

Public Document Pack



**Service Director – Legal, Governance and
Commissioning**

Julie Muscroft

Governance and Commissioning

PO Box 1720

Huddersfield

HD1 9EL

Tel: 01484 221000

Please ask for: Richard Dunne

Email: richard.dunne@kirklees.gov.uk

Wednesday 5 April 2023

Notice of Meeting

Dear Member

Planning Sub-Committee (Huddersfield Area)

The **Planning Sub-Committee (Huddersfield Area)** will meet in the **Council Chamber - Town Hall, Huddersfield** at **1.00 pm** on **Thursday 13 April 2023**.

(A coach will depart the Town Hall, at 10:50 am to undertake Site Visits. The consideration of Planning Applications will commence at 1.00 pm in the Council Chamber.)

This meeting will be webcast live and will be available to view via the Council's website.

The items which will be discussed are described in the agenda and there are reports attached which give more details.

A handwritten signature in black ink, appearing to read "Julie Muscroft", on a light-colored background.

Julie Muscroft

Service Director – Legal, Governance and Commissioning

Kirklees Council advocates openness and transparency as part of its democratic processes. Anyone wishing to record (film or audio) the public parts of the meeting should inform the Chair/Clerk of their intentions prior to the meeting.

The Planning Sub-Committee (Huddersfield Area) members are:-

Member

Councillor Sheikh Ullah (Chair)
Councillor Paul Davies
Councillor Tyler Hawkins
Councillor James Homewood
Councillor Jo Lawson
Councillor Mohammad Sarwar
Councillor Mohan Sokhal
Councillor Donald Firth
Councillor Tony McGrath
Councillor Bernard McGuin
Councillor Andrew Marchington
Councillor Susan Lee-Richards
Councillor Charles Greaves

When a Member of the Planning Sub-Committee (Huddersfield Area) cannot attend the meeting, a member of the Substitutes Panel (below) may attend in their place in accordance with the provision of Council Procedure Rule 35(7).

Substitutes Panel

Conservative

B Armer
A Gregg
D Hall
V Lees-Hamilton
R Smith
M Thompson
J Taylor

Green

K Allison

Independent

A Lukic

Labour

A Anwar
S Hall
M Kaushik E Firth

Liberal Democrat

A Munro
PA Davies
J Lawson
A Pinnock

Agenda

Reports or Explanatory Notes Attached

Pages

1: Membership of the Sub-Committee

To receive any apologies for absence, or details of substitutions to Sub-Committee membership.

2: Minutes of previous meeting

1 - 8

To approve the Minutes of the meeting of the Committee held on the 2nd of February 2023.

3: Declaration of Interests and Lobbying

9 - 10

Sub-Committee Members will advise (i) if there are any items on the Agenda upon which they have been lobbied and/or (ii) if there are any items on the Agenda in which they have a Disclosable Pecuniary Interest, which would prevent them from participating in any discussion or vote on an item, or any other interests.

4: Admission of the Public

Most agenda items will be considered in public session, however, it shall be advised whether the Sub-Committee will consider any matters in private, by virtue of the reports containing information which falls within a category of exempt information as contained at Schedule 12A of the Local Government Act 1972.

5: Deputations/Petitions

The Committee will receive any petitions and hear any deputations from members of the public. A deputation is where up to five people can attend the meeting and make a presentation on some particular issue of concern. A member of the public can also hand in a petition at the meeting but that petition should relate to something on which the body has powers and responsibilities.

In accordance with Council Procedure Rule 10 (2), Members of the Public should provide at least 24 hours' notice of presenting a deputation.

6: Site Visit - Application No: 2022/90469

Outline application for residential development for 7 dwellings, and associated infrastructure following the partial demolition of existing public house, including consideration of layout and access (within a Conservation Area) Rose and Crown Inn, 132, Knowl Road, Golcar, Huddersfield.

(Estimated time of arrival at site 11:05 am)

Contact officer: Ellie Worth, Planning Services

Ward(s) affected: Golcar

7: Site Visit - Application No: 2022/93158

Variation condition 5 (opening hours) on previous permission 2013/92338 for change of use of retail unit to indoor sport and recreation unit Former Homecare DIY, Westbourne Road, Huddersfield.

(Estimated time of arrival at site 11:30 am)

Contact officer: William Simcock, Planning Services

Ward(s) affected: Greenhead

Planning Applications

11 - 12

The Planning Sub Committee will consider the attached schedule of Planning Applications.

Please note that any members of the public who wish to speak at the meeting must register no later than 5.00pm (for phone requests) or 11:59pm (for email requests) on Tuesday 11 April 2023.

To register, please email governance.planning@kirklees.gov.uk or phone Richard Dunne or Andrea Woodside on 01484 221000 (Extension 74995 or 74993).

An update, providing further information on applications on matters raised after the publication of the Agenda, will be added to the web Agenda prior to the meeting.

8: Planning Application - Application No: 2022/90469

13 - 46

Outline application for residential development for 7 dwellings, and associated infrastructure following the partial demolition of existing public house, including consideration of layout and access (within a Conservation Area) Rose and Crown Inn, 132, Knowl Road, Golcar, Huddersfield.

Contact officer: Ellie Worth, Planning Services

Ward(s) affected: Golcar

9: Planning Application - Application No: 2022/93158

47 - 64

Variation condition 5 (opening hours) on previous permission 2013/92338 for change of use of retail unit to indoor sport and recreation unit Former Homecare DIY, Westbourne Road, Huddersfield.

Contact officer: William Simcock, Planning Services

Ward(s) affected: Greenhead

Planning Update

The update report on applications under consideration will be added to the web agenda prior to the meeting.

This page is intentionally left blank

Contact Officer: Richard Dunne

KIRKLEES COUNCIL

PLANNING SUB-COMMITTEE (HUDDERSFIELD AREA)

Thursday 2nd February 2023

Present: Councillor Sheikh Ullah (Chair)
Councillor Paul Davies
Councillor Tyler Hawkins
Councillor James Homewood
Councillor Jo Lawson
Councillor Mohan Sokhal
Councillor Donald Firth
Councillor Tony McGrath
Councillor Bernard McGuin
Councillor Andrew Marchington
Councillor Susan Lee-Richards
Councillor Charles Greaves

Apologies: Councillor Mohammad Sarwar

1 Membership of the Sub-Committee

Apologies were received from Councillor Mohammad Sarwar.

2 Minutes of previous meeting

The minutes of the meeting held on the 20 October 2022 were approved as a correct record.

3 Declaration of Interests and Lobbying

Councillor Greaves declared that he had been lobbied on application 2022/93846.

Councillor Greaves declared an "other" interest in application 2022/93846 on the grounds that he had provided significant advice and guidance to the applicant and felt that due to his substantial involvement in the matter that he should not vote on the application.

It was noted that Councillor Greaves left the room during the Committee discussion and did not vote.

4 Admission of the Public

All items on the agenda were taken in public session.

5 Deputations/Petitions

No deputations or petitions were received.

6 Public Question Time

No questions were asked.

Planning Sub-Committee (Huddersfield Area) - 2 February 2023

7 Site Visit - Application No: 2020/93954

Site visit undertaken.

8 Site Visit - Application No: 2022/90655

Site visit undertaken.

9 Site visit - Application No: 2022/93520

Site visit undertaken.

10 Site Visit- Application No: 2022/93251

Site visit undertaken.

11 Planning Application - Application No: 2020/93954

The Sub Committee gave consideration to Planning Application 2020/93954
Erection of 42 dwellings and associated works Land at, Lingards Road, Slaithwaite,
Huddersfield.

Under the provisions of Council Procedure Rule 37 the Sub Committee received representations from Jaki Howes, Robert Bamforth, Stephen Head, Glen Rigby, David Woodhead, Kay Wrench (objectors), Stephen Byram (applicant), William Best and Malcolm Sizer (on behalf of the applicant).

Under the provisions of Council Procedure Rule 36(3), the Committee received representations from Councillors Lesley Warner and Harry McCarthy (ward members).

RESOLVED –

Delegate approval of the application and the issuing of the decision notice to the Head of Planning and Development in order to:

1. Complete the list of conditions including those contained within the considered report and the planning update including:

1. Three years to commence development.
2. Development to be carried out in accordance with the approved plans and specifications.
3. Walling and roofing material samples to be submitted and approved.
4. Landscaping strategy to be submitted and approved, to include trees along Northern boundary (adjacent properties fronting Manchester Road) and planting along north side of the access road adjacent to no. 45 Lingards Road.
5. Green retaining walls to be detailed, including management and maintenance, and provided.
6. Submission of boundary treatment plan, to include western boundary treatment, details of treatment along boundary with Lower Wood Farm, and screening along north side of the access road adjacent to no. 45 Lingards Road.
7. Remove Permitted Development rights for outbuildings and extensions for all plots.
8. Submission of Construction Environmental Management Plan (CMP).
9. Submission of Construction Environmental Management Plan (CEMP).

Planning Sub-Committee (Huddersfield Area) - 2 February 2023

10. Details of the road to an adoptable standard.
11. Arboricultural Method Statement and Tree Protection plan to be provided.
12. Road condition survey.
13. Construction phase waste collection strategy.
14. Technical details of 2m footway along frontage to be provided and implemented.
15. Cross sections showing extent of structural impact on Lingards Road.
16. Parking spaces to be provided prior to occupation.
17. Provision of footpath to lower Lingards Road (adjacent to junction to Manchester Road).
18. Provision of footpath improvements on Yew Tree Lane (expected to include dropped crossings and tactile paving).
19. Sectional details to Lingards Road.
20. Electric Vehicle Charging Points.
21. Details of cycle storage per plot.
22. Waste storage / collection to be provided.
23. Waste collection phasing strategy.
24. Contaminated land investigations.
25. Full drainage details (including catchment analysis to finalise pipe sizing).
26. Flood routing details.
27. Temporary drainage.
28. CEMP: Biodiversity.
29. EDS, to include habitat units on site, 20% bat boxes, 100% bird boxes, hedgehog holes.
30. Lighting design strategy (crime and ecology).
31. No site clearance within the bird breeding season (unless appropriate survey undertaken).

2. Secure a Section 106 agreement to cover the following matters:

- a) Affordable housing: 8 (20% of total number) dwellings to be affordable, with all 8 to be affordable rent (social rent).
- b) Open space off-site contribution: £57,791 towards off-site Public Open Space works within the area.
- c) Education: £161,274.66 towards education requirements arising from the development.
- d) Biodiversity: £99,038 towards off-site measures to achieve biodiversity net gain, with alternative option to provide on-site or nearby provision if suitable scheme identified.
- e) Metro / Sustainable travel: £26,000 for Bus Shelter Improvements (shelters on Manchester Road).
- f) Management and maintenance: Retaining wall, POS, Drainage (including culverts), and Ecological features.

3. Pursuant to (2) above, in the circumstances where the Section 106 agreement has not been completed within three months of the date of the Committee's resolution then the Head of Planning and Development shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the mitigation and benefits that would have been secured; if so, the Head of Planning and Development is authorised to determine

Planning Sub-Committee (Huddersfield Area) - 2 February 2023

the application and impose appropriate reasons for refusal under Delegated Powers.

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows:

For: Councillors: P Davies, D Firth, Hawkins, Homewood, Jo Lawson, Marchington, McGrath, Sokhal and Ullah (9 votes)

Against: Councillors: Greaves, Lee-Richards and McGuin (3 votes).

12 Planning Application - Application No: 2022/90655

The Sub Committee gave consideration to Planning Application 2022/90655 Erection of 10 student residential units with associated landscaping land at, Manor Street, Newsome, Huddersfield.

Under the provisions of Council Procedure Rule 37 the Sub Committee received a representation from Tom Edwards (on behalf of the applicant).

Under the provisions of Council Procedure Rule 36(3), the Committee received a representation from Councillor Andrew Cooper (ward member).

RESOLVED –

Delegate approval of the application and the issuing of the decision notice to the Head of Planning and Development in order to:

1. Complete the list of conditions including those contained within the considered report including:

1. Three years timeframe for implementation.
2. Development shall be undertaken in accordance with the plans and specifications.
3. Prior to the superstructure commencing, samples of external facing materials and roofing materials to be submitted to the LPA.
4. The accommodation hereby permitted shall be used for students only.
5. Development shall not commence until the submission of a Phase 1 Report.
6. Submission of a Phase II Site Investigation Report (subject to findings of Phase 1 and include investigation of mine gas and intrusive investigations arising from coal mining legacy).
7. Submission of a Remediation Strategy (including related to coal mining legacy and mine gas).
8. Implementation of the Remediation Strategy.
9. Submission of a Validation Report.
10. Construction working times.
11. External lighting scheme.
12. No piped discharge of surface water until works to provide a satisfactory outfall has been achieved.
13. Details of the cycle store before building works commence and timescale for implementation and retention thereafter.

Planning Sub-Committee (Huddersfield Area) - 2 February 2023

14. Before development commences, details of the bin store (including design and materials) and its management and maintenance (including by a designated private management company) shall be submitted to the LPA.
15. Submission of an Ecological Design Strategy
16. Submission of hard and soft landscape plan, including boundary treatment.
17. Details of implementation, management and maintenance of hard and soft landscape plan.
18. Details of separate drainage systems for foul and surface water on and off site.

2. Secure a Section 106 agreement to cover the following matter:

Contribution toward sustainable transport fund – a contribution of £5,115.00

3. Pursuant to (2) above, in the circumstances where the Section 106 agreement has not been completed within three months of the date of the Committee's resolution then the Head of Planning and Development shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the mitigation and benefits that would have been secured; if so, the Head of Planning and Development is authorised to determine the application and impose appropriate reasons for refusal under Delegated Powers.

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows:

For: Councillors: P Davies, D Firth, Greaves, Hawkins, Homewood, Jo Lawson, McGrath, McGuin, Sokhal and Ullah (10 votes)

Against: Councillor Lee-Richards (1 vote).

13 **Planning Application - Application No: 2022/93251**

The Sub Committee gave consideration to Planning Application 2022/93251 Erection of rear dormer (within a Conservation Area) 10, Cecil Street, Springwood, Huddersfield.

Under the provisions of Council Procedure Rule 36(3), the Committee received a representation from Councillor Andrew Cooper (ward member).

RESOLVED –

That the application be refused in line with the following reasons outlined in the considered report:

The formation of a flat-roofed dormer extension on the rear roof pitch would cause harm to the significance of the Springwood Conservation Area by introducing a large, dominant, modern element in a roofscape which has otherwise retained its simple and traditional appearance. The harm that would be caused is considered to be less than substantial, but no public benefit has been demonstrated to justify the harm caused, contrary to the aims of paragraphs 199-202 of the National Planning Policy Framework (NPPF). It is therefore considered that the development proposed

Planning Sub-Committee (Huddersfield Area) - 2 February 2023

would not accord with the aims of Chapter 16 of the NPPF, Policies LP2, LP24a and LP35 of the Kirklees Local Plan or Key Design Principles 1-2 of the Council's adopted House Extensions and Alterations SPD.

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows:

For: Councillors: P Davies, Greaves, Hawkins, Homewood, Jo Lawson, Sokhal and Ullah (7 votes)

Against: Councillor D Firth (1 vote)

Abstained Councillors: McGrath, McGuin and Lee-Richards

14 Planning Application - Application No: 2022/93846

The Sub Committee gave consideration to Planning Application 2022/93846 Erection of first floor extension above existing garage 29, Oldfield Road, Honley, Holmfirth.

Under the provisions of Council Procedure Rule 37 the Sub Committee received representations from Phil Fletcher (agent) and Indy Sohal (applicant).

RESOLVED –

That the application be refused in line with the following reasons outlined in the considered report:

1. The proposed extension, by virtue of its size and scale, and due to other previous additions to the property, would result in a disproportionate addition to the original dwelling and therefore constitute inappropriate development in the Green Belt. In addition, the proposed development would have a detrimental impact upon the spatial and visual openness of the Green Belt. Very special circumstances to clearly outweigh the identified substantial harm to the Green Belt have not been demonstrated, therefore the development is contrary to Policy LP57 (a) of the Kirklees Local Plan and Policies contained within Chapter 13 of the National Planning Policy Framework.
2. By reason of its large scale and massing, form and relationship with the host dwelling, and taking into consideration previous extensions and additions to the dwelling, the proposed development fails to represent a subservient and harmonious addition to the dwelling, introducing an unsympathetic, incongruous and overly dominant addition which detracts from the original dwellinghouse. The development would therefore cause detrimental harm to visual amenities of the locality, contrary to Policies LP24(c) and LP57(d) of the Kirklees Local Plan, Principles 1 and 2 of the Council's adopted House Extensions and Alterations Supplementary Planning Document, Policy 2 of the Holme Valley Neighbourhood Development Plan and Policies contained within Chapter 12 of the National Planning Policy Framework.

Planning Sub-Committee (Huddersfield Area) - 2 February 2023

3. The proposed extension, by reason of its scale, proximity to No.31 Oldfield Road and protrusion beyond the rear wall of No.31 Oldfield Road, would result in an undue overshadowing and overbearing impact on the rear windows and amenity space of this adjacent property, as well as an undue loss of light and outlook to the rear windows, thereby detrimentally affecting the residential amenity of its occupants. To permit the extension would be contrary to Policy LP24 (b and c) of the Kirklees Local Plan, Principles 5 and 6 of the Council's adopted House Extensions and Alterations Supplementary Planning Document, Policy 2(10) of the Holme Valley Neighbourhood Development Plan and Policies contained within Chapter 12 of the National Planning Policy Framework.

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows:

For: Councillors: P Davies, D Firth, Hawkins, Homewood, Jo Lawson, Lee-Richards, McGuin and Ullah (8 votes)

Against: Councillor McGrath (1 vote)

Abstained: Councillor Sokhal

15 **Planning Application - Application No: 2022/93520**

The Sub Committee gave consideration to Planning Application 2022/93520 Outline application for residential development adj, 47, Stile Common Road, Newsome, Huddersfield.

RESOLVED –

That the application be refused in line with the following reasons outlined in the considered report:

1. The application site comprises a prominent open garden area supported by retaining walls at the junction of Newsome Road with Stile Common Road. Due to its: prominent location, shape and site constraints; built development here would appear cramped, contrived and incongruous and fail to sympathetically integrate with the character and appearance of the area. In addition, due to the constraints of the site, any development could not form a coherent building line with surrounding development. The proposal would therefore fail to reinforce or enhance local distinctiveness contrary to Policy LP24(a) of the Kirklees Local Plan, Principles 2 and 5 of the Kirklees Housebuilders Design Guide SPD and Chapter 12 of the National Planning Policy Framework.

2. The proposed development, due to its siting on a prominent, exposed, narrow and steeply sloping site, would fail to provide an adequate standard of useable, proportionate and private outdoor amenity space for future occupiers. This would be further constrained by the proximity of a busy road junction and bus stop. This would result in a poor living environment to future occupiers, contrary to Policy LP24(b) of the Kirklees Local Plan, Principle 17 of the Kirklees Housebuilders Design Guide SPD and Chapter 12 of the National Planning Policy Framework.

Planning Sub-Committee (Huddersfield Area) - 2 February 2023

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows:

For: Councillors: P Davies, D Firth, Greaves, Hawkins, Homewood, Jo Lawson, Lee-Richards, McGrath, McGuin and Ullah (10 votes)

Abstained: Councillor Sokhal

KIRKLEES COUNCIL

DECLARATION OF INTERESTS AND LOBBYING

Planning Sub-Committee/Strategic Planning Committee

Name of Councillor

Item in which you have an interest	Type of interest (eg a disclosable pecuniary interest or an "Other Interest")	Does the nature of the interest require you to withdraw from the meeting while the item in which you have an interest is under consideration? [Y/N]	Brief description of your interest

LOBBYING

Date	Application/Page No.	Lobbied By (Name of person)	Applicant	Objector	Supporter	Action taken / Advice given

Signed:

Dated:

NOTES

Disclosable Pecuniary Interests

If you have any of the following pecuniary interests, they are your disclosable pecuniary interests under the new national rules. Any reference to spouse or civil partner includes any person with whom you are living as husband or wife, or as if they were your civil partner.

Any employment, office, trade, profession or vocation carried on for profit or gain, which you, or your spouse or civil partner, undertakes.

Any payment or provision of any other financial benefit (other than from your council or authority) made or provided within the relevant period in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses.

Any contract which is made between you, or your spouse or your civil partner (or a body in which you, or your spouse or your civil partner, has a beneficial interest) and your council or authority -

- under which goods or services are to be provided or works are to be executed; and
- which has not been fully discharged.

Any beneficial interest in land which you, or your spouse or your civil partner, have and which is within the area of your council or authority.

Any licence (alone or jointly with others) which you, or your spouse or your civil partner, holds to occupy land in the area of your council or authority for a month or longer.

Any tenancy where (to your knowledge) - the landlord is your council or authority; and the tenant is a body in which you, or your spouse or your civil partner, has a beneficial interest.

Any beneficial interest which you, or your spouse or your civil partner has in securities of a body where -

(a) that body (to your knowledge) has a place of business or land in the area of your council or authority; and

(b) either -

the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or

if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, or your spouse or your civil partner, has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

Lobbying

If you are approached by any Member of the public in respect of an application on the agenda you must declare that you have been lobbied. A declaration of lobbying does not affect your ability to participate in the consideration or determination of the application.

In respect of the consideration of all the planning applications on this Agenda the following information applies:

PLANNING POLICY

The statutory development plan is the starting point in the consideration of planning applications for the development or use of land unless material considerations indicate otherwise (Section 38(6) Planning and Compulsory Purchase Act 2004).

The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

National Policy/ Guidelines

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 20th July 2021, 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.

REPRESENTATIONS

Cabinet agreed the Development Management Charter in July 2015. This sets out how people and organisations will be enabled and encouraged to be involved in the development management process relating to planning applications.

The applications have been publicised by way of press notice, site notice and neighbour letters (as appropriate) in accordance with the Development Management Charter and in full accordance with the requirements of regulation, statute and national guidance.

EQUALITY ISSUES

The Council has a general duty under section 149 Equality Act 2010 to have due regard to eliminating conduct that is prohibited by the Act, advancing equality of opportunity and fostering good relations between people who share a protected characteristic and people who do not share that characteristic. The relevant protected characteristics are:

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- religion or belief;
- sex;
- sexual orientation.

In the event that a specific development proposal has particular equality implications, the report will detail how the duty to have “due regard” to them has been discharged.

HUMAN RIGHTS

The Council has had regard to the Human Rights Act 1998, and in particular:-

- Article 8 - Right to respect for private and family life.
- Article 1 of the First Protocol - Right to peaceful enjoyment of property and possessions.

The Council considers that the recommendations within the reports are in accordance with the law, proportionate and both necessary to protect the rights and freedoms of others and in the public interest.

PLANNING CONDITIONS AND OBLIGATIONS

Paragraph 55 of The National Planning Policy Framework (NPPF) requires that Local Planning Authorities consider whether otherwise unacceptable development could be made acceptable through the use of planning condition or obligations.

The Community Infrastructure Levy Regulations 2010 stipulates that planning obligations (also known as section 106 agreements – of the Town and Country Planning Act 1990) should only be sought where they meet all of the following tests:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

The NPPF and further guidance in the PPGS launched on 6th March 2014 require that planning conditions should only be imposed where they meet a series of key tests; these are in summary:

1. necessary;
2. relevant to planning and;
3. to the development to be permitted;
4. enforceable;
5. precise and;
6. reasonable in all other respects

Recommendations made with respect to the applications brought before the Planning sub-committee have been made in accordance with the above requirements.

Report of the Head of Planning and Development

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 13-Apr-2023

Subject: Planning Application 2022/90469 Outline application for residential development for 7 dwellings, and associated infrastructure following the partial demolition of existing public house, including consideration of layout and access (within a Conservation Area) Rose and Crown Inn, 132, Knowl Road, Golcar, Huddersfield, HD7 4AN

APPLICANT

C Pogson

DATE VALID

22-Feb-2022

TARGET DATE

24-May-2022

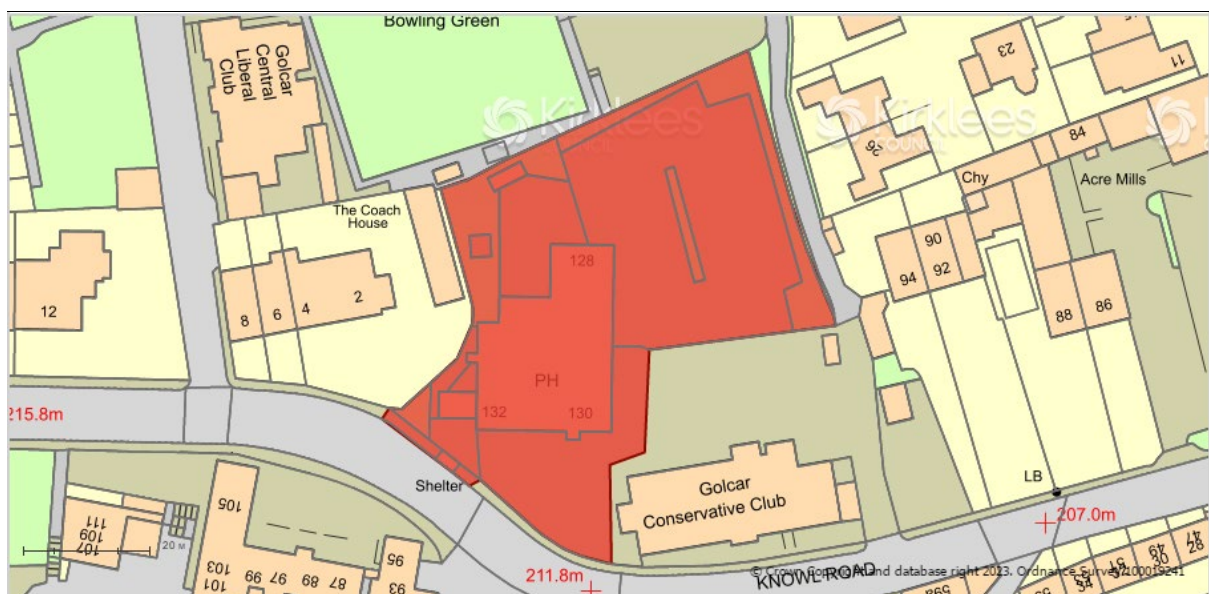
EXTENSION EXPIRY DATE

17-Apr-2023

Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

[Public speaking at committee link](#)

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral wards affected: Golcar

Ward Councillors consulted: Yes

Public or private: Public

RECOMMENDATION:

DELEGATE approval of the application and the issuing of the decision notice to the Head of Planning and Development in order to complete the list of conditions including those contained within this report.

1.0 INTRODUCTION:

- 1.1 This is an outline planning application for the erection of residential development (7 dwellings) including the consideration of layout and access following the partial demolition of the public house. A site layout plan has been submitted, to demonstrate the point of access onto Church Street, a classified C Road and the layout of dwellings.
- 1.2 The application is brought to Huddersfield Sub Committee for determination in accordance with the Council's Delegation Agreement, as a substantial amount of representations have been received, in objection to the application.

2.0 SITE AND SURROUNDINGS:

- 2.1 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.
- 2.2 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.

3.0 PROPOSAL:

- 3.1 The application is submitted in outline including matters relating to access and layout. Appearance, scale and landscaping are reserved matters. The application also seeks the partial demolition of the public house which constitutes relevant demolition within a Conservation Area.

- 3.2 The site plan proposes 7 dwellings in the formation of 4 x semi-detached and 3 x detached properties. Garages could 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.
- 3.3 No elevation or floor plans have been submitted as part of this application, however, the site plan shows an indicative number of bedrooms for each plot.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

At the application site:

- 4.1 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

- 4.2 2020/20092 Pre application for residential development – Comments made.

Neighbouring sites

- 4.3 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)

5.0 HISTORY OF NEGOTIATIONS (including revisions to the scheme):

- 5.1 Significant concerns were originally raised with the agent regarding the layout of the site, the demolition of the public house and the proposed access. As such, substantial amendments have been sought to reduce the number of dwellings from 14 – 7, in order to safeguard the area of small open space, retain part of the pub's frontage and achieve a suitable access. This has led to a reduction in the site's red line boundary, with the updated location plan being sought on the 10th January 2023. Final documents including a tracking vehicle plan were received on the 28th February 2023, with an updated Design and Access Statement being received on the 3rd March 2023. The final site layout was received on the 14th March 2023.

6.0 PLANNING POLICY:

- 6.1 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):

- 6.2 The site is situated within Golcar Conservation Area on the Kirklees Local Plan.
- 6.3 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:

- 6.4 National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 20th July 2021, 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 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:

- 6.5
 - 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:

- 6.6 Golcar Conservation Area Appraisal

Climate change

- 6.7 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.

7.0 PUBLIC/LOCAL RESPONSE:

- 7.1 The application has been advertised via site notice, neighbour notification letters and the press over 2 periods of publicity, the 2nd period being by neighbour notification letter only. The expiration of the final period of publicity was 2nd February 2023. As a result of the above publicity, 39 representations have been received, 36 in objection and 3 general comments. A summary of the responses are as follows:

Objections

Visual amenity and heritage:

- The development would have a negative impact on the Conservation Area.
- The Rose and Crown has been a valuable and historic part of the local community and should be protected.
- The plans advise that the dwellings would be constructed from stone and render, but this would not be in keeping with the Conservation Area Appraisal.
- The houses will be set higher than those at the other side of the footpath.

- Although the Rose and Crown is not noted as a listed building in the Golcar Conservation Appraisal document, it is however noted as a key building of historic importance and therefore we feel that by knocking this building down, would not help with the preservation of the Conservation area.
- The houses are squashed into the site.
- If the Golcar conservation area is to mean anything then the landmark building housing the Rose & Crown pub and its adjacent double fronted house to the east must be preserved. Golcar has very few 18th century buildings but the Rose and Crown is reputed to be one of them.
- The proposed site plan shows a very cramped development with tiny gardens and poor egress.
- Although the pub has never been officially listed, it is situated in a conservation area, and has been an integral, long-standing asset to the community of Golcar village throughout its history.
- If the pub was to be converted to housing units, I would have no problem. This has been a long-standing feature for so very long and its outward appearance should in no way be changed.

Residential amenity:

- Overlooking, overbearing and overshadowing to neighbouring properties.
- The development should take into account the Human Rights Act in relation to overbearing and overlooking.
- The development should comply with the separation standards.
- The garage for plot 14 would impact on neighbouring amenity and further details regarding its size and scale are required.
- Overshadowing from trees to neighbouring properties.
- The amended plans do not overcome the concerns raised in terms of overlooking and overbearing onto neighbouring properties.

Highway safety and access:

- The access as shown is unsafe.
- The visibility splays are drawn incorrectly, over third party land, which is not permitted.
- The junction kerb radii shown does not tie in correctly with the kerb line along Knowl Road, this would affect visibility and cause potential vehicle conflicts.
- The proposed site access would not allow emergency vehicles or a refuse collection vehicle to turn within the site.
- The site access is straight for a distance of over 50m, which would encourage high vehicle speeds.
- The parallel parking spaces shown along the private drives are of insufficient length to accommodate cars and would not be used.
- Garages have been included in the car parking provision but no information is given on the internal dimensions to confirm whether they are large enough.
- The proposed access is on a blind bend and this would increase the chance of major accidents. The area is heavily used by children to and from school and it would seem an unnecessary risk to impose on the neighbourhood.
- Concern regarding the additional volume of traffic.

- Parking is already an issue at the moment and there are no traffic calming measures in place.
- There has been no mention to construction vehicles needing access and the disruption this would have.
- In one area, opposite the proposed site there is no pavement and this is dangerous at busy times and would be made worse due to the increase in traffic.
- Speeding issues within the area.
- Where will the bus stop go, this isn't shown on the plans?
- The car parking area behind the Rose & Crown provides valuable space for visitors to the bowling green, the Liberal Club and the Conservative club, and provides space for coaches to park and visiting bands, as well as providing a home to the only glass recycling bins within a mile radius at least.
- Is there enough parking within the site?
- The diagram shown on the resubmitted application is incorrect in that there it does not show the kerb intrusion and bollard in the road alongside no 79 Knowl Road. Placing the bus stop further towards the bend in the road (next to the Con Club and alongside the kerb/bollard) makes it much more tricky for any traffic behind a parked bus to see oncoming vehicles.
- The new access would still be unsafe despite the amended plans.

Ecology and trees:

- There is the environmental factor regarding local wildlife that currently inhabit the area - birds, bats and foxes. Their habitat would be destroyed.
- Noise disturbance to nearby animals and wildlife.

General concerns:

- Neighbours have not been notified and there is no notice posted in the vicinity of the site.
- There is an ever increasing number of residential housing with increasing road usage.
- How many of these houses will be "affordable"? Who needs them?
- In the area is there a genuine housing shortage or is this an example of money being moved about the country as a form of investment via renting out housing.
- The houses being built are hardly in line with green credentials.
- The development will put other community assets under more strain (i.e. waste, health facilities, public transport, parking, education/child care).
- More health services and schools need to be provided.
- The Rose & Crown is the centre of a family hub.
- The Rose & Crown is an important public amenity. The loss of this amenity will become more apparent as we gradually emerge from the shadow of the pandemic.
- We would expect at the very least that an independent study of the viability of the Rose and Crown is conducted before planning permission is granted. LP48
- There is no provision shown on the plan for the existing recycling facilities which, alone, serve a large part of Golcar.
- There is already a number of affordable, older and traditional housing within the area that is up for sale.

- Demolishing this building will create a loss to the village of a popular place of assembly and leisure.
- The Rose and Crown's enforced closure was due to the covid pandemic, not as implied, due to being a defunct pub. The villagers fully expected and eagerly anticipated it to re-open, as it had undergone a massive refurbishment.
- The pub car park has been used by residents, due to the lack of on street parking available. The loss of this would cause more chaos.
- Concerns regarding restrictions to noise for nearby commercial premises and the impact it would have on them and the activities, festivals and entertainment they provide.
- Smaller sites do not have to contribute to local facilities, however, still add to the pressure.
- The Conservative Club have no wish for the boundary hedge between the two sites to be altered as it is an effective barrier for both sight and sound.
- If the council is minded to grant planning permission for the proposed development, the Conservative Club would require a condition regarding the building of boundary treatment. This should be on the Rose & Crowns side and should be done in natural, sympathetic materials. Noise: Agent of change
- I am shocked to find out the landlord is applying for planning permission and didn't even tell me.
- Concerns regarding drainage as there is a problem within the area.
- If dwellings were to be erected they should be maximum 2 bedroom homes suitable and affordable for those living in Golcar already.
- Those involved in the planning committee should make a visit to Golcar.
- Pubs are valuable community assets for many reasons, Section 70 of the NPPF requires local planning authorities to guard against the unnecessary loss of valued facilities where they would reduce the community's ability to meet its needs.
- With the focus these days on environment and pollution it is wrong to encourage residents to have to travel further to go to a pub, when a local one has been demolished.
- The site has not had any other dwellings and is therefore not a brownfield site and should not be used for any development.
- Will Kirklees insist that the applicant gives residents unimpeded access to the bottle banks that are already in situ behind the Rose & Crown or will Kirklees resite or remove the facilities?
- There are consultees in objection still, such as Conservation & Design.
- The site should be kept for car parking.
- If the public house is deemed no longer viable, an alternative use should be considered such as a café/snack/wine bar.
- The site has been closed off and there is no access to the bottle banks.
- A better use of the Rose And Crown could be found, for example it could be re purposed as a larger library and community centre which could help the vulnerable and isolated by offering "warm space" and other facilities.
- It has been said that the site's now intended use is for a car showroom.
- A shabby, prefabricated building has been sighted in the rear car park and the carpark now houses a significant amount of wrecked cars. Is planning permission required for this? As a neighbour, I am concerned at the change of use. This includes concern about the rubbish (empty

cans, bottles etc) mounting up in the compound area where there is a 'guard dog' and new security lighting.

General comments

- I trust that there is a robust and legal plan to remove and dispose of the Japanese knotweed that has recently been growing on the old tennis courts and that the execution of that plan will be properly policed.
- We are not against the prospect of residential use in general just any layout that directly effects neighbouring privacy.
- I would not object to a small number of houses being built behind the current Rose and Crown building if they were built sensitively to the style of the conservation area.

Local ward councillors

- 7.2 Councillor E Reynolds: *"We are in the process of community discussions to use the pathways from Knowl Road and Golcar Conservative Club for Active Travel. The Conservative Club and Schools have been in discussion to allow pick up and drop off access for parents in the car park and then a supervised walk to school along the paths. The paths are to be developed for scooters and walkers with a variety of fruit trees and bushes to link up with community garden plans being developed in the area.*

There are issues in the area for parking during school pick ups and drop offs and this may become an issue for this development. The additional problems of access to and from the development on Knowl Road also needs to be considered. We had identified the need for some traffic control measures to be taken around the Conservative Club to alleviate congestion and a one way, circular route around the back of the building for parents. This would be impossible with the current proposal presented as no access would be available on the left hand side of the building and only a very narrow access road to the right hand side.

The car park of the Rose and Crown currently houses Kirklees recycling bins, again a top priority of Kirklees to reduce waste. Those would no longer be available."

Officer comment: The above concerns have been noted and it can be confirmed that the site would not impact upon the community discussions for an Active Travel Plan between the Schools and the Conservative Club. The PROW would not be obstructed or re-routed as part of this development and would remain outside of the site boundary. The highways matters have been assessed by Kirklees Highways DM, with their full comments being found within the Committee Report. Lastly, Officers are aware that KC Waste have managed to re-locate the bottle bank to Walkers Arms (Golcar).

- 7.3 Councillor G Turner: *"I have concerns regarding the bend, as it is quite tricky to see looking down the hill. My other concern is that the scheme land locks the rest of the rest of the land behind it, which will remain a bit of scrubby land and to be honest a bit of an eyesore. What have we asked for in the section 106 payments?"*

Officer comment: The concerns have been noted, however, a full assessment upon highway safety and access can be found within the committee report. The land to the rear of the site has been noted, however, it is outside of the remit of

this planning application and therefore discussions should be had with the land owner, especially as the site is designated as a small area of green space on the Kirklees Local Plan, to which Policy LP61 applies. In terms of contributions, there are none to be secured in this instance, as the site no longer forms major development. However, a condition is proposed from KC Highways DM to request a 2m footpath to the site's frontage, the re-siting of the existing bus shelter and associated signing and white lining.

- 7.4 Former Councillor R Iredale (comments made when a serving Cllr): What is the envisaged barrier to the PROW on the bottom side of the site? The Place Partnership has a park and walk scheme from the Conservative Club car park to the two schools. There is to be fruit planting along both paths.

Officer comment: This has been noted, with the development not affecting the PROW.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

Yorkshire Water: A condition has been requested should planning permission be granted.

Officer comment: This condition would be captured under those requested by KC LLFA and therefore it is not reasonable to duplicate the conditions.

8.2 Non-statutory:

KC Highways: In support of the scheme, subject to conditions regarding the internal road layout being to an adoptable standard, the re-siting of the bus stop and a 2.0m wide footpath to the site's frontage, a construction management plan and the methods and storage of waste.

KC Environmental Health: No objection, subject to conditions being attached to the decision notice to include the installation of electric charging vehicle points (ECVP's), the submission of full land contamination reports, a noise report and a construction environmental management plan (CEMP).

KC Crime Prevention: No objection, subject to a condition being attached to the decision notice requiring a plan and details to demonstrate full security details. This shall include boundary treatments, external lighting,

KC Landscape: If the outline application is approved, a detailed landscape plan with full details of both hard and soft landscape works would need to be submitted. This should include boundary details and all planting and the timescales for the implementation and a management and maintenance programme.

KC Highways Structures: No objection, subject to two conditions being attached to the decision noticed, should planning permission be granted. These including details of any new retaining walls adjacent to the existing/proposed public highway and a detailed design for all new surface water attenuation.

KC Conservation and Design: No objection to the principle of development, given the amendments sought. Officers are however, disappointed in the partial demolition of the former Inn's frontage, however, access to the rear of the site is difficult and has been demonstrated.

KC Ecology: Having reviewed the Bat, Bird and Owl Survey, further nocturnal surveys are required. If the application is approved, this should be attached as a condition and the reports should be submitted as part of any future Reserved Matters application.

KC Trees: No objection, however, we would require a landscape plan to be submitted to demonstrate/show where the new planting would be provided within the site. This should include the location, number, size and species of any new trees.

KC Waste Strategy: In support of the application as the site would be to an adoptable standard and would allow a bin wagon to turn within the site in order for it to enter the highway in forward gear.

KC Lead Local Flood Authority: If the application is approved, a drainage strategy for the site should be submitted as part of any future Reserved Matters application. Conditions to this affect should be attached to the decision notice and will include drainage details, overland flow routing and details of surface water during the construction phase.

KC Policy (informal final comments): Having reviewed the applicants updated Design and Access statement, it is noted that there are 4 public houses within Golcar including the application site. Whilst it has not been stated specifically which they are, Policy Officers are aware of two that are open and trading (The Rising Sun and Commercial Inn), which we consider to serve the local community in an equally accessible location. Therefore, the application is in accordance with Policy LP48.

West Yorkshire Combined Authority: Comments were provided on the original scheme (14 dwellings) which set out improvements including the installation of a Real Time Information battery display for the closest bus stop and a sustainable transport fund.

Officer comment: Please note that the development has now been significantly reduced from 14 to 7 dwellings and therefore would not trigger the above contributions as they would not be fair nor reasonable for the level of development now proposed. No further comments have been received from West Yorkshire Combined Authority since the initial consultation.

KC Strategic Housing: Three affordable units would be required for a scheme for 14 dwellings.

Officer comment: This scheme has been reduced from 14 dwellings to 7 as part of the application process and therefore this number does not trigger LP11 (the requirement for affordable housing).

9.0 MAIN ISSUES

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

10.0 APPRAISAL

Principle of development

- 10.1 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.
- 10.2 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...”*
- 10.3 The site is within the Kirklees Rural Sub Area.
- 10.4 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.
- 10.5 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.

- 10.6 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”*.
- 10.7 The site would be situated on the footprint and hardstanding of the former Rose and Crown Inn and is not within the Green Belt. It also has good public transport links, given its close location to a bus stop.
- 10.8 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.
- 10.9 Therefore, given the mix, layout and form of the units proposed, Officers consider a reduced number of dwellings to be acceptable in this instance.

LP48: Community facilities and services

- 10.10 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
 - b. its current use is no longer viable; or
 - c. there is adequate alternative provision in the locality to serve the local community which is in an equally accessible location; or
 - d. an alternative facility of equivalent or better standard will be provided, either on-site or equally accessible; and
 - e. any assets listed on a Community Asset Register have satisfied the requirements under the relevant legislation”.
- 10.11 In order to address LP48, an updated Design and Access statement has been sought (Rev C). This outlines 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”*.

- 10.12 The above information has been reviewed by KC Policy who have acknowledged that whilst the 4 public houses have not been stated in the Design and Access statement, 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

- 10.13 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.
- 10.14 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.
- 10.15 Paragraph 199 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.
- 10.16 Further to the above, the NPPF offers guidance relating to design in Chapter 12 (achieving well designed places) whereby Paragraph 126 provides a principal consideration concerning design which 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."*
- 10.17 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.
- 10.18 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..."*.

- 10.19 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.
- 10.20 In this instance, the outline planning permission seeks approval of the principle of development, including access and layout. This does not include matters of appearance, landscaping or scale and therefore, if approval was obtained, these matters would be determined at the reserved matters stage. The application also seeks permission for the partial demolition of the public house itself, retaining only part of its frontage, which is indicated to be converted into two dwellings. The relevant demolition requires planning permission in its own right, as the site is located within the Conservation Area.
- 10.21 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.
- 10.22 The plans provided show a layout of 7 residential units, of which 4 would be semi-detached and 3 would be detached. Details have been provided on the site plan to the indicative number of bedrooms each plot would provide, this would potentially include plots 1 and 2 being 1 or 2 bed, plots 3 and 4 being 3 bed and plots 5, 6 and 7 being 4 bed. Private gardens and amenity green spaces are also provided within the site. In terms of parking, each plot would have either 2, 3 or 4 spaces (including the attached garages). Two visitor spaces are proposed within the entrance of the site, with access being taken from Church Street.
- 10.23 Firstly looking at the layout of the proposed dwellings, 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’.
- 10.24 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”.

- 10.25 In this instance, the proposal would provide a new cul-de-sac off of Church Street, which would to some degree be to contrary to 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 and the extent and details of the scale and appearance would need to be conditioned to confirm this element of the proposal. This would help to conserve 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.
- 10.26 Whilst it would be preferable to retain the whole frontage of the pub, as per Conservation and Design's comments, 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 site would be retained to provide some of its historic setting, 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 condition will be imposed to prevent any demolition on the site until details of those elements of the existing pub to be retained, which includes the proposed plots 1 and 2, have been submitted and approved – to include details of how those retained elements would be secured during the construction process. Furthermore, the condition would require details of a legally binding contract to verify that a contractor has been appointed to development the site.
- 10.27 Therefore, in conclusion, having afforded weight to the above, Officers consider the proposed layout to be acceptable. The harm through the loss of most of the public house being outweighed by the public benefits of securing additional housing on a brownfield site in a sustainable location.
- 10.28 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 whilst a reserved matter (in terms of landscaping), this shows how the site could be developed in order to create a mix of both hard and soft landscaping. Tree planting would also be key within the site. The amenity space for each plot is considered acceptable by Officers.
- 10.29 In conclusion, it is considered that subject to the details provided within subsequent reserved matters submissions, the site could accommodate 7 dwellings which could be designed as so to contribute positively to the local character of the area. As scale, appearance and landscaping are reserved matters, care would need to be taken to ensure that the dwellings sit comfortably within the site and utilise materials which are sympathetic to the existing area, windows and doors shall be installed which are of a similar design and style to adjacent properties to ensure consistency.

- 10.30 Paragraph 202 of the NPPF requires that where a development proposal will lead to less than substantial harm to the significance of designated heritage assets, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 10.31 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 in its historic form. A new access is also 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 Paragraph 202 of the NPPF and Policy LP 35 of the Kirklees Local Plan.
- 10.31 The proposal would provide housing within the village on a vacant brownfield site in a sustainable location. The site has been designed sensitively in terms of its layout, in order to retain some former public house's front elevation (details to be conditioned). The public benefits of providing housing and a sustainable use for the land goes some way 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 landscape would be expected in natural materials and 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.
- 10.32 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

- 10.33 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".
- 10.34 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.

10.35 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.

10.36 As set out above, the application is for outline permission with only the matters of layout and access being sought, therefore no elevations or floor plans have been submitted. A brief assessment will be undertaken below in relation to aforementioned separation distances.

94 Knowl Road, 22, 24 and 26 Scape View

10.37 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 20m 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 anticipated to be single storey in scale. Whilst scale and appearance are reserved matters it is likely that the dwellings could be designed in a way to omit any undue overbearing, overshadowing or overlooking, as 20m is a typical separation distance between residential properties. The change in levels between the sites would help provide further mitigation.

10.38 No. 22 Scape View would be located the furthest from plot 6, retaining a separation distance of 23m from the proposed garage. Given the significant 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.

10.39 With regards to no. 94 Knowl Road, it has been noted that these neighbours side gable would be the closest elevation to Plot 7. Whilst no elevational details have been provided, the separation distance is considered acceptable at 17.5m, as the SPD requests 12m between rooms of habitable windows to non-habitable rooms. Therefore, the site could be sensitively designed to protect these neighbours amenity, should they wish to install any future side openings.

Coach House, 4, 6 and 8 Church Street

10.40 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. Having undertaken the site visit, 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, subject to the design, scale and massing being dealt with sensitively at the reserved matters stage it is likely that these neighbours amenity could be protected. 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.

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

- 10.41 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 subject to their final design, Plots 1 and 2 are likely 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.
- 10.42 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

- 10.43 In terms of the amenities of the proposed occupiers, 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.”*
- 10.44 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.
- 10.45 Whilst matters regarding scale are a reserved matter, all new dwellings are expected to meet the internal floor space standards as specified in the Nationally Described Space Standards. The gardens for each dwelling have been shown on the proposed site layout plan and have been considered acceptable.
- 10.46 In terms of noise, although residential development would introduce (or increase) activity and movements to and from the site, given the scale of development anticipated, this would not unacceptably impact on the amenities of nearby residents.

- 10.47 With regards to the future amenity of the occupiers, Environmental Health Officers have expressed concern regarding potential impacts of noise from the Conservative Club, Liberal Club and other significant noise sources which are likely to impact upon the proposed development. As such, a noise report and mitigation scheme would be required to support any detailed reserved matters application in order to determine the existing noise climate, predict noise climates in gardens, bedrooms and other habitable rooms and to provide attenuation/design if necessary, to protect the amenity of the future occupants.
- 10.48 It is also recognised that the Conservative and Liberal Clubs are existing commercial businesses, which host a number of local events. Paragraph 182 of the NPPF states that planning decisions should ensure that new development can be integrated effectively with existing businesses and that existing businesses should not have unreasonable restrictions placed on them as a result if development permitted after they were established.
- 10.49 Therefore, as well as protecting the amenity for the future occupiers, a noise impact assessment would need to be submitted alongside any future reserved matters application to ensure existing surrounding commercial business can continue to operate, in an effective and efficient manner. This is likely to be achievable as there are already direct relationships between the Conservative and Liberal Club and existing residential properties. As such, it is considered that a reserved matters application could secure a design that would protect the residential amenity of the future residents of the site and the existing neighbouring residential and commercial uses. This is to accord with Policy LP24 and LP52 of the Kirklees Local Plan and Chapter 15 of the NPPF.

Highway issues

- 10.50 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.
- 10.51 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.
- 10.52 KC Highways Development Management (KC HDM) have been formally consulted as part of this application, whereby significant negotiations and amendments have been made to achieve an acceptable access point. In this case, the demolition of the majority of the public house, other than part of its frontage would be required. This will allow acceptable sightlines to be achieved in both directions.
- 10.53 The site's internal road would be 6m in width to allow two cars to pass safely.

- 10.54 Within the site, appropriate on site parking is proposed in the formation of driveways and single and double garages. Whilst the number of bedrooms for each unit would remain a reserved matter to be considered within 'appearance', details have been provided to show how many vehicles each plot would be able to provide. The garages would be suitable for the parking of one or two vehicles (in the case of plot 6), as the site plan shows them to be generally in accordance with the measurements advised within the Kirklees Highways Design Guide SPD. Two visitor parking spaces are also proposed within the entrance to the site.
- 10.55 In terms of refuse, a vehicle tracking plan has been provided. This demonstrates that a refuse vehicle can safely enter into the site and manoeuvre so that it enters the highway in forward gear.
- 10.56 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."*
- 10.57 Bin storage points have been detailed on the submitted site plan and are likely to be able to be presented within the dwellings frontage on bin collection day, without resulting in any detriment to highway safety. However, a condition is required 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.
- 10.58 Lastly, 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.
- 10.58 Therefore, having reviewed the final amended plans, Highways Officers have confirmed that the development would be acceptable from a highways perspective, subject to a number of conditions. These include details of the internal roads to an adoptable standard, a scheme for providing a 2m footway along the site's frontage, the re-siting of the bus shelter with associated signing and white lining, details of any new retaining walls and the design of any new attenuation tanks/pipes/manholes located within the highway and a Construction Environmental Management Plan. This is to ensure 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

- 10.59 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.

- 10.60 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). However, given the concerns raised regarding surface water run off and existing flooding issues within the area as part of the consultation process, KC Lead Local Flood Authority (KC LLFA) have been formally consulted.
- 10.61 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.
- 10.62 Therefore, whilst layout is a matter seeking agreement, no drainage information has been submitted. 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.

Other Matters

Ecology

- 10.63 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.
- 10.64 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.
- 10.65 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, requesting a Preliminary Roost Assessment. This was submitted on the 14th February 2023.
- 10.66 The report found that some of the buildings on site have low suitability for roosting bats and therefore 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. Surveys should be undertaken during optimal bat activity season (May-August).

- 10.67 Paragraph 99 of the biodiversity and geological conservation: Circular 06/2005 states that there is a need to ensure ecological surveys are carried out before planning permission is granted and should only be left to cover under planning conditions in “exceptional circumstances”.
- 10.68 In this case, given that the development is only seeking outline permission and that no works to construct the development can be undertaken until a reserved matters application has been submitted to and approved by the Local Planning Authority, KC Ecology have accepted the submission of the activity survey as part of the reserved matters application/pre-commencement condition. This is considered to be reasonable in this exceptional circumstance and therefore an appropriate condition would be attached to the decision notice in the case of an approval, which would also specify that no building on the site could be demolished/no development commenced until the requirements of the required ecology reports had been approved/undertaken.
- 10.69 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, whilst landscaping and scale and appearance are reserved matters, the applicant’s Design and Access Statement (Rev C) outlines how the site can be development to allow for this. This includes the retention of the hedge between the site and the Conservative Club and additional hedgerow and tree planting within the site, alongside the installation of bat and bird boxes. A such, a biodiversity enhancement plan could be provided as part of any future reserved matters application alongside landscape.

Landscape and trees

- 10.70 If approved, ‘landscape’ is a matter for consideration at the reserved matters stage, as limited landscape details accompany this planning application.
- 10.71 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 enhanced 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.
- 10.72 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.
- 10.72 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

- 10.73 A full suite 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 will ensure that any future development complies with Policy LP53 of the Kirklees Local Plan and Chapter 15 of the NPPF.

Environmental Health

- 10.74 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.

Climate change

- 10.75 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.
- 10.76 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

- 10.77 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.
- 10.78 In terms of the impact the development would have on the setting of the PROW, officers note that landscape is a reserved matter. However, it is likely that the relationship would be similar to what is currently in situ, which includes a dry stone wall with a timber fence behind (on the application site). The gardens to the dwellings would be the closest to the PROW, with the built form set further to the west. As such, it is likely that there would be no material impact on its setting for its users.
- 10.79 The Council's Public Right of Way Team have been formally consulted as part of this application process, however, no comments have been received.

Crime Prevention

10.80 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

10.80 As a result of the above publicity, 39 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:

- The development would have a negative impact on the Conservation Area.
- The Rose and Crown has been a valuable and historic part of the local community and should be protected.
- The plans advise that the dwellings would be constructed from stone and render, but this would not be in keeping with the Conservation Area Appraisal.
- The houses will be set higher than those at the other side of the footpath.
- Although the Rose and Crown is not noted as a listed building in the Golcar Conservation Appraisal document, it is however noted as a key building of historic importance and therefore we feel that by knocking this building down, would not help with the preservation of the Conservation area.
- The houses are squashed into the site.
- If the Golcar conservation area is to mean anything then the landmark building housing the Rose & Crown pub and its adjacent double fronted house to the east must be preserved. Golcar has very few 18th century buildings but the Rose and Crown is reputed to be one of them.
- The proposed site plan shows a very cramped development with tiny gardens and poor egress.
- Although the pub has never been officially listed, it is situated in a conservation area, and has been an integral, long standing asset to the community of Golcar village throughout its history.
- If the pub was to be converted to housing units, I would have no problem. This has been a long standing feature for so very long and its outward appearance should in no way be changed.

Officer comment: The concerns raised have been noted and have been assessed as part of the committee report. The concerns raised regarding scale and massing would be a consideration for any subsequent reserved matters.

Residential amenity:

- Overlooking, overbearing and overshadowing to neighbouring properties.
- The development should take into account the Human Rights Act in relation to overbearing and overlooking.
- The development should comply with the separation standards.
- The garage for plot 14 would impact on neighbouring amenity and further details regarding its size and scale are required.
- Overshadowing from trees to neighbouring properties.
- The amended plans do not overcome the concerns raised in terms of overlooking and overbearing onto neighbouring properties.

Comment: These concerns have been noted and addressed where possible within the committee report. Details regarding scale, massing and fenestration are reserved matters and therefore cannot be taken into account as part of this outline application.

Highway safety & access:

- The access as shown is unsafe.
- The visibility splays are drawn incorrectly, over third party land, which is not permitted.
- The junction kerb radii shown does not tie in correctly with the kerb line along Knowl Road, this would affect visibility and cause potential vehicle conflicts.
- The proposed site access would not allow emergency vehicles or a refuse collection vehicle to turn within the site.

Comment: These concerns have been noted and have been addressed within the amended scheme.

- The site access is straight for a distance of over 50m, which would encourage high vehicle speeds.

Comment: This has been noted, however, officers do not consider cars to be travelling at considerable speeds within the site.

- The parallel parking spaces shown along the private drives are of insufficient length to accommodate cars and would not be used.

Comment: This concern has been addressed by the amended scheme.

- Garages have been included in the car parking provision but no information is given on the internal dimensions to confirm whether they are large enough.

Comment: Whilst no dimensions have been provided on the plans, these can be scaled electronically. It can also be confirmed that each garage would be large enough to accommodate 1 or 2 vehicles (in the case of a double garage) in line with the Councils parking specifications.

- The proposed access is on a blind bend and this would increase the chance of major accidents. The area is heavily used by children to and from school and it would seem an unnecessary risk to impose on the neighbourhood.

- Concern regarding the additional volume of traffic.
- Parking is already an issue at the moment and there are no traffic calming measures in place.

Comment: This has been noted and assessed by KC Highways DM.

- There has been no mention to construction vehicles needing access and the disruption this would have.
Comment: A construction access plan and schedule would be conditioned in the case of an approval.
- In one area, opposite the proposed site there is no pavement and this is dangerous at busy times and would be made worse due to the increase in traffic.
Comment: This has been noted.
- Speeding issues within the area.
Comment: This concern is outside the remit of the planning application and would be a matter for the Police.
- Where will the bus stop go, this isn't shown on the plans?
Comment: A replacement bus stop has been shown on the amended plans and a condition to ensure its implementation has been requested by KC Highways.
- The car parking area behind the Rose & Crown provides valuable space for visitors to the bowling green, the Liberal Club and the Conservative club, and provides space for coaches to park and visiting bands, as well as providing a home to the only glass recycling bins within a mile radius at least.
Comment: This has noted and taken into account by KC Highways DM. With regards to the bottle bank this is to be relocated to the Walkers Arms.
- Is there enough parking within the site?
Comment: Officers are satisfied with the highways arrangements for the application site.
- The diagram shown on the resubmitted application is incorrect in that there it does not show the kerb intrusion and bollard in the road alongside no 79 Knowl Road. Placing the bus stop further towards the bend in the road (next to the Con Club and alongside the kerb/bollard) makes it much more tricky for any traffic behind a parked bus to see oncoming vehicles.
Comment: This has been noted, however, officers consider the plans to be correct. Whilst they may not identify the bollards, the road layout appears to take into account these.
- The new access would still be unsafe despite the amended plans.
Comment: This has been noted, however the application has been assessed by KC Highways, with their comments being found within the aforementioned report.

Ecology & trees:

- There is the environmental factor regarding local wildlife that currently inhabit the area - birds, bats and foxes. Their habitat would be destroyed.
- Noise disturbance to nearby animals and wildlife.
Comment: These concerns have been noted and a biodiversity net gain would be required as part of any future reserved matters application.

General concerns:

- Neighbours have not been notified and there is no notice posted in the vicinity of the site.
Comment: The application has been advertised via site notice, neighbour notification letters and the press. A second round of publicity, via neighbour letters was also undertaken to alert neighbours and interested parties to the amended scheme.
- There is an ever increasing number of residential housing with increasing road usage.
Comment: This has been noted.
- How many of these houses will be "affordable" ? Who needs them?
Comment: The reduced scheme no longer triggers the need for affordable housing.
- In the area is there a genuine housing shortage or is this an example of money being moved about the country as a form of investment via renting out housing.
Comment: Given the site's current brownfield status, the provision of 7 new homes would help meet the Council's housing delivery.
- The houses being built are hardly in line with green credentials.
Comment: As the application is only outline with the matters of access and layout, further details regarding the construction of the dwellings would be provided at reserved matters stage.
- The development will put other community assets under more strain (ie waste, health facilities, public transport, parking, education/child care).
Comment: This has been noted, however, given the amendments sought, the site if approved, would only deliver 7 dwellings and therefore its not considered to significantly impact upon existing community assets.
- More health services and schools need to be provided.
Comment: This has been noted, however, the scale of development does not trigger any financial contributions to local facilities or schools.
- The Rose & Crown is the centre of a family hub.
- The Rose & Crown is an important public amenity. The loss of this amenity will become more apparent as we gradually emerge from the shadow of the pandemic.
- We would expect at the very least that an independent study of the viability of the Rose and Crown is conducted before planning permission is granted.
Comment: This has been noted. The loss of the public house has been assessed against Policy LP48 of the Local Plan.
- There is no provision shown on the plan for the existing recycling facilities which, alone, serve a large part of Golcar.
- Will Kirklees insist that the applicant gives residents unimpeded access to the bottle banks that are already in situ behind the Rose & Crown or will Kirklees resite or remove the facilities?
Comment: The bottle bank has been re-located to the Walkers Arms in Golcar.

- There is already a number of affordable, older and traditional housing within the area that is up for sale.
Comment: This is noted, the application seeks new development and has been assessed on its own merits taking into account national and local policies.
- Demolishing this building will create a loss to the village of a popular place of assembly and leisure.
- The Rose and Crown's enforced closure was due to the covid pandemic, not as implied, due to being a defunct pub. The villagers fully expected and eagerly anticipated it to re-open, as it had undergone a massive refurbishment.
- The pub car park has been used by residents, due to the lack of on street parking available. The loss of this would cause more chaos.
Comment: The above concerns have been noted, however, officers have assessed the application on the information submitted, taking into account all relevant planning policy and framework.
- Concerns regarding restrictions to noise for nearby commercial premises and the impact it would have on them and the activities, festivals and entertainment they provide.
Comment: A condition requiring a noise report would be attached to the decision notice in the case of an approval.
- Smaller sites do not have to contribute to local facilities, however, still add to the pressure.
Comment: This has been noted and acknowledged.
- The Conservative Club have no wish for the boundary hedge between the two sites to be altered as it is an effective barrier for both sight and sound.
Comment: This has been noted, with the hedge shown to be retained on the plans.
- If the council is minded to grant planning permission for the proposed development, the Conservative Club would require a condition regarding the building of boundary treatment. This should be on the Rose & Crowns side and should be done in natural, sympathetic materials.
Comment: Details of future boundary treatments would be submitted as part of a reserved matters application. All development would take place on land within the sites red line boundary.
- I am shocked to find out the landlord is applying for planning permission and didn't even tell me.
Comment: This has been noted.
- Concerns regarding drainage as there is a problem within the area.
Comment: This has been noted, with drainage conditions requested by KC LLFA, to ensure that an acceptable scheme would be provided.

- If dwellings were to be erected they should be maximum 2 bedroom homes suitable and affordable for those living in Golcar already.
Comment: This has been noted, however, the matter of scale would be addressed as part of any subsequent reserved matters.
- Those involved in the planning committee should make a visit to Golcar.
Comment: This has been noted.
- Pubs are valuable community assets for many reasons, Section 70 of the NPPF requires local planning authorities to guard against the unnecessary loss of valued facilities where they would reduce the community's ability to meet its needs.
Comment: This has been noted and assessed within the committee report.
- With the focus these days on environment and pollution it is wrong to encourage residents to have to travel further to go to a pub, when a local one has been demolished.
Comment: This has been noted, however, there are still existing pubs within the local vicinity.
- The site has not had any other dwellings and is therefore not a brownfield site and should not be used for any development.
Comment: Given the current nature of the site as a public house with associated car parking, it is considered to be brownfield (previously developed land).
- There are consultees in objection still, such as Conservation & Design.
Comment: Final comments from consultees can be found on the Council's website for this application.
- The site should be kept for car parking.
Comment: This has been noted, however, officers have to assess the application submitted.
- If the public house is deemed no longer viable, an alternative use should be considered such as a café/snack/wine bar.
- A better use of the Rose And Crown could be found, for example it could be re purposed as a larger library and community centre which could help the vulnerable and isolated by offering "warm space" and other facilities.
Comment: This has been noted, however, officers have to assess the application submitted.
- The site has been closed off and there is no access to the bottle banks.
Comment: The bottle bank has been relocated to the Walkers Arms in Golcar.
- It has been said that the sites now intended use is for a car showroom.
Comment: There is no planning application in with the Council for this proposal. As such, each application is assessed on its own merits.

- A shabby, prefabricated building has been sighted in the rear carpark and the carpark now houses a significant amount of wrecked cars. Is planning permission required for this? As a neighbour, I am concerned at the change of use. This includes concern about the rubbish (empty cans, bottles etc) mounting up in the compound area where there is a 'guard dog' and new security lighting.
Comment: These concerns have been passed onto Planning Enforcement.

General comments

- I trust that there is a robust and legal plan to remove and dispose of the Japanese knotweed that has recently been growing on the old tennis courts and that the execution of that plan will be properly policed.
Comment: Given the amendments sought, the development would not include the green amenity space to the north of the site.
- We are not against the prospect of residential use in general just any layout that directly effects neighbouring privacy.
Comment: This has been noted.
- I would not object to a small number of houses being built behind the current Rose and Crown building if they were built sensitively to the style of the conservation area.
Comment: This has been noted.

11.0 CONCLUSION

- 11.1 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.
- 11.2 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.

12.0 CONDITIONS (Summary list. Full wording of conditions including any amendments/additions to be delegated to the Head of Planning and Development)

1. Approval of Reserved Matters details of Appearance, Landscaping and Scale to be sought before development commences. This includes the retention of part of the existing public house.
2. Plans and particulars relating to Reserved Matters details of Appearance, Landscaping and Scale to be submitted and approved in writing.
3. Application for Reserved Matters to be submitted within three years.
4. Development to be carried out in accordance with approved plans and specifications.

5. Submission of a Nocturnal Bat Activity Survey as part of the Reserved Matters application for appearance/no development to be commenced (including demolition) until the European Protected Species Mitigation Licence (EPSML) has been sought/approved.
6. Submission of a Phase 1 Preliminary Risk Assessment.
7. Submission of a Phase 2 Intrusive Site Investigation Report.
8. Submission of a Remediation Strategy.
9. Implementation of a Remediation Strategy.
10. Submission of a Validation Report.
11. Bin store materials and presentation points
12. Details of temporary waste collection arrangements to serve occupants of completed dwellings whilst the remaining site is under construction.
13. Construction Environmental Management Plan to include
 - 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;
 - hours of works
14. Full detailed drainage design detailing foul, surface water and land drainage
15. Full details of the proposed means of managing surface water during the construction period (temporary arrangements).
16. Full detailed design of site levels including flow routing from the site including consideration of overland flow paths from drainage and gully bypass.
17. A scheme detailing the location and cross sectional information together with the proposed design and construction details for any new retaining walls and building retaining walls adjacent to the proposed/ existing highway.
18. Proposed design and construction details for all new surface water attenuation tanks/pipes/manholes located within the proposed highway footprint.
19. A scheme detailing the proposed internal road layout (to an adoptable standard)
20. Noise assessment report and mitigation scheme to be submitted with the reserved matters of appearance and scale so that this can consider the amenities of future occupiers and the continued operational flexibility of adjacent commercial uses.
21. Measures to promote carbon reduction and enhance resilience to climate change, including electric vehicle charging points
22. A scheme detailing the provision of a 2.0m wide footway along the front of the site, the re-siting of the existing bus shelter with associated signing and white lining prior to development commencing.
23. Submission of security measures for crime prevention.
24. Submission of a biodiversity enhancement plan

25. No demolition to take place until details of the section of the public house to be retained, which shall include that part designated as plots 1 and 2 on the approved site layout plan have been submitted and approved. Details to include method of support of that part of the building to be retained throughout the construction phase. No demolition to then take place until details of a legally binding contract to redevelop the site has been submitted to the local planning authority.
26. Details of the future management and maintenance of the green amenity spaces, as they are beyond the curtilage of dwellings.

Background Papers:

Application and history files.

[Planning application details | Kirklees Council](#)

Website link to be inserted here

[Planning application details | Kirklees Council](#)

Certificate of Ownership – Certificate B signed.

This page is intentionally left blank

Report of the Head of Planning and Development

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 13-Apr-2023

Subject: Planning Application 2022/93158 Variation condition 5 (opening hours) on previous permission 2013/92338 for change of use of retail unit to indoor sport and recreation unit Former Homecare DIY, Westbourne Road, Huddersfield, HD1 4LF

APPLICANT

B Uppal

DATE VALID

26-Sep-2022

TARGET DATE

21-Nov-2022

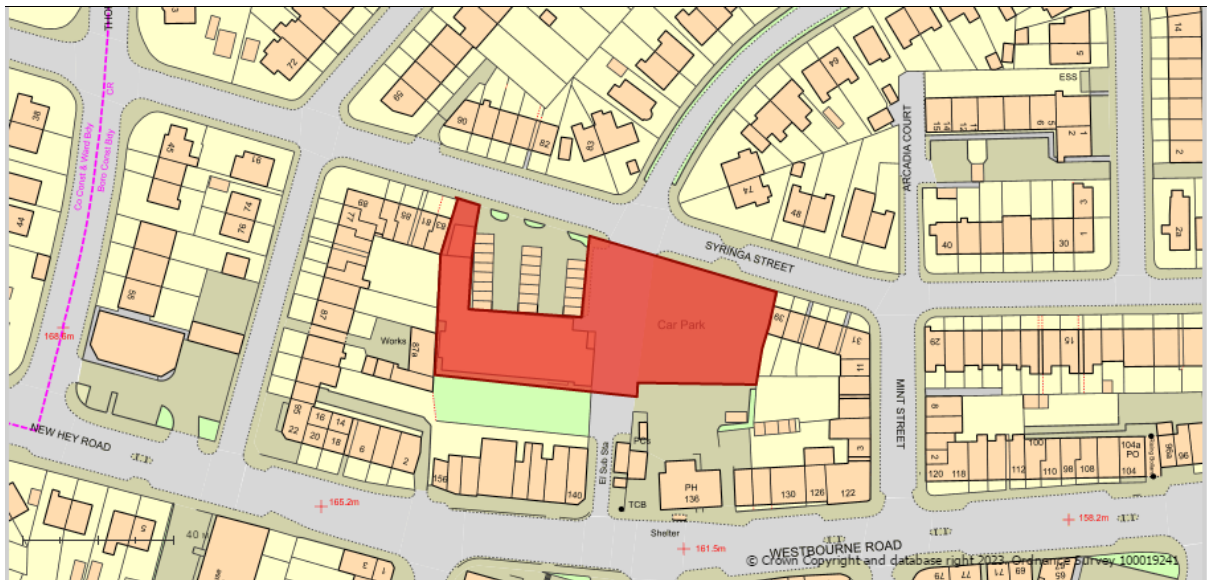
EXTENSION EXPIRY DATE

01-Dec-2022

Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

[Public speaking at committee link](#)

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral wards affected: Greenhead

Ward Councillors consulted: No

Public or private: Public

RECOMMENDATION:

DELEGATE approval of the application and the issuing of the decision notice to the Head of Planning and Development in order to complete the list of conditions including those contained within this report.

1.0 INTRODUCTION:

1.1 This application is brought before the Sub-Committee for determination under the terms of the Delegation Agreement at the request of officers with the agreement of the Chair, taking account of the planning site history.

2.0 SITE AND SURROUNDINGS:

2.1 The building that is the subject of this application is located on a backland site north of Westbourne Road and south of Syringa Street. It measures approximately 35m by 14m and comprises brick, stone, and a more modern element at the eastern, or front, end built in artificial stone and metal sheeting. The entrance is to the east, and it is accessed by means of an unadopted road linking to Westbourne Road and Syringa Street, which also provides access to a large customer car park and is itself a Public Right of Way (byway) HUD/351/10.

2.2 The building is occupied by Playworld, comprising a mixed-use sport and recreation centre with a multi-storey play gym that offers activities for children from 0-10 years old with a separate baby zone area and which also serves food to parents and children. The rollerskating rink is also available for use by adults.

2.3 To the south, and with a frontage to Westbourne Road, is a row of two storey commercial properties, and opposite, the Co-op supermarket. To the east of the unadopted access road is a listed public house, the Croppers Arms. To the north of the site are some prefabricated garages arranged in three parallel rows, accessed off Syringa Street. Other than this, Syringa Street is residential in character. To the west, beyond the rear elevation of the premise, are residential properties along Cleveland Road.

3.0 PROPOSAL:

3.1 The proposal is for Variation condition 5 (opening hours) on previous permission 2013/92338 for change of use of retail unit to indoor sport and recreation unit. The original condition reads:

“5. The use hereby permitted shall not be open to customers outside the hours of 09:00 to 21:00 Monday to Sunday.

Reason: In the interests of residential amenity and to accord with Policies D2 and EP6 of the Kirklees Unitary Development Plan and Policies in the National Planning Policy Framework.”

The applicant requests that hours be extended to:

- In the case of Fridays and Saturdays, 09:00 to 00:30 hours;
- In respect of Sundays to Thursdays 09:00 to 23:15 hours.

3.2 Accordingly, it is requested that the Condition is amended to read:

“The use hereby permitted shall not be open to customers outside the hours of:

Friday 09:00 to 00:30 hours Saturday,
Saturday 09:00 to 00:30 hours Sunday,
Sunday to Thursday 09:00 to 23:15 hours.”

3.3 Acknowledging that the Licensing regime is separate to planning, it is noted that prior to 2022 a Premises Licence had already been applied for, and granted, for all licensable activities on site. Under the original Premises License, most activities could be carried on as late as 23:45 (23:30 for sale of alcohol) Fri/Sat, finishing an hour earlier Sun-Thurs, and “late night refreshment” until midnight.

3.4 It is claimed in the applicant’s supporting statement that the business has been operating since 2014 within the terms of the License as set out above. A variation of the Premises License was granted in August 2022. This permitted a number of activities (sale of alcohol, performance of dance, indoor sporting events, live music, recorded music) to be carried on until 23:45 on any night of the week. In effect, then, the proposed variation of condition would give planning consent for activities to be carried on within the terms of the Premise License for 5 nights a week and for 45 minutes later than the time permitted by the Licence on two nights of the week only. The applicant’s supporting statement sets out that this is to provide “an extra half hour for customers to ‘wind down’ and leave”.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

4.1 95/92199 – Change of use from retail supermarket to roller skating and leisure centre. Conditional full permission.

2009/92903 – Change of use from DIY store to indoor shopping centre. Consent not required.

2012/91978 – Change of use from retail unit (DIY store) to restaurant and alterations. Refused, appeal upheld.

2013/92338 – Change of use from retail unit to indoor sport and recreation. Conditional full permission.

2014/90523 – Discharge of conditions 3, 4, 7, 8, 9, 12. Split decision.

2014/90524 – Variation in condition 5 (opening hours) on previous permission 2013/92338 for change of use of retail unit to indoor sport and recreation unit. Deemed withdrawn.

COMP/22/0241 – Alleged breach of opening hours condition and outdoor play area . Retrospective planning applications submitted, one the subject of this application and the other subsequently refused and appeal lodged.

2022/92840 – Advertisement consent for erection of 3 non-illuminated advertisements. Granted December 2022.

2022/92839 – Change of use of land to form outdoor seating and play area with siting of portable building. Refused and appeal lodged.

2022/92247 – advertisement consent for non-illuminated signs (retrospective) refused and appeal lodged.

Non-planning consents:

The latest Premises License, dated 03-Aug-2022, permits licensable activities within the existing building 0900-2345 on any day of the week.

5.0 HISTORY OF NEGOTIATIONS (including revisions to the scheme):

- 5.1 Noise Management Plan submitted 07-Nov-2022, amended February 2023
This was not subjected to further publicity since it was not considered to raise new issues that would require the opportunity for further public comment.

6.0 PLANNING POLICY:

- 6.1 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):

- 6.2 The site is without designation on the Local Plan. It is just outside the boundary of the Marsh District Centre. A Public Right of Way runs through the site but this is not considered to be material to the application since it is for an extension of hours and would therefore not affect the Public Right of Way or its setting.

- **LP 1:** Achieving sustainable development
- **LP 2:** Place shaping
- **LP 16:** Food and drink uses and the evening economy
- **LP 20:** Sustainable travel
- **LP 21:** Highways and access
- **LP 24:** Design
- **LP 24:** Design
- **LP 52:** Protection and improvement of environmental quality

Supplementary Planning Guidance / Documents:

6.3 KC Highways Design Guide 2019

National Planning Guidance:

6.4 National Planning Policy Framework

- Chapter 8 – Promoting healthy and safe communities
- Chapter 12 – Requiring good design
- Chapter 15 – Conserving and enhancing the natural environment.

7.0 PUBLIC/LOCAL RESPONSE:

7.1 The application was publicised by neighbour letter only in accordance with the requirements of the Development Management Procedure Order and Kirklees Development Management Charter. The period of publicity expired on 11th November 2022. It was considered that since the application was for a variation of condition only, it would not affect the Public Right of Way that crosses the site, or its setting).

7.2 13 representations received (12 objections and 1 comment).

Summary of concerns raised:

7.3 Objections:

- Noise arising from late night drinking.
- Possible increase in anti-social behaviour especially from people leaving the venue late at night.
- Noise from amplified music is already a problem;
- Light pollution;
- Parking and traffic problems
- It is unnecessary as the pub next door provides these facilities
- Red line boundary is wrong – it should only include the original application site.
- The original planning appeal decision on the 2012 application allowed hours of use to be no later than 2330 Mon-Fri and midnight on Saturdays Sundays and Bank Holidays. The subsequent application 2013/92338 allowed no later than 2100 on any night. These should be treated as material considerations; however, the roller disco use is noisier than the restaurant use that was successfully appealed.
- Safety issues – have they installed an appropriate fire door?
- There are already too many hot food takeaways in Marsh which give rise to litter.

7.4 Comments:

- We would broadly support the Environmental Health Officer's comments of 31st October 2022. However, as the proposed hours of use are untested, we would suggest a temporary consent for a period of 12 months within which the unit must operate at full opening hours to properly ascertain noise impact, and should be limited to those imposed by the Inspector (09:00 to 23:30 Monday to Friday and 09:00 to 00:00 on Saturday's Sundays and Bank Holidays).
- We would encourage imposition of a condition which ensures that ensures that windows and doors are closed at all times, with the exception of persons accessing and egressing from the property. To avoid increase in noise and disturbance caused by virtue of the extended opening hours.
- A condition restricting the use to inside the building only would also be welcomed.

8.0 CONSULTATION RESPONSES:

8.1 **Statutory:** There were no statutory consultees.

8.2 **Non-statutory:**

KC Environmental Health – Recommend that the proposal can be approved.

Designing Out Crime Office – no objections.

9.0 MAIN ISSUES

- Principle of development
- Urban design issues
- Residential amenity
- Highway issues
- Representations
- Other matters

10.0 APPRAISAL

Principle of development

- 10.1 The site is without designation in the Local Plan. The principle of the entertainment and leisure use in this location has already been established, and no material change in the use of the site, nor the formation of any new or enhanced facilities, is proposed.
- 10.2 Policy LP16, "Food and drink uses and the evening economy" is pertinent to this application, especially part (b) which states that the impact of noise, general disturbance, fumes, smells, litter and late night activity, must be considered with any planning application.

- 10.3 Under Policy LP24(b), development must provide a high standard of amenity for future and neighbouring occupiers. The assessment of the application must therefore take into account the relationship between commercial and residential uses, whether existing or proposed. Also of relevance is LP52, which states that any proposal that has the potential to increase pollution (including from noise) must be accompanied by evidence to show that the impacts have been evaluated and measures incorporated to prevent or reduce their impact.
- 10.4 Turning to the NPPF, Chapter 12, paragraph 130(f) advises that planning decisions should create places that promote health, well-being and a high standard of amenity. Under Chapter 15, paragraph 174(e), decisions should ensure that existing development should not be adversely affected by unacceptable levels of noise pollution. Chapter 8 states that planning decisions should create safe environments in which the quality of life is not undermined by crime and disorder, or the fear of crime.
- 10.5 Any possible transport and highway safety implications will be assessed having regard to the aims of LP20-22.

Urban Design issues

- 10.6 Since neither new build nor physical alterations are proposed, it is considered that the proposal has no implications for visual amenity or design.

Residential Amenity

- 10.7 Another application associated with these premises seeking retention of an outdoor play area, 2022/92839, was refused partly on the grounds that it would be likely to cause loss of amenity to residential properties in the vicinity of the site, in particular 2-16 New Hey Road, arising from noise disturbance. This application was however for the change of use of vacant land to the south of the premises to create an outdoor seating area. The application now under consideration relates solely to the building itself and does not involve the creation or retention of any outdoor facility. The two proposals are therefore, in effect, separate and unrelated, and the refusal of the permission to create the outdoor seating and play area must be treated as being entirely without prejudice to the present application.
- 10.8 The site is located just outside the Marsh District Centre. None of the commercial premises to the south of the site appear to have residential uses above or at the rear. Nos. 2-16 New Hey Road, which are to the south-west of the site and in residential use, do not directly face the application site or share a boundary with it, nor are they adjacent to the parking area or site access. It is considered unlikely that they would be affected by noise associated with the existing building, even with the hours extended as proposed.
- 10.9 Immediately to the north of the Playworld building are some rows of sectional garages with access to Syringa Street. Otherwise Syringa Street is strongly residential in character. The nearest residential property to the east of the frontage is 39 Syringa Street, which is approximately 46m from the main entrance to the Playworld building but shares a boundary with the car park. To the north properties along the north side of Syringa Street are around 40m from

the main body of the building. To the west (rear) are a cluster of dwellings along Syringa Street and Cleveland Road. The properties on Cleveland Road are around 19m from the rear of the property and no. 83 Syringa Street abuts to the north-west corner of the building.

- 10.10 Environmental Health Officers have confirmed that over the time it has been operational the premises have given rise to several complaints about excessive noise. An upgrade to an external door has recently been carried out which has served to improve the sound insulation of the building and prevent noise from leaking out. Regardless of the effectiveness of the building envelope in noise containment, however, noise arising from users arriving at, and leaving, the premises, may however still be audible from outside the site. This may include, but not be restricted to, noise from car and taxi engines. The later in the evening these sources of noise occur, the more likely they are to give rise to disturbance.
- 10.11 An amended Premises License was granted in 2022 for extended opening hours. The hours that are being sought under the current application are 45 minutes beyond the latest end time for the range of activities set out in the current Premises License; for Sundays through Thursdays it is 30 minutes earlier than the closing time allowed by the Premises Licence.
- 10.12 The granting of a Premises License is a separate regulatory regime. The NPPF, at paragraph 187, is clear that Planning decisions should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities. Planning and licensing regimes involve consideration of different (albeit related) matters. Planning committees are not bound by decisions made by a licensing committee, and vice versa.
- 10.13 Early on in the application process, Environmental Health requested a Noise Management Plan, which would detail the control measures taken to ensure that noise does not arise from the use of the property and the actions that will be taken if users of the premises and staff fail to observe the required control measures.
- 10.14 The applicant has submitted a Noise Management Plan (latest version submitted 27-Feb-2023) containing the following measures:
 - i. There will be no readmission to the premises 15 minutes before closing;
 - ii. Notices will be displayed within the building entrance requesting that customers are mindful of the need to refrain from noisy activities such as loud talking, shouting, slamming car doors and playing loud music when entering, but particularly when leaving the building;
 - iii. The notices will also request that when cars arrive to pick up customers their engines should be turned off and no loud music is emitted;
 - iv. Staff will be mindful of the need to avoid customers or others gathering outside the premises causing unacceptable disturbance to local residents, and will take appropriate action as necessary;

- v. Staff will encourage the gradual dispersal of customers to minimise disturbance;
- vi. Direct contact will be made with taxi drivers to prevent anti-social behaviour such as sounding horns and slamming doors;
- vii. Contact will be made with the Chair of the Marsh Committee Forum with a view to members of the group being advised of the contact number(s) to be used by local residents should they have a complaint either during or at any time after a cause for concern;
- viii. Deliveries of goods and collection of waste will only be undertaken between 0800 and 1800 hours Mon-Fri and between 0900 and 1700 hours Saturdays (no deliveries Sundays or Bank Holidays) to avoid causing disturbance to nearby residents;
- ix. Staff will be instructed to react quickly and appropriately to any complaint of noise or anti-social behaviour including advising the duty manager;
- x. A record of any complaint and of action taken will be recorded for future reference;
- xi. All staff will be made aware of this noise management plan;
- xii. The noise management plan will be reviewed as considered necessary in the light of any comments or complaints received

10.15 The Environmental Health Officer considers the Noise Management Plan to be acceptable and has no objection to the variation of condition being granted with this Plan in place. Planning Officers' observations are that the Noise Management Plan contains a suitable level of detail, and it appears likely to achieve its aim of preventing late-night noise from causing disturbance to residential properties in the vicinity.

10.16 There is inevitably some uncertainty about this, however, since in this instance the sources of noise that are cause for concern are those arising from customer behaviour (and that of other third parties such as taxi drivers), and it is therefore difficult to predict how effective the plan will be at controlling these. This depends upon factors such as how effectively staff enforce the rules set out the Noise Management Plan as well as customers' willingness to comply with them. In cases where the main sources of noise are electronic or mechanical (such as amplified music or fixed plant) the solution is usually a purely technical matter.

10.17 As the operation of Playworld has not yet been undertaken with the Noise Management Plan in place/within authorised extended hours under a planning permission there is a degree of uncertainty over the effectiveness of the Noise Management Plan or whether the extended hours can operate without material detriment to the amenities of nearby residents. As a significant number of residential properties could potentially be affected, it is considered that it would be reasonable in the circumstances to allow the change in hours, in the first instance, for a limited period of 6 months. This would allow the effectiveness of the control measures to be monitored. If, subsequently, the management of Playworld wish to permanently extend the hours, then towards the end of this

period they would have the option of re-applying for a permanent extension of hours. There would then be the option of granting a permanent variation in hours if, based on the available evidence, the Noise Management Plan had been successful in preventing unacceptable levels of late-night noise.

- 10.18 The hours of delivery specified in the earlier Noise Management Plan were longer than those specified in the original Condition (6) (which cannot be varied under the terms of the current application). The applicant's agent has subsequently confirmed that his client will adhere to the delivery hours as originally conditioned and this has been incorporated into the updated version of the Noise Management Plan.
- 10.19 To conclude, it is considered that this approach would represent a pragmatic solution which would safeguard the amenities of local residential properties and ensure that they are not subject to undue levels of noise or anti-social behaviour, whilst providing an opportunity for an established business to develop and would accord with the aims of LP16(b), LP52 and 24(b), as well as those of Chapters 8, 15 and 12 of the NPPF.

Highway issues

- 10.20 The premises benefit from the use of a large private car park, which, based on observations both on site and from aerial photographs held by Kirklees Council, appears to have spare capacity at most times. There are two alternative access points to the car park. One is off Westbourne Road and is substandard owing to its width and limited footway provision; the other, off Syringa Street, is wider and has far better visibility. The proposal does not involve the creation of a new access or modification to any existing one, and it is considered very unlikely that it would lead to a larger number of vehicle movements, or greater demand for parking, at peak times, than occurs at present.
- 10.21 A car park management plan was submitted as part of application 2014/90523 which specified that 8 spaces would be designated for shoppers with maximum 1 hour stay, no return within 2 hours, no parking for taxis or commercial vehicles. It is considered that this can be carried forward as a prescriptive condition to this application. It is therefore considered that the proposal raises no concerns for highway or pedestrian safety (including users of the Public Right of Way that crosses the site) or for parking availability, and would accord with the aims of LP20-22 of the Local Plan.

Representations

- 10.22 Concerns relating to residential amenity have been examined in the main part of the assessment but are highlighted here with other issues raised and officer responses.
- 10.23 Representations in opposition:
- i. Noise arising from late night drinking.
 - ii. Possible increase in anti-social behaviour especially from people leaving the venue late at night.

Response (i-ii): It is considered that the Noise Management Plan submitted by the applicant provides a reasonable degree of confidence that the premises will

be able to operate with the extended hours without giving rise to late night noise disturbance or anti-social behaviour. The 6-month period to allow it to be monitored is considered to represent a pragmatic solution that will safeguard amenity.

iii. Noise from amplified music is already a problem;

Response: Based on Environmental Health comments and taking into account the granting of a Premise License for extended hours, it is considered that it would not be possible to substantiate a refusal on such grounds at present. In the event of amplified music from within the premises being played at an inappropriate volume, this could be addressed by Environmental Health under statutory nuisance powers or the Licensing Authority. Complaints received during the trial period would be considered in a subsequent application seeking to permanently retain the extended opening hours.

iv. Light pollution;

Response: The proposal now under consideration does not involve any new outdoor lighting. If concerns relate to light pollution arising from car headlights it is considered that this would not provide a valid or justifiable reason to refuse the application.

v. Parking and traffic problems

Response: As previously stated, it is considered that the proposed extension of hours would not result in an intensification of the use or lead to a greater number of vehicle movements or a greater peak demand for parking, than currently exists.

vi. It is unnecessary as the pub next door provides these facilities.

Response: Perceived lack of need for a development is, in general, not a material planning consideration and it would not be possible to substantiate a refusal on such grounds.

vii. Red line boundary is wrong – it should only include the original application site.

Response: The case officer has checked the red line boundary as plotted on the mapping system used by Kirklees Council and is unable to detect any discrepancy with the red line as originally plotted. A Section 73 application does not require the submission of a site location plan as it relates to the original application site boundary.

viii. The original planning appeal decision on the 2012 application allowed hours of use to be no later than 2330 Mon-Fri and midnight on Saturdays Sundays and Bank Holidays. The subsequent application 2013/92338 allowed no later than 2100 on any night. These should be treated as material considerations; however, the roller disco use is noisier than the restaurant use that was successfully appealed.

Response: This is correct regarding the approved hours of use on permission 2012/91978. The approved hours for the subsequent application were no later than 2100 on any night, but these were also the hours that the applicant specified on the application form, presumably because at that stage they did not intend to open any later. This permission however cannot be treated as binding upon future applications.

ix. Safety issues – have they installed an appropriate fire door?

Response: The Planning system should not seek to duplicate controls that are in place under other regimes of control, and in this case the concern raised would fall within the remit of the Building Regulations.

x. There are already too many hot food takeaways in Marsh which give rise to litter.

Response: The existing use does not have permission to operate as a hot food takeaway. Since the sale of hot food for consumption on the premises is one of the activities undertaken, limited off-sales may be allowed to take place without it amounting to a material change of use. If the sale of hot food for consumption off the premises becomes a significant element, then this may amount to an unauthorised change of use and could be vulnerable to enforcement action.

10.24 Other comments:

i. We would broadly support the Environmental Health Officer's comments of 31st October 2022. However, as the proposed hours of use are untested, we would suggest a temporary consent for a period of 12 months within which the unit must operate at full opening hours to properly ascertain noise impact, and should be limited to those imposed by the Inspector (09:00 to 23:30 Monday to Friday and 09:00 to 00:00 on Saturday's Sundays and Bank Holidays).

Response: It is considered that in this instance a test period of 6 months would be sufficient, balancing the request of the business with the amenities of nearby residents.

ii. We would encourage imposition of a condition which ensures that ensures that windows and doors are closed at all times, with the exception of persons accessing and egressing from the property. To avoid increase in noise and disturbance caused by virtue of the extended opening hours.

Response: Condition (7) on the 2013 permission states that a report specifying the measures to be taken to protect the occupants of nearby noise-sensitive properties from noise be submitted to and approved by the Local Planning Authority before development commences. Application 2014/90523 sought to discharge a number of conditions including this one. A noise report was submitted, at officers' request, which made several recommendations on noise levels, including the volume of amplified music, and, in order for noise break-out to be limited and therefore controlled, any outer door(s), should be kept closed during amplified music. It did not say that this measure was necessary for windows. In terms of the information submitted at that time and following recent discussion on this point between the case officer and the Environmental Health Officer it is considered these concerns can be adequately covered by prescriptive conditions and that further information will not be required.

iii. A condition restricting the use to inside the building only would also be welcomed.

Response: There is no existing external area for customer seating, customer service, or for the carrying on of any kind of recreational activities. Any such activities outside the building would therefore be unauthorised and could be enforced against. Such a condition would therefore serve no planning purpose.

Other Matters

- 10.25 The proposed development is not considered to raise any other material planning issues.

Conditions

- 10.26 Since a permission granted under Section 73 (Variation of Condition) has the effect of superseding the original permission, all conditions from the original permission should normally be carried over to the new permission, unless they are superseded, unenforceable, or are deemed to be unnecessary for other planning reasons. In some cases, they may require re-wording as prescriptive conditions rather than conditions requiring further information to be submitted and approved.

- 10:27 The conditions attached to the original permission no. 2013/92338 are as follows:

1. The development hereby permitted shall be begun within three years of the date of this permission.

Development has been begun, no longer necessary

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

Still relevant, re-impose

3. The development shall not commence until a scheme detailing the surfacing, drainage, marking out, of the car park, has been submitted and approved in writing by the Local Planning Authority. The development shall not be brought into use until the approved scheme has been fully implemented. Thereafter, the fully implemented scheme shall be retained throughout the lifetime of the development.

Reason: In the interests of highway safety and to accord with policies D2, T10 and T19 of the Kirklees Unitary Development Plan. **Car park layout etc submitted with discharge of condition ref 2014/90523. No concerns have been raised regarding the surfacing or marking out of the car park. Re-impose as a prescriptive condition requiring the car park to be retained surfaced and marked out.**

4. The development shall not commence until a scheme detailing a car park management plan has been submitted and approved in writing by the Local Planning Authority. The scheme shall include: details of how the car park will operate for both users of the hereby approved D2 assembly and leisure use and by users of the Marsh local centre; details of how parking enforcement measures will operate for the car park, including specific details of any signage. The development shall not be brought into use until the approved scheme has been fully implemented. Thereafter, the implemented scheme shall be retained throughout the lifetime of the development.

Reason: In the interests of highway safety and to accord with policies D2, T10 and T19 of the Kirklees Unitary Development Plan. **Car park management plan submitted with discharge of condition ref 2014/90523, re-impose as prescriptive condition.**

5. The use hereby permitted shall not be open to customers outside the hours of 09:00 to 21:00 Monday to Sunday.

Subject of the application before Members, to amend for a 6-month trial period.

6. There shall be no deliveries to or dispatches from the premises outside the times of 08:00 to 18:00 Monday to Friday and 09:00 to 17:00 Saturdays. No deliveries or dispatches shall take place on Sundays or Bank Holidays.

Reason: In the interests of residential amenity and to accord with Policies D2 and EP6 of the Kirklees Unitary Development Plan and Policies in the National Planning Policy Framework. **Still relevant, re-impose. The revised Noise Management Plan adheres to the specified hours.**

7. Before development commences a report specifying the measures to be taken to protect the occupants of nearby dwelling houses in the vicinity of the premises from noise from the proposed development shall be submitted to and approved in writing by the LPA. The report shall include

1. an assessment of noise emissions from the proposed development
2. details of background and predicted noise levels at the boundary of the premises a written scheme of how the occupants of dwellings in the vicinity will be protected from noise from the proposed development with noise attenuation measures as appropriate

The development shall not be brought into use until all works comprised within the measures specified in the approved report have been carried out in full and such works shall be thereafter retained.

Reason: In the interests of residential amenity and to accord with Policies D2 and EP6 of the Kirklees Unitary Development Plan and Policies in the National Planning Policy Framework.

A Noise Assessment was submitted with discharge of condition ref 2014/90523. The Noise Assessment (ref. DYN310314_2A/1) contained several recommendations, including amplified noise being controlled to 10dB below the existing background noise level, and that doors should have suitable sealed, be self-closing, and not be pinned open when amplified music is being played. It also makes recommendations concerning fixed plant (the air conditioning units) including construction of an acoustic screen and noise attenuator. The Environmental Health Officer recommends that the most effective course of action in respect of the carrying forward of the requirements of this application would be to replace the original condition 7 with two standard prescriptive conditions, which will state that noise from amplified music and from fixed plant must be inaudible at noise-sensitive premises.

8. The use hereby permitted shall not begin until details of the installation and/or erection of any extract ventilation system, including details of the methods of treatments of emissions and filters to remove odours and control noise emissions have been submitted to and approved in writing by the Local Planning Authority. The use permitted shall not commence until the works specified in the approved scheme have been fully implemented. Such works shall thereafter be retained and operated at all times when the hereby

approved D2 assembly and leisure and ancillary café is in use and maintained in accordance with the manufacturer's instructions.

Still relevant, re-word to state that 'no extract ventilation systems to be installed unless details have been submitted and approved'.

9. Before development commences a scheme which indicates the measures to be taken for the control of any glare or stray light arising from the operation of artificial lighting within the area outline in red on the submitted location plan shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the artificial lighting shall be operated in accordance with the approved scheme.

The scheme should include the following information:-

- 1) The proposed design level of maintained average horizontal illuminance for the site.
- 2) The predicted vertical illuminance that will be caused by lighting when measured at windows of any properties in the vicinity.
- 3) The proposals to minimise or eliminate glare from the use of the lighting installation
- 4) The proposed hours of operation of the lighting

Still relevant, re-impose, worded as "no outdoor lighting shall be installed unless details have been submitted and approved"

10. Notwithstanding the provisions of section 55(2)(a)(i) of the Town and Country Planning Act 1990 (or any re-enactment with or without modification) no mezzanine floor shall be inserted in the building outlined in red on the hereby approved location plan.

Prescriptive condition, re-impose

11. The bin storage for the hereby approved development shall only be located along the southern elevation of the application building as indicated on the floor plan submitted on 13 September 2013. The bins shall remain positioned in this location free of obstructions and available for storage throughout the lifetime of the development.

Prescriptive condition, re-impose.

12. The development shall not be brought into use until a scheme of details for secure cycle parking spaces have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details approved, and the approved facilities shall thereafter be retained free of obstructions and available for cycle parking throughout the lifetime of the development.

Details previously approved under discharge of condition no. 2014/90523, re-impose as a prescriptive condition.

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no development within Schedule 2 Parts 3 or 4 is permitted.

Prescriptive condition, re-impose but update the wording to refer to the requirements of the 2015 General Permitted Development Order.

11.0 CONCLUSION

- 11.1 It is considered that the extension of hours, for a trial period, would not have any negative impact upon visual amenity nor upon the safe or convenient use of the highway. The submitted Noise Management Plan, it is considered, would provide a degree of certainty that the established use may be able to operate with the proposed extended hours without giving rise to an adverse impact on residential amenity.
- 11.2 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 development, subject to the extended hours being permitted for a limited period of 6 months in the first instance to allow their impact to be monitored, would constitute sustainable development and it is therefore recommended for approval.

12.0 CONDITIONS (Summary list. Full wording of conditions including any amendments/additions to be delegated to the Head of Planning and Development)

1. The development hereby permitted shall be carried out in complete accordance with the plans and specifications listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

2. car park to be retained surfaced and marked out.

3. Car park management plan submitted with discharge of condition ref 2014/90523 to be adhered to.

4a. Except for the circumstances referred to in condition 4b, the use hereby permitted shall not be open to customers outside the hours of 09:00 to 21:00 on any day.

Reason: In the interests of preventing loss of amenity to adjoining residential properties arising from noise disturbance and to accord with the aims of Policies 16(b), 24(b) and 52 of the Kirklees Local Plan and Chapters 8, 12 and 15 of the National Planning Policy Framework.

4b. Notwithstanding the requirements of condition 4a, for a 6-month trial period commencing from (date decision issued) the use hereby permitted shall not be open to customers outside the hours of:

Friday 09:00 to 00:30 hours Saturday,

Saturday 09:00 to 00:30 hours Sunday,

Sunday to Thursday 09:00 to 23:15 hours on each day

At the end of the 6-month trial period condition 4b shall expire and condition 4a shall thereafter apply in its entirety.

Reason: To allow any possible impacts of the variation in hours to be assessed during this period in the interests of preventing loss of amenity to adjoining residential properties arising from noise disturbance and to accord with the aims of Policies 16(b), 24(b) and 52 of the Kirklees Local Plan and Chapters 8, 12 and 15 of the National Planning Policy Framework.

5. There shall be no deliveries to or dispatches from the premises outside the times of 08:00 to 18:00 Monday to Friday and 09:00 to 17:00 Saturdays. No deliveries or dispatches shall take place on Sundays or Bank Holidays.
6. Noise from amplified music must be inaudible at noise-sensitive premises.
7. Noise from fixed plant must be inaudible at noise-sensitive premises
8. No extract ventilation systems to be installed unless details have been submitted to and approved by the Local Planning Authority.
9. No outdoor lighting shall be installed unless details have been submitted to and approved by the Local Planning Authority.
10. No mezzanine floor shall be inserted in the building outlined in red on the hereby approved location plan.
11. The bin storage for the hereby approved development shall only be located along the southern elevation of the application building as indicated on the floor plan submitted on 13 September 2013. The bins shall remain positioned in this location free of obstructions and available for storage throughout the lifetime of the development.
12. Approved cycle storage spaces to be retained in accordance with details approved under discharge of condition no. 2014/90523.
13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no development within Schedule 2 Parts 3 or 4 is permitted.
14. Use to be carried out in strict accordance with the Noise Management Plan by Malcolm Sizer submitted February 2023.

Background Papers:

Application and history files.

[Planning application details | Kirklees Council](https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2022%2F93158)
<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2022%2F93158>

Certificate of Ownership A completed.

This page is intentionally left blank