KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) – SECTION 70

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS

Reference No:	**2022/62/90397/W**
Site Address:	Newsome Bowling Green, St John's Avenue, Newsome, Huddersfield, HD4 6JP
Description:	Erection of 10 dwellings and associated works
Recommending Officer:	Katie Chew

DECISION – S106 Full Permission – Approve

I hereby authorise the approval of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Nicholas Hirst

AUTHORISED OFFICER

Date: 27/08/2025

Officer Report

Application: 2022/62/90397/W

Site: Newsome Bowling Green, St John's Avenue, Newsome, Huddersfield, HD4 6JP

Proposal: Erection of 10 dwellings and associated works

Site Description

The application site was formally Newsome bowling green, encompassing an area approximately 0.25 hectares to the rear of the former Newsome Taps (aka Newsome Working Men's club) which has been converted into 6 self-contained apartments. Access to the site is to the south-west, past the former Newsome taps, from St. John's Avenue. The access was widened via demolition as part of the residential conversion of the club, to enable vehicle access to the rear.

The site is presently unused and has degraded in visual quality. The former associated pavilion buildings have been demolished.

The site is surrounded by structures to all sides, with residential to the immediate east, south and west. To the north is a garage site, to the northeast is a children's day care nursery, and to the north-west a pair of public houses. A health and beauty shop is also located to the west of the site.

Description of Proposal

The application seeks planning permission for the erection of 10 dwellings and associated works.

Access is to be via the existing access onto St John's Road currently providing access to the rear of the converted Newsome Taps (now apartments). A central spine road would run through the site's centre, providing access to all of the dwellings, as well as vehicle turning space. Plots 1-7 would be sited along the north of the access road. Plots 8-10 would be to the south-east. Dwelling composition is as follows:

- Plots 1, 2, 6 & 7 are to be Type B dwellings, which comprise of two-storey (with accommodation provided in the roof space), three-bed semi-detached properties. Approx 95sqm.

- Plots 3, 4, 5, 8, 9 & 10 are to be Type A dwellings, which comprise of two-storey (with accommodation provided in the roof space), three-bed terrace properties. Approx 95sqm.

Note: all units include a study / office. As this measures 6.1sqm, it falls below the Nationally Described Space Standards specifications for a bedroom and is therefore not assessed as one.

Dwellings are to be faced in a mix of regular coursed natural stone and cement render (painted in RAL 9010), with grey Marley Modern interlocking concrete roof tiles.

All dwellings are designed with pitched roofs, gable features and contemporary styled canopies to the front.

Plots 2, 3 & 6 would be served by a detached single garage (3 x 6m). All dwellings would have two off-road parking spaces each, and 2 dedicated visitor parking spaces are proposed on site.

Boundary treatments to curtilages and around the site as a whole are proposed to comprise of 1.8m high hit & miss timber fencing. A road access gate is proposed. Bin storage points are shown per dwelling.

The proposal includes works to the car parking for former Newsome Taps, providing three replacement parking spaces, which were previously sited along the proposed access road, and the provision of a dedicated bin store to serve the flats.

History of negotiations/amendments received

Several amendments have been undertaken during the process of this application, specifically relating to layout, design, highways/access, waste and drainage. Based on the final design, Officers original concerns have been overcome.

Relevant Planning History

Application site

2015/91664 – Outline application for residential development with details of access and provision of car parking and bin storage for previously approved adjacent apartments under application no. 17/90375. Approved 28/11/2017.

2020/90535 – Erection of 8 dwellings and associated works. Approved 27/09/2021.

Newsome Tap, 1a St Johns Avenue

2017/90375 – Alterations and extension to covert public house to 6 no. self-contained apartments. Approved 27/04/2017.

2015/92928 – Alterations and part demolition of public house to form dwelling with off-street parking. Approved 22/01/2016.

Planning Enforcement

COMP/23/0158 – Untidy land.

COMP/21/0470 – Erection of dormer/not built in accordance with approved plans.

Representations

The application has been advertised as a Major development adjacent to Listed Buildings, via site notices and through neighbour letters to properties bordering the site, along with being advertised within a local newspaper. This is in line with the Council's adopted Statement of Community Involvement.

The application was amended during its lifetime and a period of re-consultation, via neighbour letters, press notice and site notice was undertaken. These were sent to all neighbouring residents, as well as to those who provided comments to the original period of representation. Whilst it is acknowledged that some amended reports/additional information has been received since the last period of consultation, these changes typically relate to the re-scaling of plans or additional information such as material details being added. As the actual scheme has not materially changed re-consultation was not required necessary on this occasion.

The end of public comments was 18/11/2022. One general comment has been received in relation to the proposals, a redacted version can be found on the council's website and the comments raised are summarised below:

- Not opposed to the planning per se, but have concerns that rules, regulations are not followed, and respect is not shown towards residents in the vicinity.

Officer note: Noted. Should planning permission be granted and the development is not built in accordance with the approved plans or is in breach of any of the planning conditions, the Council's Planning Enforcement team would look to investigate this further.

- Concerns in respect of noise.

Officer note: Noted. The Council's Environmental Health team have been consulted; their comments can be found within the consultation responses section of this report.

Consultation Responses

The following is a brief summary of consultee advice (more details are contained in the Assessment section of the report, where appropriate):

KC Crime Prevention – No objections.

KC LLFA – No objection subject to conditions**.**

KC Strategic Housing –This application falls below the threshold for affordable housing and therefore they have no comments to make.

KC Highways Development Management – No objections subject to conditions.

KC Environmental Health – No objection subject to conditions.

KC Waste Strategy – No objections, although concerns were raised in respect of the presentation point being located to the front of the site for such a large number of bins.

KC Ecology Unit – Initially requested that ecological survey work be undertaken. Following correspondence between officers and the applicant, and a review of the site's planning history, surrounding development, and past uses, it was concluded and accepted by K.C. Ecology such survey work is not necessary to determine the application. No objection subject to conditions.

KC Conservation & Design – No objections to the proposals but would prefer natural stone to specified instead of artificial stone.

Yorkshire Water – Yorkshire Water have raised some concerns in respect of the submitted details lacking clarity, noting that evidence should be provided to show that (other than discharge to the public sewer) means of surface water disposal has been considered, and if other means have been discounted the submitted drawing should show surface water storage and flow control rate.

Officer note: Whilst the above comments are noted, KC LLFA have undertaken several discussions with the applicant confirming that the use of watercourses and soakaways would not be appropriate at this site and therefore have confirmed that discharge to a public sewer is reasonable in this instance. LLFA's final comments state that the proposal of 3.5l/s to sewer is acceptable and is the lowest discharge rate available without causing other problems. KC LLFA consider that due process has been completed. This information was fed back to Yorkshire Water on the 15/04/2025, with no further comments provided.

KC Trees – No objections.

KC Highway Structures – No objection subject to conditions.

KC Landscape – No objection subject to conditions.

National Highways –No objection.

West Yorkshire Combined Authority – No objection subject to financial contributions of £10,000, to provide the closest bus stop on this corridor

22060 with a Real Time Information display, and contributions of £5115 towards a Residential MetroCard Scheme.

Parish/Town Council

N/A.

Local Ward Members

The site is within Newsome ward, where members are:

- Councillor Allison
- Councillor Cooper
- Councillor Lee-Richards

Councillors were notified of the application on the 25/04/2022. No comments have been received.

Planning Policy Background

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27/02/2019).

The application site is located within the Strategic Green Infrastructure Network, Newsome Local Centre, Newsome Neighbourhood Area, and a Bat Alert Area. It is also important to note that Grade II Listed Buildings are located to the west of the site, and the site is adjacent to a 500m radius of a Great Crested Newt record.

Kirklees Local Plan (LP)

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

The site is Unallocated on the LP Policies Map. It predominantly is within the boundary of Newsome Local Centre. The site is not within a Conservation Area. There are several listed buildings to the north-west.

The following policies of the Kirklees Local Plan are identified as relevant to the assessment:

- LP1 – Achieving Sustainable Development
- LP2 – Place Shaping

- LP3 – Location of New Development
- LP7 – Efficient and Effective Use of Land and Buildings
- LP11 – Housing Mix and Affordable Housing
- LP20 – Sustainable Travel
- LP21 – Highways and Access
- LP22 – Parking
- LP24 – Design
- LP26 – Renewable and Low Carbon Energy
- LP27 – Flood Risk
- LP28 – Drainage
- LP30 – Biodiversity and Geodiversity
- LP31 – Strategic Green Infrastructure Network
- LP32 – Landscape
- LP33 – Trees
- LP35 – Historic Environment
- LP38 – Minerals safeguarding
- LP47 – Healthy, Active and Safe Lifestyles
- LP49 – Education and Health Care Needs
- LP51 – Protection and Improvement of Local Air Quality
- LP52 – Protection and Improvement of Environmental Quality
- LP53 – Contaminated and Unstable Land
- LP63 – New Open Space

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) updated 12/2024, the Planning Practice Guidance Suite (PPGS) first launched 06/03/2014 together with Circulars, Ministerial Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications. Most specifically in this instance, the below chapters are of most relevance:

- Chapter 2 – Achieving sustainable development
- Chapter 4 – Decision-making
- Chapter 5 – Delivering a sufficient supply of homes
- Chapter 8 – Promoting healthy and safe communities
- Chapter 9 – Promoting sustainable transport
- Chapter 11 – Making efficient use of land
- Chapter 12 – Achieving well-designed and beautiful places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment
- Chapter 16 – Conserving and enhancing the historic environment

Supplementary Planning Guidance/Documents

Supplementary Planning Documents

- Housebuilders Design Guide SPD (2021)
- Open Space SPD (2021)
- Affordable Housing and Housing Mix SPD (2023)
- Highways Design Guide SPD (2019)

Guidance Documents

- West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance (2016)
- Waste Management Design Guide for New Developments (2020)
- Planning Applications Climate Change Guidance (2021)
- Biodiversity Net Gain Technical Advice Note (2021)

Other relevant national guidance and documents:

- DCLG: Technical Housing Standards – Nationally Described Space Standard (2015)
- MHCLG: National Design Guide (2021)

Climate Change

The Council approved Climate Emergency measures at its meeting of full Council on 16/01/2019, and the West Yorkshire Combined Authority has pledged that the Leeds City Region would reach net zero carbon emissions by 2038. A draft Carbon Emission Reduction Pathways Technical Report (July 2020, Element Energy), setting out how carbon reductions might be achieved, has been published by the West Yorkshire Combined Authority.

On 12/11/2019 the council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system, and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target; however, it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the council would use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

Assessment

Summary of assessment

The following matters are considered in the assessment below:

- Principle of development
- Urban design and historic environment
- Residential amenity
- Highway safety
- Drainage and flood risk
- Ecology
- Other matters
- Conclusion

Principle of Development

Planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions. Chapter 5 of the NPPF notes the Government's objective of significantly boosting the supply of homes. Applications for residential development should be considered in the context of the presumption in favour of sustainable development.

The Council's five-year housing land supply

The 2023 update of the five-year housing land supply position for Kirklees shows 3.96 years supply of housing land, and the 2022 Housing Delivery Test (HDT) measurement which was published on 19th December 2023 demonstrated that Kirklees had achieved a 67% measurement against the required level of housing delivery over a rolling 3-year period (against a pass threshold of 75%).

As the council is currently unable to demonstrate a five-year supply of deliverable housing sites and delivery of housing has fallen below the 75% HDT requirement it is necessary to consider planning applications for housing development in the context of NPPF paragraph 11. This paragraph triggers a presumption in favour of sustainable development. For decision making this means:

> *"Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*
>
> *(i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
> *(ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."*

The Council's inability to demonstrate a five-year supply of housing land or pass the Housing Delivery Test weighs in favour of housing development. Nonetheless, this must be balanced against any adverse impacts of granting the proposal. The judgement in this case is set out in the Officer's assessment.

As an unallocated site, the residential development of the site would be counted as a windfall. Windfall sites contribute to housing delivery and there is no objection to the redevelopment of this site for housing in principle. Furthermore, the site has a history of residential planning permission, via 2020/90535. While 2020/90535's grant of permission has expired (although it was extant at the time of submission), this history does carry material weight, and in light of the Council's lack of a five-year housing land supply, the presumption in favour of sustainable development is activated in the consideration of this application.

Quantum of Development

Both the Local Plan and National Planning Policy Framework set out expectations to ensure proposals represent the effective and efficient development of land. Policy LP7 requires development to achieve a net density of at least 35 dwellings per ha (dph), where appropriate. Local Plan allocations have indicative capacity figures based on this net density figure. Policy LP11 of the Local Plan requires consideration of housing mixture. These requirements are built upon within the Council's Affordable Housing and Housing Mix SPD (March 2023).

Considering density, the site measures circa 0.25ha in size, and therefore should provide at least 9 dwellings on site. The proposals seek to provide 10 (a provision of 10 dwellings on 0.25ha equates to 40dph) and therefore meet with the Local Plan requirements of LP7.

Moving on to housing mixture, LP11 seeks schemes of more than 10 dwellings or those of 0.4ha or greater in size to provide a representative mixture of house types for local needs. This is expanded upon and detailed within the Council's Affordable Housing and Housing Mix SPD (March 2023). As the proposal does not trigger either of these requirements an assessment on housing mixture does not need to be provided on this occasion.

Further to the above, under Policy LP11, affordable housing contributions are only sought for proposals over 10 new residential dwellings (i.e., 11+ dwellings). As this application proposes 10 new dwellings, no affordable housing contribution is being sought in line with adopted policy requirements.

Sustainable Development and Climate Change

As set out at paragraph 7 of the NPPF, the purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF goes

on to provide commentary on the environmental, social and economic aspects of sustainable development, all of which are relevant to planning decisions.

The site is located in the middle of an existing established settlement, close to various local amenities and facilities. At least some, if not all, of the daily, economic, social and community needs of residents of the proposed development could be met within the area surrounding the application site, which further indicates that residential development at this site can be regarded as sustainable.

The proposal seeks to develop vacant brownfield land within the urban environment. Furthermore, as identified, the proposal would be the effective and efficient development of the land in terms of density and typology. In addition, the site falls within an identified local centre, providing access to local public transport and amenities, reducing the reliance of private car usage. Finally, the dwellings will be constructed to modern building standards and would have a high standard of energy efficiency. Officers are satisfied that the proposal development would not harm the climate change agenda.

Regarding the social infrastructure currently provided and available in Newsome (which is relevant to the sustainability of the proposed development), although health impacts are a material consideration relevant to planning, there is no policy or supplementary planning guidance requiring a proposed development to contribute specifically to local health services. Furthermore, it is noted that funding for GP provision is based on the number of patients registered at a particular practice and is also weighted based on levels of deprivation and ageing population. Direct funding is provided by the NHS for GP practices and health centres based on an increase in registrations.

In addition to the above, education contributions are only required on 25+ dwellings. As this proposal is for just 10 dwellings, this requirement has not been triggered.

Regarding climate change, measures would be necessary to encourage the use of sustainable modes of transport. Adequate provision for cyclists (including cycle storage and space for cyclists), electric vehicle charging points, and other measures have been proposed or would be secured via condition (referenced where relevant within this assessment). A development at this site which is entirely reliant on residents travelling by private car is unlikely to be considered sustainable. Drainage and flood risk minimisation measures would need to account for climate change. These factors will be considered where relevant within this assessment.

Urban Design, including the historic environment

Relevant design policies include LP2 and LP24 of the Local Plan and Chapter 12 of the National Planning Policy Framework. These policies seek for development to harmonise and respect the surrounding environment, with LP24(a) stating; '*Proposals should promote good design by ensuring: the*

form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape'.

Considering the site as existing, while an open green space it is set to the rear of properties with limited presence within the wider streetscene. It does not form a key characteristic of the area. In the absence of a use, the site has degraded and the likelihood of the site finding another open space use is limited. Accordingly, officers do not raise visual amenity concerns over the loss of the site as green space.

The proposed layout of the dwellings is considered to logically respond to the shape of the site, proposing a central access road with properties fronting onto it, leading to a turning point to the south-west, which also provides access to plots 9 and 10. Adequate spacing is provided around each dwelling, with sizeable rear gardens and in some cases modest front gardens. This is quite typical of a layout of a contemporary residential development and is considered to adequately harmonise with the established urban grain of the surrounding area.

The proposed dwellings are to comprise of a mix of two-storey semi-detached and terraced properties, the scale of these units, including their footprint and height, are typical for modern residential properties and are comparable to neighbouring buildings. While the dwellings are noted to include habitable rooms in their roof spaces, their overall height and roof pitches are consistent with two storey dwellings in the area.

Most of the buildings surrounding the former bowling green are two-storey terraced houses constructed in natural stone with either blue slate or stone slate roofs, with some exceptions including the listed Clarence which is constructed in brick with a concrete tiled roof. The use of grey interlocking tiles and elements of light-coloured render can be seen in surrounding buildings and therefore is reflective and sympathetic to the area. Whilst artificial stone was originally proposed within the buildings, this has been replaced with natural stone, which is considered to be a significant improvement, and is recommended to be secured via condition.

Local Plan Policy LP33 requires proposals to retain any valuable or important trees where they make a contribution to public amenity. Where tree loss is deemed acceptable, developers will be required to submit a detailed mitigation scheme.

All buildings within the site have been cleared some time age, with no notable trees being found within the site (trees on the boundary are predominantly on neighbouring land). KC Trees were consulted on the proposals and note that there are no trees of value or significant public amenity within the site. It is therefore considered that the proposals would not impact any trees of significance.

Indicative landscaping details shows areas of tree planting, with 16 shown indicatively across the site. Based on the submitted information, officers

accept attractive landscaping may be accommodated into the proposed layout. Full technical details of landscaping, to including species, management, and maintenance arrangements, are to be secured via condition.

For boundary treatments, areas to the front of dwellings are to be kept open. To the rear, boundaries are to be 1.8m hit and miss timber fencing. This is not opposed in principle, however given land levels officers consider it reasonable to seek full details such as section drawings, to enable a thorough assessment. Likewise, a road access gate is not opposed in principle, however details are currently limited: full information is to be secured via condition.

The new bin-store to serve the apartments in Newsome Taps does not include elevations. It has a footprint of 3.4m x 5.5m. It will provide a preferable storage solution for bins, as opposed to lose storage; however limited information is currently held on the store's appearance, although there are no prohibitive concerns that a suitable design could not be reached. Full details are to be secured via condition: in the interests of visual amenity.

Regarding bin collection, it is proposed that bins would be presented by residents and collected by K.C. Refuse in the area to the front of the former Newsome Taps, off St John's Avenue. Due to the proposed road intended to be unadopted, it is not expected that K.C. Refuse would enter the site to collect from adjacent to the dwellings. This matter is considered further within the Highway section of this report. In summary, the presentation of so many bins at the site frontage is a negative of the proposal. However, no reasonable alternative has been identified, and the harm is noted to be temporary (once per week). The harm caused by this is not considered, on the planning balance, to outweigh the benefits of the proposal as identified elsewhere in this assessment. Of note, the bin presentation location would not be evident in the setting of the identified listed buildings (considered below)

As back land development, the works would not notably change the character and appearance of the site, although views into the site from outside will be limited by the surrounding buildings. Nevertheless, the proposed development is considered to be sufficiently well designed, and it would result in an attractive continuation of the residential environment.

Further to the above, the site is adjacent to Listed Buildings to the west of the site. Section 66 of the Planning (Listed Buildings & Conservations Areas) Act (1990) states that for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 66 of the Planning (Listed Building & Conservation Areas) Act (1990) are built upon by Policy LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.

The heritage assets identified as being affected by the proposal are nos. 27, 29 and 31 Towngate of which their heritage significance is considered to be their architectural form, which is an example of good quality early 19th Century residential design. It is considered that there would be no direct impact upon the fabric of the listed buildings, however the heritage asset's setting must be considered, this is discussed in more detail below.

The proposal site is a former bowling green located behind a terrace of three Grade II listed two storey cottages at 27-31 Towngate. These cottages are constructed in hammer dressed stone with stone slate roofs and are located opposite another group of five similar listed cottages, all believed to date back to the early 19th Century. The rear of the cottages at 27-31 Towngate have low significance as they have been considerably altered over time, however the north-west side of the proposal site can be seen in context with the listed cottages when viewed adjacent to the Clarence Hotel.

Given the nature of the proposals the Council's Conservation & Design (C&D) Officer has been consulted, they note that the erection of dwellings on this historically undeveloped site within the setting of a group of listed cottages would lead to less than substantial harm to their significance, through introducing modern development into the setting of heritage assets. Per the identified heritage value of the buildings, i.e., their architectural form, would not be directly harmed. Therefore, the harm caused is concluded to be on the lower end of 'less than substantial'. Paragraph 215 of the NPPF states:

> *Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.*

The site is no longer in use, being vacant brownfield land within an urban area. The public benefits of bringing the site into a beneficial use and providing housing on this vacant site deemed to outweigh the identified harm. C&D Officers do not object to the principle of the proposal, subject to the design and detailing respecting the local character and setting of the listed buildings.

The main element of the development that is visible in context with the listed buildings on Towngate is the gable end of the semi-detached property at Plot 1. However, the proposed building will only be seen through a gap between the properties on Towngate and the view is weakened by the proximity of the Clarence, therefore only having a minor impact on the setting of the listed cottages.

Accordingly, the proposal is deemed to comply with the aims and objectives of Policies LP2, LP24 and LP35 of the KLP, Chapters 12 and 16 of the NPPF and Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990.

Residential Amenity

Local Plan policy LP24 requires developments to provide a high standard of amenity for future and neighbouring occupiers, including by maintaining appropriate distances between buildings. This is elaborated upon with the council's Housebuilders Design Guides, which sets out recommended minimum separation distances.

Paragraph 187 of the NPPF, contained within Chapter 15, sets out that proposals should mitigate and reduce to a minimum the potential adverse impacts resulting from noise from new development. Policy LP52 of the Kirklees Local Plan seeks to ensure that, amongst other things, the impact from the noise for new development is acceptable.

Policy LP52 is considered to be of relevance and sets out that development which has the potential to increase pollution from noise must be accompanied by evidence to show that the impacts have been evaluated, and measures have been incorporated to prevent or reduce the pollution, so as to ensure it does not reduce the quality of life and well-being of people to an unacceptable level.

The proposed development site is located within Newsome centre, to the rear of the former Newsome Working Men's Club and is surrounded by a mix of residential and commercial buildings. To the north-east of the site is a children's day care nursery.

All separation distances to third party dwellings notably meet/exceed the minimums outlined within the Housebuilders Design Guide SPD, namely 21m between facing rear habitable room windows and 12m between habitable room windows and a blank / side facing wall of original buildings (i.e., excluding extensions).

It is acknowledged that the site is on a different, typically higher, level than the neighbouring properties. Nevertheless, the level difference is not considered significant. With the exemption of plot 7 and no. 179 Newsome Road South, the separation distances on site are well in excess of the SPD's minimum recommended; even allowing a modest increase in separation distances, to take into account the level difference, officers are satisfied that materially harmful overbearing, overlooking, and overshadowing would not be caused.

For plot 7 and number 179, there is a circa 11.9m separation distance between no. 179's rear, and plot 7's side elevation. However, given their respective layouts, the overlap (i.e., the portion of no. 179's rear elevation that aligns with plot 7) is minimal. Given this, and that plot 7 hosts no habitable room windows on its side elevation, officers hold no concerns of overbearing, overlooking, or overshadowing. Notwithstanding the above, it is considered reasonable to include a condition, should planning permission be granted, which requires the applicant to submit details of the finished floor levels of the dwellings, prior to their construction. This is in the interests of residential amenity and to ensure that appropriate ground levels are provided following highway and drainage works.

Domestic curtilages are to be defined by 1.8m high boundary fencing, the introduction of which on shared boundaries (even allowing for modest level differences) would not unreasonably prejudice the amenity of neighbouring residents.

It is acknowledged that the dwellings surrounding the site currently have a clear view over the site, which is currently undeveloped and may be argued to be a pleasant outlook. Nevertheless, there is no right to a view in planning and the loss of an attractive view is not a material consideration. The material consideration is the impact of their amenity, through matters such as overbearing, overshadowing, and overlooking, which has been discussed above.

A condition requiring the submission and approval of a Construction (Environmental) Management Plan (C(E)MP) is recommended. The necessary discharge of conditions submission would need to sufficiently address the potential amenity impacts of construction work at this site, including cumulative amenity impacts should other nearby sites be developed at the same time. Details of dust suppression measures would need to be included in the C(E)MP. An informative regarding hours of noisy construction work is recommended.

In summary, subject to the recommended conditions, officers are satisfied that the development would not materially prejudice the amenity of existing neighbouring dwellings. Consideration must also be given to the amenity of future occupiers and the quality of the proposed units.

The sizes (in sqm) of the proposed residential units is a material planning consideration. Local Plan policy LP24 states that proposals should promote good design by ensuring they provide a high standard of amenity for future and neighbouring occupiers, and the provision of residential units of an adequate size can help to meet this objective.

Per the NDSS, a 3bed5person dwelling is expected to have 93sqm of floor space, if two storeys, or 99sqm, if three storeys. Whilst the guidance is not clear when the dwellings are to be two-storeys with accommodation proposed within their roof spaces, it is acknowledged that should the dwellings be classed as two-storey they would exceed the NDSS standards. However, if classed as three-storey properties they would fall slightly below these standards, however this reduction is nominal and is not considered to significantly impact on the amenity of any future occupiers.. Further to the above, the floor plans for the units indicate that they would deliver adequate living accommodation, including a lounge, downstairs W.C and store, open plan kitchen/dining areas, study/office, family bathroom, en-suite, in addition to three bedrooms. All units would have well-proportioned habitable rooms that are served by good sized windows. Accordingly, officers are satisfied that the dwellings would provide a high standard of amenity for future occupiers.

All of the dwellinghouses would have outdoor amenity space, including private gardens of a size commensurate to the host dwelling. The internal spacing and separation distances between the units are acceptable and will not result in overbearing, overshadowing, or overlooking between the new units.

The required drag distance of bins, from dwelling to the presentation point on St John's Avenue, is noted to beyond the council's recommended guidance distance. As per other aspects of the waste presentation area, this is a negative of the proposal and will impact on residents' amenity. Nevertheless, the negative weight of this (giving regard to the planning balance) is limited, bearing in mind the otherwise high quality of amenity for residents.

The requirement to provide on-site public open space is 11 or more dwellings, therefore such facilities are not expected for this proposal. Nevertheless, there are noted to be accessible open spaces within the local area that future residents could access.

With regard to other types of amenity issues, specifically potential noise pollution, , consultation has been undertaken with the Council's Environmental Health team who have confirmed that such issues could be resolved through the use of appropriately worded conditions, which are recommended to be included.

To conclude, the proposed development is considered not to be detrimental to the amenity of neighbouring residents. Furthermore, the proposal would secure an acceptable standard of amenity for future residents. Subject to the proposed conditions, the proposal is deemed to comply with Policies LP24 and LP52 of the Kirklees Local Plan.

Highway Safety/Access

Local Plan policy LP21 requires development proposals to demonstrate that they can accommodate sustainable modes of transport and can be accessed effectively and safely by all users. The policy also states that new development would normally be permitted where safe and suitable access to the site can be achieved for all people, and where the residual cumulative impacts of development are not severe.

The NPPF states that, in assessing applications for development, it should be ensured that appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, that safe and suitable access to the site can be achieved for all users, and that any significant impacts from the development on the transport network (in terms of capacity and congestion), or highway safety, can be cost-effectively mitigated to an acceptable degree. The NPPF continues that that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highways safety, or if the residual cumulative impacts on the road network would be severe.

The volume of traffic generated by the proposed 10 units would be negligible and would have a limited impact upon the capacity and operation of the wider highway network. For sustainable travel, the site is within the established urban envelope and falls within the boundary of Newsome local centre, indicating close amenities, as well as connections to the public transport network. To promote cycling, a condition for the provision of secure cycle storage facilities per dwelling is proposed, to further enhance the attractiveness of cycling. Based on these considerations, officers are satisfied that the proposal complies with the aims of LP20 (sustainable travel).

The dwellings would be accessed from St John's Avenue via a new road over the land to the east of the former Newsome Taps. Previously hosting a structure, the land has been cleared and Newsome Taps' side elevation set in to enable access to the site as part of the approvals of previous applications 2015/91664 (outline for residential) and 2017/90375 (conversion of Newsome Taps to a residential use). These secured a total width of the access of 5.7m. The proposed shared surface access road is shown to be 5 metres in width at the point of access from St John Avenue, before widening to 5.5m circa 39m from the junction.

The applicant has confirmed that the road is to be unadopted and remain private, KC Highways deem this to be acceptable subject to a condition which requires an Estate Street Phasing and Completion Plan to be submitted to the LPA for review. An informative note has also been recommended to be included on the decision notice, in regard to the management and maintenance of the road; this too is considered reasonable and is recommended.

For parking, Plots 2, 3 & 6 would be served by a detached single garage (3 x 6m). All dwellings are to have two off-road parking spaces each, which is in accordance with the expectations of the Highways Design Guide SPD. In terms of visitor parking, the Highways Design Guide SPD recommends one per 4 dwellings. This amounts to 2.5 dedicated spaces, which could reasonably round to 3 spaces, which this proposal would fall slightly below, as just 2 visitor parking spaces are proposed on site. Nevertheless, are shown to be well positioned within the site. As such, planning officers and KC Highways Officers raise no objection to the visitor spaces proposed.

The proposal affects the approved residential parking layout of the former Newsome Taps, which had six parking spaces secured via condition. This included one to the front of the building. However, the front parking space (approved via 2017/90375) are now proposed to be occupied by a waste collection area. To address this loss, the current proposals have been amended to include a replacement parking space for the flats, to the rear. Therefore, the proposal retains the flats having six dedicated parking spaces. The provision of the now proposed parking spaces for the flats is recommended to be secured via condition.

In terms of waste, all dwellinghouses are shown to have adequate space for the storage of three waste bins in either their side or rear gardens, which is

welcomed. KC Waste Strategy raise no objections to this. In terms of presentation points, this is to be located on St. Johns Avenue towards the front of the converted former Newsome Taps. This is necessary, as K.C. Refuse services are not guaranteed to enter a private, unadopted road and it would be unreasonable and impractical for them to drag the units from the dwellings to collection on St John's Avenue. Whilst KC Waste Strategy have questioned the proposed presentation point to the front of the site and have requested boundary treatments be provided to reduce the visual impact of the bin presentation. Conversely, planning officers consider that providing boundary treatments around the presentation point would be more visually imposing and could result in fly tipping and improper management of such an area. It would promote the area as a permanent bin-store, as opposed to a temporary presentation point and may lead to future occupiers leaving their bins at the presentation point, rather than taking them back for safe storage at their property. Therefore, on balance, the use of the land in front of the former Newsome Taps for the temporary (weekly) presentation of up to 16 bin spaces (to serve both the flats and new dwellings) to the front of the site on St. Johns Avenue is considered to be acceptable. Furthermore, this arrangement has previously been deemed to be acceptable under approved application: 2020/90535, albeit for a nominally lower number of dwellings (8), and therefore this approach is consistent with the previous approval.

Given the restrictive nature of the site's access and the limitations of the site, officers recommended that a Construction Environmental Management Plan be secured via condition. This is to ensure the development does not cause harm to local highway safety and efficiency. This would be required pre-commencement, given the need to ensure appropriate measures from the start of works.

Whilst the site is below the threshold for the requirement of a Travel Plan, sustainable travel should still be promoted at the site and therefore a S106 contribution for a Sustainable Travel Fund (STF) is required. Financial contributions of £10,000, to provide the closest bus stop on this corridor 22060 with a Real Time Information display, and a contribution of £5,115 towards a Residential MetroCard Scheme are to be secured within a S106 agreement, to ensure compliance with policy LP21.

In summary, officers are satisfied that, subject to the proposed conditions and S106 agreement, the development would not cause harm to the safe and efficient operation of the Highway, in accordance with the aims and objectives of Policies LP21 and LP22 of the Kirklees Local Plan and the aims and objectives of Chapter 9 of the National Planning Policy Framework.

Air quality

The proposal is not within an identified Air Quality Management Area (AQMA) and is not of a scale expected to materially harm local air quality. As such, the proposal is not anticipated to cause material harm to local air quality which requires a financial contribution.

However, on-site mitigation is required, including the provision of EV charging for all dedicated parking, and dust mitigation during the construction phase, each of which may be secured via condition. Subject to the recommended conditions, officers are satisfied that the proposal would not harm local air quality, nor would new residents suffer from existing poor air quality, in accordance with policy LP51 of the Kirklees Local Plan.

Land Contamination

With regard to land quality, paragraphs 187, 196 and 197 of the National Planning Policy Framework and policy LP53 of the Kirklees Local Plan which seeks to ensure land quality is maintained as part of new development.

The proposed development is for the erection of 10 dwellings and is therefore classed as major development. Given the nature of the proposals the Council's Environmental Health team were consulted, they note that the site of the proposed development is also near to land that is potentially contaminated (Council's site ref: 42/15). As the development will entail groundworks, it will be necessary for conditions relating to contaminated land. This is considered to be sufficient to mitigate against contaminated land on this occasion, in compliance with policy LP53 of the Kirklees Local Plan.

Flooding/Drainage

The NPPF sets out the responsibilities of Local Planning Authorities determining planning applications, including securing appropriate drainage, flood risk assessments taking climate change into account, and the application of the sequential approach. Policies LP27 and LP28 of the Local Plan detail considerations for flood risk and drainage respectively.

First considering flood risk from fluvial sources, the site is wholly within Flood Zone 1 and is below 1ha in size. Therefore, neither a site-specific flood risk assessment nor sequential test is required.

In terms of the drainage hierarchy, two trial pits showed that soakaways were unworkable. KC LLFA have adopted a precautionary approach where soakaways are not viable for large portions of the site and rule them out as a method for disposing of surface water from the whole of the site. KC LLFA also object to the use of a surface water pumping stations; the use of energy to move water uphill is not sustainable and would introduce a flood risk into the area of which there is currently none present. Furthermore, the storage of surface water in the voids of highway substrata is not recommended, especially for a housing estate. This would be unadoptable by the statutory undertaker and would also cause the access road to be unadoptable by the highway authority. It has therefore been concluded that connection shall be made to the existing sewer for both foul and surface water connections.

For attenuation, the use of a box culvert has been proposed and accepted in principle. However, the LLFA advise that full technical details of the drainage infrastructure, and long-term maintenance, should be via condition. Likewise,

a condition for flood routing arrangements and mitigations has been recommended, a request officers consider reasonable.

Securing an appropriate body for the ongoing maintenance and management of the SUDs infrastructure is to be secured via a Section 106 agreement (i.e., those responsible for the ongoing management and maintenance (per the strategy to be required via condition)). Details of temporary surface water drainage arrangements during construction are proposed to be secured via a condition.

Considering the above, subject to the proposed conditions and securing the management and maintenance arrangements via the Section 106 agreement, the proposal is considered by Officers and the LLFA to comply with the aims and objectives of Policies LP28 and LP29 of the Kirklees Local Plan.

Ecology

Policy LP30 of the Kirklees Local Plan states that the council will seek to protect and enhance the biodiversity of Kirklees. Development proposals are therefore required to result in no significant loss or harm to biodiversity and to provide net biodiversity gains where opportunities exist.

The site was a former bowling green which has been left vacant. The pitch has been left to grow and is surrounded by hard standing. All buildings within the site have been cleared some time ago, with no notable trees within the site (trees on the boundary are predominantly on neighbouring land). In light of this, officers and K.C. Ecology are satisfied that the site has limited ecological potential, and up-front surveys are not necessary, and the proposed development would not cause direct harm to local species. Nevertheless, it is considered reasonable to include a condition, should planning permission be granted, for the submission of a Biodiversity Construction Environmental Management Plan, to ensure that the site is developed sensitively, with any local species are protected during construction works.

Notwithstanding this, the development proposals would result in the loss of a significant amount of scrub habitat which is a valuable foraging source for a variety of faunal groups, thus expected to result in a net loss in biodiversity for the development. This application pre-dates the mandatory 10% Biodiversity Net Gain imposed by the Environment Act 2021. Nevertheless, policy LP33 of the Kirklees Local Plan requires that a development secures Biodiversity Net Gain. Therefore, a condition is to be imposed requiring the submission of an Ecological Design Strategy to ensure the ecological value of the site is maximised through the development process.

Subject to this, the proposal is considered to comply with the aims and objectives of LP30 of the Kirklees Local Plan.

Crime Mitigation

The West Yorkshire Police Liaison Officer has made a number of comments and recommendations, particularly with regards to home security, rear access security and boundary treatments. All of the comments are advisory and have been referred to the applicant.

It is therefore considered that the site can be satisfactorily developed whilst minimising the risk of crime through enhanced security and well-designed security features in accordance with Local Plan Policy LP24(e).

Minerals

The site is within a wider mineral safeguarding area relating to shallow coal with sandstone and/or clay and shale. Local Plan Policy LP38 therefore applies.

This states that surface development at the application site would only be permitted where it has been demonstrated that certain criteria apply. Criterion c of Policy LP38 is relevant, and allows for approval of the proposed development, as there is an overriding need (in this case, housing need, having regard to Local Plan delivery targets) for it, weighed against the limited prospect of viable or appropriate extraction on a site of this size, with neighbouring dwellings so close.

Permitted Development

The above assessment has been made on the application as submitted. When completed, dwellings would benefit from permitted development rights for enlargement and/or modification. Notwithstanding the above assessment, further development of this site may cause harmful overdevelopment which causes material harm to visual amenity, residential amenity (both future occupiers and adjacent properties) and highways.

Accordingly, Officers propose to remove permitted development rights for alterations, extensions and outbuildings. Permitted development rights are also to be removed for new side facing windows, likewise on amenity grounds.

Conclusion

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.

The proposal seeks residential development of a currently vacant brownfield site within an otherwise built-up urban environment, at a time when the Council lacks a five-year housing land supply. The scheme exceeds the recommended density requirement and therefore is considered to comply with the expectations of the Local Plan. Accordingly, the principle of development is concluded to be acceptable.

The design and appearance of the proposed development is considered to be acceptable, with no undue harm to the amenity of neighbouring residents or future occupiers. The proposed access and highway impacts have been assessed to be acceptable. Other planning issues, such as drainage and ecology have been addressed through the proposal and found to be acceptable.

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval, subject to conditions and planning obligations to be secured via a Section 106 agreement.

Recommendation: Approve.

Report Dated: 20/07/2025

Decision Authorisation – Delegated Powers
Application Number: 2022/90397
Officer Recommendation: Approve.

Conditions and Reasons:

1. The development hereby permitted shall be begun within three years of the date of this permission.
   Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.
   Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP3, LP7, LP11, LP20, LP21, LP22, LP24, LP26, LP27, LP28, LP30, LP31, LP32, LP33, LP35, LP38, LP47, LP49, LP51, LP52, LP53 and LP63 of the Kirklees Local Plan and Chapters 2, 4, 5, 8, 9, 11, 12, 14, 15 and 16 of the National Planning Policy Framework.

3. Groundworks shall not commence until actual or potential land contamination at the site has been investigated and a Preliminary Risk Assessment (Phase 1 Desk Study Report) by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority.
   Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 196 and 197 of the National Planning Policy Framework.

4. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition 3, groundworks (other than those required for a site investigation report) shall not commence until a Phase II Intrusive Site Investigation Report by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority.
   Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 196 and 197 of the National Planning Policy Framework.

5. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 4, further groundworks shall not commence until a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy shall

include a timetable for the implementation and completion of the approved remediation measures.
Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 196 and 197 of the National Planning Policy Framework.

6. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 5. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report is identified or encountered on site, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the Local Planning Authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.
Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 196 and 197 of the National Planning Policy Framework.

7. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Validation Report by a suitably competent person shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as the remediation measures have been completed for the site in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Validation Report in respect of those remediation measures has been approved in writing by the Local Planning Authority. Where validation has been submitted and approved in stages for different areas of the whole site, a Final Validation Summary Report shall be submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 196 and 197 of the National Planning Policy Framework.

8. Before construction work commences a report specifying the measures to be taken to protect the development from noise from all significant noise sources that are likely to affect the proposed development (including noise from licensed premises, commercial premises, and external plant) shall be submitted to and approved in writing by the Local Planning Authority. The report shall:

A) Determine the existing noise climate
B) Predict the noise climate in gardens (daytime), bedrooms (night-time) and other habitable rooms of the development
C) Detail the proposed attenuation/design necessary to protect the amenity of the occupants of the new residences (including ventilation if required).

The development shall not be occupied until all works specified in the approved report have been carried out in full and such works shall be thereafter retained.
Reason: To protect the amenity of occupiers of the proposed development from noise or disturbance from nearby noise generating premises to accord with the aims of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

9. No development shall take place, until a Construction Environmental Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The Construction Management Plan shall provide details of:

a) timetable of all works
b) vehicle sizes and routes, times of vehicle movements, identify the location of any HGV waiting areas and include details of the management of said areas
c) point of access for construction traffic
d) the parking of vehicles of site operatives and visitors
e) details and location of signage
f) loading and unloading of plant and materials
g) storage of plant and materials used in constructing the development
h) measures to be taken to minimise the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site, including the provision of adequate wheel washing facilities within the site
i) measures to control and monitor the emission of dust and dirt during construction
j) a Site Waste Management Plan, detailing recycling/disposing of waste resulting from demolition and construction works
k) mitigation of noise and vibration arising from all construction related activities to (these details should also include suitable restrictions on the hours of working on the site including times of deliveries)
l) artificial lighting used in connection with all construction related activities and security of the construction site
m) site manager and resident liaison officer contact details (including their remit and responsibilities); and
n) details of engagement with local residents and occupants or their representatives.

The development shall be carried out strictly in accordance with the approved CEMP and no change there from shall take place without the prior written consent of the Local Planning Authority.
Reason: In the interests of highway safety and to safeguard the amenities of the occupiers of nearby properties in accordance with Chapters 9 and 15 of the National Planning Policy Framework and Policies LP21 and LP52 of the Kirklees Local Plan.

10. Before the electrical system is installed a scheme detailing the dedicated facilities that will be provided for charging electric vehicle and other ultra-low emission vehicles shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall meet at least the following minimum standard for numbers and power output:

    - A Standard Electric Vehicle Charging point providing a continuous supply of at least 16A (3.5kW) for each residential unit that has a dedicated parking space
    - One standard Electric Vehicle Charging Point providing a continuous supply of at least 16A (3.5kW) for at least 10% of residential parking spaces that are not allocated to specific dwellings

    Buildings and parking spaces that are to be provided with charging points shall not be brought into use until the charging points are installed and operational. Charging points installed shall be retained thereafter.
    Reason: In the interest of supporting and encouraging low emission vehicles, in the interest of air quality enhancement, to comply with the aims and objectives of Policies LP20, LP24 and LP47 of the Kirklees Local Plan and Chapters 2, 9, and 15 of the National Planning Policy Framework.

11. The external materials used in the construction of the dwellings hereby approved shall consist of natural regular coursed stone, cement render (painted in RAL 9010), and grey Marley Modern interlocking concrete roof tiles. No development shall take place until samples of the proposed walling stone, and roofing materials have been provided to the Council and approved in writing by the Local Planning Authority. Once installed the materials shall be retained thereafter.
    Reason: To ensure the satisfactory appearance of the development on completion, and to accord with Policy LP24 of the Kirklees Local Plan, and Chapter 12 of the National Planning Policy Framework.

12. Development shall not commence until a scheme restricting the rate of surface water discharge from the site to a maximum of 3.5 *Litres per second* has been submitted and approved in writing by the Local Planning Authority. The drainage scheme shall be designed to

attenuate flows generated by the critical 1 in 30-year storm event as a minimum requirement. Volumes generated by storms in excess of the 1 in 30-year critical storm, up to and including the critical 1 in 100 year event, with a 30% allowance for climate change shall be stored on site in areas to be approved in writing by the Local Planning Authority. The scheme shall include a detailed maintenance and management regime or the storage facility including flow restriction. There shall be no piped discharge of surface water from the development and no part of the development shall be brought into use until the flow restriction and attenuation works comprising the approved scheme have been completed and retained thereafter.

Reason: To reduce the risk of flooding to the proposed development and existing and future occupants, in accordance with Policy LP27 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework. This pre-commencement condition is necessary to ensure drainage measures are devised and agreed at an appropriate stage of the development process.

13. The development shall not commence until an assessment of the effects of 1 in 100-year storm events, with an additional allowance for climate change, blockage scenarios and exceedance events, on drainage infrastructure and surface water run-off pre and post development between the development and the surrounding area, in both directions, has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be brought into use (dwellings shall not be occupied) until the works comprising the approved scheme have been completed and retained thereafter.

    Reason: To reduce the risk of flooding to the proposed development and existing and future occupants, in accordance with Policy LP27 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework. This pre-commencement condition is necessary to ensure drainage measures are devised and agreed at an appropriate stage of the development process.

14. Development shall not commence until a scheme, detailing temporary surface water drainage for the construction phase (after soil and vegetation strip) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall detail:

    - Phasing of the development and phasing of temporary drainage provision.
    - Include methods of preventing silt, debris and contaminants entering existing drainage systems and watercourses and how flooding of adjacent land is prevented.

    The temporary works shall be implemented in accordance with the approved scheme and phasing. No phase of the development shall be commenced until the temporary works approved for that phase have

been completed. The approved temporary drainage scheme shall be retained until all the approved permanent surface water drainage system is in place and functioning in accordance with written notification to the Local Planning Authority.
Reason: In the interests of ensuring an appropriate surface water system and mitigation of flood risk, in accordance with Policies LP27 and LP28 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework. This pre-commencement condition is necessary to ensure that appropriate mitigation measures are in place prior to works taking place that could lead to drainage issues.

15. Prior to the occupation of the hereby approved dwellings, details of secure and covered cycle storage for the dwellings hereby approved shall be submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the approved cycle parking facilities for that dwelling have been provided. The cycle storage facilities shall thereafter be retained.
Reason: To encourage travel by means other than the private car in accordance with Policy LP21 of the Kirklees Local Plan

16. Prior to the occupation of the hereby approved dwellings, the vehicle parking areas as shown within the submitted plans shall be surfaced and drained in accordance with the Communities and Local Government; and Environment Agencies 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13/05/2009 (ISBN 9781409804864) as amended or superseded. The vehicle parking areas shall thereafter be retained and available for use as vehicle parking.
Reason: In the interests of highway safety and to achieve a satisfactory layout. Policies LP21 and LP22 of the Kirklees Local Plan, the Council's Highways Design Guide and the policies contained within Chapter 9 of the National Planning Policy Framework.

17. Prior to works commencing on the superstructure, a landscaping and management and maintenance plan (LMM) for the external areas including garden and shared landscaped areas etc shall be submitted to, and approved in writing by, the Local Planning Authority. This should include:

    a) The landscape plan including all hard and soft details together with planting plan & specification. Soft landscape works o include planting plans; plant schedules noting species, plant sizes and proposed numbers/densities where appropriate.
    b) An implementation, management and maintenance programme including full details for management of newly establishing trees including, but not limited to, a watering regime, monitoring of stakes and ties, formative pruning, replacement of failed or damaged trees.

c) Details of initial aftercare and long-term maintenance for minimum of 5 years and seasonal maintenance operations. This should also include any SuDS features, existing trees and vegetation retained on site.
d) Details of monitoring and remedial measures, including replacement of any planting of trees, shrubs, hedgerows or other native planting that fails or becomes diseased within the first five years from completion.
e) The approved landscaping scheme shall, from its completion, be maintained for a period of five years. If, within this 5 year period, any tree, shrub or hedge shall die, become diseased or be removed, it shall be replaced with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

The works shall thereafter be carried out in accordance with the management and maintenance plan and shall thereafter be so retained.
Reason: In the interests of visual and residential amenity, to ensure that there is a well laid out scheme of hard and soft landscaping, to comply with the aims and objectives of Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework. This pre-commencement condition is necessary to ensure all details relevant to landscape matters are agreed at an appropriate stage of the planning process.

18. Notwithstanding the submitted plans, prior to the occupation of the hereby approved dwellings, a scheme detailing the boundary treatment of the site shall be submitted to and approved in writing by the Local Planning Authority. This shall include section drawings of the proposed boundary treatment in relation to adjacent neighbouring residential properties, and details of the site access gate. The approved dwellings shall not be brought into use until the works comprising the approved boundary scheme have been completed. The approved boundary treatment shall thereafter be retained.
Reason: In the interests of visual and residential amenity, and highway safety, to comply with Policies LP21 and LP24 and Chapters 9 and 12 of the National Planning Policy Framework.

19. Notwithstanding the submitted plans, prior to the occupation of the hereby approved dwellings, a scheme detailing the appearance, of the ‘bin store for flats 12 no’, as shown on drawing no. (100)01 Rev I, shall be submitted to, and approved in writing by the Local Planning Authority. This shall include, but not necessarily be limited to, the height, roof form and materials of construction. Thereafter the bin store shall be erected in accordance with the approved details, prior to the occupation of the hereby approved dwellings, and shall thereafter be retained.

Reason: In the interests of visual and residential amenity, and highway safety, to comply with Policies LP21 and LP24 of the Kirklees Local Plan and Chapters 9 and 12 of the National Planning Policy Framework.

20. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking or re-enacting that Order) no development included within Classes A, B or E of Part 1 of Schedule 2 to that Order shall be carried out for any of the hereby approved dwellings without the prior written consent of the Local Planning Authority.
Reason: In the interest of visual amenity and residential amenity, to comply with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

21. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) no doors, windows or any other openings (apart from expressly allowed by this permission) shall be created in any elevations of the dwellings hereby approved.
Reason: So as not to detract from the amenities of adjoining neighbouring properties by reason of loss of privacy, to accord with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

22. The 6 parking spaces for apartments 1-6 no. 5 St. Johns Avenue, as shown on drawing no. (100)01 Rev I, shall be provided prior to the occupation of the dwellings hereby approved (plots 1-10), and shall be retained thereafter.
Reason: To ensure that sufficient parking is provided for adjacent residents, in the interests of highway safety and to accord with Local Plan Policy LP22 of the Kirklees Local Plan and Chapter 9 of the National Planning Policy Framework.

23. Prior to development, an Ecological Design Strategy (EDS) that details how the development is to achieve a 10% Biodiversity Net Gain utilising the most up to date DEFRA Metric shall be submitted to, and agreed in writing by, the Local Planning Authority. The EDS shall include the following:

    - Purpose and conservation objectives for the proposed works;
    - Review of site potential and constraints;
    - Detailed design(s) and/or working method(s) to achieve stated objectives;
    - Extent and location/area of proposed works on appropriate scale maps and plans;
    - Details on the establishment of wildflower meadows and introduced shrub planting on the site;

- Type and source of materials to be used where appropriate, e.g. native species of local provenance;
- Timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- Persons responsible for implementing the works;
- Details of initial aftercare and long-term maintenance;
- Details for monitoring and (where the results from monitoring show that conservation aims and objectives of the EDS are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers a measurable biodiversity net gain; and
- Details for disposal of any wastes arising from works. The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter

Thereafter the development shall be undertaken in accordance with the approved EDS, including adhering to the approved aftercare and long-term maintenance arrangements.
Reason: In order to ensure the development provides ecological enhancement and creation measures sufficient to provide a biodiversity net gain in accordance with Policy LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework. This pre-commencement condition is necessary to ensure details relating to the required biodiversity net gain are devised and agreed at an appropriate stage of the development process.

24. The construction of any new estate streets shall not commence until an Estate Street Phasing and Completion Plan has been submitted to and approved in writing by the local planning authority. The Estate Street Phasing and Completion Plan shall set out the development phases and the works that are to be completed for each phase of the development. No dwelling [Unit] within each relevant phase shall be occupied until the estate street(s) that provide access to those dwelling(s) [Units] has been completed in accordance with the Estate Street Phasing and Completion Plan.
Reason: To ensure that the estate streets serving the development are completed to an acceptable standard and are available for use by the occupants and other users of the development, in the interest of highway safety and to accord with LP21 of the Kirklees Local Plan and Chapter 9 of the National Planning Policy Framework.

25. Before the development commences a scheme detailing the location and cross-sectional information together with the proposed design and construction details for all new retaining walls/building retaining walls adjacent to the proposed adoptable highway shall be submitted to and approved by the Local Planning Authority in writing. The approved scheme shall be implemented prior to the commencement of the

proposed development and thereafter retained during the life of the development.

Reason: To ensure that any retaining structures do not compromise the stability of the highway in the interests of highway safety and to accord with Policy LP21 of the Kirklees Local Plan. This pre-commencement condition is necessary to ensure that details of highway retaining structures are agreed at an appropriate stage of the development process.

26. Before the development commences a scheme detailing the location and cross-sectional information together with the proposed design and construction details for all new surface water attenuation tanks/pipes/manholes located within the proposed highway footprint or influence zone of highway loading shall be submitted to and approved by the Local Planning Authority in writing. the approved scheme shall be implemented prior to the commencement of the proposed development and thereafter retained during the life of the development.

    Reason: To ensure that any new surface water attenuation tanks/pipes/manholes do not compromise the stability of the highway in the interests of highway safety and to accord with Policy LP21 of the Kirklees Local Plan. This pre-commencement condition is necessary to ensure that details of surface water attenuation tanks/pipes/manholes are agreed at an appropriate stage of the development process.

27. Before any above ground works commence, details of finished floor levels and ground levels shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter, the development shall be completed in accordance with the approved levels details, which shall thereafter be retained.

    Reason: This pre-commencement condition is necessary to ensure that acceptable final ground and floor levels are agreed at an appropriate stage in the development process, in the interest of residential amenity and to comply with Policy LP24 of the Kirklees Local Plan.

28. No development shall take place until a Biodiversity Construction Environmental Management Plan (CEMP:Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following:

    a) Risk assessment of potentially damaging construction activities;
    b) Identification of “biodiversity protection zones”, if appropriate;
    c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
    d) The location and timing of sensitive works to avoid harm to the biodiversity features;

e) The times during construction when specialist ecologists need to be present on site to oversee works;
f) Responsible persons and lines of communication;
g) the role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
h) use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details for that phase.
Reason: To ensure avoidance of impacts to protected and priority species in order to prevent significant ecological harm in accordance with Policy LP30 of the Kirklees Local Plan. This is a pre-commencement condition to ensure appropriate measures are designed and agreed prior to any potentially damaging operations associated to the construction phase.

NOTE: The applicant is advised that it is their responsibility to inform the potential purchasers of the properties served by any unadopted streets that the streets will remain unadopted and provide details of the ongoing management and maintenance requirements and their obligations. The potential purchasers must also be advised by the developer of the potential implications of the streets remaining private, which are described in DfT Advice Note 'Highway Adoption' at Annex C 'A Guide for Home Buyers': Highways Adoption (publishing.service.gov.uk)

The applicant is advised to consult with the Local Highway Authority guidance document on 'Private Streets and the Advance Payments Code': Highways guidance note: Private Streets and the Advance Payments Code (kirklees.gov.uk)

NOTE: Noisy construction related activities should not take place outside the hours of:

- 07.30 to 18.30 hours Mondays to Fridays
- 08.00 to 13.00 hours, Saturdays
- With no noisy activities on Sundays or Public Holidays

Institute of Air Quality Management document *"Guidance on the assessment of dust from demolition and construction"* Version 1.1 2014 provides detailed information regarding dust control.

Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists or is likely to occur or recur. Failure to comply with a notice

served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

NOTE: The responsibility of securing a safe development rests with the developer and landowner.

NOTE: Please note that the granting of planning permission does not override any private rights of ownership, and it is your responsibility to ensure that you have the legal right to carry out the approved works, as construction and maintenance may involve access to land outside your ownership.

NOTE: Electric Vehicle Charging Points

- The electrical supply of the final installation should allow the charging equipment to operate at full rated capacity and the installation must comply with all applicable electrical requirements in force at the time of installation.
- The conditions relate to Planning Control only. Approval under the Building Regulations may also be required, and the applicant should contact their Building Control Provider for further information in relation to Approved Document S.

NOTE: The granting of planning permission does not authorise the carrying out of works within the highway and any works will need to be constructed under the correct section (s278) of the 1980 Highways Act. You are required to consult the Design Engineer (Kirklees Street Scene: 01484 221000) with regard to obtaining this permission and approval of the construction specification. Interference with the highway without such permission is an offence which could lead to prosecution.

NOTE: All noise assessments should be carried out by a competent person. Developers may wish to contact the Association of Noise Consultants http://www.association-of-noise-consultants.co.uk/ (020 8253 4518) or the Institute of Acoustics http://www.ioa.org.uk (0300 999 9675) for a list of members.

NOTE: All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework 2019. Reports must be prepared in accordance with the following guidance:

- *Land Contamination Risk Management (LCRM)*
- BS 10175:2011+ A2:2017 *Investigation of Potentially Contaminated Sites. Code of Practice*
- *Development on Land Affected by Contamination - Technical Guidance for Developers, Landowners & Consultants - (v11.2) June 2020* by the Yorkshire and Lincolnshire Pollution Advisory Group

NOTE: All Great Crested Newts and their habitat, are fully protected under the EC Habitats Directive, transposed into UK legislation by the Wildlife and

Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2017 (as amended). It is an offence to A) Kill, injure or take a Great Crested Newt. B) Destroy a place where they live or breed. C) Damage one of the above places. D) Disturb a Great Crested Newt. It is recommended that works proceed with caution and that works are stopped and Natural England contacted immediately should any Great Crested Newts or evidence of Great Crested Newts be found at site. All contractors on site should be made aware of this requirement.

NOTE: All new storm water attenuation tanks/pipes/culverts with internal diameter/ spans exceeding 0.9m must be located off the adoptable highway. Any decision to locate these facilities within the adoptable highway footprint must be accompanied with a full risk evaluation report with particular reference to their proposed inspection, structural assessment and maintenance regime in compliance with the CDM Regulations 2015 requirements.

NOTE: The adopting authority (i.e. Yorkshire Water) will also be required to produce and submit a legally binding agreement to the Highway Authority explicitly stating that they will be fulfilling their obligations in relation to the systematic and cyclical inspection and structural assessment of any attenuation structure located within the highway footprint, in full compliance with CS450- Inspection of Highway structures**.**

NOTE: All new precast pipes/ culverts/storage tanks proposed for use within the footprint of an adoptable highway must comply with the Specification for Highway Works (SHW-Series 500 or 2500) and must be accredited with a BBA (The British Board of Agrément Roads and Bridges) or HAPAS (Highway Authority Product Approval Scheme) or equivalent certificate**.**

NOTE: Section 38 Requirements - STRUCTURES

As this site intends to use box culverts of a design size that is greater than 1500mm, this could have implications for road adoption.

Plans and specifications schedule:

Plan Type	**Reference**	**Web ID**	**Date Received**
Location Plan	LOC	A	14/02/2023
Site Plan and Layout W/Context	(100)P01	I	13/03/2025
Proposed Plans (A) for Plots 3, 4, 5, 8, 9, 10	(100)03	C	13/03/2025
Proposed Plans (B) for Plots 1, 2, 6, 7	(100)04	C	13/03/2025

Proposed Plans & Elevations for Detached Garage	(100)05	-	30/11/2022
Proposed Foul and Surface Water Drainage Strategy	P3932-01	F	09/09/2024
Standard Drainage Details	P3932-02	A	31/07/2023
Soakaway Testing Locations	P3932-04	Ø	31/07/2023
Proposed Impermeable Areas	P3932-06	A	16/05/2024
Flood Exceedance drawing	P3932-06	A	09/09/2024
Proposed External Levels	P3932-07	Ø	09/09/2024
Proposed Longitudinal Sections	P3932-08	Ø	09/09/2024
Typical Access Opening Split Between Adjacent Units.	SK10	0	09/09/2024
Box Culvers Installation Guide – Supporting Information	-	-	09/09/2024
Box Culverts & Portal Frames Drainage & Water Management – Supporting Information	-	V2.4	09/09/2024
Culvert Size Sheet – Supporting Information	-	-	09/09/2024
Avie Consulting Ltd Storm Sewer Design Sheet – Supporting Information	-	-	16/05/2024
Avie Consulting Ltd Issue Sheets (Sheet No:1) – Supporting Information	P3932	-	09/09/2024
Soakaway Testing – Supporting Information	P3932-RP02	P00	31/07/2023
Sustainable Drainage	P3932-RP02	P04	09/09/2024

Operation and Maintenance Manual – Supporting Information			
Design & Access Statement – Supporting Information	2749	-	19/04/2022
Planning Statement – Supporting Information	2749	-	07/02/2022
Stage 1 Road Safety Audit – Supporting Information	001	01	21/04/2023

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Authority have, where possible, made a preapplication advice service available, complied with the Kirklees Development Management Charter 2024 and otherwise actively engaged with the applicant in dealing with the application.

Several amendments have been undertaken during the process of this application, specifically relating to layout, design, highways/access, waste and drainage. Based on the final design, Officers original concerns have been overcome.