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**Report of the Head of Strategic Investment**

**HUDDERSFIELD PLANNING SUB-COMMITTEE**

**Date: 12-Oct-2017**

**Subject: Planning Application 2015/91664 Outline application for residential development with details of access and provision of car parking and bin storage for previously approved adjacent apartments under application no. 17/90375 rear of 1A, St Johns Avenue, Newsome, Huddersfield, HD4 6JP**

**APPLICANT**

Newsome WMC

**DATE VALID**

01-Jun-2015

**TARGET DATE**

27-Jul-2015

**EXTENSION EXPIRY DATE**

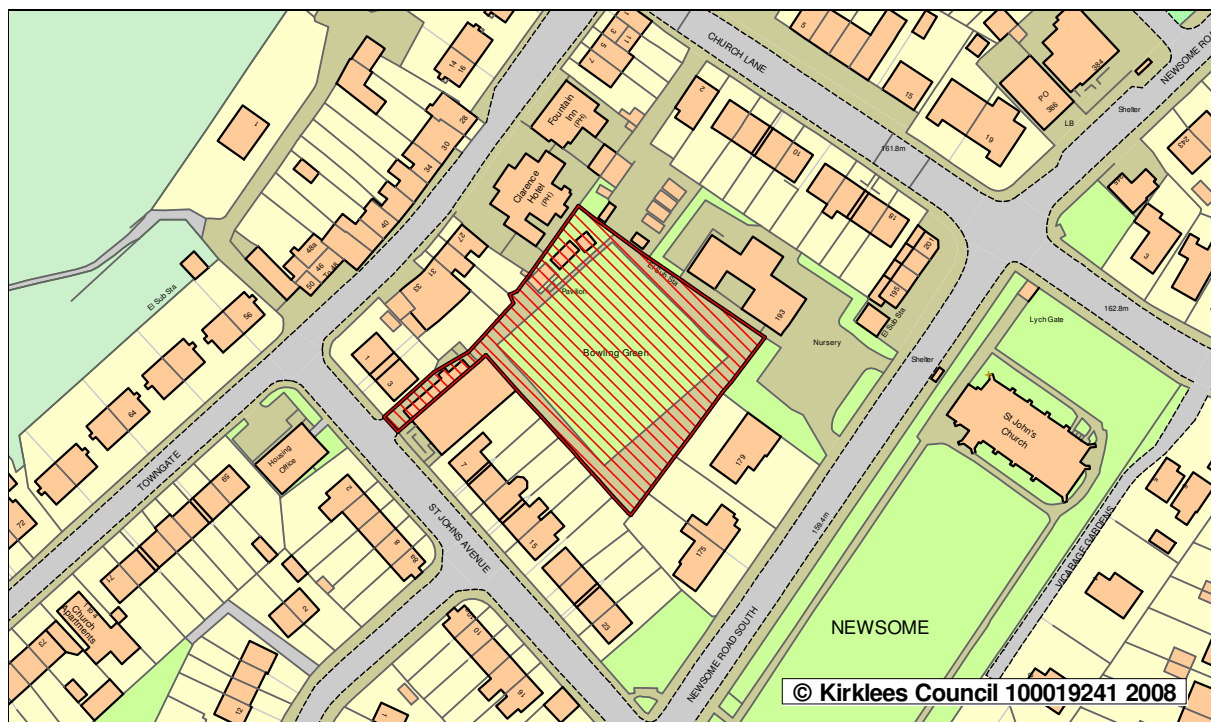
22-Jan-2016

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

<http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf>

**LOCATION PLAN**



**Map not to scale – for identification purposes only**

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**Electoral Wards Affected: Newsome**

Yes

Ward Members consulted

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**RECOMMENDATION:**

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

**1.0 INTRODUCTION:**

1.1 The application is brought to committee due to the level of representations received. This is in accordance with the Council's delegation agreement. In addition concerns have been raised by ward councillors in respect of the proposals, in particular the loss of the bowling green.

**2.0 SITE AND SURROUNDINGS:**

2.1 The application red lines relates to the site of the former Newsome bowling green and an access to this land from St. John's Avenue to the south west. The application site occupies approximately 0.25 hectares to the rear of the former Newsome Working Men's club. The site is surrounded by development to all sides with residential properties adjacent to the north east (Church Lane), west (Towngate) and south east (Newsome Road South) boundaries. There are also two public houses beyond the north western boundary, off Towngate, and a children's day care nursery and garage plot beyond the eastern and northern boundaries respectively.

2.2 The site is presently unused with no visual aspect of it being retained as a bowling green. The ancillary associated pavilion buildings have also been demolished, the materials of which appear to be deposited on the application site.

**3.0 PROPOSAL:**

The application is submitted in outline, as amended, seeking the principle of residential development with details of access point only to be considered at this stage.

3.1 The description has been amended taking out all reference to numbers of properties. Vehicular access is shown to be taken off St. John's Avenue and would be shared with the recently approved development for the conversion of the former Newsome Working Men's club into 6.no self-contained apartments.

#### **4.0 RELEVANT PLANNING HISTORY:**

- 4.1 2017/90375 – Alterations and extensions to convert public house to 6 no. self-contained apartments granted 27<sup>th</sup> April 2017

2015/92928 – demolition of existing extensions and conversion of the pub to a dwelling to a dwelling – granted Jan 2016

#### **5.0 HISTORY OF NEGOTIATIONS:**

- 5.1 19/07/17 – amendment to description & final revised layout plan omitting dwellings/layout as advised by officers.  
12/07/17 – a further revised layout plan  
10/07/17 – revised layout for consideration  
28/06/17 – revised site plan & confirmation from applicant to formally apply for variation of condition no. 2 on 17/90375 should this application be approved  
26/05/16 – alternative replacement site put forward for consideration (Blue Bell Hill)  
27/11/15 – copy of certificate B to validate application  
23/09/17 – further extension of time to 31<sup>st</sup> October 2015  
25/08/15 – further extension of time requested to allow applicant to gain proof of relocation of existing members & evidence from liquidator  
13/08/17 – evidence of site not registered as an ‘asset of community value’  
30/05/15 – details of lease to address land ownerships issues  
22/07/15- agreement to extension of time to provide evidence of other bowling greens in the area

#### **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 Development Plan for Kirklees currently comprises the saved policies within the Kirklees Unitary Development Plan (Saved 2007). The Council’s Local Plan was submitted to the Secretary of State for Communities and Local Government on 25<sup>th</sup> April 2017, so that it can be examined by an independent inspector. The weight to be given to the Local Plan will be determined in accordance with the guidance in paragraph 216 of the National Planning Policy Framework. In particular, where the policies, proposals and designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2012), these may be given increased weight. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

The site is unallocated on the UDP Proposals Map and on the publication draft local plan. The site lies in close proximity of the Newsome local centre

#### Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

- D2 – Unallocated land
- BE1 – Design principles
- BE2 – Quality of design
- BE12 – Space about buildings
- EP4 – Noise sensitive development

R7A – proposals to develop public open spaces  
T10 – highway considerations  
T19 – parking provision

### Kirklees Publication Draft Local Plan

PLP1 Presumption in favour of sustainable development  
PLP7 Efficient and effective use of land and buildings  
PLP 20 Sustainable travel  
PLP21 Highway safety and access  
PLP22 Parking  
PLP24 Design  
PLP32 Landscape  
PLP47 – Healthy Active & Safe Life Styles  
PLP50 Sport and physical activity  
PLP51 Protection and improvement of air quality  
PLP52 Protection and improvement of environmental quality

### National Planning Guidance:

Chapter 6 – delivering a wide choice of high quality homes  
Chapter 7 – Requiring good design  
Chapter 8 – Promoting Healthy Communities  
Chapter 11 – conserving and enhancing the natural environment.  
Core Planning Principles

### Other Documents

West Yorkshire Low Emission Strategy Planning Guidance (WYLES)

### Evidence Documents

Kirklees Playing Pitch Strategy & Action Plan September (2015) – *Part of the Evidence Base for the Publication Draft Local Plan*

Kirklees Open Space Study 2015 (revised)

## **7.0 PUBLIC/LOCAL RESPONSE:**

7.1 A total of 175 objections have been received on the application including a petition with 900 signatures. The concerns of which are summarised as:

### **Residential & general amenity:**

- Loss of natural light to existing dwellings
- Potential overlooking to existing dwellings from opening in new dwellings
- Loss of light to property and external amenity areas to properties on St Johns Road.
- Plot could not accommodate 7 dwellings
- Overshadowing & loss of privacy to occupants of both existing & proposed dwellings
- Inappropriate development harmful to open nature and character of site
- Proposed artificial stone not in keeping with surrounding development
- Too close to ABC nursery
- impact on listed building, conservation areas and trees

- creation of right of public right of way from site to adjacent site to north could result in anti social behaviour and security issues
- additional street lighting may affect existing properties
- drainage issues to existing properties
- would result in toilet block to public house
- refuse collection point at entrance to the site would cause environment, safety & health issues
- Housing oversubscribed in area which will be exacerbated
- proposed access road and footpath would be a potential problem for pedestrians

#### **Highway safety issues:**

- Proposed access is poor, too narrow and will cause problems
- Access road too narrow for refuse vehicles
- Existing parking issues on St Johns Road and surrounding highway network will be exacerbated
- St Johns not adequate to cater for additional traffic from a further 7 dwellings
- Limited visibility in both directions would cause concerns for vehicles entering and exiting site

#### **Loss of bowling green & related issues:**

- Loss of one of the best bowling /crown greens in Yorkshire
- Loss of public amenity community grounds/newsome history and a great valuable community asset
- Nearest bowling green not accessible by pensioners due to steep road
- Contrary to national and local policies to encourage and maintain such areas
- Should not be built on unless an assessment has been undertaken which has clearly shown the open space or the buildings and land to be surplus to requirements without evidence that the land is surplus
- Site is actively in use
- Green brings in trade into area
- Indoor facilities already removed by Council now outdoor bowling under threat
- Used by many not just bowlers
- Loss of green could increase the likelihood of older generation becoming isolated
- Bowlers have not left Newsome Bowling Green and not been accommodate elsewhere.
- "They use other facilities to play bingo"
- Bowlers will remain at club until closure

#### **Other issues/concerns:**

- need more social activities/venues not housing in this area
- Seeking clarity on exact siting/ location of dwellings
- Disabled access has been removed
- Electricity been cut off to site
- Works has commenced on site prior to application being considered/decision being made
- Limited access to the proposed dwellings for essential utilities/services
- Bowling green left to become overgrown

site notices not posted on yellow boards

- No consultation with neighbouring site owners/ occupants
- Replacement site at Bluebell Public House belongs to Taylor Hill Bowling club and land belongs to Council

### **IN SUPPORT**

- Green would be removed regardless of planning, would prefer to see houses than a derelict anti social site
- Housing is desperately needed

Petition with 900 names from J Hawdon

Club shut in January 2014 and re-opened under the name of Newsome community bowling club

### **None planning matters**

Land ownership and covenant issues

A covenant exists which requires the site to be used a bowling green and/or for recreational purposes only

Comments are received from Ward Councillor Julie Stewart Turner who states:

“This land has a covenant on it to protect it as a bowling green for the local community, and we won’t be lifting the covenant, even if he can find a way around the complex access issues, which I doubt. Even if an alternative site was found for the bowlers, I would still be opposed to lifting the covenant on the existing site”.

Councillor Andrew Cooper confirms he fully supports Cllr Julie Stewart Turner’s view and they will both still be objecting”

## **8.0 CONSULTATION RESPONSES:**

### **8.1 Statutory:**

K.C. Highways Development Management - support subject to conditions

### **8.2 Non-statutory:**

K.C. Environmental Services - support subject to conditions

K.C. Conservation & Design – no objections

K.C Ecology officer - advised an ecological survey and assessment of the site to be undertaken due to the presence of buildings on site and trees on the periphery. See assessment below

## **9.0 MAIN ISSUES**

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

## 10.0 APPRAISAL

### 10.1 Principle of development

The site is classified as being greenfield due to its last use as a bowling green, however the site is without notation on the UDP Proposals Map and Policy D2 (development of and without notation) of the UDP states “planning permission for the development ... of land and buildings without specific notation on the proposals map, and not subject to specific policies in the plan, will be granted provided that the proposals do not prejudice [a specific set of considerations]”. All these considerations are addressed later in this assessment.

### 10.2 *Five Year Land Supply*

Currently the Council is unable to demonstrate a five year supply of deliverable housing sites. In these circumstances, in accordance with NPPF paragraph 49, “relevant policies for the supply of housing should not be considered up to date”. Consequently planning applications for housing are required to be determined on the basis of the guidance in NPPF paragraph 14. This requires proposals which accord with UDP to be approved without delay or where the UDP is silent or out-of-date to grant planning permission unless the adverse impacts of doing so would ‘significantly and demonstrably’ outweigh the benefits in the NPPF.

### 10.3 *Loss of Bowling Green*

The application site, whilst unallocated on the UDP, was previously used as a bowling green which is classified as an area of sport and recreation land within paragraph 74 of the NPPF. Furthermore as its last use was as a public ‘open space’ Policy R7A of the UDP is of direct relevance to the consideration of this application. This states that proposals to develop public open space, private playing fields or land last used as private playing fields will not be permitted unless:

- i. replacement provision of equivalent community benefit is made; or
- ii. only the redevelopment of a small part of the site is involved and this provides the best means of retaining and enhancing sport and recreation facilities; or
- iii. it is demonstrated that the site will not be required in the longer term for community sport, recreation or amenity use.

Similar restrictions are set out in Paragraph 74 of the NPPF where it is stated that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

10.4 As the application seeks to redevelop the whole site and as no replacement provision is proposed, the only relevant section of Policy R7A would be that it has been demonstrated that the site is not required in the longer term for community sport, recreation or amenity use and, in accordance with para 74, an 'assessment' has been undertaken to show the land is surplus to requirements. In a supporting statement the applicant states the bowling club was put into voluntary liquidation on 20<sup>th</sup> February 2014 by its own members and ceased to operate in January 2015. This was subsequently verified in writing to the Local Planning Authority by the liquidator in a letter dated 25<sup>th</sup> June 2015. The application is submitted in view of this and seeks the principle of an alternative use for residential development on the site.

10.5 The applicant has requested the proposals be considered in light of the club's voluntary liquidation and closure and unrealistic prospect of the continued use of the site as a bowling green. The comments by the applicant are noted and during the case officer's site visit it was clear that the bowling green had ceased to operate. Notwithstanding this an assessment needs to be made in relation to evidence set out in the Kirklees Playing Pitch Strategy Action Plan (2015) (KPPSA). KPPSA forms an evidence document which has been used to inform the Publication Draft Local Plan. In KPPSA the application site is defined as:

*Newsome WMC bowling green site (ref no. 258) in private ownership, where at the time of carrying out evidence the site was identified as:*

- **Current use** – likely to be able to accommodate additional members
- **Recommended actions** - Sustain quality and maximise use to cater for potential future demand
- **Site recommendation** – Protect local club site.

10.6 In light of the above assessment the applicant was asked to assess demand for bowling green facilities in the local area. The applicant states a number of nearby local bowling clubs were contacted to ascertain whether demand could be met by other facilities. The clubs contacted by the applicant are stated to be:

- Primrose (off Malvern Road ) and
- Lockwood & Salford Club (off Victoria Road) bowling clubs

The applicant also states that some of the former bowlers from Newsome bowling-green have, since the closure of the Newsome site, been accommodated at these clubs. However there is no independent evidence to verify this.

10.7 Separately to the above, the KPPSA provides further evidence which has detailed that both the stated clubs identified have the likely potential to accommodate additional members. The KPPSA has also provided an assessment of supply and demand for bowling greens across the district. The KPPSA details that there are 83 greens in the district, where membership has generally remained static across all clubs over the last 3 years (from 2015), with vandalism highlighted as a particular issue on some sites. The KPPSA advises that existing provision should be maximised with better use of greens, and concludes by stating that it would appear that there are enough greens available for community use to accommodate both current and future demand.



- 10.8 Issues of vandalism and maintenance have been highlighted as issues affecting bowling greens within the KPPSA, and the proposal would support the maximisation of other provision in the local area.
- 10.9 Taking all the above into account and applying a balanced consideration, which includes the former club ceasing to operate following the voluntary liquidation by its members, there is no real prospect of the site continuing its use as a bowling green. This is evident on site since the closure of the club. Furthermore, the assessment for the KPPSA indicates there are enough greens available for community use to accommodate both the current and future demand, indeed recommending that the other identified clubs in the area *are "likely to be able to accommodate additional members."* Furthermore there are no waiting lists at the bowling greens where previous members have been stated to have taken up membership.
- 10.10 Additionally, having considered the current status of the site, although a valuable green space in the Playing Pitch Strategy, it is unallocated on the UDP proposals maps and would remain as such on the PDLP. The current need has, as set out above, seemingly been met at other nearby clubs where there is sufficient provision in the area, to accommodate the current need. Taking all this into account it is considered that there is sufficient information for the application to comply with Policy R7A (iii). With regards to the first bullet points of para 74 of the NPPF and of policy PLP 50 the circumstances of this case, where the use has now ceased and the loss has or can be mitigated by other clubs in the area and there being a static demand for bowling facilities across the district, shows that this site is no longer required to meet the continued use as a bowling green.
- 10.11 With regard to DPLP Policy PLP 47 (a) the proposals would clearly not protect the site for the continued use as an accessible open space and play sports area. In this case it is acknowledged, due to the size of the site (0.26h) it could not practically meet the current identified deficiencies for any other community sport, recreation or amenity use in the Newsome area. Officer's opinion to support the application is a balanced outcome based on the above where the site is in private ownership and the current status of the site which has removed any real prospect of the site's continued use for open space, sport or recreation use in the longer term.
- 10.12 To summarise, in light of the findings contained in the KPPSA and the information submitted by the applicant, the balanced recommendation is the loss of the bowling green at the former Newsome Working Men's Club is accepted by Officers. The green has been unused since January 2015 following voluntary liquidation by its members and there are a number of other greens in the local area within a short distance of the site which have the capacity to accept new members for all types of bowling. The principle of developing the site for residential development is therefore considered to be acceptable subject to an assessment of all other material planning
- 10.13 Urban Design issues  
UDP Policies BE1 and BE2 are considerations in relation to design, materials and layout. In principle development should respect the scale, height and design of adjoining buildings/land levels and be in keeping with the predominant character of the area.

- 10.14 Officers had concerns with the originally submitted details of layout and scale. In light of this the proposals have been amended omitting all reference to nos. of dwellings and details, leaving only the principle and access matters for consideration at this stage. Officers are conscious of the variation in levels on site in comparison to surrounding development. Given this any submission of 'reserved matters'- should the application be approved - would take into account existing and proposed levels, scale and separation distances between existing and proposed properties. This would be to assess the full impact on visual amenity of the area as well as to avoid any potential overbearing impact on the amenities of existing residential properties. Subject to such considerations the principle of residential development on this site could comply with Policies BE1 and BE2 of the UDP, Policy PLP 24 of the PDLP and guidance in the NPPF.
- 10.15 Residential amenity and neighbouring businesses:  
Policy BE12 of the UDP sets out the normally recommended minimum distances between habitable and non-habitable room windows for new dwellings. New dwellings should be designed to provide privacy and open space for their occupants and physical separation from adjacent property and land. Distances less than those specified will be acceptable if it can be shown that by reason of permanent screening, changes in level or innovative design no detriment would be caused to existing or future occupiers of the dwellings or to any adjacent premises.
- 10.16 In this instance no assessment is made on the standards for space about buildings. Furthermore, achieving the distances as set out in Policy BE12 alone may not be sufficient to retain the amenity of existing and future residents. Details of reserved matters would need take account of (amongst other things) topography, building heights of surrounding development in relation to new dwellings and finished ground levels. This is so as to avoid any potential adverse effect on the amenities of both the existing and future residents. Subject to the above, Officers are satisfied that details of layout, scale and appearance could be designed so as to safeguard residential amenity of future occupants as well as those that are located within close proximity to the application site in accordance with Policies of the publication Draft Local Plan, UDP policies D2 and BE12 and guidance in the NPPF.
- 10.17 With regard to the noise from existing neighbouring businesses (public houses north of the site) Environmental Health Officers have advised these benefit from late licenses with smoking areas near to the proposed application site. Although noise from these premises should be managed there will be some noise that will affect the amenity of the new houses. As such, if the application is approved it is recommended that any future submission includes details of a ventilation scheme to show how habitable rooms to properties can be ventilated without the need to open windows. This is in addition to consideration of the future layout and appearance of dwellings and how these could be sited to avoid being adversely affected by noise and disturbance. It may be necessary to require a sound insulation scheme designed to protect the amenities of future occupants of the site as well as the ongoing future viability of the neighbouring businesses. This would be to accord with UDP policy EP4, PLP 52 and guidance within the NPPF Chapter 11.

#### 10.18 Highway issues

UDP Policy T10 states that “New development will not normally be permitted if it will create or materially add to highway safety or environmental problems or, in the case of development which will attract or generate a significant number of journeys, it cannot be served adequately by the existing highway network ...”. Policy T19 addresses car parking in relation to the maximum standards set out in Appendix 2 to the UDP. Guidance in the NPPF states under paragraph 32 that plans and decisions should take account of whether, amongst other things, “safe and suitable access to the site can be achieved for all people”.

10.19 The site is situated in a predominantly residential area. The access road is shown to have a proposed width of 4.5m with 0.6m margins to either side. This would serve the application site and the recently approved six apartments to the south west. The revised site plan demonstrates an internal turning area sufficient to accommodate emergency vehicles along with bin storage and a bin collection area to accommodate the approved apartments. Officers consider these proposals, in particular the width of the access road together with the revised car park layout to accommodate the previously approved apartments, would be a more practical layout than the previously approved car park layout to accommodate the apartments. The details submitted demonstrate that the development proposed, together with that already approved, can be accommodated without creating or materially adding to highway safety issues in this sustainable location in close proximity to Newsome local centre. The development accords with UDP Policy T10 and DPLP PLP 21.

#### 10.20 Representations:

##### **Residential & general amenity:**

- Loss of natural light to existing dwellings
- Potential overlooking to existing dwellings from opening in new dwellings
- Loss of light to property and external amenity areas to properties on St Johns Road.
- Plot could not accommodate 7 dwellings
- Overshadowing & loss of privacy to occupants of both existing & proposed dwellings
- Inappropriate development harmful to open nature and character of site
- Proposed artificial stone not in keeping with surrounding development
- Too close to ABC nursery
- impact on listed building, conservation areas and trees
- creation of right of public right of way from site to adjacent site to north could result in anti social behaviour and security issues
- additional street lighting may affect existing properties
- drainage issues to existing properties
- would result in toilet block to public house
- refuse collection point at entrance to the site would cause environment, safety & health issues
- Housing oversubscribed in area which will be exacerbated
- proposed access road and footpath would be a potential problem for pedestrians

**Response:** The proposals seek only the principle of developing the site for residential development with details of access only to be considered at this stage. As noted in the assessment above the finer details taking into account the impact on the surrounding development, including neighbouring buildings/dwellings, the amenities currently enjoyed by these and the characteristics of the area would need to be considered on any future applications should Members accept the principle of developing this site.

#### **Highway safety issues**

- Proposed access is poor, too narrow and will cause problems
- Access road too narrow for refuse vehicles
- Existing parking issues on St Johns Road and surrounding highway network will be exacerbated
- St Johns not adequate to cater for additional traffic from a further 7 dwellings
- Limited visibility in both directions would cause concerns for vehicles entering and exiting site

**Response:** See assessment above under sub heading 'Highway Issues'.

#### **Loss of bowling green & related issues:**

- Loss of one of the best bowling /crown greens in Yorkshire
- Loss of public amenity community grounds/newsome history and a great valuable community asset
- Nearest bowling green not accessible by pensioners due to steep road
- Contrary to national and local policies to encourage and maintain such areas
- Should not be built on unless an assessment has been undertaken which has clearly shown the open space or the buildings and land to be surplus to requirements without evidence that the land is surplus
- Site is actively in use
- Green brings in trade into area
- Indoor facilities already removed by Council now outdoor bowling under threat
- Used by many not just bowlers
- Loss of green could increase the likelihood of older generation becoming isolated

**Response:** See assessment above under sub heading 'Principle of development'

- Bowlers have not left Newsome Bowling Green and not been accommodate elsewhere.
- "They use other facilities to play bingo"
- Bowlers will remain at club until closure

**Response:** Officers note the above comments also acknowledge the club/site has now ceased to operate as a bowling green. Furthermore, the assessment above takes into account the current and future provision and need for such facilities and whether other nearby greens have the capacity to accommodate additional members.

#### **Other issues/concerns:**

- need more social activities/venues not housing in this area

**Response:** Noted. However Officer have made an assessment based on the proposals submitted taking into account all relevant material considerations

- Seeking clarity on exact siting/ location of dwellings

**Response:** plans revised taking out all reference to layout and nos. of dwellings

- Disabled access has been removed
- Electricity been cut off to site
- Works has commenced on site prior to application being considered/decision being made

**Response:** Noted. The case Officer advised the applicant during the course of the application that no works which form part of the application submitted should be carried out until a decision is made.

- Limited access to the proposed dwellings for essential utilities/services

**Response:** These are matters to be considered on future building regulation applications through the consultation with the relevant service providers and outside the remit of planning.

- Bowling green left to become overgrown

**Response:** Noted

site notices not posted on yellow boards

- No consultation with neighbouring site owners/ occupants

**Response:** plastic site notices were posted on lampposts /telegraph posts in the vicinity of the site and neighbour letters posted to properties that adjoin the application red line by the Council in accordance with standard procedure.

- Replacement site at Bluebell Public House belongs to Taylor Hill Bowling club and land belongs to Council

**Response:** Noted. This site was put forward during the course of the application to replace the loss of the bowling green at St Johns Avenue and subsequently withdrawn due to a number of constraints.

### **Comments received in support**

- Green would be removed regardless of planning, would prefer to see houses than a derelict anti social site
- Housing is desperately needed

Petition with 900 names from J Hawdon

Club shut in January 2014 and re-opened under the name of Newsome community bowling club

### **None planning matters**

Land ownership and covenant issues

A covenant exists which requires the site to be used a bowling green and/or for recreational purposes only

## 10.21 **Other Matters**

In terms of biodiversity paragraph 118 of the NPPF states “when determining applications Local Planning Authorities should aim to conserve and enhance biodiversity by applying a number of principles”. These include the conservation and enhancement of biodiversity in and around developments which is reiterated in policy PLP 30 of the DPLP.

- 10.22 The site is identified within a bat alert area on the Council's mapping system. In addition, due to the (pavilion) buildings within the site and trees on the periphery of the site, the Council's Biodiversity Officer advised an ecological survey/assessment of the site should be undertaken to establish the habitats present on site, the site's ecological value and potential impacts of the development. It was recommended that the survey should include the possibility of any bat roosts occurring within the site's existing buildings or trees and potential impacts on such features.
- 10.23 Officer's did not request the surveys at the outset of the application as they were not deemed 'reasonable or necessary' whilst the acceptability of the principle of developing the application site was being assessed. It was also acknowledged the removal of these buildings could be carried out without consent. The pavilion buildings have since been demolished during the course of the application.
- 10.24 In light of the above, and as the only matter for consideration on this outline application is access, future applications would need incorporate mitigation/enhancement measures in any detailed submissions, should Members be minded to approved the application. This should include the use of native species in a landscape scheme and the enhancement of habitat integral to the dwellings in the form of bat and bird boxes to accord with guidance in the NPPF and DPLP Policy PLP30.
- 10.25 In respect of air quality, the application has been assessed against the West Yorkshire Low Emission Strategy Planning Guidance. In accordance with the guidance the installation of 1no electric charging point should be sought per residential unit.

## **11.0 CONCLUSION**

- 11.1 In conclusion the proposed loss of the bowling green at Newsome is considered acceptable. The applicant together with the information contained in the Kirklees Playing Pitch Strategy Assessment has demonstrated that the demand for the green can be accommodated at other greens in the locality of this area. Furthermore the due to the size of the site (0.26h) it could not practically meet the current identified deficiencies for any other community sport, recreation or amenity use in the Newsome area.
- 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.
- 11.3 This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development in principle 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 Strategic Investment)**

1. Approval of the details of the appearance, layout, scale and landscaping of the site (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced.

2. Plans and particulars of the reserved matters referred to in Condition 1 above, relating to the appearance, layout, scale and landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out in full accordance with the approved plans.
3. Application for approval of any reserved matter shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
4. The development hereby permitted shall be begun either before the expiration of two years from the final approval of reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
5. Biodiversity mitigation/enhancement measures for bats and birds integral to new buildings or trees (if appropriate to species)
6. Reserved matter of 'landscape' to include native species of trees and/or shrubs to replace lost vegetation and enhance habitat networks.
7. landscape management plan to detail how the landscaping will be managed to encourage biodiversity interest.
8. A scheme to detailing the proposed internal adoptable estate roads to include full sections, drainage works, street lighting, signing, surface finishes and the treatment of sight lines, together with an independent safety audit covering all aspects of work.
9. The approved vehicle parking areas to be surfaced in accordance with Guidance on the permeable surfacing of front gardens' published 13th May 2009
10. Details for storage and collection of bins
11. Electric vehicle charging points.

**Background Papers:**

Application and history files. – see assessment above

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2015%2f91664>

Notice served on Kirklees Council Physical Resources & Procurement 27/11/15