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**Report of the Head of Strategic Investment**

**HUDDERSFIELD PLANNING SUB-COMMITTEE**

**Date: 22-Feb-2018**

**Subject: Planning Application 2017/93638 Outline application for residential development with details of point of access only (within a Conservation Area) Land off Fullwood Drive (West site), Golcar, Huddersfield, HD7 4JH**

**APPLICANT**

Mr K and Mr R Fielding

**DATE VALID**

20-Oct-2017

**TARGET DATE**

19-Jan-2018

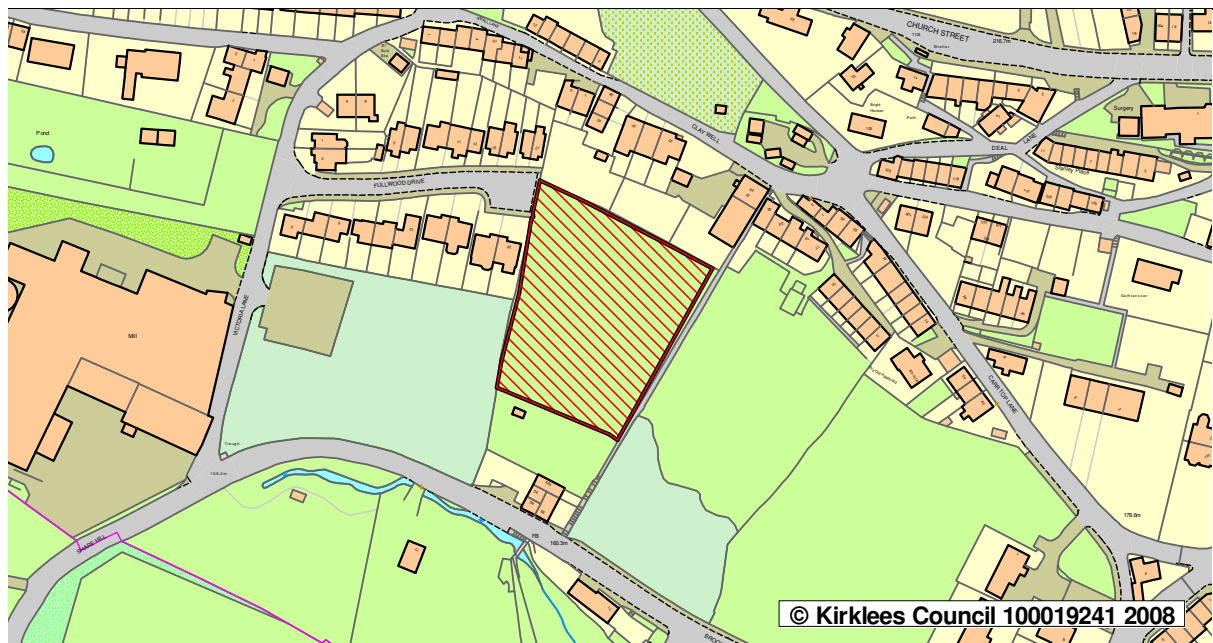
**EXTENSION EXPIRY DATE**

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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: Golcar**

Yes

Ward Members consulted

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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 This is an outline planning application for residential development, with all matters reserved other than access.
- 1.2 The application is presented to the Huddersfield Sub-Committee as the proposed development relates to Provisional Open Land (Policy D5 of the UDP), and is likely to include fewer than 60 residential units.
- 1.3 This site is referred to in this report as the “West” site.
- 1.4 A separate application (ref: 2017/93719) for outline planning permission for the adjacent (“East”) site is also to be considered at the same meeting of the Huddersfield Sub-Committee. Although submitted by different applicants, the two applications are linked in many respects.

## **2.0 SITE AND SURROUNDINGS:**

- 2.1 The application site is 0.39 hectares in size, is trapezoid-shaped, and slopes downhill from north (190m AOD approx.) to south (175m AOD approx.).
- 2.2 No buildings exist within the site’s boundaries, and the site is not previously-developed (brownfield) land. Parts of the site are overgrown with self-seeded trees and shrubs, giving the site a ruderal character. No trees on the site are the subjects of Tree Preservation Orders (TPOs), however a TPO covers trees to the southeast.
- 2.3 A public footpath (COL/56/40) runs along the site’s southeast boundary.
- 2.4 The site is within the Golcar Conservation Area. To the northeast of the site is a terrace of five Grade II listed cottages at 17-25 Clay Well, and the Grade II listed former factory/warehouse and dwellings at 27-29 Clay Well. To the south is a Grade II listed group of back-to-back buildings at 54, 54A, 56 and 58 Brook Lane. Undesignated heritage assets within and close to the site include the abovementioned footpath, dry stone walls and field patterns.

2.5 A Provisional Open Land designation in the Kirklees Unitary Development Plan covers the site and adjacent land. The site is allocated for housing in the emerging Local Plan.

### **3.0 PROPOSAL:**

3.1 Permission is sought for residential development of the site. The application is submitted in outline, except in relation to access. All other matters (scale, layout, appearance and landscaping) are reserved.

3.2 The applicant proposes to provide access from the turning area at the east end of Fullwood Drive. This access, for pedestrians, cyclists and vehicles, would run from the northwest corner of the site to a new turning area, from which new driveways would provide access to the proposed dwellings.

3.3 An indicative site layout plan has been submitted, showing 10 residential units arranged in four pairs of semis and two detached dwellings. The applicant has, however, requested that the number of units be not specified in the development description or the council's decision letter. The submitted drawings are, in any case, indicative, and the number of units would be determined at reserved matters stage, should outline planning permission be granted.

3.4 Three trees (identified by the applicant as defective) would be removed. In addition, an unspecified number of other trees would need to be removed to accommodate the proposed development.

### **4.0 RELEVANT PLANNING HISTORY (including enforcement history):**

4.1 2014/90450 – Outline planning permission granted 21/08/2014 for eight residential dwellings.

4.2 95/90501 – Outline planning permission refused 31/03/1995 for approx. 23 residential dwellings (larger site).

4.3 94/93595 – Outline planning permission refused 10/01/1995 for approx. 23 residential dwellings (larger site).

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

5.1 A Planning and Heritage Statement, a Preliminary Ecological Appraisal and an initial pond habitat suitability assessment were submitted during the life of the application. The applicant also confirmed that the indicative proposed layout showing 10 units should be referred to, rather than a plan that had shown eight units.

### **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 25th April

2017, so that it can be examined by an independent inspector. The Examination in Public began in October 2017. 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. At this stage of the Plan making process the Publication Draft Local Plan is considered to carry significant weight. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

- 6.2 The site is Provisional Open Land. The site was designated within an extended Golcar Conservation Area post adoption of the plan.
- 6.3 Adjacent land to the southwest and east is also Provisional Open Land and was also designated within an extended Golcar Conservation Area post adoption of the plan. Land to the south (on the other side of Brook Lane) is green belt.
- 6.4 Relevant policies are:
- G4 – High standard of design
  - G5 – Equality of opportunity
  - G6 – Land contamination
  - D5 – Provisional Open Land
  - NE9 – Mature trees
  - BE1 – Design principles
  - BE2 – Quality of design
  - BE5 – Conservation areas
  - BE11 – Building materials
  - BE12 – Space about buildings
  - BE21 – Open space accessibility
  - BE22 – Accessible parking
  - BE23 – Crime prevention
  - EP3A – Culverting and canalisation
  - EP4 – Noise sensitive development
  - EP10 – Energy efficiency
  - EP11 – Landscaping and ecology
  - EP30 – Prolonged construction work
  - T1 – Transport priorities
  - T2 – Highway improvements
  - T10 – Highway safety
  - T14 – Pedestrian safety
  - T16 – Pedestrian routes
  - T17 – Cycling
  - T18 – Strategic pedestrian and cyclist routes
  - T19 – Parking standards
  - DL1 – Derelict and neglected land
  - H1 – Housing needs
  - H10 – Affordable housing
  - H12 – Affordable housing arrangements

H18 – Open space provision  
R6 – Public open space  
R9 – Allotments  
R13 – Rights of way

Kirklees Draft Local Plan Strategies and Policies (2017):

6.5 Relevant policies are:

PLP1 – Presumption in favour of sustainable development  
PLP2 – Place shaping  
PLP3 – Location of new development  
PLP7 – Efficient and effective use of land and buildings  
PLP11 – Housing mix and affordable housing  
PLP20 – Sustainable travel  
PLP21 – Highway safety and access  
PLP22 – Parking  
PLP24 – Design  
PLP27 – Flood risk  
PLP28 – Drainage  
PLP30 – Biodiversity and geodiversity  
PLP32 – Landscape  
PLP33 – Trees  
PLP35 – Historic environment  
PLP47 – Healthy, active and safe lifestyles  
PLP48 – Community facilities and services  
PLP51 – Protection and improvement of local air quality  
PLP52 – Protection and improvement of environmental quality  
PLP63 – New open space

Supplementary Planning Guidance / Documents:

6.6 Relevant guidance and documents are:

- Providing for Educational Needs Generated by New Housing
- Kirklees Interim Affordable Housing Policy (2016)
- West Yorkshire Air Quality and Emissions Technical Planning Guidance
- Kirklees District Landscape Character Assessment (2015)
- Kirklees Housing Topic Paper (2017)
- Kirklees Council Housing Allocations Policy (2017)
- Accessibility Assessment (2015)
- Golcar Conservation Area Character Appraisal

National Planning Policy and Guidance:

6.7 The National Planning Policy Framework (2012) seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of the proposal. Relevant paragraphs/chapters are:

- Paragraph 17 – Core Planning Principles
- Chapter 4 – Promoting sustainable transport
- Chapter 6 – Delivering a wide choice of high quality homes

- Chapter 7 – Requiring a good design
- Chapter 8 – Promoting healthy communities
- Chapter 9 – Protecting green belt land
- Chapter 10 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 11 – Conserving and enhancing the natural environment
- Chapter 12 – Conserving and enhancing the historic environment

6.8 Since March 2014 Planning Practice Guidance for England has been published online.

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

7.1 The application has been advertised via four site notices, a press notice, and letters delivered to addresses abutting the application site. This is in line with the council's adopted Statement of Community Involvement. The end date for publicity was 14/12/2017.

7.2 The four site notices were posted on 23/11/2017, and were still in place on 03/12/2017. By 08/01/2018 two of the site notices had been removed – it is not known when (after 03/12/2017) these site notices were removed, or by whom, however notwithstanding their removal, the council has met and exceeded statutory consultation requirements, and the number of responses from residents indicates that local knowledge of the application is extensive.

7.3 To date, representations from occupants of 29 properties. The following is a summary of the concerns raised:

- Site is safeguarded land and should be protected from development. Brownfield sites should be developed instead.
- Loss of allotments.
- Much additional housing has recently been built in Golcar ward, yet some new properties remain empty.
- Adverse impact upon Golcar Conservation Area.
- Adverse impact upon adjacent listed buildings.
- Local roads and pavements inadequate for increased traffic and pedestrians, including children, older people and people with disabilities.
- Traffic and speeds would increase along Fullwood Drive.
- Displaced vehicles parking at the Fullwood Drive / Victoria Lane junction may compromise sight lines.
- Vehicle access should be provided from Brook Lane.
- Vehicle conflicts, damage, noise, dirt and disruption during construction.
- Inadequate parking for visitors proposed.
- Queried if there would be space for a refuse vehicle to turn.
- Loss of privacy.
- Loss of views.
- Loss of trees.
- Impacts on wildlife, including deer, birds and bats.
- Hillside may not tolerate weight of development, causing damage to existing properties.
- Adverse impact upon drainage of site.

- Lack of affordable housing.
- Development does not cater for first-time buyers.
- Increase in local population has not been matched with increased provision of schools, GP services, road links, shops and post offices. Services would become further stretched.
- Impact on existing property values.
- Overall effects of three adjacent developments should be considered.
- Proposal does not comply with planning policies.
- Inadequate public consultation.

7.4 A letter was also received from Thelma Walker MP, relaying the concerns of local residents relating to traffic, the adequacy of local roads, impacts during construction, and access to local services.

7.5 Responses to these comments are set out later in this report.

## 8.0 CONSULTATION RESPONSES:

### 8.1 Statutory:

KC Highways – Point of access is considered adequate. Amendments to, and further information to support, indicative layout would be needed.

KC Conservation and Design – Previous permission noted, however applicant's supporting information is lacking and fails to meet NPPF paragraph 128. Design and Access Statement ignores NPPF section 12. Some reference is given to the conservation area, and the applicant notes that the site is not a key gateway, but the applicant fails to indicate how the overall development would affect the conservation area. A Heritage Impact Assessment is required.

KC Strategic Drainage – No objection, provided the approved document (Drainage Assessment Report, Avie Consulting, March 2014) and site specific and standard conditions are adhered to. Areas of hardstanding must have permeable surfaces, and developer should consider diverting gutter downpipes into rainwater harvesting and water butts, with overflow into rainwater gardens/ponds.

Yorkshire Water – Conditions recommended regarding drainage for foul and surface water. The submitted Drainage Assessment Report is acceptable, and states that the foul water would discharge to the public combined sewer and surface water would drain to a watercourse. An off-site foul water sewer may be required.

### 8.2 Non-statutory:

KC Trees – No objection. The site's trees are offered protection under the conservation area designation, however the indicative plan shows the better quality trees to be retained. A tree survey and method statement (in accordance with BS 5837) will be required at reserved matters stage.

KC Parks and Greenspace (Allotments Manager) – Aerial photographs indicate this site was active (as allotments) in 2012 and possibly later. Within Golcar there is one council-managed allotment site at Moorcroft Avenue. This site has 17 plots that are fully let, and a waiting list of 10 people. The council's next nearest allotment sites are in Slaithwaite, Salendine Nook, Paddock and Crosland Moor.

KC Environmental Health – Recommend conditions regarding site contamination and provision of electric vehicle charging points. Construction noise should be limited to specified hours.

Police Architectural Liaison Officer – No objections to principle of proposed development. Detailed advice provided for reserved matters stage.

KC Strategic Housing – Application welcomed. Within Kirklees Rural (West) there is a significant need for affordable 1- and 2-bedroom units, as well as a need for affordable 1- and 2-bedroom housing specifically for older people. Kirklees Rural (West) is a popular location, with 15% of households planning to move home within Kirklees within the next 5 years citing it as their first choice destination. Kirklees's interim affordable housing policy seeks 20% affordable housing provision on sites where 11 units or more are proposed. On-site provision is preferred, however a financial contribution in lieu of on-site provision can be acceptable where appropriate. Borough-wide, a split of 54% Affordable Rent / 46% Intermediate is appropriate within affordable housing provisions.

KC Ecology – Given the scale of the proposals and given that they are in outline only, the submitted Preliminary Ecological Appraisal (PEA) is sufficient to support the application. In principle it is possible to develop the site for housing while providing a biodiversity net gain and so complying with relevant policy. A full ecological impact assessment (incorporating further surveys as specified in the PEA) would be required at reserved matters stage. Condition recommended regarding landscaping and ecology.

KC Public Rights of Way – Applicant's red line boundary does not include the adjacent public footpath, however the public footpath is within the same parcel of land ownership as the application site.

## **9.0 MAIN ISSUES**

- Assessment of applications
- Principle of development
- Urban design and conservation issues
- Residential amenity
- Highway issues
- Drainage issues
- Ecological considerations
- Trees
- Representations
- Planning obligations
- Other matters



## 10.0 APPRAISAL

### Assessment of applications

- 10.1 As noted above, a separate application (ref: 2017/93719) for outline planning permission has been submitted in relation to the site immediately to the east (the East site), where outline planning permission for residential development is also sought. The two applications have been submitted by different applicants, however the submitted application forms indicate there are persons with interests in both sites, and the two sites and proposals are linked in other respects. Access to the East site is proposed across the West site, meaning any owner/developer of the East site is reliant on the co-operation of the adjacent owner/developer to the west. Any owner/developer of the West site would most likely seek to benefit from agreeing to such co-operation. It may also be the case that, should outline permission for both developments be granted, the sites would be developed simultaneously, possibly following their purchase by a single developer.
- 10.2 The council's assessment of the two applications should address the combined and cumulative potential impacts of both developments being implemented. This is particularly relevant to matters such as traffic and highways safety impacts, and the impact of both developments upon the character and appearance of the Golcar Conservation Area.
- 10.3 Given the above, it is appropriate for the council to consider both applications together. Such a comprehensive, holistic assessment would include consideration of the need for affordable housing and public open space across all of the land affected by the applications. Consideration of the applications only in isolation would result in the impacts of the developments (and their potential public benefits) not being fully or properly assessed, and necessary mitigation not being secured. Separate consideration could result in piecemeal development that, while of a significant quantum in total, would not deliver the benefits and mitigation normally required of such a quantum.

### Principle of development

- 10.4 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 10.5 The NPPF is a material consideration in planning decisions. The current situation regarding housing land supply in Kirklees (discussed below) is a material consideration relevant to applications for residential development. Weight can also be attached to the draft policies of the emerging Local Plan.
- 10.6 Outline planning permission for eight residential units at the West site was granted in 2014 under application ref: 2014/90450. Officers are not aware of any evidence of implementation, therefore that permission is understood to have expired in August 2017. The applicant therefore has no fallback position in the form of an extant permission that can be implemented, however the council's previous decision is a material consideration relevant to the consideration of the current application. Of note, in 2014 the council was unable to identify a five-year supply of housing land, and this partly informed the council's decision to grant outline planning permission for residential development at this Provisional Open Land site.

- 10.7 The starting point in assessing this planning application is to ascertain whether or not the proposal accords with the relevant provision of the development plan, which in this case comprises the saved policies of the Kirklees UDP (1999). If a proposal does not accord with the development plan, regard should be had as to whether there are other material considerations, including the NPPF, which indicate that planning permission should be granted.
- 10.8 The NPPF is a Government-issued statement of national planning policy, and is therefore considered an important material consideration, particularly in cases where there are UDP policies that are out-of-date or inconsistent with the NPPF. Paragraph 215 emphasises that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
- 10.9 The NPPF seeks to boost significantly the supply of housing. Paragraph 47 of the NPPF sets out how local planning authorities should meet the full objectively-assessed needs for market and affordable housing. This requires a range of measures including identifying a deliverable five-year supply of land for housing. Paragraph 49 adds that housing applications should be considered in the context of the presumption in favour of sustainable development, and that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.
- 10.10 As noted in recent appeal decisions, Kirklees is not currently meeting (by a substantial margin) the requirement to identify a five-year supply of housing land. This is important in the context of paragraph 14 of the NPPF which states that, in relation to decision-taking, the presumption in favour of sustainable development means approving development proposals that accord with the development plan without delay, and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless i) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits (when assessed against NPPF policies taken as a whole), or ii) specific policies in the NPPF indicate development should be restricted.
- 10.11 As the council is unable to demonstrate a five-year housing land supply as required by paragraph 49 of the NPPF, relevant UDP policies relating to housing are considered to be out-of-date. The housing land supply shortfall is not marginal – it falls below three years and is therefore considered substantial. Whilst the council has prepared a Local Plan that, for housing purposes, is predicated on the basis of a five-year housing land supply, it is currently undergoing examination, and has not been adopted. Therefore, it remains the case that the council is unable to identify a five-year supply of specific deliverable housing sites against the relevant NPPF requirement.
- 10.12 The borough's housing supply record of recent years is also a relevant consideration. This is set out in the council's Housing Supply Topic Paper (2017), where Kirklees's persistent under-delivery is detailed.

10.13 Given this situation regarding housing land supply, with regard to this application and the presumption in favour of sustainable development, the NPPF states that planning permission should only be refused where there are adverse impacts which would significantly and demonstrably outweigh the benefits.

10.14 The site was designated as Provisional Open Land (POL) in the UDP in 1999, and this designation was retained (saved) by the Secretary of State for Communities and Local Government in 2007. Policy D5 of the UDP states:

*On sites designated as Provisional Open Land planning permission will not be granted other than for development required in connection with established uses, changes of use to alternative open land uses or temporary uses which would not prejudice the contribution of the site to the character of its surroundings and the possibility of development in the longer term.*

10.15 With regard to the designation of the site as POL, UDP policy D5 is not considered to be a policy for the supply of housing (with reference to NPPF paragraph 49), and is considered to be up-to-date. The proposed development does not comply with UDP policy D5 as it does not comprise development required in connection with established uses, or the alternative open land uses or temporary uses referred to in the policy. The proposed development constitutes a departure from the development plan.

10.16 As noted above, the emerging Local Plan is a material consideration. It sets out a housing requirement of 31,140 homes between 2013 and 2031 to meet identified needs. This equates to 1,730 homes per annum. If the emerging Local Plan was to be adopted in its current form, the council would be able to demonstrate a five-year housing land supply. The site is allocated for housing in the emerging Local Plan (site reference: H550). Given that the examination in public of the Local Plan is underway, consideration needs to be given to the weight to be afforded to draft policies, and in particular draft site allocation H550.

10.17 Paragraph 216 of the NPPF sets out what weight can be given to policies in emerging plans, according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

10.18 The above is further supplemented by paragraph 014 (reference ID: 21b-014-20140306) of the Government's Planning Practice Guidance, which states that arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the NPPF and any other material considerations

into account. Paragraph 014 adds that such circumstances are likely, but not exclusively, to be limited to situations where both:

*(a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or neighbourhood planning; and*

*(b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.*

- 10.19 Given the scale of the development proposed (when assessed against the wider context of the emerging Local Plan), it is considered that the application could not be deemed to be premature as the proposed development, by virtue of its relatively small scale and limited strategic importance (in terms of housing delivery), is not considered to be central to the delivery of the Local Plan. With regard to the current stage of preparation of Local Plan, it is noted that an advanced stage has been reached, which would suggest considerable weight can be afforded to its policies. However, it is also noted that there are two unresolved objections to site allocation H550, which reduces the weight than can be afforded to it. Given these considerations, it is considered that limited weight can be afforded to the draft site allocation in this case.
- 10.20 Ordnance Survey maps from 1955 onwards annotate the site as “Allotment Gardens”, however that use appears to have now ceased, and appears to have been intermittent in recent years – aerial photographs show some cultivation in 2012, but not in 2000 to 2009. UDP policy R9 states that proposals involving development on allotments, or land last used as allotments, will not be permitted unless replacement allotments of equivalent community benefit are provided or it can be demonstrated that there is no unsatisfied local demand for allotments. The council’s Allotments Manager has confirmed that there is currently only one council-managed allotment site in Golcar, at Moorcroft Avenue, where all 17 plots are fully let, with a waiting list of 10 people. Given this unsatisfied demand, and the previous use of the application site, the proposed development is contrary to UDP policy R9, although the weight to be attached to this shortcoming is limited by the fact that the site is privately owned, and that refusal of planning permission would not result in local demand being met (the council has no authority to allocate private allotments to people on the council’s waiting list).
- 10.21 In conclusion regarding the principle of development, given the pressing need for housing, the current situation regarding housing land supply in Kirklees, the relevant paragraphs of the NPPF detailed above, the draft site allocation, and the previous approval of outline planning permission at this site, there clearly are material considerations that – together – carry significant weight, and that justify approval of planning permission. With reference to NPPF paragraph 14, the adverse impacts and benefits of the proposed development are assessed throughout this report, and further conclusions on the balance of planning considerations are drawn in its closing paragraphs.
- 10.22 The above conclusion is supported by the fact that the application site is a suitable location for residential development in relation to sustainability, being located at the edge of an existing settlement, relatively close to sustainable transport options and other facilities. The site is not isolated and inaccessible.

- 10.23 Officers' recommendation to accept the principle of development at this greenfield site, however, is not given lightly. If this site is to be released for development, public benefit must be clearly demonstrated, and high quality development will be expected. These matters are addressed later in this report, and would require further consideration at reserved matters stage, should outline permission be granted.

#### Urban design and conservation issues

- 10.24 Section 72 of the of the Planning (Listed Buildings and Conservation Areas) Act places a duty on the council to pay special attention to the desirability of preserving or enhancing the character and appearance of the Golcar Conservation Area when determining this application.
- 10.25 The Planning and Heritage Statement (Acumen, November 2017), submitted during the life of the application, does not adequately address the comments of the council's Conservation and Design Group Leader and paragraph 128 of the NPPF, however officers are nonetheless able to assess the proposal with regard to Section 72.
- 10.26 The relevant conservation area character appraisal defines Golcar as a large, closely-knit hillside village of picturesque quality and special architectural and historic interest. The appraisal notes that the settlement's location on the steep hillside above the valley of the River Colne (and the subsidiary valley that runs northwest-southeast between Golcar and Wellhouse) gives it a highly dramatic setting, reminiscent of an Italian hill village. The subsidiary valley is identified as a defining influence on the character of the village, as is the village's organic form and limited formal planning. Important vistas northeastwards from the bottom of the subsidiary valley and Albion Mill are also noted, and the appraisal suggests that when Golcar is viewed from here the natural landscape appears to frame the village. The hillside's green space is identified as a buffer that prevents the settlements of Golcar and Wellhouse from merging, thus protecting the character and setting of both areas. Tree coverage is identified as quintessential to Golcar's character, and panoramic views of the settlement reiterate the importance of trees to Golcar, creating extra interest, depth and character in the area. The surrounding landscape makes a vital contribution to the character and setting of Golcar, the topography creating a panorama not apparent in other areas. Steep slopes and footpaths, stone steps and narrow lanes with homogeneous vernacular stone architecture characterise the settlement. Golcar has several dry stone walls defining fields, open spaces and earlier boundaries, all of which impart character. Golcar's early settlement pattern is still visible, the urban grain of the conservation area is characterised by small linear plots, and there are few detached properties.
- 10.27 Although a major urban extension southwards down the hillside towards Brook Lane could reduce the buffer that separates Golcar and Wellhouse, and could undermine the character and definition of Golcar as a hillside village framed by the natural landscape, it is noted that the application site does not extend all the way down to the bottom of the subsidiary valley, and that a substantial green space would be maintained between the two settlements. It is therefore considered that the positive and defining characteristics of the Golcar Conservation Area, and views and appreciation of it, would not be adversely affected by a sensitively-designed residential development at the application

site. Layout, materials and other aspects of design, as well as landscaping, would need to be carefully considered at reserved matters stage, to ensure the more detailed aspects of a residential development similarly do not harm the character and appearance of the conservation area.

- 10.28 The application site is visible from public vantagepoints including along Copley Bank Road, is visible from private properties, and may be visible from public vantagepoints to the south and east on the opposite side of the Colne Valley. The visibility of the site has been taken into account in the above assessment.
- 10.29 There also is a requirement under Section 66 of the Act that “special regard” should be had to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.
- 10.30 The primary interest of the Grade II listed buildings at 17-25 and 27-29 Clay Well is not derived from spacious settings, and the grouping of these buildings (and their relationships with other nearby buildings) is characteristically dense. Given this existing arrangement of buildings, the tightly-packed street frontage of Clay Well, and the topography of the application site (which falls away significantly behind the listed buildings), it is considered that residential development can be carried out at the application site without crowding and adversely affecting the setting of these heritage assets when viewed from the north.
- 10.31 When viewed from the south, the undeveloped application site is of more importance to the setting of the listed buildings, as it reveals their edge-of-settlement location, reveals their contribution to the close-knit hillside character of Golcar, and enables their appreciation in longer views from Copley Bank Road. Development at the application site has the potential to limit this appreciation and diminish the positive contribution these buildings make to the character of the settlement, however any such impact would be limited by the topography of the application site which would ensure new buildings would not obstruct views of these buildings (particularly the tall gable end of 27-29 Clay Well), and careful detailed design of such development could ensure these nearby heritage assets are not crowded or otherwise harmed.
- 10.32 The above assessments relate to the proposed development at the West site in isolation, but are also applicable to the cumulative impacts of both the proposed developments (at the East and West sites), and indeed the cumulative impacts of the four hillside sites (Fullwood Drive, the East and West sites, and the site accessed from Carr Top Lane) upon the conservation area.
- 10.33 Conservation matters would be given the necessary further consideration at detailed (reserved matters) stage, however given the above assessments there are considered to be no reasons to withhold outline planning permission on conservation grounds.
- 10.34 Conservation considerations aside, some consideration needs to be given to other design matters, although it is noted that the submitted layout is indicative.
- 10.35 With 10 units proposed in a site of 0.39 hectares, a density of 26 units per hectare would be achieved, significantly below the 35 units per hectare minimum set out in draft policy PLP7, and below the densities of much of Golcar’s historic core. Noting that this minimum is applied “where appropriate”,

and that the same policy requires densities to be in keeping with the character of the area, there may be scope for a greater number of units at this site, should highways, amenity and other considerations be adequately addressed. The indicative quantum of development currently suggested by the applicant would not be approved under this application for outline permission, and the site's constraints and opportunities would determine what number of units would be possible at detailed (reserved matters) stage. This number may be significantly different to the suggested 10.

- 10.36 The proposed indicative layout has a very suburban character, and appears to have been designed with regard to highways and engineering constraints and considerations, with no apparent regard to the character, layout and grain of the historic buildings to the north. An improved design, with a layout that responded positively to the buildings to the north (including the predominant east-west orientation of buildings along the village's hillside lanes, variations in heights, and irregular and unplanned appearance and character) would need to be secured at reserved matters stage, should outline permission be granted.
- 10.37 Inappropriate timber fencing is shown on the applicant's indicative sections. Better boundary treatments, appropriate to the conservation area and designed to improve the setting, appearance and natural surveillance of the adjacent footpath, would need to be secured at reserved matters stage, should outline permission be granted.
- 10.38 No further consideration is necessary at this outline stage in relation to townscape, landscaping and other design matters.

#### Residential amenity

- 10.39 The principal of residential development at this site is considered acceptable in relation to the amenities of neighbouring residential properties. It is considered that residential development can be carried out at the site without unacceptably harming the outlook, privacy and natural light currently enjoyed by neighbouring residents. The minimum distances set out under UDP policy BE12 can be achieved.
- 10.40 Private views of a particular landmark or feature of interest, and long views over land not in the ownership of the viewer, are not protected under planning.
- 10.41 In terms of noise, although residential development would introduce (or increase) activity and movements to and from the site, given the scale of development that is likely to be acceptable at this site, it is not considered that neighbouring residents would be significantly impacted. The proposed residential use is not inherently problematic in terms of noise, and is not considered incompatible with existing surrounding uses.

#### Highway issues

- 10.42 The applicant proposes to provide access for pedestrians, cyclists and vehicles from the turning area at the east end of Fullwood Drive. The applicant's indicative sections show a continuous timber fence with no gate along the site's southeast boundary, suggesting that no access is proposed from the adjacent public footpath under this application.

- 10.43 The proposed point of access is considered acceptable. Although this would prevent or limit parking at the end of Fullwood Drive (all existing properties are provided with garages and driveways, however residents currently make use of the turning area for parking, which one resident has stated is due to the existing garages being too small and driveways being too steep), no designated parking spaces in Fullwood Road would be lost.
- 10.44 Existing residents' comments regarding congestion and highways safety are noted, particularly in relation to the number of vehicles passing through Fullwood Drive and using the Fullwood Drive / Victoria Lane junction and other local junctions. Furthermore, the cumulative impacts of the additional traffic generated by residential developments at the East and West sites (both of which would be accessed via Fullwood Drive) must be considered.
- 10.45 With 21 existing dwellings at Fullwood Drive, 10 indicatively proposed at the West site, and 14 indicatively proposed at the East site, a potential total of 45 households would move their vehicles along Fullwood Drive and would rely on the Fullwood Drive / Victoria Lane junction for vehicular access. This potential level of vehicle movement, although twice the current level, is not unusual for a residential street of this size and design. Planning permission cannot be withheld on congestion grounds if the street's existing problem is a result of existing residents not making use of garages and drives. The Fullwood Drive / Victoria Lane junction is of an adequate size to accommodate the likely volume of traffic, should both developments be implemented. At the junction of Victoria Lane and Share Hill / Brook Lane there have been no injury accidents in five years. The last accidents recorded along Victoria Lane (including the above-mentioned junctions) were in 2008 and 2010, and neither accident was associated with access or egress from a junction.
- 10.46 The proposed development has not attracted objections from the council's Highways Development Management officers on safety or congestion grounds.
- 10.47 One resident has suggested that vehicular access to the proposed development (and to the East site) should be provided from Brook Lane. This has been considered, however potential for a vehicular access here is limited by the trees along the north side of Brook Lane (some of which are protected by a Tree Preservation Order), and the need to maintain the character and retain green framing to Golcar and its conservation area. Furthermore, the topography of the sites would result in a problematic and possibly unsafe access – given the level difference of approximately 20m (from Brook Lane to the top of the two sites) across a distance of approximately 100m, a road gradient of 1:5 (and possibly steeper) would be necessary, which would not comply with Government guidance, would affect stopping distances of vehicles approaching the new junction, and would make adoption of the developments' new road unlikely.
- 10.48 Other comments made by Highways Development Management officers relate to the layout and detailed design of the proposed development, which is currently only indicative, and which would be considered further at reserved matters stage, should outline planning permission be granted. An approval of outline permission would not undermine the need for proper consideration of highways safety at reserved matters stage. Later, detailed consideration would determine what number of units this site could accommodate, and this number may be different to the suggested 10.



- 10.49 Although part of the adjacent public footpath along the site's southeastern boundary appears to be within the same parcel of land ownership as the application site, the applicant's red line site boundary does not include any part of the public footpath, nor does the applicant propose a pedestrian connect to it. Such a connection, if carefully designed, could be of public benefit, as it would improve neighbourhood permeability and access to the bus stop on Brook Lane, and would be compliant with UDP policies T16 (which requires new development to make provision for convenient pedestrian routes) and R13 (which promotes the development of new links in the public right of way network). A further connection eastwards, through the East site and the site under development at Carr Top Lane, would also be beneficial, providing an alternative east-west pedestrian route avoiding Clay Well which lacks pavements. These matters can be considered further at reserved matters stage, should outline permission be granted.

#### Drainage issues

- 10.50 The site is within Flood Zone 1, but is less than 1 hectare in size, therefore a site-specific Flood Risk Assessment did not need to be submitted. A Drainage Assessment Report (Avie Consulting, March 2014) was, however, submitted.
- 10.51 The Lead Local Flood Authority has raised no objection to the proposed development in relation to drainage and flood risk, provided that the Drainage Assessment Report and site specific and standard conditions are adhered to. The LLFA are of the view that the applicant has established that adequate drainage is achievable throughout the development, but that the drainage proposals are not sufficiently developed to receive a full approval, and that further detail will be required at reserved matters stage. Details of permeable surfaces, rainwater harvesting, water butts, and rainwater gardens and ponds would also be required at reserved matters stage, should outline permission be granted.

#### Ecological considerations

- 10.52 The application site is not subject to any adopted designations or allocations in relation to ecology, however trees and shrubs, and the relative lack of human activity on the site, may mean the site provides, or has the potential to provide, habitats for wildlife. Some neighbouring residents have stated that bats, deer and many species of bird have been seen at this and the East site. In addition, two ponds exist within 500m of the site. To the south of the site, on the other side of Brook Lane, is land forming part of the proposed Wildlife Habitat Network as set out in the emerging Local Plan. This network connects designated sites of biodiversity and geological importance and notable habitat links, and any development within or close to the network will need to support and enhance these links.
- 10.53 The applicant has submitted a Preliminary Ecological Appraisal (PEA), and during the life of the application additionally submitted an initial habitat suitability assessment of the pond to the west of Fullwood Drive and Victoria Lane (to the north of Victoria Mills).

- 10.54 The council's Biodiversity Officer advised that the submitted PEA is sufficient to support the application, and that it is possible to develop the site for housing while providing a biodiversity net gain and so complying with relevant policies (including policy PLP30 of the emerging Local Plan and chapter 11 of the NPPF).
- 10.55 In subsequent comments in response to the applicant's pond assessment (which was required as the application site is relatively close to the above-mentioned pond, and may itself provide refugia for great crested newts during the terrestrial phases of their lives), the Biodiversity Officer advised that a full survey of the pond will be required, but that this can be deferred to reserved matters stage, as no site layout would be formerly approved at outline stage. The applicant, however, will need to understand that, notwithstanding any outline approval, development at this site (and in particular site layout) may prove to be constrained by great crested newts.

### Trees

- 10.56 No Tree Preservation Orders cover the application site, however trees within the site are afforded protection by the site's conservation area designation. UDP policy NE9 states that mature trees should normally be retained, while policy PLP33 in the emerging Local Plan states that the council will not grant planning permission for development which directly or indirectly threaten trees or woodlands of significant amenity, and that development proposals should normally retain any valuable or important trees where they make a contribution to public amenity, the distinctiveness of a specific location or contribute to the environment.
- 10.57 The site has scattered, self-seeded tree cover. Many of the site's trees and shrubs are young, and the site has a ruderal character. There are, however, good quality trees on the site, including a mature sycamore identified by the applicant as T25.
- 10.58 The applicant's Arboricultural Report recommends the removal of only three trees, however in addition, an unspecified number of other trees would need to be removed to accommodate the proposed development.
- 10.59 Objections have been raised by local residents in relation to the loss of trees, however the council's Tree Officer has raised no objection, noting that the site's better quality trees would be retained. The applicant's site layout plan suggests the above-mentioned sycamore (T25) would be retained, while an off-site mature sessile oak (T33) has the annotation "retention desirable" in the applicant's Arboricultural Report. It is, however, again noted that the applicant's site layout plan is indicative, that the granting of outline permission would not secure approval of the removal of any specific tree, and that these matters would require further, detailed consideration at reserved matters stage (when an updated tree survey, arboricultural impact assessment and method statement would be required), should outline permission be granted. The applicant will need to be aware that, notwithstanding any outline approval, development at this site may prove to be constrained by the site's trees. An approval of outline permission would not undermine the need for proper consideration of impacts upon trees at reserved matters stage.

10.60 At this stage there are considered to be no reasons relating to trees that would prohibit any residential development, or the principle of residential development, at this site. The outline proposal is considered compliant with UDP policy NE9 and policy PLP33 of the emerging Local Plan.

### Representations

10.61 To date, representations from occupants of 29 properties. Below are the issues which have been raised which have not been addressed earlier in this report, and the case officer's response.

- Queried affordability of dwellings, and suitability for first-time buyers – the development's affordable housing provision and dwelling sizes would be determined at reserved matters stage.
- Impacts upon schools, doctors and other local services – impacts upon local services (other than schools) would be considered at reserved matters stage.
- Impacts upon the values of existing neighbouring properties – this is not a material planning consideration relevant to this application.
- Adjacent land ownership – some neighbouring residents have stated that a ransom strip exists at the east end of Fullwood Drive, and that this land is within the same parcels of land ownership as 20 and 21 Fullwood Drive. This is not, however, a material planning consideration relevant to this application, and any approval of outline planning permission would not obviate the need for a developer to obtain the agreement of adjacent landowners to provide access across their land.

### Planning obligations

10.62 The applicant seeks outline permission with all matters reserved (other than access), and does not seek approval of a specific number of residential units. To accord with policy H10 of the UDP, emerging Local Plan policy PLP11 and the Kirklees Interim Affordable Housing Policy, if the council is minded to grant outline permission, a condition can be imposed requiring the provision of affordable housing.

10.63 Under policy H18 of the UDP sites of 0.4ha require public open space to be provided on-site. Although the site is 0.39ha in size, given that the two applications and the impacts of the proposed developments are being considered together, it is appropriate to apply this requirement to both sites. It is possible, however, that, due to the shapes and topographies of the sites, a contribution towards off-site provision can be accepted. An appropriate condition is recommended.

10.64 Given the number of units indicatively proposed, no contribution towards education would be triggered (for either site, or when both sites are considered together). Following further design work, however, the total unit number proposed at reserved matters stage may trigger the need for a contribution, and an appropriate condition is recommended.

### Other planning matters

- 10.65 With regard to ground contamination, the applicant's Phase I desktop study concluded that there are no active pollutant linkages at the site, but recommends precautionary contamination testing. Appropriate conditions have been recommended by officers to ensure compliance with UDP policy G6 policy and PLP53 in the emerging Local Plan.
- 10.66 The proposed development would involve the removal of trees and an increase in vehicle movements to and from the site, however air quality is not expected to be significantly affected. To encourage the use of low-emission modes of transport, electric/hybrid vehicle charging points would need to be provided in accordance with relevant guidance on air quality mitigation, draft policies PLP21, PLP24 and PLP51 of the emerging Local Plan, the West Yorkshire Low Emissions Strategy (and its technical planning guidance), the NPPF, and Planning Practice Guidance.
- 10.67 Crime prevention would be a relevant consideration at reserved matters stage, not least given that the site (and, possibly, the rear garden fences of some of the new dwellings) would abut a public footpath. These matters are not, however, reasons to withhold outline planning permission.
- 10.68 The applicant has submitted a Coal Mining Search Report (David Bellis, January 2014), however the site is not within a Coal Authority referral or advice area.

### **11.0 CONCLUSION**

- 11.1 The application site is allocated as Provisional Open Land in the UDP (saved policies), but is allocated for housing in the emerging Local Plan. Residential development of the site would be contrary to UDP policy D5 (and, additionally, policy R9, due to the site's past use as allotments), however having regard to a range of considerations (including the pressing need for housing, the current situation regarding housing land supply in Kirklees, the draft site allocation, the council's previous approval of residential development at this site, and the council having no authority to allocate private allotments to people on the council's waiting list), it is considered that the principle of residential development at this site can be accepted.
- 11.2 The site is constrained by the Golcar Conservation Area designation, tree and ecological considerations, existing residential properties and listed buildings nearby, drainage and topography. While these constraints would necessitate careful and detailed consideration at reserved matters stage, none are considered to be prohibitive to any residential development (or to the principle of residential development) at this site, therefore it is recommended that outline permission be granted.
- 11.3 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.

11.4 The proposed development 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 (with reference to paragraph 14 of the NPPF) 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. Standard OL cond (submission of reserved matters)
2. Standard OL cond (implementation of reserved matters)
3. Standard OL cond (reserved matters submission time limit)
4. Standard OL cond (reserved matters implementation time limit)
5. Highways
6. Ecology
7. Drainage (site specific and standard development conditions)
8. Affordable Housing
9. Public Open Space
10. Education
11. Noise Report
12. Contamination Reports

**Background Papers:**

Application and history files.

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2017%2f93638>

Certificate of Ownership – Certificate B signed