered a collection/delivery service, Highways consider that most people would choose to pick-up and drop-off their caravans themselves and it is considered that this could result in problems at certain times of the year, eg before bank holiday weekends and in the summer holidays.

Brow Lane is not wide enough to accommodate two caravans passing let alone providing a refuge for pedestrians. Furthermore, the reversing of a caravan is difficult and can result in lengthy delays to other vehicles.

On balance, therefore, the proposals do not outweigh the concerns raised over the potential congestion to Brow Lane and the surrounding highway network and Highway Services are unable to support the application.

Holme Valley Parish Council – Refuse on highway grounds as it is impossible to tow caravans to and from this site.

Environmental Services – No comments.

REPRESENTATIONS

One letter of objection has been received from a resident of property at Hill House Edge, Stony Gate. This includes the following principal points:-

- The existing sheds could be re-used for agricultural uses, otherwise they should be removed and the land itself restored for agriculture;

- 120 caravans will result in very significant numbers of vehicles movements using roads which HGVs cannot use, causing increased wear and safety issues on narrow roads;
- This area requires a reduction of traffic, not simply substitution or diversification;
- Most owners will want to tow their own caravans.

ASSESSMENT

In general policy terms, the re-use of existing buildings for caravan storage is in accordance with Policy D12 as the buildings in question will not require any significant alterations and all stored caravans will be kept within the buildings and not stored on open areas of the site where they would be harmful to the openness and character of the green belt.

However, there are significant concerns regarding the impact of the vehicle movements likely to be associated with the caravan storage use on the substandard local highway network as detailed earlier in this report and Highway Services have advised that they cannot support the proposals.

The application is therefore recommended for refusal on highway safety grounds.

Application No : 2002/70/91421/W0

Grid Reference : SE 13120 06290

Development : VARIATION OF CONDITION 2 ON PREVIOUS PERMISSION 91/62/00024/W0 TO PERMIT THE CONTINUATION OF MINERAL EXTRACTION AND LANDFILL UNTIL 31 DECEMBER 2026

Location : WINDY RIDGE QUARRY, CARTWORTH MOOR ROAD, CARTWORTH MOOR, HUDDERSFIELD, HD7 1QS.

Applicant : R M & S PEEL

Recommendation : CONDITIONAL FULL PERMISSION

SUMMARY

REASON FOR COMMITTEE DECISION

Major development raising issues of public interest in conjunction with other current applications in the area.

SIGNIFICANT CONSULTATIONS

**Environment Agency
Highways Services**

RELEVANT HISTORY

Planning permission No. 91/62/00024/W0 for Quarrying – Stone Extraction was granted on 9 September 1994.

POLICY

UDP Policies D8, M1, M1A, M2, M3, M3A, WD1 & WD5 are relevant

REPRESENTATIONS

Two letters of objection citing impact on domestic spring water supplies and impact of vehicle movements on the local road network. Ramblers Association objected – potential conflict between quarry access and bridleway 94.

ASSESSMENT

Application is for renewal of previous permission the quarry and associated landfill operate on a small scale involving a workforce of 3. The quarry operates at a shallow level and the Environment Agency is satisfied that there would be no risk to water supplies in the area. Highways Services accept the proposals provided there is no increase in traffic. The site is allocated for mineral extraction in the Unitary Development Plan.

PLANS

- (1) A copy of this permission including all documents hereby approved and any other documents subsequently approved in accordance with this permission, shall always be on display on the site for inspection during normal working hours.

DURATION

- (2) Unless otherwise agreed in writing by the Minerals Planning Authority, extraction of minerals shall cease and the site restored to a condition suitable for grassland and/or amenity moorland in accordance with the approved plan no. C6378/4b and details contained in condition 24 below by 31st December 2012.

PRIOR CESSATION

- (3) In the event of cessation of winning and working of minerals and landfill prior to the achievement of the completion of the approved scheme, which in opinion of the Mineral Planning Authority constitutes a permanent cessation within the terms of paragraph 3 of Schedule 9 of the Town and Country Planning Act 1990, a revised restoration scheme to include details of reclamation and aftercare and a timetable for implementation in accordance with the details contained in the scheme referred to in Condition 24 below, shall be submitted in writing for the approval of the Mineral Planning Authority within 6 months of the cessation of winning and working of minerals and landfill. The approved revised restoration scheme shall be fully implemented within the approved timetable.

ACCESS

- (4) Unless otherwise agreed in writing by the Mineral Planning Authority the sole means of vehicular access and egress from the site shall be from Cartworth Moor Road as indicated on approved plan no. C6378/50 "Site Plan" and there shall be no access or egress to and from the site via the track which connects the site to White Gate Road.
- (5) Unless otherwise agreed in writing by the Mineral Planning Authority no commercial vehicles shall enter the public highway from the permitted site unless their wheels and chassis have been cleaned to prevent material being deposited on the highway.
- (6) Unless otherwise agreed in writing by the Mineral Planning Authority the total number of vehicles transporting mineral from the site shall not exceed 5 per week.
- (7) Unless otherwise agreed in writing by the Mineral Planning Authority the total number of vehicles transporting waste material into the landfill site shall not exceed 5 vehicles per day.
- (8) A drainage system shall be installed and maintained to ensure that no slurry or water from the permitted area flows onto the public highway.
- (9) The areas shown for parking on the approved plan shall be kept clear of all obstructions to such use and shall not be used for the erection of buildings.
- (10) No loaded vehicles shall leave the site unsheeted except those only carrying stone in excess of 500cm in width.

WORKING PROGRAMME, PHASING AND DIRECTION OF WORKING

- (11) Unless otherwise agreed in writing by the Minerals Planning Authority no workings or extraction of mineral shall take place below AOD level 329 metres.
- (12) Unless otherwise agreed in writing a strip of land having a minimum width of 3 metres shall remain unworked inside the dry stone walls on the boundary of the site.
- (13) No waste, mineral or soils shall be stockpiled nor plant located above the original level of the ground.
- (14) Unless otherwise agreed in writing by the Minerals Planning Authority no stone sawing operations shall take place on the site.
- (15) From the date of this permission the operators shall maintain records of their monthly production and import of waste material and shall make them available to the Mineral Planning Authority at any time upon request. All records shall be kept for at least 24 months.

WATER PROTECTION AND POLLUTION PREVENTION.

- (16) Unless otherwise agreed in writing by the Mineral Planning Authority only uncontaminated excavated natural materials shall be deposited on the site and there shall be no deposition of timber, paper, plasterboard or any other material capable of producing a polluting leachate.
- (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 shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall 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 shall 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 shall be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets shall be detailed to discharge downwards into the bund.
- (18) The sump indicated on drawing no.C6378/2d shall be retained for the life of the quarry as a silt settlement facility.
- (19) The material which is excavated from the sump referred to in Condition 18 above shall only be deposited in the main body of the landfill site.

- (20) Access to the landfill site shall be as indicated on approved drawing no.C6378/2d and no vehicles shall gain access to the landfill site via any exposed area of the quarry which has not been backfilled with infill material.
- (21) Vehicles gaining access to the quarry other than those involved in the importation of infill materials shall be restricted to the area indicated by hatching on approved drawing no. C6378/2d.

SOIL STRIPPING

- (22) Topsoil, subsoil or other soil making materials which have been approved for progressive restoration, shall be stored according to their quality in separate mounds that do not overlap. Once formed, all mounds in which soil is to be stored for more than 6 months, or over the winter period, shall be grass seeded in accordance with a specification agreed beforehand with the Mineral Planning Authority, to minimise erosion and weed infestation. Any excess weeds shall be regularly controlled.
- (23) No topsoil or subsoil shall be removed from the site. The Mineral Planning Authority shall be supplied with a plan indicating the areas stripped of such materials and the location of each mound.

RESTORATION

- (24) After completion of minerals extraction the site shall be reclaimed to grassland and/or moorland progressively in accordance with a detailed scheme submitted for the approval of the Minerals Planning Authority within 6 months of the date of this permission. Unless otherwise agreed in writing by the Mineral Planning Authority the submitted scheme shall provide for;
 - (a) the phasing and direction of the backfilling of the site with imported waste.
 - (b) the removal of plant, buildings and structures, machinery and haul roads.
 - (c) the location of areas to be restored to agriculture and the location of hedges, fences, gates.
 - (d) on areas of the site to be restored for agriculture a minimum combined depth of 1 metre of topsoil, subsoil and subsoil forming materials shall be placed on the surface of the final waste deposit.
 - (e) the ripping of any compacted layers of final cover on the backfilled waste deposit to ensure adequate drainage and aeration before the spreading of topsoil.
 - (f) the final levels and contours of the restored land graded to tie in with those of the surrounding land and to prevent ponding and promote good drainage
 - (g) grass seeding of any areas to be reclaimed to agriculture
 - (h) details of the restoration to moorland including planting details and sources of heather.
 - (i) a land drainage scheme for the restored land to be implemented after the completion of settlement.

- (j) the removal of all soil storage mounds.
- (k) new fences, gates and stiles to be in the local style.
- (l) programme of works.

- (25) Within 3 months of the date of this permission a scheme shall be submitted for the written approval of the Mineral Planning Authority which indicates the surface drainage of the site. Such drainage system shall be implemented when the reinstated land has settled sufficiently for the work to be effectively undertaken.

SOIL REPLACEMENT DURING RESTORATION

- (26) The final 500mm of waste materials deposited on the site shall consist of clean uncontaminated excavation material or subsoil and be wholly free of obstacles likely to impeded subsequent cultivation.
- (27) Unless otherwise agreed in writing with the Local Planning Authority prior to the spreading of topsoil the surface of the site shall be ripped to a depth of 450mm to relieve compaction at spacings of not more than 780mm and all stones, bricks, concrete or any object larger than would pass through a wire screen mesh with a spacing of 75mm shall be removed from the surface of the site.
- (28) The Local Planning Authority shall be notified in writing when the works required by Condition 27 have been completed.
- (29) On receipt of the approval of the Local Planning Authority for the works required by Condition 27 above, 150 mm of topsoil shall be spread over the surface of the site.
- (30) The Local Planning Authority shall be notified of the completion of the works required by condition 29.
- (31) The spreading of subsoil and topsoil shall only be carried out when the material and the ground on which it is to be placed are in a dry and friable condition and in sufficient time for subsoiling, cultivation and reseedling to take place under normal weather conditions generally before the end of September.
- (32) Unless otherwise agreed in writing by the Local Planning Authority a grass sward shall be developed in those areas of the site to be restored to grassland in the first available sowing season.
- (33) If in any part of the restored area satisfactory grass growth is not obtained as a result of the initial sowing, such part shall be cultivated and seeded after the correction of any nutrient deficiencies in the soil during the next sowing season and such work shall be repeated until a sward is established.

- (34) Any sowing management works forming part of the landscaping scheme referred to in Condition 24 above shall be carried out during the first seeding season following the completion of development, or as otherwise may be agreed in writing by the Local Planning Authority and shall be maintained over a period of five years from the completion of planting works.
- (35) Within 3 months of the restoration of the final top layer, the developer shall submit to the Mineral Planning Authority a plan with contours at sufficient intervals to indicate the final restored form of the site, together with a record of the depth and composition of the reinstated soil profiles.

PROTECTION OF AMENITY

- (36) Except in emergencies to maintain safe quarry working (which shall be notified to the Mineral Planning Authority as soon as practicable) or unless the Mineral Planning Authority has agreed otherwise in writing:-
 - (a) no operations, other than water pumping, servicing, environmental monitoring, maintenance and testing of plant shall be carried out at the site except between the following times
 - 0800 hours and 1730 Monday to Friday; and
 - 0800 hours and 1230 Saturdays;
 - (b) no operations other than environmental monitoring and water pumping at the site shall take place on Sundays or Bank or National Holidays.
- (37) The “A” weighted equivalent continuous free field noise level ($L_{Aeq,T}$) when measured at a height of 1.2m-1.5m above the ground and at least 3.5m from any reflecting structure other than the ground, attributable to the operation of the site, measured at, or projected to, any noise sensitive property, including residential accommodations and buildings housing farm animals, or at equivalent positions agreed with the Minerals Planning Authority, shall not exceed:
 - (i) 70dB(A) in any one hour period at any noise sensitive property during exceptionally noisy operations such as the construction and removal of the soil baffle mounds and soil stripping and replacement as agreed in advance with the MPA. (This noise limit is only permitted for a maximum of 8 weeks in any 12 month period).
 - (ii) 45dB(A) in any one hour period at any noise sensitive property, including residential accommodation and buildings housing farm animals, during all other site operations.
- (38) Except with the prior written approval of the Mineral Planning Authority, exceptionally noisy operations such as soil stripping and replacement, and baffle mound formation and removal shall be carried out only between the hours of:

0900 – 1730 Monday to Friday
0930 – 1230 Saturday

and at no time on Sundays or Bank or National Holidays.

- (39) Unless otherwise agreed in writing by the Minerals Planning Authority, all servicing maintenance and testing of plant shall be carried out only between the hours of :

0730 – 1800 hours Monday to Friday
0730 – 1300 hours on Saturday.

And at no time on Sundays or Bank and National Holidays.

- (40) All vehicles, plant and machinery operated within the site shall be maintained in accordance with the manufacturer's specifications at all times, and shall be fitted with and use effective silencers.
- (41) All vehicle reversing warning systems and/or alarms shall be operated in accordance with the specifications agreed with the Mineral Planning Authority prior to the commencement of all site operations. At all times Best Practicable Means shall be employed to prevent and counteract the effects to nearby residents of audible alarms.
- (42) Unless other wise agreed in writing by the Mineral Planning Authority there shall be no blasting on the site.

DUST

- (43) No development shall take place until a scheme and programme of the measures for the suppression of dust, has been submitted to and agreed in writing by the Mineral Planning Authority. Unless otherwise agreed in writing by the Mineral Planning Authority, the scheme submitted for approval shall provide for, inter alia;

(a) The suppression of dust caused by the movement, transport and storage of stone, soils and overburden, the transport, deposit, transfer and any other operation involved in the handling and deposit of waste on the site, and the movement and storage of any other materials.

(b) All plant used on the site to have upward facing exhausts.

(c) Heavy plant to be equipped with radiator deflector plates.

(d) Suspension of the movement of minerals, soils, overburden and the deposit of waste on site when the local wind speed exceeds 20 metres per second.

(e) Use of efficient dust suppression or collection equipment on any drilling rig used on the site.

(f) Provision and use of effective means for the prevention of the deposition of mud and other materials on the road.

The approved scheme shall be implemented and complied with at all times.

- (44) Unless otherwise agreed in writing by the Mineral Planning Authority the site shall not be used for the storage of waste skips or containers or other plant and equipment.
- (45) Unless otherwise agreed in writing by the Mineral Planning Authority no waste material shall be burnt within the boundaries of the site and a fire on the site shall be regarded as an emergency and immediate action shall be taken to extinguish it.

PERMITTED DEVELOPMENT RIGHTS

- (46) Notwithstanding the provisions of parts 19 and 21 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order amending, replacing or re-enacting that Order) no fixed plant or machinery, buildings, structures and erections, or private ways which would project above natural ground levels shall be erected, extended, installed or replaced at the quarry without the prior agreement in writing of the Mineral Planning Authority.

AFTERCARE

- (47) An outline aftercare scheme requiring such steps as may be necessary over the aftercare period of five years to bring each restoration phase of the site reclaimed under Condition nos. 1 and 21 to the required standard for use for agriculture shall be submitted for the approval of the Mineral Planning Authority at least 3 months prior to the completion of replacement of all restoration soils on any phase of the permitted development site and thereafter implemented.
- (48) The aftercare scheme submitted in accordance with Condition no.47 above shall comprise;
 - (a) the outline strategy which shall identify who is responsible for carrying out the aftercare, broadly outline the steps to be carried out in the aftercare period and their timing within the overall programme, include all areas subject to aftercare on an accompanying map with separate demarcation of any areas having different aftercare periods or management proposals and shall be submitted to the Mineral Planning Authority in the form outlined at Box 5 in DOE Mineral Planning Guidance Note 7 (MPG7).
 - (b) a detailed annual programme for the first year of aftercare in accordance with the requirements identified at Box 6 in DOE Minerals Planning Guidance Note no.7 (MPG7).

- (49) Following compliance with Condition 47 above a detailed annual aftercare programme shall be submitted to the Mineral Planning Authority before 31 August during the remainder of the aftercare period. The programme submitted shall amplify the outline strategy for aftercare work to be carried out in the forthcoming year, include any modifications to the original proposals and comply with the requirements identified at Box 6 in DOE Minerals Planning Guidance Note no.7 and the approved scheme shall be fully implemented.
- (50) Every year during the aftercare period, the developer shall arrange a site meeting to be held before 31st November to discuss the report prepared in accordance with Conditions nos. 47 and 49 above to which the following parties shall be invited:
- (a) The Mineral Planning Authority
 - (b) All owners of land within the site
 - (c) DEFRA.

ARCHAEOLOGY AND GEOLOGY

- (51) The Minerals Planning Authority shall be notified in writing of any artefact or feature of archaeological or geological interest encountered on the site. The developer shall afford access at all reasonable times to individuals nominated by the Mineral Planning Authority who shall be allowed to observe the excavations and record items of interest and finds.

INFORMATION

1. SITE LOCATION AND DESCRIPTION

- 1.1 The site (0.83 ha) is an operational sandstone quarry at Cartworth Moor, Holmfirth at an altitude of 340 metres A.O.D. at the top of a west facing scarp slope which overlooks the valley of the River Holme. The area is sparsely populated and the nearest residential properties are located some 180 metres to the south west on the plateau area of the moorland and approximately 280 metres to the north of the quarry at the foot of the scarp slope. A poultry farm is located 60 metres to the east of the quarry. Quarrying does not break into the scarp slope and is below natural ground level at all other points, it is therefore not on view from any of the local properties.
- 1.2 Sandstone from the Huddersfield White Rock measures of the Millstone Grit series is extracted from the quarry and the products walling stone, aggregate, and rockery stone are processed on adjacent land which is the subject of planning application no.2002/62/91422/W0. Approximately 20% of the southern area of the quarry has already been backfilled to natural ground level with inert waste materials.

1.3 Access is gained from Cartworth Moor Road via a track which is also bridleway no. 94 and which passes adjacent to the northern boundary of the quarry, the activities are on full view from the bridleway. Vehicles travelling to and from the quarry travel down Cartworth Moor Road, Linshaws Road and Bare Bones Road to Dunford Road to the south of Holmfirth.

2. DEVELOPMENT PLAN PROVISIONS

2.1 The Development Plan for the area is the Unitary Development Plan which was formally adopted on 1st March 1999. The site is located within the Green Belt in the Unitary Development Plan and is allocated as an active mineral working site(AMW(ix)). The following UDP policies apply:

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

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

**REGULATING THE GROWTH OF URBAN AREAS;
PREVENTING THE COALESCENCE OF SETTLEMENTS;
PRESERVING THE OPEN LAND THAT EXTENDS INTO THE URBAN AREA FOR RECREATIONAL AND AMENITY USE;
PROVIDING FOR EASY ACCESS TO OPEN COUNTRY; AND
ASSISTING IN THE PROCESS OF URBAN REGENERATION;
AND**

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

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

M1 PROPOSALS FOR MINERAL EXTRACTION, WHICH SHOULD INCLUDE MEASURES FOR RESTORATION AND AFTER-USE OF THE SITE, WILL BE CONSIDERED HAVING REGARD TO:

- i THE IMPACT ON THE ENVIRONMENT INCLUDING WATER RESOURCES AND BEST AND MOST VERSATILE AGRICULTURAL LAND;**
- ii THE IMPACT ON RESIDENTIAL AMENITY AND HIGHWAY SAFETY; AND**
- iii THE NEEDS OF BUSINESS AND INDUSTRY.**

M1A THE COUNCIL, IN CONJUNCTION WITH THE OTHER WEST YORKSHIRE METROPOLITAN BOROUGH COUNCILS, WILL MAINTAIN A LANDBANK OF PERMITTED RESERVES OF AGGREGATES, AND ALSO MAINTAIN ITS CONTRIBUTION TO MEETING ITS SHARE OF THE AGGREGATES DEMAND IN THE REGION ON THE ADVICE OF THE YORKSHIRE AND HUMBERSIDE REGIONAL AGGREGATES WORKING PARTY, UNLESS EXCEPTIONAL CIRCUMSTANCES PREVAIL, IN ACCORDANCE WITH NATIONAL GUIDANCE CONTAINED IN MPG6.

M2 PROVIDED THAT PROPOSALS ACCORD WITH POLICY M3 WORKING OF MINERALS WILL BE PERMITTED IN THE FOLLOWING LOCATIONS WHICH ARE SHOWN ON THE PROPOSALS MAP.

- i KIRKLEES LOCK, CLIFTON (8.5HA)**
- ii SANDS MILL, EARLSHEATON (4HA)**
- iii SHEPLEY BRIDGE, MIRFIELD (17HA)**
- iv FORGE LANE, RAVENSTHORPE (10.5HA)**
- v LAND AT CROSLAND MOOR, HUDDERSFIELD (17.5HA).**

- vi OX LEE, HEPWORTH (28HA)**
- vii [SITE REFERENCE NOT USED]**
- viii CARR HILL QUARRY, SHEPLEY (1.3HA)**

M3 PROPOSALS TO EXPLORE FOR OR TO EXTRACT MINERALS WILL BE PERMITTED PROVIDED THAT THEY WOULD NOT:

- i CAUSE UNACCEPTABLE DETRIMENT TO LANDSCAPE OR LOCAL VISUAL AMENITY DURING OR SUBSEQUENT TO EXTRACTION;**
- ii BE MATERIALLY DETRIMENTAL TO INTERESTS OF NATURE CONSERVATION, CULTURAL HERITAGE, GEOLOGICAL OR ARCHAEOLOGICAL IMPORTANCE;**
- iii CAUSE NUISANCE OR MATERIALLY SIGNIFICANT DISTURBANCE TO LOCAL RESIDENTS AS A CONSEQUENCE OF THE GENERATION OF DUST, NOISE OR VIBRATION BY SITE OPERATIONS OR ASSOCIATED TRANSPORT;**
- iv PREJUDICE HIGHWAY SAFETY THROUGH THE VOLUME OR NATURE OF VEHICLE MOVEMENTS GENERATED;**

- v **RESULT IN POLLUTION OF WATER RESOURCES OR SOILS OR THE INTERRUPTION OF LAND DRAINAGE;**
- vi **CAUSE MATERIALLY SIGNIFICANT PERMANENT CHANGE TO LOCAL RIGHTS OF WAY NETWORKS; OR**
- vii **RESULT IN PERMANENT LOSS OF BEST AND MOST VERSATILE AGRICULTURAL LAND.**

APPLICATIONS TO EXTRACT MINERALS SHOULD BE ACCOMPANIED BY SUFFICIENT INFORMATION TO DEMONSTRATE THAT SUCH UNACCEPTABLE IMPACTS WOULD NOT RESULT OR COULD BE CONTROLLED AND TO DEMONSTRATE THE PRESENCE OF THE MINERAL.

WHENEVER PROPOSALS, EXCEPT THOSE INVOLVING THE EXTRACTION OF ENERGY MINERALS, WOULD RESULT IN UNAVOIDABLE ADVERSE IMPACTS ON LOCAL AMENITY OR THE ENVIRONMENT, THEY SHOULD BE ACCOMPANIED BY INFORMATION TO DEMONSTRATE THE NEED TO EXTRACT THE MINERAL AS WELL AS THE ABSENCE OF MORE SUITABLE ALTERNATIVE SOURCES OF SUPPLY.

- M3A PROPOSALS TO EXPLORE FOR OR EXTRACT MINERALS SHOULD, IN ADDITION TO SATISFYING THE REQUIREMENTS OF POLICY M3 ABOVE, ALSO PROVIDE FOR BENEFICIAL AFTER-USE OF THE SITE TO AGRICULTURE, FORESTRY OR AMENITY USE, HAVING REGARD TO ANY PROVISIONS OF THE PLAN WHICH APPLY TO THE SITE OR ITS SURROUNDINGS, BY INCLUDING ARRANGEMENTS FOR PROGRESSIVE WORKING, PHASED RESTORATION AND AFTERCARE.**

Policies relevant to waste disposal are;

- WD1 LAND WILL BE MADE AVAILABLE FOR STORAGE AND TRANSFER, TREATMENT AND RECYCLING AND FINAL DISPOSAL OF WASTE IN LOCATIONS WHICH AVOID UNACCEPTABLE INJURY TO AMENITY, HARM TO THE ENVIRONMENT AND UNDUE BURDEN ON THE HIGHWAY INFRASTRUCTURE.**

WD5 PROPOSALS FOR DISPOSAL OF WASTE TO LANDFILL WILL BE CONSIDERED HAVING REGARD TO:

- i **PROVISION FOR THE PREVENTION OF NOISE NUISANCE OR INJURY TO VISUAL AMENITY;**
- ii **THE MODE OF TRANSPORT UTILISED TO SERVE THE SITE;**
- iii **PROVISION FOR VEHICLE ROUTING AND ACCESS ARRANGEMENTS;**
- iv **CONSERVATION INTERESTS;**
- v **ARRANGEMENTS FOR PHASED RESTORATION AND AFTERCARE SCHEMES APPROPRIATE TO AGRICULTURAL, FORESTRY OR**

- AMENITY AFTER-USE LINKED TO A PERMITTED PERIOD OF OPERATION;**
- vi MEASURES INCLUDED IN THE SCHEME TO ELIMINATE ENVIRONMENTAL HAZARDS FROM LEACHATE AND GAS EMISSIONS;**
 - vii ARRANGEMENTS FOR THE PROTECTION OF NATURAL RESOURCES SUCH AS GROUND WATER, RIVERS OR OTHER WATER BODIES;**
 - viii THE EXTENT AND DURATION OF ANY PAST OR CURRENT LANDFILL ACTIVITY IN THE AREA; AND**
 - ix THE NEED FOR LANDFILL CAPACITY FOR THE RELEVANT WASTE TYPES AT THE LOCATION PROPOSED.**

3. PLANNING HISTORY

- 3.1 Planning application no 79/62/05800/C1 “Quarrying – stone extraction” was granted on 13th January 1981 for a period of ten years.
- 3.2 Planning application no. 91/62/00024/W0 for “Quarrying – Stone Extraction” was granted on 9th September 1994 and required quarrying to cease by 30 June 2000 and the backfill of the site and its restoration to be completed by 30 June 2005.

4. APPLICANTS PROPOSALS

- 4.1 The application has been submitted to permit the continued extraction of mineral and landfill of the quarry following the expiry of planning permission no.91/62/00024/W0. The applicant proposes to operate the quarry according to the conditions attached to the previous planning permission including the existing depth limitation of 329 metres A.O.D. The applicant proposes to complete the extraction of sandstone from the quarry area and the backfill of the worked out quarry by 2025.
- 4.2 The sandstone which is extracted from Windy Ridge Quarry is the Huddersfield White Rock which is one of the primary sources of high quality masonry stone in West Yorkshire. The best quality of dimension stone is located at the base of the White Rock, however the applicant only extracts stone from the upper layers of the strata to a maximum depth of 12 metres to produce walling stone, and rockery stone. The applicant emphasizes that the stone which is extracted is nevertheless of the highest quality.
- 4.3 The reserves of stone within the quarry amount to 31,500m³ which would provide sufficient raw material for approximately 24 years at current production rates of 350 tonnes of walling stone and 2650 tonnes of aggregate per annum.

- 4.4 The previous planning permission allowed for the backfill of the quarry with inert waste material. The applicant proposes to continue the backfill of the remaining 88,000m³ of voidspace in the application quarry and the adjacent quarry and states that he would continue to restrict the rate of infill to 100 tonnes per week in order to protect the local highway network. At this rate of infill backfill of all the quarry voids would be completed in 22 years.
- 4.5 The operator would continue to use the road network to the south and east of the quarry to export mineral from the site and for the import of waste material. All vehicles would leave the site via Cartworth Moor Road and would use the Bare Bones Road and Linshaws Lane to join the B6106 Penistone Road at Hade Edge.
- 4.6 The site would be progressively restored to grassland at natural ground level, that is the level of the surrounding countryside.

4.7 IMPACT ASSESSMENT

- 4.7.1 The applicant has submitted an impact assessment which deals with the effect of the proposals on the landscape of the area, the impact of noise and dust generated by the operations, the effect of traffic, and a water resources assessment.
- 4.7.2 Landscape. The report concludes that the quarry would have no impact on the visual amenity of residential properties in the area because it is located below natural ground level, it is not therefore on view from any of the properties to the south and west. Properties at the foot of the scarp slope are at least 20 metres below the level of the quarry and the quarry does not therefore have any impact on their visual amenity. Whilst bridleway no.94 skirts the quarry the report suggests that the quarry is part of the landscape and is a feature of some interest.
- 4.7.3 Noise Because of the low level of activity in the quarry and the fact that most activities take place below ground level and because of the distance to the nearest noise sensitive property the report implies that there should not be a problem caused by noise generated by the quarry operations.
- 4.7.4 Dust The report acknowledges that the movement of vehicles and the crushing and screening of stone have the potential to cause a dust nuisance. Measures are proposed to minimise the dust produced by the quarry.
- 4.7.5 Traffic The report concludes that the level of lorry movement associated with the quarry is very small amounting to 1-2 HGV's each month carrying stone, 4 lorry movements per week involving aggregate and 16 wagon movements per week involving landfill and that the level of movement is unlikely to increase in the future.

4.7.6 Water Resources The report recognises that many of the properties in the vicinity of Windy Ridge Quarry depend on private water supplies and that mains water is not available. It also recognises that many of these private supplies are marginally sustainable. The report concludes that:

(i) the quarry is located in a water catchment area which drains to the west and is not located in the catchment area which drains to the north towards the property which has suffered from major contamination of water supply by particulates.

(ii) the primary impact of the development relates to groundwater quality and the potential for particulate matter to enter the aquifer. The study has not identified any deterioration in the quality of water drainage to springs fed from the catchment in which the quarry is situated.

(iii) the quarry excavations are particularly shallow and have not extended to the water table in the Huddersfield White Rock, any impact of quarrying at Windy Ridge will be on the unsaturated zone which is of negligible importance to the water supplies in the area.

(iv) the existing quarry floor partially prohibits downward percolation of water resulting in ponding in the lower working level.

4.7.7 The report does conclude that there may be the potential for quarry fines to accumulate in quarry runoff and measures are proposed to deal with this. In particular it is proposed to make use of an existing ponded area which already acts as a settlement pond for the quarry. It is also proposed to route vehicles transporting waste to the landfill site around the eastern and southern boundaries of the landfill site to avoid the creation of fine materials on the quarry floor. On the basis of all the evidence it is considered that the proposals would have no adverse impact on groundwater flows to peripheral springs supplying water to properties on the west of White Gate Quarry.

5 CONSULTATIONS

5.1 Internal

Environmental Services No objection subject to conditions being attached to limit the impact of noise and dust on the amenity of the area.

Highways No objections subject to there being no increase in traffic over the existing levels.

5.2 External

Environment Agency

To be reported at Committee

Yorkshire Water	No objection.
West Yorkshire Archaeology	No objection

5.3 Parish Council

Object strongly and recommend refusal of the application. The road infrastructure is inadequate and road safety is an issue. There is still a concern about the water supplies in the area. Concern is also expressed about the proposed timescale of the operation.

6. PUBLICITY AND REPRESENTATIONS

- 6.1 1995. 2 letters of representation were received by the Council as a result of this publicity. The main reasons which were given for objecting to the proposals were:

Impact on domestic spring water supplies
Impact of vehicle movements on the local road network..

The Ramblers' Association has objected on the grounds that the use of bridleway 94 as the access to the quarry will create a hazard for equestrians and walkers.

- 6.2 A public meeting was held at Holmebridge on 30th April 2002 in order to present the details of all the current applications for mineral extraction at Cartworth Moor to local residents and to enable the residents to express their opinions. A further meeting was held on 25th September 2002 to discuss the potential for properties to be connected to a mains water supply. At both these meetings objections to the proposed continued quarrying at Windy Ridge Quarry were expressed on the basis of the potential impact on water supplies and the unsatisfactory nature of the highway network in the area.

7. OFFICERS OBSERVATIONS

- 7.1 The application site is a small sandstone quarry and landfill site in a remote moorland location. The quarry is operated as a family business with a maximum of 3 people being employed on the site and production levels are extremely low. The quarry is located below natural ground level and is protected by the scarp slope which acts a curtain wall to views from the valley to the north The only impact on visual amenity is in relation to the footpath which runs adjacent to the northern boundary of the site, however the quarry is an accepted feature of the area and is considered to be of some interest to footpath users. Most of the landfill material is brought to the site by the skips operated by the family's skip hire business. There is no record of any conflicts between users of the bridleway

and traffic gaining access to the quarry and landfill site which is attributed to the small number of vehicle movements. The operation of a quarry and landfill site in this location accords with the requirements of the UDP policies which are detailed in Section 2.1 above and provides a source of valuable building stone and aggregate and a landfill site in an area which is lacking in such sites.

- 7.2 Because all the properties in the vicinity of the quarry rely on spring water supplies and as a result of the contamination of one particular supply which has occurred in recent years concern has been expressed that the application site could be responsible for the contamination of the aquifer. Officers accept the Environment Agency's advice that there is no evidence of a detrimental impact on water supplies associated with the operation of Windy Ridge Quarry and the arguments in support of this case are presented in section 4.7.6 and 4.7.7 above. The Environment Agency is satisfied that as long as the applicant's water and silt management plan is implemented there will be no risk to the water supplies of properties in the area as a result of quarrying in the application site.
- 7.3 Whilst the highway network is substandard and is unable to support any increase in the volume of traffic generated by the quarry and the associated landfill site, since both operations operate on a very small scale Kirklees Highways Authority has raised no objection on the understanding that there is no increase in the existing volume of traffic and that the existing routing is maintained. Provided that conditions are attached to control the movement of vehicles, to protect local spring water supplies and to ensure the restoration of the site on completion of landfill a positive recommendation may be attached to this application.

Application No : 2002/62/91422/W0

Grid Reference : SE 13010 06250

Development : EXTRACTION OF SANDSTONE, ASSOCIATED ANCILLARY ACTIVITIES AND RESTORATION BY MEANS OF INFILL WITH OVERBURDEN AND INERT WASTE

Location : WINDY RIDGE QUARRY, CARTWORTH MOOR ROAD, CARTWORTH MOOR, HUDDERSFIELD, HD7 1QS.

Applicant : R M & S PEEL

Recommendation : CONDITIONAL FULL PERMISSION

SUMMARY

REASON FOR COMMITTEE DECISION

Major development raising issues of public interest in conjunction with other current applications in the area.

SIGNIFICANT CONSULTATIONS

Environment Agency
Highways Services

RELEVANT HISTORY

Planning Permissions 94/70/91801/W0 and 94/70/91802/W0 were granted on 7 May 1996 to enable backfill of worked out areas of the quarry to continue.

POLICY

UDP Policies D8, M1, M1A, M2, M3, M3A, WD1 and WD5 are relevant

REPRESENTATIONS

2 letters of objection citing impact on domestic spring water supplies and impact of vehicle movements on the local road network. Ramblers Association objected – potential conflict between quarry access and bridleway 94.

ASSESSMENT

The application is for permission to continue the landfill of former quarries and the operation of the processing plant associated with the adjacent quarry. No objection to the proposals from consultees have been received. Permission would enable the former quarries to be restored to grassland or moorland and for the adjacent quarry allocated for mineral extraction in the UDP to continue in production.

PLANS

- (1) A copy of this permission including all documents hereby approved and any other documents subsequently approved in accordance with this permission, shall always be on display on the site for inspection during normal working hours.

DURATION

- (2) Unless otherwise agreed in writing by the Minerals Planning Authority, extraction of minerals shall cease and the site restored to a condition suitable for grassland and/or amenity moorland in accordance with the approved plan no. C6378/4b and details contained in condition 24 below by 31st December 2012.

PRIOR CESSATION

- (3) In the event of cessation of winning and working of minerals and landfill prior to the achievement of the completion of the approved scheme, which in opinion of the Mineral Planning Authority constitutes a permanent cessation within the terms of paragraph 3 of Schedule 9 of the Town and Country Planning Act 1990, a revised restoration scheme to include details of reclamation and aftercare and a timetable for implementation in accordance with the details contained in the scheme referred to in Condition 24 below, shall be submitted in writing for the approval of the Mineral Planning Authority within 6 months of the cessation of winning and working of minerals and landfill. The approved revised restoration scheme shall be fully implemented within the approved timetable.

ACCESS

- (4) Unless otherwise agreed in writing by the Mineral Planning Authority the sole means of vehicular access and egress from the site shall be from Cartworth Moor Road as indicated on approved plan no. C6378/50 "Site Plan" and there shall be no access or egress to and from the site via the track which connects the site to White Gate Road.
- (5) Unless otherwise agreed in writing by the Mineral Planning Authority no commercial vehicles shall enter the public highway from the permitted site unless their wheels and chassis have been cleaned to prevent material being deposited on the highway.
- (6) Unless otherwise agreed in writing by the Mineral Planning Authority the total number of vehicles transporting mineral from the site shall not exceed 5 per week.
- (7) Unless otherwise agreed in writing by the Mineral Planning Authority the total number of vehicles transporting waste material into the landfill site shall not exceed 5 vehicles per day.
- (8) A drainage system shall be installed and maintained to ensure that no slurry or water from the permitted area flows onto the public highway.

- (9) The areas shown for parking on the approved plan shall be kept clear of all obstructions to such use and shall not be used for the erection of buildings.
- (10) No loaded vehicles shall leave the site unsheeted except those only carrying stone in excess of 500cm in width.

WORKING PROGRAMME, PHASING AND DIRECTION OF WORKING

- (11) Unless otherwise agreed in writing by the Minerals Planning Authority no workings or extraction of mineral shall take place below AOD level 329 metres.
- (12) Unless otherwise agreed in writing a strip of land having a minimum width of 3 metres shall remain unworked inside the dry stone walls on the boundary of the site.
- (13) No waste, mineral or soils shall be stockpiled nor plant located above the original level of the ground.
- (14) Unless otherwise agreed in writing by the Minerals Planning Authority no stone sawing operations shall take place on the site.
- (15) From the date of this permission the operators shall maintain records of their monthly production and import of waste material and shall make them available to the Mineral Planning Authority at any time upon request. All records shall be kept for at least 24 months.

WATER PROTECTION AND POLLUTION PREVENTION.

- (16) Unless otherwise agreed in writing by the Mineral Planning Authority only uncontaminated excavated natural materials shall be deposited on the site and there shall be no deposition of timber, paper, plasterboard or any other material capable of producing a polluting leachate.
- (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 shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall 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 shall 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 shall be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets shall be detailed to discharge downwards into the bund.
- (18) The sump indicated on drawing no.C6378/2d shall be retained for the life of the quarry as a silt settlement facility.

- (19) The material which is excavated from the sump referred to in Condition 18 above shall only be deposited in the main body of the landfill site.
- (20) Access to the landfill site shall be as indicated on approved drawing no.C6378/2d and no vehicles shall gain access to the landfill site via any exposed area of the quarry which has not been backfilled with infill material.
- (21) Vehicles gaining access to the quarry other than those involved in the importation of infill materials shall be restricted to the area indicated by hatching on approved drawing no. C6378/2d.

SOIL STRIPPING

- (22) Topsoil, subsoil or other soil making materials which have been approved for progressive restoration, shall be stored according to their quality in separate mounds that do not overlap. Once formed, all mounds in which soil is to be stored for more than 6 months, or over the winter period, shall be grass seeded in accordance with a specification agreed beforehand with the Mineral Planning Authority, to minimise erosion and weed infestation. Any excess weeds shall be regularly controlled.
- (23) No topsoil or subsoil shall be removed from the site. The Mineral Planning Authority shall be supplied with a plan indicating the areas stripped of such materials and the location of each mound.

RESTORATION

- (24) After completion of minerals extraction the site shall be reclaimed to grassland and/or moorland progressively in accordance with a detailed scheme submitted for the approval of the Minerals Planning Authority within 6 months of the date of this permission. Unless otherwise agreed in writing by the Mineral Planning Authority the submitted scheme shall provide for;
 - (a) the phasing and direction of the backfilling of the site with imported waste.
 - (b) the removal of plant, buildings and structures, machinery and haul roads.
 - (c) the location of areas to be restored to agriculture and the location of hedges, fences, gates.
 - (d) on areas of the site to be restored for agriculture a minimum combined depth of 1 metre of topsoil, subsoil and subsoil forming materials shall be placed on the surface of the final waste deposit.
 - (e) the ripping of any compacted layers of final cover on the backfilled waste deposit to ensure adequate drainage and aeration before the spreading of topsoil.
 - (f) the final levels and contours of the restored land graded to tie in with those of the surrounding land and to prevent ponding and promote good drainage
 - (g) grass seeding of any areas to be reclaimed to agriculture

(h) details of the restoration to moorland including planting details and sources of heather.

(i) a land drainage scheme for the restored land to be implemented after the completion of settlement.

(j) the removal of all soil storage mounds.

(k) new fences, gates and stiles to be in the local style.

(l) programme of works.

- (25) Within 3 months of the date of this permission a scheme shall be submitted for the written approval of the Mineral Planning Authority which indicates the surface drainage of the site. Such drainage system shall be implemented when the reinstated land has settled sufficiently for the work to be effectively undertaken.

SOIL REPLACEMENT DURING RESTORATION

- (26) The final 500mm of waste materials deposited on the site shall consist of clean uncontaminated excavation material or subsoil and be wholly free of obstacles likely to impeded subsequent cultivation.
- (27) Unless otherwise agreed in writing with the Local Planning Authority prior to the spreading of topsoil the surface of the site shall be ripped to a depth of 450mm to relieve compaction at spacings of not more than 780mm and all stones, bricks, concrete or any object larger than would pass through a wire screen mesh with a spacing of 75mm shall be removed from the surface of the site.
- (28) The Local Planning Authority shall be notified in writing when the works required by Condition 27 have been completed.
- (29) On receipt of the approval of the Local Planning Authority for the works required by Condition 27 above, 150 mm of topsoil shall be spread over the surface of the site.
- (30) The Local Planning Authority shall be notified of the completion of the works required by condition 29.
- (31) The spreading of subsoil and topsoil shall only be carried out when the material and the ground on which it is to be placed are in a dry and friable condition and in sufficient time for subsoiling, cultivation and reseedling to take place under normal weather conditions generally before the end of September.
- (32) Unless otherwise agreed in writing by the Local Planning Authority a grass sward shall be developed in those areas of the site to be restored to grassland in the first available sowing season.

- (33) If in any part of the restored area satisfactory grass growth is not obtained as a result of the initial sowing, such part shall be cultivated and seeded after the correction of any nutrient deficiencies in the soil during the next sowing season and such work shall be repeated until a sward is established.
- (34) Any sowing management works forming part of the landscaping scheme referred to in Condition 24 above shall be carried out during the first seeding season following the completion of development, or as otherwise may be agreed in writing by the Local Planning Authority and shall be maintained over a period of five years from the completion of planting works.
- (35) Within 3 months of the restoration of the final top layer, the developer shall submit to the Mineral Planning Authority a plan with contours at sufficient intervals to indicate the final restored form of the site, together with a record of the depth and composition of the reinstated soil profiles.

PROTECTION OF AMENITY

- (36) Except in emergencies to maintain safe quarry working (which shall be notified to the Mineral Planning Authority as soon as practicable) or unless the Mineral Planning Authority has agreed otherwise in writing:-
 - (a) no operations, other than water pumping, servicing, environmental monitoring, maintenance and testing of plant shall be carried out at the site except between the following times
 - 0800 hours and 1730 Monday to Friday; and
 - 0800 hours and 1230 Saturdays;
 - (b) no operations other than environmental monitoring and water pumping at the site shall take place on Sundays or Bank or National Holidays.
- (37) The “A” weighted equivalent continuous free field noise level ($L_{Aeq,T}$) when measured at a height of 1.2m-1.5m above the ground and at least 3.5m from any reflecting structure other than the ground, attributable to the operation of the site, measured at, or projected to, any noise sensitive property, including residential accommodations and buildings housing farm animals, or at equivalent positions agreed with the Minerals Planning Authority, shall not exceed:
 - (i) 70dB(A) in any one hour period at any noise sensitive property during exceptionally noisy operations such as the construction and removal of the soil baffle mounds and soil stripping and replacement as agreed in advance with the MPA. (This noise limit is only permitted for a maximum of 8 weeks in any 12 month period).

(ii) 45dB(A) in any one hour period at any noise sensitive property, including residential accommodation and buildings housing farm animals, during all other site operations.

- (38) Except with the prior written approval of the Mineral Planning Authority, exceptionally noisy operations such as soil stripping and replacement, and baffle mound formation and removal shall be carried out only between the hours of:

0900 – 1730 Monday to Friday

0930 – 1230 Saturday

and at no time on Sundays or Bank or National Holidays.

- (39) Unless otherwise agreed in writing by the Minerals Planning Authority, all servicing maintenance and testing of plant shall be carried out only between the hours of :

0730 – 1800 hours Monday to Friday

0730 – 1300 hours on Saturday.

And at no time on Sundays or Bank and National Holidays.

- (40) All vehicles, plant and machinery operated within the site shall be maintained in accordance with the manufacturer's specifications at all times, and shall be fitted with and use effective silencers.
- (41) All vehicle reversing warning systems and/or alarms shall be operated in accordance with the specifications agreed with the Mineral Planning Authority prior to the commencement of all site operations. At all times Best Practicable Means shall be employed to prevent and counteract the effects to nearby residents of audible alarms.
- (42) Unless other wise agreed in writing by the Mineral Planning Authority there shall be no blasting on the site.

DUST

- (43) No development shall take place until a scheme and programme of the measures for the suppression of dust, has been submitted to and agreed in writing by the Mineral Planning Authority. Unless otherwise agreed in writing by the Mineral Planning Authority, the scheme submitted for approval shall provide for, inter alia;

(a) The suppression of dust caused by the movement, transport and storage of stone, soils and overburden, the transport, deposit, transfer and any other operation involved in the handling and deposit of waste on the site, and the movement and storage of any other materials.

- (b) All plant used on the site to have upward facing exhausts.
- (c) Heavy plant to be equipped with radiator deflector plates.
- (d) Suspension of the movement of minerals, soils, overburden and the deposit of waste on site when the local wind speed exceeds 20 metres per second.
- (e) Use of efficient dust suppression or collection equipment on any drilling rig used on the site.
- (f) Provision and use of effective means for the prevention of the deposition of mud and other materials on the road.

The approved scheme shall be implemented and complied with at all times.

- (44) Unless otherwise agreed in writing by the Mineral Planning Authority the site shall not be used for the storage of waste skips or containers or other plant and equipment.
- (45) Unless otherwise agreed in writing by the Mineral Planning Authority no waste material shall be burnt within the boundaries of the site and a fire on the site shall be regarded as an emergency and immediate action shall be taken to extinguish it.

PERMITTED DEVELOPMENT RIGHTS

- (46) Notwithstanding the provisions of parts 19 and 21 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order amending, replacing or re-enacting that Order) no fixed plant or machinery, buildings, structures and erections, or private ways which would project above natural ground levels shall be erected, extended, installed or replaced at the quarry without the prior agreement in writing of the Mineral Planning Authority.

AFTERCARE

- (47) An outline aftercare scheme requiring such steps as may be necessary over the aftercare period of five years to bring each restoration phase of the site reclaimed under Condition nos. 1 and 21 to the required standard for use for agriculture shall be submitted for the approval of the Mineral Planning Authority at least 3 months prior to the completion of replacement of all restoration soils on any phase of the permitted development site and thereafter implemented.
- (48) The aftercare scheme submitted in accordance with Condition no.47 above shall comprise;
 - (a) the outline strategy which shall identify who is responsible for carrying out the aftercare, broadly outline the steps to be carried out in the aftercare period and their timing within the overall programme, include all areas subject to aftercare on an accompanying map with separate demarcation of any areas

having different aftercare periods or management proposals and shall be submitted to the Mineral Planning Authority in the form outlined at Box 5 in DOE Mineral Planning Guidance Note 7 (MPG7).

(b) a detailed annual programme for the first year of aftercare in accordance with the requirements identified at Box 6 in DOE Minerals Planning Guidance Note no.7 (MPG7).

- (49) Following compliance with Condition 47 above a detailed annual aftercare programme shall be submitted to the Mineral Planning Authority before 31 August during the remainder of the aftercare period. The programme submitted shall amplify the outline strategy for aftercare work to be carried out in the forthcoming year, include any modifications to the original proposals and comply with the requirements identified at Box 6 in DOE Minerals Planning Guidance Note no.7 and the approved scheme shall be fully implemented.
- (50) Every year during the aftercare period, the developer shall arrange a site meeting to be held before 31st November to discuss the report prepared in accordance with Conditions nos. 47 and 49 above to which the following parties shall be invited:
- (a) The Mineral Planning Authority
 - (b) All owners of land within the site
 - (c) DEFRA.

ARCHAEOLOGY AND GEOLOGY

- (51) The Minerals Planning Authority shall be notified in writing of any artefact or feature of archaeological or geological interest encountered on the site. The developer shall afford access at all reasonable times to individuals nominated by the Mineral Planning Authority who shall be allowed to observe the excavations and record items of interest and finds.

INFORMATION

1. SITE LOCATION AND DESCRIPTION

- 1.1 The site (0.83 ha) comprises a former sandstone quarry and landfill site at Cartworth Moor, Holmfirth at an altitude of 340 metres AOD. at the top of a west facing scarp slope which overlooks the valley of the River Holme. The area is sparsely populated and the nearest residential properties are located some 250 metres to the south west on the plateau area of the moorland and approximately 280 metres to the north of the quarry at the foot of the scarp slope. A poultry farm is located 175 metres to the east of the site. Quarrying has now ceased in this area and the quarry is used for landfill and the location of the processing plant associated with the adjacent active sandstone quarry. Since the former

quarry did not break into the scarp slope and is below natural ground level at all other points, the site is not on view from any of the local properties.

- 1.2 The only processes involved in this area of the quarry are hand dressing to produce building stone and rockery stone and the crushing and screening of aggregate. The southern area of the site has been backfilled with inert waste material but not yet fully restored to grassland.
- 1.3 Access to the quarry and landfill site is gained from Cartworth Moor Road via a track which is also bridleway no. 94 and which passes adjacent to the northern boundary of the quarry, the activities are on full view from the bridleway. Vehicles travelling to and from the quarry travel down Cartworth Moor Road, Linshaws Road and Bare Bones Road to Dunford Road to the south of Holmfirth and from this point either south to South Yorkshire or north to West Yorkshire.

2. DEVELOPMENT PLAN PROVISIONS

The Development Plan for the area is the Unitary Development Plan which was formally adopted on 1st March 1999. The site is unallocated within the Green Belt in the Unitary Development Plan The following UDP policies apply:

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

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

**REGULATING THE GROWTH OF URBAN AREAS;
PREVENTING THE COALESCENCE OF SETTLEMENTS;
PRESERVING THE OPEN LAND THAT EXTENDS INTO THE URBAN AREA FOR RECREATIONAL AND AMENITY USE;
PROVIDING FOR EASY ACCESS TO OPEN COUNTRY; AND
ASSISTING IN THE PROCESS OF URBAN REGENERATION;**

AND

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

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

M1 PROPOSALS FOR MINERAL EXTRACTION, WHICH SHOULD INCLUDE MEASURES FOR RESTORATION AND AFTER-USE OF THE SITE, WILL BE CONSIDERED HAVING REGARD TO:

- i THE IMPACT ON THE ENVIRONMENT INCLUDING WATER RESOURCES AND BEST AND MOST VERSATILE AGRICULTURAL LAND;**
- ii THE IMPACT ON RESIDENTIAL AMENITY AND HIGHWAY SAFETY; AND**
- iii THE NEEDS OF BUSINESS AND INDUSTRY.**

M1A THE COUNCIL, IN CONJUNCTION WITH THE OTHER WEST YORKSHIRE METROPOLITAN BOROUGH COUNCILS, WILL MAINTAIN A LANDBANK OF PERMITTED RESERVES OF AGGREGATES, AND ALSO MAINTAIN ITS CONTRIBUTION TO MEETING ITS SHARE OF THE AGGREGATES DEMAND IN THE REGION ON THE ADVICE OF THE YORKSHIRE AND HUMBERSIDE REGIONAL AGGREGATES WORKING PARTY, UNLESS EXCEPTIONAL CIRCUMSTANCES PREVAIL, IN ACCORDANCE WITH NATIONAL GUIDANCE CONTAINED IN MPG6.

M3 PROPOSALS TO EXPLORE FOR OR TO EXTRACT MINERALS WILL BE PERMITTED PROVIDED THAT THEY WOULD NOT:

- i CAUSE UNACCEPTABLE DETRIMENT TO LANDSCAPE OR LOCAL VISUAL AMENITY DURING OR SUBSEQUENT TO EXTRACTION;**
- ii BE MATERIALLY DETRIMENTAL TO INTERESTS OF NATURE CONSERVATION, CULTURAL HERITAGE, GEOLOGICAL OR ARCHAEOLOGICAL IMPORTANCE;**
- iii CAUSE NUISANCE OR MATERIALLY SIGNIFICANT DISTURBANCE TO LOCAL RESIDENTS AS A CONSEQUENCE OF THE GENERATION OF DUST, NOISE OR VIBRATION BY SITE OPERATIONS OR ASSOCIATED TRANSPORT;**
- iv PREJUDICE HIGHWAY SAFETY THROUGH THE VOLUME OR NATURE OF VEHICLE MOVEMENTS GENERATED;**

- v **RESULT IN POLLUTION OF WATER RESOURCES OR SOILS OR THE INTERRUPTION OF LAND DRAINAGE;**
- vi **CAUSE MATERIALLY SIGNIFICANT PERMANENT CHANGE TO LOCAL RIGHTS OF WAY NETWORKS; OR**
- vii **RESULT IN PERMANENT LOSS OF BEST AND MOST VERSATILE AGRICULTURAL LAND.**

APPLICATIONS TO EXTRACT MINERALS SHOULD BE ACCOMPANIED BY SUFFICIENT INFORMATION TO DEMONSTRATE THAT SUCH UNACCEPTABLE IMPACTS WOULD NOT RESULT OR COULD BE CONTROLLED AND TO DEMONSTRATE THE PRESENCE OF THE MINERAL.

WHENEVER PROPOSALS, EXCEPT THOSE INVOLVING THE EXTRACTION OF ENERGY MINERALS, WOULD RESULT IN UNAVOIDABLE ADVERSE IMPACTS ON LOCAL AMENITY OR THE ENVIRONMENT, THEY SHOULD BE ACCOMPANIED BY INFORMATION TO DEMONSTRATE THE NEED TO EXTRACT THE MINERAL AS WELL AS THE ABSENCE OF MORE SUITABLE ALTERNATIVE SOURCES OF SUPPLY.

M3A PROPOSALS TO EXPLORE FOR OR EXTRACT MINERALS SHOULD, IN ADDITION TO SATISFYING THE REQUIREMENTS OF POLICY M3 ABOVE, ALSO PROVIDE FOR BENEFICIAL AFTER-USE OF THE SITE TO AGRICULTURE, FORESTRY OR AMENITY USE, HAVING REGARD TO ANY PROVISIONS OF THE PLAN WHICH APPLY TO THE SITE OR ITS SURROUNDINGS, BY INCLUDING ARRANGEMENTS FOR PROGRESSIVE WORKING, PHASED RESTORATION AND AFTERCARE.

Policies relevant to waste disposal are;

WD1 LAND WILL BE MADE AVAILABLE FOR STORAGE AND TRANSFER, TREATMENT AND RECYCLING AND FINAL DISPOSAL OF WASTE IN LOCATIONS WHICH AVOID UNACCEPTABLE INJURY TO AMENITY, HARM TO THE ENVIRONMENT AND UNDUE BURDEN ON THE HIGHWAY INFRASTRUCTURE.

WD5 PROPOSALS FOR DISPOSAL OF WASTE TO LANDFILL WILL BE CONSIDERED HAVING REGARD TO:

- i **PROVISION FOR THE PREVENTION OF NOISE NUISANCE OR INJURY TO VISUAL AMENITY;**
- ii **THE MODE OF TRANSPORT UTILISED TO SERVE THE SITE;**

- iii **PROVISION FOR VEHICLE ROUTING AND ACCESS ARRANGEMENTS;**
- iv **CONSERVATION INTERESTS;**
- v **ARRANGEMENTS FOR PHASED RESTORATION AND AFTERCARE SCHEMES APPROPRIATE TO AGRICULTURAL, FORESTRY OR AMENITY AFTER-USE LINKED TO A PERMITTED PERIOD OF OPERATION;**
- vi MEASURES INCLUDED IN THE SCHEME TO ELIMINATE ENVIRONMENTAL HAZARDS FROM LEACHATE AND GAS EMISSIONS;
- vii **ARRANGEMENTS FOR THE PROTECTION OF NATURAL RESOURCES SUCH AS GROUND WATER, RIVERS OR OTHER WATER BODIES;**
- viii **THE EXTENT AND DURATION OF ANY PAST OR CURRENT LANDFILL ACTIVITY IN THE AREA; AND**
- ix **THE NEED FOR LANDFILL CAPACITY FOR THE RELEVANT WASTE TYPES AT THE LOCATION PROPOSED.**

3. PLANNING HISTORY

- 3.1 Planning permission no. HO/2793 for “Sandstone Extraction” was granted on 17th May 1961 and relates to the northern area of the site. Planning permission no. HO/4320 for “Permission to Continue Stone Quarrying” was granted on 20th May 1964 and relates to the southern area of the site.
- 3.2 Planning application no. 94/70/91801/W0 for “Variation of Condition 3 relating to backfill of worked out quarry on previous permission (HO/2793)” was granted on 7th May 1996 and relates to the northern area of the site and required restoration to be completed by 31st March 2001.
- 3.3 Planning application no. 94/70/91802/W0 for “Variation of Condition 3 relating to backfill of worked out quarry on previous permission (HO/4320)” was granted on 7th May 1996 and relates to the southern area of the site and required restoration to be completed by 31st March 2001.

4. APPLICANTS PROPOSALS

- 4.1 The application has been submitted to permit the continued landfill of the former quarry and the operation of the processing plant associated with the adjacent active sandstone quarry following the expiry of relevant planning permissions.

This application has been submitted in conjunction with an application for the continuation of sandstone extraction on the adjacent land. The land which is the subject of this planning application forms part of a larger landfill site which incorporates the whole of the worked out and active quarry voidspaces. The quarry processing plant would remain until phase 4 of the landfill when it would be demolished and removed.

4.2 The applicant proposes to operate the landfill according to the conditions attached to the previous planning permission and proposes to backfill the whole of the worked out quarry by 2025. The previous planning permission allowed for the backfill of the quarry with inert waste material. The applicant proposes to continue the backfill of the remaining 88,000m³ of voidspace with inert materials and states that he would continue to restrict the rate of infill to 100 tonnes per week in order to protect the local highway network. At this rate of infill backfill of the total quarry void would be completed in 22 years. The applicant proposes that the site should be progressively restored to grassland at the level of the surrounding countryside.

4.3 The operator would continue to use the road network to the south and east of the quarry for the import of waste material. All vehicles would leave the site via Cartworth Moor Road and would use the Bare Bones Road and Linshaws Lane to join the B6106 Penistone Road at Hade Edge.

4.4 **IMPACT ASSESSMENT**

4.4.1 The applicant has submitted an impact assessment which deals with the effect of the proposals on the landscape of the area, the impact of noise and dust generated by the operations, the effect of traffic, and a water resources assessment.

4.4.2 Landscape. The report concludes that the quarry would have no impact on the visual amenity of residential properties in the area because it is located below natural ground level, it is not therefore on view from any of the properties to the south and west. Properties at the foot of the scarp slope are at least 20 metres below the level of the quarry and the quarry does not therefore have any impact on their visual amenity. Whilst bridleway no.94 skirts the quarry the report suggests that the quarry is part of the landscape and is a feature of some interest.

4.4.3 Noise Because of the low level of activity in the quarry and the fact that most activities take place below ground level and because of the distance to the nearest noise sensitive property the report implies that there should not be a problem caused by noise generated by the quarry operations.

4.4.5 Dust The report acknowledges that the movement of vehicles and the crushing and screening of stone have the potential to cause a dust nuisance. Measures are proposed to minimise the dust produced by the quarry.

4.4.6 Traffic The report concludes that the level of lorry movement associated with the quarry is very small amounting to 1-2 HGV's each month carrying stone, 4 lorry movements per week involving aggregate and 16 wagon movements per week involving landfill and that the level of movement is unlikely to increase in the future.

4.4.7 Water Resources The report recognises that many of the properties in the vicinity of Windy Ridge Quarry depend on private water supplies and that mains water is not available. It also recognises that many of these private supplies are marginally sustainable. The report concludes that:

(i) the quarry is located in a water catchment area which drains to the west and is not located in the catchment area which drains to the north towards the property which has suffered from major contamination of water supply by particulates.

(ii) the primary impact of the development relates to groundwater quality and the potential for particulate matter to enter the aquifer. The study has not identified any deterioration in the quality of water drainage to springs fed from the catchment in which the quarry is situated.

(iii) the quarry excavations are particularly shallow and have not extended to the water table in the Huddersfield White Rock, any impact of quarrying at Windy Ridge will be on the unsaturated zone which is of negligible importance to the water supplies in the area.

(iv) the existing quarry floor partially prohibits downward percolation of water resulting in ponding in the lower working level.

4.4.8 The report does conclude that there may be the potential for quarry fines to accumulate in quarry runoff and measures are proposed to deal with this. In particular it is proposed to make use of an existing ponded area which already acts as a settlement pond for the quarry. It is also proposed to route vehicles transporting waste to the landfill site around the eastern and southern boundaries of the landfill site to avoid the creation of fine materials on the quarry floor. On the basis of all the evidence it is considered that the proposals would have no adverse impact on groundwater flows to peripheral springs supplying water to properties on the west of White Gate Quarry.

5. CONSULTATIONS

5.1 Internal

Environmental Services No objection subject to conditions being attached to limit the impact of noise and dust on the amenity of the area.

Highways No objections subject to there being no increase in traffic over the existing levels.

5.2 External

Environment Agency To be reported at Committee.

Yorkshire Water No objection.

West Yorkshire Archaeology No objection

5.3 Parish Council

Object strongly and recommend refusal of the application. The road infrastructure is inadequate and road safety is an issue. There is still a concern about the water supplies in the area. Concern is also expressed about the proposed timescale of the operation.

6. PUBLICITY AND REPRESENTATIONS

6.1 The application proposals were advertised in the local newspaper and with a notice posted on site in accordance with the requirements of the Town and Country Planning (General Permitted Development) Order 1995. 2 letters of representation were received by the Council as a result of this publicity. The main reasons which were given for objecting to the proposals were:

Impact on domestic spring water supplies
Impact of vehicle movements on the local road network..

The Ramblers' Association has objected on the grounds that the use of bridleway 94 as the access to the quarry will create a hazard for equestrians and walkers.

6.2 A public meeting was held at Holmebridge on 30th April 2002 in order to present the details of all the current applications for mineral extraction at Cartworth Moor to local residents and to enable the residents to express their opinions. A further meeting was held on 25th September 2002 to discuss the potential for properties to be connected to a mains water supply. At both these meetings objections to the proposed continued quarrying at Windy Ridge Quarry were expressed on the basis of the potential impact on water supplies and the unsatisfactory nature of the highway network in the area.

7. OFFICERS OBSERVATIONS

- 7.1 The quarry is operated as a family business with a maximum of 3 people being employed on the site and production levels are extremely low. The quarry is located below natural ground level and is protected by the scarp slope which acts a curtain wall to views from the valley to the north. The only impact on visual amenity is in relation to the footpath which runs adjacent to the northern boundary of the site, however the quarry is an accepted feature of the area and is considered to be of some interest to footpath users. Most of the landfill material is brought to the site by the skips operated by the family's skip hire business. There is no record of any conflicts between users of the bridleway and traffic gaining access to the quarry and landfill site which is attributed to the small number of vehicle movements. The operation of a quarry and landfill site in this location accords with the requirements of the UDP policies which are detailed in Section 2.1 above and provides a source of valuable building stone and aggregate and a landfill site in an area which is lacking in such sites.
- 7.2 Because all the properties in the vicinity of the quarry rely on spring water supplies and as a result of the contamination of one supply which has occurred in recent years concern has been expressed that the application site could be responsible for the contamination of the aquifer. The applicant has addressed these concerns in paras 4.4.6 and 4.4.7 above. The Environment Agency is satisfied that as long as the applicant's water and silt management plan is implemented there will be no risk to the water supplies of properties in the area as a result of operations on the application site.
- 7.3 Whilst the highway network is substandard and is unable to support any increase in the volume of traffic generated by the quarry and the associated landfill site, since both operations are very small scale Kirklees Highways Authority has raised no objection on the understanding that there is no increase in the existing volume of traffic and that the existing routing is maintained. Provided that conditions are attached to control the movement of vehicles, to protect local spring water supplies and to ensure the removal of plant and buildings and the restoration of the site on completion of landfill a positive recommendation may be attached to this application.
-

Application No : 2002/62/93118/W1

Grid Reference : SE 13140 15510

Development : ERECTION OF EXTENSION TO MAIN HALL, NEW ABLUTIONS AND NEW ENTRANCE (MODIFIED PROPOSAL)

Location : MASJID BILAL MOSQUE, 245 YEWS HILL ROAD, CROSLAND MOOR, HUDDERSFIELD.

Applicant : MR MOHAMMED AKRAM

Recommendation : CONDITIONAL FULL PERMISSION

SUMMARY

REASON FOR COMMITTEE DECISION

Delegation Agreement

SIGNIFICANT CONSULTATIONS

Highway Services – Approve subject to conditions

RELEVANT HISTORY

2001/90688 - Almost identical proposal granted.

POLICY

BE2 and T10

REPRESENTATIONS

None

ASSESSMENT

The application is in effect to remove a condition imposed on the previous approval for the requirement of lining/parking restrictions on Yews Hill Road. Highway Services raises no objection to this revised application provided there are no material changes to the operation of the Mosque as detailed in the supporting documents.

- (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 development commences full details of a scheme of markings on Yews Hill Road shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include yellow lines and white cross markings as appropriate.
- (3) The development shall not be brought into use unless and until those works agreed under Condition 2 are completed.
- (4) 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 thereafter retained.
- (5) Full details of all external finishes (including those for the minaret and dome) shall be submitted to and approved in writing by the Local Planning Authority prior to development commencing. The development shall then be completed and maintained in accordance with the approved details.

INFORMATION

This application is before Committee because of the history of the site and because of its controversial nature.

APPLICATION AND SITE DESCRIPTION

It is proposed to extend the Masjid Bilal Mosque at 245 Yews Hill Road, Crosland Moor. The extensions consist of a new entranceway and hall. There will also be a dome and a minaret.

The existing building is an old stone structure, industrial in its appearance. It is located on a sloping triangular site with Yews Hill Road and Park Road forming two sides of the triangle. The third boundary is formed by a minor access that runs from Park Road up to Yews Hill Road. There is a surfaced car park capable of serving approximately 38 cars, this takes access from Yews Hill Road.

HISTORY

2001/90688 Permission granted for a similar proposal to the application, the following was put on as a condition to this permission:

“Before development commences full details of a scheme of markings on Yews Hill Road shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include yellow lines and white cross markings as appropriate”.

POLICY

Policy BE2 covers the appearance of the new works.

Policy T10 on highway safety is particularly relevant, this states:

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

CONSULTATIONS

Highway Services - A schedule of the current uses of each part of the property and of their future uses once the extension has been erected has been produced and comparisons can now be drawn as to the likely impact of the development in relation to any additional traffic movements.

From the schedule it is readily apparent that no changes are proposed to the overall numbers of children attending the Mosque for religious instruction and that the proposal seeks only to provide improved facilities for their education. It is also noted that the layout of the Mosque has been designed to provide segregated access arrangements for the children.

In addition there is no evidence from the applicant to suggest that the extensions will increase the use of the Mosque at peak prayer times or that the extensions will be used for functions associated with the main hall. This aspect is reinforced by the revised design of the scheme, which precludes the previous direct link between the main hall and the proposed upper ground floor extension.

Given the above, on balance, it would be difficult to substantiate changes to the local road system as previously required, when it appears that no material changes in the operation of the Mosque are now proposed.

It is however strongly recommended that conditions are attached to the consent that permit the proposed extensions and the internal rearrangements of the existing Mosque to be used **only** for the purposes set out on the approved plan. In addition

conditions should also be attached that **prevent** internal **any** alteration to the buildings whereby rooms are connected in any manner other than that shown on the approved plan.

Environmental Health - No observations

REPRESENTATIONS

None received. Concerns were expressed previously over the appearance of the building (in particular the dome and minaret) and traffic generation/parking/highway safety.

ASSESSMENT

The previous application was approved subject to highway conditions re a lining scheme on Yew Hills Road required because of the material increase in the activity at the Mosque following the development.

With the current planning application amendments have been made in the proposed internal layout and detailed figures provided which satisfies Highway Services that there will be no material changes to the operation of the Mosque.

As such planning consent is recommended conditional upon no material changes to the operation of the Mosque.

Application No : 2002/62/93586/W1

Grid Reference : SE 12090 14120

Development : CHANGE OF USE OF LAND TO EXTEND GARDEN

Location : REAR OF, 11, WOODLEIGH GROVE, BEAUMONT PARK,
HUDDERSFIELD, HD4 7HN.

Applicant : S DUNN

Recommendation : REFUSED

SUMMARY

REASON FOR COMMITTEE DECISION

At the request of Councillor Walton

SIGNIFICANT CONSULTATIONS

None

RELEVANT HISTORY

91/2639 – Permission for Woodleigh Grove itself

POLICY

D5 on Provisional Open Land and R7A on Public Open Space

REPRESENTATIONS

None

ASSESSMENT

The proposal represents a significant incursion into this open area and its approval would set a precedent for further incursions, refusal is recommended.

REFUSE

- (1) The proposal represents an incursion into allocated provisional open land and public open space and its use as a garden would be detrimental to the character and visual amenity of the area as a whole contrary to Policies D5 and R7A of the Unitary Development Plan.

INFORMATION

This application is before Sub-Committee at the request of Councillor Walton.

APPLICATION AND SITE DESCRIPTION

It is proposed to change the use of an existing open area of land to garden. The site is located to the rear of number 11 Woodleigh Grove and forms part of a much larger open area of land that is used as public open space. The land is owned by the Council.

HISTORY

Woodleigh Grove, and much of the surrounding estates, were developed in the early 1990s.

91/2639 – Planning permission granted for the development of Woodleigh Grove.

The above application did not include the land that is now the subject of this application. There has not been any specific history to this area of land.

POLICY

The application site forms part of a much larger area of land identified as provisional open land (POL) on the Unitary Development Plan. Development of the nature proposed is generally not appropriate within POL. Although, Policy D5 does allow for development required in conjunction with established uses, changes of use to alternative open land uses or temporary uses which would not prejudice the contribution of the site to the character of its surroundings and the possibility of development in the longer term.

The proposal represents a major incursion into the POL. The proposal would, if granted, set a precedent to allow further incursions into POL.

Arguments can be put forward that the area of land has , because of its location. little public value and that the use as a garden will maintain its openness.

These arguments are not acceptable. The land is between the existing garden and an area of shrubbery/trees. However it still has value as part of the open space providing, if nothing else, a visual barrier between the useable open space and the residential gardens.

Pressure to extend gardens is often in such areas as these, on the boundary between the two uses. It is in these areas where the policy has to be maintained otherwise a gradual encroachment into the open space will occur.

The land in this vicinity was subject to reclamation providing informal open space with grant assistance and in this case Policy R7A applies which states that proposals to develop public open space will not be permitted unless the criteria set out in the Policy can be satisfied.

The criteria are as follows:-

R7A PROPOSALS TO DEVELOP PUBLIC OPEN SPACE, PRIVATE PLAYING FIELDS OR LAND LAST USED AS PRIVATE PLAYING FIELDS WILL NOT BE PERMITTED UNLESS:

- i REPLACEMENT PROVISION OF EQUIVALENT COMMUNITY BENEFIT IS MADE; OR
- ii ONLY THE REDEVELOPMENT OF A SMALL PART OF THE SITE IS INVOLVED AND THIS PROVIDES THE BEST MEANS OF RETAINING AND ENHANCING SPORT AND RECREATION FACILITIES; OR
- iii IT IS DEMONSTRATED THAT THE SITE WILL NOT BE REQUIRED IN THE LONGER TERM FOR COMMUNITY SPORT, RECREATION OR AMENITY USE.

ALL PROPOSALS SHOULD MAKE PROVISION FOR THE SAFEGUARDING OF VISUAL AND RESIDENTIAL AMENITY AND ESTABLISHED WILDLIFE.

It is not considered that these criteria are met and the proposal is, therefore, contrary to this Policy.

CONSULTATIONS

None necessary.

REPRESENTATIONS

None received.

ASSESSMENT

The proposal represents an incursion into allocated Provisional Open Land and into Public Open Space. It is realised that it is in the corner of the larger area and that it is located behind a belt of trees. It does, however, still relate visually and as a use to the open area as a whole. It is, therefore, considered to be contrary to Policies D5 and R7A of the Unitary Development Plan and refusal is recommended.

Application No : 2002/62/94395/W1

Grid Reference : SE 05880 14570

Development : ERECTION OF EXTENSIONS, INTERNAL WORKS TO DWELLING AND ERECTION OF SHED (LISTED BUILDING)

Location : 2 TYAS LANE, BRADSHAW, SLAITHWAITE.

Applicant : A PRIEST

Recommendation : REFER TO SECRETARY OF STATE

SUMMARY

REASON FOR COMMITTEE DECISION

Delegation Agreement

SIGNIFICANT CONSULTATIONS

None

RELEVANT HISTORY

90/2574 – Conversion and Extension to Barn to Form Part of Existing Dwelling and Rebuilding Part of Existing Wall. Approved 29/6/90

POLICY

BE5 and PPG15

REPRESENTATIONS

None.

ASSESSMENT

Acceptable development which does not adversely affect the setting of the listed building. Refer to Secretary of State with recommendation to grant.

- (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 specifically with regard to siting, design and materials except as may be required by other conditions unless otherwise agreed in writing by the Local Planning Authority.
- (3) The materials used shall match those used on the existing building in terms of type, colour, texture and scale.
- (4) Unless otherwise agreed in writing by the Local Planning Authority the roof slates shall be terminated at the gable walls of the proposed building without timber barge boards and with a pointed mortar joint.
- (5) Unless otherwise agreed in writing the window marked 'x' on the approved plan shall be set in a reveal and shall not be mounted flush with the front face of the building in accordance with details first submitted to an agreed in writing by the Local Planning Authority.
- (6) The proposed first floor window to the south west elevation shall not be installed before full details have first been submitted to and agreed in writing by the Local Planning Authority. The internal opening details shall be agreed by the Local Planning Authority on site following initial investigations during construction. The applicant should notify the Local Planning Authority in advance of this intention to commence works and the works shall not be completed before the Local Planning Authority has agreed the works in writing. The agreed scheme shall be maintained as such thereafter.
- (7) Unless otherwise agreed in writing all windows shall be timber single glazed fixed or side hung casements. Mouldings and timber sections shall be of a traditional design and profile. Details shall be agreed in writing by the Local Planning Authority before development commences.
- (8) All new window and door surrounds shall be of a natural stone.
- (9) Unless otherwise agreed in writing the gutters shall be timber of an ogee profile. They shall be supported by metal brackets and shall not be fixed to a timber fascia.
- (10) Rainwater pipes shall be cast iron and shall be painted black, unless otherwise agreed in writing by the Local Planning Authority.
- (11) Unless otherwise agreed in writing timber cross-sectional beams shall be installed rather than longitudinal steel beams to support the first floor level.

INFORMATION

This application is before Sub-Committee in accordance with the delegation agreement.

APPLICATION SITE/DESCRIPTION

The application site is located within the Green Belt above Slaithwaite and features a stone former farmhouse which is grade II listed. The adjoining barns have been converted to extend the residential dwelling with a single storey stone lean-to to the east gable. There are two small extensions to the north elevation.

A two storey extension is proposed to replace the existing gable end lean-to, new window openings, an increase in the height of one of the north elevation extensions to create a new staircase and further internal works installed within the converted barn including the removal of a staircase, replacement steel beams, replacement fireplace and replacement of stud partition walling with a new internal layout.

SITE HISTORY

02/94395 – Erection of Extensions, Alterations to Dwelling and Erection of Shed (Listed Building). Decision Awaited

90/2574 – Conversion and Extension to Barn to Form Part of Existing Dwelling and Rebuilding Part of Existing Wall. Approved 29/6/90

POLICY

BE3 – Listed Building

PPG15 – Planning and the Historic Environment

CONSULTATIONS

None.

REPRESENTATIONS

No objections.

ASSESSMENT

Following negotiations with the applicant a more suitably positioned and proportioned extension has been submitted which incorporates design features sympathetic to the host building and which does not adversely affect any original features or appearance of the listed building. Similarly the proposal to extend the roof height of a single storey extension to allow the resiting of the staircase, creating a continuation of the roof slope, is deemed acceptable.

The internal alterations seek to replace much of the work carried out in accordance with the conversion of the barn to residential as an extension to the farmhouse. These works were unsympathetic to the character of the listed building and their replacement with more sympathetic features is welcomed. The insertion of new openings are acceptable and the re-opening of the previous opening to the West Gable is acceptable in principal, although further detail shall be required. Due to the nature of the internal works the application must be referred to the Secretary of State and a recommendation to approve is considered appropriate.

Application No : 2002/62/94471/W1

Grid Reference : SE 04940 11630

Development : INSTALLATION OF SECURITY SHUTTERS AND CHANGE OF USE TO RETAIL (WITHIN A CONSERVATION AREA)

Location : 2, DERBY TERRACE, MARSDEN, HUDDERSFIELD, HD7 6BR.

Applicant : A J BYRAM

Recommendation : REFUSED

SUMMARY

REASON FOR COMMITTEE DECISION

Extent of public interest.

SIGNIFICANT CONSULTATIONS

Highways – No objection.

RELEVANT HISTORY

02/62/91786/W1 – Change of Use to Retail Clothes Shop and Erection of Shutters (Within A Conservation Area) Refused 6/8/02

POLICY

H4, S3, BE5 and BE18

REPRESENTATIONS

Local Ward Councillors Beaver, Fearnley and Ridgway support the application. Four letters objecting to initial proposal, one letter received following amendments and re-publicity signed by six people.

ASSESSMENT

Shutters are considered detrimental to visual amenity and appearance of Conservation Area.

-
- (1) The solid security shutters together with the projecting housing unit are detrimental to visual amenity within the Marsden Conservation Area and appear obtrusive and alien to the street scene. As such they are contrary to Unitary Development Plan Policies BE15 and BE18.

INFORMATION

This application is brought before Sub-Committee due to the extent of objections received, in agreement with Chair.

APPLICATION SITE/DESCRIPTION

The application site is a terraced dwelling located off the central shopping area within Marsden village and has been converted for use as retail with security shutters to the ground floor window and door. The residential terrace continuous to the east with a retail unit adjoining at the junction of Peel Street and Derby Terrace. The unit is opposite the entrance to an alley serving commercial units on Peel Street and the terrace is narrow, however, there are no on-street parking restrictions.

The application proposes the change of use of the unit, comprising part of the cellar, ground, first and second floors to retail (A1). Two painted Security Shutters, each with

a projecting housing unit which is to be placed behind a wooden painted shop sign are also proposed, one to the ground floor window and the other to the shop entrance. The security shutters are in place, however, they are currently unpainted and the sign is sited above the housing units.

SITE HISTORY

02/62/91786/W1 – Change of Use to Retail Clothes Shop and Erection of Shutters (Within A Conservation Area) Refused 6/8/02

POLICY

- H4 - PROPOSALS TO CHANGE THE USE OF RESIDENTIAL PROPERTIES WILL NOT NORMALLY BE PERMITTED UNLESS:**
- i THE AREA IN WHICH THE PROPERTY IS LOCATED HAS CHANGED TO SUCH AN EXTENT THAT THE PROPERTY IS NO LONGER SUITABLE FOR RESIDENTIAL USE;**
 - ii THE PROPERTY IS REQUIRED FOR A COMMUNITY USE;**
 - iii THE PROPERTY HAS BEEN IDENTIFIED ON THE HUDDERSFIELD TOWN CENTRE INSET PLAN PROPOSALS MAP FOR AN ALTERNATIVE USE;**
 - iv THE PROPOSAL IS IN ACCORDANCE WITH POLICY B8 OR POLICY BI5.**
- S3 - DEVELOPMENT PROPOSALS WITHIN LOCAL SHOPPING CENTRES WILL BE CONSIDERED HAVING REGARD TO:**
- i THE SHOPPING NEEDS OF THE LOCALITY;**
 - ii THE EFFECT ON THE QUALITY OF THE SHOPPING ENVIRONMENT; AND**
 - iii THE EFFECT ON LOCAL ACCESSIBILITY TO THE CENTRE.**
- BE5 - PROPOSALS FOR NEW DEVELOPMENT WITHIN CONSERVATION AREAS, INCLUDING EXTENSIONS OR CHANGES OF USE TO EXISTING BUILDINGS, SHOULD RESPECT THE ARCHITECTURAL QUALITIES OF SURROUNDING BUILDINGS AND THEIR MATERIALS OF CONSTRUCTION, AND CONTRIBUTE TO THE PRESERVATION OR ENHANCEMENT OF THE CHARACTER OR APPEARANCE OF THE AREA.**

B18 - PROPOSALS FOR AGRICULTURAL BUILDINGS OR DWELLINGS, OR EXTENSION TO THEM SHOULD:

- i REFLECT THE SCALE, DESIGN AND CONSTRUCTION MATERIALS OF ANY ADJACENT BUILDINGS;**
- ii NOT DETRACT FROM THE LANDSCAPE CHARACTER OF THE AREA; AND**
- iii BE OF A HIGH STANDARD OF DESIGN AND MATERIALS OF CONSTRUCTION IN AREAS OF HIGH LANDSCAPE VALUE.**

CONSULTATIONS

Highways – No objection

REPRESENTATIONS

Local Ward Councillors Beaver, Fearnley, and Ridgway all support the application.

Five letters of objection were initially received to the original proposal to change the use of the first floor level to retail, however, that description has since been amended. A further letter collectively from four of the previous objectors plus a further signatory has now been received in response to re-publicity. The objections raised are:

- Highway and pedestrian safety affected due to narrowness of road, parking of delivery/visitor vehicles on road, display of items for sale and erection of metal railings on pavement. All these obstruct the highway, block access to dwellings/businesses and hinder access to Emergency Service vehicles. Particularly dangerous due to proximity to Infant School on Brougham Road.
- Use will lead to further traffic congestion.
- Appearance of shutters within predominantly residential street and Conservation Area unacceptable. Noise nuisance when opened early in morning. No justification for shutters.
- Shop use inaccessible to elderly/disabled due to number of steps at access and stairs internally.
- Use of basement area for retail potentially dangerous in emergencies. Needs to comply with Building Regulations.

Two letters in response to the objection letters, one from the applicants, the other from the owner of the application site, have been received. These address the points of objection, justify the application and advise should the application be refused, investment in the property would be reconsidered.

ASSESSMENT

The change of use to retail (A1) in close proximity to the local centre is considered acceptable and in keeping with the nature of the commercial activities within the village centre. The loss of the residential property is not considered unacceptable due to its location. The obstruction of the pavement and highway is not material to the determination of the application and may be dealt with under separate Highway legislation.

An application incorporating the security shutters in their present form has previously been refused as they were considered detrimental to visual amenity and the street scene within the Conservation Area. The applicant has sought to address the appearance of shutters and the housing unit by proposing to paint them and lower the existing sign in front of the housing unit.

On balance the previous reason for refusal is still applicable and the visual impact of the shutters will not be sufficiently mitigated by painting them and placing the sign in front of their housing units.

The principle of shutters is not opposed but it is considered important in this instance that it should comply with Policy. The shutters remain prominent and obtrusive, failing to contribute to the enhancement of the Conservation Area. They appear out-of-character to the area and detrimental to visual amenity. A recommendation to refuse the application is therefore considered appropriate.

Application No : 2003/65/90089/W1

Grid Reference : SE 14430 16590

Development : LISTED BUILDING CONSENT FOR INSTALLATION OF NEW SHOP FRONT AND ERECTION OF 2 NO.PROJECTING SIGNS AND 1 NO FASCIA SIGN (WITHIN A CONSERVATION AREA)

Location : 28, NEW STREET, HUDDERSFIELD, HD1 2BU.

Applicant : THE NOBLE ORGANISATION LTD

Recommendation : CONSENT REFUSED

SUMMARY

REASON FOR COMMITTEE DECISION

Delegation Agreement

SIGNIFICANT CONSULTATIONS

None

RELEVANT HISTORY

02/90873 – Change of Use of Shop to Amusement Centre. Approved 7/5/02

03/90087 – Installation of New Shop Front. Decision Pending

03/90088 – Advertisement Consent for Erection of Signage. Decision Pending

03/90100 – Change of Use of First Floor For Beauty/Tanning Facilities. Decision Pending

POLICY

BE3, BE5, BE17 and PPG15

REPRESENTATIONS

None.

ASSESSMENT

Unacceptable development adversely affecting the appearance of Listed Building and Conservation Area due to scale, design and materials. Refuse.

REFUSE

- (1) The new shop front , including signage, is considered inappropriate by virtue of its scale, design and materials to the detriment of the host building, which is Listed Grade II, and to the character of the Huddersfield Town Centre Conservation Area, contrary to Unitary Development Plan Policies BE3, BE5 and BE17 and to PPG 15: Planning and the Historic Environment.

INFORMATION

This application is before Sub-Committee in accordance with the delegation agreement as a planning application has also been submitted for the works.

APPLICATION SITE/DESCRIPTION

This application refers to the former Next retail unit situated within the main shopping area on New Street. The unit has been vacant for approximately twelve months due to the retailers relocation to the Kingsgate Shopping Centre and features a seventies style frontage with a deep fascia board. The site is located within the Town Centre Conservation Area and it can be observed that the majority of the surrounding buildings upper levels are of traditional appearance, however, similarly many of the retail units feature modern shop frontages which appear dated and detract from the Conservation Area designation. The building itself is three-storey and is Listed Grade II, dating from the 18th Century. The upper levels should be read in conjunction with the adjoining building at No. 30 which together can be seen to form a five bay frontage. The ground level units, however, have been subdivided for in excess of a century and the frontage of No. 30 has been altered over the years to the detriment of its appearance, losing stone corbels and stone window surrounds.

The application proposes the installation of a new aluminium framed shop front which will feature a recessed door with a raised stall riser and pilasters to be faced in blue tiles. An aluminium fascia sign with individually illuminated acrylic lettering together with two internally illuminated fixed projecting signs, one advertising a proposed tanning centre in yellow and red, the other relating to the amusement centre in blue are also proposed. The existing fascia board will be reduced in depth with the exposed area made good to match the upper elevation with the two projecting signs to be fixed between the new fascia sign and below first floor window level. A black painted

perforated security shutter with the housing unit sited behind the sign will be located to the front of the window.

SITE HISTORY

02/90873 – Change of Use of Shop to Amusement Centre. Approved 7/5/02

03/90087 – Installation of New Shop Front. Decision Pending

03/90088 – Advertisement Consent for Erection of Signage. Decision Pending

03/90100 – Change of Use of First Floor For Beauty/Tanning Facilities. Decision Pending

POLICY

BE3 – Listed Building

BE5 – Conservation Area

BE17 – Shop Fronts to Listed Buildings and within Conservation Areas

PPG15 – Planning and the Historic Environment

CONSULTATIONS

None

REPRESENTATIONS

No objections.

ASSESSMENT

The proposed shop front and signs are wholly out of character to a listed building within a conservation area. A more traditional frontage which respects the original character and traditional appearance would be expected to replace the existing unit. This should comprise a timber frame with pilasters and a well proportioned window and stall riser. Not only does the development fail to respect the traditional design principals of the Listed Building it would detract from the appearance of the Conservation Area where the onus is for new development to enhance the Conservation Area. The projecting signage is considered inappropriate in design, number and materials and a single externally illuminated hanging sign would ordinarily be sought.

Negotiations to seek amended proposals to achieve a more appropriate design and materials have been unsuccessful with the applicant pointing to existing seventies frontages, many to the street level of Listed Buildings, as examples within the main shopping area of modern frontages. Furthermore it is argued that the existing frontage is not worthy of retention and, whereas this point is accepted, it cannot be seen as a

justification for the installation of another inappropriate frontage. The existing shop front should only be replaced if it is to be an improvement. The future development and appearance of New Street is of increased importance following the relocation of many high street retailers to the Kingsgate Centre and it is hoped that future replacement shop fronts within the Conservation Area and particularly to Listed Buildings should be dealt with sympathetically to ensure a suitable standard of design is achieved which improves the area and the appearance of Listed Buildings which have been damaged by previous unsuitable designs. The enhancement of the Conservation Area along New Street will not occur should the development be permitted and, therefore, a recommendation to refuse is considered appropriate.

Application No : 2003/65/90270/W1

Grid Reference : SE 14420 16760

**Development : LISTED BUILDING CONSENT FOR INSTALLATION OF
INTERNAL CCTV EQUIPMENT (WITHIN A CONSERVATION
AREA)**

Location : BYRAM ARCADE, WESTGATE, HUDDERSFIELD.

Applicant : KIRKLEES METROPOLITAN COUNCIL

Recommendation : REFER TO SECRETARY OF STATE

SUMMARY

REASON FOR COMMITTEE DECISION

Delegation Agreement.

SIGNIFICANT CONSULTATIONS

None.

RELEVANT HISTORY

None.

POLICY

PPG3

PPG15 Planning and the Historic Environment.

BE3 appearance.

REPRESENTATIONS

None.

ASSESSMENT

The proposal will not detract from or have an adverse affect on the Listed Building.

- (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.

INFORMATION

The application is before Sub-Committee as it has been submitted by another Council Service.

APPLICATION SITE/DESCRIPTION

The application is for the installation of internal CCTV equipment within the stairways and above exit doors.

SITE HISTORY

None.

POLICY

Central government advice is provided by Planning Policy Guidance 15 Planning and the Historic Environment. BE3 appearance acceptable.

CONSULTATIONS

None.

REPRESENTATIONS

None.

ASSESSMENT

There are two types of cameras to be fitted to 8 separate locations. The two camera types are dome and mounted camera with a lens. The cameras are small and to be mounted in discreet positions above doors and within the staircase. In addition there will be two 20" monitor screens to be fitted to the main entrance by the doors and to the rear entrance adjacent to the 'Blue Rooms'. The proposal has no adverse affect on the appearance or setting of the listed building. It is therefore recommended for approval to the Secretary of State.

Application No : 2003/48/90431/W1

Grid Reference : SE 14560 17060

Development : CHANGE OF USE OF LAND TO EXTEND EXISTING CAR PARK INCLUDING SEATING (WITHIN A CONSERVATION AREA)

Location : BROOK STREET, HUDDERSFIELD, HD1 1RY.

Applicant : KIRKLEES ENVIRONMENT & TRANSPORTATION SERVICE

Recommendation : GRANTED UNDER REG.3 GENERAL REGULATIONS 1992

SUMMARY

REASON FOR COMMITTEE DECISION

Delegation Agreement

SIGNIFICANT CONSULTATIONS

Highways - No objection

RELEVANT HISTORY

None

POLICY

BE3 - Conservation Areas

REPRESENTATIONS

None

ASSESSMENT

No effect on the Conservation Area or highway safety

- (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 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.
- (3) The arrangements referred to in Condition 2 shall include internal turning facilities for service vehicles.
- (4) No development shall take place until provision has been made for the parking, loading and unloading of contractors' plant and equipment and the parking of vehicles of the workforce within the site.

INFORMATION

This application is before Committee as it has been submitted by another Council Service.

APPLICATION AND SITE DETAILS

It is proposed to extend the existing car park at Brook Street in Huddersfield town centre. The land is currently occupied by a small existing car park and open market area.

The proposal will form a larger car park with a seating area and vehicular movement area for the market's meat auction vehicle.

HISTORY

There is no relevant planning history

POLICY

Policy BE3 is relevant as the site is within the Town Centre Conservation Area. This seeks to maintain and improve the appearance of the area. PPG15 gives central government advice on applications in Conservation Areas.

CONSULTATIONS

Highway Services - No objection subject to conditions

REPRESENTATIONS

None received

ASSESSMENT

The proposal has no detrimental effect on the appearance of the Conservation Area and is acceptable from a highway safety point of view.

Approval is therefore recommended.

Application No : 97/60/90270/W1

Grid Reference : SE 13350 17670

Development : OUTLINE APPLICATION FOR ERECTION OF 48 DWELLINGS
(WITHIN CONSERVATION AREA)

Location : LAND OFF, QUEENS ROAD/DEVERON GROVE, EDGERTON,
HUDDERSFIELD.

Applicant : GEORGE HAIGH & CO LTD

Recommendation : REFUSED

SUMMARY

REASON FOR COMMITTEE DECISION

Delegation Agreement

RELEVANT HISTORY

1967 - Residential development granted.

POLICY

PPG3 - Not a brownfield site therefore contrary to policy.

REPRESENTATIONS

166 letters of objection received

ASSESSMENT

The proposed residential development is one on a “greenfield” site and as such is now contrary to Council policy and central government policy contained in PPG3.

Refusal is recommended.

-
- (1) The granting of planning permission would provide the opportunity for this greenfield site to be developed before currently identified brownfield sites and would therefore prejudice the presumption in PPG3 that brownfield sites should be developed before greenfield sites.

INFORMATION

This application is before Committee because of the size of the site and because of its history.

APPLICATION AND SITE SITE DETAILS

This is an outline application for the erection of 48 dwellings on land off Queens Road and Deveron Grove, Edgerton. It includes, for illustration, a layout plan and details of elevations of the dwellings. This site is also known as Clayton Fields.

The site is 3.36 hectares in area, has an open central area and heavily wooded edges. It is reasonably flat and is located in a generally urban area.

The proposal is to erect 33 detached dwellings that take access from Deveron Grove and two groups of flats, one group taking access from Edgerton Road and one group from Queens Road.

HISTORY

The history of this particular site is important. Detailed planning permission (TP 16760) was granted by the County Borough of Huddersfield on 30 January 1967 for the erection of residential development - 20 houses, 23 bungalows and 12 flats.

96/2085 - outline application for residential development - withdrawn

96/3813 - outline application for residential development - withdrawn

It is important to note that views have been expressed previously that the 1967 planning permission remains valid as it has been partly implemented by the construction of part of the access road from Deveron Grove.

POLICY

The trees on the site are covered by a Tree Preservation Order, Policy BE9 on tree preservation is relevant.

The site lies within the Edgerton Conservation Area. Policy BE5 is particularly relevant and PPG15 provides national guidance on development in Conservation Areas.

The site must now be considered against guidance in PPG3, published in the intervening period since the submission of the application, which favours brownfield development and presumes against greenfield site development. Council policy now supports this stance and resists greenfield site development other than where specific criteria can be met. This is a greenfield site and its development cannot be considered as an exception to policy because of the value of the land in environmental terms and also because development would not meet specific regeneration or economic objectives. The proposal is therefore contrary to policy in the sense that the release of this greenfield site for development would prejudice the development of brownfield housing opportunities.

The site is allocated for housing on the Unitary Development Plan.

Policies contained in the Unitary Development Plan on Public Open Space, affordable housing, space about buildings and highway safety are relevant.

CONSULTATIONS

Environment Agency - No objection subject to conditions

Highway Services - Comments awaited

English Heritage - No comment

Huddersfield Civic Society - Density should be reduced

Coal Authority - Standard comments

Trees - In general application is acceptable.

REPRESENTATIONS

166 Letters of objection have been received. These take the form of a standard letter, the full text of which is as follows:

“I wish to strongly object to this application to build 48 dwellings over Clayton Fields, which is the only significant green space left within the Edgerton Conservation Area.

Thirty years ago planning permission was granted for 47 dwellings. Now in 1997, traffic volumes are significantly higher, local schools are full and other amenities are stretched. There are very few places where local children can go to kick a ball, ride a bicycle or just play games in safety - Clayton Fields is certainly the best of those remaining. Furthermore, Clayton Fields is within the Edgerton Conservation Area and therefore believe any new housing development to be inappropriate.

Local residents enjoy Clayton Fields as the last remaining unspoilt open space following developments at Glebe Street, Grimescar Valley, Ponyfields, Queens Road and many more green sites. Many people exercise daily on the field, walk their dogs or simply have an opportunity to enjoy nature. Children can play safely on the fields - an as an example most local children have spent many happy hours sledging during the recent snowy spells.

There are many other sites in Kirklees that are far more appropriate for housing development - let's use these first before wasting such a valuable local resource as Clayton Fields”.

ASSESSMENT

This application was submitted in 1997 and all the representations and consultations received date from that time. The application has been held in abeyance due to complications with the legal position of the site vis a vis, the registration of the site as a village green. The land was actually registered in 1997, however, it has been understood that the applicants would be mounting a legal challenge to this registration.

Correspondence has been sent to the applicant's agent on 3 occasions in the last 12 months (the last being 27 November 2002) asking for clarification of the position. No response has been received.

The position in 1997 was that it was likely, given the site's history and allocation, that the application would have been granted. This would have conflicted with the registered village green. The position has, with the publishing of PPG3, now changed. It is now officer's opinion that this site is not previously developed land and that its development would be contrary to Council policy (and PPG3) on building on such sites. It is therefore recommended that the application is refused for this reason.

Application No : 2002/48/93548/W2

Grid Reference : SE 15570 20310

Development : DEVELOPMENT OF BRADLEY ROAD BUSINESS PARK FOR B1 USE ON THE UPPER PLATEAU INCLUDING SITE ACCESS/INFRASTRUCTURE AND LEVELLING WORKS, FLOW-BALANCING WORKS AND OFF-SITE INFRASTRUCTURE WORKS TO ALLOW DEVELOPMENT OF THE REMAINDER OF THE SITE

Location : BRADLEY ROAD, REDWOOD DRIVE, BRADLEY, HUDDERSFIELD.

Applicant : KIRKLEES METROPOLITAN COUNCIL

Recommendation : GRANTED UNDER REG.3 GENERAL REGULATIONS 1992

SUMMARY

REASON FOR COMMITTEE DECISION

Delegation Agreement

SIGNIFICANT CONSULTATIONS

Highways - Subject to conditions, no objections raised.

Yorkshire Water - No objections in principle

Env. Agency - No objections in principle

RELEVANT HISTORY

00/92152/W2 – Outline approval on larger site for B1 business use – October 2000

POLICY

B2 – Site identified for B1 business use.

T10 – impact on highway infrastructure

D3 – involves alternative open land use and protects amenity/wildlife/recreation

REPRESENTATIONS

13 letters, one petition with 201 signatures.

Concerns relate to traffic/highway safety, pollution, noise, crime, property values, environment, wildlife, amenity, Redwood Drive “rat run”.

ASSESSMENT

The principle of B1 business use is established here through the Unitary Development Plan allocation and outline approval in October 2000. There are no objections in principle to provision of site access roads or drainage infrastructure to serve the development. The key issue with this application relates to changes in access/timing of road improvement works from those envisaged at outline stage. Following consideration of a revised Traffic Assessment, Highway Services consider the proposal acceptable subject to conditions/controls on highway matters.

-
- (1) The development shall be begun not later than the expiration of five years beginning with the date on which permission is granted.
 - (2) No development shall take place until a comprehensive scheme for landscaping treatment of the site prepared in accordance with the Local Planning Authority's Code of Practice Note 2 has been submitted to and approved in writing by the Local Planning Authority.
 - (3) Any planting, seeding or tree management works forming part of the landscaping scheme referred to in Condition 9 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) Full details of the treatment of the buffer zones shall be submitted to and approved in writing by the Local Planning Authority before development commences. The agreed scheme shall be implemented prior to the first unit being occupied in accordance with phasing to be agreed in writing by the Local Planning Authority.
- (5) Unless otherwise agreed in writing by the Local Planning Authority no building or other obstruction shall be located over or within 5 metres of the line of the mains, which crosses the site.
- (6) Unless otherwise agreed in writing by the Local Planning Authority No building shall be erected within 4m of the sewer crossing/adjacent to the site.
- (7) The site shall be developed with separate systems of drainage for foul and surface water on and off site.
- (8) No development shall take place until details of the proposed means of disposal of foul and surface water drainage, including details of any balancing works and off-site works, have been submitted to and approved by the Local Planning Authority.
- (9) Unless otherwise agreed in writing by the Local Planning Authority there shall be no piped discharge of surface water from the development prior to the completion of the approved water drainage works and no building shall be occupied or brought into use prior to completion of the approved foul drainage works.
- (10) Surface water from vehicle parking and hardstanding areas shall be passed through an interceptor of adequate capacity prior to discharge to the public sewer. Roof drainage should not be passed through any interceptor.
- (11) Any liquid storage tanks shall be located within a bund with a capacity of not less than 110% of the largest tank or largest combined volume of connected tanks.
- (12) Before development commences a detailed scheme for the alterations to the Bradley Road/Redwood Drive junction together with the proposed roundabout on Redwood Drive shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of: all elements of vertical and horizontal design, drainage, TRO's, construction, signals and lighting, signing and lining together with a full safety audit for all of the works. Before development commences on the construction of any of the B1 units the approved scheme shall be completed.
- (13) Before development commences a detailed scheme for the alterations to the Bradley Road roundabout with Bradford Road at Bradley Bar shall be submitted

to and approved in writing by the Local Planning Authority. The scheme shall include details of: all elements of vertical and horizontal design, drainage, TRO's, construction, lighting, signing and lining together with a full safety audit for all of the works. Before any part of the development is first occupied the approved scheme shall be completed.

- (14) Before development commences a detailed scheme for the alterations to the junction of Bradley Road and Leeds Road at Colne Bridge shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of: all elements of vertical and horizontal design, drainage, TRO's, construction, signals and lighting, signing and lining together with a full safety audit for all of the works. The works comprising the approved scheme shall be completed before 31/12/2005.
- (15) Before development commences a Travel Plan for the development site shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall be comprehensive in respect of encouraging the use of all modes of alternative transport to the private car and include targets for reductions in private car trips and annual monitoring and enforcement of the approved plan. No part of the development shall be brought into use until the agreed travel plan has been brought into effect.
- (16) Before development commences a scheme shall be submitted to and approved in writing by the Local Planning Authority for the improvement of public service bus facilities to the site in line with the financial commitments stated in the Transport Assessment. Unless otherwise agreed in writing development shall not be first occupied until the approved improvements to PSV services have been provided.
- (17) Before development commences a scheme shall be submitted to and approved in writing for the point closure of Redwood Drive to vehicular traffic. The scheme shall include for the retention of pedestrian, cyclist and emergency service access and shall include an assessment of the impact of the closure on the retained point or points of access from Bradley Road. The scheme shall demonstrate that a suitable satisfactory arrangement can be provided and include all necessary aspects of public consultation and review. The scheme shall include the following details: vertical and horizontal design, drainage, construction, lighting, signing and lining together with a full safety audit for all of the works. Construction of any part of the B1 units shall not begin until the statutory advertisement of the works has been completed and agreed. Before any part of the approved development is brought into use the works comprising the approved scheme shall be completed.
- (18) Before development commences a scheme shall be submitted to and approved in writing by the Local Planning Authority for the monitoring of on-street parking on Redwood Drive and the means by which any over-spill parking from the

proposed development would be addressed. On first occupation of any part of the development the approved monitoring scheme shall be implemented.

- (19) Before development commences a schedule of the means of access to the site for construction traffic shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include the point of access for construction traffic, details of the times of use of the access, the routing of construction traffic to and from the site, construction workers parking facilities and the provision, use and retention of adequate wheel washing arrangements. The scheme will specifically exclude any access for construction traffic via the Redwood Drive estate and shall include details of the programming of the works in relation to access to the estate during construction of the highway enabling works.
- (20) Before development commences a scheme shall be submitted to and approved in writing by the Local Planning Authority for the provision of all associated Traffic Regulation Orders connected with the highway infrastructure works on Bradley Road and Redwood Drive and where applicable at the off site junction improvements set out in conditions above. The scheme shall demonstrate that a suitable satisfactory arrangement can be provided and include all necessary aspects of public consultation and review. Development shall not commence until the statutory advertisement of the works has been completed and the agreed.
- (21) Before development commences a scheme shall be submitted to and approved in writing by the LPA for the improvement of Old Lane. The works comprising the approved scheme shall be completed before any part of the approved development is first occupied.
- (22) Before any part of the proposed development is completed the proposed industrial estate road serving the development shall be completed to base course level.
- (23) No access other than that shown on the approved plan, shall be formed into the site without the prior written approval of the Local Planning Authority.
- (24) The means of vehicular access to the site shall be constructed in accordance with the approved plans before any other development takes place and no structure, erection or plant material exceeding 1m in height shall thereafter be placed within the visibility splays shown on the approved plans.
- (25) 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.

- (26) The existing access/accesses shall be closed off and any redundant footway crossing made good before the development is occupied/brought into use.
- (27) There shall be no external storage of materials, machinery or plant.

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

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

NOTE The use of soakaways are not acceptable unless:

- (a) There is documentary evidence to clearly show that all other options have been thoroughly investigated and proved to be unsuitable/unavailable.
- (b) There is documentary evidence to clearly prove that the soakaways will work.

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

NOTE This permission shall relate to the amended plan(s) submitted on

NOTE It is possible that Building Regulations may have compulsory requirements for the provision of facilities for disabled people under Part M of the Building 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.

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

07.30 and 18.30 hours, Mondays to Fridays

08.00 and 13.00 hours, Saturdays

With no working on Sundays or Bank Holidays

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

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

INFORMATION

This application is reported to Sub-Committee for determination as it relates to a site in excess of 0.5ha, the Council has an interest in the land and the application has been submitted by a Council Service. Furthermore, Committee has had previous involvement at outline stage when the proposals raised significant objection from local residents, as has this current application. Because of the level of concern raised the application was the subject of a Sub-Committee site visit. Determination was deferred at Committee on 16 January 2003 when Members asked the applicants to investigate alternative traffic arrangements that would not impact on or inconvenience residents on Woodlands Glade.

SITE/PROPOSAL

Outline planning permission was granted in October 2000, for Class 1 Business Use on 11.18 ha of land allocated for such purposes on the Unitary Development Plan at Bradley Road/Old Lane, Bradley.

This current application relates essentially to 4.65 ha of that larger site. Referred to as the upper plateau, it is the area bounded by Bradley Road, Redwood Drive and Old Lane.

The application seeks full planning permission for site access/infrastructure and levelling works in preparation for B1 use on this first phase. Details of siting and design of buildings do not form part of this planning application. The plans submitted indicate the proposed access into the site, the main site access roads, the location of buffer zones and areas intended for planting and site levelling works to produce a 1:60 site gradient.

The application involves a number of key elements:

- ◆ A new roundabout on Redwood Drive providing access to the application site. Access to Pennine Business Park (on the opposite side of Redwood Drive where 2 units are already built) would also be altered with a link into the new roundabout.
- ◆ Road improvement works to the junction of Redwood Drive and Bradley Road, including traffic light controls and crossing points.

- ◆ Drainage infrastructure works including flow balancing to serve the whole of the area allocated for B1 use. Surface water drainage has been designed as a sustainable urban drainage system (with the aid of Bradford University) utilising some 3ha of land to the south west of the business park in the area of Woodland and stream at Lower Fell Greave.
- ◆ Junction improvement works at Bradley Road/Bradford Road and Bradley Road/Leeds Road.

The land presently comprises open fields with mature trees and hedgerows, mainly to field boundaries. The site generally slopes down from Bradley Road to woodland to the south. There are residential properties on Redwood Drive and the culs-de-sac leading from this main estate road. Residential development lies in the main to the south/south east of the application site, the closest being on Redwood Drive and Miramar. There are further dwellings on Bradley Road (N W corner) which back onto the site.

The grounds of All Saints School lie further to the west. Old Lane is an ancient highway leading to a public footpath through the woodland at Lower Fell Greave.

BACKGROUND SUMMARY

When outline planning permission was granted in October 2000 for B1 use on the larger site, a Traffic Assessment indicated the measures needed to accommodate the development. It was indicated that access to the site would be from a new roundabout approximately at the junction of Bradley Road and Redwood Drive. Improvements to the Bradford Road and Leeds Road junctions with Bradley Road were also proposed.

The current application for access/infrastructure for phase 1 of the business park was supported by a revised Traffic Assessment. This concludes that amongst other things estimated traffic generation and growth levels are below previous estimates. Consequently, the traffic arrangements now proposed are different and involve:

- ◆ ***Instead of a new roundabout on Bradley Road, traffic signals at the junction with Redwood Drive and a new smaller roundabout on Redwood Drive 50m south of the Pennine Business Park entrance (Longbow Close). The signals will incorporate pedestrian facilities to enable safe crossing of Bradley Road and Redwood Drive.***
- ◆ ***Improvements to the junction of Bradford Road and Leeds Road with Bradley Road will still be provided but the latter will be delayed to try to ensure compatibility with the findings of a traffic study of the A62 corridor.***

At the Sub-Committee on 16 January 2003, it was apparent from representations made in writing and at the meeting, that the main concern to local residents, was

the impact of the development resulting from the proposed access arrangements and, in particular, the potential for rat running on Redwood Drive.

It was feared that traffic lights rather than a roundabout at the junction with Bradley Road would result in industrial traffic turning right onto Redwood Drive to access onto Bradley Road at the eastern exit point. In acknowledgement of this, the applicants proposed a point closure somewhere on Redwood Drive to prevent rat running taking place (the alternative of traffic calming could only discourage it happening rather than prevent it).

The residents, through their Highway Consultant as spokesperson, argued against this arrangement and suggested that there were alternatives which would not impact upon or inconvenience the residents of Woodlands Glade:

- (i) Return to the original roundabout solution on Bradley Road***
- (ii) provide an access to the business park direct from Bradley Road with traffic lights at this junction.***

These views were strongly supported by Ward Councillor K Smith amongst others and consequently, the resolution of the Sub-Committee was that the application be deferred and the applicant be asked to investigate alternative traffic arrangements that would not impact upon or inconvenience local residents.

HISTORY

The application site forms part of a larger area which is allocated for B1 Business and Industry on the Kirklees Unitary Development Plan. (Site B8.16, 11.8ha (approx 10.5ha developable area)). The Unitary Development Plan was adopted in March 1999 following a Public Inquiry.

The site is the subject of an approved Development Brief (June 1999). n.b. the Unitary Development Plan identified buffer zones between the site and residential development to the south and east. As a result of the brief additional buffer zones were added between the site and dwellings on Bradley Road.

Outline planning permission was granted on the larger, allocated site, in October 2000 for Class 1 Business Use, construction of access road and associated engineering works (Ref. 2000/92152/W2).

POLICY

As mentioned above, the site forms part of a larger area allocated for B1 business use on the adopted Unitary Development Plan. The site contains mature trees and hedgerows particularly to field boundaries. The area of the site to the south and

incorporating Lower Fell Greave Woods (area identified for surface water drainage system) is allocated as Urban Green Space on the Unitary Development Plan.

The following policies are relevant:

B2 Identifies sites for business and industry including B8.16 (Old Lane/Bradley Road). A footnote indicates that this site is to be used for B1 business uses only.

B3 Relates to buffer zones and how they should be provided.

NE9 Retention of mature trees.

T10 Having regard to impact on the highway network Proposals will be expected to incorporate appropriate highway infrastructure designed to meet relevant safety standards

D3 Safeguards urban greenspace from development but allows alternative open land use (i.e. surface water drainage system) subject to protection of visual amenity, wildlife value and recreation.

PPG13 Government advice on Transport.

CONSULTATIONS SUMMARY

Environmental Health – Full details of buffer zones to be reserved for approval.

Environment Agency – No objections in principle.

Yorkshire Water – No objections to conditional approval – draw attention to location of mains and sewers.

British Coal – Standard informative, advising possible shallow workings and existence of mine entries. Advice technical/engineering report.

Health & Safety Executive – Proposals do not meet consultation criteria, cannot comment (ie unable to comment on application only for roads/drainage).

Highways Development Control – See assessment.

REPRESENTATIONS

The previous outline application generated considerable publicity and approximately 70 letters of objection, Concerns at that time included: loss of agricultural land and detriment to landscape, detriment to highway safety, loss of leisure amenity and creation of noise pollution.

The current application has again raised significant objection from local residents including 13 letters of objection and a petition with 201 signatures. In addition there have been newspaper articles and meetings attended by Ward Members, representatives of the objectors and Council Officers.

The following is a brief summary of the concerns raised. It should be noted that, as normal, full copies of objections submitted are available in the Local Governance Information Office, Huddersfield Public Library, in the week prior to the Committee meeting. Members may also inspect full copies of documents/consultation replies submitted on the planning file:

The petition identified the following as the main concerns:

- ◆ traffic levels
- ◆ pollution
- ◆ noise
- ◆ road/pedestrian safety
- ◆ crime
- ◆ house values
- ◆ environment/wildlife
- ◆ quality of life for residents

Individual letters and the residents meeting with Ward Members/Officers raised concerns regarding:

- ◆ creation of 600-700 jobs will create peak time congestion
- ◆ detriment to public and childrens` safety having regard to location of school and nursery
- ◆ traffic lights at junction of Bradley Road/Redwood Drive will create a "rat run" on Redwood Drive.
- ◆ erosion of buffer zone
- ◆ lack of demand for business units
- ◆ new roundabout close to housing having impact on traffic noise and amenity
- ◆ impact on wildlife
- ◆ question effectiveness of Green Travel Plan.
- ◆ how do proposals comply with requirements of PPG3 and PPG13? ? what are details of buffer zone treatment?
- ◆ effect on property values, what compensation will be offered?
- ◆ impact on crime
- ◆ are the Council sympathetic to residents requests to make Redwood Drive a cul-de-sac?
- ◆ impact on congestion at Bradley Bar and Cooper Bridge
- ◆ safety aspect of "swales" (shallow drainage ditches for surface water drainage).
- ◆ business park access should be from Bradley Road.
- ◆ maintenance of landscaping in buffer zones, maintenance of swales.

In addition to the above, the residents commissioned their own independent audit of the 2000 and 2002 TIA's carried out by Traffic Consultants Scott Wilson. The report highlights a number of concerns including:

- ◆ 2000 TIA identified Bradford Road roundabout as an area of concern – no scheme proposed under 2002 TIA
- ◆ either 2000 TIA seriously over-estimated trip generation or 2002 TIA seriously under estimates.
- ◆ not clear if 2002 TIA includes land nearby identified for over 300 houses.
- ◆ questions over trip assignment (which reduces impact on Leeds Road junction)
- ◆ questions regarding highway impact, study area and provision of safety audits.
- ◆ visual intrusion and noise impact of vehicles accessing business sites needs assessment/buffer zones, provision of EIA?
- ◆ there are further issues regarding wording of conditions, accommodation, buses, comprehensive layout, cycles/walking, policy considerations

In addition to the above, objectors have raised concerns regarding the processing of the application including levels of publicity/public consultation and proposals for external scrutiny.

At Sub-Committee on 16 January 2003 Councillor K Smith submitted the following objections:-

“The earlier plans accessed the development site directly off a new roundabout at the Bradley Road/Redwood Drive junction at the north eastern end of the site and to the west of the Redwood Drive estate.

The application would until recently have received little objection. What the applicant may have thought to be a relatively minor design change has the potential for enormous detrimental affect on the 280 houses of the entirely residential Redwood Drive estate and therefore has raised considerable objection, including that of myself.

1. Problems from the proposed Access

The original plan would not have a major detrimental affect on the residents of the estate but problems will be severe from the recently changed design for access via traffic lights at the same junction and a roundabout within Redwood Drive.

Such lights would encourage a short-cut approach for all traffic approaching the development from the east, this putting work traffic right through the middle of this residential area. The residential area currently has nil commercial traffic. Considering there may be 700 jobs in the new development, the potential amount of traffic causing nuisance to residents and coming into conflict with pedestrians in the residential area is very considerable.

Additionally, Committee should note that the residential area has a Social Club, Playground, Sports Centre and Community Group activities (including playgroup/toddler group) located roughly in the middle of the housing development but to the north of the U-shaped through road of Redwood Drive. These activities mean that all residents living to the south of Redwood Drive have to cross it and consequently there is much more pedestrian/traffic conflict across this road than one would normally see in a residential area.

3. Solutions to these Problems

Traffic calming measures to discourage commercial access via Redwood Drive would be

- (a) fairly expensive in installation and later maintenance;
- (b) a considerable imposition to residents who live directly on Redwood Drive, a road which currently has nil commercial vehicle activity and
- (c) unlikely to be fully effective.

The only fully effective approach to preventing commercial vehicle access to this road would be permanent closure to prevent access from the East. This brings its own problems.

The residential area is currently a discrete, self-sufficient self-sustaining community which has a single well-designed U-shaped road feeding houses directly and indirectly, causing a very clear physical community. It has a design which causes a lot of 'overlooking' across houses and few cross-cutting pedestrian routes, these elements helping to form a feeling of community and leading to the extremely low crime rate within the development.

Any road closure at either edge of the residential area would

- (a) disadvantage about half of the residents (according to whether their commuting and domestic route is to the East or West) and
- (b) force domestic vehicles into and out of only one of the current two accesses to Bradley road, thus causing more problems on the junction with that main highway.

4. Alternatives

The site can be developed with minimal affect on the residents of Redwood Drive housing estate. The original plan of access via a roundabout at the Bradley Road/Redwood Drive western junction is still viable. Roundabouts do not cause the evading 'rat runs' which traffic lights cause.

A new access direct to the site at its western most end is also viable. Such an access puts all traffic to the new site well away from the 280 houses in the estate. No 'rat run' would be possible – indeed the residential area would be very little affected.

Both these options would allow the development but protect residents from what would otherwise be very serious effects.

5. Conclusion

The application before the Committee has an access which has extreme effects on the residents of a 280-house successful and still young community, with detrimental effect on the cohesion of the residents and potential for serious accidents to pedestrians.

The site before the Committee can be developed in a way which minimises impact on existing residents.

Considering at least two alternatives available, there seems no reason to accept the detrimental effects of the proposed plan.

I ask the Committee to request the applicant withdraw this application and return with access arrangements which minimise detrimental affects on residents. “

ASSESSMENT

The site is allocated for B1 business use on the adopted Unitary Development Plan following a Public Inquiry. Outline planning permission was granted for B1 Business Use in October 2000. As such, it is not considered that the principle of B1 business use here is in question.

In support of the application, Estate, Property and Markets Service state:

"The site is the largest single economic development opportunity that the Council has remaining in its ownership. All other Council owned industrial sites have been brought forward over the last decade and by and large are now developed. Following a feasibility study, it is considered that the Council's best economic objectives will be met by developing in 2 phases, the first being the 4.6ha upper plateau."

With regard to concerns raised by objectors issues of impact on landscape/wildlife have been considered previously at Unitary Development Plan allocation stage and with the outline approval. The development will largely allow for retention of Old Lane and hedgerows and trees. Buffer zones to residential boundaries and planting to all boundaries are proposed.

In addition, policy issues in relation to PPG3 and PPG13 have been raised but PPG3 relates specifically to housing and with regard to PPG13, much work has been carried out to ensure that the development is sustainable in terms of employment requirements and transport and ERDF funding is being sought on this basis. Measures to encourage integrated transport are detailed in the traffic assessment. The surface water drainage system in Lower Fell Greave Wood is considered to comply with Policy D3. A series of small "damlets" along the existing watercourse will have little impact and will preserve

amenity and wildlife value. With regard to impact, it should be noted that B1 Business uses are by definition uses which can be carried out in residential area without causing nuisance and may include offices, research and development or "light industrial uses". The provision of buffer zones and planting will further protect amenity. Planting will be provided by the applicants and maintenance will become the responsibility of individual businesses as occupation is taken up. The impact of proposals on property values or Council tax is not a material planning matter. It is also considered that publicity is in accordance with agreed procedures and there has been significant consultation with residents including meetings.

From representations made and consultation with residents, it seems clear that whilst they would prefer not to see the development at all, the principal concerns distil down to the differences in access/traffic arrangements between those envisaged at outline stage and those now proposed. As detailed in the Background Summary, discussion had centred on rat running on Redwood Drive and measures to prevent this. Members had asked the applicants to look at alternatives to this.

In response, the applicants provide the following information.

"Following the Huddersfield Area Planning Sub-Committee's decision on 16 January 2003 to defer decision on the business park application "for further negotiations on access arrangements" we have revisited the access arrangements for the site.

The proposed scheme was informed by guidance we received on design standards.

- ◆ ***Standard distances between junctions, and***
- ◆ ***To minimise the number of junctions on a classified road – which Bradley Road is.***

However, we were also mindful of Pennine Business Park and the associated permitted development rights that ascribed to it. More importantly we had considered the potential for an uncontrolled impact on the local highway network and potential rat running both from and to the site through Woodland Glade.

In our reassessment we have considered a range of access options, including:-

- 1. Access directly off Bradley Road. This continues to be discounted as it does not meet the standards noted above nor does it take account of potential traffic derived from Pennine Business Park, which could very well use Redwood Drive to either access or egress the business park from the east.***
- 2. The outline planning application highlighted a roundabout solution at the junction of the western entrance to Redwood Drive and Bradley Road.***

Even though this highway solution does accord with the highway standards and may well accommodate the traffic generated Pennine Business Park this highway solution has been discounted as:-

- ◆ **the scheme would require a larger amount of land – the prime part of the site**
- ◆ **the scheme would have a much greater impact on local residents and result in unnecessary compensation claims.**
- ◆ **the scheme also remains significantly more expensive.**

We are therefore of the opinion that the proposed signalised junction is the most appropriate option. The reason for this is threefold –

- ◆ **it adheres to the highway design standards;**
- ◆ **it accommodates the traffic generated by both Pennine Business Park and Bradley Road Business Park in one highways solution**
- ◆ **it offers better value for money.**

The Economic Development Service where contacted by the representatives of Woodland Glade Residents Association on 24 January 2003. The residents indicated that they would prefer the access arrangements as proposed for the project with a formalised point closure, as this solution did address these concerns of uncontrolled rat running from Pennine Business Park. In discussion with ward members and Highways (Traffic) it was agreed that residents should be polled in respect of a point closure and if agreed the potential location for this. I attach copies of the questionnaire that was sent to 286 homes on Woodland Glade and the summary results forwarded to residents.

The headlines from the questionnaire are noted below:-

Are you in favour of a point closure:-

Yes	- 112 returns	=	81%
No	- 26 returns	=	19%
No response	2		
total returns	140	=	49%

The location for a point closure:-

- ◆ **62% of respondents (76 out of 123) indicated a preference for a point closure at location A (near the proposed roundabout)**
- ◆ **20% of respondents (25 our of 123) indicated a preference for a point closure at location B (in the middle of the estate next to house No. 1 Grantley Place).**

- ◆ **8% of respondents (10 out of 123) indicated a preference for a point closure between locations C and D (at the eastern end of Redwood Drive between the junction with Bradley Road and the estate entrance gates).**
- ◆ **10% of respondents (12 out of 123) indicated a preference for a point closure at another location of their choice.**

I appreciate the concerns of local residents about potential rat running round Redwood Drive and as previously stated would be happy to undertake such works as to mitigate this concern, including the point closure of Redwood Drive. On the basis of the results I feel that the consensus expressed in the questionnaire provides sufficient justification for a conditional approval of the application subject to a point closure of Redwood Drive. This would clearly have to be formalised through the normal TRO process.

HIGHWAY SERVICE'S ASSESSMENT

This application is supported by a Transport Assessment which examines the impact of the development on the local highway system, the suitability of the network and any improvements required as a consequence of the development. It also considers the current situation with respect to accessibility of the site by public transport, cyclists and pedestrians and seeks to identify means by which the use of these alternatives to the private car can be encouraged.

Since the date of submission supplementary information to the Transport Assessment has been provided in response to concerns raised by this Service, local residents and highway consultants acting on behalf on a local residents group.

The main highway issues that have been raised are as follows:

- ◆ The impact of the development on the local highway network and its ability to accommodate the additional demand.
- ◆ The provision and timing of off-site highway improvements.
- ◆ The design of the new connection of the proposed industrial estate road to Redwood Drive and Bradley Road.
- ◆ The impact of the development on Redwood Drive – with particular concern over the potential "rat running" of development traffic and its affect on both capacity and highway safety.
- ◆ Mitigating impacts of "green travel plans".

The impact of the development on the local highway network.

Concerns have been raised regarding the impact of the traffic generated by the proposal on the local highway network and specifically with respect to the adjacent Roman Catholic School.

The application site already has the benefit of an outline planning permission for the development of 11 hectares of B1 industrial land, granted in 2000. The site is also allocated for industrial development in the Council's approved Unitary Development Plan. The principle of industrial development of this site has therefore already been established and the overall impact of additional traffic on the network accepted by both the Council and by the UDP Inspector. Based on the valid outline consent "reserved matters" applications could be submitted at any time and further highway assessments of the impact of their proposals would not be required.

It has been identified however in connection with both this application and the earlier outline that certain local highway junctions are at or approaching capacity and that improvement will be required to accommodate the additional traffic generated by this development.

The identified works relate to improvements at Bradley Bar roundabout, (the junction of Bradley Road and Bradford Road), and to the junction of Bradley Road and Leeds Road at Colnebridge. Both of these works seek to replace capacity at the junctions to address the additional demand that would arise from the development of this site.

Other works are proposed to improve general access for both pedestrians and cyclists in relation to measures to improve and encourage the use of alternative sustainable transport.

Timing of the off-site highway works

With regard to the timing of the highway improvements the current application seeks to vary conditions attached to the outline consent where the improvement works were to be carried out before any of the development was first brought into use.

The Council is presently considering the future needs of the Leeds Road corridor into Huddersfield from Cooper Bridge to the Ring Road. This is in respect of both current traffic levels and the likely additional demand if the potential for redeveloping land alongside the corridor is to be realised. Transportation Consultants appointed by the Council are examining the capacity of the local highway network and in particular the operation of key junctions within it. Recommendations are to be made on the impact of future development and on the scale of improvements or other measures needed to either accommodate or mitigate against this possible additional demand.

In relation to the Leeds Road - Bradley Road junction at Colnebridge, initial views are that works in addition to those presently proposed as part of this proposal will be necessary. At this time however a detailed improvement scheme has neither been prepared nor approved by the Council. Pending progress on a scheme it is considered

prudent to defer, for a short time, the highway improvement works connected with the development at Colnebridge thus avoiding the possibility of abortive and disruptive works in relation to any larger scheme identified by the "corridor study". There is some likelihood however that the suggested highway improvements may be in phases, whereby the initial improvements connected with this development would be the first phase followed by other subsequent works.

The delay in implementation would be relatively short, and notwithstanding the outcome of the study improvements, would be programmed to commence in 2004 and to be completed before the end of 2005. In relation to the intermediate effect on the local highway system it is considered that this is acceptable given the likely time needed for construction of the new access arrangements and the construction and occupation of any new development on the site.

With respect to the works to Bradley Bar roundabout, these are not affected by the Leeds Road corridor study and should be completed before development is first brought into use. A draft scheme for these works has been devised which includes the provision of "splitter islands" on two of the roundabout approaches. These works not only assist the operation of the roundabout but also improve crossing facilities that will benefit pedestrian movements to and from the school.

Conditions covering both of these off-site highway works would be required as part of any consent.

The design of the new connection of the proposed industrial estate road to Redwood Drive and Bradley Road.

The original outline consent for the development of the application site proposed that the junction of Redwood Drive with Bradley road be redesigned into a "4 legged roundabout" with both Redwood Drive and the application site having a separate access onto Bradley Road.

The current application however proposes to link the new industrial estate road to Redwood Drive by means of a "internal" roundabout located approximately on the current alignment of Redwood Drive to the south of the Redwood Drive/Bradley Road junction. The existing junction of Redwood Drive with Bradley Road would then be redesigned with additional traffic lanes and controlled by traffic signals. A consequence of this revision is that works are required to Longbow Close to provide a gyratory connection to the new roundabout to ensure satisfactory access is maintained.

Traffic Regulation Orders prohibiting waiting on Bradley Road and the initial section of Redwood Drive would also be necessary to ensure the safe operation of the junction.

In relation to the ability of these new arrangements to accommodate the development traffic on the application site, Pennine Business Park and from the existing dwellings on Redwood Drive, computer modelling of the junctions operation indicate that their

design and capacity is acceptable. These calculations not only cover the year of opening but also include an allowance for traffic growth up the year 2010. A Safety Audit for the proposed access to Bradley Road has now been provided and all safety issues arising from the audit can be addressed in the detailed design of the junction.

In relation to the need for the changes in access arrangements the applicant has cited the high cost of providing the original roundabout which adversely affects the viability of the overall scheme. The applicant considers the new arrangement to be simpler than originally proposed and a more "cost effective" solution.

Information has also been provided in support of the new design that comments upon some of the potential highway benefits of the new signal arrangements as opposed to the original roundabout. These benefits relate to improved pedestrian crossing facilities as part of the phasing of the signals and advanced stop lines to aid cyclists. Comment is also made upon the relative general safety of traffic signals compared to roundabouts where from the best information available there appears to be a degree of benefit of the use of signals over that of roundabouts.

The new arrangements have however the potential to significantly affect the current operation of Redwood Drive, a point which has been identified by this Service, local residents and their consultants, and is acknowledged in the applicant's Transport Assessment.

The impact of the development on Redwood Drive

With the amendments to the site entrance there is the possibility that at peak times when delays occur at the proposed signals that drivers may be inclined to use Redwood Drive as a "rat run" to either take access to or from the application site. In the original outline proposal the separate legs of the roundabout, i.e. separate access points to Redwood Drive and the application site, gave rise to a situation where rat-running to and from the business park was unlikely given that there was little obvious benefit. However "rat- running" could not be totally ruled out as access to the existing Pennine Business Park remained from Redwood Drive. In the latest proposal a consequence of the revised access arrangements is that traffic flow from both the Pennine Business Park and the proposed development has the option to turn directly into the Redwood Drive estate and hence access Bradley Road by its eastern connection.

Redwood Drive is designed as a residential collector road and has a carriageway width capable of accommodating a service bus. However the possibility of additional non-access traffic using the residential estate gives cause for concern in relation to the introduction of non-residential traffic and its implications on highway safety.

In order to reduce these concerns measures can be under taken to discourage the use of this route by the introduction of traffic calming arrangements, whereby the speed of all traffic is reduced and the additional journey time involved may deter non- access

traffic. Such measures would also have to be complemented by a Traffic Regulation Order prohibiting the use of Redwood Drive by non-access HGV's.

Although it is accepted that such measures may reduce the likelihood of non-access use it cannot be guaranteed that they will be totally effective or in the case of a TRO complied with. In such circumstances the only means of preventing misuse is the closure of Redwood Drive as a through route for vehicles between its two existing junctions.

The applicant has now acknowledged this and a feasibility study is in hand to determine the possible options for closure. Issues that are required to be investigated are:

The position of the point closure on the Redwood Drive.

What proportion of residential traffic should be directed towards each junction with Bradley Road?

Should Redwood Drive become a single culs de sac with access from Bradley Road in one direction only – and which direction?

What impact would the additional traffic have on a single junction with Bradley Road?

These investigations will necessitate consultations with the residents of Redwood Drive on the available options.

Any scheme for closure would require a Traffic Regulation Order and must be designed to retain safe and convenient access for pedestrians, cyclists and the emergency services. It may also be possible to retain access for public service buses by use of a specially designed "bus gate".

Members must therefore be aware that the changes to the means of access to this development will necessitate this closure as a means of preventing "rat-running" and any consent should be linked to a condition requiring these works to be completed before any part of the new development is brought into use.

Concern has also been raised as to possible overspill parking from the new development on Redwood Drive and the associated nuisance and danger that this may cause. Car parking standards applicable to development of both the application site and the Pennine Business Park are those set out in the approved Kirklees UDP.

In addition the development, monitoring and retention of a "green travel plan" to reduce the use of the private car trips to and from the development is to be included as part of the proposals.

However, notwithstanding the above, once development is completed and occupied any misuse of Redwood Drive would be monitored and a bespoke Traffic Regulation Order sought to prevent the occurrence. Such works would again be subject to specific planning conditions.

Mitigating impact of "green travel plans".

Concern has been expressed with respect to the practicalities of the green travel plan and the assumptions made with respect to the likely level of transfer of users from "drive alone" car to alternate modes.

Green travel plans are a relatively new aspect of transport engineering and are recommended by central government as a means of reducing peak hour car usage. Travel plans should be comprehensive in relation to all aspects of pedestrian, cyclist and public transport use and should set a challenging but realistic target of car trip reduction.

In the case of this development a 5% reduction in the level of peak hour car trips has been assumed on the basis of a future agreed and implemented travel plan.

With respect to available research into the effectiveness of travel plans indications are that measures such as car sharing and cycle facilities alone may achieve a 5 to 8% reduction in "drive alone" commuting. Improvements to public transport facilities may gain a further significant reduction especially where linked to discounted fares or works buses.

A DfT case study of existing large businesses that have devised and implemented travel plans also indicates a range of reductions, with an average of 18 % for the 21 travel plan sites.

Proposals put forward by the applicant include a contribution of £100,000 spread over 5 years as a subsidy to public transport to extend current bus routes to and into the site and discussions are already in hand with both First Huddersfield and Arriva. The internal design of the business park will incorporate bus stops/shelters to make the use of public transport more convenient and attractive.

Within and from the site improved pedestrian/cyclist access will be provided and cycle lanes are to be installed on Bradley Road. Part of these works will be the improvement of Old Lane (lighting and surfacing) from the site to Bradley Road. These works will be completed prior to first occupation of any part of the development.

With respect to the provision, monitoring and enforcement of a travel plan, as the application has been submitted by a department of the Council the use of a 106 Agreement under the Town and Country Planning Act is not possible. In these circumstances this issue can only be addressed by way of a "grampian condition" requiring the provision and agreement of the LPA to a travel plan before occupation of any part of the development. Whilst this is not ideal the Council, as applicant, is in a position whereby as land owner it is able to link the requirements of a travel plan to future occupants by conditions of sale. In addition, as individual plots are developed by individual businesses, these approvals would be subject to Section 106 Agreements

relating to green travel. Agreed travel plan targets may then be monitored on an annual basis with the Council and the travel plan revised accordingly.

Following a meeting with representatives of the Redwood Drive Residents Group on 6 January 2003 a number of issues were discussed and in respect to the highway aspects of this proposal the following were of major concern to the Group.

- The change in the type of junction which links the development with Bradley Road.
- The impact of the development on Redwood Drive as a consequence of potential “rat -running”.
- The validity of proposals for “green travel” and means by which the reductions in car based travel could be secured.

With respect to the access arrangements to Bradley Road the Group remained extremely concerned at the proposed access particularly with respect to its possible effects on Redwood Drive. Their consultants proposed an alternative access to the site located approximately 152 m to the west of the present Redwood Drive junction with Bradley Road. The suggested junction was signal controlled and operated independently of the existing priority junction.

Highway Service comments upon this suggestion were requested. No supporting information on the operation of the alternative was provided with the plan and comments can therefore only be as follows.

In principle it is accepted good practice to limit the number of side road junctions onto principal routes such as the A6107, Bradley Road. This is in order to ensure safety and adequate speed/flow characteristics along the major road. Junction positions should also be related to the speed of traffic on the major road and stopping sight distance.

The provision of a second major junction from Bradley Road is therefore undesirable in relation to protecting the function of the principal road. In relation to operation it must also be noted that the queuing which would arise from the operation of the alternative junction would extend in an easterly direction almost to the present Redwood Drive junction and at times possibly across it. Although “yellow box lining” of the Redwood Drive junction may reduce these concerns such measures are often abused. In addition drivers could be leaving Redwood Drive and turning right in between lanes of standing traffic.

With respect to queues in a westerly direction it is likely that a queue of approximately 150m would be generated. This would bring standing traffic into the vicinity of the school where parents are dropping/ picking up their children and where pedestrian crossing movements occur.

The segregation of the proposed development from the existing Redwood Drive estate and Pennine Business Park would also not address the possibility of “rat-running” of

traffic from the Pennine Business Park through the residential estate at times of congestion on Bradley Road.

In conclusion such circumstances would give cause for concern and should be resisted.

With respect to the concerns at the potential of rat-running of non-access traffic through the Redwood Drive estate, as expressed in the main report the view of this Service is that due to the rearrangement of the access to Bradley Road this potential now exists and must be addressed. In the absence of the original access arrangements the best way of preventing misuse is the closure of Redwood Drive as a through route to vehicles.

With respect to proposed car parking facilities further consideration will be given to car parking levels on receipt of subsequent detailed applications and the development of the green travel plan. It must be noted however that local objectors have raised concerns that on-site parking facilities must be adequate to ensure against any possible overspill into the Redwood Drive estate. This matter is again addressed by condition requiring monitoring of Redwood Drive on occupation of the development.

A further update will be provided following receipt of the latest comments from the applicant's relating to the point closure on Redwood Drive.

Application No : 2003/62/90064/W2

Grid Reference : SE 13570 17810

**Development : ERECTION OF GROUND FLOOR BEDROOM AND BATHROOM
EXTENSION (WITHIN A CONSERVATION AREA)**

Location : 13, CLAYTON FIELDS, BIRKBY, HUDDERSFIELD, HD2 2BA.

Applicant : K WHITE

Recommendation : CONDITIONAL FULL PERMISSION

SUMMARY

REASON FOR COMMITTEE DECISION

Delegation Agreement

SIGNIFICANT CONSULTATIONS

None

RELEVANT HISTORY

None

POLICY

REPRESENTATIONS

One letter of objection

ASSESSMENT

Exceeds the projection normally accepted but special circumstances as for disabled person and considered not detrimental to residential amenity - 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 unless otherwise agreed in writing by the Local Planning Authority.
- (3) The extension shall be constructed of coursed natural stone, the course depths to match those of the existing building.
- (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) The gutters shall be cast iron/timber of an ogee profile. They shall be supported by stone corbels/metal brackets and shall not be fixed to a timber fascia.
- (6) Rainwater pipes shall be cast iron and shall be painted black, unless otherwise agreed in writing by the Local Planning Authority.
- (7) All new external doors shall be timber panelled as shown on the submitted plans.

INFORMATION

The planning application is brought forward to Sub-Committee for determination as the proposal is larger than that which would normally be advised by Policy BE14.

APPLICATION SITE/DESCRIPTION

The property is at the end of the row of a block of 13 terraced stone built dwelling fronting an unmade access road (Clayton Fields). It is built with the kitchen overlooking the road and living area to the rear fronting the garden area. There is a passageway between this and the adjoining property followed by a high privet hedge separating the properties on the side boundary

The proposal is to build a single storey pitched roof extension fronting the garden, projecting 5.9m to provide accommodation for a disabled person. The extension will stretch across almost the full width of the host property (4.8m) leaving 0.4m gap to the rear intervening passageway with the adjacent property. The extension is in stone with a concrete roof tile.

SITE HISTORY

None

POLICY

The site is situated in the Birkby Conservation Area and the following policies are applicable:-

BE5 – proposals for new development within Conservation Areas

BE13 – design of extensions to dwellings

BE14 – size and positioning of extension and effect on residential/visual amenity

CONSULTATIONS

None

REPRESENTATIONS

One letter of representation has been received from the adjacent neighbour who is concerned that although his privacy won't be affected, the proposal will obscure sunlight and be out of character and proportion with the rest of the street.

Councillor M Khan has written to support the proposals – single storey, not obtrusive in street scene and will be screened by hedge of similar height.

ASSESSMENT

The applicant provides the following information in support of the proposals:-

“The applicant, Mrs K White suffers from multiple sclerosis, a progressive neurological condition. The proposed extension is to provide disabled facilities with level access and sufficient space to allow wheelchair circulation within the room.

The house, which Mrs White shares with her two daughters, presently has one ground floor room with two bedrooms and a bathroom at first floor. Mrs White has difficulty negotiating stairs and the need for level access to toilet/shower facilities is essential.”

The proposal faces the long garden area of the existing end terraced dwelling and can therefore arguably be considered as a rear extension. The proposal is to provide a ground floor single storey extension for a disabled person to provide a bedroom and bathroom. It will project by 5.9 metres and will exceed the usual policy requirements of projecting 3.0 metres to the rear because of the need to provide wheelchair circulation. There is a passageway between the neighbouring property and a high privet hedge to the side boundary which screens the proposal therefore it is considered that the proposal will not be detrimental to residential or visual amenity and approval is recommended.

Application No : 2003/62/90180/W2

Grid Reference : SE 17980 18480

Development : ERECTION OF 3M HIGH FENCE TO CONTAIN SPORTS AREA

**Location : KIRKHEATON JUNIOR & INFANTS SCHOOL, NEW ROAD,
KIRKHEATON, HUDDERSFIELD, HD5 OHR.**

Applicant : KIRKHEATON J & I SCHOOL

Recommendation : CONDITIONAL FULL PERMISSION

SUMMARY

REASON FOR COMMITTEE DECISION

Delegation Agreement

SIGNIFICANT CONSULTATIONS

None

RELEVANT HISTORY

01/93662 & 02/91890 - Extension to school building - approved and now implemented.

POLICY

Urban Green Space - D3

REPRESENTATIONS

Petition signed by 26 people objecting. Objectors renotified of the amendments, any views received will be reported to the meeting.

ASSESSMENT

Resiting effectively reduces height due to difference in land levels. No adverse effect on streetscene. Approval recommended.

APPROVE

- (1) The development shall be begun not later than the expiration of five years beginning with the date on which permission is granted.
- (2) The development hereby permitted shall be carried out in complete accordance with the approved plans and specifications specifically with regard to siting, height and colour except as may be required by other conditions.

INFORMATION

This application is brought back to Sub-Committee given that the proposal is amended and in light of representations received from neighbouring residents.

SITE/PROPOSAL

The Kirkheaton J & I School fronts onto New Hey Road but much of the playground and fields are at the rear and back onto dwellings on Staincliffe Way.

Permission is sought to erect a 3m high fence in a 65m stretch. As originally sited the fence was along the boundary of the playground ie set in approximately 3m from the perimeter hedge, the amended proposal resites the fence just inside the perimeter hedge.

The fence is a steelwork mesh construction and coloured green.

RELEVANT HISTORY

01/93552/W2 - Extension

02/91890/W2 - Extension, enlargement of the 2001 approval, now implemented.

RELEVANT HISTORY

The site is within an area allocated as Urban Greenspace, as such Policy D3 is relevant. Where the proposal is for the enhancement of an established use (ie education in this case), they will be acceptable in principle.

CONSULTATIONS

Site Notices/Publicity – A petition signed by 26 people was received objecting to the original proposal. The main concerns being the height of the fence being detrimental to their view and devaluing their properties.

All the people who signed the petition have been renotified of the amended plan and any comments received will be reported verbally to the meeting.

Education Service – No objections.

Kirkburton PC – Recommend approval on condition a gate is installed to meet the footpath used by children walking to school.

ASSESSMENT

The existing boundary treatment between the school playing fields and the road is a hedgerow approximately 1.5m high. The resiting of the fence adjacent to the hedge will reduce the height of the fence, relative to the road by approximately a metre because of the difference in levels between the playing field and land adjacent to the hedge.

The fencing is a fairly lightweight structure and coloured green. Viewed in relation to the hedgerow it is not considered it will be an unduly obtrusive feature within the streetscene. The fence would be approximately 16.5m (54 feet) from the dwellings opposite.

The comments of Kirkburton Parish Council are noted, but it would appear that in the location of the fence as proposed, a gate would serve no useful purpose.

As such approval is recommended.

Application No : 2003/48/90264/W2

Grid Reference : SE 11750 18280

Development : CHANGE OF USE OF PART OF FORMER MECHANICS
INSTITUTE CLASS D2 TO FORM EXTENDED LIBRARY
FACILITY CLASS D1

Location : LINDLEY LIBRARY, LIDGET STREET, LINDLEY,
HUDDERSFIELD, HD3 3JP.

Applicant : KIRKLEES METROPOLITAN COUNCIL

Recommendation : GRANTED UNDER REG.3 GENERAL REGULATIONS 1992

SUMMARY

REASON FOR COMMITTEE DECISION

Delegation Agreement.

SIGNIFICANT CONSULTATIONS

Highways - No objection.

RELEVANT HISTORY

Nil.

POLICY

S3 – C1 – BE2

REPRESENTATIONS

None.

ASSESSMENT

Use logical in District Centre location, compatible with Policy C1 and new disabled access welcome.

Approval 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 specifically with regard to siting, design and materials except as may be required by other conditions unless otherwise agreed in writing by the Local Planning Authority.
- (3) Prior to development commencing, samples of the materials to be used in the formation of the disabled access, shall be submitted for the approval of the Local Planning Authority. The approved materials shall then be used within the development.
- (4) The newly formed windows, hatched green on the approved plan shall be obscure glazed, details to be agreed with the Local Planning Authority and shall be retained as such.

INFORMATION

This application is brought to Sub-Committee as it is a Council application.

SITE/PROPOSAL

The Lindley Library is located on Lidget Street in the Lindley District Centre, attached to the Library is a single-storey block used as public lavatories.

The Library is located in a former Mechanics Institute, its floor space utilises just over half of the former Institute. Permission is sought to extend the Library facility to cover the whole floor area (at present the unused section contains a stage with steps up to it, clearly this stage is to be removed to create a level area throughout).

It is proposed to cease the use of the public lavatories and use the space to form a disabled access to the Library. This disabled access will necessitate some demolition of the public lavatories and repair.

In the side elevations of the extended Library will be a re-opened window on either side and on the north elevation an existing void is to be filled-in to form a level platform which will be linked to a disabled access and fire escape door.

RELEVANT HISTORY

None.

RELEVANT POLICY

The site is located in the Lindley District Centre so Policy S3 is applicable. Also Policy C1 indicates that community facilities should be located in accessible locations such as a Town or Local Centre.

BE20 – Indicates that changes of use, to other than dwellings, should incorporate access via the main entrance for disabled people.

CONSULTATIONS

Highways: No objections.

Environmental Health: No observations.

Site Notices/Publicity: (final date 25/2/03) – To date no representations have been received. Any letters received will be reported verbally to the Meeting.

ASSESSMENT

Clearly the extension of the Library facility into the remainder of the former Mechanics Institute is logical and complies with the aims of Policy C1, being within the existing District Centre. Disabled ramped access and egress is also welcomed to such facilities and is in accordance with Policy BE20. The loss of the public lavatory facility is regrettable, but they are in a very poor state and their loss needs to be balanced against the benefits of an improved Library facility with proper access for the disabled.

The alterations in the side elevation will involve opening-up windows that have been sealed. In both cases these windows are quite large and will be facing towards dwellings which are in close proximity. As such it is proposed to condition that they be obscure glazed.

Subject to the above, approval is recommended.

Application No : 2003/62/90271/W2

Grid Reference : SE 13950 18030

Development : ERECTION OF 2 STOREY EXTENSION

Location : 12 ARNOLD STREET, BIRKBY, HUDDERSFIELD, HD2 2TB.

Applicant : MR GHAFOOR

Recommendation : CONDITIONAL FULL PERMISSION

SUMMARY

REASON FOR COMMITTEE DECISION

Delegation Agreement

SIGNIFICANT CONSULTATIONS

None

RELEVANT HISTORY

2002/62/93360/W2 – Erection of 2-storey extension – withdrawn

2001/62/93306/W2 – Erection of 2-storey extension – granted conditionally

POLICY

BE13 – respect design and materials

BE14 – consider effect on visual amenity and 3m projection

REPRESENTATIONS

1 letter of objections from the neighbour, concerned with loss of light to her living room.

ASSESSMENT

Approve – complies with policy.

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 specifically with regard to siting, design and materials except as may be required by other conditions unless otherwise agreed in writing by the Local Planning Authority.
- (3) The side elevation as indicated on the submitted plan shall be constructed of natural stone, coursed and faced to match the existing building.
- (4) No development shall take place until detail of the colour of the cement render has been submitted to and approved in writing by the Local Planning Authority, and the development shall be constructed of the approved materials.
- (5) The roofing materials used shall match those used on the existing building in terms of type, colour, texture and scale.
- (6) Unless otherwise agreed in writing by the Local Planning Authority no windows or other openings shall be made in the extension other than those shown on the approved plans, including any time in the future.

INFORMATION

The planning application is brought forward to Sub-Committee because of concerns expressed by a Ward Councillor and because assessment is not straight forward because of the particular relationship of properties/extensions here.

APPLICATION SITE/DESCRIPTION

12 Arnold Street is an end-terraced property on the corner with Sufton Street. Nos. 2 & 4 Sufton Street are back to back terraced properties at the rear with the gable set at an angle between 6.5m and 8m away. The property has an existing basement accessed via external steps from the rear of the property. The proposal is to build a 2-storey extension at the rear projecting 3m, with the ground floor built up to the boundary with No. 10 and the first floor set in 1.5m from the boundary. The materials proposed are stone facing Sufton Street with returns and block and render to the rear and side elevation facing No. 10 Arnold Street.

SITE HISTORY

2002/62/93360/W2 – Erection of 2-storey extension – withdrawn.

2001/62/93306/W2 – Erection of 2-storey extension – granted conditionally.

POLICY

On the Unitary Development Plan the site is unallocated and located within a Conservation Area.

BE13 – The extension should respect the design features of the existing house and adjacent buildings, including materials of construction, window openings, roof styles and architectural detailing.

BE14 – The proposal should be considered having regard to effect on visual amenity, adjoining dwellings or any occupier of adjacent land.

BE5 – New buildings should respect the architectural qualities of surrounding buildings and their materials of construction.

PPG15 – Government advice on Listed Buildings and Conservation Areas is also relevant.

CONSULTATIONS

None.

REPRESENTATIONS

One letter of objection from the neighbour, concerned with loss of light to her living room. These concerns are echoed by the Ward Councillor.

ASSESSMENT

The original application approved in 2001 was for a 2-storey extension at the rear projected 3.8m and set back 2.9m from the boundary with No. 10 Arnold Street. The neighbour at No. 10 objected on the grounds of loss of light to the garden and her view would be blocked. The amended application submitted in 2002 was also for a 2-storey extension at the rear, this application extended the full width of the property at ground floor and the first floor was set 1.5m from the boundary. The whole extension projected 3.8m. This was unacceptable and the agent chose to withdraw the application. The current application has been amended to reduce the projection from 3.8m to 3m. The first floor is still 1.5m from the boundary. It is considered that because the first floor is 1.5m from the boundary and not within the 45⁰ angle from the neighbours window, the proposals would not have an undue, adverse impact and approval is recommended.

Application No : 2002/62/94254/W3

Grid Reference : SE 13770 14790

Development : ERECTION OF HORTICULTURAL CENTRE SCHOOL OF CARING

Location : BLUE BELL HILL, TAYLOR HILL, HUDDERSFIELD.

Applicant : HUDDERSFIELD TECHNICAL COLLEGE

Recommendation : CONDITIONAL FULL PERMISSION

SUMMARY

REASON FOR COMMITTEE DECISION

Delegation Agreement

SIGNIFICANT CONSULTATIONS

Highways – no objections

RELEVANT HISTORY

None

POLICY

D3 – proposals for development on land allocated as ‘Urban Greenspace’

REPRESENTATIONS

Interest in the proposals, from a community point of view, expressed by Ward Councillor Julie Stewart-Turner

ASSESSMENT

Proposals on balance acceptable despite some impact on Urban Greenspace -
Approve

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

- (2) The development hereby permitted shall be carried out in complete accordance with the approved plans and specifications except as may be required by other conditions.
- (3) No development shall take place until samples of all facing and roofing materials has been submitted to and approved in writing by the Local Planning Authority, and the development shall be constructed of the approved materials.
- (4) The building(s) shall be constructed of regular coursed natural stone, or a material to harmonise with regular coursed natural stone
- (5) Before any materials are brought on site or development commences, the developer shall erect protective chestnut paling or similar fencing around all trees, shrubs or hedges to be retained, to the branch spread of individual trees or groups of trees/shrubs. The applicant shall obtain the Local Planning Authority's written confirmation that the fence is satisfactory and shall maintain such fencing unaltered until the development is completed. No work shall be carried out within the protected area except in accordance with the Local Planning Authority's Code of Practice Note 1.
- (6) 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.
- (7) Any planting, seeding or tree management works forming part of the landscaping scheme referred to in Condition 6 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.
- (8) A replacement tree planting scheme as detailed in the attached "Notice of Consent to Fell and/or Prune" shall be carried out in the first planting season following the commencement of development, or as may be otherwise 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.
- (9) Details of all proposed walling, fencing and any other boundary treatment shall be submitted to and approved in writing by the Local Planning Authority and the works shall only be carried out in full accordance with the approved details and thereafter retained

- (10) The access shown on the approved plan shall be provided and the sight lines shown shall be cleared of all obstructions to visibility exceeding 1m in height above the adjacent carriageway, before the development is occupied/brought into use, and thereafter retained as such.
- (11) 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.
- (12) The arrangements referred to in Condition 11 shall include internal turning facilities for service vehicles.
- (13) The areas shown for parking on the approved plan shall be kept clear of all obstructions to such use and shall not be used for the erection of garages.
- (14) 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.
- (15) Any gates shall be at least 10m from the back of footway and hung so as to only open inwards.
- (16) Facilities shall be provided and retained at the exit from the site for the washing of vehicle wheels during building works.
- (17) Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through trapped gullies installed in accordance with a scheme to be submitted to and agreed in writing by the Local Planning Authority before development commences

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

NOTE The applicant is advised that the development will require the closure/diversion of a public footpath/highway for which specific approval must be previously obtained.

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 This permission shall also relate to the amended plans relating to the proposed vehicular access alterations, received on 27th January 2003.

INFORMATION

The planning application is brought forward to Sub-Committee for determination as it relates to a major development proposal.

APPLICATION SITE/ DESCRIPTION OF PROPOSAL

The proposals relate to the Horticultural School annexe of Huddersfield Technical College which is based on an area of open land in Taylor Hill. Animal care, horticulture and environmental study courses are operated from this site.

The existing site consists of a collection of generally temporary style buildings and glass houses, with ancillary areas of woodland, gardens and paddocks used in connection with the courses run here. Access to the site is from Blue Bell Hill and is currently substandard.

The applicant seeks permission to redevelop the site by demolishing the majority of the existing temporary buildings and replace them with a modern purpose built split- level building. The main existing glass house is proposed to be retained, while the existing access is proposed to be upgraded and additional parking facilities provided.

SITE HISTORY

None

POLICY

The site is allocated as Urban Greenspace and a Green Corridor in the Unitary Development Plan and the following policies are applicable in this case:

D3 – development proposals on sites designated as Urban Greenspace

D4 – redevelopment of redundant buildings within Urban Greenspace

D6 – development involving land within or adjoining Green Corridors

T10 – development proposals and highway safety

BE2 – design of new development

NE9 – protection of mature trees

T19 - parking

CONSULTATIONS

Highways – no objections following submission of amended plans

Environmental Health – no observations

British Coal – comments for information only

Environment Agency – no objections subject to conditions

Yorkshire Water – no observations

REPRESENTATIONS

There has been interest from Ward Councillor Julie Stewart-Turner from a community point of view, supporting the principle of the proposals but some concerns about maintaining and improving public access to the site, now apparently resolved with the college through a public meeting held by the college in January.

The applicant has put forward supporting information in relation to the proposals which may be summarised as follows:

- The redevelopment would provide a sustainable modern educational facility which is suitable for its purpose.
- The existing buildings are functionally and economically substandard (no disabled access, WC facilities etc.)
- It is acknowledged that the built footprint of the site would increase with these proposals. However, the development is considered necessary for the continuation of the existing use of the site, securing the long-term future of the educational facilities provided here, as well as providing a community benefit.
- It is also anticipated that the proposed buildings will be available for community use including activities involving animal care for disabled and disadvantaged children.
- The proposals are considered unlikely to lead to a significant increase over and above existing levels of traffic. At present, approximately 150 students attend the site each week, most of them are transported by mini bus which makes 5/6 trips a day from the main New North Road campus.

ASSESSMENT

There can be no doubt that the proposals put forward represent a significant improvement to the educational facilities on this site. The main issue however from a planning perspective is the fact that the site is designated as Urban Greenspace within the Unitary Development Plan. The redevelopment of the site would involve some loss of open land surrounding the existing buildings, both in terms of the built footprint, and the improved access and parking arrangements. The main function of Urban Greenspace is to safeguard the balance within urban areas between the amount of land which is built-up and the amount of open land. The maintenance of openness is therefore very important in achieving the objectives of Urban Greenspace policy.

However, while Policy D3 generally resists the loss of openness on Urban Greenspace sites, it does favour development which is necessary for the continuation or enhancement of established uses. In addition, Policy D4 can allow for the redevelopment of redundant buildings on, for example, education sites for purposes not associated with open land uses provided that the use and quality of the associated open land is safeguarded.

Balancing the objectives of these policies has led officers to conclude, on balance, that although the proposals would result in the loss of some open land as a result of the redevelopment, this is a relatively small proportion of the overall site and the positive effects of the proposals in terms of substantially improved educational facilities, safer access, better security and the wider benefits to Kirklees (in terms of attracting students from other areas to study here as a result of the specialist courses on offer), would outweigh the limited harm to Urban Greenspace that would result. This conclusion however is based on the condition that a good landscaping scheme and tree planting (to replace those lost) will be implemented in order to enhance the visual amenity of the site after it has been redeveloped.

In terms of other issues, these may be summarised as follows:

- The line of the Green Corridor passes through the wider site, but would not be detrimentally affected by the proposed redevelopment, as built footprint would not encroach upon this line.
 - Following the submission of amended plans, Highway Services raise no objections to the proposals which would significantly improve highway safety by upgrading the access width, surfacing and junction with Blue Bell Hill.
 - The closest houses are at the access junction with Blue Bell Hill, away from the proposed buildings. The proposals would not be considered to detrimentally affect any of these nearby residents in terms of noise disturbance, loss of privacy or outlook.
 - Public footpaths in and around the site will not be detrimentally affected by the redevelopment, in fact the one close to the entrance will be safer because vehicular traffic will no longer conflict with pedestrians using it. The College has also given a verbal commitment to local residents and Councillors that some of the woodland on the site will be opened up for general public access.
 - The re-alignment of the access and junction will involve the loss of two mature trees and a number of other immature specimens. Although the loss of these trees is not favoured in principle due to their contribution to visual amenity, the two mature specimens to be lost are not of any great merit and are currently positioned in an awkward position between two walls which would not allow them to survive in the longer term. A condition is recommended however to ensure that replacement trees are planted elsewhere on the site.
-

Application No : 2002/62/94367/W3

Grid Reference : SE 15310 10200

Development : CONVERSION OF MILL TO 15 APARTMENTS

Location : ROYD MILL, LUKE LANE, MYTHOLM BRIDGE, HOLMFIRTH.

Applicant : OAKAPPLE HOMES (THONGSBRIDGE) LTD

Recommendation : CONDITIONAL FULL PERMISSION

SUMMARY

REASON FOR COMMITTEE DECISION

Previous Sub-Committee interest

SIGNIFICANT CONSULTATIONS

Highways - No objections subject to details

Parish Council - No objections (subject to Highway views)

RELEVANT HISTORY

2002/62/91328/W3 - Extension/alterations to industrial buildings/conversion of older mill into 12 residential units.

POLICY

D8, D12, B4, NE5, NE8, T10, T19, BE2, EP4, PPG2, PPG3

REPRESENTATIONS

None

ASSESSMENT

Although the conversion involves an increase in units (from 12 to 15) over the previously approved scheme, the proposals can be supported. They include measures to improve the alignment, visibility and pedestrian facilities at the blind corner on Luke Lane.

-
- (1) The development shall be begun not later than the expiration of five years beginning with the date on which permission is granted.
 - (2) No development shall take place until 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.

NOTE Samples of materials will need to be inspected before written approval can be given. Telephone Mr R Barrett on 01484 414958 (direct line) to make arrangements for viewing.

- (3) 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.
- (4) Any planting, seeding or tree management works forming part of the landscaping scheme referred to in Condition 3 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.
- (5) 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.
- (6) No development shall take place until provision has been made for the parking, loading and unloading of contractors' plant and equipment and the parking of vehicles of the workforce within the site.
- (7) Facilities shall be provided and retained at the exit from the site for the washing of vehicle wheels.
- (8) A scheme for the improvement of Luke Lane along the site frontage, including all elements of construction, vertical and horizontal alignment, drainage and "stage 1 safety audit" shall be submitted to and approved in writing by the Local Planning Authority before any development is first commenced. All the works comprised in the approved highway improvement scheme shall be laid out and completed and the existing buildings on the corner of Luke Lane (shown hatched in orange on the approved plans) shall be demolished before any of the apartments hereby approved is first occupied unless otherwise agreed in writing by the Local Planning Authority.

- (9) The existing access/accesses to Luke Lane shall be physically closed and the footway reinstated within one calendar month of the completion of the highway improvement scheme required by Condition 8.
- (10) The areas shown for parking on the approved plan shall be kept clear of all obstructions to such use and shall not be used for the erection of garages.
- (11) Notwithstanding the details shown on the approved plans, there shall be no landscaping provided within the area between the visibility splay and the highway boundary unless otherwise agreed in writing by the Local Planning Authority.
- (12) The residential accommodation shall be provided with sound attenuation measures as described in the Noise Report dated March 2002 produced by Kirby Charles Associates (Ref: KCA 270302/7001) before occupancy of any unit is first commenced. Such works shall be retained thereafter unless otherwise agreed in writing by the Local Planning Authority.
- (13) Adequate support shall be provided at all times to the walls of the mill to be converted into apartments whilst building works/formation of new openings/demolition of adjacent buildings is being carried out to prevent total or partial collapse of the walls.
- (14) The site shall be developed by means of a separate system of drainage.
- (15) No development shall take place until details of the proposed means of disposal of surface water drainage including details of any balancing works and off-site works have been submitted to and approved in writing by the Local Planning Authority.
- (16) 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.
- (17) Notwithstanding the details shown on the submitted plans, this permission does not grant consent for the formation of balconies. Any proposals to provide balconies shall be submitted to and agreed in writing by the Local Planning Authority before development commences.
- (18) 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.

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

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

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

NOTE The Environment Agency has new information concerning flood risk in this location. According to this information, this site or part of this site is marked as being within a flood risk zone. The source of this information is the Environment Agency 1999 Indicative Floodplain Maps and if you require any further information on this, please contact the Environment Agency, Phoenix House, Global Avenue, Leeds LS11 8PG.

NOTE This permission shall relate to the elevational details received on 21 February 2003.

INFORMATION

This application is brought before the Sub-Committee for determination because of previous Member interest in the site.

THE SITE/PROPOSALS/SITE HISTORY

This application affects the older (19th Century) part of Royd Mills which lies to the west of New Mill Dike. At present this site is occupied by 2, 3 and 4 storey stone mill buildings which have been used by Holme Valley Textiles. This firm, however, has now concentrated its operations in relatively modern buildings to the east of the Dike.

There are further mill premises to the opposite side of Luke Lane and a printers premises to the south. On 4.7.02 the Sub-Committee considered an application (Ref No.2002/62/91328/W3) which involved the following proposal elements:

- ◆ Extensions/alterations to the newer industrial buildings to the east of the dike.
- ◆ A change of use of the largest of the older mill buildings to the west of the dike to form 12 residential units with the demolition of the remainder of the older buildings

in order to provide car parking and to allow for the improvement of the existing sharp bend in Luke Lane.

The Sub-Committee resolved to delegate this application to officers to approve and permission was granted on 4 September 2002. The current position is that the extensions/alterations to the newer part of the mills appear to be mainly complete. This application, however, includes detailed proposals to convert the largest of the older mill buildings into 15 apartments (compared with the 12 originally applied for).

The current plans also provide for the demolition of the remainder of the older mills, the provision of 23 parking spaces (including 8 in the basement of the mill) and improvements to the blind corner of Luke Lane including significantly improved visibility and the provision of a footway.

Within the mill building 15 two bedroomed flats will be provided on 3 main floors together with a loft area. This loft area will be formed by removing the existing and non original low pitched sheeted roof and replacing this with a steeper pitched roof covered with artificial stone slates. It is also proposed to provide a new gable on the front (north facing) elevation.

POLICY

The site lies within the Green Belt and within a wildlife corridor and area of high landscape value. The principal Unitary Development Plan policies are considered to be:

- D8 Development on the Green Belt
- D12 Re-use of buildings in the Green Belt
- B4 Change of use of buildings with an established industrial/business use
- NE5 Redevelopment of land identified as part of a wildlife corridor
- NE8 Development in areas of high landscape value
- T10 Access
- T19 Parking
- BE2 New development
- EP4 Noise

Relevant Government Advice is contained in PPG2 (Green Belts) and PPG3 (Housing).

CONSULTATION SUMMARY

Highways - Proposals acceptable in principle subject to removal of any landscaping areas located within the forward visibility line of sight across the re-aligned corner of Luke Lane and amendments to the parking layout.

Environment Services - No objections providing the scheme of sound attenuation (agreed as part of the earlier approval 2002/91328) is implemented before any apartment is first occupied.

Environment Agency - No objections

Holme Valley Parish Council - Support (subject to Highways)

REPRESENTATIONS

None received

ASSESSMENT

The principle of converting this building into residential accommodation has already been established by the earlier permission in September last year. The current application proposes an increase in units from 12 to 15 and also includes details of the proposed conversion works.

The latest plans also include satisfactory proposals to improve the sharp blind bend in Luke Lane and are acceptable to Highways subject to there being no landscaping within the forward visibility splay and to changes to the parking layout. A footpath will be provided around the re-aligned corner.

Officers consider that this revised scheme can be supported and approval is recommended subject to conditions.

Application No : 2002/65/94417/W3

Grid Reference : SE 11250 07640

Development : LISTED BUILDING CONSENT FOR CONVERSION OF REDUNDANT BARN INTO ADDITIONAL RESIDENTIAL ACCOMMODATION AND EXTENSION TO FORM GAREGE/OFFICE IN GREEN BELT. CONVERSION AND EXTENSION OF EXISTING OUTBUILDINGS TO FORM SUMMER/GREENHOUSE

Location : RAWDON HILL FARM, GREEN GATE ROAD, AUSTONLEY, HOLMFIRTH.

Applicant : M SANDERSON

Recommendation : CONSENT GRANTED

SUMMARY

REASON FOR COMMITTEE DECISION

Delegation Agreement

SIGNIFICANT CONSULTATIONS

Parish Council – No objections

RELEVANT HISTORY

2002/94416 – Concurrent application for planning permission – Delegated to Officers

POLICY

BE3, D11, D12

REPRESENTATIONS

None

ASSESSMENT

Proposals acceptable subject to conditions

CONSENT GRANTED

- (1) The development shall be begun not later than the expiration of five years beginning with the date on which permission is granted.
- (2) The materials used shall match those used on the existing building in terms of type, colour, texture and scale.
- (3) All new and replacement windows in the scheme shall be timber fixed or side hung casements unless otherwise agreed in writing by the Local Planning Authority. Mouldings and timber sections shall be of a traditional design and profile. Details shall be agreed in writing by the Local Planning Authority before development commences.
- (4) All external joinery shall have a painted finish in accordance with a colour scheme to be agreed in writing by the Local Planning Authority before development commences.
- (5) External doors shall be of a timber vertical boarded construction. Details to be agreed in writing by the Local Planning Authority before development commences.
- (6) All new window and door surrounds shall be of natural stone.
- (7) The gutters shall be timber of an ogee profile. They shall be supported by metal brackets and shall not be fixed to a timber fascia.
- (8) Rainwater pipes shall be cast iron and shall be painted black, unless otherwise agreed in writing by the Local Planning Authority.
- (9) Before development commences details shall be submitted of all external extractor vents, heater flues and meter boxes and agreed in writing by the Local Planning Authority.
- (10) Soil and vent pipes shall be internal and shall be painted black where they project above the roof slope unless otherwise agreed in writing by the Local Planning Authority.
- (11) All lead flashing shall be in accordance with British Standard No. 1178 and according to the Lead Development Association's "Lead Sheet in Building (as amended)".

- (12) Openings through the walls of the property at first floor level shall be so sited and constructed so as not to encroach on the chimney breasts or flues at each end of the building.
- (13) A method statement and specification (based on original mortars) for pointing shall be submitted for agreement in writing by the Local Planning Authority before development commences. Pointing shall be slightly recessed and gently stippled so as to reveal the aggregates and impart texture. A 2 square metres sample of pointing shall be prepared for approval in writing by the Local Planning Authority before development commences.

INFORMATION

This application is brought before Sub-Committee for determination as it is an application for listed building consent which also requires planning permission.

THE SITE/PROPOSALS

Rawdon Hill Farm is a Grade 2 listed building in a relatively isolated location close to the junction of Green Gate Road and Cliff Road. It comprises a former terrace of 3 dwellings, now a single home, and an attached barn at right angles to the main building. Materials are stone with a stone slate roof. There is a small stone outbuilding in front of the farm separated from the main building by a cobbled yard.

Listed Building Consent is sought for the following:-

- The conversion of the redundant barn into additional residential accommodation comprising a study, 2 bedrooms, library etc.
- Extension at the eastern end of the main building to provide a double garage with office over.
- Conversion and extension of the outbuilding to form a summerhouse/greenhouse.

New walling is to be in natural stone. Roofing materials for the garage/office will be natural stone slates and for the summerhouse/greenhouse natural blue slate.

PLANNING HISTORY

94/93449 – Listed building consent for refurbishment of dwelling including replacement windows – Granted 9 December 1994.

97/92848 – Listed building consent for alteration to window profiles, chimney etc – Granted 27 October 1997.

2002/94416 – Concurrent application for planning permission – Delegated to Officers to determine.

POLICY

The site lies within the green belt and within an area of high landscape value. The following Unitary Development Plan policies are considered to be particularly relevant to both this application and the concurrent planning application:-

D11 – Extensions in green belt.

D12 – Re-use of buildings in green belt.

NE8 – Areas of high landscape value.

BE3 – Applications for listed building consent/or affecting listed buildings.

CONSULTATION SUMMARY

Holme Valley Parish Council – No objections subject to approval of Council's listed building officer. (Need for sewage from property to be adequately provided for. This will be covered, as appropriate, in the concurrent planning application.)

REPRESENTATIONS

None.

ASSESSMENT

There are 3 principal elements to this application in respect of which officers comments are as follows:-

Garage/office extension – This is sited at the eastern end of the main listed building furthest from the road. Although incorporating 2 floors of accommodation, the roof ridge height is below that of the existing building. Materials are to match and design is satisfactory. The extension will be set into the hillside and will remain subservient to the main building.

Summerhouse/greenhouse – Relatively small and sympathetically designed and partly on the footprint of former shed. Considered acceptable in terms of impact on the green belt and on the setting of the listed building.

Conversion of barn – Number of new openings minimised. Proposals considered acceptable.

It is recommended that listed building consent be granted subject to the listed conditions.

Application No : 2003/62/90077/W3

Grid Reference : SE 15070 08430

Development : CHANGE OF USE OF LAND TO PARKING AREA

Location : LAND OFF, WHINNEY BANK LANE, WOOLDALE, HOLMFIRTH.

Applicant : P CARR

Recommendation : REFUSED

SUMMARY

REASON FOR COMMITTEE DECISION

Delegation Agreement

SIGNIFICANT CONSULTATIONS

Highway Services – object

RELEVANT HISTORY

91/246 – similar area proposed to be excavated in order to widen the access track – refused on Green Belt grounds and appeal subsequently dismissed.

POLICY

D8 – appropriate / inappropriate development within the Green Belt

D13 – extensions of domestic gardens within the Green Belt

REPRESENTATIONS

2 letters of objection

ASSESSMENT

Detrimental to highway safety and openness / rural character of the area - refuse

- 1) The site lies within an area which has received approval as Green Belt within which it is intended that new development be severely restricted. The proposals would be detrimental to the openness and rural character/appearance of this area. There are no special reasons why the development should be permitted in this case and as such the proposals are considered contrary to the objectives of Policies D8 and D13 of the Kirklees Unitary Development Plan.
- 2) It is considered that the proposals would be detrimental to vehicular and pedestrian safety by virtue of the creation of additional vehicle manoeuvres at a road junction which is substandard in terms of width and visibility, contrary to the objectives of Policy T10 of the Kirklees Unitary Development Plan.

INFORMATION

The planning application is brought forward to Sub-Committee for determination as the views of the Parish Council are contrary to the intended Officer's recommendation.

APPLICATION SITE/ DESCRIPTION OF PROPOSAL

The proposals relate to the corner area of an agricultural field on the opposite side of an informal vehicular track (also a public footpath) to the applicant's dwelling, a converted former small mill building. This property forms part of a small cluster of old dwellings adjacent to Whinney Bank Lane, which are situated in predominantly open countryside approximately half a kilometre to the south of Wooldale.

The applicant seeks permission to form a three car parking area in the corner of the field opposite his property, with access onto the informal track at its junction with Whinney Bank Lane. The formation of this parking area, due to differences in levels between the field and the track & road would require excavations to be carried out to an average depth of approximately 1.5 metres.

RELEVANT HISTORY

89/2666 – approval for conversion of mill into dwelling with integral garage

91/246 – similar area proposed to be excavated in order to widen the access track – refused on Green Belt grounds and appeal subsequently dismissed.

POLICY

The site is allocated as Green Belt: the following policies are applicable in this case:

D8 – appropriate / inappropriate development within the Green Belt

D13 – extensions of domestic gardens within the Green Belt

CONSULTATIONS

Holme Valley Parish Council – support

Highway Services – object due to additional vehicular manoeuvres close to an existing substandard junction/access

REPRESENTATIONS

Two letters of objection received from neighbouring residents, which may be summarised as follows:

- The proposals would be an intrusion into the greenbelt.
- Highway safety problems would result from an additional access close to the junction with Whinney Bank Lane.
- Mr Carr's (the applicant) vehicles have been parked on the roadside causing an obstruction. "If Mr Carr used his own parking area at the rear of his house there would be no reason whatsoever to intrude on any greenbelt area."

ASSESSMENT

A similar proposal to use part of the field opposite the applicant's dwelling was refused in 1991 (same applicant). This involved excavating a 5m x 60 m area of the field in order to widen the existing track and extend the domestic curtilage of the dwelling. The reasons for refusal related to the detrimental effect the proposals would have on the rural character of the surroundings and the inappropriateness in greenbelt terms. Subsequently an appeal was lodged and this was also dismissed, the inspector stating that "the overall impact, in relation to the main issue of this appeal would be a significant and detrimental change in the traditional rural character and appearance of this area of open countryside."

The current proposals would involve a similar sized piece of the field to the above in terms of area (approximately 290 square metres) which would again be an extension of the domestic land associated with the applicant's property. The proposals, due to the extensive excavations required, the proposed hardstanding area and the use of the land for domestic purposes, would be considered harmful to the openness and rural character/appearance of this area of open countryside, designated as greenbelt, contrary to Policies D8 and D13 of the Unitary Development Plan.

The applicant has not presented any 'very special' circumstances which could be assessed in terms of outweighing the harm posed to the greenbelt, but the applicant has stated that the parking area is "desperately required." However, Officers are puzzled by this apparent need, since there is an existing area of cobbled hardstanding associated with the applicant's property to the rear. This, together with an integral garage approved in 1989 as part of the residential conversion, would provide off-street parking facilities for three or four cars. This is above the normal levels of off-street

parking normally associated with one dwelling and there appears to be no special reasons why these proposals should be accepted.

It is also worth noting that the existing track serving these spaces is also used by a neighbouring resident to access a garage adjacent to the applicant's parking area and therefore the informal track is obviously adequate for vehicular access and turning.

Finally, Highway Services object to the proposals since they would create additional vehicle manoeuvres at the junction between the informal track and Whinney Bank Lane, which is already substandard in terms of width and visibility.

Application No : 2003/62/90157/W3

Grid Reference : SE 14100 15730

Development : CHANGE OF USE FROM OFFICES TO CAFE

Location : 6, ALBERT STREET, LOCKWOOD, HUDDERSFIELD, HD1 3PR.

Applicant : S CROWTHER

Recommendation : CONDITIONAL FULL PERMISSION

SUMMARY

REASON FOR COMMITTEE DECISION

Objections from local business community.

SIGNIFICANT CONSULTATIONS

Highways – No objections

Environmental Services – Recommend restrictions on opening hours

RELEVANT HISTORY

None.

POLICY

B4, S14

REPRESENTATIONS

Petition against the change of use signed by representatives of 17 local businesses, plus 4 members of the public.

ASSESSMENT

The proposal is considered acceptable in terms of Policies B4 and S14

GRANT

- (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 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.
- (3) The arrangements referred to in Condition 2 shall include internal turning facilities for private vehicles.
- (4) The areas shown for parking on the approved plan shall be kept clear of all obstructions to such use and shall not be used for the erection of garages.
- (5) The premises shall not be open for either service to customers or home deliveries outside the hours of 7.00 am to 23.00 pm unless otherwise agreed in writing by the Local Planning Authority.
- (6) Unless otherwise agreed in writing by the Local Planning Authority before the café is first brought into use an extract ventilation system shall be installed, details of which shall be first submitted to and agreed in writing by the Local Planning Authority.

INFORMATION

This application is brought to Sub-Committee because of the large number of objections received from the local business community.

APPLICATION SITE/DESCRIPTION

The site consists of a small single-storey building, formerly in B1 office use, with a car park at the rear. The car park is accessed from Logwood Street, and the main

pedestrian entrance to the building is also on this side. A further car park at the side, fronting Albert Street, does not form part of this proposal.

The proposal is for conversion of the building to a café and sandwich shop, to be open 7.00 am until 2.30 pm, seven days a week. There are to be no external alterations. The applicant has referred to external signage that will be needed in the event of planning permission being granted, but this does not form part of the current planning application.

SITE HISTORY

None.

POLICY

Unallocated land in Unitary Development Plan – Policy D2 applies.

B4 – Seeks to retain premises in industrial use.

S14 – Proposals for hot food take away shops will be considered having regard to:

- i provision for car parking for customers and staff;**
- ii the effect on highway safety;**
- iii the effect on residential amenity;**
- iv the visual impact of any alterations proposed**

CONSULTATIONS

Highways – No objections subject to conditions.

Environmental Services – Recommend restrictions on opening hours.

Access Group – Seek ramped access.

REPRESENTATIONS

Petition signed by representatives of 17 local businesses, plus 4 members of the public. They object on the grounds that:

1. The majority of business would be take-away, resulting in more on-street parking;
2. The car park is too small to manoeuvre, which would discourage motorists from using it;

3. This could result in double yellow lines or other waiting restrictions being imposed, to the detriment of local businesses;
4. There are already 3 other cafes / sandwich shops in the area causing highway problems (on Chapel Hill, Lockwood Road, and Albert Street respectively);
5. Albert Street carries a large volume of traffic, including articulated vehicles, and already suffers from the effects of all-day on-street parking;
6. Logwood Street is very narrow.

ASSESSMENT

The site includes a car park with 8 spaces. It is not considered that the development would give rise to the need for more car parking spaces than the previous B1 use. The amount of parking available is considered to be adequate for the use proposed. It is not considered that the development would materially add to highway safety problems. The development would be unlikely to be harmful to amenity due to noise or fumes. No physical alterations are proposed. The proposal is considered acceptable subject to conditions.

Application No : 2003/62/90261/W3

Grid Reference : SE 10730 08200

**Development : ERECTION OF EXTENSION TO FORM FUNCTION ROOM,
TOILETS, KITCHEN AND GUEST BEDROOMS**

Location : THE HUNTSMAN INN, GREENFIELD ROAD, HOLMFIRTH.

Applicant : A H CARTWRIGHT

Recommendation : REFUSED

SUMMARY

REASON FOR COMMITTEE DECISION

Delegation agreement

SIGNIFICANT CONSULTATIONS

Holme Valley Parish Council – support

RELEVANT HISTORY

Various extensions / changes of use – see main section for details

POLICY

D11 – extensions to buildings in the Green Belt

T10 – highway safety

REPRESENTATIONS

None

ASSESSMENT

Green Belt and highway safety objections - refuse

REFUSE

- (1) The proposals would be harmful to the openness of the Green Belt and the visual quality of the surrounding Area of High Landscape Value by virtue of:
 - (a) the extensions, which would detract from the scale and character of the existing building and significantly increase the built footprint on this site; and
 - (b) the extended and formalised car parking area,

The proposals are therefore contrary to the objectives of Policies D11 and NE8 of the Kirklees Unitary Development Plan and the Government's Planning Policy Guidance Note on Green Belts (PPG 2)

- (2) The proposals do not include sufficient levels of off-street parking to cater for the level of additional floor space proposed and consequently, the development would result in on-street parking and impairment to the free flow of traffic entering and leaving the site, contrary to highway safety and the objectives of Policy T19 of the Kirklees Unitary Development Plan.

INFORMATION

The planning application is brought forward to Sub-Committee for determination as the views of the Parish Council are contrary to the intended Officer's recommendation.

APPLICATION SITE/ DESCRIPTION OF PROPOSAL

The proposals relate to the Huntsman Inn, a relatively remote public house on the main Greenfield Road approximately two miles to the west of Holmfirth. The building is of traditional design and was formerly a dwelling. It has been extended over the years as the business has altered and expanded. An informal gravel parking area exists to the side of the building with two access points linking this to the main road.

The application seeks to erect a large L-shaped two storey extension to the rear of the building in order to create a function room, twelve guest bedrooms and a new beer cellar. A part of the existing building which was formerly approved as a function room is also thought to be proposed to be a restaurant, although it has not been confirmed what exactly this room has been used for in recent times.

SITE HISTORY

Extensive history to the site, although the actual planning applications which were approved and implemented may be summarised as follows:

- 80/442 – single storey toilet block extension
- 82/2774 – two storey bar lounge / toilet extension
- 85/1181 – conversion of attached barn to function room
- 92/138 – single storey extension

The implemented extensions approved amount to an approximate 25% increase in the size of the original building.

An outline planning permission was also granted in 1991 (App. Ref: 91/60/03819/C3) for a large two storey extension to create guest accommodation. This permission never reached the detailed stage and was not implemented. However the floor-space approved was in the region of 280 square metres. This will be discussed in relation to the current proposals in the following officer assessment section.

POLICY

The site is allocated as Green Belt and an Area of High Landscape Value within the Council's Unitary Development Plan: the following policies are applicable in this case:

- D8 - appropriate / inappropriate development in the Green Belt
- D11 – extensions to buildings in the Green Belt
- NE8 – development within Areas of High Landscape Value
- B13 – proposals for new tourist facilities
- T10 – highway safety
- T19 – parking standards

CONSULTATIONS

Holme Valley Parish Council – support.

Highways – recommend refusal due to insufficient levels of off-street parking.

Environmental Health – no observations.

Economic Development (Tourism) – raised the issue of the remote location of the business and query whether the demand for the proposals has been satisfactorily ascertained by the applicant.

REPRESENTATIONS

None.

ASSESSMENT

In assessing these proposals, the overriding issue of importance relates to the impact of the proposals on the openness and visual amenity of the Green Belt. Policy D11 of the Unitary Development Plan states that extensions to buildings should have regard to the scale and character of the existing building, which should remain the dominant element. Otherwise harm will be caused to the openness of the Green belt as a consequence.

The proposals, either viewed in isolation, or as policy D11 suggests, considered together with previous extensions, would clearly not allow the existing or the original building to remain dominant. The proposals would more than double the size of the original building, and despite being positioned on the rear elevation, the extension would be highly visible on the approach to the public house in either direction, and from open countryside surrounding the site. Furthermore, the existing unsurfaced and informal car park would be extended and upgraded as part of the proposals, which would have a further impact on the openness and character of the Green Belt in this location. It is therefore considered that the proposals would be harmful to the openness of the Green Belt and would consequently not comply with the objectives of policy D11. The proposals would also be considered to detract from the visual character of this designated Area of High Landscape Value, contrary to policy NE8.

A large two storey guest accommodation extension was given outline approval in 1991, but detailed plans were not subsequently submitted and the plans were never therefore implemented. The applicant has cited this approval as a justification for allowing the proposals put forward here. However, the extensions proposed now are not comparable to those approved in 1991, since the floor area would be over 700 square metres, compared with 280 square metres approved in 1991. Therefore, whilst it is arguable that the extension approved in 1991 would have allowed the original building

to remain dominant, there can be no doubt that the current proposals would not satisfy this objective.

The question then arises as to whether the applicant can demonstrate any very special circumstances to justify approval of the proposals. The Government's Planning Policy Guidance Note on Green Belt (PPG 2) states that "very special circumstances to justify inappropriate development will not exist unless the harm, by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations."

The applicant has submitted a supporting statement with the application, which outlines the case for 'very special circumstances.' The key points may be summarised as follows:

1. The proposals are necessary to create a viable and sustainable business proposition. Current trade as a country pub is limited in this remote location, especially in winter (accounts figures supplied to demonstrate this point).
2. There is demand for a quality function room with attached residential bedrooms for guests to attend a function then stop overnight.
3. The proposed bedrooms will provide useful tourist facilities in the Holmfirth area. Since there is limited bed space in the area. Various Council documents related to the promotion of Kirklees as a visitor destination have been quoted in support of the proposals from a tourism angle, including quotes from the Government's planning policies on tourism contained within PPG 7 (The Countryside) and PPG 21 (Tourism).
4. Due to the close proximity of the property to the Peak District National Park, the proposed facilities would enable visitors to stay in close proximity to the National Park without being detrimental to the National Park itself (in terms of relieving demand for tourist accommodation within the Park boundary).
5. The statement concludes by stating "In determining this application the Council is asked to conclude that the need for additional tourism infrastructure in the upper Holme Valley represents a very special circumstance to justify the grant of planning permission in this case."

In response to these points, Officers would comment as follows:

In relation to the issue of long-term viability of the business, Officers acknowledge that some alterations and extensions to the existing premises may be required in order to achieve this aim. However, there appear to be no special reasons why such large extensions are required in order to assure the future viability of the existing business. If very special circumstances were to be accepted, it is considered that the applicant would need to demonstrate that none of the existing floor space could be rationalised and used more efficiently in order to justify the extent of new floor space proposed. The applicant has not addressed these issues and therefore the case for very special circumstances on the grounds of long-term business viability are considered to remain unproven.

In relation to the issue of tourism, the Council's Economic Development Service (Tourism Section) have raised the issue that the viability of these extension proposals will largely depend on the ascertained demand for such facilities, and that research in to this demand appears to be incomplete. In relation to the bedroom accommodation, the Holmfirth Tourist Information centre has confirmed that there are relatively few occasions each year when such a demand is unfulfilled and that where an unfulfilled demand occasionally exists, such demand is for bedspace closer to the centre of Holmfirth than the proposal site. In relation to demand for the proposed function room, it appears that no information is available to demonstrate an unfulfilled demand or otherwise for such facilities. In addition the applicant has not demonstrated an unfulfilled demand for a function room of this size in this location.

Therefore the case for very special circumstances on the grounds of an unfulfilled demand for the proposals cannot be justified on the basis of the submitted information, because the demand for the level, type and location of the proposed facilities has not been properly demonstrated by the applicant in this case.

In conclusion therefore it is considered that the supporting reasons put forward by the applicant do not in fact amount to the 'very special circumstances' which are required to outweigh the harm these extensions would cause to the openness and visual character of the Green Belt and Area of High Landscape Value.

In relation to the second recommended reason for refusal on highway safety grounds, the applicant has proposed to increase the existing off-street parking provision to 85 spaces. However, Highway Services have stated that given the level of additional public floor space and bed accommodation proposed, the minimum required level of off-street parking spaces would in fact need to be 120. The proposals therefore involve a significant short fall in off-street parking provision which in busy periods, would result in on-street parking on the A635 and impairment to the free flow of traffic entering and leaving the site. The proposals are therefore considered detrimental to highway safety and contrary to the objectives of Unitary Development Plan Policy T19.

Highway Services have also raised concerns that the remote location of the site and the poor accessibility to public transport, will result in a significant number of additional journeys which will be almost wholly reliant on the use of the private car. The proposals would not therefore be in the interests of sustainable development.
