

**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:	2024/62/90839/W
Site Address:	Rose And Crown Inn, 132, Knowl Road, Golcar, Huddersfield, HD7 4AN
Description:	Erection of 7 dwellings and associated infrastructure following partial demolition of existing public house (within a Conservation Area)
Recommending Officer:	John Holmes

DECISION – Full Conditional Permission

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.

Kirsty Nicholls

AUTHORISED OFFICER

Date: 24-SEP-2024

SITE

The application relates to the Rose and Crown Inn, 132 Knowl Road, Golcar, a two-storey detached building, constructed from stone and faced in render, located to the south west of the site. To the north east is the car park associated with the Public House. Boundary treatment consists of stone walling and timber fencing.

The site is situated within Golcar Conservation Area and is surrounded by residential properties to the south, west and east. Golcar Conservative Club is situated to the south east, with Golcar Liberal Club (including Bowling Green) to the north. Furthermore, the land adjacent to the Bowling Green and directly to the north of this site, is designated as a Small Open Space on the Kirklees Local Plan. A Public Footpath COL/51/20 runs adjacent to the eastern boundary of the site.

PROPOSAL

The application is submitted seeking full permission for the erection of 7 dwellings and associated infrastructure following partial demolition of existing public house (within a Conservation Area)

The application also seeks the partial demolition of the public house which constitutes relevant demolition within a Conservation Area.

The site plan proposes 7 dwellings in the formation of 4 x semi-detached and 3 x detached properties. Garages would be provided for the three detached dwellings. A new access would be formed onto Church Street and this would only serve the development under consideration.

RELEVANT PLANNING HISTORY (including enforcement history):

At the application site:

2022/90469 – Outline application for residential development for 7 dwellings – Approved 16th May 2023

This permission is extant, with the scale, appearance and landscaping of the site being the reserved matters. This is a material consideration which is taken into account in the assessment of this application.

2018/93675 Work to trees in CA - Granted

94/91413 Alterations to form new entrance – Granted

94/91411 Erection of illuminated signage to public house – Granted

Pre application advice

2020/20092 Pre application for residential development – Advice provided.

Neighbouring sites

2022/93289 Work to trees within a conservation area – Granted (94 Knowl Road)

2020/90672 Erection of extension to porch roof, replace existing flat roofs with pitched roofs (within a Conservation Area – Granted (4 Church Street)

2019/92743 Erection of first floor side extension and raise roof height – Granted (22 Scape View)

2014/90168 Prior notification for installation of telecommunications equipment (within a Conservation Area) – Granted (Golcar Conservation Club)

2012/90606 Erection of two storey and first floor extension to front – Granted (12 Scape View)

HISTORY OF NEGOTIATIONS (including revisions to the scheme)

Concerns were raised with the agent following the receipt of the initial responses of the Council's Conservation Team and the response of the Council's Ecologist. Amendments to plots 3 and 4 were also submitted to address the fact as initially proposed there was a significant shortfall in relation to the floorspace provision and occupancy level of the properties. Following submission / receipt of further information and amended plans the concerns raised by the aforementioned consultees were addressed.

PLANNING POLICY:

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).

Kirklees Local Plan (2019):

The site is situated within Golcar Conservation Area on the Kirklees Local Plan.

The following policies are most relevant to the consideration of this application:

- LP 1 – Presumption in favour of sustainable development
- LP 2 – Place shaping
- LP 3 – Location of new development

- LP 4 – Providing Infrastructure
- LP 7 – Efficient and effective use of land and buildings
- LP 11 – Housing mix and affordable housing
- LP 20 – Sustainable travel
- LP 21 – Highways and access
- LP 22 – Parking
- LP 24 – Design
- LP 26 – Renewable and low carbon energy
- LP 27 – Flood risk
- LP 28 – Drainage
- LP 30 – Biodiversity and geodiversity
- LP 32 – Landscape
- LP 33 – Trees
- LP 34 – Conserving and enhancing the water environment
- LP 35 - Historic environment
- LP 43 – Waste Management Hierarchy
- LP 48 – Community facilities and services
- LP 51 – Protection and improvement of local air quality
- LP 52 – Protection and improvement of environmental quality
- LP 53 – Contaminated and unstable land

National Planning Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published December 2023, the Planning Practice Guidance Suite (PPGS) first launched 6th March 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.

- 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, Coastal Change and Flooding
- Chapter 15 – Conserving and Enhancing the Natural Environment
- Chapter 16 – Conserving and Enhancing the Historic environment

Supplementary Planning Guidance / Documents:

- Kirklees Housebuilders Design Guide (2021)

- Kirklees Waste Management Design Guide for New Developments (2020)
- Kirklees Highways Design Guide (2019)
- Biodiversity Net Gain in Kirklees Technical Advice Note (2021)
- Kirklees Climate Change Guidance for Planning Applications (2021)
- West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance (2016)

Other:

Golcar Conservation Area Appraisal

Climate change

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 will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

PUBLIC/LOCAL RESPONSE:

The application has been advertised via site notice, neighbour notification letters and the press. As a result of the above publicity, 11 representations have been received, 6 in objection, 3 general comments and 2 in support. A summary of the responses are as follows:

Objections

Visual amenity and heritage:

- Visual Impact as a result of plots 6 and 7 and their location / siting
- Impact upon the Conservation Area
- The retention of the pub was a requirement but appears it would not be retained from review of the plans

Residential amenity:

- Plots 6 and 7 would lead to loss of outlook and impact upon privacy, daylight and sunlight serving neighbouring dwellings.
- Overlooking of private amenity spaces as a result of the proposal

Highway safety and access:

- Concerns relating to access to shared driveway / impact of the access upon neighbouring access points
- Where will the bus stop be re sited to
- Where will the BT junction box be re sited to

General concerns:

- The site is not currently vacant and is being used for scrap storage / dispersal and is currently an eyesore.
- Will the developer be considerate during the construction phase

Letters of comment

- Pleased to note that the northern boundary will remain
- May be encroachment by the development onto land owned by the Conservative Club
- Any approval would need to be subject to condition requiring a wall to be constructed on land owned by the developer to screen the site from neighbouring land uses
- Visibility splays should not be impacted upon by the proposal.
- Would vegetation be tall enough as to block light
- Not clear where the bus stop will be moved to
- Width of the road not clear on the submitted plans
- In support of removal of the current use and residential development of the land.

Letters of support

- No objection and hope development commences promptly to tidy up the site / land

CONSULTATION RESPONSES:

The following consultations were undertaken for this application:

KC Highways: No objection, subject to conditions

KC Environmental Health: No objection, subject to conditions

KC Highways Structures: No objection, subject to two conditions.

KC Conservation and Design: No objection, subject to conditions

KC Ecology: No objection, subject to conditions

KC Trees: No objection

KC Waste Strategy: No objection

KC Lead Local Flood Authority: No objection, subject to conditions

Yorkshire Water: No objection, subject to conditions / informative note

West Yorkshire Police Designing Out Crime Officer: No objection, subject to condition

The content of the responses is discussed in greater detail in the 'Assessment' section of this report.

DETERMINING ISSUES

- Principle of development
- Visual amenity and heritage
- Residential amenity
- Highway safety
- Ecological impacts
- Drainage issues
- Other matters
- Representations
- Conclusion

ASSESSMENT

Principle of development

NPPF Paragraph 11 and Policy LP1 of the Kirklees Local Plan (KLP) outline a presumption in favour of sustainable development. Paragraph 8 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation.

The dimensions of sustainable development will be considered throughout the proposal. Paragraph 11 concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be explored. The site is not displayed as allocated on the KLP Policies Map. Policy LP2 of the Kirklees Local Plan states that:

“All development proposals should seek to build on the strengths, opportunities and help address challenges identified in the local plan, in order to protect and enhance the qualities which contribute to the character of these places, as set out in the four sub-area statement boxes below...”

The site is within the Kirklees Rural Sub Area.

The Local Plan identifies a minimum housing requirement of 31,140 homes between 2013 and 2031 to meet identified needs. This equates to 1,730 homes per annum. National planning policy requires local planning authorities to demonstrate five years supply of deliverable housing sites against their housing requirement. The latest published five year housing land supply position for Kirklees, as set out in the Authority Monitoring Report (AMR), is 5.17 years. This includes consideration of sites with full planning permission as well as sites with outline permission or allocated in the Local Plan where there is clear evidence to justify their inclusion in the supply.

The Housing Delivery Test results are directly linked to part of the five year housing land supply calculation. The 2022 Housing Delivery Test results have yet to be published and the government is currently consulting on changes to the approach to calculating housing land supply. Once there is further clarity on the approach to be taken, the council will seek to publish a revised five year supply position. Chapter 5 of the NPPF clearly identifies that Local Authority's should seek to boost significantly the supply of housing. Housing applications should be considered in the context of the presumption in favour of sustainable development.

Policy LP11 of the Kirklees Local Plan requires that *“all proposals for housing, including those affecting the existing housing stock, will be of high quality and design and contribute to creating mixed and balanced communities in line with the latest evidence of housing need”*.

In respect of the density of development, Policy LP7 of the Kirklees Local Plan and Principle 4 of the Housebuilders Design Guide SPD establish a desired target density of thirty-five dwellings per hectare. In this case, the site area is 0.28 hectares, meaning that at the appropriate density, it should provide 10 dwellings. However, given the multitude of constraints affecting the site, including its location within Golcar Conservation Area, the access point required to achieve acceptable visibility splays, and the layout required to allow for a refuse vehicle to enter and turn, has resulted in a modest proposal for 7 dwellings.

Weight is afforded to the fact there is an extant permission to develop the site in a similar manner to that for which permission is being sought. Therefore, given the mix, layout and form of the units proposed, Officers consider the principle of the development to be acceptable in this case.

LP48: Community facilities and services

In light of the above, to permit the development would result in the existing Public House being lost. Policy LP48 of the Kirklees Local Plan states that:

“Proposals which involve the loss of valued community facilities such as shops, public houses and other facilities of value to the local community will only be permitted where it can be demonstrated that:

- a. there is no longer a need for the facility and all options including the scope for alternative community uses have been considered; or

- a. its current use is no longer viable; or
- b. there is adequate alternative provision in the locality to serve the local community which is in an equally accessible location; or
- c. an alternative facility of equivalent or better standard will be provided, either on-site or equally accessible; and
- d. any assets listed on a Community Asset Register have satisfied the requirements under the relevant legislation”.

In the consideration of the extant application, in order to address LP48, an updated Design and Access statement was submitted and which outlined that *“due to the pandemic in 2020 the pub had to permanently close as the business was no longer viable enough to re-open once restrictions were lifted and the pub was sold to the applicant. The pub has been empty now for three years, the economic down turn and the cost of living has further impacted the site and with other pubs and eateries close by creating great competition for trade, this has made the industry difficult to compete within. Golcar has including the Rose and Crown pub 4 public houses within the village itself, plus the conservative club, the liberal club and other restaurants within the close proximity to the site...The loss of this redundant Public House, would not be detrimental to the Community facilities & services of the village in line with policy LP48 & paragraphs (b) and (c) have been fully satisfied and justified through this document”.*

The above information is considered relevant to the consideration of this application. Furthermore there are (to the Council’s knowledge) two public houses that are open and trading which serve the local community in an easily accessible location. Therefore, for this reason, Officers consider the development to accord with Policy LP48c of the Kirklees Local Plan.

Visual amenity and heritage

When making a recommendation in respect of a planning application affecting a Listed Building or its setting and Conservation Areas attention must be given to Sections 66(1) and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires the Local Planning Authority to ‘have special regard to the desirability of preserving the building or its setting or any features of a special architectural or historic interest which it possesses’ and the desirability of preserving or enhancing the character of appearance of Conservation Areas respectively.

Policy LP35 of the Kirklees Local Plan requires that proposals should retain those elements of the historic environment which contribute to the distinct identity of the Kirklees area and ensure they are appropriately conserved, to the extent warranted by their significance, also having regard to the wider benefits of development. Consideration should be given to the need to ensure that proposals maintain and reinforce local distinctiveness and conserve the significance of designated and non-designated heritage assets. This is supported by paragraph 202 of the NPPF.

Chapter 16 of the NPPF requires that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Further to the above, the NPPF offers guidance relating to design in Chapter 12 (achieving well designed places) whereby a principal consideration concerning design states:

“The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”

Kirklees Local Plan Policies LP1, LP2 and significantly LP24 all also seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, thus retaining a sense of local identity.

Policy LP24 of the KLP states that proposals should promote good design by ensuring: *“a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape...”*

The Rose and Crown Inn is in a prominent location within the village of Golcar. The building is two storeys high with three pairs of pitched roofs with stone slate coverings where the building has been extended to the rear. To the rear, at right angles to the original building, is a long north-south range constructed in stone with a blue slate roof. The facade of the former inn has been altered over time, with a rendered and painted elevation and top hung casement windows replacing earlier windows which are presumed to have been sashes. These are set into stone surrounds which are all typical of the local vernacular and the village of Golcar. A small felt roofed mono-pitch porch has also been added to this elevation.

In this instance, the application seeks full permission including the relevant demolition (in part of the existing public house) as the site is located within the Conservation Area.

As mentioned previously, the site is not listed, but makes a positive contribution within the Conservation Area, as set out within Paragraph 4.1 of the Golcar Conservation Area Appraisal. The site is adjacent to a Grade II listed former church school, which is located to the south on the opposite side of Knowl Road.

The plans provided show a layout of 7 residential units, of which 4 would be semi-detached and 3 would be detached. Principle 5 of the Housebuilders

Design Guide SPD states, amongst other things, that buildings should be aligned and set-back to form a coherent building line and designed to front on to the street. Principle 6 of the Design Guide SPD further highlights that *'the space between buildings can help maximise residential amenity in terms of maintaining privacy, reducing overlooking and ensuring natural light is able to penetrate the buildings...normally new build development should seek appropriate separation distances for servicing, accommodating future adaptations and creating attractive street scenes. These should be in keeping with the character and context of the site and proportionate to the scale of the dwellings'*.

The urban grain and settlement pattern as set out within Golcar Conservation Area Appraisal is characterised *"by small linear plots which dictated the overall design of many of the buildings within the area"*.

In this instance, the proposal would provide a new cul-de-sac off of Church Street, which would to some degree be contrary to the Conservation Area Appraisal. This is due to the nature and shape of the site. However, as part of this development the majority of the pub's linear frontage would be retained and converted into Plots 1 and 2. This would assist in conserving the urban grain of this area and would help retain the linear pattern of development from public vantage points. The remainder of the dwellings would be set behind these plots.

Whilst it would be preferable to retain the whole frontage of the pub, the proposed access cannot be accommodated elsewhere within the site in order to provide adequate visibility and an adoptable standard. Therefore, consideration has been given to how the development would retain some of its historic fabric, particularly in context with the adjacent Conservative Club and listed building to the other side of the road. This has included the land to the front of the site as open space with low dry stone walls and gardens. This has been considered by Conservation Officers to go some way towards maintaining the character of the conservation area and the setting of the listed former school building to the south-west.

A number of conditions are recommended by the Conservation Team to secure the development proposal, these are as follows:

- Gutter and downpipe profiles should be submitted for approval
- A sample panel of walling and pointing, along with a sample of ashlar stone for new openings, are submitted for approval.
- 1:20 window and door elevations and 1:5 joinery details should be submitted for approval.
- Plots 3 – 7 external material samples (walling stone, ashlar stone, roof slate, gutter) to be submitted for approval
- Plots 3 – 7 1:20 window and door elevations and 1:5 sections should also be submitted for approval, with the windows set into the reveals by 125mm.
- Submission of details of the boundary treatment materials of construction

The recommended conditions are considered to be necessary and reasonable to ensure the impact of the development is acceptable. Whilst there would be less than substantial harm as a result of the proposal there is a public benefit insofar as it would lead to the provision of housing. Furthermore, it is considered that with inclusion of the recommended conditions, the impact / resultant harm could be reduced / mitigated.

Therefore, in conclusion, having afforded weight to the above, Officers consider the proposed development to be acceptable. The harm through the loss of most of the public house is considered to be outweighed by the public benefits of securing additional housing on a brownfield site in a sustainable location.

Private gardens are shown to the rear of the majority of the plots, apart from plots 1 and 2 where the main amenity space would be to the front, in order to create a simple and active frontage. Planting and amenity green spaces are shown on the site plan and a condition requiring a scheme of landscaping and boundary treatments is considered appropriate / necessary in this case to ensure the impact is acceptable. Furthermore, a condition requiring submission of a scheme of finished floor levels is recommended to ensure there is no excessive building up of the land levels that could have a significant visual impact.

In conclusion, it is considered that subject to the details provided within subsequent discharge of condition submissions, the site could accommodate 7 dwellings which could be designed so as to contribute positively to the local character of the area.

The development would result in the loss of an historic pub which has been identified within the Golcar Conservation Area Appraisal as making a key contribution, as it has been part of the local community for over 150 years. Although external alterations have been carried out in the past, the building retains its historic form. A new access is required in order to create achievable sight lines, which would further alter the frontage of the site, which also lies adjacent to a Grade II Listed Building (83-105 Knowl Road). Therefore, the loss of the majority of this asset and the changes to its frontage could result in harm to the significance of the Conservation Area and the Listed Building. The harm in this case is less than substantial, however, public benefits need to be demonstrated to outweigh this harm. This is to accord with Chapter 16 of the NPPF and Policy LP 35 of the Kirklees Local Plan.

The proposal would provide housing within the village on a vacant brownfield site in a sustainable location. The development has been designed sensitively in terms of its layout, in order to retain the public house's front elevation. The public benefits of providing housing and a sustainable use for the land acts towards outweighing the harm to the character of the conservation area caused by the partial loss of a building of community use which, although heavily altered, makes a positive contribution to its character. Land to the south will be maintained as gardens, with part of the frontage retained.

Subsequent details of landscaping would be expected in natural materials which will allow for an improvement to be made to the setting of the Listed Building, which lies adjacent to the site. These perceived public benefits of the scheme are considered to outweigh the less than substantial harm caused.

As such, it is considered that the development meets the aims of Policies LP24 and LP35 of the Kirklees Local Plan, Chapter 12 and 16 of the NPPF, and principles 6, 7, 13, 14, 15 17 and 18 of the Housebuilders Design Guide could be achieved subject to appropriately designed dwellings being proposed at the reserved matters stage.

Residential Amenity

Section B of Policy LP24 of the Kirklees Local Plan states that proposals should promote good design by ensuring: “They provide a high standard of amenity for future and neighbouring occupiers; including maintaining appropriate distances between buildings”.

In addition to this, Paragraph 130 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

Principle 6 of the Kirklees Housebuilders Design Guide SPD states that residential layout must ensure adequate privacy and maintain high standards of residential amenity to avoid negative impacts on light, outlook and avoid overlooking. Whilst scale is a reserved matter, it is likely that two storey dwellings would be proposed as this would be in keeping with the surrounding built form. For two storey houses, his SPD recommends minimum separation distances of:

- 21 metres between facing windows of habitable rooms at the back of dwellings
- 12 metres between windows of habitable rooms that face onto windows of a non-habitable room.
- 10.5 metres between a habitable room window and the boundary of adjacent undeveloped land.

94 Knowl Road, 22, 24 and 26 Scape View

The aforementioned residential properties are located to the east of the application site. The submitted site plan shows that acceptable separation distances would be achieved between these neighbours. This would include 19.8m from the main dwelling at plot 6 to the rear elevation at no.s 24 and 26 Scape View. The garage to this plot would be situated slightly further back into the garden, however, this is at a lower ridge height and whilst containing a room in the roof space, this would be served by openings to the front roof slope.

It is considered the dwelling at plot 6 has been designed such that it would not lead to any undue overbearing, overshadowing or overlooking, as 19.8m

is a sufficient separation distance between these residential properties. The change in levels between the sites would provide further mitigation.

No. 22 Scape View would be located the furthest from plot 6, retaining a separation distance of 23m from the proposed garage. Given the separation distance and the fact that these neighbours would be at an oblique angle to this plot, it is considered that their future amenity can be protected.

With regards to no. 94 Knowl Road, it has been noted that these neighbours side gable would be the closest elevation to Plot 7, the separation distance is considered acceptable at 17.5m, as the SPD recommends 12m between rooms of habitable windows to non-habitable rooms. The layout of plot 7 is such that it is not considered to have a significant impact upon this property given the orientation it would be in relation to the dwelling.

Coach House, 4, 6 and 8 Church Street

The Coach House and no.s 4, 6 and 8 Church Street are the properties situated to the north west of the application site. It has been noted that the nearest dwelling to the Coach House and no. 4 Church Street would be plot 5. It was observed during the assessment of the previous (extant) application that the Coach House does appear to have clearly glazed windows which lie close to the application site. These may serve habitable rooms. Nonetheless, the plans show a separation distance of 12m to be retained from the nearest side elevation of plot 5 to the Coach House.

Therefore, given the design and scale of the proposed dwelling at plot 5 it is considered the impact of the development to Coach House would not be significant in terms of being unduly oppressive / overbearing and given the openings proposed it is considered it would not lead to significant levels of overlooking either.

No.s 6 and 8 Church Street are situated further to the north west and therefore the closest dwelling would be Plot 1. However, a separation in excess of 35m would be retained, along with these neighbours being at an oblique angle from the site. The proposal is therefore considered acceptable in terms of impact upon the residential amenity of these properties.

Knowl Cottage and the flats known as 83 – 105 Knowl Road

To the south of the site is Knowl Cottage along with the building to the south west which is the residency for the flats known as 83-105 Knowl Road. There would be separation distances in excess of 25m to the nearest elevations at these neighbours and therefore Plots 1 and 2 are considered to retain an acceptable level of amenity at these neighbours. Therefore, officers are satisfied that the site could be development without having an undue overbearing, overshadowing or overlooking upon these neighbours' amenity.

Directly to the south east is the Conservative Club, along with the Liberal Club and Bowling Green to the north west.

Amenity of Future Occupiers

In terms of the amenities of the proposed occupiers, the following is relevant.

Principle 16 of the Kirklees Housebuilders Design Guide SPD states that: “All new build dwellings should have sufficient internal floor space to meet basic lifestyle needs and provide high standards of amenity for future occupiers. Although the government has set out Nationally Described Space Standards, these are not currently adopted in the Kirklees Local Plan.”

Further to this, Principle 17 of the Kirklees Housebuilders Design Guide SPD outlines that: “All new houses should have adequate access to private outdoor space that is functional and proportionate to the size of the dwelling and the character and context of the site. The provision of outdoor space should be considered in the context of the site layout and seek to maximise direct sunlight received in outdoor spaces.”

It has been noted that plots 3, 4 and 5 would fall short of the separation distances outlined within the SPD. However, this has been mitigated by the orientation of the dwellings with one another, meaning that any outlook from plots 3 and 4 would be at an oblique angle with plot 5 and vice versa.

The gardens for each dwelling have been shown on the proposed site layout plan and have been considered acceptable. Plots 1 and 2 would each be 68m² over two floors serving a two bed property.

Plots 3 and 4 would be 3 bed dwellings each over 2 floors with a floor space of 69m². Following concerns regarding the level of space available for a three bedroom property, plots 3 and 4 were amended to a two bedroom (3 person) dwelling, which is recommended to be 70m² in size for a property which is over 2 floors.

As such, in this case, whilst there is a minor shortfall, it is considered this is acceptable in this case given the overall scale of the development and benefits of bringing the site back into use. As such it is considered refusal on the basis of such a shortfall could not be substantiated in this case.

Plot 5 would be approximately 140m² over three floors, Plot 6 would be 120m² over two floors and Plot 7 would be approximately 120m² over three floors. All these would be four bed properties.

Plot 5 would meet the recommended space standard. Plot 6 would also meet the standard (on the basis it houses 7 people, which it appears to be designed to). Plot 7 would meet the standard on the basis the garage is included in the floor space calculation.

The impact with regard to noise and future occupiers is set out in the 'Other Matters' section of this report.

With regard to all other issues relating to residential amenity, as set out in this section of the report, it is concluded that the impact of the development is acceptable in terms of the impact upon the amenity of neighbouring and future occupiers.

Highway issues

Paragraph 111 of the NPPF states that: "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe." The guidance in Chapter 9 of the NPPF is echoed in Policy LP21 of the Kirklees Local Plan.

Principle 12 of the Housebuilders Design Guide SPD states that at the outset of the development, applicants should identify the need for car parking. Principle 12 goes on to set out that where car parking is included within the curtilage of a dwelling, creative design solutions should ensure that car parking can be accommodated at the side of buildings or to their rear to avoid dominating the street scene.

KC Highways Development Management (KC HDM) have been formally consulted as part of this application, whereby they advise that the proposal is based on the extant scheme (2022/90469) keeping the same layout / access arrangements. They note that the extant consent included a number of conditions, in particular the following:

- Provision of a 2m wide footway to the site frontage, and re siting the bus shelter
- Details of internal adoptable roads
- Construction Management Plan
- Details of bin storage and collection points.

During the processing of the extant consent significant negotiations and amendments were made to achieve an acceptable access point. In this case, the part demolition of the public house would be required. This will allow acceptable sightlines to be achieved in both directions.

The site's internal road would be 6m in width to allow two cars to pass safely.

Within the site, appropriate on site parking is proposed in the formation of driveways and single and double garages. The parking arrangements demonstrate there would be parking provision which accords with the Council's Highways Design Guide SPD. Two visitor parking spaces are also proposed within the entrance to the site.

It is noted the parking standards rely on the garages which serve plots 5 and 6 to be used for no purpose other than vehicular storage. A condition to ensure this is the case would therefore be included upon any grant of permission.

In terms of refuse, a vehicle tracking plan was provided as part of the extant application this demonstrates that a refuse vehicle can safely enter into the site and manoeuvre so that it enters the highway in forward gear.

Principle 19 of the Housebuilders Design Guide SPD sets out that: *“Provision for waste storage and recycling must be incorporated into the design of new developments in such a way that it is convenient for both collection and use whilst having minimal visual impact on the development.”*

Bin storage points have been detailed on the submitted site plan and could be able to be presented within the dwellings frontage on bin collection day, without resulting in any detriment to highway safety. In line with the extant consent a condition is recommended in the case of an approval for further details regarding the design and finish of the bin stores and for the collection points to be identified on a plan. This is to comply with Policy LP24 d(vi) of the Kirklees Local Plan and Principle 19 of the Housebuilders Design Guide SPD.

Finally, KC Highways Structures have been consulted as part of the application and have requested two conditions be attached to the decision notice in the case of an approval. These include the design and construction details of any new retaining walls adjacent to the highway and any attenuation tanks/pipes/manholes to be located within the highway. This is to ensure that any new structures do not compromise the stability of the highway or adjacent ground and regarding future maintenance of the highway.

Therefore, subject to inclusion of the recommended conditions, taking account of the response of the Highways Team and the Highways Structures Team, it is considered that the development would accord with Policies LP21, LP22, LP24 d(vi), LP28 and LP43 of the Kirklees Local Plan, Principles 12 and 19 of the Housebuilders Design Guide SPD, the aims of the Highways Design Guide and Chapters 9 and 14 of the NPPF.

Flooding and Drainage

Paragraphs 159-162 of the NPPF and Policy LP27 of the Kirklees Local Plan state inappropriate development in areas of flood risk should be avoided by directing development away from areas at highest risk through application of a

sequential test. Policy LP28 relates to drainage and includes a drainage hierarchy.

In this case, the site is within Flood Zone 1, with the lowest probability of fluvial flooding (less 0.1% chance of flooding any year). Notwithstanding this fact, KC Lead Local Flood Authority (KC LLFA) have been formally consulted.

The site is located in a built-up area currently occupied by a public house and associated parking areas. The site is served by a Yorkshire Water combined sewer in the main road. No records of watercourses, culverts or surface water sewers are shown on Kirklees Council's plans; however the land is shown as having the potential for soakage into the ground subject to confirmation of percolation rates (determined by testing in accordance with BRE365 guidance) and an assessment of the risk of re-emergence of flows further downhill.

As such, KC LLFA have requested the following conditions to be submitted as part of the reserved matters application/pre-commencement conditions. These include, development not commencing until; a detailed scheme for foul, surface water and land drainage has been submitted, an assessment of the effects of 1 in 100 year storm events and details of temporary surface water drainage for the construction phase. This is to accord with Policies LP27 and LP28 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

Subject to inclusion of the recommended conditions, the proposal is considered to be acceptable in this regard.

Other Matters

Ecology

Chapter 15 of the NPPF relates to conserving and enhancing the Natural Environment. Paragraph 179 of the NPPF outlines that decisions should promote the protection and recovery of priority species and identify and pursue opportunities for securing net gains for biodiversity. Paragraph 180 goes on to note that if significant harm to biodiversity resulting from development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

Policy LP30 of the Kirklees Local Plan echoes the NPPF in respect of biodiversity and outlines that development proposals should minimise impact on biodiversity and provide net biodiversity gains through good design by incorporating biodiversity enhancements and habitat creation where opportunities exist.

The site lies in an area identified as a Bat Alert area on the Council's geographical information system and would involve the partial demolition of a public house. Therefore, KC Ecology have been formally consulted.

Within their initial consultation response, they advised that a bat, bird and barn owl survey report which was submitted found that some of the buildings on site have low suitability for roosting bats. They further advised that to gain a full understanding of the use of the potential roost habitat identified across the low-risk buildings (1, 1a, 2,3 & 4), and to assess the extent to which bats may be affected by the proposed development, bat activity surveys of these buildings will be required.

An updated bat survey, which included details of the single emergence survey, in line with current bat survey guidelines was subsequently submitted. The Council's Ecologist confirmed that the report details that roosting bats are likely absent from the building and as such, the development can proceed with minimal impacts to roosting bats. They further confirmed they had no objection to the proposed development subject to conditions requiring provision of bat boxes and that vegetation clearance works should be undertaken outside the period 1st March to 31st August.

Further to the above, Policy LP30 of the Kirklees Local Plan and Principle 9 of the Kirklees Housebuilders Design Guide SPD set out that proposals should provide net gains in biodiversity. In this instance, it is considered this can be controlled by inclusion of a condition requiring submission of a scheme of landscaping. The submitted landscaping scheme could include the retention of the hedge between the site and the Conservative Club and additional hedgerow and tree planting within the site.

The inclusion of a condition requiring submission of a landscaping scheme to be agreed in writing with the LPA, alongside the installation of bat and bird boxes is considered to be a sufficient level of biodiversity net gain to satisfy the requirements of the aforementioned policies.

In terms of Biodiversity Net Gain as set out by the statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021). The development is considered to benefit from the small sites exemption as set out by The Biodiversity Gain Requirements (Exemptions) Regulations 2024 (as the application was received prior to 1st april 2024) and there is no requirement for BNG to be provided in respect of the aforementioned legislation.

Landscape and trees

Green space on site is welcomed, however, some of the areas shown on the plan are highway verges. Therefore, given the site's sensitive location within Golcar Conservation Area, an landscape scheme would be required. This should include hard and soft landscape details, details of boundary treatments, materiality, finishes and a planting schedule. Frontline planting and other screening would be required, along with hedgerows and street trees within the site to provide screening/visual mitigation and to improve site biodiversity.

Furthermore, details to how the green amenity spaces would be managed and maintained would also be required. These are proposed within the site's frontage and to the north of the visitor car parking spaces. This is likely to be via a Management Company, as the area lies outside of the domestic curtilage for Plots 1 and 2. This information could be secured via condition.

KC Trees have been formally consulted as part of this application, raising no objection to the proposal. The existing trees are low amenity value and their loss appears to be mitigated in the new design, however, this would need to be addressed fully as part of a landscape plan to ensure the location, number, size and species of any replacement trees to ensure that they would be suitable for the site. This is to accord with Policies LP32 and LP33 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

Contamination

With regard to land quality, paragraphs 180, 189 and 190 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 are considered to be relevant.

A number of land contamination conditions have been requested by Environmental Health Officers, due to the site's previous commercial use and its sensitive end use. These require a scheme of remediation and verification to be submitted. It is considered that with the inclusion of these conditions the proposal will ensure that any future development complies with Policy LP53 of the Kirklees Local Plan and Chapter 15 of the NPPF.

Noise

Chapter 15, sets out that proposals should mitigate and reduce to a minimum 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 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

Due to the location of the site, within a close proximity to existing residential properties, Environmental Health Officers have requested that a Construction Environmental Management Plan should be attached as a condition in the case of an approval. This plan will describe in detail the actions to be taken to minimise the adverse impacts on noise sensitive properties during development. This is considered necessary and reasonable in line with Policies LP24 and LP52 of the Kirklees Local Plan.

In addition, and in relation to future occupiers, the Environmental Health Team request that a condition is in place requiring that Before the development is first brought into use all works which form part of the sound attenuation scheme as specified in the Noise Assessment authored by Druk Limited dated 25 March 2024 Ref DRUK/ACC/RS/RCPHRD/3272 be completed.

This recommendation is following a review of the aforementioned document by the Environmental Health Team whereby they advise that Noise surveys were undertaken between 1600 to 1900hrs on Friday the 15th of March 2024, between 2300 to 0200hrs on Friday the 15th and Saturday the 16th of March 2024 and between 2030 to 2300hrs on Saturday the 16th of March 2024 to evaluate the existing noise climate in the vicinity of the former Rose and Crown public house. The late evening/early night time period and a Saturday evening period coincided with live music events which were taking place within both the Golcar Conservative and Liberal clubs. A summary of the findings is given in tables 4 and 5 with comment made that the noise contributions were primarily from road traffic. Para 6.2 provides detail of the live music acts from both the Conservative and Liberal Clubs along with associated noise from the use of the smoking shelter and this is used in the modelling shown in figures 3-5.

Mitigation measures are included throughout the document. Having regard to the submitted detail and the response of the Environmental Health Team it is considered that subject to inclusion of this condition, the proposal would be acceptable having regard to noise.

Climate change

Principle 18 of the Housebuilders Design Guide SPD sets out that new proposals should contribute to the Council's ambition to have net zero carbon emissions by 2038, with high levels of environmental sustainability by ensuring the fabric and siting of homes, and their energy sources reduce their reliance on sources of non-renewable energy. Proposals should seek to design water retention into proposals.

Given the above, and in accordance with the West Yorkshire Low Emissions Strategy, officers would impose an electric vehicle recharging point installed within the dedicated parking area/garage of each of the dwellings. This can be controlled via condition in the case of an approval and can ensure that the EVCP's are installed before the dwellings are first brought into use. In addition, a further condition requiring a climate change statement would be imposed in accordance with Principle 18 of the SPD.

Public Right of Way

To the east of the application site is Public Footpath COL/51/20. The PROW would not be obstructed or re-routed as part of this development and would remain outside of the site boundary. Therefore, for these reasons, officers have not advertised the application as affecting the PROW.

In terms of the impact the development would have on the setting of the PROW, subject to inclusion of condition(s) which require submission of boundary treatments which would be adjacent to the PROW it is considered that there would be no material impact on its setting for its users.

Crime Prevention

The Council's Designing Out Crime Officer has been formally consulted as part of this application. Whilst no objections have been raised to the application, further information is required in terms of a crime prevention and security measures plan. This should include all boundary treatments and the security measures proposed and can be included in a condition to the decision notice. This is to accord with Policy LP24 (e) of the Kirklees Local Plan.

Representations

As a result of the above publicity, representations have been received. The majority of issues raised through the public consultation exercise have been considered in the report above. However, a brief summary, along with officer correspondence can be found below:

Objections

Visual amenity and heritage:

- Visual Impact as a result of plots 6 and 7 and their location / siting
- Impact upon the Conservation Area
- The retention of the pub was a requirement but appears it would not be retained from review of the plans

Officer Note: This is addressed in the 'Visual Amenity and Heritage' section of this report.

Residential amenity:

- Plots 6 and 7 would lead to loss of outlook and impact upon privacy, daylight and sunlight serving neighbouring dwellings.
- Overlooking of private amenity spaces as a result of the proposal

Officer Note: This is addressed in the 'Residential Amenity' section of this report.

Highway safety and access:

- Concerns relating to access to shared driveway / impact of the access upon neighbouring access points

- Where will the bus stop be re sited to

Officer Note: This is addressed in the 'Highway issues' section of this report.

- Where will the BT junction box be re sited to

Officer Note: The re siting of infrastructure within the street (street lights / BT box etc) would need to be undertaken in agreement with the relevant statutory undertaker. Any grant of planning permission would not confer the right to move such infrastructure which would be a separate legal matter between the applicant / developer and the relevant undertaker. An informative note to this effect would be included upon any grant of permission.

General concerns:

- The site is not currently vacant and is being used for scrap storage / dispersal and is currently an eyesore.
- Will the developer be considerate during the construction phase

Officer Note: The current use of the site is a matter which is afforded little weight in the assessment of this application. Construction phase management would be secured by inclusion of an appropriately worded condition.

Letters of comment

- Pleased to note that the northern boundary will remain
- May be encroachment by the development onto land owned by the Conservative Club
- Any approval would need to be subject to condition requiring a wall to be constructed on land owned by the developer to screen the site from neighbouring land uses
- Visibility splays should not be impacted upon by the proposal.
- Would vegetation be tall enough as to block light
- Not clear where the bus stop will be moved to
- Width of the road not clear on the submitted plans
- In support of removal of the current use and residential development of the land.

Officer Note: The applicant has submitted and signed certificate A of the application form to state they own the application site. As such this is accepted in good faith by the LPA. A condition relating to boundary treatments is recommended. Visibility / relocation of the bus stop is addressed in the 'Highway Issues' section of this report. Vegetation becoming tall such that it is a nuisance would be a matter for the Council's Planning Enforcement Team to investigate as to whether action via high hedges legislation would be possible / reasonable and is considered to be a separate issue to which limited weight can be afforded in the consideration of this application. The submitted plans are considered to clearly set out the extent of the development proposal.

Letters of support

- No objection and hope development commences promptly to tidy up the site / land

Officer Note: Noted.

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.

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the proposed development would constitute sustainable development and is therefore recommended for approval.

Recommendation: Conditional Full Permission

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 (as amended).

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 Policies LP1, LP2, LP3, LP4, LP7, LP11, LP20, LP21, LP22, LP24, LP26, LP27, LP28, LP30, LP32, LP33, LP34, LP35, LP43, LP48, LP51, LP52 and LP53 of the Kirklees Local Plan and the aims of the Council's Housebuilders Design Guide and the National Planning Policy Framework.

3. 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 the aims of Chapter 15 of the National Planning Policy Framework. This is a pre commencement condition to ensure that contaminated land matters are fully addressed before works commence.

4. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition (3). 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 the aims of Chapter 15 of the National Planning Policy Framework.

5. 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 (that part of) 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 the aims of Chapter 15 of the National Planning Policy Framework.

6 No part of the development hereby approved shall be brought into use a scheme which details bin storage and collection points for the development has been submitted to, and approved in writing by, the Local Planning Authority. The submitted scheme shall include height and materials of the bin stores and the hard surfaced areas provided for the storage and collection of bins. Thereafter, the bin stores, storage areas and collection points shall be constructed in accordance with the approved scheme, made operational before the dwelling to which they relate is first occupied and shall be retained thereafter.

Reason: To ensure satisfactory arrangements are implemented in relation to waste, in the interests of visual and residential amenity and highway safety and to accord with Policies LP21 and LP24 of the Kirklees Local Plan, Kirklees Waste Management Design Guide for New Developments and the National Planning Policy Framework.

7. No part of the development hereby approved shall be brought into use until a scheme which sets out details of temporary waste collection arrangements to serve the occupants of the completed dwellings whilst the remaining site is under construction has been submitted to and approved in writing by the

Local Planning Authority. The approved scheme shall thereafter be retained until the development is completed.

Reason: In the interests of highway safety, to accord with Policy LP24 part d (vi) of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

8. Prior to the commencement of development (including ground works) a Construction (Environmental) Management Plan (C(E)MP) shall be submitted to and approved in writing by the Local Planning Authority. The C(E)MP shall include pre-development road condition surveys (covering an area which has previously been agreed in writing with Local Planning Authority), a timetable of all works, and details of:

- point(s) of access for construction traffic;
- construction vehicle sizes and routes;
- times of construction vehicle movements;
- parking for construction workers;
- signage;
- wheel washing facilities within the site;
- street sweeping;
- dust suppression measures;
- measures to control noise and vibration from construction-related activities;
- any artificial lighting to be used during construction; and
- hours of works

The development shall be carried out strictly in accordance with the C(E)MP so approved throughout the period of construction and no change therefrom shall take place without the prior written consent of the Local Planning Authority. Upon substantial completion of the development and before occupation of the 6th dwelling on site, post-development road condition surveys and a schedule of remedial works, including a timetable for the works to be undertaken, shall be submitted to and approved in writing by the Local Planning Authority, and the approved remedial works shall be carried out shall be carried out in accordance with the approved timetable thereafter.

Reason: In the interests of amenity, to ensure the highway is not obstructed, in the interests of highway safety, and to accord with Policies LP21, LP24 and LP52 of the Kirklees Local Plan and the National Planning Policy Framework. This pre-commencement condition is necessary to ensure measures to avoid obstruction to the wider highway network, to avoid increased risks to highway safety, and to prevent or minimise amenity impacts are devised and agreed at an appropriate stage of the development process.

9. Development shall not commence until a detailed design scheme detailing foul, surface water and land drainage, including agreed discharge method, attenuation for the critical 1 in 100 + 30% climate change rainfall event, attenuation construction details /design, plans and longitudinal sections, hydraulic calculations, phasing of drainage provision shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include a risk assessment and method statement, in accordance with CDM Regulations 2015, for access to and into the attenuation structure, and an

itinerary of maintenance tasks with schedules. No part of the development shall be occupied until such approved drainage scheme has been provided on the site to serve the development or each agreed phasing of the development and retained thereafter.

Reason: To ensure the effective disposal of surface water from the development (including its internal roads) so as to avoid an increase in flood risk and so as to accord with Policy LP28 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework. This pre-commencement condition is necessary to ensure details of drainage are agreed at an appropriate stage of the development process.

10. 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 (both upstream and downstream of the development), 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 such approved scheme shall be retained thereafter.

Reason: To ensure the effective disposal of surface water from the development (including its internal roads) so as to avoid an increase in flood risk and so as to accord with Policy LP28 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework. This pre-commencement condition is necessary to ensure details of drainage are agreed at an appropriate stage of the development process.

11. Development shall not commence until a scheme, detailing temporary surface water drainage for the construction phase (after soil and vegetation/site strip) has been submitted to and approved in writing by the Local Planning Authority (LPA). 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 strategy shall include a plan showing the location of the attenuation storage and supporting calculations, which shall be based on the critical 1 in 2-year storm. It should be assumed that once the site has been stripped that the percentage run-off will be 100 %. The maximum allowable off-site discharge rate shall not exceed 2.5 litres per second per ha, unless otherwise agreed in writing with the LPA. 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 the approved permanent surface water drainage system is in place and functioning in accordance with written notification to the Local Planning Authority.

Reason: To ensure the effective disposal of surface water from the development (including its internal roads) so as to avoid an increase in flood risk and so as to accord with Policy LP28 of the Kirklees Local Plan and

Chapter 14 of the National Planning Policy Framework. This pre-commencement condition is necessary to ensure details of drainage are agreed at an appropriate stage of the development process.

12. 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 and building retaining walls adjacent to the proposed/ existing highway including any modifications to the existing retaining wall supporting Knowl Road shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the commencement of the proposed development and thereafter retained during the life of the development.

Reason: This is a pre-commencement condition to ensure that any new 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 and the National Planning Policy Framework.

13. Prior to the commencement of development (including ground works), a scheme detailing all new surface water attenuation tanks, pipes and manholes located within the proposed highway footprint shall be submitted to and approved in writing by the Local Planning Authority. The details shall specify locations of the features and shall include cross-sectional information together with the proposed designs and construction details. The development shall be completed in accordance with the approved details before any of the dwellings are occupied and shall be retained as such thereafter.

Reason: To ensure that any new 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 and the National Planning Policy Framework. This pre-commencement condition is necessary to ensure details of drainage are agreed at an appropriate stage of the development process.

14. Prior to the commencement of development (including ground works), a scheme detailing the proposed internal adoptable roads shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include full sections, drainage details, street lighting, signing, surface finishes and the treatment of sight lines, together with an independent safety audit covering all aspects of this work. No part of the development shall be brought into use until the internal adoptable roads for that part of the development have been completed in accordance with the approved plans and details or unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety and to achieve a satisfactory layout in accordance with Policies LP20 and LP21 of the Kirklees Local Plan and the National Planning Policy Framework. This pre-commencement condition is necessary to ensure that details of internal adoptable roads are agreed at an appropriate stage of the development process.

15. No part of the development hereby approved shall be brought into use until all works which form part of the sound attenuation scheme as specified in the Noise Assessment authored by Druk Limited dated 25 March 2024 Ref DRUK/ACC/RS/RCPHRD/3272 relating to that part have been completed.

Reason: In the interests of residential amenity of future occupiers, to protect the continued operational flexibility of nearby commercial uses and to accord with Policies LP24 and LP52 of the Kirklees Local Plan and Policy within Chapter 15 of the National Planning Policy Framework.

16. Development shall not commence until a scheme of measures to promote carbon reduction and enhance resilience to climate change as part of the fabric and design of dwellings and energy sources has been submitted to and approved in writing by the Local Planning Authority. This shall include, but not limited to, the provision of one electric vehicle recharging point within the dedicated parking space for each dwelling. The development shall be constructed in accordance with the approved scheme and retained thereafter.

Reason: This is a pre commencement condition to ensure measures to promote carbon reduction and enhance resilience to climate change and accord with the Council's adopted target for achieving 'net zero' carbon emissions by 2038, Policies LP24 and LP51 of the Kirklees Local Plan, Principle 18 of the Housebuilders Design Guide SPD and Chapter 14 of the National Planning Policy Framework.

17. Development shall not commence until a detailed scheme for the provision of a minimum 2.0m wide footway to the full site frontage and the re-siting of the existing bus shelter to the rear of the visibility splay with associated signing and white lining has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include construction specifications, white lining, signing, surface finishes together with an independent Safety Audits covering all aspects of the work. The approved scheme shall be completed before the occupation of the first dwelling on site.

Reason: This is a pre-commencement condition in the interests of highway safety and to achieve a satisfactory layout in accordance with Policies LP21 and LP22 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

18. Development shall not commence until a scheme which details measures to prevent and deter crime and anti-social behaviour within the site and individual dwellings has been submitted to and approved in writing by the Local Planning Authority. The details to be submitted shall include details of windows overlooking publicly-accessible areas, details of boundary treatments, external lighting, landscaping and the security measures for any garages or sheds. No part of the development shall be brought into use until the development has been implemented in accordance with the details so approved.

Reason: This is a pre commencement condition required to minimise the risk of crime and anti-social behaviour and creating a safer, more secure and sustainable neighbourhood, and to accord with Policies LP24 and LP47 of the Kirklees Local Plan and the National Planning Policy Framework.

19. The development shall not be brought into use until a scheme which details the positioning and location of a Bat box (Schwegler 1WI Bat Box or similar) has been submitted to, and approved in writing by, the local authority. The development shall not be brought into use until the approved scheme has

been completed to the relevant part to which it relates and which shall be retained thereafter.

Reason: To enhance the biodiversity of the site in accordance with Policy LP30 of the Kirklees Local Plan, Principle 9 of the Kirklees Housebuilders Design Guide Supplementary Planning Document and Chapter 15 of the National Planning Policy Framework.

20. The development shall not be brought into use until a scheme detailing hard and soft landscaping, tree/shrub planting, including the indication of all existing trees and hedgerows on and adjoining the site, details of any to be retained has been submitted to and approved in writing by the Local Planning Authority. The scheme shall incorporate the planting of native trees and hedgerows. The scheme shall detail the phasing of the landscaping and planting. The development and the works comprising the approved scheme shall be implemented in accordance with the approved phasing. The approved landscaping scheme shall, from its completion, be maintained for a period of five years. If, within this 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 its written consent to any variation. The areas indicated for use as soft landscaping shall be retained as soft landscaped areas for the lifetime of the development and used for no other purpose.

Reason: To enhance the biodiversity of the site in accordance with Policy LP30 of the Kirklees Local Plan, Principle 9 of the Kirklees Housebuilders Design Guide Supplementary Planning Document and Chapter 15 of the National Planning Policy Framework.

21. No vegetation clearance shall take place between the period 1st March to 31st August.

Reason. To protect nesting and breeding birds during construction by avoiding direct impacts to protected species, and to accord with Kirklees Local Plan Policy LP30.

22. The development shall not be brought into use until a scheme which details arrangements for the future management and maintenance of the green amenity spaces (outside of private gardens) and the use of any private management company for this purpose. No part of the development shall be brought into use until the arrangements for the future management and maintenance of green amenity spaces has been secured.

Reason: In the interest of visual amenity and highway safety and to conserve the setting of Golcar Conservation Area and the nearby listed building, to accord with Policies LP21, LP24 and LP35 of the Kirklees Local Plan and aims of the National Planning Policy Framework.

23. Notwithstanding the annotation upon submitted drawing 04revB there shall be no solar panels installed upon plots 1 and/or 2 of the development hereby approved.

Reason: In the interest of visual amenity and the setting of the Conservation Area in accordance with policies LP24 and LP35 of the Kirklees Local Plan

and policies contained within Chapters 12 and 16 of the National Planning Policy Framework.

24. The garages serving plots 5 and plot 6 shall be used for vehicular storage only.

Reason: In the interests of highway safety and to achieve a satisfactory parking provision in accordance with Policies LP20 and LP21 of the Kirklees Local Plan and the Council's adopted Street Design Guide.

25. Development shall not commence until a scheme which details all external materials of construction has been submitted to, and approved in writing by, the Local Planning Authority. The submitted scheme shall include i) gutter and downpipe profiles, design and colour; ii) details of stone materials to be used in the construction of the dwellings; iii) details of pointing material, design and colour finish; iv) details of materials of construction to the roof; v) materials of construction and treatment of all external hard surfaced areas and vi) materials of construction of all boundary treatments. No dwelling shall be brought into use until completed in accordance with the details approved by this condition in relation to that dwelling. The external materials of construction approved by this condition shall be thereafter retained.

Reason: This is a pre commencement condition required to preserve the setting of the Conservation Area and in the interests of Visual Amenity to accord with policies LP24 and LP35 of the Kirklees Local Plan, principles within the Housebuilders Design Guide and policies within Chapters 12 and 15 of the National Planning Policy Framework.

26. Development shall not commence until a scheme which details all windows and doors has been submitted to, and approved in writing by, the Local Planning Authority. The submitted scheme shall include 1:20 window and door elevations and 1:5 joinery details as well as materials of construction and colour finish. No dwelling shall be brought into use until completed in accordance with the details approved by this condition in relation to that dwelling. The window and door details approved by this condition shall be thereafter retained.

Reason: This is a pre commencement condition required to preserve the setting of the Conservation Area and in the interests of Visual Amenity to accord with policies LP24 and LP35 of the Kirklees Local Plan, principles within the Housebuilders Design Guide and policies within Chapters 12 and 15 of the National Planning Policy Framework.

27. Notwithstanding the plans submitted, the development shall not be brought into use until a scheme detailing the boundary treatment of the site has been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be brought into use until completed in accordance with the details approved by this condition in relation to that dwelling. The scheme shall thereafter be retained and maintained for the lifetime of the development.

Reason: In the interests of residential amenity of neighbouring occupiers, visual amenity and to accord with Policy LP24 of the Kirklees Local Plan,

principles 5 and 6 of the Council's adopted Housebuilders Design Guide SPD and Policies within Chapter 12 of the National Planning Policy Framework.

28. Development of plots 3, 4, 5, 6 and/or 7 shall not commence until a scheme detailing the finished slab and floor levels of the dwelling relating to that plot together with corresponding existing and finished ground levels related to Ordnance Datum or an identifiable temporary datum has been submitted to and approved in writing by the Local Planning Authority. The construction of the dwelling shall thereafter be carried out in accordance with the details so approved before that dwelling is first occupied and shall be retained thereafter.

Reason: In the interests of visual amenity and the amenity of neighbouring occupiers to accord with Policy LP24 of the Kirklees Local Plan, principle 6 of the Council's adopted Housebuilders Design Guide SPD and policies within Chapter 12 of the National Planning Policy Framework. This is a pre-commencement condition to ensure the ensuing development is undertaken in the interests of residential amenity of adjacent land and buildings and visual amenity.

NOTE: Noisy construction related activities shall 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 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: • A Standard Electric Vehicle Charging Point is one which is capable of providing a continuous supply of at least 16A (3.5kW) and up to 32A (7kW). The higher output is more likely to be futureproof • Standard charging points for single residential properties that meet the requirements specified in the latest version of "Minimum technical specification - Electric Vehicle Homecharge Scheme (EVHS)" by the Office for Low Emission Vehicles will be acceptable. Basically, charging points that provide Mode 3 charging with a continuous output of least 16A (3.5kW) and have Type 2 socket outlet would be acceptable. • The electrical supply of the final installation should allow the charging equipment to operate at full rated capacity. • The installation must comply with all applicable electrical requirements in force at the time of installation.

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: The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Council as Highway Authority is required. 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. Please also note that the construction of vehicle crossings within the highway is deemed to be major works for the purposes of the New Roads and Street Works Act 1991 (Section 84 and 85). Interference with the highway without such permission is an offence which could lead to prosecution.

NOTE: It is brought to the Applicants' notice that the Highway Development, Investment & Regeneration, Civic Centre 3, Market Street, Huddersfield HD1 2JR (Kirklees Street Care: 0800 7318765 or 'Highways.Section38@kirklees.gov.uk') must be contacted to discuss road adoption arrangements under Section 38 of the Highways Act 1980.

NOTE: The re siting of infrastructure within the street (street lights / BT box etc) would need to be undertaken in agreement with the relevant statutory undertaker.

Plans and specifications schedule:-

Plan / Document Type	Reference	Version	Date Received
Location Plan			26 th March 2024
Existing Elevations	12		9 th August 2024
Plots 1 and 2 Floor Plans	03RevB		9 th August 2024
Plots 1 and 2 Elevations	04RevB		9 th August 2024
Proposed Site Plan	01RevA		6 th June 2024
Plot 6 Plans and Elevations	06RevA		6 th June 2024
Plot 7 Plans and Elevations	07RevA		6 th June 2024
Plot 5 Plans and Elevations	05RevA		6 th June 2024
Plots 3 – 4 Plans and Elevations	08RevB		16 th September 2024
Application Form			21 st March 2024

Plan / Document Type	Reference	Version	Date Received
Bat Survey	MBE/BAT/2024/033/01		10 th June 2024
Heritage Assessment			13 th May 2024
Noise Assessment	DRUK/ACC/RS/RCPH RD/3272		1 st May 2024
Climate Change Statement			26 th March 2024
Design and Access Statement			21 st March 2024
Bat, and Breeding Bird Scoping Survey			21 st March 2024
Phase I Desk Study	SDG 3534		25 th March 2024

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 Planning Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. Discussions have taken place relating to concerns relating to the design of plots 1 and 2 and the subsequent redesign of the development as well as matters relating to ecology and the accommodation provided for plots 3 and 4.

Report Dated: 16th September 2024

