

KIRKLEES METROPOLITAN COUNCIL

PLANNING SERVICES

**LIST OF PLANNING APPLICATIONS TO BE DECIDED BY
PLANNING SUB-COMMITTEE (HUDDERSFIELD AREA)**

15 JANUARY 2004

**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

PLANNING APPLICATIONS TO BE DECIDED BY PLANNING COMMITTEE

Application No : 2002/60/93063/W1
Grid Reference : SE 10910 15490
Development : OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT
Location : REAR OF, 38-116, COWLERSLEY LANE, COWLERSLEY,
HUDDERSFIELD.
Applicant : TRUSTEES OF SARAH LOCKWOOD
Recommendation : CONDITIONAL OUTLINE PERMISSION 1

Application No : 2003/62/91691/W0
Grid Reference : SE 10950 13680
Development : EXTENSION OF MINERAL WORKING WITH RESTORATION
AND DEMOLITION AND SUBSEQUENT REINSTATEMENT OF
DWELLING AND ADJACENT BUILDINGS
Location : BLACKMOORFOOT ROAD/SANDS HOUSE LANE/ THEWLIS
LANE, CROSLAND MOOR, HUDDERSFIELD.
Applicant : JOHNSONS WELLFIELD QUARRIES LTD
Recommendation : DELEGATE TO OFFICERS/SUBJECT TO S.106 OBLIGATION 10

Application No : 2003/62/93261/W3
Grid Reference : SE 14480 07970
Development : ERECTION OF 5 TERRACED DWELLINGS AND ONE PAIR OF
SEMI-DETACHED DWELLINGS WITH GARAGES
Location : LAND ADJACENT TO, UNDERCLIFFE, DUNFORD ROAD,
HOLMFIRTH, HD9 2DR.
Applicant : R A BERRY & SON LTD
Recommendation : REFUSAL 38

Application No : 2003/60/91853/W3
Grid Reference : SE 14280 09100
Development : OUTLINE APPLICATION FOR ERECTION OF 60 UNIT
SHELTERED HOUSING/ASSISTED LIVING SCHEME
Location : LAND TO REAR OF, HOLME VALLEY MEMORIAL HOSPITAL,
HUDDERSFIELD ROAD, HOLMFIRTH.
Applicant : CONROY BROOK (DEV) LTD
Recommendation : DELEGATE TO OFFICERS/SUBJECT TO S.106 OBLIGATION 43

Application No : 2003/60/91854/W3
Grid Reference : SE 14280 09100
Development : OUTLINE APPLICATION FOR ERECTION OF 40 BED NURSING HOME AND 24 ROOM REHABILITATION UNIT (ALTERNATIVE PROPOSAL)
Location : LAND TO REAR OF, HOLME VALLEY MEMORIAL HOSPITAL, HUDDERSFIELD ROAD, HOLMFIRTH.
Applicant : CONROY BROOK (DEV) LTD
Recommendation : DELEGATE TO OFFICERS/SUBJECT TO S.106 OBLIGATION 53

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Application No : 2003/60/93297/W3
Grid Reference : SE 14700 09700
Development : OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT
Location : LAND ADJACENT TO, 274, HUDDERSFIELD ROAD, THONGSBRIDGE, HUDDERSFIELD.
Applicant : WALKER DRAFTING SERVICES
Recommendation : REFUSAL 56

Application No : 2003/62/92598/W3
Grid Reference : SE 15170 10160
Development : CHANGE OF USE OF FORMER DYE HOUSE AND WOOD TURNING WORKSHOP TO 11 RESIDENTIAL UNITS AND ASSOCIATED CAR PARKING AND OUTLINE APPLICATION FOR ERECTION OF 3 DWELLINGS AND GARAGES
Location : WOODLANDS MILL, LUKE LANE, THONGSBRIDGE, HUDDERSFIELD, HD9 7TB.
Applicant : THE MOORLAND WOOD-TURNING CO. LTD
Recommendation : REFUSAL 62

Application No : 2003/60/93803/W2
Grid Reference : SE 16240 16210
Development : DEMOLITION OF EXISTING BUNGALOW AND OUTLINE APPLICATION FOR ERECTION OF 7 NO. TOWN HOUSES (AMENDED SCHEME)
Location : 57, FOREST ROAD, MOLDGREEN, HUDDERSFIELD, HD5 8EU.
Applicant : STERLING HOMES (YORKSHIRE) LTD
Recommendation : CONDITIONAL OUTLINE PERMISSION 69

Application No : 2003/51/94173/W0
Grid Reference : SE 16630 18200
Development : EXPRESS CONSENT FOR THE STORAGE AND USE OF
CYHALOTHRIN, A VERY TOXIC NAMED HAZARDOUS
SUBSTANCE
Location : SYNGENTA LTD, LEEDS ROAD, HUDDERSFIELD, HD2 1FF.
Applicant : SYNGENTA LTD
Recommendation : GRANT HAZARDOUS SUBSTANCES CONSENT 74

Application No : 2003/62/93512/W2
Grid Reference : SE 12170 18550
Development : ERECTION OF 40 NO. APARTMENTS
Location : JUNCTION OF, HALIFAX ROAD, EAST STREET, EDGERTON,
HUDDERSFIELD.
Applicant : GLEESON REGENERATION AND JOHN
Recommendation : SUBJECT TO S 106 OBLIGATION 78

Application No : 2003/65/94660/W1
Grid Reference : SE 10760 15100
Development : LISTED BUILDING CONSENT FOR INTERNAL ALTERATIONS
TO COMMUNITY CENTRE
Location : COWLERSLEY COMMUNITY CENTRE, 119/121 COWLERSLEY
LANE, COWLERSLEY, HUDDERSFIELD, HD4 5UJ.
Applicant : KIRKLEES METROPOLITAN COUNCIL
Recommendation : REFER TO SECRETARY OF STATE 85

Application No : 2003/62/94864/W1
Grid Reference : SE 09770 14210
Development : ERECTION OF FIRST FLOOR EXTENSION
Location : 79, PENNINE GARDENS, LINTHWAITE, HUDDERSFIELD, HD7
5TH.
Applicant : B PERKINS
Recommendation : CONDITIONAL FULL PERMISSION 88

Application No : 2003/62/94879/W1
Grid Reference : SE 12620 17250
Development : ERECTION OF LOCAL CONVENIENCE STORE WITH
ASSOCIATED CAR PARKING AND ACCESS ALTERATIONS
Location : FORMER WESTBOURNE SERVICE STATION, NEW HEY ROAD,
HUDDERSFIELD, HD3 4AH.
Applicant : HARTFORD MANOR LTD
Recommendation : REFUSAL 91

Application No : 2003/48/94980/W1
Grid Reference : SE 11270 16170
Development : ALTERATIONS TO EXTERNAL RAMPS, INSTALLATION OF
WINDOWS AND DOOR AND 2 GLAZED CANOPIES
Location : CROW LANE J I & N SCHOOL, CROW LANE, MILNSBRIDGE,
HUDDERSFIELD, HD3 4QT.
Applicant : KIRKLEES METROPOLITAN COUNCIL
Recommendation : GRANT UNDER REG 3 GENERAL REGULATIONS 1992 95

Application No : 2003/48/95230/W1
Grid Reference : SE 14450 16650
Development : INSTALLATION OF NEW SHOPFRONTS (LISTED BUILDING
WITHIN A CONSERVATION AREA)
Location : 10 - 12 AND 14 NEW STREET, HUDDERSFIELD, HD1 2AY.
Applicant : KIRKLEES M C (ANDREW STOKES)
Recommendation : GRANT UNDER REG 3 GENERAL REGULATIONS 1992 97

Application No : 2003/65/95231/W1
Grid Reference : SE 14450 16650
Development : LISTED BUILDING CONSENT FOR INSTALLATION OF NEW
SHOP FRONTS (WITHIN A CONSERVATION AREA)
Location : 10 - 12 AND 14 NEW STREET, HUDDERSFIELD, HD1 2AY.
Applicant : KIRKLEES M C (ANDREW STOKES)
Recommendation : REFER TO SECRETARY OF STATE 99

Application No : 2003/62/91757/W2
Grid Reference : SE 12160 18550
Development : ERECTION OF DRIVE THROUGH RESTAURANT USE CLASS A3
AND 2 NO. OPEN USE CLASS A1 RETAIL UNITS TOGETHER
WITH ASSOCIATED PARKING AREAS
Location : MONZA SERVICE STATION, HALIFAX ROAD, BIRCHENCLIFFE,
HUDDERSFIELD, HD3 3BX.
Applicant : JOHN RADCLIFFE & SONS LTD
Recommendation : REFUSAL 100

Application No : 2003/62/92852/W2
Grid Reference : SE 13790 14080
Development : CHANGE OF USE FROM GROUND FLOOR LOUNGE TO SALES
AREA, ERECTION OF GROUND FLOOR OFFICE, EXTENSION,
EXTERNAL STAIRCASE AND FIRST FLOOR KITCHEN
EXTENSION (WITHIN A CONSERVATION AREA)
Location : BIRKBY POST OFFICE, 45, WHEATHOUSE ROAD, BIRKBY,
HUDDERSFIELD, HD2 2UP.
Applicant : MR A ALI
Recommendation : CONDITIONAL FULL PERMISSION 103

Application No : 2003/62/94212/W2
Grid Reference : SE 13200 17940
Development : CHANGE OF USE OF URBAN GREENSPACE INTO NATURAL
BURIAL GROUND WITH CAR PARK AND ACCESS FROM
BIRKBY HALL ROAD AND USE OF GROUND FLOOR OF
STABLE BLOCK AS OFFICE RECEPTION (WITHIN A
CONSERVATION AREA)
Location : LAND ADJACENT TO NUFFIELD HOSPITAL & ROSE HILL,
BIRKBY HALL ROAD, BIRKBY, HUDDERSFIELD, HD2 2BS.
Applicant : MBF (1954) LTD
Recommendation : CONDITIONAL FULL PERMISSION 106

Application No : 2003/60/94500/W3
Grid Reference : SE 13920 15900
Development : OUTLINE APPLICATION FOR ERECTION OF CHURCH WITH
BOOK SHOP, COFFEE SHOP AND ASSOCIATED OFFICES
AND PARKING
Location : ST. THOMAS' ROAD, HUDDERSFIELD, HD1 3LJ.
Applicant : HUDDERSFIELD CHRISTIAN FELLOWSHIP
Recommendation : DELEGATE TO OFFICERS TO APPROVE 113

Application No : 2003/62/94624/W2
Grid Reference : SE 12070 17490
Development : ERECTION OF 8 NO. TOWN HOUSES WITH INTEGRAL
GARAGES AND ONE BLOCK OF THREE FLATS
Location : OFF, GIBSON STREET, HUDDERSFIELD, HD3 3HB.
Applicant : T WARD ESQ
Recommendation : REFUSAL 118

Application No : 2003/62/94644/W2
Grid Reference : SE 16480 19240
Development : ERECTION OF 12 DWELLINGS FOR RENT
Location : WHITACRE STREET/GLENFIELD AVENUE, DEIGHTON,
HUDDERSFIELD.
Applicant : SOUTHDALE HOMES LTD
Recommendation : CONDITIONAL FULL PERMISSION 121

Application No : 2003/62/94646/W2
Grid Reference : SE 15630 17030
Development : ERECTION OF TWO STOREY AND SINGLE STOREY
EXTENSIONS
Location : 92 CONISTON AVENUE, DALTON, HUDDERSFIELD, HD5 9PZ.
Applicant : S JAVED
Recommendation : SUBJECT TO S 106 OBLIGATION 126

Application No : 2003/62/94983/W2
Grid Reference : SE 16640 14730
Development : ERECTION OF 2 NO. DWELLINGS
Location : 4 & 4A LOWER WHEATROYD, ALMONDBURY,
HUDDERSFIELD.
Applicant : AHMB PROJECTS
Recommendation : CONDITIONAL FULL PERMISSION 128

Application No : 2003/62/95014/W2
Grid Reference : SE 12060 18690
Development : CHANGE OF USE FROM CAR SALES/BUILDERS YARD TO
TOURING CARAVAN SALES/DISPLAY WITH OFFICES AND
SALES SHOP
Location : LAND ADJACENT, 50/52 HALIFAX ROAD, BIRCHENCLIFFE,
HUDDERSFIELD, HD3 3BS.
Applicant : WEST YORKSHIRE CARAVANS
Recommendation : REFUSAL 132

Application No : 2003/62/92789/W3
Grid Reference : SE 13930 11950
Development : PART DEMOLITION OF INDUSTRIAL BUILDING AND CHANGE
OF USE OF REMAINDER TO RESIDENTIAL (10 NO.) AND
OUTLINE FOR RESIDENTIAL DEVELOPMENT (10 NO.)
(WITHIN A CONSERVATION AREA)
Location : 17 SOUTHGATE, HONLEY, HUDDERSFIELD.
Applicant : TAYLOR & JONES LTD
Recommendation : CONDITIONAL FULL PERMISSION 136

Application No : 2003/62/93590/W3
Grid Reference : SE 16330 08960
Development : ERECTION OF 2 DETACHED DWELLINGS WITH GARAGE AND
ASSOCIATED ACCESS
Location : LAND ADJACENT TO, HILLSIDE, COLD HILL LANE, NEW MILL,
HUDDERSFIELD.
Applicant : DUNCAN CONSTRUCTION
Recommendation : CONDITIONAL FULL PERMISSION 145

Application No : 2003/60/94674/W3
Grid Reference : SE 14520 15840
Development : OUTLINE APPLICATION FOR ERECTION OF MIXED USE
DEVELOPMENT COMPRISING UPPER LEVELS RESIDENTIAL
(C3) FLATS, GROUND FLOOR RESTAURANT (A3) SMALL
SHOP (A1) AND PARKING
Location : COLNE ROAD, HUDDERSFIELD.
Applicant : P G ODDY
Recommendation : REFUSAL 149

Application No : 2003/60/94675/W3
Grid Reference : SE 14460 15360
Development : OUTLINE APPLICATION FOR ERECTION OF MIXED USE
DEVELOPMENT COMPRISING UPPER LEVELS (USE C3),
FLATS, GROUND FLOOR OFFICES, (USE B1), SMALL SHOP
(USE A1) AND PARKING
Location : COLNE ROAD, HUDDERSFIELD.
Applicant : D BODSWORTH
Recommendation : REFUSAL 155

Application No : 2003/60/94812/W3
Grid Reference : SE 14380 12020
Development : OUTLINE APPLICATION FOR ERECTION OF RESIDENTIAL
DEVELOPMENT (6 PLOTS)
Location : LAND BETWEEN, MARSH PLATT LANE, GYNN LANE, HONLEY,
HOLMFIRTH, HD7 2LE.
Applicant : STAPLEFORD DEVELOPMENTS LTD
Recommendation : REFUSAL 161

Application No : 2003/62/94918/W3
Grid Reference : SE 14870 09640
Development : ERECTION OF GARDEN DECKING
Location : 10, WOODCHURCH VIEW, THONGSBRIDGE, HOLMFIRTH, HD9
7RX.
Applicant : M HAIGH
Recommendation : REFUSAL 166

Application No : 2003/65/95042/W3
Grid Reference : SE 13710 12020
Development : LISTED BUILDING CONSENT FOR DEMOLITION OF CHIMNEY
AND ERECTION OF EXTENSION FOR STORAGE AREA
(WITHIN A CONSERVATION AREA)
Location : HONLEY I & N SCHOOL, SCHOOL STREET, HONLEY,
HOLMFIRTH.
Applicant : KIRKLEES M C
Recommendation : REFER TO SECRETARY OF STATE 170

Application No : 2002/60/93063/W1

Grid Reference : SE 10910 15490

Development : OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT

Location : REAR OF, 38-116, COWLERSLEY LANE, COWLERSLEY,
HUDDERSFIELD.

Applicant : TRUSTEES OF SARAH LOCKWOOD

Recommendation : CONDITIONAL OUTLINE PERMISSION

SUMMARY

REASON FOR COMMITTEE DECISION

Delegation Agreement

SIGNIFICANT CONSULTATIONS

Highway Services – No objection

RELEVANT HISTORY

1979 – refusal of outline for residential development on access grounds

POLICY

PPG3, D2, H3, H18 and H10

REPRESENTATIONS

51 letters – main concern of local highway network and access

ASSESSMENT

Proposal acceptable in principle on this past previously developed site. Highway Services are now happy with the amended access.

- (1) (a) the application for approval of any reserved matter shall be made not later than the expiration of three years beginning with the date of the grant of the outline permission and, (b) the development shall be begun not later than whichever is the later of the following dates:-
 - (1) the expiration of five years beginning with the date of the grant of the outline permission, or
 - (2) the expiration of two years beginning with the date of the approval of the reserved matters, or in the case of approval on different dates, the date of the final approval of the last such matter to be approved.
- (2) No development shall take place until plans detailing:
 - (a) the layout of the site, including the disposition and levels of roads, building(s) and other land
 - (b) the design and external appearance of the building(s)
 - (c) the relationship surrounding buildings
 - (d) the colour, type and texture of materials to be used
 - (e) details of screen, retaining and boundary walls
 - (f) landscaping of the site
 - (g) drainage
 - (h) the parking, loading and unloading of vehicleshave been submitted to and approved in writing by the Local Planning Authority.
- (3) Affordable housing shall be provided in accordance with Policy H10 of the Unitary Development Plan and the Council's Supplementary Planning Guidance.
- (4) Public Open Space shall be provided in accordance with Policy H18 of the Unitary Development Plan.
- (5) A financial contribution shall be provided in accordance with the Council's policy and guidance on providing for education needs in new housing developments.
- (6) Prior to development commencing a detailed scheme for the proposed new junction of the estate road with Cowlersley Lane shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include full sections, construction specifications, measures to prevent parking on the near footway of Cowlersley Lane, treatment of junction sight lines, drainage works, street lighting, white lining, signing, surface finishes, together with an independent Safety Audit covering the all aspects of the work. Unless otherwise agreed in writing by the Local Planning Authority all of the agreed works shall be implemented before construction commences on any of the new dwellings or associated enabling works.

- (7) Prior to development commencing a detailed scheme for the provision of the new Traffic Regulation Order shall be submitted to and approved in writing by the Local Planning Authority. 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 means by which any objections to the TRO can be overcome agreed.
- (8) Prior to construction commencing a schedule of the means of access to the site for construction traffic will 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 within the site. Unless otherwise agreed in writing by the Local Planning Authority all construction arrangements shall be carried out in accordance with the approved schedule throughout the period of construction.
- (9) Prior to development commencing a detailed scheme for the proposed estate road and rear service road shall be submitted to and approved in writing by the Local Planning Authority. These details shall include full sections, any associated traffic calming, drainage works, street lighting, white lining, signing, surface finishes and the treatment of junction sight lines, together with an independent Safety Audit covering the all aspects of the work. All of the agreed works shall be completed, or as otherwise agreed in writing by the Local Planning Authority, before construction commences on any of the new dwellings or associated enabling works.
- (10) Prior to development commencing a detailed scheme for the proposed off street car parking facilities to 62 and 64 Cowlersley Lane shall be submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing by the Local Planning Authority the proposed parking facilities shall be provided before construction commences on any of the new dwellings or associated enabling works.
- (11) The total number of new dwellings served by the access to Cowlersley Lane shall not exceed 50.

INFORMATION

This application is before Sub-Committee as the site exceeds 0.4 Ha. At the last Committee a site visit was requested by Councillors Iredale and Granger.

APPLICATION AND SITE DETAILS

It is proposed to residentially develop an open area of land off Cowlersley Lane, Cowlersley. The application is in outline only with access details submitted.

The site is largely vacant although there are areas that are currently used. Centrally located are a number of garages that are in various states, some are clearly used and others are vacant and falling into disrepair.

The south-west corner of the site is let to the adjacent properties on Yew Tree Lane. They are used as extensions to gardens, some for the growing of vegetables and other as more obvious garden extensions.

Some occupiers on Cowlersley Lane also use part of the site for parking.

The northern boundary is formed by a cliff that drops down to properties on Manchester Road, other boundaries are formed by the residential properties on Yew Tree Lane and Cowlersley Lane. Access is proposed off Cowlersley Lane, opposite the access is a local shop.

A brief history of the site is as follows:-

- i. In 1854 the site was utilised as a sandstone quarry.
- ii. By 1893 the quarry no longer existed and a Mungo and Waste Mill was in operation on the site.
- iii. In 1916 the mill was still in existence and residential development to the edge of the site had commenced..
- iv. By 1938 the quarry had been infilled and housing had been built along Yew Tree Lane and large rectangular building (of an unknown usage) had been constructed within the site.
- v. By 1961 the rectangular building had been demolished and series of small garages had been erected on the site to a similar layout to that which exists today.

POLICY

Relevant policies in the Unitary Development Plan are D2, H3, H18 and H10. Central Government advice is contained in PPG3 on Housing.

The application site comprises a mixture of brownfield and greenfield land dispersed across the site. The brownfield parts of the site include the main garage court, individual garages, evidence of previous garages now demolished, garden areas which form part of the curtilages of existing houses and a hard surfaced car park area to rear of 56 & 58 Cowlersley Lane. The greenfield parts of the site include open areas not previously developed, ie a large overgrown open area to the west of the garage court

(which may have been a tip), moorland type land which forms the northern boundary and an area previously developed as a barn (now demolished) which appears to have blended in with its surroundings and is therefore greenfield.

Considered against the greenfield exceptions policy circumstance (a), this site is within the built-up area, it has limited value as open land that qualifies it for release under this exception and in this urban context there is effectively no prospect of putting the land to a useful purpose other than for development. The exceptions policy (circumstance b) also allows for the release of greenfield land which would enable to development of a brownfield site, but the Council would need to be satisfied that the brownfield development would not otherwise occur in the foreseeable future and that it is sufficiently significant to justify the scale of greenfield land release proposed. In this case, the brownfield development would not otherwise occur on its own as that part of the site is difficult to segregate from the greenfield land and would be unlikely to be developed separately. The scale of the greenfield land is proportionate to the brownfield land and development would not therefore result in a disproportionate loss of greenfield land.

Overall, the application provides a good opportunity for urban capacity on a site that is close to the local centre on Cowlersley Lane, is on a principle public transport route with a bus stop directly adjacent to the site and is in the vicinity of local schools. Even though parts of the site are considered to be greenfield residential development is considered acceptable subject to the following detailed matters:-

- (i) the need to maintain a separation of development away from the cliff edge by the provision of landscaping on the northern boundary where the site is particularly prominent and to ensure that health and safety issues regarding the cliff edge are adequately dealt with;
- (ii) residents car parking arrangements are provided for to the rear of properties fronting Cowlersley Lane; and
- (iii) the setting of listed buildings nos. 62-64 Cowlersley Lane is preserved in accordance with Policy BE3.

Affordable housing, public open space and possibly Education provision would be required on a site of this size.

CONSULTATION RESPONSES

Highway Services – On balance access arrangements to this site are now considered to be satisfactory and subject to appropriate conditions no objections are now raised to the proposal a highway's point of view.

Yorkshire Water – No objection in principle.

Environment Agency – Final comments awaited.

Trees – No objection – trees on site are poor quality.

Environmental Health – No objection.

Coal Authority – Standard comments (no objection).

PUBLICITY

42 individual letters of objection have been received from local residents. Several of the letters are a pro-forma and express the main points of concern for all objectors – the letter is reproduced here for information.

“My main concerns are as follows -

1. I understand that a previous application for residential development on this site was refused on the grounds of poor access and egress approximately 20 years ago. (The access site is on a “blind bend” on an extremely busy road.) The current applicant is obviously aware of this and presumably think that they have solved this problem by negotiating an agreement with the residents of 78A to 92 Cowlersley Lane who, I understand, have agreed to lose a proportionate part of their front gardens to promote a better sight line for the access and egress point. However, I remain concerned that even with the additional sight margin created as outlined above, the fact remains that the access and egress point is on a bend in the road.
2. Cowlersley Lane is a very busy main road. The road is narrower from the traffic lights on Manchester Road to the entrance to Manse Drive. Hereafter the road widens slightly as it winds up the valley. Immediately opposite the access road is a general store which services the local community. People park directly outside the shop on both sides of the road. Immediately adjacent to the access point, and the local shop are Bus Stops servicing a frequent service for the local community.
3. From the point of the access road up to the turning for Yew Tree Lane residents and their visitors park on the main road on both sides. Currently some residents park at the rear of their property on Cowlersley Lane which obviously alleviates the number of cars parked on the main road. On this same stretch of road is the local Fish and Chip shop, which also, obviously, generates passing trade traffic on the site during regular opening times. (This is a very popular local amenity!).
4. The road is regularly used by the Emergency Services. If there was increased vehicular intensity this would directly impact on the safety of the local community and, indeed on those being served by the Emergency Services who need clear access up the valley.

5. Any further residential development will inevitably impact on the local Infant and Primary School on Winget Avenue. There is no pedestrian crossing to enable children to cross this busy road safely.
6. The area has a significant number of mature residents who need to feel safe accessing local amenities.
7. The proposed development site is currently providing rented garages and open playing areas for residents children. There is a lack of safe play areas in the locality. “

Over and above these general points some objectors have raised more specific concerns, these include -

- (i) Loss of parking spaces.
- (ii) Overlooking.
- (iii) Danger/stability of the cliff face.
- (iv) The setting of 62-64 Cowlersley Lane which are listed building.

Following the receipt of the amended access, a further 9 letters of objection were received, they all concerned highway safety and the access.

ASSESSMENT

In terms of planning policy it is considered that residential development of the site is acceptable. As has been explained the site is part previously developed land and part greenfield. But in terms of the Council's own exceptions policy those areas that are greenfield are considered to be acceptable for development.

Objections have been raised that relate to specific matters that are relevant to this application. These have been addressed either by consultation with relevant bodies or by extra information/comment by the applicant. In detail these are addressed as follows –

1. Loss of trees

The Council's arboriculturist has visited the site and has stated that there are no trees that are worth of retention. A landscaping scheme will be required by condition.

2. Loss of parking on the site

The applicant has commented as follows:

“In response to your enquiry about providing parking to the rear of 38-58 Cowlersley Lane we have taken into account the shape of the site, the

location of the rock face and found it to be severely limiting on development possibilities. We would also reiterate our comments that the residents of 38-58 Cowlersley Lane have considerably larger rear gardens (37-49 feet long) than the residents of 78A-116 Cowlersley Lane (20-28 feet long) and could easily form parking spaces within their own property if they so desired.

There are 27 individuals who rent either garage sites or parking spaces within the site. Out of these:-

- i. 9 will be displaced to areas/streets other than Cowlersley Lane.
- ii. 5 live on Cowlersley Lane and will be provided with a parking space within the proposal.
- iii. 9 live on Cowlersley Lane and will not be provided with a parking space, however they have the capability to access and park within the curtilage of their own property.
- iv. 2 live on Cowlersley Lane, and will not be provided with a parking space. They cannot park within the curtilage of their own property, however, they could park on roads other than Cowlersley Lane which adjoin their properties.
- v. 2 already have parking facilities with the curtilage of their property but choose to rent additional facilities.

There is also a further 13 parking spaces provided within the scheme for residents of Cowlersley Lane.

It should be noted that the Trustees, if they so desired, could evict all tenants immediately and close off the site, thus depriving Cowlersley Lane of 28 parking spaces.”

3. Safety of the cliff face

The application has provided the following statement:

“In response to your enquiry regarding the rock face to the rear of 957-993 Manchester Road, our client would prefer not to release the report as he is of the opinion that this lengthy technical document would confuse and cloud the present issues being considered. He would rather you place a condition on the planning approval to the effect of that no building works should take place within the vicinity of the rock face without a proper inspection being commissioned and any remedial action being undertaken.”

Whilst this does seem to be a strange response to our request for information there is no reason why this issue cannot be covered by condition. The safety of the rock face is mainly a concern for the applicant (as it is now).

4. Loss of tenancy at Yew Tree Lane

Officers have raised concerns about the loss of the garden extensions to the rear of the properties on Yew Tree Lane. In response the applicant has stated the following:

“In response to your enquiry about the land to the rear of the properties on Yew Tree Lane, that rented from our clients are domestic garden extensions not allotments. A site visit will confirm this to be the case. However the agreements signed by the tenants do refer to the land as allotments. The quality of the agreement and the haste in which it appears to have been drafted leads us to believe that if there had been a more suitable document the letting agent would have used it and not called them allotments.”

Officers have also carried out an inspection of this area. It is officers opinion that the areas in question are in fact garden extensions and not allotments in the true sense. They are direct ties to the adjacent gardens, they are not available for public let and they look like garden extensions. As such, and despite the actual tenancy agreements, officers consider that the land is used for garden and does not have the benefit of the protection of policies contained in PPG3 and the Unitary Development Plan that cover the retention of allotments.

In this instance it is advised that the Council cannot protect the tenancy of this land through planning policy and that it is therefore an acceptable part of the development site.

There is clearly one issue that has been raised by all the objectors, that of the safety of the access and of the suitability of the local highway network to take extra traffic.

Highway Services have had prolonged negotiations with the applicants highway consultants. A design for the access has now been submitted that includes appropriate sight lines, these have been increased since the original application. Highway Services are not now, therefore, raising objection to the application subject to the recommended conditions.

In conclusion, it is considered that residential development of this site is acceptable. It is unfortunate that not all the concerns of local residents can be directly addressed but these are not enough to warrant a refusal of a planning application.

Application No : 2003/62/91691/W0

Grid Reference : SE 10950 13680

Development : EXTENSION OF MINERAL WORKING WITH RESTORATION AND DEMOLITION AND SUBSEQUENT REINSTATEMENT OF DWELLING AND ADJACENT BUILDINGS

Location : BLACKMOORFOOT ROAD/SANDS HOUSE LANE/ THEWLIS LANE, CROSLAND MOOR, HUDDERSFIELD.

Applicant : JOHNSONS WELLFIELD QUARRIES LTD

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

SUMMARY

REASON FOR COMMITTEE DECISION

Delegation Agreement

SIGNIFICANT CONSULTTEES

Environmental Services raised no objection subject to conditions limiting hours of working and controlling the effects of noise and dust.

Landscape Architects require restoration and aftercare schemes to be submitted.

RELEVANT HISTORY

Planning permission no. 92/62/05699/W0 for "Mineral Extraction and Infilling" relates to adjacent land to the east.

POLICY

EP1, D8, M1, M3, M3A, M5.

REPRESENTATIONS

A petition was received from 23 properties at Hill Tree Park in support of the application.

1 letter of objection was received from a resident in Netherton.

ASSESSMENT

The applicant is one of the country's leading producers of ashlar sandstone products. The proposals seek to maintain the Company's supply of high quality dimension stone. Existing supplies are nearly exhausted since the area for which planning permission was granted in 1997 has failed to provide the necessary quality of stone. The applicant proposes to extract sandstone from an area of land to the west of the currently permitted site over a 15 year period. Mineral extraction would take place in a clockwise direction and would involve the removal of only 20% of the available material, the remaining 80% would be used in the progressive restoration of the site to grassland and moorland. A positive recommendation may be attached to this application subject to the applicant signing a Section 106 Agreement to ensure the satisfactory restoration of the existing quarries in the area.

Commencement

- 1 The development to which this permission relates shall be begun not later than the expiration of 5 years beginning with the date of this permission. Written notification of the date of commencement shall be sent to the Mineral Planning Authority within 7 days of such commencement.

Plans

- 2 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.
- 3 Unless otherwise agreed in writing by the Mineral Planning Authority the working, restoration and aftercare of the site shall be carried out only in accordance with the following scheme and phasing plans:

PLAN NO	TITLE	DATED
11541/P2/2	Application Area	17/12/02
11541/P2/3	Ownership	17/12/02
11541/P12	Phasing Scheme	02/01/03
11541/P12/1-7	Phased Extraction with Reclamation	24/01/03
11541/P28a	Screen Bunding and Soil Stocks	09/10/03
11541/P14/2b	Option 2 Reduced Level Restoration Scheme	27/08/03
11541/P17a	Noise Monitoring Positions	09/10/03
11541/P27a	Dust Suppression	09/10/03
11541/p30	Location of Buildings to be Demolished and Reconstructed	13/10/03
2302.01	Airfield Dwellings Plans and Elevations	10/03
2302.02	Floor Plans and Elevations as Existing	10/03
2302.03	Hangar Plans and Elevations	10/03

and supporting statement submitted with the application, and with conditions below which shall in all cases take precedence.

Duration

- 4 Unless otherwise agreed in writing by the Mineral Planning Authority, extraction of minerals shall cease and the site be restored to a condition suitable for grassland and/or moorland in accordance with the approved plan no 11541/P14/2b “Option 2 Reduced Level Restoration Scheme” and details contained in Condition 28 below within 15 years of the date of commencement referred to in Condition 1 above.

Prior cessation

- 5 In the event of cessation of winning and working of minerals prior to the achievement of the completion of the approved scheme, which in the 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 reclamation scheme to include details of restoration and aftercare and a timetable for implementation in accordance with the details contained in the schemes referred to in Conditions 28 and 39 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. The approved revised reclamation scheme shall be fully implemented within the approved timetable.

Access

- 6 Unless otherwise agreed in writing by the Mineral Planning Authority the sole means of vehicular access and egress from the site shall be along a dedicated concrete hard surfaced haul road with a width of 8 metres, to be constructed prior to soil stripping commencing on the permitted site, between the permitted site and Moorfield Quarry.
- 7 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.
- 8 Unless otherwise agreed in writing by the Mineral Planning Authority the total tonnage of material exported from and imported to land edged blue on approved plan no 11541/P2/3 “Ownership”, shall not exceed 2500 tonnes per day in total, such limit to include materials exported from the application site, Waterholes Extension, Moorfield, Waterholes and Wellfield Quarries.

Working programme, phasing and direction of working

- 9 Unless otherwise agreed in writing by the Mineral Planning Authority the site shall be worked in 6 phases in accordance with approved plan 11541/P12 “Phasing Scheme” and approved plan series 11541/P12/1-7 “Phased Extraction with Reclamation”.
- 10 Prior to the commencement of mineral extraction, screen mounds shall be constructed of clean subsoil to a maximum height of 2 metres in locations C and D as indicated on approved plan 11541/P28a “Screen Bunding and Soil Stocks”. These mounds shall be seeded to grass and maintained in a tidy and weed-free condition until their removal. They shall be removed upon completion of backfilling of Phase 6 and the subsoil used in the restoration of the site.
- 11 Unless otherwise agreed in writing by the Mineral Planning Authority no more than 20% of the mineral reserves, mineral waste or overburden located above the basal siltstone shown in borehole logs CM4-CM95 in the supporting statement and indicated on plan no.11541/P8 “Core Test Holes” appended to this application shall be removed from the permitted site and the remaining 80% of mineral reserves, mineral waste or overburden shall be used in the restoration of the site.
- 12 Unless otherwise agreed in writing by the Mineral Planning Authority no working shall take place within the basal siltstones which underlie the ashlar blockstone and flag stone strata as shown in borehole logs CM4-CM95 indicated on plan no.11541/P8 “Core Test Holes” appended to this application.
- 13 Unless otherwise agreed in writing by the Mineral Planning Authority 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. Likewise, a strip of land having a minimum width of 6 metres shall remain unworked adjacent to the public footpath running along the boundary of the site with Blackmoorfoot Road and Nopper Lane.
- 14 Unless otherwise agreed in writing by the Mineral Planning Authority no minerals, mineral waste or overburden shall be located above the original level of the ground.
- 15 Unless otherwise agreed in writing by the Mineral Planning Authority no crushing or screening operations shall take place on the permitted site.
- 16 Unless otherwise agreed in writing by the Mineral Planning Authority quarry waste from phase 1 and phase 2 as necessary indicated on approved plan no. 11541/P12/1 shall be used to backfill the adjacent existing quarry void to original ground level. Subsequently, each phase of the working shall be backfilled using overburden excavated from the following phase to achieve the contours shown

in approved plan 11541/P14/2b "Option 2 Reduced Level Restoration Scheme". Materials excavated from Moorfield Quarry indicated by green hatching on approved plan no.11541/P2/3 "Ownership" shall be used to backfill phase 6 to complete the "Reduced Level" contours. There shall be no other importation of mineral or waste to the site without the written permission of the Mineral Planning Authority.

- 17 A detailed scheme of mineral working and backfill shall be submitted to the Mineral Planning Authority 3 months after the date of commencement referred to in Condition 1 above and every 12 months thereafter until completion of mineral working and backfill. Unless otherwise agreed in writing the scheme shall provide for:
- (a) a plan indicating the lateral extent, location and direction of mineral extraction to be undertaken over the following 12 months;
 - (b) typical cross-sections of the extraction to be undertaken during the following 12 months including an indication of the maximum depth of excavation;
 - (c) a plan indicating the lateral extent, location and direction of backfilling to be undertaken over the following 12 months to achieve proposed backfill contours (Contours indicated on approved plan 11541/P14/2b less 500 mm to allow for proposed soil depth);
 - (d) A survey plan indicating the location and extent of mineral extraction and location, lateral extent and finished levels of backfill achieved during the previous 12 months;
 - (e) Details of any ancillary operations, eg stone splitting, hand dressing, location, duration and equipment.

Every year the developer shall arrange a site meeting to be held within 1 month of the date of submission of the annual working programme to discuss the programme and to review progress to which the Mineral Planning Authority shall be invited.

- 18 From the date of this permission the operator shall maintain records of monthly production and mineral extraction, and shall make available to the Mineral Planning Authority on a 6 monthly basis the total tonnage of mineral product extracted from the permitted site within the previous 6 month period. All records shall be kept for inspection for at least 24 months.

Water protection and pollution prevention

- 19 There shall be no discharge of foul or contaminated waste from the site into either groundwater or any surface waters.
- 20 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.

Soil stripping and storage

- 21 The full depth of topsoil and subsoil on existing agricultural land within the application site shall be stripped separately prior to the removal of overburden or mineral from each phase of working and stored separately in areas to be agreed with the Mineral Planning Authority. The stripping, movement and replacement of topsoil and subsoil shall only be carried out under sufficiently dry and friable conditions to avoid smearing and compaction and to ensure all available soil resources are recovered.
22. The Mineral Planning Authority shall be given at least 48 hours notice (excluding Sundays and Bank Holidays) of any intended phase of topsoil or subsoil stripping, such works to proceed only subject to its approval.
- 23 The Mineral Planning Authority shall be supplied with a plan indicating the areas stripped of soils, the location of each soil storage mound and an estimate of the quantity of soil stored shall be provided in writing to the Mineral Planning Authority within one month of the date soil stripping commenced.
- 24 Topsoil, subsoil or other soil making materials which have been approved for use in progressive restoration shall be stored according to their quality in separate mounds that do not overlap. Topsoil storage mounds shall not exceed 3 metres in height and subsoil storage mounds shall not exceed 5 metres in height. 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 invasive weeds shall be regularly controlled.
- 25 Topsoil stripped from phase 1 of the extraction and the haul road shall be used in the restoration of the landfilled area of Wellfield Quarry indicated on drawing no. XXXX appended to this permission. Any surplus topsoil not required for this purpose shall be stored for use during the restoration of Wellfield/Waterholes Quarry. Thereafter, topsoil shall not be removed from the permitted site except by prior written agreement with the Mineral Planning Authority. Sufficient topsoil must be retained on site to provide a minimum depth of 250mm during the phased restoration of all areas to be restored to grassland in accordance with approved plan no 11541/P14/2b.

- 26 Subsoil stripped from phase 1 of the excavation and the haul road shall be used to form screening mounds to a maximum height of 2 metres in locations C and D as shown in approved plan no 11541/P28a "Screen Bunding and Soil Stocks". The remaining subsoil from phase 1 and the haul road shall be stored in Wellfield Quarry in location B as shown in approved plan no 11541/P28a. Unless otherwise agreed in writing with the Mineral Planning Authority subsoil used to form screening mounds C and D and subsoil stored in location B shall be retained and returned to the site for use in the final phase of restoration.
- 27 The location of temporary soil storage mounds shall be agreed with the Mineral Planning Authority prior to stripping each phase of the working, and the Mineral Planning Authority shall be supplied with a plan indicating the areas stripped of topsoil, subsoil and overburden and the location of each mound. If it is necessary to stockpile subsoil or overburden on areas that have not been previously stripped of soil, topsoil shall be removed from the areas to be occupied by subsoil mounds and both topsoil and subsoil shall be removed from areas to be used for storage of overburden.

Restoration

- 28 After completion of mineral extraction in each phase the site shall be progressively restored to grassland and/or moorland in accordance with approved plan no 11541/P14/2b and a detailed scheme to be submitted for the approval of the Mineral Planning Authority within 6 months of the date of this permission. Unless otherwise agreed in writing the submitted scheme shall provide for:
- a) the phasing and direction of backfilling of the site with overburden from the following phase;
 - b) the removal of plant, machinery, haul roads and fences;
 - c) spreading a minimum depth of 350mm subsoil and 250mm topsoil over the backfilled overburden in agricultural grassland areas;
 - d) spreading a minimum depth of 500mm subsoil or sandy overburden over the backfilled material on areas to be restored to moorland;
 - e) ripping of any compacted layers of subsoil to ensure adequate drainage and aeration prior to spreading topsoil;
 - f) details of cultivation techniques and equipment to be used;
 - g) final levels and contours of the restored land graded to blend in with those of the surrounding land to prevent ponding and promote good surface water drainage;
 - h) provision of temporary surface water drainage ditches at the boundary of phases 2, 3 and 4 with phase 6 where the Reduced Level contours cause a risk of ponding;
 - i) grass seeding of any areas to be returned to agriculture including seed mixture;

- j) details of the restoration to moorland including seeding and planting details, sources of heather and management;
- k) removal of all storage mounds;
- l) reconstruction of drystone walls and provision of gates in the local style;
- m) programme of works and timescales;
- n) making safe all residual quarry faces.

Soil Replacement during Restoration

- 29 The final surface of backfilled quarry overburden in each phase shall be graded to provide an even surface 500mm lower than the agreed final contours.
- 30 The spreading of subsoil and topsoil shall only be carried out when the material is in a dry and friable condition and in sufficient time for subsoil ripping, cultivation and seeding to take place under suitable weather conditions before the end of September.
- 31 In each phase subsoil shall be spread to the depths specified in Condition 28 using a backacter so as to avoid running over the spread soil. If running over the spread soil with wheeled plant and vehicles is unavoidable all areas which have been trafficked with wheeled machines shall be subsoil ripped to a depth of 450mm at spacings of not more than 750mm to relieve any compaction. In areas that are to receive topsoil, subsoil ripping shall be carried out prior to the spreading of topsoil. All stones and any other object larger than would pass through a wire screen mesh with a spacing of 75mm shall be removed from the surface of the soil. The Mineral Planning Authority shall be notified in writing when the works required in this condition have been completed.
- 32 On receipt of the approval of the Mineral Planning Authority for the works required by Condition 31 above, topsoil shall be spread over the surface of the areas to be restored to agriculture to the depth specified in Condition 28. The Mineral Planning Authority shall be notified in writing when the works required in this condition have been completed.
- 33 Unless otherwise agreed in writing by the Mineral Planning Authority, in each phase a grass sward shall be developed in those areas of the site to be restored to grassland, and a grass, heather and wildflower sward on those areas of the site to be restored to moorland in the first available growing season.
- 34 If in any part of the restored area a satisfactory grass growth is not obtained as a result of the initial sowing, such part shall be cultivated and reseeded, after the correction of any nutrient deficiencies in the soil, during the next growing season and such work shall be repeated until a satisfactory sward is established.

- 35 Within 2 months of the restoration and seeding of each phase the operator 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.
- 36 Unless otherwise agreed in writing by the Mineral Planning Authority upon completion of restoration in the final phase, when all subsoil has been returned to site, the route of the haul road between the application site and Moorfield Quarry shall be broken out and all concrete hardstanding and other road construction materials removed. The route of the haul road between the application site and Moorfield Quarry shall then be subsoil ripped to relieve compaction prior to being spread with subsoil and topsoil and seeded to grass in accordance with Conditions 28 - 34 above.

Aftercare

- 37 An outline aftercare scheme detailing the steps which may be necessary over the aftercare period of 5 years to bring each restoration phase to the required standard for use for agriculture or for moorland shall be submitted to 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.
- 38 The aftercare scheme submitted in accordance with Condition 37 above shall be fully implemented and shall provide details of:
- a) the person responsible for implementing the aftercare scheme;
 - b) a plan showing each area subject to aftercare, with demarcation of any areas having different aftercare steps or management proposals;
 - c) the steps to be carried out in each area during the aftercare period and their timing within the overall programme, submitted to the Mineral Planning Authority in the form outlined at Box 5 of Mineral Planning Guidance Note 7 (MPG7);
 - d) detailed programme for the first year of aftercare in accordance with the requirements identified at Box 6 in MPG7.
- 39 Following compliance with Condition 38 above, a detailed annual aftercare programme shall be submitted to the Mineral Planning Authority before 31 August in each year of aftercare of any phase. The programme submitted shall amplify the outline aftercare scheme for works to be carried out in the following 12 months, including any modifications to the original proposals, and shall comply with the requirements identified in Box 6 of MPG7, and the approved scheme shall be fully implemented.
- 40 Every year during the aftercare period the developer shall arrange a site meeting to be held every year before 31 November to discuss the report

prepared in accordance with Conditions 38 and 39 above to which the following parties shall be invited:

- a) the Minerals Planning Authority;
- b) all owners of the land within the site;
- c) DEFRA.

Protection of Amenity

Noise

- 41 Noise screening mounds shall be constructed in accordance with Condition 26 using subsoil stripped from the first phase of mineral working and maintained until mineral extraction has ceased.
- 42 Except in emergencies to maintain safe quarry working, which shall be notified to the Mineral Planning Authority as soon as practicable, or unless otherwise agreed in writing by the Mineral Planning Authority:
 - a) no operations, other than water pumping, servicing and environmental monitoring shall be carried out on the site except between the following times:
 - 0730-1800 Mondays to Fridays
 - 0730-1300 Saturdays
 - b) no operations other than water pumping and environmental monitoring shall take place on Sundays and Bank Holidays.
- 43 The site attributable free field equivalent continuous A weighted sound pressure level ($L_{Aeq,T}$) when measured at a height of 1.3-1.5m above ground and at least 3.5m from any reflecting structure other than the ground, measured at or projected to any noise sensitive property, including residential accommodations and buildings housing farm animals as shown on approved plan no 11541/P17a "Noise Monitoring Positions", or at equivalent positions agreed with the Mineral Planning Authority, shall not exceed:
 - a) 70dB(A) in any one hour period at any noise sensitive property during exceptionally noisy operations such as the construction and removal of screen mounds and soil stripping and replacement, as agreed in advance with the Mineral Planning Authority (this noise limit is only permitted for a maximum of 8 weeks in any 12 month period);
 - b) 45 dB(A) in any one hour period at any noise sensitive property, during all other site operations.

- 44 Except with the prior written approval of the Mineral Planning Authority, exceptionally noisy operations (as defined in Condition 43) shall only be carried out between the hours of:
0900-1730 Mondays to Fridays
0900-1230 Saturdays
and at no time on Sundays or Bank Holidays.
- 45 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.
- 46 All vehicle reversing warning systems and/or alarms shall be operated in accordance with specifications to be agreed in writing with the Mineral Planning Authority prior to the commencement of all site operations. At all times the Best Practicable Means shall be employed to prevent and counteract the effects of audible alarms on nearby residents.
- 47 Unless otherwise agreed in writing by the Mineral Planning Authority there shall be no blasting on the site.
- 48 Within 3 months of the date of this permission a noise monitoring scheme shall be submitted to and approved in writing by the Mineral Planning Authority. The submitted scheme shall provide details of
- a) equipment to be used;
 - b) noise monitoring station locations;
 - c) frequency of monitoring;
 - d) methodology to be employed.

The operator shall retain the results of noise monitoring for a minimum of 12 months for inspection by the Mineral Planning Authority.

Dust

- 49 Prior to soil stripping commencing on the permitted site a water spray system shall be installed on the haul road as indicated on approved plan no 11541/P27a "Dust Suppression".
- 50 Within 3 months of the date of this permission a scheme for the suppression of dust shall be submitted to and agreed in writing by the Mineral Planning Authority. The submitted scheme shall provide for:
- a) the suppression of dust caused by the movement, transport and storage of stone, soils and overburden;
 - b) seeding of all screening mounds and soil stockpiles which will be in place for more than 6 months;

- c) speed restriction of 15 miles per hour for all vehicles using the haul road;
- d) use of water bowzers and water spray units for the suppression of dust;
- e) all plant used on site to have upward facing exhausts;
- f) heavy plant to be fitted with radiator deflector units;
- g) suspension of the movement of mineral, soils and overburden on site when local wind speed exceeds 20 metres per second;
- h) provision and use of effective means to prevent the deposition of mud and other materials on the highway.

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

- 51 Within 3 months of the date of this permission a dust monitoring scheme shall be submitted to and approved in writing by the Mineral Planning Authority. The submitted scheme shall provide details of

- e) equipment to be used;
- f) dust monitoring station locations;
- g) frequency of monitoring;
- h) methodology to be employed.

The operator shall retain the results of dust monitoring for a minimum of 12 months for inspection by the Mineral Planning Authority.

- 52 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 not directly associated with the operation of the quarry.

- 53 Notwithstanding the provisions of parts 19 and 20 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.

54. Within 12 months of the date of commencement referred to in Condition 1 above all crushing and screening plant which is used in the processing of any mineral from the permitted site or from the land within the area indicated by a blue line on approved plan no. 11541/P2/3 "Ownership" shall be located in Moorfield Quarry indicated by green hatching on approved plan no. 11541/P2/3 "Ownership" and unless otherwise agreed in writing with the Mineral Planning Authority no such plant shall subsequently be located within the area indicated by a blue line on approved plan No. 11541/P2/3 "ownership" outside Moorfield Quarry.

Cultural Heritage

- 55 No less than 3 months prior to works commencing on site the applicant shall submit a scheme and programme of archaeological investigation works for the approval of the Mineral Planning Authority. This scheme shall provide for the inspection, recording and photographing of all drystone walls to be removed during the course of the works. A drawn and photographic record shall be made of all existing stone walls on the site.

Reinstatement of Buildings on Site

- 56 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.

2302.01	Airfield Dwellings Plans and Elevations
2302.02	Floor Plans and Elevations as Existing
2302.03	Hangar Plans and Elevations

- 57 No development shall take place until samples of all facing and roofing materials have been submitted to and approved in writing by the Local Planning Authority, and the development shall be constructed of the approved materials.

RECOMMENDATION: CONDITIONAL APPROVAL SUBJECT TO THE APPLICANT SIGNING A SECTION 106 AGREEMENT.

1.0 SITE LOCATION AND DESCRIPTION

- 1.1 The site is approximately 20 hectares in area and is located about 3.5 kilometres west of Huddersfield town centre at an altitude of between 238 and 263 metres (AOD). The site is approximately 1 kilometre to the west of the company's main quarry buildings and stone processing area. Johnsons Wellfield (Quarries) Limited have been extracting stone from this area since 1928 and an extensive area of active and disused mineral working is located between the application site and Thewlis Lane some 500 metres to the east. The site lies adjacent and to the west of the most recently opened quarry currently being worked by Johnsons Wellfield. The existing quarries are almost worked out, with very limited remaining stone reserves.
- 1.2 The nearest built-up residential areas are Beaumont Park and Delves Wood, located 1.25 kilometre to the east, and Crosland Hill, about 1 kilometre to the north. The site cannot be viewed from these areas. The nearest residential properties to the site are Hill Tree Park chalet park to the north-east, Hadden

Farm to the south west and a bungalow on the site itself. The site may be viewed obliquely from Hill Tree Park, but is on clear view from Hadden Farm and the bungalow. This latter is associated with the Crosland Hill flying club, a long-established, non commercial concern providing facilities for light aircraft. The bungalow is occupied by the site owners who will benefit, if the development is approved, through an agreement with the applicant.

- 1.3 The site is currently used as permanent agricultural pasture, with paddocks grazed by horses. Due to its elevation and poor soils the land has an Agricultural Grading Classification of 4. There is an agricultural building on the site. Part of the land is currently occupied by the flying club with its associated hangar and other buildings, and the runway. The majority of the metalled section of the runway lies on adjacent land to the east, but part of the runway on the site is metalled. There is a grass run-out strip running westwards across the site from the metalled runway.
- 1.4 The site is bounded by Blackmoorfoot Road to the north, Nopper Road to the west and un-surfaced tracks to the south and south west, which give access to agricultural properties, including Hadden Farm, Walker Slack and Moor End Farm. The site boundary comprises drystone walls and post and wire fencing.
- 1.5 A public right of way crosses the site southwards from Blackmoorfoot Road, across the line of the light aircraft runway before continuing southwards. Other public rights of way pass adjacent to the site from Nopper Road, following the route of the un-surfaced tracks bounding the site to the south-west and south. Due to its agricultural management, the ecological value of the site is low. There are no surface watercourses or springs on the site, and the site lies on a minor aquifer.

2.0 DEVELOPMENT PLAN PROVISIONS

- 2.1 The application has been assessed against national and local planning policy advice and guidance.
- 2.2 The site is allocated as an Area Safeguarded for Mineral Working in the Green Belt in the approved Unitary Development Plan. Guidance on planning in the Green Belt is given in Planning Policy Guidance Note (PPG) 2. PPG 2 states that minerals can only be worked where they are found and their extraction is a temporary activity which need not conflict with Green Belt objectives, provided that high environmental standards are maintained and the site is well-restored. The application indicates that these requirements will be met.
- 2.3 Other relevant central Government guidance is contained in MPG1, MPG7 (reclamation), PPG1 and MPG11 (noise).
- 2.4 The following UDP policies apply:

EP1 DEVELOPMENT PROPOSALS WILL BE CONSIDERED TAKING INTO ACCOUNT CONSEQUENCES FOR

- (i) LAND QUALITY**
- (ii) AIR AND WATER QUALITY**
- (iii) NOISE LEVELS; AND**
- (iv) VISUAL INTRUSION**

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 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 LAND USES 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 OPEN LAND THAT EXTENDS INTO URBAN AREAS 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 THE 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**

M3 PROPOSALS TO EXPLORE 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 THE 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 THE SITE OPERATIONS OR ASSOCIATED TRANSPORT;**
- iv PREJUDICE HIGHWAY SAFETY THROUGH THE VOLUME OR THE 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 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.

M5 SAFEGUARDED MINERAL RESERVES ARE INDICATED ON THE PROPOSALS MAP AS FOLLOWS:

- i HUDDERSFIELD ROUGH ROCK RESERVES AT CROSLAND MOOR**
- ii CUMBERWORTH THIN PIPECLAYS, NEAR SHELLEY**
- iii PIPECLAYS ASSOCIATED WITH THE PENISTONE FLAG SERIES OF THE LOWER COAL MEASURES, ADJACENT TO HEN PERCH QUARRY DENBY DALE**
- iv ASHLAR AT ROCKINGSTONE, WHOLESTONE MOOR, HUDDERSFIELD**
- v PIPECLAYS AT LARGE DIAMETER PIPEWORKS, LOWER CUMBERWORTH**
- vi ASHLAR AT SOVEREIGN QUARRY, CARR LANE, SHEPLEY**
- vii SANDSTONE AND PIPECLAYS AT APPLETON QUARRY, SHEPLEY**
- viii PIPECLAYS AT THE BROMLEYS (NORTH EAST), UPPER CUMBERWORTH**
- ix PIPECLAYS AT THE BROMLEYS (SOUTH WEST), UPPER CUMBERWORTH**
- x PIPECLAYS AT GREEN HOUSE FARM, SHELLEY**

DEVELOPMENT PROPOSALS LIKELY TO AFFECT THESE RESERVES SUCH THAT FUTURE SURFACE EXTRACTION WOULD BE PREJUDICED WILL NOT NORMALLY BE PERMITTED

3.0 PLANNING HISTORY

3.1 There is no record of any relevant planning applications within the current application site boundary. A number of planning permissions dating from 1947 are relevant to the current application. These are summarised in the following paragraphs.

3.2 The following Interim Development Order permissions were granted on 10 November 1947:

No. 1282 “Mineral Working and Infilling” at Wellfield Quarry
No. 1289 “Mineral Working and Infilling” at Waterholes Quarry
No. 1284 “Mineral Extraction and Infilling” at Moorfield Quarry.

Approval was granted for a Scheme of Conditions for each of these IDO permissions on 11 August 1995. These Schemes allowed for the importation of inert wastes to infill the worked out quarries, enabling the sites to be restored to moorland and amenity woodland.

3.3 Planning permission no. TP/17541 for mineral working and infilling was granted on 18 December 1967 for a westerly extension to Moorfield Quarry. This extended Moorfield Quarry to the boundary with the Hill Tree Park chalet site. A Scheme of Conditions was submitted on 26th February 1998 according to the requirements of the Environment Act 1995 and remains to be determined.

3.4 Planning permission no. 92/62/05699/WO for “Mineral Extraction and Infilling” was granted on 23 May 1997 for an extension to Moorfield and Waterholes Quarries (also known as the Airfield extension). The planning conditions attached to this permission required the site to be backfilled and restored to moorland. Extraction commenced in two areas at the eastern end of this extension area, to the south of the airfield runway and adjacent to Sands House Lane/Sandy Lane. These currently active areas of working comprise approximately one quarter of the whole area permitted under 92/62/05699/WO.

3.5 A further planning permission no. 2002/70/92247/WO was granted on 7th November 2002 to allow extraction from an area at the western end of the area to which permission no. 92/62/05699/WO refers. This was necessary because the quality and quantity of dimension stone in the area permitted under 92/62/05699/WO was not as good as anticipated and the operator considered that mineral extraction in much of the remainder of the permitted area would not be viable. Therefore, the operator needed permission to work an area, where good quality reserves were known to exist, in advance of the permitted sequence of extraction.

3.6 A Planning Obligation was made under Section 106 of the Town and Country Planning Act 1990 by Johnsons Wellfield (Quarries) Limited on 30 April 1997 providing timescales for the start and cessation of mineral extraction and infilling in respect of areas permitted under IDO permission nos. 1282, 1289 and 1284, and planning permissions 17541 and 92/62/05699/W0. The Section 106 Agreement also obliged the operator to carry out the following works:

- Remove existing buildings within Wellfield Quarry;
- Construct a screen mound on the boundary of Moorfield Quarry close to Hill Tree Park and plant with trees, and seed and plant with trees in the area between the proposed mound and Hill Tree Park;
- Relinquish planning permission no. TP/17541 in respect of land required to implement the works detailed above;
- Seed and plant trees in the areas used for grazing horses between Moorfield Quarry and Blackmoorfoot Road and to the north of Wellfield Quarry;
- Seed and plant with trees in an area of land to the south of Hill Tree Park
- Provide aftercare for a period of 25 years to all areas identified above;
- Infill and restore Sandene Quarry off Thewlis Lane to amenity woodland in accordance with an agreed scheme;
- Ensure the use of Moorfield Quarry for the importation of inert waste did not commence until the infilling of Wellfield and Waterholes Quarries had been completed;
- Cease extraction of mineral in Wellfield and Waterholes no later than one year after the commencement of works in the area to which planning permission 92/62/05669/W0 relates;
- Cease working in Moorfield Quarry no later than 7 years following the commencement of works on the area to which planning permission 92/62/05669/W0 relates.

The existing Section 106 Agreement also details works to be carried out in relation to cessation of mineral extraction, completion of landfilling, restoration and aftercare at the applicant's Honley Wood Quarry.

APPLICANT'S PROPOSALS

- 4.1 The applicant has submitted an Environmental Statement which describes the proposed mineral extraction, infill and restoration. The Environmental Statement includes detailed environmental impact assessments for landscape and visual impact, noise, air quality (dust), ecology and highways. Mitigation measures to avoid, minimise or reduce these adverse impacts are described.
- 4.2 The applicant states that the supply and quality of stone in the area permitted under planning permission no. 92/62/05699/WO has proved to be significantly less than originally anticipated and current supplies are now all but exhausted. In order to continue production of high quality sawn stone products, which are valuable and much sought-after materials, he needs to work the application site.

Boreholes have been drilled to examine the geology in the application site and indicate that the deposit is good.

- 4.3 The applicant proposes to extract blockstone, flagstone and associated sandstone products from the site over a period of 13 years, with an additional 2 years for restoration. This could involve excavating some 2.86 million cubic metres of materials. Between 15-20% of the material would be processed as mineral product, leaving the remaining 80-85% to be returned to the site as inert backfill. The applicant proposes to continue to comply with the current restriction on the volume of exported and imported material, which is 2,500 tonnes daily. (Condition 29 of Planning Permission no. 92/62/05699/WO).
- 4.4 The applicant describes the declining demand for aggregate, a bi-product of working of dimension stone, and the changes in the waste management industry which significantly reduces the availability of inert wastes to fill the quarry voids. The result of these trends is that less mineral would be exported and sold from the proposed mineral extraction area than was the case in the existing and former quarries. Therefore a quarry void, such as remains in Waterholes and Moorfield Quarries, would not be created by the working of the application site.
- 4.5 The site would be accessed via a haul road from the main quarry buildings off Thewlis Lane, under Sands House Lane in an underpass, and running alongside the existing light aircraft runway. The haul road, which would will run in a slight cutting to reduce environmental impacts, is proposed to be concrete hard surfaced and 8 metres wide between the application site and Moorfield Quarry, where it would join the existing haul road connecting Moorfield Quarry to Thewlis Lane. Screening bunds would be provided to reduce the noise impact, caused by dump trucks transporting mineral, on properties in Hill Tree Park. The only access to the public highway is via the existing quarry works access to Thewlis Lane, where there is an existing wheel wash. The applicant proposes to install a water spray system along the haul road to dampen the surface and minimise dust emissions.
- 4.6 The site would be progressively worked in 6 phases, working in a clockwise direction, starting in the south east of the site adjacent to the area of currently active quarry working. Phases 1 and 2 would therefore proceed in a westerly direction, Phase 3 in a northerly direction, and Phases 4 and 5 in an easterly direction. Phases 3 to 5 avoid the land occupied by the bungalow, hangar and outbuildings. As part of the preliminary works for the final phase, these structures would be demolished prior to mineral extraction. Phase 6 would be worked in a southerly direction towards the backfilled and restored areas of Phases 1 and 2. The buildings would be re-instated after backfilling is completed. The applicant has entered into an agreement with the owner-occupiers of the bungalow, hangar and outbuildings to allow this work to proceed. Plans have been submitted which indicate the details of the reconstructed buildings.

- 4.7 The advancing face and side walls of each phase of working would be cut in a series of benches with a maximum depth of 5 metres. Each face would have a berm width of 2 metres. This would have the effect of creating a stepped face which provides stability to surface topography and surface structures. A 5 metre width of unworked land would be retained between the quarry face and the site boundary.
- 4.8 Whilst the applicant proposes to work the site in a clockwise direction as indicated by the above phasing, due to the nature of the operations it would not be possible to excavate and backfill each phase before moving to the next phase. Mineral waste from Phase 1 of the working would be used to backfill the currently active quarry adjacent to the eastern boundary of the application site. Each subsequent phase of working would then be infilled using all available quarry waste excavated from the following phase, while maintaining sufficient working area for the quarrying operations. This would enable each phase of working to be backfilled and restored in sequence. The backfilling operation would involve the quarry waste being spread and compacted to form layers of 2 metres in height across a working face of approximately 70 metres in width. Subsequent lifts would be formed in the same way to eventually achieve the final contours, prior to the re-instatement of the soil profile.
- 4.9 The applicant submitted three options for restoration.
- Option 1, the High Level Reclamation Option, requires the importation of additional inert wastes to return the site to the same contours as at present.
 - Option 2, the Reduced Level Reclamation Option, proposes restoring the site to contours up to about 2 metres lower than the present levels but to give the same general landform. The slightly reduced levels would result from the fact that 20% of the excavated material would be removed as product, leaving approximately 80% which would be returned to the site as backfill.
 - Option 3, the Low Level Reclamation Option, proposes exporting all surplus excavated material from the site for use in infilling parts of Waterholes Quarry, leaving a low level restoration in the application site.
- 4.10 The applicant identified the environmental effects associated with each restoration option and concluded that Option 1 would potentially give rise to adverse impacts associated with the importation of quarry waste and Option 3 would potentially give rise to adverse impacts associated with exporting quarry waste off site and adverse landscape impacts due to the creation of a deep quarry hole. Option 2 avoids these adverse impacts and is therefore the applicant's preferred choice.

- 4.11 Topsoil and subsoil would be stripped from each phase in turn and stored until needed for restoration. Surplus topsoil, which would be detrimental to the creation of heather-rich moorland, would be used for the restoration of areas of Wellfield and Waterholes Quarries, under the terms of a Planning Obligation being discussed between Johnson Wellfield (Quarries) Ltd and Kirklees Metropolitan Council under Section 106 of the Town and Country Planning Act 1990. Sufficient topsoil would be retained on site in temporary storage mounds to restore the agricultural pasture land to a satisfactory condition.
- 4.12 Subsoil would be used to create screening mounds on site and some would be stored temporarily in an area of Waterholes Quarry until needed for the restoration of the application site. The remainder of the subsoil would either be retained on site in temporary storage mounds or stripped and re-spread directly on earlier completed phases of mineral working during the progressive restoration of the site.
- 4.13 Other than during soil stripping and the formation of screening bunds around the bungalow and near to Hadden Farm, operations within each phase would take place below the existing ground level. The mineral would be extracted using excavators and dump trucks. There would be no blasting and no mineral processing on the site. The mineral would either be taken to the stone saw sheds or to Moorfield Quarry for crushing and screening. This would avoid the need for this equipment being located on the application site and would reduce the noise impact at the bungalow and at Hadden Farm.
- 4.14 The current working area adjacent to the application site would be restored as part of the proposed works. Excavated quarry waste from Phase 1 of the proposed development would be used to backfill the current working area upon completion of quarrying in this area. The backfilled quarry would then be spread with subsoil which was stripped from the area prior to quarrying and stored for future use. It would be restored to moorland, using sandy soil from the horseshoe-shaped embankment which is located between the application site and Hill Tree Park. This soil contains heather seed which would promote the establishment of moorland on the restored quarry. The remainder of the material in the mound would be used to backfill worked out areas of the application site.
- 4.15 The proposed hours of working for mineral extraction and restoration are:
- | | |
|------------------|-----------|
| Monday to Friday | 0730-1800 |
| Saturday | 0730-1300 |
- There would be no working other than for environmental monitoring and water pumping on Sundays or Bank Holidays.
- 4.16 The applicant has consulted with the Environment Agency about the protection of groundwater quality. The Environment Agency has confirmed that, given the

location of licensed and unlicensed abstraction points in the area, the risk of pollution resulting from the proposed development affecting water supplies is relatively low. There would be no need to dewater the workings and the site water management plan needs only to relate to the management of surface water and silts collected from the proposed haul road. A suitable water management plan was submitted with the application.

Additional Information

- 4.17 A Planning Obligation is being discussed between Johnson Wellfield (Quarries) Ltd and Kirklees Metropolitan Council under Section 106 of the Town and Country Planning Act 1990. This Section 106 Agreement would provide an opportunity to secure the restoration of the worked-out quarry areas of Wellfield, Waterholes and Moorfield and the Waterholes (Airfield) Extension. It would also enable additional landscaping works to be carried out on Sandene Quarry.
- 4.18 The existing quarry voids in Waterholes and Moorfield Quarries, and the Waterholes Extension are unlikely to be filled with imported inert wastes, given the changing policies with regard to the landfilling of such materials. This has led to the creation of an extensive area of dereliction where the existing planning conditions for restoration no longer represent a practical and achievable way forward. Alternative restoration schemes are being discussed with the applicant which would form the basis of the proposed Section 106 Agreement.
- 4.19 The Section 106 Agreement would require the operator to restore the quarries to amenity and nature conservation after-uses. Only the currently infilled part of Wellfield Quarry would be restored at or near existing ground level. In all other areas the quarry voids would remain, providing the opportunity for sheltered areas of amenity tree and shrub planting, establishment of areas of wildflowers and heather, and some wetland areas. The restoration of the quarries would be phased over several years to allow the operator to retain an adequate working area for the processing and stockpiling of mineral, and to complete stone extraction in these areas. Nevertheless, substantial areas of restoration would be achieved in Wellfield, Waterholes and Sandene Quarries within 3 years of the signing of the Section 106 Agreement.

5.0 CONSULTATIONS

5.1 Internal

5.1.1 **Environment and Transportation Service**

No objection subject to conditions being attached to any planning permission granted to protect local residential properties, including the bungalow on site, from a noise and vibration nuisance and a dust nuisance being caused by the operation of the quarry, to limit the hours of working and to prevent blasting.

5.1.2 **Building Control**

No objection, the demolition of the dwelling and the adjacent buildings will require notification to the Local Authority under Section 80 of The Building Act 1984.

5.1.3 **Design and Property Service**

No objection subject to conditions being attached to any planning permission granted to require detailed schemes for restoration and aftercare.

5.1.4 **Highways**

No objection.

5.2 External

5.2.1 **Environment Agency**

No objection but recommendations made with respect to prevention of pollution of groundwater and surface water. The Agency stated that it was satisfied that the proposal is unlikely to adversely affect groundwater users and springs in the vicinity of the site providing good working practices were observed.

5.2.2 **Countryside Agency**

No objection.

5.2.3 **English Nature**

No objection. English Nature confirms that the site does not directly affect a statutory site of nature conservation interest.

5.2.4 **West Yorkshire Archaeology Service**

No objection, subject to a condition being attached to any planning permission granted to secure the implementation of a programme of archaeological work to investigate, photograph and record the drystone walls.

5.2.5 **Transco**

No objection. Transco confirms that no gas mains enter the site.

5.2.6 **Yorkshire Electricity Distribution Limited**

No objection.

5.2.7 **Yorkshire Water**

No objection.

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. The applicant carried out a public consultation exercise, including a public exhibition on 21 and 22 February 2003. Subsequently, at the request of Hill Tree Park residents, a further presentation was made to residents on 28 February 2003.
- 6.2 Representations have been received from the Representative of the Residents of Hill Tree Park attaching a petition containing signatures from 23 properties in the area, all in support of the proposals. The reasons given in support of the planning application were:
1. The proposals would lead to the removal of the mound which encircles a small pond on the area to which the previous planning permission refers. This mound is an un-natural feature of the landscape and its removal would open the views in the valley for the residents.
 2. Opportunity to remove a stagnant pond and rubbish which has accumulated in the area surrounding the pond.
- 6.3 One representation was received in objection to the proposals. This was from a resident of Netherton, a village approximately one and a half kilometres to the south east of the site. The reasons given for objecting to the proposals were:
1. Operations can already be heard in the house and garden of the resident.
 2. The hours of working already exceed those that should be followed.
 3. The area is a scenic and wildlife rich area and further quarrying operations would result in a loss of amenity.
 4. Loss of public footpaths.

7.0 OFFICER'S OBSERVATIONS

- 7.1 The planning application under consideration involves an extension to the existing area of mineral extraction at Johnson Wellfield's Crosland Moor site which is required in order to maintain the supply of blockstone to enable the production of high quality stone products to continue. Supplies of useful stone in the existing operational areas are all but exhausted and the proposed extension would secure a continued supply for a further 13 years, maintaining local employment.
- 7.2 The development will necessitate the demolition of a residential bungalow, light aircraft hangar and farm buildings and their re-instatement upon completion of mineral extraction and backfilling. Given that the site is in the Green Belt, this principle needs to be agreed as part of the application for mineral extraction to avoid the risk that permission for re-building in the Green Belt would not be granted. Therefore the demolition and re-instatement of the structures on site form part of the planning application under consideration.

- 7.3 Local building and block stone is a scarce resource, the demand for which continues to increase particularly as a result of planning policies requiring the use of locally found materials in new buildings and in building conservation and renovation. This quarry is one of the principal sources of ashlar sandstone in the country.
- 7.4 After consideration of all three restoration options put forward by the applicant, the recommended choice is Option 2, the Reduced Level Scheme. This option would not require any importation of material to achieve the final landform and would not therefore require additional traffic bringing imported fill material along the haul road. It would provide a completed site with gently undulating contours which would be restored to a mixture of agricultural pasture, bounded by stone walls, and heather-rich moorland in keeping with the natural landscape of the area. Option 1 is not recommended because it would require the importation of inert controlled or mineral wastes to achieve the proposed contours. Option 3 would lead to the creation of a further large quarry void in an area which is already despoiled by the results of former quarrying activities, and is not therefore recommended.
- 7.5 The proposals represent an important change in the nature of blockstone quarrying in this area. Due to the fact that only some 20% of the excavated mineral would be exported for sale, the site would be progressively backfilled and restored without the need for imported inert wastes. As a result, this proposed extension does not represent a significant increase in the area of disturbed land on Crosland Moor.
- 7.6 The key issues which have to be taken into consideration when assessing the acceptability of the proposals are the impact on local amenity in terms of noise and dust, impact on local landscape and visual amenity and impact on local highway network. The phasing of mineral extraction and progressive backfilling and restoration are also important issues.
- 7.7 Blasting is not permitted at the quarry and in normal circumstances the main sources of noise are mobile plant, crushing and screening plant. The applicant's original proposals included the location of the crushing and screening plant in the application site, but further consideration of the potential noise impact on residents of the bungalow resulted in an amended proposal being submitted to re-locate this equipment to Moorfield Quarry. A condition has been attached which limits noise levels created by normal operations to 45dB(A) at the bungalow, Hadden Farm and Hill Tree Park. An existing planning condition imposes a noise limit of 52dB(A) at Hill Tree Park in respect of noise produced by quarrying activities in Moorfield Quarry.
- 7.8 Dust is most likely to be generated by the movement of vehicles on the quarry haul road, although there is also potential for dust to be generated during the excavation and loading operations in the quarry itself. The applicant has put forward proposals for minimising dust generation, including hard surfacing of the permanent haul road and a permanent water spray system along the haul road

to damp down the dust. Although the applicant considers that the residents of the bungalow would be unlikely to complain about dust from the workings in view of the financial rewards included in the agreement between the owner-occupiers and the applicant, conditions have been attached to control dust nuisance at all nearby residential properties.

- 7.9 The applicant undertook and presented a detailed landscape and visual impact assessment as part of the planning application and Environmental Statement. The proposed site is not on view from many properties. Residents of Hill Tree Park have oblique views of the site, but it is much less visible from this location than the currently permitted extension. The proposed workings can be effectively screened from neighbouring properties by relatively limited screening banks, close to the bungalow, Hadden Farm and between the haul road and Hill Tree Park. These bunds would also provide noise screening. The site is generally only visible from local roads and public rights of way in the immediate vicinity of the site.
- 7.10 The majority of mineral extraction operations would take place below the surface level, other than where topsoil and subsoil were being temporarily stored for future use in restoration. The preferred Reduced Level Reclamation Option would return the site to a similar landform and vegetation as the existing site and the permanent change to landscape and visual amenity would be slight.
- 7.11 The extension would not result in any increase in current quarry traffic levels on local roads. There would be no direct access to the public highway from the site itself and all traffic would travel along the haul road, under Sands House Lane in an underpass and to the main quarry buildings off Thewlis Lane. Quarry traffic would continue to use the existing works entrance off Thewlis Lane and all vehicles would pass through a wheel wash before leaving site. A condition has been attached to limit the export of mineral and import of waste material to and from the Crosland Hill Quarries to 2,500 tonnes per day, repeating the existing condition 29 on planning permission number 92/62/05699/WO.
- 7.12 The application proposals comply with Unitary Development Plan (UDP) policies M3, M3(a) and M5. Central government advice, which is reflected in UDP policy M1, is that it is essential for national prosperity that there is an adequate and steady supply of minerals, that minerals can only be worked where they occur naturally and that extraction sites are limited.
- 7.13 The phasing of mineral extraction and the progressive backfilling and restoration of the site are essential elements of the proposed development in order to secure the proposed landform and after-use. This scheme of working also minimises the area of land that will be disturbed at any one time, thus avoiding the risk of a wide area being opened up and remaining disturbed for long periods which has traditionally been the case with this and other sandstone quarries in the District. Conditions have been attached to ensure that the operator works, backfills and restores the site in accordance with the agreed scheme of working.

- 7.14 Although this planning application would temporarily extend the area of quarrying on Crosland Moor, it also represents an ideal opportunity to secure appropriate and updated restoration and aftercare conditions for Sandene, Wellfield, Waterholes and Moorfield Quarries and the Waterholes Extension. This would be achieved through a Section 106 Planning Agreement, currently being discussed with the operator, which would ensure the restoration of large areas of disused quarry.
- 7.15 Under the terms of the proposed Section 106 Agreement the worked out quarries would be gradually restored through a phased programme of restoration to amenity after-uses with tree planting, moorland and nature conservation. The restoration proposals would increase the biodiversity of the area and significantly improve the visual amenity of the area. Restoration of a substantial area, including Sandene and parts of Wellfield, Waterholes and Moorfield would be carried out in the first two to three years following commencement of the development, thus achieving a significant reduction in the area of dereliction and bringing the extensive quarry complex under a programme of planned, progressive restoration.
- 7.16 Through the proposed Section 106 Agreement, and by virtue of the planning application, the stone processing operations, principally crushing and screening, would all be consolidated into the one area of Moorfield Quarry. This would move the source of dust and noise further away from the residential areas of Delves Wood and Beaumont Park. The proposed development would also move the quarrying operations further away from the residential area of Hill Tree Park. This would benefit the amenity of local residents by reducing the visual impact of the quarrying operation.
- 7.17 The prevailing wind is from the west and therefore properties which are located to the east and downwind of the quarry, such as Delves Wood and Beaumont Park, are most likely to be affected by noise and dust. Complaints about dust from the quarry operations have been received in the past from residents in this area. Although this proposal would result in the processing machinery being moved closer to Hill Tree Park, this residential area is located upwind of Moorfield Quarry and is unlikely to be affected by noise or dust from operations in this part of the quarry complex. The establishment of a vegetative cover in Wellfield and Waterholes Quarries would eliminate the exposed quarry floor surface and therefore also make a significant contribution to a reduction of the dust nuisance.
- 7.18 Under the terms of the proposed Section 106 Agreement, the operator would be obliged to relinquish the rights to further mineral extraction in the un-worked areas of planning permission no. 92/62/05699/WO. This would ensure that the area between the existing quarries and the proposed extension, adjacent to Hill Tree Park, remains undisturbed.
- 7.19 Providing that conditions are attached to control noise and dust, ensure quarry-related vehicle movements on the public highway remain unchanged and to secure progressive extraction, backfilling, restoration and aftercare, and subject

to the signing of a Section 106 Agreement to secure the restoration and aftercare of the remaining parts of the quarry complex, a positive recommendation may be attached to this application.

Application No : 2003/62/93261/W3

Grid Reference : SE 14480 07970

Development : ERECTION OF 5 TERRACED DWELLINGS AND ONE PAIR OF SEMI-DETACHED DWELLINGS WITH GARAGES

Location : LAND ADJACENT TO, UNDERCLIFFE, DUNFORD ROAD, HOLMFIRTH, HD9 2DR.

Applicant : R A BERRY & SON LTD

Recommendation : REFUSAL

SUMMARY

REASON FOR COMMITTEE DECISION

Delegation agreement

SIGNIFICANT CONSULTATIONS

Highways – object

RELEVANT HISTORY

00/93412 – renewal of outline permission for erection of 5 dwellings

POLICY

Land without notation / greenfield site

REPRESENTATIONS

Thirteen letters of representation received, including ones from Kali Mountford MP and Councillor Patrick.

ASSESSMENT

Principle of residential development previously accepted but submitted details relating to internal turning facilities considered to be inadequate and detrimental to highway safety - refuse

REFUSE

- (1) The proposals would be detrimental to the highway safety of vehicular and pedestrian traffic due to inadequate provision for private and service vehicle turning within the site, contrary to the objectives of the Policies D2 and T10 of the Kirklees Unitary Development Plan.

INFORMATION

The application is brought forward to Sub-Committee due to the previous report being deferred at the December meeting for a site visit.

The application was originally reported to Committee due to previous Member interest in the site and because significant levels of objection have been received from local residents, including a letter from Kali Mountford MP.

APPLICATION SITE/ PROPOSAL DESCRIPTION

The application relates to a steeply sloping previously undeveloped area of land adjacent to Dunford Road, approximately a quarter of a mile from Holmfirth Town Centre. Permission is sought for the erection of five three storey terraced dwellings and one pair of three storey semi-detached dwellings, with a new access formed on to Dunford Road.

SITE HISTORY

1991 – outline planning permission granted for five terraced dwellings.

1994/1997 – outline permission renewed.

2000 – outline renewal again submitted, but PPG 3 had been revised and the site is greenfield. Application approved however on the basis that the proposal complied with the Council's exception policy (site was within a built up area, had little or no amenity, wildlife or recreation value, and complied with Unitary Development Plan policy).

2002 – application for five detached dwellings withdrawn following concerns raised about highway safety, residential amenity, visual amenity and the setting of the Holmfirth Conservation Area.

POLICY

The site is a 'greenfield' site and is allocated as 'land without notation' as designated within the Unitary Development Plan. The site also adjoins the boundary of the Holmfirth Town Centre Conservation Area and the following policies are applicable in this case:

D2 – development of land without notation
BE2 – design considerations in relation to proposals for new development
BE3 – proposals for Listed Building Consent / affecting the setting of Listed Buildings
BE5 – proposals for new development within Conservation Areas
BE11 – use of natural stone in new development
BE12 – space about buildings standards
T10 – highway safety considerations
T19 – off-street parking standards

PPG 3 – Housing development: greenfield / brownfield policy issues

CONSULTATIONS

Holme Valley Parish Council – support subject to additional visitor parking being provided within the site.

Highways – object due to inadequate internal private and service vehicle turning facilities.

Environmental Health - no observations.

REPRESENTATIONS

Twelve letters of objection have been received against the development, including one from Kali Mountford MP and Councillor Patrick. The issues raised may be summarised as follows:

- Development should not be permitted as the site has not been previously developed and should therefore be classed as 'greenfield' land.
- Development of this site would increase traffic on Dunford Road which is already heavily congested and concerns are raised that overspill parking from the development (e.g. visitors could exacerbate the existing on-street parking problems).
- The creation of a new access point onto Dunford Road could create further traffic accidents on this dangerous stretch of road.
- The development would adversely affect the setting of the adjoining Conservation Area.
- The site provides visual amenity for local residents as one of the last green areas close to the town centre. The site is also alleged to be a haven for wildlife.

- The development would involve the removal of mature trees.
- Unpredictable groundwater springs are present on the site and the development of the site could cause land slippage and / or flooding problems.
- The types of housing proposed would not cater for younger residents of Holmfirth who need affordable housing.
- The development will result in a loss of light and privacy for residents living opposite the site on Dunford Road.

ASSESSMENT

This is an application for full planning permission and does not relate to the existing outline approval for the site because the proposed site is larger and the number of dwellings has increased. However the principle of development on the area of land with the existing outline approval is not questioned since no policies or other material considerations have changed to such a degree which would justify a re-assessment of the principle of residential development on this part of the site.

However the additional area of land amounts to a 30% increase in the developed site area previously approved, and given that this is also previously undeveloped 'greenfield' land, an assessment of this additional land has been undertaken in order to assess whether the principle of development can also be accepted here in the light of the advice contained within PPG 3 and the Council's greenfield exceptions policy stance.

The existing outline planning permission was granted as a renewal of previous outline applications going back to 1990. Although when the latest renewal was granted, PPG 3 had come into force and the site was re-assessed under the new guidelines relating to greenfield / brownfield development, the application was approved on the basis that the proposal complied with the Council's Exception Policy (site was within a built up area, had little or no amenity, wildlife or recreation value, and complied with Unitary Development Plan policy).

To reject this current application on the basis of it being a greenfield site, the additional area of land not previously applied for must be shown to be of significant difference in relation to the aforementioned Council's Exceptions policy criteria in order to justify rejecting the principle of development of the whole site.

The additional area is very closely related to the previously approved area in terms of character and appearance, being part of a larger field with a scattering of trees. Although local residents have objected to the current proposals on the grounds that the whole site has significant amenity and wildlife value, these issues were previously considered with the outline renewal in 2000 and were not considered to be of significant weight to justify refusing the application. In the light of this, it is not therefore considered that it could be reasonably argued that the additional area not part of the previous approval is of any more importance in terms of these values. It is therefore

recommended that the principle of development on the additional area of land be accepted in terms of the greenfield / brownfield issue.

Turning to the details of the development, a number of issues have been considered.

The proposed dwellings would be three storeys high and elevated above Dunford Road. Two terraced rows of dwellings exist on the opposite side of Dunford Road, and no other dwellings exist close to the proposal site. These terraced dwellings would fall outside the minimum required 21 metre standard stated by policy BE12 and the development therefore complies with this policy. In terms of other objections raised regarding loss of light, although the dwellings would be a storey higher than the existing facing dwellings and would have ground levels two to three metres higher, the new development would be positioned to the east and north east of the existing dwellings and therefore very little loss of direct sunlight would occur.

The design, materials and layout of the dwellings are proposed to reflect those of the surrounding built environment, and therefore no objections are raised in relation to the effect of the development on the visual amenity of the street scene, or the setting of the adjoining Holmfirth Town Centre Conservation Area.

The Council's Trees officers do not object to the loss of a small number of trees on the site subject to a condition requiring replacement planting on the area of land owned by the applicant to the rear of the proposal site.

Although the levels of parking provision are considered adequate for the development, the problems with these proposals relate to highway safety concerns connected with the layout of the site.

The Service vehicle turning facilities are inadequate and would require a refuse vehicle to reverse in excess of 25m in order to access plot 1. The Mews Court would be an area where children will inevitably play and therefore concerns over pedestrian safety are raised.

In addition, the layout does not allow for vehicles from five out of the seven plots to reverse out of their drives without having to shunt backwards and forwards or reverse into areas reserved for visitor parking.

Given the traffic congestion problems on Dunford Road which primarily relate to the fact that permit resident parking facilities currently exist opposite the site, which does not allow two large vehicles to pass when utilised, Highway Services are especially keen to ensure that adequate turning facilities exist within the site in order to reduce the risk of such vehicles parking or carrying out turning manoeuvres on Dunford Road. Refusal of the current proposals is therefore recommended on highway safety grounds.

Finally, some residents have also raised the issue of ground water springs on the site and the potential for flooding and land slippage. PPG 14 (Development on Unstable

Land) states that it is the applicant's responsibility to provide the necessary information to ensure the safe development and occupancy of development sites if there is any doubt over land stability. However, the Council has no records or evidence to suggest that this land would become unstable as a result of allowing dwellings being built. The issue of flooding is also one which would be covered by the provision of adequate drainage within the site and again, there is no evidence to suggest that this development would create or add to any existing flood risk in the vicinity.

Application No : 2003/60/91853/W3

Grid Reference : SE 14280 09100

Development : OUTLINE APPLICATION FOR ERECTION OF 60 UNIT
SHELTERED HOUSING/ASSISTED LIVING SCHEME

Location : LAND TO REAR OF, HOLME VALLEY MEMORIAL HOSPITAL,
HUDDERSFIELD ROAD, HOLMFIRTH.

Applicant : CONROY BROOK (DEV) LTD

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

SUMMARY

REASON FOR COMMITTEE DECISION

Delegation Agreement. Deferred at last meeting for a site visit to be arranged.

SIGNIFICANT CONSULTATIONS

Highways – no objections subject to conditions and to the submission of a legal obligation by the Applicant not to commence work on this site until the new Oaklands Surgery is built and in operation.

Parish Council - Support subject to adequate parking

RELEVANT HISTORY

99/90429) Outline planning permission for extensions to hospital, care home
2002/90610) and 8 close care special needs units. Granted March 1999/
Renewed June 2002.

POLICY

D2, C2, NE9, BE2, T10 and T19.

REPRESENTATIONS

Councillor Patrick, Scope and 14 householders (13 objections/1 in favour)

ASSESSMENT

Development of site acceptable in principle subject to the submission of a legal obligation from the Applicant and to safeguards to ensure the protected trees are retained.

DELEGATE TO OFFICERS CONDITIONS TO INCLUDE

- (1) (a) the application for approval of any reserved matter shall be made not later than the expiration of three years beginning with the date of the grant of the outline permission and, (b) the development shall be begun not later than whichever is the later of the following dates:-
 - (1) the expiration of five years beginning with the date of the grant of the outline permission, or
 - (2) the expiration of two years beginning with the date of the approval of the reserved matters, or in the case of approval on different dates, the date of the final approval of the last such matter to be approved.
- (2) No development shall take place until plans detailing:
 - (a) the layout of the site, including the disposition and levels of roads, building(s) and other land
 - (b) the means of access to the site and building(s)
 - (c) the design and external appearance of the building(s)
 - (d) the relationship surrounding buildings
 - (e) the colour, type and texture of materials to be used
 - (f) details of screen, retaining and boundary walls
 - (g) landscaping of the site
 - (h) drainage
 - (i) the parking, loading and unloading of vehicleshave been submitted to and approved in writing by the Local Planning Authority.
- (3) Trees within or on the boundary of the site shall be neither felled, topped or lopped except with the prior written approval of the Local Planning Authority, nor shall they be damaged or killed by fire or by the application of toxic or injurious substances.

- (4) 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.
- (5) No development shall take place until a comprehensive scheme for landscaping treatment of the site prepared in accordance with the Local Planning Authority's Code of Practice Note 2 has been submitted to and approved in writing by the Local Planning Authority.
- (6) Any planting, seeding or tree management works forming part of the landscaping scheme referred to in Condition 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.
- (7) The site shall be developed by means of a separate system of drainage.
- (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 in writing 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 surface water drainage works.
- (10) Prior to development commencing a detailed scheme for the provision of traffic calming on the internal approach road to the site shall be submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing by the Local Planning Authority the scheme shall be completed before any part of the development is first brought into use.
- (11) Prior to development commencing a detailed scheme for the provision of signing and lining, together with details of sightline improvements at the hospital entrance to Huddersfield Road shall be submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing by the Local Planning Authority the scheme shall be completed before any part of the development is first brought into use.

- (12) Prior to construction commencing a schedule of the means of access to the site for construction traffic will 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 within the site. Unless otherwise agreed in writing by the Local Planning Authority all construction arrangements shall be carried out in accordance with the approved schedule throughout the period of construction.
- (13) Prior to development commencing a detailed scheme for the proposed internal access road, car parking spaces and service vehicle turning facility shall be submitted to and approved in writing by the Local Planning Authority. These details shall include full sections, traffic calming, drainage works, street lighting, white lining, signing, surface finishes and the treatment of junction/forward sight lines, together with an independent Safety Audit covering all the aspects of the work. All of the agreed works shall be completed, or as otherwise agreed in writing by the Local Planning Authority, before any part of the development is brought into operation or the care home first occupied.

INFORMATION

This is a joint report in respect of two outline proposals for a site to the rear of the Holme Valley Memorial Hospital.

The applications are brought before the Sub-Committee for determination as the site is in excess of 0.5 hectares. The application was deferred at the last Sub-Committee on 18 December 2003 to enable a site visit to be arranged.

THE SITE AND ITS PLANNING HISTORY

The site lies to the west and rear of the main hospital. It comprises a roughly rectangular area of open land which slopes up from the rear of the existing hospital buildings towards the rear of the existing dwellings in New Road and Oaklands Close.

There are a number of protected trees along the boundaries of this land. The red line site also includes the access and adjacent parking areas leading to the main hospital entrance in Huddersfield Road.

There have been a number of earlier planning consents on and adjacent to this site as follows:

99/60/90429/W3 - Outline application to extend the existing hospital, erect a care home and erect 8 close care/special needs residential units - Granted 26.3.99

2002/60/90610/W3 - Renewal of the above outline consent - granted 6.6.02

These outline applications included the current site within the red line site boundary, although they included no specific proposals for the current site on the illustrative layout plan.

2002/61/90449/W3 - Approval of reserved matters for the erection of a 60 bed care home - Granted 1.7.02

This care home which is currently under construction occupies the open land immediately to the north of the current site and shares the access to Huddersfield Road.

THE CURRENT APPLICATIONS

There are current two outline applications on the site. These are alternative development proposals as follows:

Application No.2003/60/91853/W3 - Outline application for the erection of a 60 unit sheltered housing/assisted living scheme.

Application No. 2003/60/91854/W3 – Outline application for the erection of a 40 bed nursing home and 24 bed rehabilitation unit.

In each case no specific details of siting, design, access, etc have been formally applied for although in each case an illustrative plan has been provided which seeks to demonstrate the feasibility of each of these alternative proposals.

The Applicant has supplied a letter in support of the applications which makes the following points:-

“Further to the outline applications that are currently running in respect of the above site; we have identified a specific need for a 40 bed facility for the elderly mentally infirm.

This followed discussion via Thameside Care Group (Meridian Healthcare for whom we are currently building the Phase 1 60 bed nursing/residential home), Social Services; the Primary Care Trust and Friends of Holme Valley Memorial Hospital. The 40 bed unit we have shown on our outline application could therefore be utilised for this purpose subject to planning approval.

Our alternative outline application for sheltered housing (now referred to as Assisted Living) could also be a mixture of sheltered housing and 40 bed elderly mentally infirm.

As you are aware, we are trying to establish what *the community need*, hence these outline applications. The object is to gain outline approval for a variety of end uses which will be of benefit to the community and for which there is a demand.

We have already advised that the car park area is allocated (and holds an outline approval for special needs, young disabled or similar) and so it seems eminently sensible for us to gain tacit approval for as many alternative uses as possible and for which there is an obvious demand in what is basically a rural area.

I believe that we should be given some kind of outline approval in principle for the various alternatives offered to date. These approvals would of course be subject to detailed permission being granted in due course dependent on demand and therefore subject to the conditions attached to any detailed approval”.

A further letter received from the Applicant’s Agent makes the following points:-

“Holme Valley Memorial Hospital was built by public subscription following the first World War by the people of Holme Valley for the benefit of the people of the Valley. The current site is administered by the NHS Trust in conjunction with “Friends of Holme Valley Hospital”.

Following extensive discussions, meetings and presentation, Conroy Brook were appointed as “preferred developer” to put forward a detailed scheme for the development of the site commencing with an initial Care Home which had been granted outline planning consent and in accordance with further proposals for the remainder of the site, which are currently before the Planning Committee. The monies received by the NHS Trust for the area be re-used for the benefit of the existing hospital.

There is a well publicised shortage of modern purpose built residential, nursing, close care, special needs and sheltered housing/assisted living accommodation throughout Kirklees. Conroy Brook Developments have identified an end user for the building currently under construction which will be operational and occupied following immediate completion.

Current outline applications for a further Care Home (nursing or residential, or both) a continuing care home or further care home, or continuing care home and sheltered accommodation would then cater for all elements of retirement and care and also perhaps a special needs unit dependant upon demand.

It is our client’s view that adjacent residents have been aware of the site’s potential for development as the long term proposals have been publicised for many years. We believe that any concerns with regard to overlooking and privacy can be protected at the time of detailed design, by careful compliance of normal planning requirement standards”.

PLANNING POLICY

The site is without specific notation on the Unitary Development Plan Proposals Map.

Relevant policies include:

D2 land without notation
C2 provision of community facilities
NE9 retention of mature trees
BE2 new development
T10/T19 access/parking

CONSULTATION SUMMARY

NB - These consultation replies relate to both applications.

Highways - The principal argument put forward by the consultant in the Transport Assessment is that levels of usage of both the hospital car park and the hospital entrance directly relate to the activities of the Elmwood Surgery located within the hospital grounds.

Car parking facilities for the surgery are inadequate and the consultant's survey appears to indicate that there is a direct relationship between the time of maximum accumulation with the hospital car park and the times of the surgery's morning operation.

The consultant then suggests that the expected construction of the "Oaklands" surgery and its associated car park will significantly change both the pattern of access and car parking demand. Thus once the new surgery has been opened and traffic re-assigned any impact of the proposed development will be negligible as the new traffic would simply replace that currently generated.

Turning to the details of each application

91853 - 60 bed sheltered housing unit

The level of traffic, based on survey details, that would be generated by this proposal is likely to be minimal, with only 8 and 12 movements added to the am and pm peak hours respectively. Car parking and turning facilities to this proposal are both satisfactory.

91854 - Nursing Home and Rehabilitation Unit

The level of traffic associated with this use is expected to be higher than the sheltered housing proposal and will involve approximately 21 and 17 vehicle movements in the am and pm peak hours.

Highway concerns around applications to develop within the grounds of the hospital have primarily related to the suitability of the main access and the level of car parking within the site. Other associated issues relate to the suitability of the internal access road system through the car parks to safely accommodate the additional traffic flow and to segregate pedestrian from vehicular movement.

In relation to the suitability of the access, although improvements have been carried out as part of the most recent consent, the access still does not fully comply with standards. The consultant has suggested however that additional works on the vegetation adjacent to the access should be carried out to improve and maintain vision to its maximum,. The consultant has carried out a radar speed survey and has also examined the cause of road accidents in the immediate vicinity of the access. The details of these accidents do not appear to suggest that there is an accident related problem with the layout of the main entrance - which it must be noted has now been improved.

With respect to parking demand this has been discussed earlier and it has been suggested by the consultant (and agreed by the applicant) that given the basis of the assessment it would not be unreasonable to condition any approval of either of the applications to only permit development to proceed once the new doctor's surgery at Oaklands has been brought into use.

It is considered that this would be best controlled by means of an obligation made by the applicant (under S106 of the Town and Country Planning Act) that no development shall commence on this site until the Oaklands Surgery development has been constructed and brought into use.

With regard to the internal road system concerns can be reduced by the introduction of traffic calming and a lining/signing scheme. This would reduce traffic speeds within the access road through the car park. In addition "STOP" signs and carriageway markings should be provided at the main site access to Huddersfield Road.

Subject to a Section 106 Obligation and suitable conditions covering the above, on balance Highways objections to this proposal would be difficult to substantiate.

Highways suggest appropriate conditions re traffic calming on the internal approach road, signage and white lining at the Hospital entrance, appropriate control of construction traffic and requiring full details of internal access, parking, turning spaces etc.

Environmental Services - No observations

Environment Agency - No objections

Yorkshire Water - No objections (subject to conditions)

Holme Valley Parish Council - Support but concerned about parking on the site

Coal Authority - No identified problems

REPRESENTATIONS

Again these relate to both applications (except as identified)

Representations have been received from Councillor Patrick, from Scope and from fourteen householders. Of these fourteen, thirteen live close to the development and one in Honley.

- ◆ Councillor Patrick states that he has still to receive supporting evidence for the development from the Applicant or the NHS Trust and that it remains unclear whether the development will be used for sheltered housing or assisted living as stated. It would appear that the use depends on demand and that this is not known at this stage. It also depends on agreements being made with agencies, so the precise use is not known at this stage.

Whilst Councillor Patrick has no objection in principle to a development related to a medical use, he considers that a detailed application tied into a specific use is needed. He also comments that there would be problems with parking, traffic and adverse impact on other properties depending upon the size and use of the building. The application is for a 60 unit scheme but as demand is unknown, surely it would be better not to state the size of the unit at this stage.

- ◆ Scope are concerned that there should be some provision of sheltered housing on the site and that any housing must include some dwellings suitable for people in wheelchairs.
- ◆ Thirteen of the other letters from mainly local residents make a number of points, in particular:
 - the hospital entrance has limited sightlines and is difficult to exit. There are concerns at the potential increase in traffic and a lack of adequate parking on the site. The development will generate many more service calls than ordinary family housing.
 - noise and disturbance from the increased use of the site will cause a nuisance to adjacent housing. There are also concerns that development will result in a loss of security to existing properties.
 - the site is greenfield. PPG3 suggests that such developments should be on brownfield sites.
 - a 2 storey development would cause privacy problems.

- ❑ there are concerns whether the utilities can cope with the intensification of use. the NHS should demonstrate need for these facilities. Phase 1 (already approved) will meet existing and future needs.
 - ❑ Oaklands (the adjacent property to the south west which is to be redeveloped as a surgery) will increase traffic flows and add to highway concerns. There are fears that the illustrative layout on 2003/91854 would enable a link road to be taken through to land to the rear of Oaklands with a possibility of future housing development in this area.
 - ❑ the use of the rehabilitation unit requires clarification. This may not be appropriate with existing residential accommodation so close.
- ◆ Finally, one letter from a resident in New Road, who adjoins the site, welcomes the development of what has become a waste land for many years for the benefit of the public.

ASSESSMENT

The land to the rear of the Memorial Hospital has previously been identified as being suitable for community/healthcare facilities.

This land, including the current site, was included within an area allocated for community facilities on the former Holmfirth/Meltham Local Plan. Subsequently, in the course of the preparation of the Unitary Development Plan, the NHS Trust indicated that this land was unlikely to be required for such purposes and it was designated as land without any specific notation (unallocated land) in the adopted Unitary Development Plan.

An application for residential development of this land was refused in 1996 on access grounds only.

However, following this refusal, the Trust re-evaluated their options for the land and in March 1999 obtained outline planning permission for extensions to the existing hospital, a care home and 8 close-care special needs residential units. Whilst the illustrative layout plan did not propose any building on the current application site, the whole of the current site was included within the red-line site boundary. This outline consent was renewed in June 2002 and remains in force. It is understood that the land remains in the ownership of the NHS Trust. In July 2002 reserved matters consent was obtained for the erection of a 60-bed care home on land immediately to the north of the current site and this development is now under construction.

It has been argued that the site should be regarded as greenfield land and that further development should be opposed without special circumstances being demonstrated. Officers, however, consider that in the light of the history of the site it would be reasonable to recommend approval of the current proposals for community/healthcare facilities and would note that the site is already adjacent to the approved care-home

site to the north and to the existing hospital and, beyond this, the proposed new surgery at Oaklands to the east.

There remain, however, a number of detailed matters which need to be addressed:

- (a) The submitted layout plans indicate that a number of protected trees along the boundaries of the site could be at risk. Whilst these plans are illustrative only, the Applicant's Agents have provided a report by a Tree Consultant and this is currently being assessed by Officers.
- (b) The submission of an obligation by the applicant in which he undertakes not to commence any development on this site until the Oaklands Surgery is built and in operation.

Application No : 2003/60/91854/W3

Grid Reference : SE 14280 09100

Development : OUTLINE APPLICATION FOR ERECTION OF 40 BED NURSING HOME AND 24 ROOM REHABILITATION UNIT (ALTERNATIVE PROPOSAL)

Location : LAND TO REAR OF, HOLME VALLEY MEMORIAL HOSPITAL, HUDDERSFIELD ROAD, HOLMFIRTH.

Applicant : CONROY BROOK (DEV) LTD

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

SUMMARY

DELEGATE TO OFFICERS TO APPROVE SUBJECT TO CONDITIONS AND TO A LEGAL OBLIGATION BY THE APPLICANT

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

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

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

- (3) Trees within or on the boundary of the site shall be neither felled, topped or lopped except with the prior written approval of the Local Planning Authority, nor shall they be damaged or killed by fire or by the application of toxic or injurious substances.
- (4) 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.
- (5) No development shall take place until a comprehensive scheme for landscaping treatment of the site prepared in accordance with the Local Planning Authority's Code of Practice Note 2 has been submitted to and approved in writing by the Local Planning Authority.
- (6) Any planting, seeding or tree management works forming part of the landscaping scheme referred to in Condition 5 shall be carried out during the first planting, seeding or management season following the commencement of development, or as otherwise may be agreed in writing by the Local Planning Authority, and shall be maintained for a period of five years from the completion of planting works. All specimens which die within this period shall be replaced.
- (7) The site shall be developed by means of a separate system of drainage.
- (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 in writing 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 surface water drainage works.
- (10) Prior to development commencing a detailed scheme for the provision of traffic calming on the internal approach road to the site shall be submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing by the Local Planning Authority the scheme shall be completed before any part of the development is first brought into use.
- (14) Prior to development commencing a detailed scheme for the provision of signing and lining, together with details of sightline improvements at the hospital entrance to Huddersfield Road shall be submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing by the Local Planning Authority the scheme shall be completed before any part of the development is first brought into use.
- (15) Prior to construction commencing a schedule of the means of access to the site for construction traffic will 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 within the site. Unless otherwise agreed in writing by the Local Planning Authority all construction arrangements shall be carried out in accordance with the approved schedule throughout the period of construction.
- (16) Prior to development commencing a detailed scheme for the proposed internal access road, car parking spaces and service vehicle turning facility shall be submitted to and approved in writing by the Local Planning Authority. These details shall include full sections, traffic calming, drainage works, street lighting, white lining, signing, surface finishes and the treatment of junction/forward sight lines, together with an independent Safety Audit covering all the aspects of the work. All of the agreed works shall be completed, or as otherwise agreed in writing by the Local Planning Authority, before any part of the development is brought into operation or the care home first occupied.

INFORMATION

See Report for 2003/91853

Application No : 2003/60/93297/W3

Grid Reference : SE 14700 09700

Development : OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT

**Location : LAND ADJACENT TO, 274, HUDDERSFIELD ROAD,
THONGSBRIDGE, HUDDERSFIELD.**

Applicant : WALKER DRAFTING SERVICES

Recommendation : REFUSAL

SUMMARY

REASON FOR COMMITTEE DECISION

Delegation Agreement

SIGNIFICANT CONSULTATIONS

Parish Council – recommend refusal Economic Development Service - recommend refusal

RELEVANT HISTORY

None

POLICY

Greenfield site with adjoining industrially allocated land – PPG 3 and B4

None

ASSESSMENT

Development of a greenfield site which would also prejudice the development / use of the adjoining industrial / business allocated land and existing industrial buildings on Miry Lane: refuse.

- (1) The proposals would provide the opportunity for previously undeveloped (greenfield) land to be developed before previously developed (brownfield) land and would therefore prejudice the presumption in the Government's Planning Policy Guidance Note (PPG 3) on Housing Development, that brownfield sites should be developed before greenfield sites.
- (2) The residential development of this site would prejudice both the operational viability and flexibility of the existing industrial/business premises on Miry Lane, and the full range of development options of the area of land which is allocated for business and industry in the Council's Unitary Development Plan, by virtue of the introduction of development which would be sensitive to the types of noise, odours and disturbance normally associated with industrial / business uses. There is no evidence to suggest that there is no realistic prospect of the adjoining site being developed in the future and the proposals are therefore contrary to the objectives of Policies B1, D2, EP1 and EP4 of the Council's Unitary Development Plan.

INFORMATION

The application is brought to Sub-Committee due to this item being deferred for a site visit at the previous meeting on 18th December 2003.

The application was originally brought to Sub-Committee for determination as the proposals relate to an application for planning permission constituting 'major' development.

APPLICATION SITE/ DESCRIPTION OF PROPOSAL

The proposal relates to an area of land situated between Huddersfield Road and the River Holme. The application site predominantly consists of land without notation on the Unitary Development Plan Proposals Map and relates to a former dam associated with Thongsbridge Mills, which was drained in 1994 and partially excavated and cleared within the last twelve months. A small part of the application site relates to the area of land adjoining the site which is also undeveloped but is allocated for business and industry within the Unitary Development Plan. The proposals seek outline planning permission for residential development, with details of the access submitted for consideration.

SITE HISTORY

98/92251 – approval for formation of access (partially implemented recently).
98/91938 – approval for erection of industrial unit on part of the dam site. This planning permission has now expired.

POLICY

The site is a 'greenfield' site within an area allocated as 'land without notation' and an area of undeveloped land allocated for business and industry. The following policies are applicable in this case:

B1 – meeting the employment needs of the district

EP4 – proposals for noise sensitive development

BE12 – space about buildings

T10 – highway safety

D2 – development involving 'land without notation'

H10 – affordable housing provision

H18 – provision of public open space

PPG 3 – Housing development

CONSULTATIONS

Economic Development Service – object due residential uses prejudicing the development of the adjoining industrial allocated site.

Holme Valley Parish Council – object as the land should be retained for industrial purposes.

Highways – unlikely to be objections subject to agreeing details and appropriate conditions

Environmental Health – Object - see assessment for details.

Environmental Health Waste Disposal – comments for information: no significant risk.

Coal Authority – comments for information.

Yorkshire Water – no objections subject to standard conditions in relation to drainage.

Environment Agency – no objections subject to conditions

REPRESENTATIONS

None.

ASSESSMENT

The application site consists of the whole of the site of a former mill pond which was up until recently was empty and overgrown, as well as part of adjacent industrial allocation site coded 'B3.3'. The site has recently been cleared of most of the vegetation and is flat, except for the overgrown banking of the former pond. Included within the control of

the site owner (applicant) is the whole of the allocated site, as well as the strip of land fronting Huddersfield Road which has permission for 3 dwellings and which is at a higher level than the application site, and further away from the business / industrial allocated site.

It is considered that any residential development on the application site would seriously prejudice the ability of the adjacent employment allocation to be developed for most business and industrial purposes. Residential development here would also potentially impair the operational viability and flexibility of the existing adjacent existing industrial complex. This conclusion is based on the fact that the adjoining industrial premises and business / industrial allocated site are both likely to create levels of noise, odours and disturbance which would render them 'bad neighbours' to residential properties on the application site, leading to the amenities of the residents being detrimentally affected and hence the inevitable conflicts arising between the two differing uses.

A possible compromise which has been raised would be to allow residential development and restrict the allocated site to B1 office development only. However this idea is problematic for two reasons. Firstly, this doesn't alter the fact that the site would adjoin existing operational industrial premises, and secondly, to restrict the allocated site to B1 uses would result in there being less likelihood that the allocated site would be developed in the longer term for the purposes it was designated for in the Unitary Development Plan. It should also be noted that this allocated site is a very good level site and with potentially good access onto Huddersfield Road, for which permission has already been granted.

The applicant has also suggested that a buffer zone could be provided between the application site and the adjoining industrial premises and allocated site, in order to reduce the impact of potential noise, disturbance and odours. The applicant has pointed to Colliers Way, Clayton West as an example of a buffer zone being used around an industrially allocated site. However the buffer in that case was used for visual purposes, not to protect the amenities of any residential properties, as there are none around the Clayton West site. In the case of the proposals at Thongsbridge.

Environmental Services have stated that although noise measures could be implemented such as a buffer zone, acoustic barriers and/or double glazing, there could be no guarantee that these measures would be completely effective, since the noise levels to be potentially generated by the allocated site are, at this stage, unknown. Furthermore, it would be difficult, if not impossible, to mitigate against potential odour nuisance given the close proximity of the two sites to each other.

It could be argued that these conflicts have arisen by virtue of the fact that the application site was not allocated for business / industry in conjunction with the adjoining site. However it seems that the main reason for this site being unallocated was the fact that the dam contained water during the early period when the Unitary Development Plan Proposals map was being formulated, hence it was not considered to be developable land. This adds weight to the argument that this site should not be

developed for residential purposes, as if the dam had been empty at this time, there is a strong chance it would have been allocated for business / industrial purposes.

Turning to the issue of whether the site is greenfield or brownfield it was originally indicated, through the Planning Service Development Team, that the site would be classed as brownfield. However, this opinion was given informally without prejudice to the outcome of a formal planning application, and in the light of a full and formal assessment of the proposals, Officers, in consultation with Legal Services, have concluded that the site should be classed as 'greenfield.' The reasons for this are as follows.

The key advice in relation to defining land as brownfield or greenfield is contained within Annex C of PPG 3, which states the following:

“Previously developed (brownfield) land is that which is or was occupied by a permanent structure (excluding agricultural or forestry buildings), and associated fixed infrastructure. The definition covers the curtilage of the development (Note: The curtilage is defined as the area of land attached to a building. All of the land within the curtilage of the site (as defined above) will also be defined as previously-developed. However, this does not mean that the whole area of the curtilage should therefore be redeveloped. For example, where the footprint of a building only occupies a proportion of a site of which the remainder is open land (such as at an airfield or a hospital) the whole site should not normally be developed to the boundary of the curtilage.....).”

“The definition excludes land and buildings that are currently in use for agricultural or forestry purposes, and land in built-up areas which has not been developed previously (e.g. parks, recreation grounds, and allotments - even though these areas may contain certain urban features such as paths, pavilions and other buildings). Also excluded is land that was previously developed but where the remains of any structure or activity have blended into the landscape in the process of time (to the extent that it can reasonably be considered as part of the natural surroundings), and where there is a clear reason that could outweigh the re-use of the site - such as its contribution to nature conservation - or it has subsequently been put to an amenity use and cannot be regarded as requiring redevelopment.”

The application site consists of the former mill pond which once served the industrial buildings on Miry Lane. The dam emptied in 1994 and it seems that the dam had not been associated with the use of the adjacent Thongsbridge Mills for some time before this. This being the case, the dam can no longer be regarded as forming part of the curtilage of Thongsbridge Mills. In terms of the character and appearance of the dam as emptied, the banking that formed the edge of the pond is now obscured and overgrown and before excavation and clearance works were carried out last year, the site had semi-mature shrubs, trees and other vegetation growing on it. This had allowed the dam to blend in with its natural surroundings to a significant extent, which is a key factor in relation to the above PPG 3 advice.

Furthermore, as the above guidance states, land should be excluded from classification as brownfield land where there are clear reasons that could outweigh the re-use of the site. In this case, there is a clear reason in the fact that the development of this site would prejudice both the operational viability and flexibility of the existing industrial/business premises on Miry Lane, and the full range of development options of the area of land which is allocated for business and industry, contrary to a number of Unitary Development Plan policies.

In concluding that the site should be classed as 'greenfield' for the purposes of this application, the Council's Exceptions Policy must also be considered. However, because the proposals are contrary to Unitary Development Plan policies, the site cannot be considered to be an exception to the general presumption against the development of greenfield sites.

It is therefore recommended that the application be refused on two grounds: that the site is greenfield and should not therefore be developed before brownfield sites in line with the advice contained in PPG3; and because the development of this site for residential purposes would prejudice the development of the adjoining industrial / business allocated site and prejudice the operational flexibility and viability of the existing adjacent industrial/business operation.

Finally, Highway Services are aware that there are planning policy objections to this development, however if approval was to be granted they strongly recommended that any development of the allocated site is restricted to offices only to reduce the conflict between commercial and residential traffic.

Furthermore, although the access indicates that in principle a right turning lane into the site can be achieved there are certain aspects of its design that require amendment and further examination. In addition it still must be noted that the estate road would in future serve a mixture of residential and industrial development and concern is raised at the possible conflict between the two types of traffic and especially any likely conflict between industrial vehicles and pedestrians.

In addition further consideration must be given to the access arrangements that would be approved as part of the development to ensure that any changes to accommodate the access to the allocated site, if and when developed, can be carried out.

Highway conditions can be provided if a decision to approve is forthcoming and it is recommended that the application be delegated back to Officers if this is the case, in order that the appropriate details may be agreed.

Application No : 2003/62/92598/W3

Grid Reference : SE 15170 10160

Development : CHANGE OF USE OF FORMER DYE HOUSE AND WOOD TURNING WORKSHOP TO 11 RESIDENTIAL UNITS AND ASSOCIATED CAR PARKING AND OUTLINE APPLICATION FOR ERECTION OF 3 DWELLINGS AND GARAGES

Location : WOODLANDS MILL, LUKE LANE, THONGSBRIDGE, HUDDERSFIELD, HD9 7TB.

Applicant : THE MOORLAND WOOD-TURNING CO. LTD

Recommendation : REFUSAL

SUMMARY

REASON FOR COMMITTEE DECISION

Delegation agreement

SIGNIFICANT CONSULTATIONS

Highway Services Traffic Assessment required
Environment Agency Flood risk assessment required

RELEVANT HISTORY

02/62/92330 Conversion to 11 units plus outline application 11 dwellings (larger extended site) - Withdrawn

POLICY

Greenbelt D8,D12,
High Landscape Value NE8
TPO trees NE9
Wildlife Corridor NE5

PPG 2.3

REPRESENTATIONS

Holme Valley Parish Council – Support conversion but object to new build in the Green Belt. Raise issue of flood risk

ASSESSMENT

Buildings in reasonable form and capable of conversion Policy D12 and PPG2/3. Officers are not convinced that there are special circumstances with regard to new build to comply with D8 and PPG2.

REFUSE

- (1) Whilst there is no objection to the proposed conversion of the existing industrial buildings to 11 units, the proposed erection of 3 dwellings is considered to be inappropriate development in the Green Belt as detailed in Policy D8 in the adopted UDP and government advice in PPG2.
- (2) The application site lies within the 1 to 100 year floodplain as identified by the Environment Agency. Insufficient information has been submitted to address the floodplain issue as required by Policy D2 in the adopted UDP
- (3) The proposed new dwellings, by virtue of their siting and layout, would be out of scale and character with the surrounding area and as such would be contrary to Policy BE2 of the Unitary Development Plan.

INFORMATION

This application is before members as it is major development on a site more than 0.5 hectares. In addition there are policy considerations. At the last meeting Members agreed a site visit.

APPLICATION SITE/DESCRIPTION

The application site of approx. 0.54 hectares fronts onto Luke Lane to the east, Woodlands Avenue and Longlands Wood (a Council owned wood) to the south, and the River Holme to the north and west.

The site is divided into 2 parts

- a triangle of land at the junction of Luke Lane and Woodlands Ave which is primarily unused land and
- a larger long elongated site with one/two storey stone mill buildings fronting onto Luke Lane/Woodlands Ave, and a former dyeworks building fronting the river.

A vehicular access runs between the two leading to an area to the rear of used for storage and wood preparation containing a number of storage buildings which are not capable of conversion. This area is bounded to the north by the River Holme and to

the south by Longlands Wood. The site also contains a number of TPO trees. Public footpath 50 runs from Luke Lane in front of the mill buildings parallel to Woodlands Avenue and bounds the wood.

On the opposite side of Luke Lane is a 4 storey building known as Royd Mill which has planning consent to convert the building to 15 apartments in addition to 10 new build units. (approved by Planning Sub Committee Huddersfield in October '03 as special circumstances to support the relocation of a successful local business)

The application submitted is to convert the 1/2 storey building fronting Woodlands Avenue into 7 residential units and the former dyeworks into 4 . 15 parking spaces for the 7 units would be provided on the triangular piece of land between Woolands Ave and Luke Lane. Parking for the 4 units would be provided adjacent to the River Holme within the site. In addition to the conversion 3 large detached new dwellings are also proposed adjacent to the River Holme in the location of the existing storage buildings.

In support of their application the applicants have written as follows

“Following our recent discussions, we enclose our application for change of use of the former dyehouse and wood-turning workshop to 11 residential units and outline application for 3 dwellings and garages instead of the previous 11 dwellings and garages.

Drawing No. 01/33/97 shows the revised plots 1-3 on the brownfield site and limits the extent of the residential curtilage of the new build to the western boundary of plot 1, which is defined by a line drawn along the west gable of the wood store. The two storey dwelling itself is contained within the footprint of the wood store and the dwellings on plots 1 and 2 are positioned on the remaining land, between plot 1 and the car park for conversion units 1-4, avoiding existing trees and with garages and driveways suitably located.

Also enclosed drawing No. 01/33/08 contains photographs of the site. This is intended to illustrate how very much the existing trees enclose the site with the only view from outside the site being available from the accessway entrance at the corner of Luke Lane and even this is restricted to a narrow gap between the end of the dyehouse and the existing trees. The houses on plots 2 and 3 will be masked from view by the existing dyehouse and the house on plot 1 will replace the existing view of the steel framed, asbestos clad wood store. It is intended that the asbestos nissan hut and brick and asbestos wood store adjacent to the dyehouse will also be demolished. The combined footprint area of all three dwellings is approximately 50 sq.m. less than that of the buildings to be demolished and due to the use of appropriate materials, their appearance will be less intrusive. Overall, the three proposed dwellings will have minimal impact on the green belt but will have great impact on the dyehouse and wood-turning workshop by forming the enabling development for their retention and conversion to dwellings.

Much of the following text was contained in the letter submitted with the original application but is still relevant to the revised application.

The conversion of the existing mill buildings to dwellings should bring about considerable benefits to the locality by upgrading the infrastructure of the district. The proposal makes provision for footways to both sides of Woodlands Avenue and the west side of Luke Lane, where none exist at present. It also provides widening of the highway on the bad bend around Upper Mytholm Bridge Mills and a new right angled junction for Woodlands Avenue with Luke Lane.

The mill buildings themselves will be extensively renovated resulting in significant visual improvements to the property and the triangular area of land on the corner of Luke Lane and Woodlands Avenue will be brought into use as a car park for units 1 to 7 with appropriate landscaping, bringing further improvements.

The river wall between dyehouse conversion unit 4 and the sub-station to the east is in poor condition and we have included the rebuilding of this and other boundary walls in our figures.

The cost of carrying out the works of conversion and infrastructure improvements inevitably produce a deficit in the financial appraisal due to the extent of the works being carried out that would not normally be included in what might be called "the average conversion". The 3 new build dwellings on the "brownfield" wood yard are very necessary as enabling development to fund the conversion works and confirmation of this is contained in the enclosed financial appraisals for each part of the development.

The information on building costs has been provided by Markhams, Chartered Quantity Surveyors and Construction Consultants and the open market valuation of the properties has been provided by Peter Butler of Bramleys Estate Agents".

SITE HISTORY

02/62/92330 Change of use of former dyehouse and wood turning workshop to 11 residential units and associated car park and outline application for erection of 11 dwellings and garages. Withdrawn (larger 1.1 hectare site)

On the opposite side of the Luke Lane is Royd Mill Conversion of the Mill building to 15 units Approved

03/60/92521 Outline application for residential development Approved for 10 units with a Section 106 agreement regarding the relocation of them existing business within Kirklees

POLICY

The application site is within the Green Belt where policies D8 and D12 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.**
- D12 PROPOSALS FOR THE RE-USE OF BUILDINGS IN THE GREEN BELT WILL BE CONSIDERED HAVING REGARD TO:**
- i THE DEGREE OF COMPLETENESS AND THE PERMANENCE OF THE BUILDINGS AND THE EXTENT OF DEMOLITION AND REBUILDING INVOLVED; AND**

ii **THE EFFECT OF THE PROPOSAL ON THE OPENNESS OF THE GREEN BELT, THE CHARACTER OF THE AREA, VISUAL AMENITY, LANDSCAPE AND WILDLIFE.**

The site is also located in an area of High Landscape Value NE8, and part of a Wildlife Corridor NE5. The site contains TPO trees NE9, 10.

As the site is in industrial use Policy B4 applies.
PPG2 Greenbelt and PPG3 Housing are relevant government guidance.

CONSULTATIONS

Highways - Whilst the proposals are acceptable in principle a highway statement is required to justify the traffic impact of the proposal. The statement should include measures to promote site sustainability and other modes of transport other than the car

Environmental Services – A contamination and noise report is requested.

Building Control - The buildings appear in good condition and ideal for conversion

Coal Authority - No objection in principle

Yorkshire Water - No objection subject to conditions

Environment Agency - Require flood risk assessment

REPRESENTATIONS

Holme Valley Parish Council

Support conversion but object to new build in the greenbelt. Concerned about flood risk

ASSESSMENT

The application site has a general industrial B2 use and proposals to convert such premises to other uses have to be considered against the criteria in Policy B4.

It is accepted that the site is not in an area conducive to industrial purposes (particularly with regard to the highway network), nor do old industrial buildings convert readily to modern industrial uses. As such officers accept that further industrial occupation is unlikely to be viable.

The application site is within the Green Belt and an Area of High Landscape Value where conversion of existing buildings is acceptable providing the buildings are sound and capable of conversion without significant rebuild Policy D12. Building Control have

confirmed that the buildings are sound and ideal for conversion and as such the conversion to 11 units satisfy the requirements of Policy D12.

With regard to the outline proposal for 3 new dwelling units whilst officers accept that the land is a brownfield site, the site is within the Green Belt where new buildings are only acceptable for agriculture, forestry or other essential facilities – Policy D8, PPG2.

Policy D8 does refer to very special circumstances to be demonstrated by the applicant and the justification submitted is detailed in the first part of this report.

The justification can be summarised as

- exceptional costs of conversion
- minimal impact on the openness of the green belt because this part of the site already contains buildings
- environmental improvements

Officers do not consider these justifications are acceptable. As already detailed these buildings are in good condition and no exceptional costs with regard to the conversion are identified by the applicant.

Whilst there are a number of storage buildings on the site as detailed in the photographs submitted by the applicant, these are not substantial, are not capable of conversion and the whole character of the site is open and well vegetated. In officers opinion the development of the site for detached residential use will adversely affect the openness and character of the Green Belt and an Area of High Landscape Value.

With regard to the environmental improvements these are required in relation to the conversion and will be an asset in marketing these units.

For the above reasons Officers do not consider that the applicant has demonstrated 'very special circumstance' to justify new build in the Green Belt and an Area of High Landscape Value.

However if members are minded to approve new build in the Green Belt Officers are concerned that the proposed siting and layout of three large detached dwellings will not enhance the character of the site or relate to the proposed conversion. A more linear form of development that reflects the scale and massing of the existing building form and the riverside/treed location would be more appropriate.

In conclusion whilst officers support the conversion of the existing industrial units to 11 dwellings, it is considered that the new build is contrary to both UDP Policies and Government guidance. In addition the Environment Agency has identified the area as a flood risk zone and has requested a flood risk assessment.

Application No : 2003/60/93803/W2

Grid Reference : SE 16240 16210

Development : DEMOLITION OF EXISTING BUNGALOW AND OUTLINE
APPLICATION FOR ERECTION OF 7 NO. TOWN HOUSES
(AMENDED SCHEME)

Location : 57, FOREST ROAD, MOLDGREEN, HUDDERSFIELD, HD5 8EU.

Applicant : STERLING HOMES (YORKSHIRE) LTD

Recommendation : CONDITIONAL OUTLINE PERMISSION

SUMMARY

REASON FOR COMMITTEE DECISION

Volume of representations. The application was deferred at the last Committee for a site visit.

SIGNIFICANT CONSULTATIONS

Highways - Recommend conditions
HSE - no adverse comments

RELEVANT HISTORY

91/03688 - Outline refused

POLICY

D2, T10, BE12
PPG2 "Housing"

REPRESENTATIONS

7 letters of objection and petition (48 signatures)

ASSESSMENT

Amended access now satisfactory, site can be served off adoptable road. Height and layout of houses satisfies policy.

- (1) (a) the application for approval of any reserved matter shall be made not later than the expiration of three years beginning with the date of the grant of the outline permission and, (b) the development shall be begun not later than whichever is the later of the following dates:-
 - (1) the expiration of five years beginning with the date of the grant of the outline permission, or
 - (2) the expiration of two years beginning with the date of the approval of the reserved matters, or in the case of approval on different dates, the date of the final approval of the last such matter to be approved.
- (2) No development shall take place until plans detailing:
 - (a) the layout of the site, including the disposition and levels of roads, building(s) and other land
 - (b) the design and external appearance of the building(s)
 - (c) the relationship surrounding buildings
 - (d) the colour, type and texture of materials to be used
 - (e) details of screen, retaining and boundary walls
 - (f) landscaping of the site
 - (g) drainage
 - (h) the parking, loading and unloading of vehicleshave been submitted to and approved in writing by the Local Planning Authority.
- (3) No development shall take place until plans detailing arrangements for access, layout and parking have been submitted to and approved in writing by the Local Planning Authority.
- (4) The arrangements referred to in Condition 3 shall include internal turning facilities for private vehicles.
- (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) The garage or parking space intended to serve the dwelling(s) shall be provided and the parking spaces shall be drained, sealed and surfaced in accordance with details to be approved by the Local Planning Authority before the dwelling(s) is/are occupied and shall not thereafter be used for any purpose other than parking and turning of vehicles.
- (7) A 1.8m wide footway and any associated alterations to drainage and lighting shall be provided to the rear of the kerbline before the development is occupied/brought into use.

- (8) The garages shall be used for the garaging of private motor vehicles or for uses ancillary to the enjoyment of the dwellinghouse as such and for no other purposes.
- (9) As part of any landscape scheme submitted pursuant to Condition No.2, shall indicate planting screens along the boundary marked X-X on the approved plan.

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

NOTE It is brought to the applicant's notice that before building work commences contact must be made with the Highway Development Manager, Highway Services, Flint Street, Fartown, Huddersfield HD1 6LG to discuss the implementation of the necessary works within the highway, It is brought to the applicant's attention that it is illegal to work in or on the public highway without the written consent of Kirklees Council as Local Highway Authority for the metropolitan district.

NOTE It is brought to the applicant's notice that the Highway Development Manager, Highway Services, Flint Street, Fartown, Huddersfield HD1 6LG must be contacted to discuss road adoption arrangements under Section 38 of the Highway Act 1980.

NOTE It is brought to the applicant's notice that the use of soakaways for public highway drainage 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; and
- (b) There is documentary evidence to clearly prove that the soakaways will satisfactorily operate and can be adequately maintained thereafter.

Discussions on this matter must take place with the Highway Development Manager, Highway Service, Flint Street, Fartown, Huddersfield HD1 6LG. It also must be noted that the Council as Local Highway Authority is under no obligation to adopt any proposed estate road that does not comply with its road adoption standards.

NOTE Prior to construction commencing a schedule of the means of access to the site for construction traffic will 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 within the site. Unless otherwise agreed in writing by the Local Planning Authority all construction arrangements shall be carried out in accordance with the approved schedule throughout the period of construction.

INFORMATION

This application is brought to Committee given the extent of representations received. The application was deferred at the last Committee for a site visit.

SITE/PROPOSAL

The application site currently comprises a detached bungalow fronting onto Forest Road. To the rear is a steeply sloping garden that leads down towards Ravensknowle Road. The surrounding development is a mixture of single storey and 3 storey dwellings. The site is approximately 0.13 ha in area.

Outline permission is sought for the erection of 7 No. dwellings (town houses and 3 storey with garages on the ground floor). The proposal involves the demolition of the existing bungalow and 2 No. detached dwellings fronting onto Forest Road with a central access to a terrace of 5 No. dwellings to the rear. The access would be provided to adoptable standard and all the dwellings would be accessed off the new access road from Forest Road with no individual access to Forest Road. Originally the proposal was for 8 dwellings but amendments have been received.

RELEVANT POLICY

The site is unallocated in the Unitary Development Plan as such Policy D2 is relevant as are the parking standards in Policy T10 and the space about buildings policy BE12. As the site is the curtilage of a dwelling it falls within the definition of a brownfield site under PPG3 "Housing".

RELEVANT HISTORY

91/03688 - Outline application for 1 dwelling - Refused, appeal dismissed. (Access was proposed off Ravensknowle Road).

CONSULTATIONS

Highways - Amended plans (i.e. 7 dwellings with central access) now acceptable. Recommend conditions.

British Coal - Recommend standard informative

Environmental Health - No objection, recommend informative re hours finish if approval granted.

Health & Safety Executive - No adverse comments.

Site Notices/Publicity - In response to the advertising of the original application i.e. for 8. No. town houses, 7 letters of objection and a petition signed by 48 people were received. The main points of objection being:

1. The privacy and rural aspect of the area will be disturbed
2. Forest Road is already very busy and congested, the proposal will make the situation worse (problems for emergency vehicles)
3. Loss of wildlife habitat: and
4. Loss of view, light and amenity.

The amended plans have been re-advertised and letters sent to the people who have written originally. Eight further letters and a petition of 40 signatures have been received reiterating original concerns.

ASSESSMENT

The site is unallocated on the Unitary Development Plan and also a brownfield site, as such there is no objection in principle to a comprehensive development of this site. The amended plans for 7 No. dwellings enable a centrally positioned access, which serves an adopted highway and all 7 dwellings are accessed off this highway and none off Forest Road.

The proposal is in outline but the siting and type of dwellings are specified. The dwelling type i.e. town houses (3 storeys with garage on ground floor) is already prevalent in the vicinity with similar dwellings adjacent and opposite the site. The terrace half way down the site is adj to No.96 Ravensknowle Road which is also a tall building.

The position of the dwelling is such that there will be no adverse effect on amenity of neighbouring properties, either by way of overlooking or shading. The space about buildings standards are more than satisfied and steepness of the slope and juxtaposition of the proposed dwellings relative to the nearest properties on Ravensknowle Road, mitigates against any overlooking. However, it is proposed to impose a condition requiring the retention and augmenting of the trees/hedgerows on the rear boundary. As such, subject to conditions, this proposal is recommended for approval.

Application No : 2003/51/94173/W0

Grid Reference : SE 16630 18200

Development : EXPRESS CONSENT FOR THE STORAGE AND USE OF
CYHALOTHRIN, A VERY TOXIC NAMED HAZARDOUS
SUBSTANCE

Location : SYNGENTA LTD, LEEDS ROAD, HUDDERSFIELD, HD2 1FF.

Applicant : SYNGENTA LTD

Recommendation : GRANT HAZARDOUS SUBSTANCES CONSENT

SUMMARY

REASON FOR COMMITTEE DECISION

Delegation Agreement

SIGNIFICANT CONSULTTEES

HSE – No objections on safety grounds

RELEVANT HISTORY

Deemed hazardous substances consent no. 99/50/93008/W0.

POLICY

Unitary Development Plan Policy EP27

REPRESENTATIONS

None

ASSESSMENT

HSE has concluded that there are no significant reasons on safety grounds for refusing hazardous substances consent. There are no planning grounds for rejecting the proposal.

CONDITION

- (1) The hazardous substance shall not be kept or used other than in accordance with the application particulars provided in Form 1, nor outside the areas marked for storage of the substance on the plans which formed part of the application.

INFORMATION

1. SITE LOCATION AND DESCRIPTION

- 1.1 The site is located on Leeds Road, Huddersfield approximately 2 kilometres to the north-east of Huddersfield town centre. The substance the subject of this application is produced and stored in a processing plant at the western end of the site. The main access to the site is from Leeds Road via the main gate to the Syngenta plant, a secondary access exists at the southern end of the site off Dalton Bank Road.
- 1.2 The nearest residential properties are located on Leeds Road 200 metres to the north. Several residential areas in Deighton, Sheepridge and Rawthorpe overlook the site. The Leeds Road playing fields are located on the opposite side of Leeds Road at a distance of approximately 450 metres.

2. DEVELOPMENT PLAN PROVISIONS

- 2.1 The site is unallocated in the Council's Unitary Development Plan on the edge of the Huddersfield Regeneration Area. Sites allocated for business and industry are located 275 metres to the north. The Leeds Road playing fields area to the north is allocated as urban greenspace.
- 2.2 Unitary Development Plan Policy EP27 relates to the storage and use of hazardous materials.

3. PLANNING HISTORY

The following hazardous substances consents apply to the combined Syngenta and Avecia sites.

- 3.1 Deemed hazardous substances consent no. 92/50/05490/B0 for the presence of ethylene oxide, acrylonitrile, sulphur trioxide and ethylene dibromide.
- 3.2 Express hazardous substances consent no. 93/51/00012/B0 for the storage and use of ammonia, chlorine and methyl chloride.

- 3.3 Deemed hazardous substances consent no 99/50/93007/W0 for the presence of ethylene oxide (A18) and Dimethyl Carbonyl chloride(A31), toxic (B2). Extremely flammable(B9), and other substances(B11).
- 3.4 Deemed hazardous substances consent no. 99/50/93008/W0 for the presence of chlorine (A6) formaldehyde (A10) methanol (A20) dimethyl carbonyl chloride (A31) acrylonitrile(A33) flammable(B6) very toxic (B1) toxic (B2) oxidising (B3) dangerous for the environment (B10) & other (B11).
- 3.5 Express hazardous substances consent no. 2002/51/90098/W0 for the storage of 9 tonnes of very toxic materials.
- 3.6 Hazardous Substances consent no. 2002/52/92317/W0 for the storage of toxic substances without a condition attached to a previous consent.
- 3.7 Application no. 2002/52/93231/W0 for "Hazardous Substances Consent for the Storage of Very Toxic and Toxic Substances and Substances Dangerous for the Environment Without a Condition Attached to Previous Consent no. 99/50/93008/W0" was submitted on 17th September 2002 and remains to be determined.

4. APPLICANTS PROPOSALS

- 4.1 The applicant proposes to increase the size of the largest vessel which is used to store a very toxic substance, cyhalothrin, which would be larger than the currently permitted maximum vessel size on this particular plant. The Hazardous Substances Regulations require consent to be obtained for the largest vessel in any area of plant. Cyhalothrin is not a raw material but is a compound which is produced at Stage 8 of a manufacturing process which leads to the production of an active ingredient which is formulated off site in the production of an insecticide. The proposal is to construct a large holding storage tank for cyhalothrin to ensure continuity of production in the event of delays and breakdowns at other stages in the production chain.
- 4.2 The applicant indicates that the maximum quantity of the substance which would be stored on the site would be 30 tonnes, storage and use of cyhalothrin is already permitted by virtue of a deemed hazardous substances consent which was obtained in 1999 and which allows the applicant to store approximately 600 tonnes of very toxic substances. The applicant is not proposing to increase the quantity of very toxic materials stored on the site.
- 4.3 Cyhalothrin is a very toxic liquid which is toxic by inhalation. Inhalation would occur if the liquid produced a vapour or if it dried out and the dust were to be inhaled. Because of its physical properties, specifically a very low vapour pressure, a concentrated and hazardous vapour cannot be produced at normal atmospheric temperatures or at the temperatures on the plant. The material is

only handled in the liquid form and there is no opportunity for it to dry out and produce a toxic dust. The distance of the processing plant from the boundary of the site, 150 metres, ensures that off site risks would be minimal.

5. CONSULTATIONS

Health and Safety Executive. No objection subject to a standard condition which controls the nature and location of the storage of the hazardous substance being attached to the consent.

Environment Agency No objections.

Environmental Services No objections.

6. PUBLICITY AND REPRESENTATIONS

6.1 The application was advertised on site and in a local newspaper by the applicant as required by the Planning (Hazardous Substances) Regulations 1992. No letters of representation were received as a result of this publicity.

7. OFFICERS OBSERVATIONS

7.1 The decision to be made on this application is a land use planning decision based on whether the proposed storage of a hazardous substance is compatible with the proper planning of the local area and existing, permitted and proposed land uses in the locality. The Health and Safety Executive (HSE) and not the Local Planning Authority is the expert authority on safety matters and advises the planning authority on that aspect of the application proposals.

7.2 If the proposed storage and use of the very toxic materials is consented it will have to meet the more stringent requirements of the Control of Major Accident Hazards Regulations 1999 (COMAH) before development could commence and these regulations would be policed by the Health and Safety Executive itself.

7.3 Because of the physical and chemical characteristics of cyhalothrin, the nature and location of the storage and the quantities involved the risk of an accident causing death or injury off site resulting from an increase in the maximum vessel size is extremely small. The HSE has concluded that the additional risks arising from the proposed operations area so small that there are no significant reasons on safety grounds for refusing Hazardous Substances Consent. The implication for the wider area is that the Leeds Road corridor consultation distance would remain the same and there would be no increase in the sizes of any of the inner, middle or outer consultation zones.

7.4 The application proposals have received the support of the HSE and satisfy the requirements of Unitary Development Plan Policy EP27 in that it is considered

that there are no significant residual risks from the storage of the very toxic substance which would affect existing or potential developments in the area. It is considered that there are no significant land use planning objections to the application proposals and a favourable recommendation may be attached to this application for hazardous substances consent.

Application No : 2003/62/93512/W2

Grid Reference : SE 12170 18550

Development : ERECTION OF 40 NO. APARTMENTS

Location : JUNCTION OF, HALIFAX ROAD, EAST STREET, EDGERTON, HUDDERSFIELD.

Applicant : GLEESON REGENERATION AND JOHN

Recommendation : SUBJECT TO S 106 OBLIGATION

SUMMARY

REASON FOR COMMITTEE DECISION

Delegation Agreement

SIGNIFICANT CONSULTATIONS

Highways - satisfied with amended plans
Housing - require on site affordable housing
Education - require education contribution

RELEVANT HISTORY

Previously petrol filling station

POLICY

D2, BE2, BE12, BE9, H19, G6 and T10

REPRESENTATIONS

2 letters concerned at bulk and level of traffic to be generated by the number of flats

ASSESSMENT

Highways now satisfied and 106 requirement can be secured, Key issue is the appearance/massing of proposal. Considered site can accommodate a substantial and tall building. As such approval is recommended.

SUBJECT TO THE SIGNING OF A SECTION 106 AGREEMENT TO SECURE AFFORDABLE HOUSING AND AN EDUCATION CONTRIBUTION, RECOMMEND APPROVAL SUBJECT TO THE FOLLOWING CONDITIONS

- (1) The development shall be begun not later than the expiration of five years beginning with the date on which permission is granted.
- (2) The development hereby permitted shall be carried out in complete accordance with the approved plans and specifications specifically with regard to size, location and massing except as may be required by other conditions unless otherwise agreed in writing by the Local Planning Authority.
- (3) Notwithstanding the submitted details the building shall be substantially faced in natural stone. A sample to be submitted for the approval of the Local Planning Authority before development commences.
- (4) No development shall take place until a sample roofing tile has been submitted to and approved in writing by the Local Planning Authority, and the development shall be constructed of the approved materials.
- (5) No development shall take place until a comprehensive scheme for landscaping treatment of the site prepared in accordance with the Local Planning Authority's Code of Practice Note 2 has been submitted to and approved in writing by the Local Planning Authority.
- (6) Any planting, seeding or tree management works forming part of the landscaping scheme referred to in Condition 5 shall be carried out during the first planting, seeding or management season following the commencement of development, or as otherwise may be agreed in writing by the Local Planning Authority, and shall be maintained for a period of five years from the completion of planting works. All specimens which die within this period shall be replaced.
- (7) Before any materials are brought on site or development commences, the developer shall erect protective chestnut paling or similar fencing around all trees, shrubs or hedges to be retained, to the branch spread of individual trees or groups of trees/shrubs. The applicant shall obtain the Local Planning Authority's written confirmation that the fence is satisfactory and shall maintain such fencing unaltered until the development is completed. No work shall be

carried out within the protected area except in accordance with the Local Planning Authority's Code of Practice Note 1.

- (8) Prior to development commencing a noise attenuation scheme for the flats shall be submitted for the written approval of the Local Planning Authority.
- (9) The site shall be developed with separate systems of drainage for foul and surface water on site.
- (10) 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.
- (11) 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 surface water drainage works and no buildings shall be occupied or brought into use prior to completion of the approved drainage works.
- (12) 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 an interceptor.
- (13) The remediation works indicated in paragraph 11.49 of the Geo Environmental Appraisal, plus the contents of the covering letter dated 27 October 2003, shall be carried out, a Validation Statement to this effect provided, prior to the flats hereby approved being occupied.
- (14) No direct individual pedestrian access shall be taken to the site from Halifax Road or East Street.
- (15) 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.
- (16) The access shown on the approved plan shall be provided and the sight lines shown shall be cleared of all obstructions to visibility exceeding 600mm in height above the adjacent carriageway, before the development is occupied/brought into use, and thereafter retained as such.
- (17) The existing access/accesses shall be closed off and any redundant footway crossing made good before the development is occupied/brought into use.
- (18) 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.

- (19) Prior to development commencing a detailed scheme for the proposed access road and parking areas shall be submitted to and approved in writing by the Local Planning Authority. These details shall include full sections, drainage works, lighting, white lining, signing, surface finishes and the treatment of junction/forward sight lines, together with an Independent Safety Audit covering all aspect of the work. All the agreed works shall be completed, or as otherwise agreed in writing by the Local Planning Authority before any of the dwellings are first occupied.
- (20) Prior to development commencing a detailed scheme of the relocated bus stops and new illuminated bus shelters shall be submitted to and approved in writing by the Local Planning Authority and Metro. Prior to any part of the development being occupied the approved scheme shall be completed.
- (21) Notwithstanding the details shown on the approved plans the additional keep clear road markings shall not be provided on the Halifax Road carriageway.
- (22) Prior to development commencing a detailed scheme for the treatment of the area indicated on the approved plan for the improvement of the East Street/Halifax Road junction shall be submitted to and approved in writing by the Local Planning Authority. Prior to any part of the development being occupied the approved scheme for this area shall be completed.
- (23) Prior to construction commencing a schedule of the means of access to the site for construction traffic will 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 within the site. unless otherwise agreed in writing by the Local Planning Authority all construction arrangements shall be carried out in accordance with the approved schedule throughout the period of construction.
- (24) Notwithstanding the provisions of the Town and Country (General Permitted Development) Order 1995 as amended, no gates shall be erected on any part of the access/parking area.

NOTE It is brought to the applicant's notice that before building work commences contact must be made with the Highway Development Manager, Flint Street, Fartown, Huddersfield HD1 6LG to discuss the implementation of the necessary works within the highway. It is brought to the applicant's attention that it is illegal to work in or on the public highway without the written consent of Kirklees Council as Local Highway Authority for the metropolitan district.

NOTE This permission shall relate to the amended plans received on 3 December 2003 and 22 December 2003.

INFORMATION

This application is brought to Committee as it is a major application that also requires a Section 106 Agreement.

SITE/PROPOSAL

The application site comprises an area of just less than 0.4ha. It is the former Monza Service Station fronting onto Halifax Road at the junction with East Street. There is a substantial retaining wall to the rear portion of the site and mature trees on the East Street frontage and to the northern side of the former petrol filling station on Halifax Road.

Permission is sought for a block of 40 apartments (a mixture of 1, 2 and 3 bed properties). The block would be partly 3 and partly 4 No. storey in height. A central access is proposed off Halifax Road, through a passageway in the block to a parking area at the rear. Amended plans have been received which result in a total of 50 No. parking spaces. Whilst the bulk of the area to the rear will be car parking space, there are some communal seating/amenity spaces and bin stores.

RELEVANT HISTORY

The site was previously a petrol filling station. Various advertisement applications associated with the above use.

2003/62/93757/W2 - Application for drive through and retail units also on this list.

RELEVANT HISTORY

The site is unallocated on the Unitary Development Plan therefore Policy D2 is relevant. Also relevant are:

BE12	Space about buildings policy
G6	Contaminated land
BE2	New development should be sympathetic to surroundings
BE11	Materials
T10	Highway safety
NE9	Mature trees on site to be retained where possible.

Also relevant is the Council's policy of education contributions given the scale of the development.

PPG3 Housing.

CONSULTATIONS

Yorkshire Water - recommend conditions

Environment Agency - recommend conditions

Highways - Amended plans satisfy the level of parking required. Recommend conditions.

Housing - The site is above the threshold for affordable housing and there is a need in Lindley that should be catered for within this development.

Education - An education contribution be sought on this site, in accordance with the Council policy.

Environment Health - Satisfied with decontamination, concerned at noise levels.

Site Notice/Publicity - 1 letter of representation and 1 e-mail have been received, the main points of concern being:-

- Concerned at proximity of seating areas;
- density of the development and the adequacy of the level of car parking required.

ASSESSMENT

In determining this application there are a number of issues to be considered i.e.:

- Highways/parking;
- The appearance and impact of the building relative to its surroundings and location; and
- Matters to be included within a Section 106 agreement namely affordable housing and education contribution.
- Environmental issues (i.e. noise and decontamination)

Highways

Amended plans have been provided which improve visibility and result in a total of 50 No. parking spaces (i.e. 1.25 per flat). The applicant submitted a Traffic Impact Assessment to this effect.

In addition, the application layout retains the opportunity to improve the junction of East Street/Halifax Road at some time in the future. Highway Services are now satisfied with the proposal and recommend conditions.

Impact of building of surroundings

Clearly this is a prominent site on a busy junction. The use as flats is considered acceptable in principle and the nearest dwellings are on East Street and on the opposite site of Halifax Road. The distances between these buildings, in most instances, is in excess of the space about buildings policy so there should be no loss of privacy. Discussion is taking place in that instance where the standards are not fully met. In addition the parking area to the rear of the flats is at a lower level than the nearest homes on East Street and bounded by a substantial retaining wall, therefore the use of the parking/communal area should not result in excessive disturbance for occupiers on East Street. From the original submission, the proposal has been amended to retain an area of mature trees on the Halifax Road frontage and a group of mature trees are retained on East Street (the latter group should have the effect of screening the car parking area from view as you walk up East Street).

The site is considered capable of accommodating a substantial and tall building, as the building will be viewed within its own setting rather than in relation to neighbouring houses. Given the prominence of the site and its main road location it is considered that the building (or at least the frontage) should be constructed of natural stone. In addition, the applicants have been asked to re-address the matter of detailing on the principal elevations to increase “interest” architecturally.

Section 106 Matters

Originally the applicant wished to make an off site contribution for affordable housing but there is a need for provision within Lindley and the applicants have agreed to provide affordable housing on site, and this has been discussed with Housing Associations. Details of the level of provision should be available prior to the Committee.

Regarding the education contribution, no formal response has yet been received from the applicants, this contribution will obviously be required as it has on other sizeable schemes in the Lindley area.

Clearly satisfactory responses on both of these matters will be required from the applicant before the Committee.

Environmental Issues

As a former petrol filling station the site needs to be decontaminated in order to be fit to receive development. It is understood that the tanks have been removed and the Decontamination Report submitted was acceptable to Environmental Health.

The Environmental Health Service has requested a noise survey given the proximity of the flats to a busy road. However, residential properties front onto the length of Halifax

Road already and as such it is considered more appropriate to add a condition requiring the submission of noise attenuation measures for the flats.

As such subject to the receipt of satisfactory responses on the matters of design, affordable housing, the education contribution and space about buildings standards, approval is recommended subject to signing of Section 106 agreement.

Application No : 2003/65/94660/W1

Grid Reference : SE 10760 15100

Development : LISTED BUILDING CONSENT FOR INTERNAL ALTERATIONS TO COMMUNITY CENTRE

Location : COWLERSLEY COMMUNITY CENTRE, 119/121 COWLERSLEY LANE, COWLERSLEY, HUDDERSFIELD, HD4 5UJ.

Applicant : KIRKLEES METROPOLITAN COUNCIL

Recommendation : REFER TO SECRETARY OF STATE

SUMMARY

REASON FOR COMMITTEE DECISION

Delegation agreement

SIGNIFICANT CONSULTATIONS

None

RELEVANT HISTORY

None

POLICY

BE3, PPG15

REPRESENTATIONS

None

ASSESSMENT

Works proposed will not affect the historic fabric of the building. Recommend Secretary of State grants consent.

REFER TO SECRETARY OF STATE

- (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 with specific regard to the siting, design and materials except as may be required by other conditions.
- (3) Notwithstanding the submitted details, no historic doors, original architraves or skirting shall be removed, unless otherwise agreed in writing by the Local Planning Authority.
- (4) No development shall commence before full details of the type and specification of the plaster has first been submitted to and agreed in writing by the Local Planning Authority.
- (5) The photographic record of the banisters shall be submitted as a record to the Local Planning Authority (two copies).
- (6) Notwithstanding the submitted details the new partition to form the disabled toilet shall be repositioned so as to avoid oversailing the historic window architrave in accordance with details first submitted to and agreed in writing by the Local Planning Authority.

INFORMATION

This application is brought to Sub-Committee as Council application for Listed Building Consent must be referred to the Secretary of State.

APPLICATION SITE/DESCRIPTION

Cowlersley Community Centre is listed grade II and is located at Cowlersley Lane's junction with Woodside View. The building is two storey, stone built dating from late 18th to early 19th century although several mostly reversible internal features have been added such as doors, partitions and a modern kitchen, during recent works which do

not appear to have obtained consent. Most notably, however, the original fireplaces have been replaced and blocked up, being replaced with modern wall mounted gas fires, original skirting and architraves have either been damaged or removed and the blocking off of the second floor staircase.

Comprehensive internal alterations are proposed to reverse much of these works wherever possible with the aim of bringing the building up to a modern standard in line with fire regulations wherever possible and to upgrade the building for use within the local community.

Most notable amongst the works proposed are the removal of existing gas fires, hearth and fireplace, removal of internal partitions and replacement elsewhere, replacement internal doors, blocking up new openings.

SITE HISTORY

None

POLICY

BE3 – Works affecting Listed Buildings
PPG15 – Planning and the Historic Environment

CONSULTATIONS

None

REPRESENTATIONS

None

ASSESSMENT

None of the works are considered detrimental to the existing historic fabric of the building and will lead to the removal of unsympathetic works, allowing for more appropriate treatments wherever possible. A recommendation to the Secretary of State to grant consent is considered appropriate.

Application No : 2003/62/94864/W1

Grid Reference : SE 09770 14210

Development : ERECTION OF FIRST FLOOR EXTENSION

Location : 79, PENNINE GARDENS, LINTHWAITE, HUDDERSFIELD, HD7 5TH.

Applicant : B PERKINS

Recommendation : CONDITIONAL FULL PERMISSION

SUMMARY

REASON FOR COMMITTEE DECISION

Number of objection letters and Policy BE12

SIGNIFICANT CONSULTATIONS

None

RELEVANT HISTORY

None

POLICY

Be2, BE12, BE13 and BE14 the design and appearance is acceptable providing materials are used that match the existing building. Policy BE12 provides guidance regarding space about dwellings; the extension is a distance of 10 metres from the nearest property.

REPRESENTATIONS

4 letters of objections

ASSESSMENT

The proposal has no adverse effect on the Conservation Area and is of satisfactory appearance providing the extension is constructed using natural materials to match the existing. It is therefore recommended for conditional approval.

- (1) The development shall be begun not later than the expiration of five years beginning with the date on which permission is granted.
- (2) The development hereby permitted shall be carried out in complete accordance with the approved plans and specifications except as may be required by other conditions.
- (3) The 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 no light or other opening shall be made in any part of the wall on the south-west elevation of the extension identified on the approved plan.

INFORMATION

The application is before Committee as the proposed extension is situated 10 metres away from the extended property on Causeway Crescent. Guidance for new dwellings and a distance of 12 metres is recommended between a habitable room window and blank wall. A number of objections have been raised regarding the impact the proposal will have.

APPLICATION SITE/DESCRIPTION

The site is a link detached dwelling set in a corner position of a cul-de-sac of a fairly recently developed estate. The properties to the south west at Causeway Crescent are set at a much lower gradient. The first floors of these properties are at the same height as the ground floor of No. 79 Pennine Gardens.

SITE HISTORY

None relevant

POLICY

BE2, BE12, BE13 and BE14 the appearance is acceptable, the main concern is distance between the first floor extension and the properties on Causeway Crescent in particular No. 20.

CONSULTATIONS

None requested

REPRESENTATIONS

4 letters of objection received from the occupants of properties on Causeway Crescent. In **SUMMARY** the main concern appears to be the additional weight the erection of a first floor would create causing damage to the retaining wall and foundations and loss of light to gardens and properties.

ASSESSMENT

The property is a link-detached dwelling, the proposal is relatively minor being the erection of a first floor extension over an existing ground floor bedroom. Due to existing land gradients the ground floor of the site is the same height as the first floor of the properties to the south-west at Causeway Crescent. A measurement of 10 metres exists between the extended first floor of the nearest dwelling and the ground floor of the site. Policy BE12 sets out guidance on space about new dwellings which recommends a distance of 12 metres from a habitable room window and proposed blank wall.

It is not considered justifiable to refuse the application on the basis of the objections received, the issues raised with the exception of overshadowing, are not considered planning matters. The main issue is the distance between the side elevation of the property and the nearest dwelling and guidance set out in BE12. The distance will be maintained at 10 metres the same as the current ground floor. The distance already exists, Policy BE12 is for guidance only as it only applies to new dwellings, the proposal is not encroaching further and the extension will not be directly viewed from the habitable rooms of the nearest dwelling. No windows are proposed in the side elevation of the extension, therefore no loss of privacy shall occur.

Taking into account the existing distances and relationships between properties, it is considered that the proposal of the first floor extension will not significantly detrimentally affect the occupants of adjoining dwellings.

Application No : 2003/62/94879/W1

Grid Reference : SE 12620 17250

Development : ERECTION OF LOCAL CONVENIENCE STORE WITH
ASSOCIATED CAR PARKING AND ACCESS ALTERATIONS

Location : FORMER WESTBOURNE SERVICE STATION, NEW HEY
ROAD, HUDDERSFIELD, HD3 4AH.

Applicant : HARTFORD MANOR LTD

Recommendation : REFUSAL

SUMMARY

REASON FOR COMMITTEE DECISION

This application is brought before committee at the request of Councillors Khan and Councillor Sokhal because of the public interest in the site..

SIGNIFICANT CONSULTATIONS

Highways – No Objection

RELEVANT HISTORY

97/90841 – Installation of 2 Wash Units – Refused, Appeal Undetermined

96/93628 – Installation of 2 Wash Units – Refused

96/90782 – Redevelopment of Existing Petrol Service Station – Refused

95/93132 – Redevelopment of Petrol Filling Station and Erection of Sales Building –
Appeal for Non-Determination, Permission Granted by Inspectorate

POLICY

D2, S1, S3, S6, T10, BE2, PPG6

REPRESENTATIONS

Twelve objection letters

ASSESSMENT

Insufficient evidence submitted to demonstrate existing retail unit in centre of Marsh unusable. Design, materials and siting unsatisfactory to surrounding area and adjoining occupiers. Refuse.

- (1) The proposals are, by virtue of their design, height, siting and materials, considered injurious to the residential amenity of adjoining occupiers and to the visual amenity of the surrounding area, contrary to Unitary Development Plan Policies D2 and BE2.
- (2) Insufficient information has been submitted to enable the implications of the proposal to be properly judged, particularly having regard to the suitability of existing sites within the nearby Large Local Centre for use by the applicants in accordance with the requirements of PPG6 "Town Centres and Retail Developments" and Unitary Development Plan Policies S1, S3 and S6.

INFORMATION

This application is brought before committee at the request of Councillors Khan and Councillor Sokhal.

APPLICATION SITE/DESCRIPTION

The application site is prominently located on the northern periphery of Marsh Commercial Centre at the junction of Thornhill Road and New Hey Road. The site was last used as a Petrol Filling Station, which has been vacant for over 6 months, has had its pumps and underground storage decommissioned. Residential dwellings surround the site with a commercial unit on the opposite corner of Cleveland Road.

The former filling station kiosk and canopy remain with vehicular access to the site off Cleveland Road, two crossings off New Hey Road and a further access of Thornhill Road.

The application proposes to remove all existing buildings from the site and replace them with a single storey retail unit with a gross floorspace of 322 m². One of the accesses from New Hey Road will be blocked off and 16 parking spaces provided on the forecourt. A small service yard, to be enclosed by a 3m high acoustic fence, will separate a further three spaces accessed only off Cleveland Road.

SITE HISTORY

97/90841 – Installation of 2 Wash Units – Refused, Appeal Undetermined

96/93628 – Installation of 2 Wash Units – Refused

96/90782 – Redevelopment of Existing Petrol Service Station – Refused

95/93132 – Redevelopment of Petrol Filling Station and Erection of Sales Building – Appeal for Non-Determination, Permission Granted by Inspectorate

POLICY

D2 – Land Without Notation

S1 - Town and Local Centres to remain focus of Shopping and Commercial activity

S3 – Marsh is allocated as a Large Local Centre

S6 - Considerations for provision of local shops

T10 – Highway Safety

BE2 – Design of New Development

PPG6 – Town Centres and Retail Developments

CONSULTATIONS

Highways – No objections, conditions

Environment Agency – Conditions to ensure satisfactory decontamination of site to avoid possibility of contaminants being released into groundwater or surface waters.

Environmental Health - Contamination Survey and remediation works required, restrict delivery times to protect residential amenity; request details of the 3m high acoustic fence; details of any proposed mechanical services plant.

Yorkshire Water - Seek separate systems for foul and surface water drainage.

REPRESENTATIONS

Twelve letters of objection have been received in response to the application publicity. Objections refer to

- Lack of need for an additional shop in Marsh which is already adequately served by a wide variety of units;
- existence of vacant retail premises within centre of Marsh;
- nuisance to residents from additional traffic;
- proposed on site parking and surrounding highway network not adequate to deal with increased demand;
- Cleveland Road too narrow to deal with increased traffic;

- increased congestion likely on New Hey Road;
- if shop open late it would likely attract loiterers and lead to an increase in litter/vandalism/theft/disorder and general nuisance;
- site better served through residential development;
- site too small for the use proposed;
- increased vehicular use, danger to pedestrians
- proximity of delivery area to dwellings likely to cause nuisance to adjoining residents through noise levels.
- Insufficient supporting information submitted by applicant to demonstrate a need for a new retail unit, the likely impact on the economic vitality or viability of Marsh. The likely impact on the surrounding highway network in the form of a Transport Assessment.
- Site not within the existing commercial centre and is not allocated for retail development in the Unitary Development Plan.

ASSESSMENT

The proposal is considered inappropriate due to its siting and height in close proximity to the rear gardens of dwellings on Thornhill Road, which would adversely affect residential amenity. The design and materials of the building are out of character with the surrounding area and will appear incongruous.

The site is considered to be an “edge of centre” site, as such the applicant must demonstrate that there are no other more suitable locations within the local centre for their proposal.

The applicant has failed to provide sufficient justification to demonstrate this, in particular why the existing vacant retail unit within the centre of Marsh, the former Lodges Supermarket, cannot be used by the applicant.

As such a recommendation to refuse the application is considered appropriate.

Application No : 2003/48/94980/W1

Grid Reference : SE 11270 16170

Development : ALTERATIONS TO EXTERNAL RAMPS, INSTALLATION OF WINDOWS AND DOOR AND 2 GLAZED CANOPIES

Location : CROW LANE J I & N SCHOOL, CROW LANE, MILNSBRIDGE, HUDDERSFIELD, HD3 4QT.

Applicant : KIRKLEES METROPOLITAN COUNCIL

Recommendation : GRANT UNDER REG 3 GENERAL REGULATIONS 1992

SUMMARY

REASON FOR COMMITTEE DECISION

Delegation Agreement

SIGNIFICANT CONSULTATIONS

None

RELEVANT HISTORY

2001/93539 Planning Permission for 2.4 metre fencing

1999/90170 Planning Permission for classroom extension and parking

POLICY

BE1 & BE2 – The development is of acceptable design and detail.

REPRESENTATIONS

None

ASSESSMENT

The proposals do not detract from the character of the building or surrounding area and will not detrimentally affect adjoining occupants. The application is considered acceptable.

- (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 site is set within a residential area it is a stone school building with surrounding playground area and stone perimeter wall and fencing. The application is for alterations to external ramps, installation of windows and doors and 2 glazed canopies.

SITE HISTORY

2001/93539 Planning Permission for 2.4 metre fencing
1999/90170 Planning Permission for classroom extension and parking

POLICY

BE1 & BE2 design and appearance acceptable

CONSULTATIONS

None.

REPRESENTATIONS

None received to date.

ASSESSMENT

The proposal is of satisfactory appearance with the new windows and doors to be double glazed softwood, the canopies to be glazed with safety glass within black aluminium frame. The ramp surface is to be tarmac which is a continuation of the existing playground surface. The proposals are considered acceptable and recommended for approval.

Application No : 2003/48/95230/W1

Grid Reference : SE 14450 16650

Development : INSTALLATION OF NEW SHOPFRONTS (LISTED BUILDING WITHIN A CONSERVATION AREA)

Location : 10 - 12 AND 14 NEW STREET, HUDDERSFIELD, HD1 2AY.

Applicant : KIRKLEES M C (ANDREW STOKES)

Recommendation : GRANT UNDER REG 3 GENERAL REGULATIONS 1992

SUMMARY

REASON FOR COMMITTEE DECISION

Delegation Agreement

SIGNIFICANT CONSULTATIONS

None

RELEVANT HISTORY

03/65/91811 and 91983 - Listed Building Consent and planning permission for installation of new shop fronts (within a Conservation Area) - Granted

03/65/95231/W1 - Listed Building Consent for new shop fronts also on this agenda.

POLICY

BE5	Conservation Area
BE17	New shop fronts on Listed Buildings/Within Conservation Areas
TC1	Town Centre

REPRESENTATIONS]

None

ASSESSMENT

The proposal will lead to an improvement in appearance of this prominent frontage within the town centre.

- (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 with regards to the siting, design and materials except as may be required by other conditions.
- (3) No development shall commence until accurate scale drawings of all timber cross-sections and mouldings to a scale of 1:5 have first been submitted to and agreed in writing by the Local Planning Authority and thereafter completed and retained in the approved form.

INFORMATION

This application is brought before Sub-Committee as the application is submitted by a Council Service

APPLICATION SITE/DESCRIPTION

The street level units of 10, 12 & 14 New Street are located in a much larger 12 bay grade II listed building incorporating numbers 2 to 14 New Street within a Primary Shopping Frontage and Huddersfield Town Centre Conservation Area. Comprising of retail units all street level frontages to the building are different in appearance with no. 2 to 4 adjacent to the application site occupied by Beaumont Opticians. That unit's frontage, granted approval in 2001, is of a traditional timber design similar to that now proposed. The proposals are similar to those approved at Nos. 6 & 8 New Street.

SITE HISTORY

03/65/91811 and 91983 – Listed Building Consent and planning permission for Installation of New Shop Fronts (Within A Conservation Area) – Granted

The associated Listed Building Consent for the proposed works is also on this agenda Ref 2003/65/95231/W1

POLICY

BE5 – Town Centre Conservation Area BE17 – New Shop Fronts on Listed Buildings/Within Conservation Areas TC1 – Town Centre S11 – Primary Shopping Frontage PPG 15: Planning and the Historic Environment

CONSULTATIONS

None.

REPRESENTATIONS

None.

ASSESSMENT

The approved works at Nos 6 & 8 are a vast improvement to this frontage, This proposal will continue that improvement and as such it is recommended that the application be Delegated to Officers to grant.

Application No : 2003/65/95231/W1

Grid Reference : SE 14450 16650

Development : LISTED BUILDING CONSENT FOR INSTALLATION OF NEW SHOP FRONTS (WITHIN A CONSERVATION AREA)

Location : 10 - 12 AND 14 NEW STREET, HUDDERSFIELD, HD1 2AY.

Applicant : KIRKLEES M C (ANDREW STOKES)

Recommendation : REFER TO SECRETARY OF STATE

SUMMARY

RECOMMEND FOR THIS LISTED BUILDING CONSENT IS THAT IT IS REFERRED TO THE SECRETARY OF STATE WITH A RECOMMENDATION FOR APPROVAL.

INFORMATION

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

See Report for 2003/48/95230/W1

Application No : 2003/62/91757/W2

Grid Reference : SE 12160 18550

Development : ERECTION OF DRIVE THROUGH RESTAURANT USE CLASS A3 AND 2 NO. OPEN USE CLASS A1 RETAIL UNITS TOGETHER WITH ASSOCIATED PARKING AREAS

Location : MONZA SERVICE STATION, HALIFAX ROAD, BIRCHENCLIFFE, HUDDERSFIELD, HD3 3BX.

Applicant : JOHN RADCLIFFE & SONS LTD

Recommendation : REFUSAL

SUMMARY

REASON FOR COMMITTEE DECISION

Delegation Agreement

SIGNIFICANT CONSULTATIONS

Highway Services - request full Traffic Impact Assessment

RELEVANT HISTORY

None

POLICY

D2, T10, S3, S6 and PPG6

REPRESENTATIONS

9 letters and an 83 signature petition of objection

ASSESSMENT

No policy objection to the proposal but insufficient information to judge impact on highway/traffic.

- (1) Insufficient information has been submitted to adequately assess the impact of the development on the highway network. As such the proposal is contrary to Policy T10 of the Unitary Development Plan.

INFORMATION

This application is brought to Committee given the extent of objection to the proposal. Also it is a proposal of wider concern.

SITE/PROPOSAL

The application site comprises an area of 0.37 ha and is the former Monza Petrol Filling Station, situated on the southern side of Halifax Road at the junction with East Street. Currently the site contains the empty building that comprised the petrol station. To the northern part of the site there are a number of mature trees and the site is bounded by a substantial retaining wall. The nearest dwellings are to the west on East Street but they are at an elevated position relative to the site.

Permission is sought for the removal of the petrol filling station building and the erection of a drive through restaurant (2500 sq. ft) and 2 A1 retail units (2400 sq.ft and 3500 sq.ft). Access to the site would be off Halifax Road as with the existing petrol station.

The building would be single storey and a mixture of stonework and render with some metal cladded panels.

RELEVANT HISTORY

Current application for residential development also on this list (Ref: 2003/93512/W2).

RELEVANT POLICY

The site is unallocated within the Unitary Development Plan and as such Policy D2 is relevant. Also of relevance are Policies T10, S3 and S6 which deal with issues of highway safety and location of retail units. Planning Policy Guidance "Retail" is also relevant in this case as the sequential approach to locating retail units has to be demonstrated.

CONSULTATIONS

Highways - Requested a full Traffic Impact Assessment in order to adequately consider the proposal. This assessment has not been provided.

Environmental Health - The decontamination report and remediation measures are satisfactory. Recommend conditions regarding hours of use and extract ventilation to protect the residential amenities of nearby dwellings.

British Coal - Recommend standard informative

Yorkshire Water Authority - Recommend conditions

Site Notice/Publicity - a total of 9 letters of objection have been received and a petition signed by 83 people. The main points of concern are:

1. The proposal will lead to extra traffic and highway problems on an already very busy road near a signalled junction;
2. The proposal will result in disturbance for nearby residents and problems with odours and litter;
3. The retail units are not located within a local or town centre therefore the proposal is contrary to national guidance in this respect (PPG6)

Councillor Khan supports the objectors

ASSESSMENT

There is no objection in principle to a drive through on this site, the former use was petrol station at the nearest dwellings on East Street are a fair distance from the premises and existing trees on the East Street frontage between the dwellings and the site are to be retained. It is considered that the drive through would not have any adverse impact on residential amenity and appropriate conditions regarding hours of use and extract ventilation (to address the issues of smell) could be applied.

With respect to the two retail units, the applicant has carried out a sequential approach and 2 units are specifically identified for a dry cleaners and a convenience store. The convenience store could be acceptable under the terms of Policy S6 in any event, providing a local facility. As such there is no policy objection to the proposal.

Highway Services have requested a full Traffic Assessment on this proposal, but despite repeated requests this has not been provided by the applicant.

This information is necessary to determine the application and as it has not been forthcoming the proposal is recommended for refusal on the basis of insufficient information.

Application No : 2003/62/92852/W2

Grid Reference : SE 13790 14080

Development : CHANGE OF USE FROM GROUND FLOOR LOUNGE TO SALES AREA, ERECTION OF GROUND FLOOR OFFICE, EXTENSION, EXTERNAL STAIRCASE AND FIRST FLOOR KITCHEN EXTENSION (WITHIN A CONSERVATION AREA)

Location : BIRKBY POST OFFICE, 45, WHEATHOUSE ROAD, BIRKBY, HUDDERSFIELD, HD2 2UP.

Applicant : MR A ALI

Recommendation : CONDITIONAL FULL PERMISSION

SUMMARY

REASON FOR COMMITTEE DECISION

Delegation Agreement

SIGNIFICANT CONSULTATIONS

Highways – concerned re increased traffic

RELEVANT HISTORY

Side extension for ATM – approved but not implemented

POLICY

BE5 – Conservation Area

B20 – New shop front

REPRESENTATIONS

3 letters and 40 signature petition – traffic, impact on amenity, waste disposal

ASSESSMENT

Whilst there is some increase in sales area will still be essentially local shop. Design and materials acceptable.

- (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 extension shall be constructed of coursed natural stone, the course depths to match those of the existing building.
- (4) The roofing materials shall be blue slates.
- (5) Prior to the new entrance coming into use the alterations to the forecourt to facilitate access for the disabled shall be carried out.
- (6) Prior to development commencing, details of the replacement windows (i.e. in place of the existing doorway) shall be provided for the written approval of the Local Planning Authority. The approved details to then be implemented and maintained.

NOTE This permission shall relate to the amended plans received on 8 December 2003.

INFORMATION

This application has been brought to Committee given the level of representations received.

SITE/PROPOSAL

45 Wheathouse Road is the Birkby Post Office and it is located at the junction of McCauley Street in the Birkby Conservation Area. The building is constructed of stone and slate and has a substantial forecourt and a short rear garden. In the rear garden there is currently a substantial shed.

Permission is sought for a 2 No. storey side extension (the extension to form a stairwell to the upstairs flat), a part first floor and ground floor rear extension to form an ancillary office and additional accommodation for the upstairs flat. The shop floor area will be increased on the ground floor and a new entrance formed on the McCauley Street elevation. Also proposed is a bin store.

RELEVANT HISTORY

2003/62/93358/W2 - Side extension to house an ATM - approved but not implemented.

RELEVANT POLICY

Policy BE5 indicates that development within a Conservation Area must preserve or enhance the character of the area.

Policy BE20 indicates that alterations to shop fronts should incorporate disabled access.

CONSULTATIONS

Highways - concerned at the increase in the floor area of the shop. Feel that as no off-street parking is available the proposal will contribute to congestion. Oppose the proposal.

Environmental Health - No observations

Site Notices/Publicity - As originally submitted there were 3 letters of objection to the scheme and a petition signed by 44 people, the main points of concern being:

1. Proposal will generate extra traffic and congestion;
2. Adverse effect on neighbours; and
3. Difficulties with waste disposal

One letter of support was received.

Amended plans were received and re-advertised (final date 3.12.03) - No representations were received on the amendment.

ASSESSMENT

The extension has been amended from the original submission. Specifically the rear single storey element which has been set in from the mutual boundary with 47 Wheathouse Road by 1 metre in order to protect the residential amenities of that dwelling.

The other extensions remain unaltered, but in terms of materials (stone and slate) and proportions, the scheme is considered acceptable within this Conservation Area.

The amended scheme also retained the surround and detailing of the existing doorway, creating a new window instead of crudely stoning it up, and works will be carried out to the forecourt area to ensure that level access to the new doorway is provided for disabled users.

At present the bins associated with the Post Office and flat are in the open, a bin store is to be erected adjacent to the rear extension to enclose them.

Whilst the proposal does result in additional floorspace, the new space is created largely as a result of internal alterations which in themselves normally would not require planning consent.

As such it is considered that the amended plans address a number of the concerns of the original objections and on balance the scheme is recommended for approval subject to conditions.

Application No : 2003/62/94212/W2

Grid Reference : SE 13200 17940

Development : CHANGE OF USE OF URBAN GREENSPACE INTO NATURAL BURIAL GROUND WITH CAR PARK AND ACCESS FROM BIRKBY HALL ROAD AND USE OF GROUND FLOOR OF STABLE BLOCK AS OFFICE RECEPTION (WITHIN A CONSERVATION AREA)

Location : LAND ADJACENT TO NUFFIELD HOSPITAL & ROSE HILL, BIRKBY HALL ROAD, BIRKBY, HUDDERSFIELD, HD2 2BS.

Applicant : MBF (1954) LTD

Recommendation : CONDITIONAL FULL PERMISSION

SUMMARY

REASON FOR COMMITTEE DECISION

Delegation Agreement

SIGNIFICANT CONSULTATIONS

English Heritage - Awaited

Highways - No objections subject to conditions

RELEVANT HISTORY

02/91352/W2 - Application for burial ground refused and appeal dismissed - access from George Avenue not acceptable

POLICY

D3 - Urban Green Space

BE3 - Impact on setting of Listed Buildings

REPRESENTATIONS

11 letters of objection - traffic on Birkby Hall Road - not a suitable use to be overlooked by school children.

ASSESSMENT

Moving the access from George Avenue overcomes that problem but raises other considerations including the suitability of the proposed access from Birkby Hall Road and the impact of this and parking on the Grade II* Listed Property, Rose Hill. Response from English Heritage is key to this decision.

- (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 maximum number of funerals shall not exceed 5 during any week.
- (3) Before development commences details of the hours of operation of the facility shall be submitted to and approved in writing by the Local Planning Authority.
- (4) No development shall take place until plans detailing arrangements for access, layout and parking have been submitted to and approved in writing by the Local Planning Authority.
- (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) The arrangements referred to in Condition 4 shall include internal turning facilities for service vehicles.
- (7) Details of all boundary treatments including beefing up of existing trees and vegetation shall be submitted to and approved in writing by the Local Planning Authority before development commences. The agreed scheme shall be implemented in accordance with phasing to be agreed in writing by the Local Planning Authority.

- (8) Details of the phased implementation of the proposed use shall be submitted to and approved in writing by the Local Planning Authority before development commences. Details shall include location and size of areas to be utilised which shall be linked to existing and proposed boundary treatments to help where maximum screening of areas of be used.
- (9) Details of the treatment of areas whilst in use and the after use shall be submitted to and approved in writing by the Local Planning Authority before development commences. There shall be no erection of headstones. Details shall include surfacing/treatment of pedestrian and vehicular access to burial plots.
- (10) 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.
- (11) 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.
- (12) Details of any lighting shall be first submitted to and approved in writing by the Local Planning Authority before development commences.
- (13) Details of measures to protect occupiers of cottages adjacent to the access 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 use commencing.

INFORMATION

This application is reported to Sub-Committee for determination as it relates to a site in excess of 0.5 ha and Members have previously considered similar proposals at this site.

SITE LOCATION/DESCRIPTION

The application relates to 2.11 ha of land to the south of Rose Hill, the cricket field and the Nuffield Hospital. St Patrick's Roman Catholic Primary School and allotments lie to the south and residential development on George Avenue and Birkby Fold lies to the

east. The existing site is meadowland with mature trees especially along the southern and eastern boundaries, many of which are protected by a Preservation Order. Rose Hill, which is in the ownership of the applicant, is a Grade II* Listed Building.

The proposal is to create a natural burial ground on the land with access from Birkby Hall Road. This would involve utilising an existing access serving buildings at Rose Hill but in an improved form and leading to a car park with 18 spaces. Part of the ground floor of an adjoining stable block would be converted to an office/reception to serve the use.

Details relating to the proposed use provided by the applicant are as follows:

- ◆ secure and permanently staffed burial ground
- ◆ 2 burials a week on average (maximum 4-5)
- ◆ estimated that the site will hold 4,000 plots with 2 burials per plot.
- ◆ curator on site during opening hours
- ◆ access from Birkby Hall Road and car park for 18 cars
- ◆ small office/reception and w.c. in part of existing toilet block
- ◆ most of the site kept as meadowland except particular area being used for burials at that time (approximately ¼ acre)
- ◆ site expected to be open between the hours of 10.00 am and 3.00 pm.
- ◆ days of openings likely to be Tuesday, Wednesday, Thursday and Sunday.
- ◆ natural or green burials requires burial in the most ecological manner, everything must be biodegradable, no embalming
- ◆ there are no gravestones. Wild flowers, shrubs and trees may be planted by agreement
- ◆ internments by registered funeral directors only, cortege limit of 6 vehicles
- ◆ grave areas developed in groups of approximately 250 per ¼ acre unit with estimated rate of advancement approximately ¼ acre per year.
- ◆ estimated site life of approximately 35 years
- ◆ grave leases for 49 years and site as burial ground will have a life of at least 100 years.
- ◆ burial could be single or double with maximum depth of 4'10"
- ◆ no permanent paths
- ◆ the parkland would be naturally drained as now - no known watercourses on site
- ◆ burial ground will be non denominational, open to any creed
- ◆ part of the site reserved for Muslim burials, part for "garden of rest" for cremation urns, part of west of Birkby Fold as pet cemetery.
- ◆ additional screen planting/fencing proposed
- ◆ estimated that by end of century site will be covered by mature trees.

HISTORY

Separate applications for the burial ground and residential development (on the site of the former cottages) have been submitted previously in 2000 and 2001 respectively

(00/91157 and 01/90058). The burial ground application in particular generated significant local opposition and both applications were ultimately withdrawn before going to Committee.

A further application for the burial ground and the erection of staff dwelling/reception office (on the site of former cottages in the south west corner) was submitted in April 2002 (Ref 2002/62/91352/W2). This application proposed access from George Avenue close to the entrance with St Patrick's school.

That application generated 34 letters of objection and a petition with 64 signatures. Following production of a "folio" by the applicant detailing the proposed use, a further 6 letters and a petition with 86 signatures was received. Letters included those from St Patrick's School and Kirklees Education Service. The principle concerns related to:

- ◆ increase in traffic on George Avenue and conflict with school traffic
- ◆ site overlooked by school children and houses - not appropriate activity for children or residents to witness.
- ◆ impact on Listed Building, Conservation Area and wildlife
- ◆ loss of views, increased noise and pollution
- ◆ could lead to pressure for more houses.

The application was refused by the Sub-Committee on the grounds that access from George Avenue and potential conflict with school traffic and pedestrians using adjacent paths was not in the best interests of highway and pedestrian safety (especially children). An appeal was lodged against this refusal but the appeal was dismissed on 25.4.03. The Inspector considered the main issue to be impact on highway safety and he concluded that there would be a substantial increase in highway danger close to the school entrance.

POLICY

The 2.1 ha (5¼ acres) site for the burial ground is allocated as Urban Green Space on the Unitary Development Plan and contains a large number of mature trees many of which are covered by a Tree Preservation Order. The site is within the Edgerton Conservation Area and Rose Hill is a Grade II* Listed Building. The block of 2 dwellings, outbuildings and stable block adjacent to Rose Hill is also Grade II Listed.

The following policies are relevant:

- D3 Urban Green Space - presumption against development unless, inter alia, it involves change of use to an alternative open land use
- BE5 Development in Conservation Areas should contribute to preservation or enhancement of character or appearance of area.
- NE9 Retention of mature trees

BE3 Development affecting Listed Buildings and/or their settings should pay special attention to preserving buildings, setting and special features.

T10 Having regard to impact on traffic.

CONSULTATIONS

Highways - No objections subject to conditions

Environmental Agency - Request Risk Assessment into potential for contamination of ground water

Yorkshire Water - No objections subject to conditions

Huddersfield Civic Society - Do not oppose in principle as access now improved but question if school will find it acceptable.

English Heritage - There is a specific requirement to consult English Heritage on proposals which affect the setting of Grade II* Listed Buildings. Response awaited.

Environmental Health - There are two dwellings located adjacent to the proposed entrance. In order to prevent nuisance to occupiers a suitable barrier should be provided and hours of use limited. (10.00 - 15.00).

REPRESENTATIONS

11 letters of objection have been received to date including one from the Governors of St Patrick's Roman Catholic School. Comments relate to:

- ◆ not "healthy" for children to be at school with burial site adjacent - unpleasant for children to witness such activity - screening inadequate in winter and would be disturbing and distressing for children.
- ◆ insensitive located next to Nuffield Hospital.
- ◆ access from Birkby Hall Road which is now a fast rat run with a lot of traffic
- ◆ will spoil enjoyment of use of cricket field adjacent
- ◆ other more suitable areas to use
- ◆ concerns about what boundary treatments will be - could be unsightly in Conservation Area.
- ◆ no "buffer zone" between some houses on Birkby Fold and the site - needs some barrier.
- ◆ concerned regarding impact on Conservation Area and setting of Listed Building.
- ◆ decomposing bodies could be a health threat
- ◆ will devalue properties
- ◆ pedestrian gate in south west corner (adj George Avenue) will encourage cars to park here close to school entrance.

ASSESSMENT

This application has generated less opposition than the previous one in 2002, mainly because the principle concern - access from George Street next to the school entrance, has been removed. Access will now be from Birkby Hall Road. However, objections have also been raised to the revised access. Nevertheless Highways are satisfied with regard to the suitability of this access and parking arrangements.

Other objections raised relating to use of this area of Urban Green Space as burial ground, overlooking by children, health and drainage issues etc have all been considered previously as part of the previous submission. Both Members of the Sub-Committee and the appeal Inspector concluded that this was not an inappropriate use of the land subject to, amongst other things, controls over the intensity of use, hours of use and additional screening. The previous application was therefore refused on Highway grounds alone and the Inspector agreed that this was the main issue.

It can be concluded from this that the principal issue to consider this time is the revised access point from Birkby Hall Road and its potential impact on the Listed Buildings, Conservation Area and trees and the occupiers of adjacent dwellings.

The existing access will be upgraded by slight widening. Frontage boundary walls are shown to remain unaltered - the applicants contending that this will provide adequate visibility onto Birkby Hall Road. This means that impact on the walls and entrance will not be significant and should not harm the appearance of the Conservation Area. Existing gate posts will be set further back into the site, leading onto the proposed car park area immediately adjacent the north east corner of Rose Hill. This rectangular shaped area will accommodate 18 vehicles and from this would lead a 2m wide path down the eastern edge of the property, winding between mature trees, to the burial ground. The rectangular car park area is presently grassed and the applicants intend to use a system which retains the grass surface but reinforced for parking purposes (e.g. "Grass Rings"). In addition it is proposed to erect a 1.8m stone wall along the southern and western boundaries which with existing boundary features will form an almost enclosed space. All trees would be retained.

Clearly, the impact of these works on the setting of the Grade II Listed Buildings, the Grade II* listed building (rose Hill) and the Conservation Area are key to the acceptability or otherwise of this scheme. English Heritage have been consulted and their response is awaited.

Environmental Health have requested a barrier between the access and the dwellings adjacent and the visual implications of this also needs to be explored further. Any alterations to the stable block to form an office should be minimal and can be conditioned.

Environment Agency have requested a Risk Assessment relating to potential for contamination of ground water. This has now been produced and is under consideration. A further report will be made.

The response from English Heritage is important to the determination of this application. The recommendation to approve is subject to no objections being received from them.

Application No : 2003/60/94500/W3

Grid Reference : SE 13920 15900

Development : OUTLINE APPLICATION FOR ERECTION OF CHURCH WITH BOOK SHOP, COFFEE SHOP AND ASSOCIATED OFFICES AND PARKING

Location : ST. THOMAS' ROAD, HUDDERSFIELD, HD1 3LJ.

Applicant : HUDDERSFIELD CHRISTIAN FELLOWSHIP

Recommendation : DELEGATE TO OFFICERS TO APPROVE

SUMMARY

REASON FOR COMMITTEE DECISION

Delegation Agreement

SIGNIFICANT CONSULTATIONS

Highways – no objections in principle

EDS - No objections

Environmental Services - No objections subject to contaminated land and noise reports.

RELEVANT HISTORY

None

POLICY

D2, BE2, G6, EP4, B4, T10, T19

REPRESENTATIONS

None

ASSESSMENT

Use of site for Church and ancillary uses acceptable subject to conditions.
Delegate to Officers to approve

DELEGATE TO OFFICERS TO APPROVE SUBJECT TO CONDITIONS

INFORMATION

This application is brought before the Sub-Committee because the size of the site exceeds 0.5ha.

THE SITE/PLANNING HISTORY

This comprises of an area of approximately 1.5 hectares. It is a triangular shaped site lying to the south of St Thomas' Road at its eastern end close to the traffic lights at Folly Hall. The site is currently occupied by a number of industrial buildings and sheds with associated yards and some office accommodation.

On the opposite side of St Thomas' Road there are further industrial premises, a small number of dwellings and a casino/leisure complex. To the west there are further industrial/warehousing buildings currently undergoing refurbishment, whilst to the south at a significantly higher level are multi-storied flats and a number of bungalows in Rashcliffe Hill Road.

There have been no recent planning consents on this site, although consent was granted in June 2003 to refurbish the industrial buildings immediately to the west of this site (Ref: 2003/62/91531/W3).

THE PROPOSALS

Outline planning permission is sought for the erection of a Church building incorporating a book and coffee shop with related offices and car parking. No details of siting or access are sought at this stage.

All existing buildings on the site would be demolished to enable the development to proceed.

The Church is intended to replace the applicant's current premises in St John's Road and Northumberland Street in view of the ever growing congregation.

The applicants have included a supporting letter which describes the proposed development as follows:

“The main activity centres around the two Sunday services, the busier of the two being the one held at 10.15 am. People start arriving from 9 am onwards although it would be fair to say that the bulk of the people arrive between 9.45 am and 10.15 am. The service finishes around 12.30 pm with the congregation taking at least an hour to disperse as tea/coffee is served afterwards. The evening service starts at 6.30 pm with people generally arriving from 6 pm and finishes around 8.30 pm again followed by refreshments leading to the building being empty around 9.30 pm. Currently around 400-500 people attend the morning service and around 200-250 attending the evening service.

The next busiest time is Saturday evening when we hold our youth groups. Currently approximately 125 Church youth meet from 7.30 pm - 9.30 pm.

The only other time the congregation meet together is once every other month on a Thursday evening at 7.30 PM for a prayer meeting and each Wednesday evening at 7.30 PM throughout the months of July and August. A smaller meeting of around 50 people meet each Wednesday evening at 7.30 PM from September to February, this being the New Members Class and the and the musicians numbering less than 20 meet to practice each Friday evening from 7.30 PM. The Church leadership team numbers 50 or so, also get together on a Thursday evening at 7.30 PM but only once every other month.

As far as the day time activities are concerned, these mainly centre around the Church staff which numbers 8 at the moment and these are more or less present Monday to Friday 9 am - 5 PM. The Church however has a combined bookshop and coffee shop, which is envisaged, will be transferred to the new development. This currently employs 10 people (mixture of both full time and part time). The bookshop sells Christian related material only and is therefore not as busy as a secular bookshop. The coffee shop relies heavily at present on passing trade and as it is currently located in the town centre it is anticipated that we will need to scale down this aspect of our activity as the new location is out of town. Opening hours of the shop is currently Monday - Saturday 9.30 am - 5 PM. The only other regular activity is a small mother and toddlers group, which meets on a Tuesday morning from 9.30, is. This literally involves only a handful of Church members and their children.

Weddings and funerals are also the business of a Church. Currently we conduct no more than 6 weddings each year and these generally on a Saturday around mid day. Funerals are very few and far between due to the overall young age of the congregation.

Obviously the new building will have a potential to hold much greater numbers than we can accommodate at present. It is envisaged that the main auditorium would seat

1500 people which would mean all the activities mentioned would probably be attended by greater numbers. However, I would like to stress that it could take a number of years before we see 1500 people in the Church, but whatever the numbers these are unlikely to affect the actual programme of activities.

I feel I must emphasise that we are first and foremost a Church and will continue to be so. Mention has been made of the facility being used as a conference centre and I would like to clarify what this entails. During the course of 2003 we will have held 2 one day conference type meetings, both on a Saturday and both Christian related. In addition we stage on average 3 or 4 concerts a year generally held on a Saturday evening in which case the youth groups are cancelled. It is not envisaged that this type of activity will increase in the new development. Obviously it is difficult to look into the future but we categorically assure you that this is not a joint Church/conference facility but only a Church that from time to time plays host to generally Christian based events”.

A Transport Assessment has been submitted to support the application.

POLICY

The site has no specific allocation on the Unitary Development Plan Proposals Map although the banking to the rear rising up to Rashcliffe Hill Road is identified as a green corridor.

The following policies are considered to be particularly relevant:

D2	Land without notation
D6	Green corridors
BE2	New development
G6	Contamination
EP4	Noise
B4	Loss of employment land/premises
T10/T19	Access/parking
C4	Religious premises.

CONSULTATIONS

Highways – No objections in principle subject to reserving the position of the access and parking etc. The operation of the centre should not give rise to highway capacity problems at the suggested times of use but control of activities will be required by condition to ensure that conflict with the peak use of the local highway network does not arise.

There is also a need for further investigations into measures to encourage the use of alternative sustainable transport. It would be reasonable to expect that a “travel plan” be devised given the scale of the development.

Environmental Services - Need for contaminated land and noise reports before development is first commenced.

Economic Development Services - Prepared to support. Application site is surplus to Brook Cromptons requirements. Buildings on the site are poor quality. The Church has been looking for a new site close to the town centre for some time and there are no other suitable sites of which EDS are aware. Other parts of the Brook Crompton site are being marketed for employment purposes.

Yorkshire Water - No objections subject to conditions

Environment Agency - No objections subject to conditions

Coal Authority - No identified problems.

PUBLICITY/REPRESENTATIONS

The application has been advertised on site and in the local press. No representations have been received to date.

ASSESSMENT

The applicant Church has a recognised need for larger premises and has been searching for a site close to the town centre.

This particular site has become available as part of an area which is now surplus to Brook Crompton's future requirements. There is an issue regarding the loss of industrial/ employment land as the site is flat and well located for employment use even though the existing buildings are generally of poor quality. However, in this case, officers consider that a recommendation of approval is justified in particular as:

- the remainder of the Brook Crompton site is currently being marketed for employment purposes.
- the Church has a need for larger premises close to the town centre and no other suitable sites have been identified.
- The development will generate some relatively small employment opportunities which could increase if the Church expands further.

The development would include a book shop and coffee shop. These elements are considered to be acceptable subject to them remaining ancillary to the Church use and are not operated independently of the Church. An appropriate condition would be attached to any permission. In addition, conditions would be required to prevent the use of the site in a way which could significantly conflict with the peak use of the local highway network requiring a "travel plan" to be submitted.

Finally, further conditions would be needed to cover the submission of contaminated land and noise surveys before development is first commenced.

Application No : 2003/62/94624/W2

Grid Reference : SE 12070 17490

Development : ERECTION OF 8 NO. TOWN HOUSES WITH INTEGRAL GARAGES AND ONE BLOCK OF THREE FLATS

Location : OFF, GIBSON STREET, HUDDERSFIELD, HD3 3HB.

Applicant : T WARD ESQ

Recommendation : REFUSAL

SUMMARY

REASON FOR COMMITTEE DECISION

Proposal is a major application

SIGNIFICANT CONSULTATIONS

Highways – Object to the proposal

RELEVANT HISTORY

Nil

POLICY

D2, BE2, BE12, T10

REPRESENTATIONS

11 letters of objection

ASSESSMENT

Proposal is overintensive development of the site and unsatisfactory with respect to highway criteria. Refusal recommended.

- (1) The proposal represents an over-intensive form of development that would be out of scale and character with the surrounding area. As such the proposal would be contrary to Policy BE2 of the Unitary Development Plan.
- (2) The proposal would result in the intensification of use of Baker Street (an unadopted, private and substandard road). The parking arrangements are unsatisfactory as is the proposed access to the flats off Gibson Street. As such the proposal would not be in the best interests of highway safety and contrary to Policies D2 and T10 of the Unitary Development Plan.
- (3) The proposed buildings, by virtue of their bulk, height and siting, would have an adverse effect on the residential amenities of neighbouring properties. As such the proposal would be contrary to Policies D2 and BE12 of the Unitary Development Plan.

INFORMATION

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

SITE/PROPOSAL

The application site comprised an area of just over 0.1 ha and is located on the junction of Gibson Street/Baker Street in Oakes. Currently the site contains a row of garages, facing onto Baker Street and a single storey mono pitched building fronting onto Gibson Street (last used as a shop). The entire area surrounding this site is residential, mostly traditional 2 storey stone terraced dwellings including back to backs.

Permission is sought to erect 8 no. 2 bedroom town houses on the site of the garage block (3 no. storey with a ground floor garage) and a 3 storey block of 3 no. 2 bedroom flats adjacent to 11 and 15 Gibson Street. Access and parking would be off Baker Street and the dwellings would be constructed of artificial stone and have timber bays at first and second floor level.

RELEVANT HISTORY

Nil.

RELEVANT POLICY

The site is unallocated on the Unitary Development Plan, therefore Policy D2 is applicable. Also of relevance are Policies BE2 and BE12 and T10.

These relate to space about buildings, development being sympathetic and appropriate with its surroundings and parking/traffic safety.

PPG3 – Housing.

CONSULTATIONS

Coal Authority – recommend standard informative.

Environment Agency – recommend conditions if approved.

Yorkshire Water Authority – recommend conditions if approved.

Highway Services – scheme as submitted is unacceptable. Baker Street is an unmade and private road and this development would necessitate it being brought up to adoptable standard. The parking arrangements are unsatisfactory and the access to the flats off Gibson Street which is unsatisfactory.

Environmental Health – recommend conditions that if during development any odorous material is encountered, remediation measures should be submitted for approval and subsequently implemented.

Site Notices/Publicity (final date 16 December 2003) – 11 letters of objection have been received, the main points of concern being:-

- (1) Proposal will result in extra on-street parking and congestion in an already congested area;
- (2) The land is not allocated for housing;
- (3) The proposal will result in loss of trees and hedgerows;
- (4) The proposal will result in loss of privacy and amenity; and
- (5) The height of the buildings (ie 3 no. storeys) is inappropriate and would result in a development out of character with the area.

Councillor Woodhead – Requested that this matter come before Sub-Committee for determination.

ASSESSMENT

The site is unallocated on the Unitary Development Plan and also a brownfield site within the definition of PPG3 'Housing'. As such there is no objection in principle to residential development on this site.

However the proposal, in your officers opinion, represents an overintensive form of development, even within this area of high density housing. The height of both the town houses and the flats is 3 storeys, a full storey higher than the surrounding development. This extra bulk, aside from being out of character with the surroundings, would result in an adverse effect on the residential amenities of the nearby dwellings, in

particular the house at the junction of Baker Street/Gibson Street directly opposite the flats. As such the proposal is considered to be contrary to both Policy D2 and BE2 of the Unitary Development Plan.

Highways are not satisfied with the scheme as it is submitted. Baker Street would need to be brought up to adoptable standard and the red line of the application boundary does not include the road. As such it wouldn't be feasible to condition this. The parking arrangements are unsatisfactory as is the access to the flats off Gibson Street.

As such refusal of the scheme is recommended.

Application No : 2003/62/94644/W2

Grid Reference : SE 16480 19240

Development : ERECTION OF 12 DWELLINGS FOR RENT

Location : WHITACRE STREET/GLENFIELD AVENUE, DEIGHTON,
HUDDERSFIELD.

Applicant : SOUTHDALE HOMES LTD

Recommendation : CONDITIONAL FULL PERMISSION

SUMMARY

REASON FOR COMMITTEE DECISION

Delegation Agreement

SIGNIFICANT CONSULTATIONS

Environmental Health – require noise report

Highway Services – amended plans acceptable

Health & Safety Executive – do not advise against grant of planning permission.

RELEVANT HISTORY

None

POLICY

D2

BE12

REPRESENTATIONS

None to date

ASSESSMENT

Proposals acceptable in principle – residential use of “brownfield” site (formerly houses now cleared). Several outstanding issues to resolve first.

- (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) 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 4 shall be carried out during the first planting, seeding or management season following the commencement of development, or as otherwise may be agreed in writing by the Local Planning Authority, and shall be maintained for a period of five years from the completion of planting works. All specimens which die within this period shall be replaced.
- (5) 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.
- (6) Prior to development commencing a detailed scheme for the proposed estate road shall be submitted to and approved in writing by the Local Planning Authority. These details shall include full sections, traffic calming, drainage works, street lighting, white lining, signing, surface finishes and the treatment of junction/forward sight lines, together with an independent Safety Audit covering all aspects of the work. All of the agreed works shall be completed, or as otherwise agreed in writing by the Local Planning Authority, before any part of the development is brought into operation/dwellings first occupied.

- (7) Prior to construction commencing a schedule of the means of access to the site for construction traffic will 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 within the site. Unless otherwise agreed in writing by the Local Planning Authority all construction arrangements shall be carried out in accordance with the approved schedule throughout the period of construction.
- (8) No access other than that shown on the approved plan shall be formed into the site without the written approval of the Local Planning Authority.
- (9) No direct individual vehicular or pedestrian access shall be taken to any dwelling from either Whitacre Street or Glenfield Avenue.
- (10) 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.
- (11) The garage or parking space intended to serve the dwelling(s) shall be provided and the parking space shall be drained, sealed and surfaced in accordance with details to be approved by the Local Planning Authority before the dwelling(s) are first occupied and shall not thereafter be used for any purpose other than parking and turning of vehicles.
- (12) The existing access/accesses shall be closed off and any redundant footway crossing made good before the development is first occupied.
- (13) The site shall be developed by means of a separate system of drainage for foul and surface water on site.
- (14) No development shall take place until details of the proposed means of access 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.
- (15) 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 surface water drainage works.
- (16) Details of boundary treatments including to Whitacre Street shall be submitted to and approved in writing by the Local Planning Authority before development commences. The agreed scheme shall be implemented before any dwelling is first occupied.

INFORMATION

This application is brought to Sub-Committee for determination as it relates to a major development.

SITE/PROPOSAL

The 0.26 ha site is almost square in shape and lies at the junction of Whitacre Street and Glenfield Avenue.

The railway forms the southern boundary and residential development on Glenfield Avenue lies to the north east. There are also residential properties to the south west on the opposite side of Whitacre Street.

The proposal is for 12 (affordable) houses for rent by Chevin Housing Association. The development forms part of the wider DBI regeneration scheme which aims to provide 500 new homes for sale and 86 new homes for social rent by Housing Associations on smaller sites across the area. This site at Whitacre Street is one of those identified sites.

The 12, 2-storey, 3 bed properties would be in six pairs of semis and built of artificial stone with a concrete tile roof. Access would be taken from Glenfield Avenue to serve an inward facing scheme (previously 6 properties were to have a frontage to Whitacre Street).

An acoustic fence is proposed along the boundary with the railway.

RELEVANT HISTORY

None.

POLICY

The site is unallocated on the Unitary Development Plan but was once occupied by residential development. The former dwellings and flats have been cleared for some years. The site can therefore be considered as “brownfield” for the purposes of PPG3. The following policies are also relevant:-

D2 – reference to general criteria – access, amenity, etc.

EP4 – proximity to noise sources (railway).

BE12 – space about buildings.

CONSULTATIONS

Highway Services – Amended plans now acceptable (previous concerns relating to frontages onto Whitacre Street and parking levels).

Environment Agency – no objections subject to conditions.

Environmental Health – concerned re noise from road traffic/railway and request noise survey.

Health & Safety Executive – Do not advise against.

Yorkshire Water – No objections subject to conditions.

Coal Authority- standard informative.

REPRESENTATIONS

None to date.

ASSESSMENT

There are no objections in principle to residential development of this brownfield site. The development would help meet the aims of the DBI scheme by contributing to the level of affordable housing in the area.

The original scheme has been amended so that all of the dwellings face onto the new access road from Glenfield Avenue. Highways had concerns regarding the original scheme which showed 6 properties facing onto Whitacre Street which may have encouraged on-street parking on this busy bus route. Highways are satisfied with the revised scheme and there are no objections in principle to development of this brownfield site.

Environmental Health have requested a noise report given the proximity of the railway and a further report will be made.

Application No : 2003/62/94646/W2

Grid Reference : SE 15630 17030

Development : ERECTION OF TWO STOREY AND SINGLE STOREY
EXTENSIONS

Location : 92 CONISTON AVENUE, DALTON, HUDDERSFIELD, HD5 9PZ.

Applicant : S JAVED

Recommendation : SUBJECT TO S 106 OBLIGATION

SUMMARY

REASON FOR COMMITTEE DECISION

Delegation Agreement

SIGNIFICANT CONSULTATIONS

None

RELEVANT HISTORY

2003/62/92971/W2 – tandem garage & Single storey rear extension

POLICY

BE13
BE14
PPG1

REPRESENTATIONS

None

ASSESSMENT

In order to approve this application the previous approval 03/92971 needs to be revoked, this will ensure over development of the site does not take place affecting visual amenity.

APPROVAL SUBJECT TO A SECTION 106 AGREEMENT

INFORMATION

The application has been brought to Planning Sub-Committee so that the committee can authorise a Section 106.

APPLICATION SITE/DESCRIPTION

92 Coniston Avenue, Dalton, is a semi-detached dwelling located in an area of similar property types. The dwelling is constructed of a mixture of brick and render to all elevations with concrete roof tiles. There is an existing single detached garage on the site.

The proposal is to build a single storey extension the full width of the house to the rear to form dining kitchen on the ground floor, together with a two-storey extension on the side to form a garage on the ground floor and two bedrooms with a shower room on the first floor with a hipped roof.

SITE HISTORY

2003/92971 – Erection of a single storey extension and a garage – Approved

This application proposed a single storey extension the rear the full width of the house extending 3 metres. The existing garage would be demolished and replaced with a double tandem garage 10.5 metres in length. The front of the garage would be adjoined to the side of the rear extension.

POLICY

BE13 – design issues

BE14 – Have no detrimental effect on visual amenity or adjoining properties

PPG1 – (Design 17) 'Local planning authorities should reject poor designs, particularly where their decisions are supported by clear plan policies or supplementary design guidance which has been subjected to public consultation and adopted by the local planning authority. Poor designs may include those inappropriate to their context, for example those clearly out of scale or incompatible with their surroundings.'

CONSULTATIONS

None

REPRESENTATIONS

None

ASSESSMENT

The application differs from the previous approval in which the tandem garage was set back in the rear garden. Now it is intended that this be attached at the side of the dwelling with first floor accommodation above. The shower room window needs to be obscurely glazed to prevent overlooking. There would be no undue impact on neighbouring properties or on visual amenity. No objections received. Design and materials are appropriate, complies with policies. The proposal is considered to be acceptable.

In order to approve this application the previous approval needs to be revoked otherwise over development of the site will occur which would have a detrimental effect on visual amenity and adjoining properties which is contrary to policy and PPG1.

Application No : 2003/62/94983/W2

Grid Reference : SE 16640 14730

Development : ERECTION OF 2 NO. DWELLINGS

**Location : 4 & 4A LOWER WHEATROYD, ALMONDBURY,
HUDDERSFIELD.**

Applicant : AHMB PROJECTS

Recommendation : CONDITIONAL FULL PERMISSION

SUMMARY

REASON FOR COMMITTEE DECISION

Delegation Agreement

SIGNIFICANT CONSULTATIONS

Highway Services – do not support the scheme

RELEVANT HISTORY

99/90185 – Alteration of 2 no. dwellings to 2 flats – Approved

2000/90505 – Erection of extensions and conversion of 1 no. dwelling – Approved

POLICY

D8, D11, D12

T10

REPRESENTATIONS

8 letters of objections

Councillor J Smithson objects on the grounds of poor access

Councillor S Smithson requests a site visit

ASSESSMENT

In Green Belt policy terms scheme acceptable and with respect to highways, given the no. of dwellings that can be developed without the need for permission difficult to refuse.

- (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 size, design and materials except as may be required by other conditions unless otherwise agreed in writing by the Local Planning Authority.
- (3) 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.
- (4) 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.
- (5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 no buildings or extensions shall be erected in the area of the site on the approved plan without the prior written approval of the Local Planning Authority.
- (6) Details of the boundary treatment shall be submitted prior to any development commencing. The approved details to be implemented prior to the dwellings being occupied.

- (7) No development shall take place until provision has been made for the parking, loading and unloading of contractors' plant and equipment and the parking of vehicles of the workforce within the site.

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

INFORMATION

This application is brought to Sub-Committee in view of the number of representations received.

SITE/PROPOSAL

Lower Wheatroyd is a terrace of dwellings located to the west of the public footpath (No. 155) which links Sharp Lane with Westgate, Almondbury. The terrace originally contained 6 dwellings and associated outbuildings and is currently in a state of disrepair. Part of the terrace has been demolished in preparation for the implementation of a previous approval, not yet implemented. The terrace as remains contains 4 no. dwellings.

Access to the site is via a narrow steep track off Sharp Lane which is also a public footpath. The site lies within the Green Belt.

The scheme proposed involves the refurbishment of the terrace to form 3 dwellings (instead of 4) and the rebuilding of the demolished section to replace the 2 no. dwellings that were there previously. Clearly the refurbishment of the existing terrace does not in itself need permission, it is the rebuilding of the 2 dwellings that is to be determined.

The footprint and profile of the finished scheme would be virtually identical to the original terrace, but with a total of 5 dwellings instead of 6.

The refurbishment and the rebuild would be of stone and render, which is a reflection of what is there now.

RELEVANT HISTORY

99/62/90185 – Alteration of 2 no. dwellings to 2 no. flats and alterations to the roofline – Approved.

2000/62/90506 – Erection of 2 storey and single storey extension and conversion of existing cottages into 1 large dwelling – Approved.

RELEVANT HISTORY

The site is within the Green Belt therefore Policies D8, D11 and D12 are relevant. Also relevant are the space about buildings Policy BE12 and T10.

PPG2 (Green Belt) and PPG3 (Housing) are also relevant.

CONSULTATIONS

Coal Authority – recommend standard informatives.

Highway Services – Concerned at the substandard nature of the access track and inability to provide access for emergency vehicles. Feel the proposal will intensify the traffic use of the track and therefore do not support the application.

Yorkshire Water – No observations.

Site Notice/Publicity (final date 7 January 2004) – To date 8 letters of objection have been received. The main points of concern being:-

- (1) The access track is narrow and no capable of accommodating the amount of traffic that would be generated;
- (2) The access to the track of Sharp Lane is on a blind bend;
- (3) The proposal will lead to indiscriminate parking; and
- (4) No objection to the development previously approved for the conversion/extensions to provided one large dwelling.

Councillor J Smithson – Expresses concern at the narrowness of the access track and its capacity to serve the number of vehicles that will be generated.

Councillor S Smithson – Objects to increased car use of narrow lane which has poor junction with Sharp Lane and passes front door of an existing property. Requests site visit before decision is made.

Any additional representations received will be reported verbally to the meeting.

ASSESSMENT

The location of the terrace is fairly remote from the nearest dwelling, consequently there is no issue regarding overlooking, privacy or residential amenity.

As such there are two issues to consider in determining this proposal, ie Green Belt and highway/access issues.

Whilst the site of the 2 new houses has now been cleared of the 2 former cottages, the footprint is virtually the same as the cottages and similar to the approved extension for

the single dwelling (2000/62/90505). As such in terms of bulk the proposal is no greater (in fact a lot smaller) than that which can be built already. Advice contained in PPG2 "Green Belts" indicates that it would be acceptable to demolish the 2 cottages and replace them with 2 dwellings provided not materially larger than the originals.

This together with the fact that approval was agreed for 2 flats on the site of the new dwellings, plus the extant approval to extend make it difficult to realistically oppose this scheme in terms of Green Belt Policy. The proposal will not extend the built up area, nor will it impact of the openness of this section of the Green Belt.

With respect to the highway issue, it is understood that the track is narrow and less than ideal. However, the refurbishment of the terrace for 3 does not actually need permission and it would be a total of 4 before permission was required. The entire scheme will result in a total of 5 dwellings instead of the original 6 (albeit they are larger dwellings, 2 and 3 bedrooms), and a total of 4 can be provided without the need for permission.

Therefore it has to be decided as to whether to one extra dwelling and associated traffic would be a sufficient basis to justify a refusal alone. It is your officers view that this would not in itself be sustainable as a reason for refusal.

As such, subject to conditions, approval is recommended.

Application No : 2003/62/95014/W2

Grid Reference : SE 12060 18690

**Development : CHANGE OF USE FROM CAR SALES/BUILDERS YARD TO
TOURING CARAVAN SALES/DISPLAY WITH OFFICES AND
SALES SHOP**

**Location : LAND ADJACENT, 50/52 HALIFAX ROAD, BIRCHENCLIFFE,
HUDDERSFIELD, HD3 3BS.**

Applicant : WEST YORKSHIRE CARAVANS

Recommendation : REFUSAL

SUMMARY

REASON FOR COMMITTEE DECISION

Site over 0.5 ha

SIGNIFICANT CONSULTATIONS

Highways – Opposed to scheme inadequate access and visibility

RELEVANT HISTORY

Site originally tipped

82/03701 – 4 dwellings – Refused

96/90275 – 3 town houses, 1 bungalow – Refused (Appeal dismissed)

POLICY

Provisional Open Land D5

Also T10

REPRESENTATIONS

Petition objecting (44 signatories) plus 3 letters of objection

ASSESSMENT

Proposal contrary to Policy D5. Unsatisfactory in terms of highway safety and detracts from the landscape in Grimscar Valley.

Refusal recommended.

-
- (1) The proposal involves the encroachment into an area allocated as Provisional Open Land on the adopted Unitary Development Plan. As such the proposal would be contrary to Policy D5 of the Unitary Development Plan.
 - (2) The proposed access is inadequate to accommodate for the specified use and the necessary visibility/sight lines cannot be accommodated within the application site. As such the proposal is not considered to be in the best interests of highway safety and contrary to Policy T10 of the Unitary Development Plan.
 - (3) The proposed use would be prominently located, particularly at the rear, and would be detrimental to the visual amenities of the area, contrary to Policy D5 of the Unitary Development Plan.

INFORMATION

This application is brought before Sub-Committee as the site is in excess of 0.5 ha.

SITE/PROPOSAL

The application site comprises an area of 0.8 ha, including some building (both single and two storey) on the Halifax Road frontage and a large area to the rear on the northern side of Halifax Road. The area extends beyond the terrace of dwellings to the east as far as 44 Halifax Road and as far to the west as the P & A Motors Building. Immediately behind the buildings which front onto Halifax Road, the site is flat but 37 meters back slopes down towards the Grimscar Valley. The flat area is a mixture of grass, soil and a bit of hardcore and has clearly been formed as a result of tipping in the past. The sloped area is grassed and contains some trees.

The site is allocated as Provisional Open Land on the Unitary Development Plan.

Permission is sought to change the use of the land to touring caravan display and sales offices.

RELEVANT HISTORY

The relevant history on this site is split between that of the buildings and associated curtilage fronting onto Halifax Road and the large plateau area and associated slope to the rear.

The front section has a permission for car sales and storage associated with Shire Link which originally occupied the entire length of this stretch on Halifax Road between the terrace of homes and P and A Autos.

The large area of land to the rear was granted permission for a tip originally in 1958, that was extended in 1968 to the existing size.

82/03701 – Erection of 4 no. detached bungalows and garages – Refused.

94/60/902075 – Erection of 3 town houses and one bungalow – Refused.

- (1) The proposal is contrary to the Huddersfield Local Plan which shows part of the site as derelict land to be reclaimed for agriculture in Policy EN2. The deposit draft Unitary Development Plan also shows part of the land as derelict land to be reclaimed (Policy DL1).
- (2) All the site is shown as Provisional Open Land (Policy D5) on the deposit draft Unitary Development Plan and as such should remain open for the period of the Plan. Permanent development would prejudice the long term aims of both the Huddersfield Local Plan and the draft Unitary Development Plan.

- (3) The proposed dwelling to the rear of the site would be prominent, located on the frontage of the tipped area and would be detrimental to the visual amenity of the valley as a whole.

The Policy D5 referred to in the second reason for refusal was the Provisional Open Land Policy in the then Deposit Draft of the Unitary Development Plan. This policy has been retained as part of the Statutory Unitary Development Plan.

The subsequent appeal went to Public Inquiry and was dismissed.

RELEVANT POLICY

As already stated the site is allocated as Provisional Open Land on the Unitary Development Plan, as such Policy D5 is relevant, this states:-

D5 ON SITES DESIGNATED AS PROVISIONAL OPEN LAND PLANNING PERMISSION WILL NOT BE GRANTED OTHER THAN FOR DEVELOPMENT REQUIRED IN CONNECTION 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.

Also of relevance is Policy T10 which indicates that proposals must not prejudice highway safety.

CONSULTATIONS

Scientific Services – Confirm the site is within 250m of a landfill site and provide monitoring figures for inclusions as an informative should approval be granted.

Highway Services – Proposed access insufficient to accommodate delivery of caravans and adequate visibility cannot be provided without crossing third party land (ie land not within the control of the applicant).

Site Notices/Publicity (final date 30 December 2003) – A petition signed by 46 people and 3 letters objecting to the proposal has been received. The main points of concern being:-

- (1) Proposal will worsen the existing traffic/congestion problems on this section of Halifax Road, especially with the turning of towing and/or delivery vehicles.
- (2) The use will spoil the use and aspect from the adjoining public footpath (No. 399) and uses of the Grimscar Valley.

ASSESSMENT

The applicants have indicated that the site to the rear is a sales/builders yard. This is not the case, the land to the rear where the storage of the caravans is proposed has only ever had permission for tipping (and that has clearly now been completed). The designations in this Unitary Development Plan and previously the Huddersfield Local Plan have always encouraged the retention of the site for an "open land" use. This view being endorsed by an Inspector after a Public Inquiry in 1996.

Set against Policy D5 the use is not temporary, nor is it in connection with an existing established use on the site. Whilst the storage of caravans doesn't of itself require storage buildings the usage clearly wouldn't be 'open' as the site would be covered with mobile caravans.

As such it is clear the proposal is contrary to the terms of Policy D5. Also the comments/requirements from the Highway Service cannot be satisfactorily addressed within the red line of the application site.

Finally, a large portion of the site is in an elevated position relative to the neighbouring Grimscar Valley and the encroachment into the Provisional Open Land of what would eventually be a large caravan car park would be intrusive and out of character with the surrounding landscape.

As such refusal is recommended.

Application No : 2003/62/92789/W3

Grid Reference : SE 13930 11950

Development : PART DEMOLITION OF INDUSTRIAL BUILDING AND CHANGE OF USE OF REMAINDER TO RESIDENTIAL (10 NO.) AND OUTLINE FOR RESIDENTIAL DEVELOPMENT (10 NO.) (WITHIN A CONSERVATION AREA)

Location : 17 SOUTHGATE, HONLEY, HUDDERSFIELD.

Applicant : TAYLOR & JONES LTD

Recommendation : CONDITIONAL FULL PERMISSION

SUMMARY

REASON FOR COMMITTEE DECISION

Delegation Agreement

SIGNIFICANT CONSULTATIONS

Holme Valley Parish Council – object
Highways - support

RELEVANT HISTORY

None

POLICY

Brownfield site within Honley Conservation Area

REPRESENTATIONS

12 letters of objection from local residents

ASSESSMENT

Principle of residential development acceptable subject to highway conditions regarding the operation of the access points to the development

Conditions in relation to the change of use of the existing buildings into 10 no. residential units only:

- (1) The development shall be begun not later than the expiration of five years beginning with the date on which permission is granted.
- (2) Any new or replacement areas of stonework or roof slates shall match the existing buildings in terms of type, colour, scale and finish

Conditions in relation to the outline planning permission for 10 no. residential units

- (1) (a) the application for approval of any reserved matter shall be made not later than the expiration of three years beginning with the date of the grant of the outline permission and, (b) the development shall be begun not later than whichever is the later of the following dates:-

- (1) the expiration of five years beginning with the date of the grant of the outline permission, or
- (2) the expiration of two years beginning with the date of the approval of the reserved matters, or in the case of approval on different dates, the date of the final approval of the last such matter to be approved.

(2) No development shall take place until plans detailing:

- (a) the layout of the site, including the disposition and levels of roads, building(s) and other land
- (b) the means of access to the site and building(s)
- (c) the design and external appearance of the building(s)
- (d) the relationship surrounding buildings
- (e) the colour, type and texture of materials to be used
- (f) details of screen, retaining and boundary walls
- (g) landscaping of the site
- (h) drainage
- (i) the parking, loading and unloading of vehicles

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

NOTE With reference to (a) above, the siting of the building(s) should be so arranged that it/they do not detract from the amenities of the adjoining land or buildings

- (3) The building(s)/development shall be constructed of regular coursed natural stone with a split faced or pitched faced finish.
- (4) Unless otherwise agreed in writing by the Local Planning Authority the roofing materials shall be stone slated.

Conditions for both the change of use and outline planning permissions

- (1) The development shall be designed to respect the historical and architectural characteristics of the Honley Conservation Area. This shall include details relating to scale, roof styles, materials, fenestration and hard/soft landscaping.
- (2) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any Order revoking and re-enacting that Order with or without modification no extensions, buildings or structures of any kind shall be erected within the area shown edged red on the approved plan without the prior written approval of the Local Planning Authority.

- (3) No development shall take place until details of the siting, design and materials to be used in the construction of walls or fences for boundaries, screens or retaining walls have been approved in writing by the Local Planning Authority. (Screening shall be 2 metres in height). The approved walls/fences shall be erected before the development hereby approved is occupied/brought into use and shall thereafter be maintained.
- (4) Trees within or on the boundary of the site shall be neither felled, topped or lopped except with the prior written approval of the Local Planning Authority, nor shall they be damaged or killed by fire or by the application of toxic or injurious substances.
- (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) There shall be no alterations to ground levels under the crown spread of the existing trees unless otherwise agreed in writing by the Local Planning Authority.
- (7) A scheme to deal with potential past contamination present on the site has been submitted to and approved in writing by the Local Planning Authority prior to development commencing. This scheme shall include an investigation and assessment to identify the extent of any contamination and the measures to be taken to avoid risk to the building and surrounding environment when the site is developed. Development shall not commence until the measures approved in the scheme have been implemented.
- (8) 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.
- (9) Any planting, seeding or tree management works forming part of the landscaping scheme referred to in Condition 8 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.

- (10) Unless otherwise agreed in writing by the Local Planning Authority no building or other structure shall be placed within 3 metres of the culverted watercourse on the northern boundary of the site.
- (11) A scheme for the provision of surface water drainage works shall be submitted to and approved in writing by the Local Planning Authority before development commences. The drainage works shall be completed in accordance with the details prior to the dwelling first being occupied.
- (12) 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.
- (13) The site shall be developed by means of a separate system of drainage for foul and surface water on site.
- (14) Prior to construction commencing a schedule of the means of access to the site for construction / demolition traffic will be submitted to and approved in writing by the Local Planning Authority. The schedule shall include the point of access for construction/demolition traffic, details of the times of use of the access, the routing of construction/demolition traffic to and from the site, construction / demolition workers parking facilities and the provision, use and retention of adequate wheel washing arrangements within the site. Unless otherwise agreed in writing by the Local Planning Authority all construction arrangements shall be carried out in accordance with the approved schedule throughout the period of construction.
- (15) A detailed scheme for the provision of a Traffic Regulation Order to control on-street parking on Southgate in the vicinity of the site access shall be submitted to and approved in writing by the Local Planning Authority prior to development commencing. 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 means by which any objections to the TRO can be overcome agreed.
- (16)** A detailed scheme for the proposed estate road shall be submitted to and approved in writing by the Local Planning Authority prior to development commencing. The scheme shall include full sections, traffic calming, drainage works, street lighting, white lining, signing, surface finishes and the treatment of junction/forward sight lines, together with an independent Safety Audit covering the all aspects of the work. All of the agreed works shall be completed, or as otherwise agreed in writing by the Local Planning Authority, before any part of the development is first occupied.

- (17) The areas to be used by vehicles including parking, loading, and unloading areas shall be surfaced, sealed and drained before the development is occupied and thereafter retained to the satisfaction of the Local Planning Authority.
- (18) The garage or parking space intended to serve the dwelling(s) shall be provided and the parking spaces shall be drained, sealed and surfaced in accordance with details to be approved by the Local Planning Authority before the development is first occupied and shall not thereafter be used for any purpose other than parking and turning of vehicles.
- (19) A permanent vehicular barrier designed to allow pedestrian through flow shall be erected between the points marked X-X on the approved plan, details of which shall be submitted to and approved in writing by the Local Planning Authority prior to development commencing. The agreed barrier shall be constructed in accordance with the approved details before the development is first occupied and shall thereafter be retained in perpetuity.

INFORMATION

The planning application is brought forward to Committee as it was deferred from the previous meeting on 18th December 2003 due to concerns raised by Members regarding issues raised by an adjoining resident, and in order to clarify certain highway matters.

The application was originally reported to Committee as the proposals relate to a major development of over ten houses and because the proposals have generated considerable levels of public interest. Councillor Marie Bower originally wished the application to be reported to Committee so that local residents could express their views personally if they so wished.

APPLICATION SITE/ DESCRIPTION OF PROPOSAL

The proposals relate to a disused business / industrial premises adjacent to Southgate within the centre of Honley. The site comprises a number of traditional two storey stone properties fronting Southgate with a number of more recent purpose built industrial buildings to the rear. Access to the site is currently from Southgate, and indirectly through Upper Fold at the northern end of the site.

The proposal seeks outline planning permission for the change of use of existing buildings formerly associated with the business to ten dwellings, and the erection of a further ten dwellings to the rear of the site. The proposals would involve the demolition of all of the purpose built industrial parts of the site.

SITE HISTORY

None

POLICY

The site on unallocated within the Honley Conservation Area: the following Unitary Development Plan policies are applicable in this case:

D2 – development / change of use of land without notation
BE5 – proposals for new development within Conservation Areas
BE12 – space about buildings standards
T10 – highway safety considerations
T19 – off-street parking standards
B1 – meeting the employment needs of the district
B4 – loss of land / buildings previously used for business / industry
H10 – affordable housing provision
H18 – provision of public open space

PPG 3 – Housing development

CONSULTATIONS

Holme Valley Parish Council – object on the highways and access grounds. Also concerned about contamination through former industrial uses.

Highways – no objections subject to conditions

Environmental Health – no objections subject to contamination & remediation report

Coal Authority – comments for information only

Yorkshire Water – standard comments for information

Economic Development Service – no objections

West Yorkshire Archaeology Service – no objection

REPRESENTATIONS

12 letters of representations have been received from local residents, the dominating issue of concern (mentioned in all letters) relating to the use of Upper Fold as a vehicular access to the proposed development, due to its poor width, lack of pedestrian provision, poor visibility and close proximity (no front gardens) to the tightly knit

cottages adjoining Upper Fold. However, the majority of the letters submitted do not object to the principle of residential development on this site.

Other issues raised include concerns about:

- Southgate and Honley village centre in general have parking and congestion problems and the development would exacerbate such problems.
- Overlooking problems.
- Disposal of asbestos when the existing buildings are demolished.

ASSESSMENT

At the time of writing this report, the issues of concern regarding party wall issues had not been discussed further due to the Christmas holidays. However, in answer to the concerns raised by Councillor Firth regarding parking within the site, officers can confirm, as stated in the previous report, that the required level of off-street parking will be provided within the site.

The remainder of this assessment is as before.

The principle of allowing this premises to be changed from industrial / business uses to residential is considered acceptable in this instance due to the current buildings being tailored to the requirements of the previous occupier and the fact that the centre of Honley is now extremely poor in terms of catering for modern industrial access requirements, especially with the on-street parking problems now prevalent in the centre. Furthermore, this site is completely surrounded by residential properties and the change from industrial to residential use would therefore enhance the amenities of the existing residents. The previous occupiers, Taylor & Jones have also relocated to Meltham, thereby retaining jobs within the Kirklees district.

It is also considered that the proposed development would enhance the character and appearance of the Honley Conservation Area (subject to agreeing designs and materials) allowing the sympathetic conversion of the buildings fronting Southgate, which have been poorly adapted for business use over recent decades, and the creation of a 'fold' residential layout which is designed to reflect the traditional tight-knit pattern of development seen in the historic parts of the village.

PPG 3 would also support the redevelopment of redundant or under-used industrial sites for residential purposes on this 'brownfield' site and the proposed density of residential development would exceed the density targets advocated by PPG 3. Furthermore, due to the village centre location this residential development would be sustainable in terms of the ease of access to shops, services and public transport.

Turning to other issues, highway safety is a primary consideration in assessing the acceptability of this scheme. The previous occupiers are stated to have had twelve

deliveries per day, including some large vehicles. In addition there were 22 employee vehicles with only three dedicated parking spaces.

It is now accepted that the level of vehicular activity generated by the site's former operation was of reasonable proportion and that problems of servicing the premises by large commercial vehicles would be significantly reduced by the development proposal. Given the nature of the immediate local road system this latter point is considered to be of particular benefit. However in order to safeguard access into and from the site from Southgate a Traffic Regulation Order to control on-street parking on Southgate in the vicinity of the access is needed.

The proposed development, by removing much of the existing development and creating a new access onto Southgate, would allow for the required number of off-street parking spaces thereby complying with off-street parking standards. In terms of access, the current access points to the premises are via Upper Fold on the north-western side of the site, and from Southgate at the south-eastern end of the site. It is proposed to close off the access at the southern end of Southgate and demolish one of the more modern buildings and part of a traditional one mid-way along Southgate, in order to allow a new access. It is proposed that a barrier will be erected at the top of Upper Fold so that only the new units at the top of Upper Fold would use Upper Fold for access. This would mean that 90% of the development would be served by the new Southgate access.

Residential amenity has been an additional issue raised by residents and in assessing the positions of the new dwellings, Officers are satisfied that subject to agreeing window types and positions at the reserved matters stage, there will be no detriment to existing surrounding residents in terms overlooking. Furthermore, the new dwellings would not cause any over-shadowing of existing properties.

Environmental Services have requested a contaminated land survey and remediation statement as a condition of any outline approval due to previous industrial units whilst the Council's Trees Service are satisfied that the development could be carried out with a limited amount of crown lifting to a small number of trees at the rear of the site.

Finally, this development does not fall within the thresholds of Council policy with regard to affordable housing and public open space provision.

Application No : 2003/62/93590/W3

Grid Reference : SE 16330 08960

Development : ERECTION OF 2 DETACHED DWELLINGS WITH GARAGE AND ASSOCIATED ACCESS

Location : LAND ADJACENT TO, HILLSIDE, COLD HILL LANE, NEW MILL, HUDDERSFIELD.

Applicant : DUNCAN CONSTRUCTION

Recommendation : CONDITIONAL FULL PERMISSION

SUMMARY

REASON FOR COMMITTEE DECISION

Delegation Agreement

SIGNIFICANT CONSULTATIONS

Holme Valley Parish Council - object

RELEVANT HISTORY

00/92090 – outline approval for erection of detached dwelling
03/91089 – refusal for erection of two detached dwellings

POLICY

Unitary Development Plan and Government Policies relating to housing development

REPRESENTATIONS

Petition of objection from local residents

ASSESSMENT

Previous reasons for refusal considered to have been overcome: recommend approval

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

- (2) Unless otherwise agreed in writing by the Local Planning Authority the development hereby permitted shall be carried out in complete accordance with the approved plans and specifications, with particular regard to levels, except as may be required by other conditions.
- (3) Unless otherwise agreed in writing by the Local Planning Authority the building(s)/development shall be constructed of regular coursed natural stone with a split faced or pitched faced finish.
- (4) The roofing materials shall be Welsh/blue slates or flat profile roofing tiles to harmonise with the roofs of the existing buildings in the vicinity of the site a sample of which shall be submitted to and approved in writing by the Local Planning Authority before development commences.
- (5) No development shall take place until details of the siting, design and materials to be used in the construction of walls or fences for boundaries, screens or retaining walls have been approved in writing by the Local Planning Authority. The approved walls/fences shall be erected before the development hereby approved is occupied/brought into use and shall thereafter be maintained.
- (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) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any Order revoking and re-enacting that Order with or without modification no buildings, extensions or structures of any kind shall be erected within the area edged red on the approved plan without the prior written approval of the Local Planning Authority.
- (9) No vehicular/pedestrian access shall be taken to the site from Huddersfield Road.
- (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 600mm 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 garage or parking space intended to serve the dwelling(s) shall be provided and the parking spaces shall be drained, sealed and surfaced in accordance with details to be approved by the Local Planning Authority before the dwelling(s) is/are occupied and shall not thereafter be used for any purpose other than parking and turning of vehicles.
- (13) The access shall be constructed to a vertical alignment which has been previously agreed in writing with the Local Planning Authority before the development is occupied/brought into use.
- (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) Facilities shall be provided and retained at the exit from the site during building works for the washing of vehicle wheels.

Additional condition to follow regarding physical construction details and how structure stability of Cold Hill Lane will be maintained.

NOTE This permission shall relate to the amended plan(s) submitted on 10 November 2003.

INFORMATION

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

APPLICATION SITE/ DESCRIPTION OF PROPOSAL

The application relates to a narrow 'wedge' of land situated between Huddersfield Road and Cold Hill Lane. A detached bungalow exists just to the north of the site at a higher level. The site itself has a steep drop in levels from Cold Hill Lane to Huddersfield Road.

The proposal seeks full permission for the erection of two detached dwellings, with access onto Cold Hill Lane.

SITE HISTORY

00/92090 – outline approval for erection of detached dwelling
03/91089 – refusal for erection of two detached dwellings

POLICY

The site unallocated on the Unitary Development Plan Proposals Map: the following policies are applicable in this case:

D2 – development of land without notation

BE2 – design considerations in relation to proposals for new development

BE12 – space about buildings standards

T10 – highway safety considerations

PPG 3 – Housing development

CONSULTATIONS

Holme Valley Parish Council – object on the grounds of over-intensification of the site and would recommend one dwelling only

Highways – no objections subject to conditions

Coal Authority – comments for information only

REPRESENTATIONS

A petition of objection containing 22 signatures received from local residents. The objections are based on the access to the development using Cold Hill Lane, which is considered to have a difficult junction with Huddersfield Road.

ASSESSMENT

It is not known whether the site was a former garden area or previously developed land for the purposes of PPG3. However, valid outline permission for residential development existed on this site until last month, and given that this permission expired at the end of a protracted negotiation process, which the Council was partially responsible for, it is not recommended that these proposals be objected to on the basis that the site may be classed as greenfield.

The site is currently a steeply sloping area of open land adjacent to Cold Hill Lane and Huddersfield Road. A detached bungalow exists to the north of the site and a relatively large area of open land surrounds the detached property to the east. The previous proposals involved two three storey dwellings and these plans were rejected due to their excessive height combined with the topography of the site, which would have allowed them to appear over-dominant and incongruous in relation to their surroundings.

However the plans have since been revised and the current application has removed one storey from each of the dwellings, which has allowed them to sit more harmoniously on this steep and topographically constrained site.

Turning to highway safety issues, concerns were previously raised with regard to the visibility splays which should be 2m x 30m in each direction on Cold Hill Lane. In addition, the lack of adequate internal turning facilities and potential problems associated with gradients for both plots gave further cause for concern. Highway Services therefore objected to the previous plans. Concerns have also been received by local residents with regard to the poor junction between Cold Hill Lane and Huddersfield Road.

However again, discussions with the applicant's agent has resulted in revisions to the plans and the previous highway safety objections have now been dropped.

In detail, Highway Services have stated that sight lines from the two access points and internal turning facilities have now been revised and are in general acceptable. The provision and retention of these facilities should be addressed by planning condition.

With respect to potential improvement works to the junction of Cold Hill Lane and Huddersfield Road, investigation has determined that there are practical physical difficulties with such improvement works. The scale of the works that could be achieved would not significantly improve the junction and their value is of question.

The amount of traffic that would be generated by this application is small and, on balance, highway objections to the application, without the minor junction improvement, would be difficult to substantiate.

Application No : 2003/60/94674/W3

Grid Reference : SE 14520 15840

Development : OUTLINE APPLICATION FOR ERECTION OF MIXED USE DEVELOPMENT COMPRISING UPPER LEVELS RESIDENTIAL (C3) FLATS, GROUND FLOOR RESTAURANT (A3) SMALL SHOP (A1) AND PARKING

Location : COLNE ROAD, HUDDERSFIELD.

Applicant : P G ODDY

Recommendation : REFUSAL

SUMMARY

REASON FOR COMMITTEE DECISION

Delegation Agreement

SIGNIFICANT CONSULTATIONS

Highways – Object

Environmental Services – No objections subject to conditions

Environment Agency – Awaited

RELEVANT HISTORY

None

POLICY

B4, TC12, T10, T19

REPRESENTATIONS

None

ASSESSMENT

Current proposals unacceptable on highway grounds/lack of information.

- (1) The proposals would be detrimental to the interests of public and highway safety and would be contrary to the objectives of Unitary Development Plan Policies T10 and T19, in particular as:
 - (a) the application includes no proposals to provide satisfactory safe pedestrian linkages to and from the town centre and an increase in use by pedestrian residents or visitors to the development site of the existing infrastructure would be detrimental to general road safety;
 - (b) the level of car parking facilities indicated within the application site is inadequate to serve the level of development proposed and there is concern at the practical operation of shared parking facilities for the level and mix of development;
 - (c) the design of the proposed access would not allow a service vehicle to satisfactorily enter or leave Colne Road and the design of the internal access area would not allow for the satisfactory servicing of the commercial element of the proposals without giving rise to problems of access to car parking facilities within the courtyard.

- (d) the proximity of the proposed access to Colne Road is considered to be too close to the junction of Colne Road and Queen Street South and, as such, would give rise to problems of access for vehicles turning out of Colne Road and proceeding in the direction of Queen Street South.
- (2) Insufficient information has been submitted to satisfy the Council that the development will provide adequate amenity space including satisfactory measures to provide an alternative frontage to the river and the safeguarding of the riverside walkway - Unitary Development Plan Policy TC17.

INFORMATION

This application is brought before the Sub-Committee for determination as it relates to major development.

THE SITE/PLANNING HISTORY

The site lies on the southern side of Colne Road adjacent to its junction with Queen Street South. It has an area of approximately 0.24 ha. Currently the site is occupied by buildings understood to have been last used as a Technical College Annex but which now appear vacant.

To the rear (south) the site is bounded by the River Colne. Public footpath 250 runs along the western boundary of the site and crosses the river by means of a footbridge. This connects into a riverside walkway which runs along the northern bank of the river along the whole length of the rear site boundary.

A previous application (Ref. 2002/60/91036/W3) was submitted in March 2002 for a mixed use development of land to the south of Colne Road including all of the current site together with adjacent land. An appeal was lodged against the non-determination of this earlier application within the statutory period and the Planning Inspectorate made arrangements for a public inquiry. However, the appeal was withdrawn before the date of inquiry and no decision was issued.

THE PROPOSALS

The application seeks outline planning permission for a mixed use development comprising upper levels residential (C3) flats, ground floor restaurant (A3), ground floor shop (A1) and associated parking.

A layout plan has been submitted and the application seeks formal approval at this stage for details of siting and means of access.

The layout submitted indicates a shop (2,000 sq ft) on the Colne Road frontage, a restaurant (3,900 sq ft) towards the rear of the site and 21 apartments on three floors above these uses. An in/out access is shown from Colne Road serving a layout of 24 parking spaces and the potential to extend the access to serve further land to the east.

A letter accompanying the application from the Agent states that permission for a mixed use development is sought. Nevertheless, if the Council resolves that schemes for residential use only are appropriate then the non-residential uses can be deleted and a modified mixed or residential only use might be given on outline approval.

The Agent's letter emphasises, however, that it is imperative to his clients that as part of the exercise, the relationship and numbers of parking spaces and dwellings and other uses is agreed in the form of an approved layout.

Members should not that there is a concurrent outline application (Ref. No. 2003/60/94675/W3) for the adjacent land to the west which is also before the Sub-Committee for determination (33 apartments, a shop (1,000 sq ft) and offices (7,860 sq ft). In addition, the Agent refers to a proposed submission for 55 apartments on an area of land to the east of this site but this further application has yet to be submitted.

The application includes a traffic assessment, flood risk assessment, contaminated land and noise reports.

POLICY

The site lies within the town centre inset on the adopted Unitary Development Plan and is included within an area where industry and warehousing development will normally be permitted under Policy TC12. Policy TC17 requires that redevelopment schemes shall make provision for a walkway along the riverside as part of a link between Aspley and Manchester Road.

In addition, Members approved guidelines for regeneration in the Firth Street area in November 2002. This concluded that regeneration, largely through new residential uses, should be encouraged in the area.

Relevant Unitary Development Plan Policies include:-

B4 – Loss of industrial premises.

G1-G6 – General concerns re regeneration and sustainability.

D2, BE1, BE2, BE11, BE12 – Built environment.

EP1, EP4, EP5 – Environmental protection and noise.

T10, T19 – Highway safety, access, parking.

TC1, TC21, TC22, TC32 – Town Centre regeneration/development.

S1 – Town Centre.

S6 - Local Shopping

S12 – Entertainment and leisure uses.

PPG3 (Housing), PPG6 - (Retailing), PPG13 (Transport), PPG23, PPG24 (Pollution control and noise), PPG25 (Development and flood risk) – provide relevant Government advice.

CONSULTATION SUMMARY

Highway Services –

- The submitted traffic assessment fails to satisfactorily address the need for safe pedestrian linkages to the town centre
- There is insufficient parking proposed to meet the scale of development envisaged and the intended layout shown is cramped and unlikely to allow service vehicles to turn.
- There are insufficient access details submitted for the application to be properly assessed.
- The access position shown is too close to the Queen Street South junction.

Yorkshire Water – No objections subject to conditions.

Environmental Services –

- Need for Phase 2 contaminated land survey prior to development commencing.
- Need for odour extraction system for restaurant.
- Specific details of noise attenuation to flats required before occupation commences.

Economic Development Services – Application supported as this contributes to the on-going regeneration of the waterways corridor. Existing buildings in poor condition with little space for servicing/parking.

Huddersfield Civic Society – Welcomes the development but queries the adequacy of the parking.

Coal Authority – No identified problems.

Education Services - No educational contribution required.

Environment Agency – Final comments awaited.

PUBLICITY/REPRESENTATIONS

The application has been advertised on site and in the local press. No representations have been received to date.

ASSESSMENT

This site lies within the Waterside area as identified in the Firth Street Regeneration Guidelines approved by Members in November 2002.

These guidelines identify the potential for regeneration led largely through new residential uses with an important component being the improvement of the waterfront/canalside areas.

The guidelines further identify the Technical College Annexe as the favoured location for local shopping facilities and/or a restaurant/public house

Additionally, the revised PPG3 (Housing) has given further encouragement to the redevelopment of brownfield sites with high-density residential development.

In principle, the current proposals are in accordance with the Regeneration Guidelines. The applicant, however, is seeking specific approval at this stage for details of siting and means of access. In an accompanying letter it is made clear that it is imperative that the relationship and numbers of parking spaces and dwellings or other uses are agreed

Accordingly, whilst the principle of development can be broadly supported the submitted information and basic layout plans provided are not sufficient to allow officers to recommend approval of the application and in particular details of siting and access as requested.

The following matters are of particular concern:

- There are no proposals put forward to address the need to provide improved and safe linkages to the town centre **for pedestrians**;
- the level of car parking shown on the layout plans is inadequate for the scale of development envisaged and there is concern at the practical operation of the proposed shared car parking facilities, (The provision of additional spaces on the adjacent land to the east cannot be guaranteed as this adjacent site is not currently the subject of any planning application).
- The design of the access is unsuitable for service vehicles and the internal access area does not allow for the satisfactory servicing of the commercial elements proposed.
- The proposed access position is too close to the junction of Queen Street South and Colne Road and will give rise to problems of access for vehicles turning onto Colne Road and proceeding in the direction of Queen Street South.

Finally, whilst the erection of 4 storey, stone built development on this site would be generally in keeping with the character of this area which includes a number of multi-storeyed mills, officers remain to be satisfied that there is adequate space, including

amenity space, around the development including satisfactory measures to provide an alternative frontage to the riverside and the safeguarding of the riverside footpath.

The views of the Environment Agency on the flood risk assessment are still awaited and will be reported to Members.

Application No : 2003/60/94675/W3

Grid Reference : SE 14460 15360

Development : OUTLINE APPLICATION FOR ERECTION OF MIXED USE DEVELOPMENT COMPRISING UPPER LEVELS (USE C3), FLATS, GROUND FLOOR OFFICES, (USE B1), SMALL SHOP (USE A1) AND PARKING

Location : COLNE ROAD, HUDDERSFIELD.

Applicant : D BODSWORTH

Recommendation : REFUSAL

SUMMARY

REASON FOR COMMITTEE DECISION

Delegation Agreement

SIGNIFICANT CONSULTATIONS

Highways – Object

Environmental Services – No objections subject to conditions

Environment Agency – Awaited

RELEVANT HISTORY

None

POLICY

B4, TC12, T10, T19, TC17

REPRESENTATIONS

One letter from adjacent business.

ASSESSMENT

Current proposals unacceptable on highway grounds/lack of information.

REFUSE

- (2) The proposals would be detrimental to the interests of public and highway safety and would be contrary to the objectives of Unitary Development Plan Policies T10 and T19, in particular as:
- (e) the application includes no proposals to provide satisfactory safe pedestrian linkages to and from the town centre and an increase in use by pedestrian residents or visitors to the development site of the existing infrastructure would be detrimental to general road safety;
 - (f) the level of car parking facilities indicated within the application site is inadequate to serve the level of development proposed and there is concern at the practical operation of shared parking facilities for the level and mix of development;
 - (g) the design of the proposed access would not allow a service vehicle to satisfactorily enter or leave Colne Road and the design of the internal access area would not allow for the satisfactory servicing of the commercial element of the proposals without giving rise to problems of access to car parking facilities within the courtyard.
- (2) Insufficient information has been submitted to satisfy the Council that the development will provide adequate amenity space including satisfactory measures to provide an alternative frontage to the river and the safeguarding of the riverside walkway - Unitary Development Plan Policy TC17.

INFORMATION

This application is brought before the Sub-Committee for determination as it relates to major development.

THE SITE/PLANNING HISTORY

The site lies on the southern side of Colne Road adjacent to its junction with Queen Street South. It has an area of approximately 0.36 ha. Currently the site is occupied by buildings understood to have been last used for industrial/commercial purposes but which now appear vacant.

To the rear (south) the site is bounded by the River Colne. Public footpath 250 runs along the eastern boundary of the site and crosses the river by means of a footbridge. This connects into a riverside walkway which runs along the northern bank of the river along part of the length of the rear site boundary.

A previous application (Ref. 2002/60/91036/W3) was submitted in March 2002 for a mixed use development of land to the south of Colne Road including all of the current site together with adjacent land. An appeal was lodged against the non-determination of this earlier application within the statutory period and the Planning Inspectorate made arrangements for a public inquiry. However, the appeal was withdrawn before the date of inquiry and no decision was issued.

THE PROPOSALS

The application seeks outline planning permission for a mixed use development comprising upper levels residential (C3) flats (33 apartments), ground floor offices (B1) (7,860 sq ft), small shop (A1) (1,000 sq ft) and associated parking, 43 spaces with an in/out access from Colne Road.

The layout plan has been submitted and the application seeks formal approval at this stage for details of siting and means of access.

A letter accompanying the application from the Agent states that permission for a mixed use development is sought. Nevertheless, if the Council resolves that schemes for residential use only are appropriate then the non-residential uses can be deleted and a modified mixed or residential only use might be given on outline approval.

The Agent's letter emphasises, however, that it is imperative to his clients that as part of the exercise, the relationship and numbers of parking spaces and dwellings or other uses is agreed in the form of an approved layout.

Members should note that there is a concurrent outline application (Ref. No. 2003/60/94674/W3) for the adjacent land to the east which is also before the Sub-Committee for determination (21 flats, a restaurant and a shop). In addition, the Agent refers to a proposed further submission for 55 apartments to the east of Application 2003/60/94674/W3 but this has yet to be submitted.

The application includes a traffic assessment, flood risk assessment, contaminated land and noise reports.

POLICY

The site lies within the town centre inset on the adopted Unitary Development Plan and is included within an area where industry and warehousing development will normally be permitted under Policy TC12. Policy TC17 requires that redevelopment schemes should make provision for a walkway along the riverside as part of a link between Aspley and Manchester Road.

In addition, Members approved guidelines for regeneration in the Firth Street area in November 2002. This concluded that regeneration, largely through new residential uses, should be encouraged in the area.

Relevant Unitary Development Plan Policies include:-

B4 – Loss of industrial premises.

G1-G6 – General concerns re regeneration and sustainability.

D2, BE1, BE2, BE11, BE12 – Built environment.

EP1, EP4, EP5 – Environmental protection and noise.

T10, T19 – Highway safety, access, parking.

TC1, TC21, TC22, TC32 – Town Centre regeneration/development.

S1 – Town Centre.

S6 – Local Shopping.

S12 – Entertainment and leisure uses.

PPG3 (Housing), PPG6 (Retailing), PPG13 (Transport), PPG23, PPG24 (Pollution control and noise), PPG25 (Development and flood risk) – provide relevant Government advice.

CONSULTATION SUMMARY

Highway Services –

- The submitted traffic assessment fails to satisfactorily address the need for safe pedestrian linkages to the town centre.
- There is insufficient parking proposed to meet the scale of development envisaged and the intended layout shown is cramped and unlikely to allow service vehicles to turn.
- There are insufficient access details submitted for the application to be properly assessed.

Yorkshire Water – No objections subject to conditions.

Environmental Services –

- Need for Phase 2 contaminated land survey prior to development commencing.

- Specific details of noise attenuation to flats required before occupation commences.

Economic Development Services – Application supported as this contributes to the on-going regeneration of the waterways corridor. Existing buildings in poor condition with little space for servicing/parking.

Huddersfield Civic Society – Welcomes the development but queries the adequacy of the parking.

Coal Authority – No identified problems.

Education Services - No educational contribution required.

Environment Agency – Final comments awaited.

PUBLICITY/REPRESENTATIONS

The application has been advertised on site and in the local press. One letter has been received from Woodauto Factors Ltd who occupy the adjacent premises to the west of the site. Whilst the letter endorses the “makeover” of this area, it emphasises the need to protect their existing premises from potential unauthorised parking and from traffic flow problems. The firm is particularly concerned that their forecourt would be used for unauthorised parking at weekends and during the evenings if the neighbouring area becomes residential rather than commercial. The firm would appreciate an offer from the developer to include some type of barrier around their forecourt to afford security outside working hours.

ASSESSMENT

This site lies mainly within the Waterside, but partly within the Chapel Hill Gateway, as identified in the Firth Street Regeneration Guidelines approved by Members in November 2002.

These guidelines identify the potential for regeneration led largely through new residential uses with an important component being the improvement of the waterfront/canalside areas.

The guidelines further state that Developers may wish to incorporate small-scale business operations in new developments (predominantly within the B1 Use Class) where these are a component of an overall development concept.

Additionally, the revised PPG3 (Housing) has given further encouragement to the redevelopment of brownfield sites with high-density residential development.

In principle, the current proposals are in accordance with the Regeneration Guidelines. The applicant, however, is seeking specific approval at this stage for details of siting and means of access. In an accompanying letter it is made clear that it is imperative that the relationship and numbers of parking spaces and dwellings or other uses are agreed

Accordingly, whilst the principle of development can be broadly supported the submitted information and basic layout plans provided are not sufficient to allow officers to recommend approval of the application and in particular details of siting and access as requested.

The following matters are of particular concern:

- There are no proposals put forward to address the need to provide improved and safe linkages to the town centre for pedestrians;
- the level of car parking shown on the layout plans is inadequate for the scale of development envisaged and there is concern at the practical operation of the proposed shared car parking facilities;
- The design of the access is unsuitable for service vehicles and the internal access area does not allow for the satisfactory servicing of the commercial elements proposed.

Finally, whilst the erection of 4 storey, stone built development on this site would be generally in keeping with the character of this area which includes a number of multi-storeyed mills, officers remain to be satisfied that there is adequate space, including amenity space, around the development including satisfactory measures to provide an alternative frontage to the riverside and the provision/safeguarding of the riverside footpath.

The views of the Environment Agency on the flood risk assessment are still awaited and will be reported to Members.

Application No : 2003/60/94812/W3

Grid Reference : SE 14380 12020

Development : OUTLINE APPLICATION FOR ERECTION OF RESIDENTIAL DEVELOPMENT (6 PLOTS)

Location : LAND BETWEEN, MARSH PLATT LANE, GYNN LANE, HONLEY, HOLMFIRTH, HD7 2LE.

Applicant : STAPLEFORD DEVELOPMENTS LTD

Recommendation : REFUSAL

SUMMARY

REASON FOR COMMITTEE DECISION

Delegation Agreement

SIGNIFICANT CONSULTATIONS

Parish Council – recommend refusal

RELEVANT HISTORY

03/94016 – application withdrawn due to significant objections from Officers and member of the public

POLICY

Predominantly greenfield site with protected trees – PPG 3 and NE9

REPRESENTATIONS

9 letters of objection received

ASSESSMENT

Development of a greenfield site which would also result in the loss, and the threats to the long term viability problems, of the majority of the protected trees on the site. Recommend refusal.

REFUSE

- (1) The proposals would provide the opportunity for previously undeveloped (greenfield) land, namely the orchard site, to be developed before previously developed (brownfield) land and would therefore prejudice the presumption in the Government's Planning Policy Guidance Note (PPG 3) on Housing Development, that brownfield sites should be developed before greenfield sites.
- (2) Insufficient information has been submitted to enable the implications of the proposals to be properly judged, particularly having regard to
 - (i) the protection of trees on the site which are the subject of Tree Preservation Orders, contrary to Policy NE9 of the Kirklees Unitary Development Plan; and
 - (ii) highway safety issues relating to
 - (a) the safeguarding of sight lines at the Gynn Lane/Marsh Platt Lane junction;
 - (b) improvements to Marsh Platt Lane;
 - (c) the provision of service vehicle turning facilities at the entrance to the new private drive; and
 - (d) the levels of traffic generated by the current industrial unit on the site contrary to Policy T10 of the Kirklees Unitary Development Plan.

INFORMATION

The application is brought to Committee as a result of a request from the Committee Chair Councillor Sims.

APPLICATION SITE/ DESCRIPTION OF PROPOSAL

The proposal relates to an area of land and buildings situated at the junction between Marsh Platt Lane and Gynn Lane, Honley. Approximately 40% of the site is occupied by a small mill, while the remainder of the site is an open former orchard area, which is lawned at present and contains a number of TPO protected trees. Access to the site is currently along Marsh Platt Lane which also serves as a public footpath and access to some residential properties to the rear.

The proposals seek outline planning permission for the erection of six detached dwellings, with details of the access and site layout submitted for consideration.

SITE HISTORY

03/94016 – application withdrawn due to significant objections from Officers and member of the public

POLICY

The site is predominantly a 'greenfield' site within an area allocated as 'land without notation'. The following policies are applicable in this case:

B4 – changing the use of land previously used for industrial / business purposes

BE12 – space about buildings

EP3a – culverting / canalisation of watercourses

NE9 – protection of mature trees

T10 – highway safety

D2 – development involving 'land without notation'

PPG 3 – Housing development

CONSULTATIONS

Economic Development Service – no objections to the loss of the small mill.

Holme Valley Parish Council – object to the development of the orchard area, but no objections to the re-development of the small mill area.

Highways – object due to insufficient information

Environmental Health – contaminated land report requested for the mill area

Coal Authority – comments for information.

Yorkshire Water – no objections subject to standard conditions in relation to drainage.

Environment Agency – no objections subject to conditions

Building control – no observations

REPRESENTATIONS

Nine letters of representation received, objecting to the development on the following grounds:

- The orchard is “an oasis of green land in an otherwise built up area.” It is also a “haven for wildlife.”
- The orchard site has most likely never been used industrial land in the past 100 years and should therefore be classed as greenfield land.
- The trees on the site ought to be protected as they make “a positive and attractive contribution to the area.”
- The proposed access via Marsh Platt Lane is regularly used by school children travelling to and from the high school, and by groups travelling between the

adjacent playing fields and the school for physical education lessons. The extra traffic generated by the development would create additional road safety hazards for these children.

- Marsh Platt Lane is substandard in highway safety terms for vehicles in its surfacing, width and lack of pedestrian provision. The additional traffic generated by this development would add to highway safety problems already experienced by existing users.
- The introduction of further traffic onto Marsh Platt Lane would be detrimental to the safety of users of this track, which is a public footpath.
- Sight lines from the site access point onto Marsh Platt Lane would be substandard.
- The extra development will add to current problems with drains and sewers on Gynn Lane.
- The culvert which runs across the application site (Ludhill Dyke) floods after heavy rain, which in turn floods gardens and cellars of properties on the lower half of Gynn Lane.

ASSESSMENT

This scheme is problematic for a number of key reasons.

The orchard area, which covers approximately 60% of the site and on which four of the six dwellings are proposed to be sited, is considered to constitute previously undeveloped (greenfield) land and therefore residential development on this part of the site would be contrary to the Government's advice on housing development contained within Planning Policy Guidance Note 3 (PPG 3). The reason for determining its greenfield status is two fold: (i) there is no evidence of any fixed structures or infrastructure on the site, and the orchard appears as the name suggests, a well maintained area of undeveloped grassland with numerous trees (some fruit) of varying types; and (ii) the applicant has stated that the orchard area originally formed part of the mill site to the north which has since been developed for housing, and therefore would not form part of the curtilage of the mill buildings on this application site.

In terms of the Council's Exceptions Policy in connection with PPG 3, development on greenfield sites can be accepted subject to the consideration of certain criteria. The criteria that would need consideration relate to whether the site can be classed as within a built-up area, whether it has amenity or wildlife value, and whether development would be contrary to any Unitary Development Plan policies.

In this case, as the layout shown could not be achieved without the loss of the protected trees and threats to the long term viability of most of the others on the site, it is contrary to UDP policy NE9 and the access is contrary to policy T10. In addition, the site is an attractive area of open space with mature trees that has amenity value. According to local residents, the site also has wildlife value. In conclusion therefore, this site would not comply with the Council's Exceptions Policy criteria.

Turning to other issues, insufficient information has also been received to enable the

Council's Trees Officers to fully assess the implications of the development on the protected trees on the site, particularly in relation to the absence of a layout plan to show the relationship between the development and the crown spreads of the protected trees. Although the information and plans submitted do confirm that one protected tree and six unprotected ones would need to be removed, and there is little doubt that the long term viability of many of the other protected trees would be jeopardised by the layout as shown, due to them being too close to the dwellings. Experience suggests that to allow dwellings too close to protected trees inevitably leads to future conflict as dwellings become overshadowed and residents feel threatened by their close proximity. These trees are considered to be valuable both in themselves and collectively in terms of contributing to the visual amenity of this particular area.

In term of highway safety issues.

Highway Services have stated that this submission has been the subject of discussions with the agent; however a number of issues that were to be addressed have **not** been included in the revised plan. These relate to the safeguarding of sight lines at the Gynn Lane/Marsh Platt Lane junction, the improvement of Marsh Platt Lane and the provision of turning facilities for a refuse vehicle at the entrance to the new private drive and information relating to the traffic generated by the current industrial unit on the site.

On the basis of the submitted plan and information provided this application is still unsatisfactory and cannot be supported from a highways points of view.

Finally, the issue of flooding of the culvert (Ludhill Dyke) has been raised by some of the objectors. In this respect Yorkshire Water have not raised any objections to the scheme, but have stated that the local public sewer network does not have the capacity to accept any additional discharge of surface water from the proposal site and have suggested that this should be discharged into the culvert. The Environment Agency in turn have also raised no objections to the scheme, but have recommended a condition which requests that full details of the proposed surface water drainage works are submitted to an approved in writing before development commences. The Environment Agency are aware of the flooding problems and suggest that the problems arise from the site further upstream and that the development proposed here would help to reduce flooding problems by allowing the dyke to be widened and improved.

Overall therefore, refusal is recommended on greenfield, tree and (highway?) grounds.

Application No : 2003/62/94918/W3

Grid Reference : SE 14870 09640

Development : ERECTION OF GARDEN DECKING

**Location : 10, WOODCHURCH VIEW, THONGSBRIDGE, HOLMFIRTH,
HD9 7RX.**

Applicant : M HAIGH

Recommendation : REFUSAL

SUMMARY

REASON FOR COMMITTEE DECISION

Request of Ward Councillor

SIGNIFICANT CONSULTATIONS

Holme Valley Parish Council – Recommend refusal.

RELEVANT HISTORY

None.

POLICY

BE13, BE14

REPRESENTATIONS

Two letters of objection received to date and representations from Ward Councillor.

ASSESSMENT

Proposal is recommended for refusal on the grounds that it would have an unacceptable impact upon the amenities of neighbouring properties.

- (1) It is considered that the proposed upper and lower deck "A" will have an unacceptable impact upon the amenities of neighbouring properties, contrary to the objectives of Policy BE14 of the Unitary Development Plan.

INFORMATION

This application is brought to Sub-Committee at the request of Ward Councillor Nigel Patrick.

APPLICATION SITE/DESCRIPTION

The application property forms one of a pair of semi-detached dwellings. The adjoining property is No. 12 Woodchurch View. The gardens of the two properties are on a level for approximately the first 3m, beyond which they slope steeply downwards to the rear.

A terrace has already been constructed (indicated as "upper deck" on the plans), extending 5.1m out from the rear elevation of the dwelling, and 3.3m in width, adjacent to the boundary with No. 12. It is approximately 1.1m above original ground level. The applicant intends to form an area of wooden decking on the surface, which will add a further 0.1m to the height. The plans indicate that a 1.2m fence or railing is to be built surrounding the decking on all sides. The terrace is of post and beam construction with external walls of blockwork. The rear wall, facing Berry Bank Lane, has already been faced with artificial stone, and the two side walls are intended to have the same finish.

The rear garden of no. 10 is separated from that of No. 12 by a Leylandii hedge 1.9m high, which means it is 0.7m maximum above the level of the upper deck. There is a low hedge and fence on the boundary with No. 8 (the hedge being approximately 1.4m high from No. 8's side), but this extends to the upper part of the garden only.

The proposed lower deck "A" is to extend a further 3.65m beyond the end of the upper deck, to reach the bottom of the garden. It will be level with lower deck "B". It is to incorporate a garden shed in the space underneath. Its finished height will be up to 2.0m above natural ground level.

The proposed lower deck "B" will extend 4.0m out from the main building line of the dwelling, and will be up to 4.55m wide. It will be built off the original patio adjoining the house and will not involve building a new terrace, so this part of the development does not involve any significant change in land levels.

SITE HISTORY

94/90739 – Erection of conservatory. Approved, not implemented.

POLICY

Unallocated within Green Corridor Gap.

BE13

BE14

CONSULTATIONS

Holme Valley Parish Council – Refuse the application. Loss of privacy and overlooking problems.

REPRESENTATIONS

Letter of representation from occupant of 8 Woodchurch View:

- 1) Loss of privacy due to overlooking of garden, lounge and dining room from upper deck and lower deck;
- 2) Our lower terrace formerly had a high degree of privacy due to high conifer hedge, which the applicant has removed;
- 3) We are opposed in principle, but if it is passed, suitable screening conditions should be enforced.

Letter of representation from occupant of 12 Woodchurch View:

- 1) Loss of privacy due to overlooking of lounge and garden from upper deck;
- 2) Further loss of privacy and noise nuisance if children are allowed to use the deck as a play area, since the property is used for childminding by Mrs Haigh, the applicant's wife.

Councillor Patrick's comments are as follows:

This is a substantial structure which occupies virtually the whole of the rear garden of No. 10. It is evident from the plans that even a 2m boundary fence would not screen the development or prevent overlooking from either the lower deck or the upper deck into the garden of No. 8. In fact, someone standing or sitting on either deck would be able to see into the house through the patio windows of No. 8. The screen fence would have to be 3.6m high to prevent overlooking. Given that the aim of the development appears to be to create a view, I doubt very much whether the applicant would agree to erect a 4m screen fence that would obstruct part of his view. I understand that the applicant cut down a boundary Leylandii hedge on his land, in order to gain the view. Had this remained, the overlooking would not have been a problem. New legislation prevents the owners of No. 8 planting a new Leylandii hedge on their land and allowing it to grow to the required height.

I understand that No. 12 has also objected to this retrospective planning application. I believe overlooking will be a problem for them too. Given that screening will not solve

this problem, I believe the application should be refused and enforcement action taken to remove the structure, which is only partly built, and the original levels reinstated. I would ask that this application goes before Committee and that a site visit is undertaken. The owners of No. 8 would be happy for Members to view the site from their garden.

ASSESSMENT

The upper deck and proposed lower deck would both be visible from Miry Lane. However, they would not be very prominent and the overall impact on visual amenity is considered acceptable. Walling materials (artificial stone) are appropriate for the site, although details of any new fencing would need to be submitted and approved if planning permission were to be granted.

The upper deck can be considered as a single-storey extension as it is attached to the dwelling. At 5.1m, it projects 2.1m further than the standard 3.0m for rear extensions. Due to its close proximity to the boundary with No. 12, and its elevated position, it is considered that it would give rise to unacceptable overlooking both to their windows and to their garden. The plans do not indicate the provision of any new screening along this boundary. Even if a screen fence were to be provided, it would have to be approximately 1.8m high (from the decking) and 5m long to be effective, and this in itself could give rise to further loss of amenity to the occupants of No. 12.

The upper deck would give rise to overlooking of the upper and middle gardens of No. 8. The plans indicate that the applicant intends to erect a fence (maximum 1.8m) along the upper part of the boundary, and there is already a Leylandii hedge along the middle part of the boundary, which has a maximum height of 2m. But it is doubtful whether either of these would provide effective screening; at most they would prevent overlooking by people sitting on deckchairs or garden furniture on the upper deck, and would possibly not be sufficient even for this. It is extremely unlikely that the applicant would be willing to install fencing along the edge of the upper deck itself, as this would obstruct the view.

The proposed lower deck A would also result in considerable overlooking of the gardens of both no. 12 and no. 8. With respect to no. 12, screening would have to be considerably more than 2m high to be effective. According to the occupant of no. 12, the applicant has recently removed the screen hedge which formerly stood at this point.

However, the claim made by the neighbour at no. 8 about possible noise nuisance is not considered a valid objection as there is no evidence to support it.

The site lies within a Green Corridor Gap. Policy D7, however, cannot carry much weight in this instance as the proposal is for an extension within an established domestic curtilage.

In **SUMMARY**, the proposal is considered unacceptable as it would cause loss of amenity to both neighbouring properties. It is therefore recommended for refusal. If Members concur with this recommendation, enforcement action will be pursued.

Application No : 2003/65/95042/W3

Grid Reference : SE 13710 12020

Development : LISTED BUILDING CONSENT FOR DEMOLITION OF CHIMNEY AND ERECTION OF EXTENSION FOR STORAGE AREA (WITHIN A CONSERVATION AREA)

Location : HONLEY I & N SCHOOL, SCHOOL STREET, HONLEY, HOLMFIRTH.

Applicant : KIRKLEES M C

Recommendation : REFER TO SECRETARY OF STATE

SUMMARY

REASON FOR COMMITTEE DECISION

Application by a Council Service.

SIGNIFICANT CONSULTATIONS

Holme Valley Parish Council - Support

RELEVANT HISTORY

03/93229 – Planning permission for erection of extension to form storage area. Approved by Committee.

POLICY

BE3

REPRESENTATIONS

None to date.

ASSESSMENT

Works are considered acceptable in terms of Policy BE3.

REFER TO SECRETARY OF STATE WITH A RECOMMENDATION TO GRANT CONSENT SUBJECT TO THE FOLLOWING CONDITIONS:

- (1) The development shall be begun not later than the expiration of five years beginning with the date on which permission is granted.
- (2) The 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 extension shall be constructed of natural stone, coursed and faced to match the existing building.
- (4) The roofing materials shall be Welsh/blue slates

INFORMATION

This application is brought to Committee because the applicant is a Council Service.

APPLICATION SITE/DESCRIPTION

The site comprises a Grade II Listed school building within Honley Conservation Area. The front (SE) and side (SW) elevations face School Street and Cuckoo Lane respectively. The current proposal will affect the rear (north-western) elevation, which overlooks the school yard. Built on to this elevation are projecting structures forming the kitchen, and adjacent to it, the girls' toilets / cloakroom. The latter appears to be a post-1948 extension, but not a recent one.

The proposal is for an extension to form a storage room. This is to be formed in the open space between the existing kitchen and the girls' toilet / cloakroom. It will therefore involve building only one external wall to close off the gap. The roof is to be single-pitch, which will continue from the eaves of the kitchen roof but at a slightly shallower angle. Materials are to be natural stone and blue slate to match the existing building. No external windows or doors are to be formed.

One of the two stone chimney stacks on the roof above the kitchen is to be demolished.

In addition, there are some internal alterations. The existing stairwell leading to the cellar is to be infilled and the floor made good – this area will remain as an open yard and will not be roofed over. The existing cellar light is to be replaced by a trapdoor. The existing staff WC window, which at present looks out on to the yard, is to be walled up with a double leaf of blockwork, which is to be externally rendered. A mechanical vent is to be formed in the side wall of the staff WC.

SITE HISTORY

94/91701 – Listed Building Consent for installation of raised floor within hall. Granted.

03/93229 – Planning permission for erection of extension to form storage area. Approved by Committee, October 2003.

POLICY

Grade II Listed Building within Honley Conservation Area.

BE3 - Works should preserve the listed building and any features of special architectural interest.

CONSULTATIONS

Holme Valley Parish Council – Support subject to approval of Listed Building Officer.

REPRESENTATIONS

None

ASSESSMENT

This is the same scheme for which planning permission was granted in October 2003. The proposed extension will be relatively small and reasonably unobtrusive. The angle of the roof is slightly lower than that of the kitchen or cloakroom. This is considered acceptable, however. The existing kneeler to the kitchen roof is to be retained. The loss of the chimney is considered acceptable. It is considered that the proposed extension and other works will preserve the character of the Listed Building.

Under Section 13 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the application must be notified to the Secretary of State and 28 days shall be allowed to elapse before the Local Planning Authority has the power to proceed to grant Listed Building Consent. It is therefore recommended that the application be referred to the Secretary of State with a recommendation to grant consent.