
Report of the Head of Planning and Development

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 13-Apr-2023

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

APPLICANT

C Pogson

DATE VALID

22-Feb-2022

TARGET DATE

24-May-2022

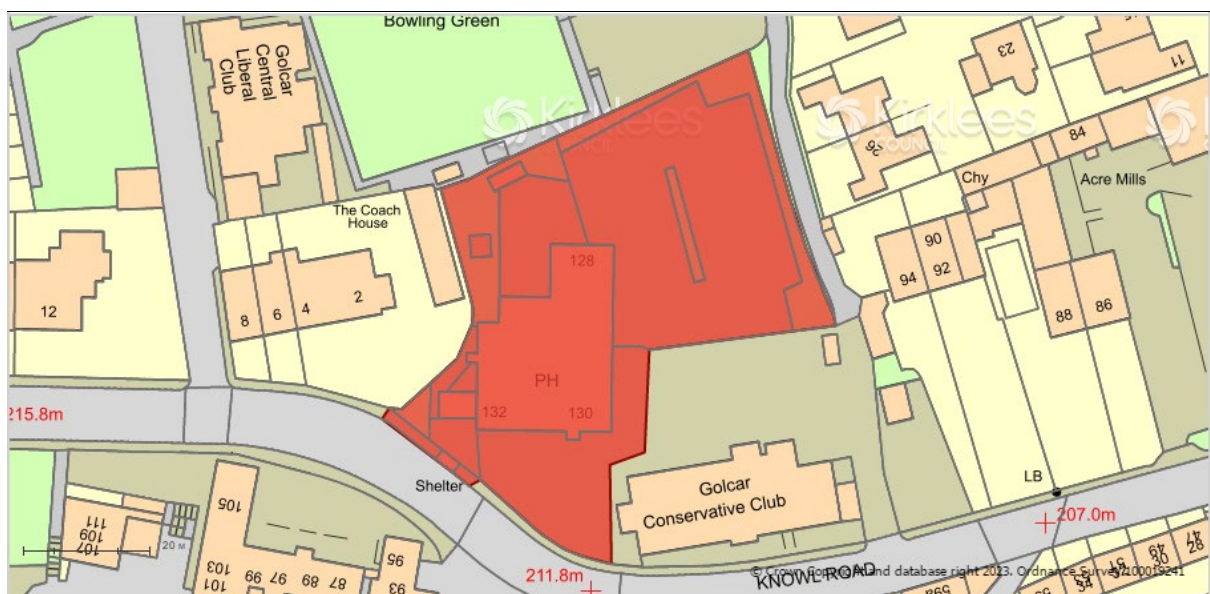
EXTENSION EXPIRY DATE

17-Apr-2023

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

[Public speaking at committee link](#)

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral wards affected: Golcar

Ward Councillors consulted: Yes

Public or private: Public

RECOMMENDATION:

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

1.0 INTRODUCTION:

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

2.0 SITE AND SURROUNDINGS:

- 2.1 The application relates to the Rose and Crown Inn, 132 Knowl Road, Golcar, a two-storey detached building, constructed from stone and faced in render, located to the south west of the site. To the north east is the car park associated with the Public House. Boundary treatment consists of stone walling and timber fencing.
- 2.2 The site is situated within Golcar Conservation Area and is surrounded by residential properties to the south, west and east. Golcar Conservative Club is situated to the south east, with Golcar Liberal Club (including Bowling Green) to the north. Furthermore, the land adjacent to the Bowling Green and directly to the north of this site, is designated as a Small Open Space on the Kirklees Local Plan. A Public Footpath COL/51/20 runs adjacent to the eastern boundary of the site.

3.0 PROPOSAL:

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

- 3.2 The site plan proposes 7 dwellings in the formation of 4 x semi-detached and 3 x detached properties. Garages could be provided for the three detached dwellings. A new access would be formed onto Church Street and this would only serve the development under consideration.
- 3.3 No elevation or floor plans have been submitted as part of this application, however, the site plan shows an indicative number of bedrooms for each plot.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

At the application site:

- 4.1 2018/93675 Work to trees in CA - Granted
94/91413 Alterations to form new entrance – Granted
94/91411 Erection of illuminated signage to public house – Granted

Pre application advice

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

Neighbouring sites

- 4.3 2022/93289 Work to trees within a conservation area – Granted (94 Knowl Road)
2020/90672 Erection of extension to porch roof, replace existing flat roofs with pitched roofs (within a Conservation Area – Granted (4 Church Street)
2019/92743 Erection of first floor side extension and raise roof height – Granted (22 Scape View)
2014/90168 Prior notification for installation of telecommunications equipment (within a Conservation Area) – Granted (Golcar Conservation Club)
2012/90606 Erection of two storey and first floor extension to front – Granted (12 Scape View)

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

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

6.0 PLANNING POLICY:

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

Kirklees Local Plan (2019):

- 6.2 The site is situated within Golcar Conservation Area on the Kirklees Local Plan.
- 6.3 The following policies are most relevant to the consideration of this application:
- LP 1 – Presumption in favour of sustainable development
 - LP 2 – Place shaping
 - LP 3 – Location of new development
 - LP 4 – Providing Infrastructure
 - LP 7 – Efficient and effective use of land and buildings
 - LP 11 – Housing mix and affordable housing
 - LP 20 – Sustainable travel
 - LP 21 – Highways and access
 - LP 22 – Parking
 - LP 24 – Design
 - LP 26 – Renewable and low carbon energy
 - LP 27 – Flood risk
 - LP 28 – Drainage
 - LP 30 – Biodiversity and geodiversity
 - LP 32 – Landscape
 - LP 33 – Trees
 - LP 34 – Conserving and enhancing the water environment
 - LP 35 - Historic environment
 - LP 43 – Waste Management Hierarchy
 - LP 48 – Community facilities and services
 - LP 51 – Protection and improvement of local air quality
 - LP 52 – Protection and improvement of environmental quality
 - LP 53 – Contaminated and unstable land

National Planning Guidance:

- 6.4 National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 20th July 2021, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance. The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.
- Chapter 2 – Achieving Sustainable Development
 - Chapter 4 – Decision-Making
 - Chapter 5 – Delivering a Sufficient Supply of Homes
 - Chapter 8 – Promoting Healthy and Safe Communities
 - Chapter 9 – Promoting Sustainable Transport
 - Chapter 11 – Making Efficient Use of Land
 - Chapter 12 – Achieving Well-Designed Places
 - Chapter 14 – Meeting the Challenge of Climate Change, Coastal Change and Flooding
 - Chapter 15 – Conserving and Enhancing the Natural Environment
 - Chapter 16 – Conserving and Enhancing the Historic environment

Supplementary Planning Guidance / Documents:

- 6.5
 - Kirklees Housebuilders Design Guide (2021)
 - Kirklees Waste Management Design Guide for New Developments (2020)
 - Kirklees Highways Design Guide (2019)
 - Biodiversity Net Gain in Kirklees Technical Advice Note (2021)
 - Kirklees Climate Change Guidance for Planning Applications (2021)
 - West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance (2016)

Other:

- 6.6 Golcar Conservation Area Appraisal

Climate change

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

7.0 PUBLIC/LOCAL RESPONSE:

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

Objections

Visual amenity and heritage:

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

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

Residential amenity:

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

Highway safety and access:

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

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

Ecology and trees:

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

General concerns:

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

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

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

General comments

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

Local ward councillors

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

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

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

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

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

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

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

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

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

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

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

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

8.2 Non-statutory:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9.0 MAIN ISSUES

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

10.0 APPRAISAL

Principle of development

- 10.1 NPPF Paragraph 11 and Policy LP1 of the Kirklees Local Plan (KLP) outline a presumption in favour of sustainable development. Paragraph 8 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation.
- 10.2 The dimensions of sustainable development will be considered throughout the proposal. Paragraph 11 concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be explored. The site is not displayed as allocated on the KLP Policies Map. Policy LP2 of the Kirklees Local Plan states that:
- “All development proposals should seek to build on the strengths, opportunities and help address challenges identified in the local plan, in order to protect and enhance the qualities which contribute to the character of these places, as set out in the four sub-area statement boxes below...”*
- 10.3 The site is within the Kirklees Rural Sub Area.
- 10.4 The Local Plan identifies a minimum housing requirement of 31,140 homes between 2013 and 2031 to meet identified needs. This equates to 1,730 homes per annum. National planning policy requires local planning authorities to demonstrate five years supply of deliverable housing sites against their housing requirement. The latest published five year housing land supply position for Kirklees, as set out in the Authority Monitoring Report (AMR), is 5.17 years. This includes consideration of sites with full planning permission as well as sites with outline permission or allocated in the Local Plan where there is clear evidence to justify their inclusion in the supply.
- 10.5 The Housing Delivery Test results are directly linked to part of the five year housing land supply calculation. The 2022 Housing Delivery Test results have yet to be published and the government is currently consulting on changes to the approach to calculating housing land supply. Once there is further clarity on the approach to be taken, the council will seek to publish a revised five year supply position. Chapter 5 of the NPPF clearly identifies that Local Authority’s should seek to boost significantly the supply of housing. Housing applications should be considered in the context of the presumption in favour of sustainable development.

- 10.6 Policy LP11 of the Kirklees Local Plan requires that *“all proposals for housing, including those affecting the existing housing stock, will be of high quality and design and contribute to creating mixed and balanced communities in line with the latest evidence of housing need”*.
- 10.7 The site would be situated on the footprint and hardstanding of the former Rose and Crown Inn and is not within the Green Belt. It also has good public transport links, given its close location to a bus stop.
- 10.8 In respect of the density of development, Policy LP7 of the Kirklees Local Plan and Principle 4 of the Housebuilders Design Guide SPD establish a desired target density of thirty-five dwellings per hectare. In this case, the site area is 0.28 hectares, meaning that at the appropriate density, it should provide 10 dwellings. However, given the multitude of constraints affecting the site, including its location within Golcar Conservation Area, the access point required to achieve acceptable visibility splays, and the layout required to allow for a refuse vehicle to enter and turn, has resulted in a modest proposal for 7 dwellings.
- 10.9 Therefore, given the mix, layout and form of the units proposed, Officers consider a reduced number of dwellings to be acceptable in this instance.

LP48: Community facilities and services

- 10.10 In light of the above, to permit the development would result in the existing Public House being lost. Policy LP48 of the Kirklees Local Plan states that:
“Proposals which involve the loss of valued community facilities such as shops, public houses and other facilities of value to the local community will only be permitted where it can be demonstrated that:
- a. there is no longer a need for the facility and all options including the scope for alternative community uses have been considered; or
 - b. its current use is no longer viable; or
 - c. there is adequate alternative provision in the locality to serve the local community which is in an equally accessible location; or
 - d. an alternative facility of equivalent or better standard will be provided, either on-site or equally accessible; and
 - e. any assets listed on a Community Asset Register have satisfied the requirements under the relevant legislation”.
- 10.11 In order to address LP48, an updated Design and Access statement has been sought (Rev C). This outlines that *“due to the pandemic in 2020 the pub had to permanently close as the business was no longer viable enough to re-open once restrictions were lifted and the pub was sold to the applicant. The pub has been empty now for three years, the economic down turn and the cost of living has further impacted the site and with other pubs and eateries close by creating great competition for trade, this has made the industry difficult to compete within. Golcar has including the Rose and Crown pub 4 public houses within the village itself, plus the conservative club, the liberal club and other restaurants within the close proximity to the site...The loss of this redundant Public House, would not be detrimental to the Community facilities & services of the village in line with policy LP48 & paragraphs (b) and (c) have been fully satisfied and justified through this document”*.

- 10.12 The above information has been reviewed by KC Policy who have acknowledged that whilst the 4 public houses have not been stated in the Design and Access statement, there are to the Council's knowledge two public houses that are open and trading which serve the local community in an easily accessible location. Therefore, for this reason, Officers consider the development to accord with Policy LP48c of the Kirklees Local Plan.

Visual amenity and heritage

- 10.13 When making a recommendation in respect of a planning application affecting a Listed Building or its setting and Conservation Areas attention must be given to Sections 66(1) and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires the Local Planning Authority to 'have special regard to the desirability of preserving the building or its setting or any features of a special architectural or historic interest which it possesses' and the desirability of preserving or enhancing the character of appearance of Conservation Areas respectively.
- 10.14 Policy LP35 of the Kirklees Local Plan requires that proposals should retain those elements of the historic environment which contribute to the distinct identity of the Kirklees area and ensure they are appropriately conserved, to the extent warranted by their significance, also having regard to the wider benefits of development. Consideration should be given to the need to ensure that proposals maintain and reinforce local distinctiveness and conserve the significance of designated and non-designated heritage assets. This is supported by paragraph 202 of the NPPF.
- 10.15 Paragraph 199 of the NPPF requires that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 10.16 Further to the above, the NPPF offers guidance relating to design in Chapter 12 (achieving well designed places) whereby Paragraph 126 provides a principal consideration concerning design which states:
- "The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."*
- 10.17 Kirklees Local Plan Policies LP1, LP2 and significantly LP24 all also seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, thus retaining a sense of local identity.
- 10.18 Policy LP24 of the KLP states that proposals should promote good design by ensuring: *"a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape..."*.

- 10.19 The Rose and Crown Inn is in a prominent location within the village of Golcar. The building is two storeys high with three pairs of pitched roofs with stone slate coverings where the building has been extended to the rear. To the rear, at right angles to the original building, is a long north-south range constructed in stone with a blue slate roof. The facade of the former inn has been altered over time, with a rendered and painted elevation and top hung casement windows replacing earlier windows which are presumed to have been sashes. These are set into stone surrounds which are all typical of the local vernacular and the village of Golcar. A small felt roofed mono-pitch porch has also been added to this elevation.
- 10.20 In this instance, the outline planning permission seeks approval of the principle of development, including access and layout. This does not include matters of appearance, landscaping or scale and therefore, if approval was obtained, these matters would be determined at the reserved matters stage. The application also seeks permission for the partial demolition of the public house itself, retaining only part of its frontage, which is indicated to be converted into two dwellings. The relevant demolition requires planning permission in its own right, as the site is located within the Conservation Area.
- 10.21 As mentioned previously, the site is not listed, but makes a positive contribution within the Conservation Area, as set out within Paragraph 4.1 of the Golcar Conservation Area Appraisal. The site is adjacent to a Grade II listed former church school, which is located to the south on the opposite side of Knowl Road.
- 10.22 The plans provided show a layout of 7 residential units, of which 4 would be semi-detached and 3 would be detached. Details have been provided on the site plan to the indicative number of bedrooms each plot would provide, this would potentially include plots 1 and 2 being 1 or 2 bed, plots 3 and 4 being 3 bed and plots 5, 6 and 7 being 4 bed. Private gardens and amenity green spaces are also provided within the site. In terms of parking, each plot would have either 2, 3 or 4 spaces (including the attached garages). Two visitor spaces are proposed within the entrance of the site, with access being taken from Church Street.
- 10.23 Firstly looking at the layout of the proposed dwellings, Principle 5 of the Housebuilders Design Guide SPD states, amongst other things, that buildings should be aligned and set-back to form a coherent building line and designed to front on to the street. Principle 6 of the Design Guide SPD further highlights that ‘the space between buildings can help maximise residential amenity in terms of maintaining privacy, reducing overlooking and ensuring natural light is able to penetrate the buildings...normally new build development should seek appropriate separation distances for servicing, accommodating future adaptations and creating attractive street scenes. These should be in keeping with the character and context of the site and proportionate to the scale of the dwellings’.
- 10.24 The urban grain and settlement pattern as set out within Golcar Conservation Area Appraisal is characterised “by small linear plots which dictated the overall design of many of the buildings within the area”.

- 10.25 In this instance, the proposal would provide a new cul-de-sac off of Church Street, which would to some degree be to contrary to Conservation Area Appraisal. This is due to the nature and shape of the site. However, as part of this development the majority of the pub's linear frontage would be retained and converted into Plots 1 and 2 and the extent and details of the scale and appearance would need to be conditioned to confirm this element of the proposal. This would help to conserve the urban grain of this area and would help retain the linear pattern of development from public vantage points. The remainder of the dwellings would be set behind these plots.
- 10.26 Whilst it would be preferable to retain the whole frontage of the pub, as per Conservation and Design's comments, the proposed access cannot be accommodated elsewhere within the site in order to provide adequate visibility and an adoptable standard. Therefore, consideration has been given to how the site would be retained to provide some of its historic setting, particularly in context with the adjacent Conservative Club and listed building to the other side of the road. This has included the land to the front of the site as open space with low dry stone walls and gardens. This has been considered by Conservation Officers to go some way towards maintaining the character of the conservation area and the setting of the listed former school building to the south-west. A condition will be imposed to prevent any demolition on the site until details of those elements of the existing pub to be retained, which includes the proposed plots 1 and 2, have been submitted and approved – to include details of how those retained elements would be secured during the construction process. Furthermore, the condition would require details of a legally binding contract to verify that a contractor has been appointed to development the site.
- 10.27 Therefore, in conclusion, having afforded weight to the above, Officers consider the proposed layout to be acceptable. The harm through the loss of most of the public house being outweighed by the public benefits of securing additional housing on a brownfield site in a sustainable location.
- 10.28 Private gardens are shown to the rear of the majority of the plots, apart from plots 1 and 2 where the main amenity space would be to the front, in order to create a simple and active frontage. Planting and amenity green spaces are shown on the site plan and whilst a reserved matter (in terms of landscaping), this shows how the site could be developed in order to create a mix of both hard and soft landscaping. Tree planting would also be key within the site. The amenity space for each plot is considered acceptable by Officers.
- 10.29 In conclusion, it is considered that subject to the details provided within subsequent reserved matters submissions, the site could accommodate 7 dwellings which could be designed as so to contribute positively to the local character of the area. As scale, appearance and landscaping are reserved matters, care would need to be taken to ensure that the dwellings sit comfortably within the site and utilise materials which are sympathetic to the existing area, windows and doors shall be installed which are of a similar design and style to adjacent properties to ensure consistency.

- 10.30 Paragraph 202 of the NPPF requires that where a development proposal will lead to less than substantial harm to the significance of designated heritage assets, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 10.31 The development would result in the loss of an historic pub which has been identified within the Golcar Conservation Area Appraisal as making a key contribution, as it has been part of the local community for over 150 years. Although external alterations have been carried out in the past, the building retains in its historic form. A new access is also required in order to create achievable sight lines, which would further alter the frontage of the site, which also lies adjacent to a Grade II Listed Building (83-105 Knowl Road). Therefore, the loss of the majority of this asset and the changes to its frontage could result in harm to the significance of the Conservation Area and the Listed Building. The harm in this case is less than substantial, however, public benefits need to be demonstrated to outweigh this harm. This is to accord with Paragraph 202 of the NPPF and Policy LP 35 of the Kirklees Local Plan.
- 10.31 The proposal would provide housing within the village on a vacant brownfield site in a sustainable location. The site has been designed sensitively in terms of its layout, in order to retain some former public house's front elevation (details to be conditioned). The public benefits of providing housing and a sustainable use for the land goes some way towards outweighing the harm to the character of the conservation area caused by the partial loss of a building of community use which, although heavily altered, makes a positive contribution to its character. Land to the south will be maintained as gardens, with part of the frontage retained. Subsequent details of landscape would be expected in natural materials and allow for an improvement to be made to the setting of the Listed Building, which lies adjacent to the site. These perceived public benefits of the scheme are considered to outweigh the less than substantial harm caused.
- 10.32 As such, it is considered that the development meets the aims of Policies LP24 and LP35 of the Kirklees Local Plan, Chapter 12 and 16 of the NPPF, and principles 6, 7, 13, 14, 15 17 and 18 of the Housebuilders Design Guide could be achieved subject to appropriately designed dwellings being proposed at the reserved matters stage.

Residential Amenity

- 10.33 Section B of Policy LP24 of the Kirklees Local Plan states that proposals should promote good design by ensuring: "They provide a high standard of amenity for future and neighbouring occupiers; including maintaining appropriate distances between buildings".
- 10.34 In addition to this, Paragraph 130 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

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

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

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

94 Knowl Road, 22, 24 and 26 Scape View

10.37 The aforementioned residential properties are located to the east of the application site. The submitted site plan shows that acceptable separation distances would be achieved between these neighbours. This would include 20m from the main dwelling at plot 6 to the rear elevation at no.s 24 and 26 Scape View. The garage to this plot would be situated slightly further back into the garden, however, this is anticipated to be single storey in scale. Whilst scale and appearance are reserved matters it is likely that the dwellings could be designed in a way to omit any undue overbearing, overshadowing or overlooking, as 20m is a typical separation distance between residential properties. The change in levels between the sites would help provide further mitigation.

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

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

Coach House, 4, 6 and 8 Church Street

10.40 The Coach House and no.s 4, 6 and 8 Church Street are the properties situated to the north west of the application site. It has been noted that the nearest dwelling to the Coach House and no. 4 Church Street would be plot 5. Having undertaken the site visit, the Coach House does appear to have clearly glazed windows which lie close to the application site. These may serve habitable rooms. Nonetheless, the plans show a separation distance of 12m to be

retained from the nearest side elevation of plot 5 to the Coach House. Therefore, subject to the design, scale and massing being dealt with sensitively at the reserved matters stage it is likely that these neighbours amenity could be protected. No.s 6 and 8 Church Street are situated further to the north west and therefore the closest dwelling would be Plot 1. However, a separation in excess of 35m would be retained, along with these neighbours being at an oblique angle from the site.

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

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

Amenity of Future Occupiers

- 10.43 In terms of the amenities of the proposed occupiers, Principle 16 of the Kirklees Housebuilders Design Guide SPD states that: *“All new build dwellings should have sufficient internal floor space to meet basic lifestyle needs and provide high standards of amenity for future occupiers. Although the government has set out Nationally Described Space Standards, these are not currently adopted in the Kirklees Local Plan.”* Further to this, Principle 17 of the Kirklees Housebuilders Design Guide SPD outlines that: *“All new houses should have adequate access to private outdoor space that is functional and proportionate to the size of the dwelling and the character and context of the site. The provision of outdoor space should be considered in the context of the site layout and seek to maximise direct sunlight received in outdoor spaces.”*
- 10.44 It has been noted that plots 3, 4 and 5 would fall short of the separation distances outlined within the SPD. However, this has been mitigated by the orientation of the dwellings with one another, meaning that any outlook from plots 3 and 4 would be at an oblique angle with plot 5 and vice versa.
- 10.45 Whilst matters regarding scale are a reserved matter, all new dwellings are expected to meet the internal floor space standards as specified in the Nationally Described Space Standards. The gardens for each dwelling have been shown on the proposed site layout plan and have been considered acceptable.
- 10.46 In terms of noise, although residential development would introduce (or increase) activity and movements to and from the site, given the scale of development anticipated, this would not unacceptably impact on the amenities of nearby residents.

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

Highway issues

- 10.50 Paragraph 111 of the NPPF states that: "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe." The guidance in Chapter 9 of the NPPF is echoed in Policy LP21 of the Kirklees Local Plan.
- 10.51 Principle 12 of the Housebuilders Design Guide SPD states that at the outset of the development, applicants should identify the need for car parking. Principle 12 goes on to set out that where car parking is included within the curtilage of a dwelling, creative design solutions should ensure that car parking can be accommodated at the side of buildings or to their rear to avoid dominating the street scene.
- 10.52 KC Highways Development Management (KC HDM) have been formally consulted as part of this application, whereby significant negotiations and amendments have been made to achieve an acceptable access point. In this case, the demolition of the majority of the public house, other than part of its frontage would be required. This will allow acceptable sightlines to be achieved in both directions.
- 10.53 The site's internal road would be 6m in width to allow two cars to pass safely.

- 10.54 Within the site, appropriate on site parking is proposed in the formation of driveways and single and double garages. Whilst the number of bedrooms for each unit would remain a reserved matter to be considered within 'appearance', details have been provided to show how many vehicles each plot would be able to provide. The garages would be suitable for the parking of one or two vehicles (in the case of plot 6), as the site plan shows them to be generally in accordance with the measurements advised within the Kirklees Highways Design Guide SPD. Two visitor parking spaces are also proposed within the entrance to the site.
- 10.55 In terms of refuse, a vehicle tracking plan has been provided. This demonstrates that a refuse vehicle can safely enter into the site and manoeuvre so that it enters the highway in forward gear.
- 10.56 Principle 19 of the Housebuilders Design Guide SPD sets out that: *"Provision for waste storage and recycling must be incorporated into the design of new developments in such a way that it is convenient for both collection and use whilst having minimal visual impact on the development."*
- 10.57 Bin storage points have been detailed on the submitted site plan and are likely to be able to be presented within the dwellings frontage on bin collection day, without resulting in any detriment to highway safety. However, a condition is required in the case of an approval for further details regarding the design and finish of the bin stores and for the collection points to be identified on a plan. This is to comply with Policy LP24 d(vi) of the Kirklees Local Plan and Principle 19 of the Housebuilders Design Guide SPD.
- 10.58 Lastly, KC Highways Structures have been consulted as part of the application and have requested two conditions be attached to the decision notice in the case of an approval. These include the design and construction details of any new retaining walls adjacent to the highway and any attenuation tanks/pipes/manholes to be located within the highway. This is to ensure that any new structures do not compromise the stability of the highway or adjacent ground and regarding future maintenance of the highway.
- 10.58 Therefore, having reviewed the final amended plans, Highways Officers have confirmed that the development would be acceptable from a highways perspective, subject to a number of conditions. These include details of the internal roads to an adoptable standard, a scheme for providing a 2m footway along the site's frontage, the re-siting of the bus shelter with associated signing and white lining, details of any new retaining walls and the design of any new attenuation tanks/pipes/manholes located within the highway and a Construction Environmental Management Plan. This is to ensure that the development would accord with Policies LP21, LP22, LP24 d(vi), LP28 and LP43 of the Kirklees Local Plan, Principles 12 and 19 of the Housebuilders Design Guide SPD, the aims of the Highways Design Guide and Chapters 9 and 14 of the NPPF.

Flooding and Drainage

- 10.59 Paragraphs 159-162 of the NPPF and Policy LP27 of the Kirklees Local Plan state inappropriate development in areas of flood risk should be avoided by directing development away from areas at highest risk through application of a sequential test. Policy LP28 relates to drainage and includes a drainage hierarchy.

- 10.60 In this case, the site is within Flood Zone 1, with the lowest probability of fluvial flooding (less 0.1% chance of flooding any year). However, given the concerns raised regarding surface water run off and existing flooding issues within the area as part of the consultation process, KC Lead Local Flood Authority (KC LLFA) have been formally consulted.
- 10.61 The site is located in a built-up area currently occupied by a public house and associated parking areas. The site is served by a Yorkshire Water combined sewer in the main road. No records of watercourses, culverts or surface water sewers are shown on Kirklees Council's plans; however the land is shown as having the potential for soakage into the ground subject to confirmation of percolation rates (determined by testing in accordance with BRE365 guidance) and an assessment of the risk of re-emergence of flows further downhill.
- 10.62 Therefore, whilst layout is a matter seeking agreement, no drainage information has been submitted. As such, KC LLFA have requested the following conditions to be submitted as part of the reserved matters application/pre-commencement conditions. These include, development not commencing until; a detailed scheme for foul, surface water and land drainage has been submitted, an assessment of the effects of 1 in 100 year storm events and details of temporary surface water drainage for the construction phase. This is to accord with Policies LP27 and LP28 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

Other Matters

Ecology

- 10.63 Chapter 15 of the NPPF relates to conserving and enhancing the Natural Environment. Paragraph 179 of the NPPF outlines that decisions should promote the protection and recovery of priority species and identify and pursue opportunities for securing net gains for biodiversity. Paragraph 180 goes on to note that if significant harm to biodiversity resulting from development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.
- 10.64 Policy LP30 of the Kirklees Local Plan echoes the NPPF in respect of biodiversity and outlines that development proposals should minimise impact on biodiversity and provide net biodiversity gains through good design by incorporating biodiversity enhancements and habitat creation where opportunities exist.
- 10.65 The site lies in an area identified as a Bat Alert area on the Council's geographical information system and would involve the partial demolition of a public house. Therefore, KC Ecology have been formally consulted, requesting a Preliminary Roost Assessment. This was submitted on the 14th February 2023.
- 10.66 The report found that some of the buildings on site have low suitability for roosting bats and therefore to gain a full understanding of the use of the potential roost habitat identified across the low-risk buildings (1, 1a, 2,3 & 4), and to assess the extent to which bats may be affected by the proposed development, bat activity surveys of these buildings will be required. Surveys should be undertaken during optimal bat activity season (May-August).

- 10.67 Paragraph 99 of the biodiversity and geological conservation: Circular 06/2005 states that there is a need to ensure ecological surveys are carried out before planning permission is granted and should only be left to cover under planning conditions in “exceptional circumstances”.
- 10.68 In this case, given that the development is only seeking outline permission and that no works to construct the development can be undertaken until a reserved matters application has been submitted to and approved by the Local Planning Authority, KC Ecology have accepted the submission of the activity survey as part of the reserved matters application/pre-commencement condition. This is considered to be reasonable in this exceptional circumstance and therefore an appropriate condition would be attached to the decision notice in the case of an approval, which would also specify that no building on the site could be demolished/no development commenced until the requirements of the required ecology reports had been approved/undertaken.
- 10.69 Further to the above, Policy LP30 of the Kirklees Local Plan and Principle 9 of the Kirklees Housebuilders Design Guide SPD set out that proposals should provide net gains in biodiversity. In this instance, whilst landscaping and scale and appearance are reserved matters, the applicant’s Design and Access Statement (Rev C) outlines how the site can be development to allow for this. This includes the retention of the hedge between the site and the Conservative Club and additional hedgerow and tree planting within the site, alongside the installation of bat and bird boxes. A such, a biodiversity enhancement plan could be provided as part of any future reserved matters application alongside landscape.

Landscape and trees

- 10.70 If approved, ‘landscape’ is a matter for consideration at the reserved matters stage, as limited landscape details accompany this planning application.
- 10.71 Green space on site is welcomed, however, some of the areas shown on the plan are highway verges. Therefore, given the site’s sensitive location within Golcar Conservation Area, an enhanced landscape scheme would be required. This should include hard and soft landscape details, details of boundary treatments, materiality, finishes and a planting schedule. Frontline planting and other screening would be required, along with hedgerows and street trees within the site to provide screening/visual mitigation and to improve site biodiversity.
- 10.72 Furthermore, details to how the green amenity spaces would be managed and maintained would also be required. These are proposed within the site’s frontage and to the north of the visitor car parking spaces. This is likely to be via a Management Company, as the area lies outside of the domestic curtilage for Plots 1 and 2. This information could be secured via condition.
- 10.72 KC Trees have been formally consulted as part of this application, raising no objection to the proposal. The existing trees are low amenity value and their loss appears to be mitigated in the new design, however, this would need to be addressed fully as part of a landscape plan to ensure the location, number, size and species of any replacement trees to ensure that they would be suitable for the site. This is to accord with Policies LP32 and LP33 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

Contamination

- 10.73 A full suite of land contamination conditions have been requested by Environmental Health Officers, due to the site's previous commercial use and its sensitive end use. These will ensure that any future development complies with Policy LP53 of the Kirklees Local Plan and Chapter 15 of the NPPF.

Environmental Health

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

Climate change

- 10.75 Principle 18 of the Housebuilders Design Guide SPD sets out that new proposals should contribute to the Council's ambition to have net zero carbon emissions by 2038, with high levels of environmental sustainability by ensuring the fabric and siting of homes, and their energy sources reduce their reliance on sources of non-renewable energy. Proposals should seek to design water retention into proposals.
- 10.76 Given the above, and in accordance with the West Yorkshire Low Emissions Strategy, officers would impose an electric vehicle recharging point installed within the dedicated parking area/garage of each of the dwellings. This can be controlled via condition in the case of an approval and can ensure that the EVCP's are installed before the dwellings are first brought into use. In addition, a further condition requiring a climate change statement would be imposed in accordance with Principle 18 of the SPD.

Public Right of Way

- 10.77 To the east of the application site is Public Footpath COL/51/20. The PROW would not be obstructed or re-routed as part of this development and would remain outside of the site boundary. Therefore, for these reasons, officers have not advertised the application as affecting the PROW.
- 10.78 In terms of the impact the development would have on the setting of the PROW, officers note that landscape is a reserved matter. However, it is likely that the relationship would be similar to what is currently in situ, which includes a dry stone wall with a timber fence behind (on the application site). The gardens to the dwellings would be the closest to the PROW, with the built form set further to the west. As such, it is likely that there would be no material impact on its setting for its users.
- 10.79 The Council's Public Right of Way Team have been formally consulted as part of this application process, however, no comments have been received.

Crime Prevention

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

Representations

10.80 As a result of the above publicity, 39 representations have been received. The majority of issues raised through the public consultation exercise have been considered in the report above. However, a brief summary, along with officer correspondence can be found below:

Objections

Visual amenity and heritage:

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

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

Residential amenity:

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

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

Highway safety & access:

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

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

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

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

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

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

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

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

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

- Concern regarding the additional volume of traffic.

- Parking is already an issue at the moment and there are no traffic calming measures in place.

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

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

Ecology & trees:

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

General concerns:

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

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

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

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

General comments

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

11.0 CONCLUSION

- 11.1 The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.
- 11.2 This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the proposed development would constitute sustainable development and is therefore recommended for approval.

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

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

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

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

Background Papers:

Application and history files.

[Planning application details | Kirklees Council](#)

Website link to be inserted here

[Planning application details | Kirklees Council](#)

Certificate of Ownership – Certificate B signed.