
Report of the Head of Planning and Development

STRATEGIC PLANNING COMMITTEE

Date: 07-Dec-2023

Subject: Planning Application 2021/93621 Erection of 12 dwellings and associated works (Within a Conservation Area) Land off, Fullwood Drive, Golcar, Huddersfield, HD7 4JH

APPLICANT

Armitage Developments
UK Ltd

DATE VALID

03-Mar-2023

TARGET DATE

02-Jun-2023

EXTENSION EXPIRY DATE

14-Dec-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 and to secure a S106 agreement to cover the following matters:

1. Affordable housing – Two affordable housing units (1 affordable or social rent and 1 first home) to be provided in perpetuity.
2. Open space – £26,883 off-site contribution.
3. Education – £21,276 contribution to be spent on priority admission area schools within the geographical vicinity of this site. Payments would be made in instalments and on a pre-occupation basis, per phase. Instalment schedule to be agreed.
4. Sustainable transport - £5,115 contribution towards measures to encourage the use of sustainable modes of transport.
5. Management – The establishment of a management company for the management and maintenance of any land not within private curtilages or adopted by other parties and of infrastructure (including surface water drainage until formally adopted by the statutory undertaker). Section 106 agreement to include a plan clearly defining all land which would be the responsibility of the management company.
6. Biodiversity – £15,640 contribution towards off-site provision to achieve a 10% biodiversity net gain.

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

1.0 INTRODUCTION:

- 1.1 This is an application for full planning permission, for a residential development of 12 dwellings.
- 1.2 The application is presented at Strategic Planning Committee due to the substantial number of representations received, in opposition to the development.

2.0 SITE AND SURROUNDINGS:

- 2.1 The application site comprises site allocation HS153 (allocation for housing). The site is 0.41 hectares in size, a trapezoid-shaped, and slopes downhill from north to south.
- 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 (within the adjacent site).
- 2.3 Surrounding the site is predominantly residential in character, with the site to the east under construction. A public footpath (COL/56/40) runs along the site's southeastern boundary. 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.

3.0 PROPOSAL:

- 3.1 The applicant seeks full planning permission for the erection of 12 dwellings.
- 3.2 Access is proposed from Fullwood Drive, which was approved as part of the previous outline application 2017/93638. Internally, a new estate road would be provided, with a private drive to the east.
- 3.3 Dwellings would be arranged along this new estate road, provided as 8 semi-detached, 3 terraced properties and 1 detached dwelling. The housing mix would include one x 1 bed, one x 2 bed and 10 x 3 beds. Six different house types have been proposed, including house types A-F. House types A and B would be true two storey dwellings with house types C – F proposing to be two storey to the front and three to the rear, given the substantial change in levels within the site. Natural stone walls and concrete interlocking tiles to the roofs are proposed.
- 3.4 All dwellings would have off-street parking. Six of the dwellings would have an integral garage.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

4.1 At the application site:

COMP/20/0590 Alleged breach of condition 11 of 2017/93638 prior to discharge – No evidence of breach.

2017/93638 Outline application for residential development with details of point of access only (within a Conservation Area) – Conditional outline permission.

2014/90450 Outline application for 8 residential dwellings (within a Conservation

Area) – Conditional outline permission.

95/90501 Outline application for residential development (approx. 23 dwellings)
– Refused.

94/93595 Outline application for residential development (approx. 23 dwellings)
Refused.

Adjacent site and surrounding properties:

2021/91384 Erection of 13 dwellings (resubmission) – S106 full permission
(land south of, 5-25, Clay Well, Golcar, Huddersfield).

More recent discharge of condition and variation of condition applications have
been submitted on the site, following the granting of planning permission.

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

5.1 During the life of the current application, the applicant submitted, new, amended
and corrected documents and increased the number of units from 10 to 12 in
order to provide two affordable homes. Additional documents include a
Biodiversity Net gain assessment, POS plan and drainage information. The
visual appearance of the dwellings, the road layout and the boundary
treatments have also been amended.

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 Site allocation HS153 relates to 0.41 hectares (gross and net) which sets out a
indicative capacity for 8 dwellings and identifies the following constraints:

- Improvements to local highway links may be required
- Public right of way at eastern boundary
- Limited surface water drainage options - third party land may be
required to achieve drainage solution
- Site is close to listed buildings
- Site is within a Conservation Area

6.3 Relevant Local Plan policies are:

- LP1 – Presumption in favour of sustainable development
- LP2 – Place shaping
- LP3 – Location of new development
- LP4 – Providing infrastructure
- LP5 – Master planning sites
- LP7 – Efficient and effective use of land and buildings
- LP9 – Supporting skilled and flexible communities and workforce
- LP11 – Housing mix and affordable housing

- LP20 – Sustainable travel
- LP21 – Highways and access
- LP22 – Parking
- LP24 – Design
- LP26 – Renewable and low carbon energy
- LP27 – Flood risk
- LP28 – Drainage
- LP30 – Biodiversity and geodiversity
- LP32 – Landscape
- LP33 – Trees
- LP34 – Conserving and enhancing the water environment
- LP35 – Historic environment
- LP47 – Healthy, active and safe lifestyles
- LP48 – Community facilities and services
- LP49 – Educational and health care needs
- LP51 – Protection and improvement of local air quality
- LP52 – Protection and improvement of environmental quality
- LP53 – Contaminated and unstable land
- LP63 – New open space
- LP65 – Housing allocations

Supplementary Planning Guidance / Documents:

- Highways Design Guide SPD (2019)
- Design Guide SPD (2021)
- Open Space SPD (2021)
- Affordable housing and housing mix SPD (2023)

Guidance document

- Biodiversity Net Gain Technical Advice Note (2021)
- Planning Applications Climate Change Guidance (2021)
- West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance (2016)
- Waste Management Design Guide for New Developments (2020)
- Green Streets® Principles for the West Yorkshire Transport Fund
- Kirklees Housing Strategy (2018)
- Kirklees Joint Health and Wellbeing Strategy and Kirklees Health and Wellbeing Plan (2018)

National Planning Guidance:

6.4 National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) 2021, published 20th July 2021, and 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 effective use of land
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment
- Chapter 16 – Conserving and enhancing the historic environment

6.5 Relevant national guidance and documents:

- National Design Guide (2019)
- Technical housing standards – nationally described space standard (2015, updated 2016)

Climate change

6.6 The Council approved Climate Emergency measures at its meeting of full Council on the 16th of January 2019, and the West Yorkshire Combined Authority has pledged that the Leeds City Region would reach net zero carbon emissions by 2038. A draft Carbon Emission Reduction Pathways Technical Report (July 2020, Element Energy), setting out how carbon reductions might be achieved, has been published by the West Yorkshire Combined Authority

6.7 On the 12th of November 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 would 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 as a major development, as a development within a conservation area, and as a development that would affect the setting of a listed building and a public right of way.

7.2 The application has been advertised via 4 site notices, advertised within the press and letters delivered to neighbours adjacent to the application site. Final publicity expired on the 8th April 2023.

7.3 32 representations have been received by 22 individuals/local residents. The following is a summary of the points raised:

Visual amenity and heritage:

- The gables with peaks on the front of plot 1-7 don’t fit with the character of the conservation area and is not seen elsewhere.
- Concern regarding the height, style, roof pitches of the new dwellings.

- Our ancient hillsides do not need the blight of even more housing developments.
- There are no four storey dwellings within the area and the design is not in keeping. The majority are three storey. For properties to be in keeping with the existing properties in the conservation area, detached properties should be no more than two stories and semi-detached or terraced properties should be no more than 3.
- At 14.5 metres above existing ground level, plot 1 (plot 2 is nearly as tall) would be substantially taller than any other residential houses in the area. As narrow, detached properties their proportions are further out of character with the area.
- Three storey dwellings will be over-bearing, especially the larger plots 1 – 7.
- All of the three storey dwellings in the area are semi-detached or terraced. The only exception to this is Millbarn, which is adjacent to this plot, but Millbarn is a former commercial property, is a listed building and to a very different style and proportion to the dwellings in this proposal.
- The façade treatment to the front and rear of the property lacks character and does not fit within the conservation area.
- It is fair to say that the proposed designs are not sympathetic or characteristic to the existing properties within the Conservation Area. There are no current similar designs of these types of buildings and indeed the previous application was significantly more sympathetic (after the requirements that Kirklees placed on it for the type of building materials to be used) than this current one.
- Within a conservation area, if these houses are allowed, there will be far less old houses than there are new.
- This area of Golcar is already overdeveloped, especially the area surrounding the proposed development. Kirklees local plan promotes; “the use of brownfield land to meet development needs and support the regeneration of areas”. Policy LP 3 also states; “ensuring that opportunities for development on brownfield (previously developed) sites are realised”. Thus the need for housing can be met on more suitable brownfield sites.
- The site plans show concrete roof tiles which are out of character for the area, slate should be used instead especially because the houses sit into the hillside which forms a significant part of character area. Views from Wellhouse/Share Hill would be impacted if the wrong material is used.
- We are much happier with the design of this proposal, more appropriate style of building for the Conservation Area. But we object to Concrete Interlocking Tiles for the roofs, this is a Conservation Area and the materials should be sympathetic to the existing buildings especially the listed building and as such should be at minimum Blue Slate tiles.
- Materials should be in keeping with the Conservation Area. The dwellings should be constructed from reclaimed natural stone, timber conservation windows. Concrete roof tiles are not suitable in the conservation area.
- The proposal would have an undesirable impact on the conservation area.
- The area is deemed a 'conservation area' for a reason. It is to conserve the character of the area and its historic interest. This can't be done by adding loads of new houses.

- This development will be built within a conservation area, recognised for the contribution it makes to the cultural heritage of the locality. This land forms the foreground to views of the conservation area of Golcar from Wellhouse, the Colne Valley.
- Speaking from a heritage point of view this application is within a Conservation Area and is adjacent to a Listed Building of significant size and the current design and layout will have a negative effect on the area and are not consistent with others in the Conservation Area and do not meet the stated requirement by the Council in granting outline planning permission for the development in that “the properties must be of a layout appearance scale and landscaping proposals that would maintain significance of the conservation area and that such details would be required to have regard to the character and appearance of the Conservation Area and to draw a reference to the Conservation Area Appraisal.
- The updated proposals do not take into account Historic England’s comments.

Residential amenity:

- The new application incorporates up to 4 storey buildings on very substantial footings (Plots 6 – 10) which all contributes to having a severe impact on the current housing and a much greater loss of privacy.
- Loss of view.
- The proposals do not take into consideration the overlooking of existing dwellings on Clay Well, Small Lane and Fullwood Drive. The proposed sections do not show how these properties will be impacted. The sections need to be updated to include 33 – 43 Clay Well. The sections do not include any proposed levels. This is concerning as the developer could have free reign with regards to the built levels of the properties.
- The proposals will impact on neighbouring natural light.
- Impact on neighbours’ gardens from the built form.
- Concerns regarding overlooking onto existing neighbouring properties.
- The development does not comply with the separation distances set out within the SPD.
- House types C and D looks too small, this should be reviewed against the space standards.

Highways safety and access

- Existing health and safety concerns in the area in relation to highway safety.
- The surrounding roads are totally unsuitable for the development.
- Victoria lane is steep and the exit from Fullwood Drive is tight. Victoria lane is heavy with traffic at school times and dangerous without building traffic adding to this.
- The roads leading to and from these houses are not fit for heavy use.
- Access via Hillcrest where existing infrastructure has already been placed would be more suitable as recommended by Kirklees Highways. Clay Well/Small Lane operate as one lane in parts, more traffic is not acceptable. This is also applicable on Fullwood Drive where on street parking is fundamental to the residents but also would restrict access.
- As you go down Victoria Lane it is cobbled which is a fundamental character material of Golcar but not suitable for more vehicle traffic.

- As previously pointed out in previous applications the access to the plot from Fulwood Drive would present a lot of additional dangers to the residents of Clay Well and Small Lane as the traffic heading up to the village would naturally snake through these tiny roads, so too would the increased volume of daily delivery vehicles. It would be much better to continue the access to the previous two plots from Carr Top Lane a view that is also shared by Jamie Turner, Principal Engineer for Kirklees Council.
- An increase in housing will mean more pedestrians on these narrow dangerous roads.
- This planning application shows the roadway continuing through this estate of new houses from Carr Top Road up to Fullwood Drive, which was designed as a cul-de-sac and families have for 40 years allowed their children to play out in safety. Any attempt to use the cul-de-sac as an access road would be entirely unsuitable and dangerous. There could potentially be a further 100 plus cars using this cul-de-sac every day. The road is single track and impassable if householders park outside their homes. Also the road surface was not laid to be a main road and is off Victoria Lane which is very steep.
- Highway surveys tend to be done in the car when there aren't as many cars about.
- A much better alternative would be to access the plot through the 2 developments (1 currently built 2018/92848 and 1 currently in planning ref 2021/91384) that are accessed off Carr Top Lane which is a much more usable road for passing traffic. This would also involve creating a road over a current public footpath it would ironically ensure the footpath would be safer as it would require remaking and hence be of a better condition than it is currently and hence safer for users of it. Also any parents utilising the facilities of the local schools and nurseries in the village would likely take these shortcut routes and further compound the Health and Safety issues at the very peak times of traffic and congestion.
- Winter in Golcar is hills of ice and snow, and adding additional cars trying to drive down them, is likely to cause damage to property. The road condition is likely to become even worse.
- The junction of Carr Top with Church St is a particular concern with only one passing place (the entrance to a private drive) and with drivers regularly reversing back down or even more dangerously, reversing back into the traffic on Church Street, a procedure that must be done blind due to the steepness of the slope.
- The access off Fullwood Drive onto Victoria Lane offers very poor visibility. It's dangerous.
- Victoria Lane and Fullwood Drive are not suitable. These roads are already at capacity. Fullwood Drive already has 21 dwellings along it.
- Victoria Lane is a steep ungritted road which is not accessible in bad weather.
- It would be more suitable for the development to be accessed from the East off Carr Top Lane, through the newly built houses which form Hillcrest View. However the access from Carr Top Lane is also overused and not suitable for the existing number of vehicles which drive and park along this road.
- The roads leading to Golcar village, to Brook Lane and to schools and doctors surgery have no pavements or footpaths and can be dangerous to children walking to school, or visits to the doctor. An increase in housing will mean more pedestrians on these narrow dangerous roads.

- There are existing problems with Small Lane and Clay Well which would only get worse with this development.
- Adding more traffic to the school runs can only worsen the Health and Safety issues.
- The application states “The development would give rise to a minimal number of peak hour vehicle movements causing negligible impact to the highway network.” This is a statement with no evidence to back it up. If you were to observe the traffic patterns in current existence on Fulwood Drive it would be very quick to demonstrate the statement has no validity.
- No matter how well served the location is with a fantastic bus route and local schools, these do not stop people from regularly driving to the shops and the schools.
- The roads are already almost impossible to drive down without coming up against another car and having to reverse right back down narrow roads, with no passing places. Adding further traffic of not just people who live in the area, but delivery trucks and visitors, will make the roads absolutely impossible.
- Damage to properties from car accidents in bad weather.
- I have burst a tyre before now on a raised man hole cover after it became exposed when cobble stones were worn away through water running off the hills, which is still not fixed.
- We have already had substantial housing developments on land off Carr Top Lane despite the inadequacy of this road. By granting permission for the development off Fullwood Drive, the driving nightmare would only increase.
- There are serious safety issues due to the fact that the general infrastructure in the area cannot cope with additional demand.
- No doubt the road will need digging up for this development to take place and gain access to water/electricity.
- There is a constant struggle with parking at Fullwood Drive. Residents park on the road (due to existing parking provisions) leaving issues with access. The proposals remove parking spaces from the end of Fullwood Drive and this will add to the strain.
- There are already a significant number of cars which park on Fullwood Drive and this is already a hazard.
- Parking provisions on site do not seem adequate. 2 bed properties have been given 1 space and 3 bed properties have been provided 2 spaces. It's likely more parking provisions will be required on site, as most 3 bed dwellings have 3 cars.
- Lack of visitor parking.
- As many of these are three and above bedroomed houses it is likely that as time goes by and the children brought up within them will each get cars and the roads ever more populated. This exact outcome can be witnessed on Bobbin Close in Golcar where some of the properties now have 5 cars. This is unsustainable within this very specific landscape.
- Emergency vehicles may find it difficult to get through.
- Does not appear to be suitable turning for a refuse vehicle or fire engine.
- The land owned by the owner is not fully adjacent to the existing road at Fullwood, the boundary slips down to the south meaning vehicle access would have to come down in front of no.20 Fullwood, on street parking here is common as such access unsuitable.
- Fullwood Drive is a cul-de-sac which has a metre wide strip of land called a ‘ransom strip’ at the head of the turnaround, which is owned jointly by

the owners of numbers 20 and 21. No one has any right to use Fullwood Drive as an access road to what will be Phase 3 of a plan to build a massive housing estate.

- A lack of bin stores and presentation points.

Ecological concerns (including trees):

- The builders are not considerate. They ripped down trees during the nesting period. The birds were very distressed. I believe it is illegal to disturb birds during nesting?
- They have demolished the pond. There were newts in the pond. Not anymore.
- They tore down the trees without permission. There are bats living and nesting in and around the field. I have not seen any bats since development started.
- The contractors have returned this year. All the tree remains have been shredded to pulp. The vast majority of trees were established trees. The site is prepped for development before the plans are passed.
- We are already highly disappointed from the works that were carried out in the field without any notice on the 20th October 2020, they came into the field with a digger and destroyed the natural habitat that was home to an abundance of the above animals and birds. On 20 September 2021, machinery was again moved onto this land to clear shrubland and shred any tree remains.
- Item 10 states there are no trees and hedges – but despite a massive land clearance earlier in the year there are still a considerable number of trees and hedges so the application is incorrect and what about the trees they were required to retain last time?
- This area is very important for bats on or near the development site. However, ever since the digger came on Tuesday 20 October 2020. I have not seen a single bat – they have gone entirely.
- There are invasive plants in the field. I am concerned that this will not be treated appropriately.
- Work should not begin until the invasive plants/species are removed.
- The habitats onsite (namely the wooded areas) make up part of the conservation area character of Golcar and have significant amenity value to local residents. It is unclear of the intentions of the developer regarding landscape and biodiversity, as documents contradict one another.
- No new trees are shown on the most recent proposals and but 11 were shown on the old plans. The Arb Impact shows 20 trees lost, I believe a ratio of 3:1 is recommended so at least 60 quality new trees should be planted.
- This planning application needs redesigning to include the trees already there. There are some trees of high-capacity value in the middle. Mitigation is not acceptable because of the length of time it takes to grow young trees or saplings. We're in a climate emergency every tree counts.
- The Biodiversity Impact Assessment is based on the PEA undertaken in 2017 and thus a new PEA is needed to obtain an up-to-date Biodiversity Gain/loss measurement, it is also based on 8 dwellings. The biodiversity loss is not acceptable in relation to climate change and LP24 of the KLP.
- I would like to see the updated ecology reports.
- As noted within the consultee comments by Yorkshire Wildlife Trust the proposal results in a 40% loss of Biodiversity. Policy LP-24 of the

Kirklees Local Plan states; “development contributes towards enhancement of the natural environment, supports biodiversity and connects to and enhances ecological networks and green infrastructure”. A loss in biodiversity goes against this policy.

- The latest government proposals are that everyone should be within 15 minutes of a green space - this is a perfect example of a natural green space being destroyed. This land and hillside is a natural wild area and the habitat of many species of birds and wildlife.
- We need to preserve our wildlife corridors.
- Impact on an highly active bird population.
- I often see wild deer and beautiful animals should be encouraged.
- The site does not provide any natural greenspace.
- The proposed development would radically alter the natural environment that forms an essential part of the conservation area. The new plans require even less trees to be kept than the previous plans, even the larger central tree (T25-Category B) would be sacrificed to the development. This visually detrimental scenario would also have a negative impact on the huge variety of wildlife current inhabiting the area.

Drainage concerns:

- The historic water, drainage and sewage system in this area was not built to cope with the amount of new drainage that will be required for this development. There is surface water running constantly in this area, there are natural springs in the field, and further development could have a big impact on this. It turns to ice in cold weather and is dangerous.
- There appears to be little mention of the current springs that exist on the plots and the potential for the damage these could create, as the direction of these water courses change slightly, as they do, over the course of time.
- We are already finding excess water pouring into our garden and haven't got a solution to this problem. It has arisen since the building work in the adjoining field. Building more houses will cause us more problems.
- Item 11 states there is no existing water course but there is a natural spring within the land that the developer has attempted to conceal by digging over the land but it is there and is very visible after all this rain and there are two existing culverts that run under our garden and exits into the development.
- The proposals will also create a flood risk for the dwellings to the South of the site. The site currently delays the water run-off in periods of heavy rainfall. During periods of heavy rainfall in the area flooding and severe run-off is common, the proposals will make this issue much worse, due to the large amount of hardstanding and dwellings on the site. Reducing the number of dwellings on site would help this. There has also been no reference to SUDS.

General concerns:

- Fullwood Drive does not have the infrastructure to support another 10 dwellings; particularly houses of this size.
- As you are no doubt aware that the building work has already started before the so-called planning permission has been granted. The works canteen has already been erected at the end of our road. The works are currently illegal without planning permission.

- The field is now a dumping ground for building equipment, containers etc. It's an absolute eye sore.
- They have already broken down the stone wall at the head of the cul-de-sac and crossed the strip of land that they do not own and have no right to do. They brought in a digger and started to clear the land and then they brought a woodchipper to continue clearing the land. They have also erected a large metal fence.
- More habitats of flora and fauna not only would be destroyed, but already have been by the developers who have already driven diggers onto the land.
- The doctor's surgery is over subscribed and under review.
- Local doctors are already impossible to get appointments at, there's no dentist available, schools are full.
- Current strain on all local community resources.
- The local schools are over subscribed/over stretched.
- The outline application (2017/60/93638/W) was for 10 residential dwellings and not 12 as on the latest proposals this is not acceptable. Also most of the consultation documents are based on the original proposal and thus not valid in relation to updated plans.
- Considering the current middle plot that is being developed adjacent to this has seen lots of complaints from neighbours that the developers have ignored the fencing locations and heights and created much severe ground works behind their properties, what assurances will be provided to ensure this does not happen here and that the groundworks will cause no slippage to the existing properties and gardens in Clay Well?
- The builders of these houses on the previous site behind Clay Well have demonstrated a clear disregard for planning permissions, they've already cleared the ground despite not being allowed due to protected newts, they knocked down a wash house from the 1800s despite the fact they had no permission, they're building houses on a higher elevation than they have permission for as they haven't flattened the land properly, destroyed land that didn't belong to them, and have erected fences above what was agreed. And they've been allowed to get away with all of it. No repercussions from the council at all.
- What assurances can the Council give to better insulate the new houses.
- These dwellings will not be affordable to many local people.
- The development should provide affordable/social housing.
- Since this has happened my view is destroyed by big piles of rubbish left behind, mature trees were cut down that have been there for as long as I can remember. They broke through the wall off of Fullwood drive removed all of the original drystone wall that created the boundary line and put up heras fencing.
- Our privacy has already been impacted by the other houses that are across the field, I do not want more houses building next door to mine.
- Children have always been safe to play on our road, because it's quiet and everybody knows everybody, bringing more people in is unsafe.
- There is already too much noise coming from the new houses in the other field that they have built, we don't need more houses, we need more privacy.
- The land in question was last used as allotments. Planning permission should not be granted to build in the field as it was still being used as allotments until very recently. I noticed that land in the Holme Valley was

refused planning permission because the land is 'allotment land', although it has not been used for this purpose for several years'.

- The proposed site is noted in the land registry as allotment gardens. I believe allotments are not just beneficial to the environment but enhance protected species - thus the proposed site is not suitable for development. As this site is a green field site which has not been previously developed, the majority of nearby residents do not feel this site should be developed and the previous application for outline development has been misjudged.
- Further to this local policy states "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. Having been on the waiting list for 3 years I can confirm there is significant demand for allotments, within the local area.
- In my property deeds I have a map from H M Land Registry, dated 1981 showing the land in question as 'Allotment Gardens'. If the Land Registry knew that the land was Allotment Gardens, why is Kirklees Council not aware of the designated status of this land and it being illegal for it to be developed? Planning permission should not be granted to build in the field as it was still being used as allotments until very recently.
- Whilst the application is keen to show the purpose of Provisional Open Land allocations was to identify a reserve of land for future residential development. It has been well documented in recent years that Kirklees Council cannot demonstrate a five year housing supply and therefore try to justify the development as "It is therefore appropriate for POL sites to assist in meeting the Council's requirement for housing" there is no mention how this will increase the benefit to the community. There is no mention of a contribution to social housing (essential for every thriving community), there is no mention of contribution towards the educational infrastructure or health services (without which the current community will suffer).
- At last the Government has realised that brown field sites should be used to build more houses on sites that have previously been developed, closer to town centres and other services and amenities.
- Although on previous applications the Council has made it clear that there is no obligation to insist on using Brown Field sites there is a preferred desire for designated brown land to be used before green land within Kirklees, have all brown field sites been exhausted before consideration will be given to this development?
- Healthy and safety risks to local residents.
- Lastly, no doubt the road will need digging up for this development to take place and gain access to water/electricity. This will impact all residents having access to their homes. There is no other access as you are aware, this is a cul de sac and therefore as we have experienced when the builders removed trees a few weeks back, we were asked to move our cars and large vehicles were parked up causing disruption and noise.
- No proposed plans and elevations have been provided for plots 6&7 as the drawing for house type C denotes plots 2&3, the roof layout is mirrored and not reflective of the proposed design. Also the elevation drawings do not match the site layout for plot 1. The Proposed plans, elevations and site plan do not include a scale bar. Thus consultees

cannot scale these drawings. I feel an updated set of drawings should be issued and the comment period extended as this is a standard validation requirement.

- Residents identified that “development should be close to employment opportunities and well-served by public transport, but should not overload existing roads, drainage systems, schools and other vital services”. It would be interesting to know what local employment opportunities these houses would be serving and certainly how they would not overload local schools.
- There is no provision for a public play area yet a large area frequented by a lot of children especially over the summer months, will be lost. although it will be noted that this is private land and not public land, should there not be a provision to include an open play area for the benefit of the community to ensure compliance with Council policy? The development also damages the Golcar Ginnel Trail. We will lose that.

7.4 Responses to the above comments are set out later in this report.

7.5 Due to the changes made and the increase in the number of dwellings from 10 to 12, officers undertook a second round of publicity. This included a full re-consultation via neighbour letters, the press and site notices.

Local ward councillors

7.6 All local ward councillors have been notified of this application given the amendments sought, whereby Councillors Turner and Reynolds have confirmed their support.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

KC Highways DM: The application is considered to be acceptable. Swept paths are being done for a smaller than standard refuse vehicle. Conditions are required to include a construction management plan, a highway survey pre and post development, any hardstanding to be drained in a permeable surface, the removal of the conversion of garages, details of the road/gradients to an adoptable standard, the requirements of new finished floor levels and a condition to secure the design and implementation of the PROW link.

KC Lead Local Flood Authority: Final drainage details show that there is adequate space within the site for water, which can be discharged at an acceptable rate, which would head to the manhole in the neighbouring Brierstone site.

8.2 Non-statutory:

KC Ecology: The EclA determined that the habitats at the site were of no more than site level value. Additional survey work confirmed that habitats, breeding birds, foraging and commuting bats, amphibians, reptiles, badgers and hedgehog had the potential to be negatively affected by the proposed development and as such mitigation measures should be placed on any forthcoming consent to ensure that protected species and habitats are protected throughout the scheme. Furthermore, an updated Biodiversity Net Gain calculation has been submitted with the EclA, using the Biodiversity Metric

3.0 calculator tool. The submitted metric details that there will be an overall net loss of 0.52 habitat units at the site (31.74% net loss) and a net gain of 0.11 hedgerow units. In order for the development to achieve a 10% net gain and come forward in line with local and national planning policies, 0.68 habitat units will need to be delivered, via off-site compensation.

KC Education: A contribution of £21,276 is required to support Golcar J I and N School and Colne Valley High School.

KC Waste Strategy: In support of the development as a refuse vehicle can enter and manoeuvre within the site safely, as to enter the highway in forward gear. Bin collection and presentation points are also acceptable. Details of temporary arrangements would be required via a condition, along with the details and materials of the bin stores.

KC Conservation and Design: In support of the scheme given the amended plans received. However, would request that conditions regarding samples of materials to be used, including windows and doors to be attached to the decision notice in the case of an approval.

KC Strategic Housing: In support of the scheme as two affordable homes are proposed.

KC Crime Prevention: No objection subject to a condition being attached to the decision notice requiring security measures to be submitted before development commences.

KC Landscape: In support of the application, however, a financial contribution would be required in order to secure the off-site Public Open Space (POS). A condition is also recommended requiring further details of the hard and soft landscaping and a management and maintenance plan for it.

Yorkshire Water: No objection subject to conditions being attached to the decision notice.

Historic England: The site benefits from outline planning permission which established the principle of residential development in this location. The current application relates to the detailed design of the scheme, which is required to have regard for the character and appearance of the Golcar Conservation Area and the setting of the adjacent grade II listed buildings.

In our previous response of 18 October 2021 we advised that several elements of the proposed scheme were appropriate to the character of the conservation area, but others are not and would be harmful to this character, particularly in views towards the settlement. We recommended amendments to the scheme to better respond to the local architectural landscape.

The amendments that have been made to the scheme have responded to the comments set out in our previous letter. Given that the principle of residential development on the site has been established through the outline planning permission, we have no further comments to make on the scheme. We are content for the application to be determined in line with local and national planning policy and expert advice provided by your authority's Conservation Officers.

As such, Historic England has no objection to the application on heritage grounds.

KC Trees: A tree survey and arboricultural impact assessment has been submitted which identifies several trees across the site, most are of a low amenity value as individual specimens but there are some of better quality and value amongst them, collectively offering reasonable tree cover and wildlife habitat to the site.

While some of the trees around the perimeter of the site are shown as being retained unfortunately, the higher value trees are central within the site and have not been designed around within the current layout, which shows them as being removed. While this is undesirable and a change in layout is a preferred option, if this is not feasible, we would at least expect the tree loss to be appropriately mitigated by means of a suitable landscape plan which would include detail of tree size, species, and location with an appropriate aftercare and maintenance programme.

In principle this site has been allocated for housing development and I have no major objection to the proposal however, it is desirable to integrate good quality existing trees into new housing designs and any unavoidable tree loss must be appropriately mitigated with new tree planting being an integral part of any new development scheme.

KC Highway Structures: No objection subject to conditions being attached in the case of an approval to include, any details for new retaining walls adjacent to the highway, an assessment of the steep embankment and any details of surface water attenuation within the highway.

KC Environmental Health: In our previous response dated, 6th December 2021, we commented on a Phase 2 Geo-Environmental Report by Rogers Geotechnical dated 1st December 2020 (ref: C977/20/E/1511 - Rev 1). The Phase 2 report concluded that the site is generally uncontaminated, except for a hotspot of asbestos contamination in the location of WS2, thought to be associated with made ground at the site. Subsequently, the report has recommended that remediation is necessary to remove the asbestos contamination or break the pollutant pathways.

Since then, the Phase 1 Desk Study by JNP Group report number NG8480/FUL/PH1, dated February 2014, has been submitted. The report includes geo-technical information, which is outside the remit of Environmental Health, this consultation response therefore only relates to the land contamination aspects of the report. We agree with the report findings and that all potential pollutant linkages that were identified at the Phase I level have been assessed in the later investigation by Rogers Geotechnical as detailed in their report dated 1st December 2020 (ref: C977/20/E/1511 - Rev 1).

Officers agree that remediation is therefore necessary at this site. We note the outline remediation proposals in the Phase 2 report however these refer to outdated guidance and do not go far enough i.e. we require details relating to the delineation of the asbestos hotspot. Therefore, Environmental Health now recommend conditions relating to a standalone remediation strategy and conditions related to the next phases of development.

Notwithstanding the above, additional conditions are also recommended in the case of an approval to include details of electrical vehicle charging points and a construction environmental management plan.

West Yorkshire Archaeology Advisory Service: There is currently no significant archaeological impact associated with the proposed development.

Natural England: No comments to make on this application.

Northern Gas: No objections to these proposals, however there may be apparatus in the area that may be at risk during construction works and should the planning application be approved, then we require the promoter of these works to contact us directly to discuss our requirements in detail.

Yorkshire Wildlife Trust: The ecological surveys were conducted in 2017 and therefore require updating. The Biodiversity Net Gain assessment has been based on these surveys, yet the report itself states that '*Given the transient nature of the subject we would consider the baseline survey results and biodiversity calculations contained within this report to be accurate for 2 years*'. However, I note that the report also states that '*Some habitats on site have been cleared at the time of writing. For the purposes of this assessment, the calculations are based off the habitats present at the time of the original PEA*'. This is concerning and suggests that ecological impacts may have already occurred at the site. Clarification on exactly what has taken place at the site, and why, should be provided prior to determination.

The calculations show a net loss of approximately 40% at the site, which is not acceptable. We strongly advise that the applicant should re-assess the scheme in order to incorporate the required biodiversity net gain. Only after all on-site options have been explored should the potential for an off-site compensation area be considered, in order to make up the shortfall in biodiversity net gain units. If this option is progressed detailed proposals would need to be put forward, including how the off-site compensation area can be secured and managed for the required 30 years.

Comment: Updated documents have been received for an updated BNG Metric Calculation, Ecological Impact Assessment (EclA) and Landscape and Ecological Management Plan (LEMP). These documents provide a comprehensive assessment of the ecological constraints and impacts of the scheme. These have been reviewed in full by KC Ecology. As such, the comments from the Yorkshire Wildlife Trust pre-date the updated information.

9.0 MAIN ISSUES

- Land use and principle of development
- Sustainability and climate change
- Design and conservation
- Residential amenity
- Affordable Housing
- Highways and transportation issues
- Flood risk and drainage issues
- Trees and landscaping
- Ecological considerations
- Other matters
- Representations
- Planning obligations and financial viability
- Conclusion

10.0 APPRAISAL

Land use and principle of development

- 10.1 Planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions.
- 10.2 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.
- 10.3 The 2023 up-date of the five-year housing land supply position for Kirklees shows 3.96 years supply of housing land. As the Council is currently unable to demonstrate a five-year supply of deliverable housing sites, it is necessary to consider planning applications for housing development in the context of NPPF paragraph 11 which triggers a presumption in favour of sustainable development. This means that for decision making *“Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (NPPF Footnote 8), granting permission unless: (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (NPPF Footnote 7) ; or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”*
- 10.4 The Council’s inability to demonstrate a five-year supply of housing land weighs in favour of housing development but has to be balanced against any adverse impacts of granting the proposal. The judgement in this case is set out in the officers assessment.
- 10.5 The site comprises of site allocation HS153 (allocated for housing) to which full weight can be given. It is also noted that outline planning permission for residential development has already been granted at this site, with the most recent being ref 2017/93638, which was subject of a committee resolution to approve.
- 10.6 The 12 dwellings proposed would contribute towards meeting the housing delivery targets of the Local Plan.
- 10.7 To ensure efficient use of land Local Plan policy LP7 requires developments to achieve a net density of at least 35 dwellings per hectare, where appropriate, and having regard to the character of the area and the design of the scheme. Lower densities will only be acceptable if it is demonstrated that this is necessary to ensure the development is compatible with its surroundings, development viability would be compromised, or to secure particular house types to meet local housing needs.

- 10.8 With the 12 units proposed in a site of 0.41 ha, a density of 29 dwellings per hectare (dph) would be achieved. Whilst this is slightly below the recommended density, officers have noted the sites other constraints including its challenging topography that limits the sites developable space and that adequate space needs to be maintained between the new dwellings and those existing on Fullwood Drive. The proposed development should also take its cue (at least partly, in terms of quantum, density and layout) from existing adjacent development and the character and appearance of the Golcar Conservation Area, and it must again be noted that tree coverage is quintessential to Golcar's character. Furthermore, the proposed units (12) exceed the indicative capacity at 8, whilst providing the relevant house types and tenures for the local area.
- 10.9 With these matters taken into consideration, although the density falls slightly short of 35 dph, specified (and applicable "where appropriate") in Local Plan policy LP7, it is recommended that the proposed quantum of development, and its density, be accepted.
- 10.10 Progressing to housing mixture, LP11 seeks for proposals to provide a representative mixture of house types for local needs. This is expanded upon and detailed within the Council's Affordable Housing and Housing Mix SPD (March 2023). However, as the Council's Affordable Housing and Housing Mix SPD (March 2023) was adopted after discussions were held with officers regarding the design and appropriate density for this site, given its longstanding nature, a reasonable and pragmatic arrangement has been required and full adherence to the SPD is not expected.
- 10.11 As is evident, the proposal does not conform to the recently adopted SPD's expectations. However, negotiations between the applicant and officers on the housing mixture were predicated on the older Strategic Housing Market Assessment (SHMA). Nonetheless, the site is located within Kirklees Rural West whereby there is a greater need for 1, 2 and 3 bedroom market housing as opposed to 4+ beds, to which the development does provide (albeit in the form of 10 x 3 bedroom dwellings). As such, a balanced approach has been taken.
- 10.12 Summarising on the above, the proposal would represent a good density of development and the housing mixture proposed is not unreasonable. Accordingly, the proposed is considered to represent an effective and efficient use of land, in compliance with policies LP7 and LP11, and the Council's Affordable Housing and Housing Mix SPD (March 2023).
- 10.13 Further to the above, representations have been received outlining that the site is used for Allotment Gardens and therefore should not be developed upon. Whilst an Ordnance Survey maps from 1955 onwards annotated the site as "Allotment Gardens", it appears that the used has been intermittent in recent years – aerial photographs show some cultivation in 2012, but not in 2000 to 2009. At the time the 2017 outline application for the site was considered, limited weight was attached to this previous use of part of the site. Officers note that the site is privately owned and that refusal of planning permission would not have resulted in local demand for allotments being met, as the council has no authority to allocate private allotments to people on the council's waiting list.

- 10.14 The site is also within a wider mineral safeguarding area relating to sandstone. Local Plan policy LP38 therefore applies. This states that surface development at the application site will only be permitted where it has been demonstrated that certain criteria apply. Criterion c of policy LP38 is relevant, and allows for approval of the proposed development, as there is an overriding need (in this case, housing need, having regard to Local Plan delivery targets) for it. As such, the principle of development can be supported.

Sustainability and climate change

- 10.15 As set out at paragraph 7 of the NPPF, the purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF goes on to provide commentary on the environmental, social and economic aspects of sustainable development, all of which are relevant to planning decisions. It is considered that residential development at this site can be regarded as sustainable, given the site's location adjacent to an already-developed area, its proximity to some (albeit limited) local facilities, and measures (commuted sum) would be secured via a S106 towards sustainable transport.
- 10.16 The submitted Planning Statement acknowledges the need to transition to a low carbon future, taking into account flood risk and coastal change, however, does not identify any specific measures.
- 10.17 Measures would be necessary to encourage the use of sustainable modes of transport. Adequate provision for cyclists (including cycle storage for residents) and electric vehicle charging would be secured by condition, should planning permission be granted. A development at this site which was entirely reliant on residents travelling by private car is unlikely to be considered sustainable.
- 10.18 Drainage and flood risk minimisation measures will need to account for climate change.
- 10.19 The application site is in a sustainable location for residential development, as it is relatively accessible and is at the edge of an existing, established settlement relatively close to sustainable transport options and other facilities. The site is not isolated and inaccessible.
- 10.20 Golcar has pubs, convenience shops, a post office, a pharmacy, churches, schools, a library, eating establishments, the excellent Colne Valley Museum, and other facilities, such that many of the daily, social and community needs of residents of the proposed development can be met within the area surrounding the application site, which further indicates that residential development at this site can be regarded as sustainable.
- 10.21 However, in order to enhance the sites sustainability in line with the adjacent site to the east (granted planning permission under ref: 2021/91384), a condition has been proposed to require details of renewable energy and/or energy efficiency measures to be incorporated into the development, prior to its commencement. This is considered necessary and reasonable to accord with Policies LP24 and LP26 of the Kirklees Local Plan.

Design and conservation

- 10.22 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.”*
- 10.23 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.
- 10.24 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...”*.
- 10.25 Paragraph 129 of the NPPF sets out that design guides and codes carry weight in decision making. Of note, Paragraph 134 of the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.
- 10.26 Principle 2 of the Kirklees Housebuilders Design Guide SPD states that: *“New residential development proposals would be expected to respect and enhance the local character of the area by:*
- Taking cues from the character of the built and natural environment within the locality.*
 - Creating a positive and coherent identity, complementing the surrounding built form in terms of its height, shape, form and architectural details.*
 - Illustrating how landscape opportunities have been used and promote a responsive, appropriate approach to the local context.”*
- 10.27 Principle 5 of this SPD states that: *“Buildings should be aligned and set-back to form a coherent building line and designed to front on to the street, including corner plots, to help create active frontages. The layout of the development should enable important views to be maintained to provide a sense of places and visual connections to surrounding areas and seek to enable interesting townscape and landscape features to be viewed at the end of streets, working with site topography.”*
- 10.28 Principle 15 states that the design of the roofline should relate well to site context. Further to this, Principle 13 states that applicants should consider the use of locally prevalent materials and finishing of buildings to reflect the character of the area, whilst Principle 14 notes that the design of openings is expected to relate well to the street frontage and neighbouring properties.

- 10.29 Section 72 of the Planning (Listed Buildings & Conservation Area) Act (1990) 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.
- 10.30 Kirklees Local Plan Policy LP35 relates to the historic environment. It states that development proposals which would affect a designated heritage asset should preserve or enhance the significance of that asset. In cases likely to result in substantial harm or loss, development would only be permitted where it can be demonstrated that the proposals would bring substantial public benefits that clearly outweigh the harm.
- 10.31 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.
- 10.32 The site and its context have a relatively high degree of townscape, landscape and heritage sensitivity issues, due to the site been located within Golcar's hillside and Conservation Area, meaning that it is visible from the other side of the subsidiary valley that runs northwest-southeast between Golcar and Wellhouse.
- 10.33 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) 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 north-eastwards 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"*.
- 10.34 Paragraph 5.2 of the council's Housebuilders Design Guide SPD notes that the *"general character of the towns and villages of Kirklees is typified by stone-built properties closely following the hillside contours"*, and Golcar provides a notable example of this.

- 10.35 The 12 dwellings proposed are considered to take into account this hillside setting, as they would appear as a continuation to Fullwood Drive. Given the changes in topography within the site in particular, the rear elevations of the southern dwellings would be three storey in height. This would be a similar arrangement to the site immediately to the east (ref: 2021/91384). Therefore, the proposed development is considered to be sufficiently reflective of the predominant patterns within this hillside location. More specifically, the use of differing front and rear elevations is considered to be an appropriate response to the sites challenges, rather than introducing the need for large areas of excavation and retaining walls. To the northern side of the site, the dwellings would be two storeys in height.
- 10.36 The proposed massing and grain would respect the sites context and amendments have been made to omit the repetition of five detached dwellings to the southern side of the site and to include three sets of semi-detached dwellings and one detached dwelling. This is to accord with the characteristics defined within Golcar's conservation area appraisal.
- 10.37 With regards to layout, officers acknowledge the challenging topography of the site and accept that some levelling would be required in order to create the development platforms and the provision of acceptable gradients along the proposed estate road. The road layout has been designed so that it is read as a legible and logical extension to Fullwood Drive. It would include one central road, with a turning head and private drive to serve plots 6,7 8 and 9. The private driveway would also provide a connection to the public footpath (COL/56/40) which runs directly to the east of the site. This not only would allow pedestrian users access onto the public footpath but would be used to link the application site to the development to the east.
- 10.38 In line with Policy LP5 (master planning), Highways officers initially requested that the sites vehicular access was taken from the east, as this would ensure the best use of land and buildings, by adjoining undeveloped land so it may subsequently be developed. However, given the significant changes in topography within the sites, the agent has confirmed that to take vehicular access from the eastern site is unachievable due to on site levels and therefore, it has been concluded that this would have to be taken via Fullwood Drive, as approved as part of the previous outline application 2017/93628.
- 10.39 Regarding architectural form, the proposed dwellings would have a typical, simple modern vernacular, some of which would benefit from front and rear gables and lean to additions in order to add some variation. Dwellings in the area have a varied appearance but can predominantly be identified as the vernacular design of their period of construction, with simple aesthetics.
- 10.40 In terms of openings, adequately sized mullion windows are proposed, along with the inclusion of larger areas of glazing to rear elevations. This would accord with Principle 14 of the Housebuilders Design Guide SPD which states that "*innovation for energy efficiency is encouraged, particularly for maximising solar gain*". Officers would like to see all new window frames, included the stonework for the blind windows being set back by 75-100mm and therefore this can be added as a condition to the decision notice. Roof forms in the area are predominantly gable, however, there are some examples of hipped roofs. As such, the scheme has been designed to include gable roofs, to respond to the local character.

- 10.41 Off street parking is proposed predominantly to the front of the dwellings, with one exception to the side and within integral garages. Whilst this has the potential to dominate the street scene with hardstanding, green space and some planting have been proposed where possible. As such, given the constraints on site, this can be supported on balance by officers.
- 10.42 The dwellings would be faced in natural stone with concrete tiles to the roofs. Whilst officers would prefer a natural slate roof tile, the subsequent cost associated with this has been noted and therefore KC Conservation and Design have confirmed that they have no objection to the use of a concrete tile subject to it being of a high quality in order to imitate a natural slate. As such, samples of materials are required prior to their use, along with window and door details.
- 10.43 Details of the boundary treatments are included within the proposed site plan (dwg no. (100)03 Rev L), to include a native evergreen hedge to the southern boundary and dry stone walling to the northern boundary. These boundary treatments are welcomed from a heritage perspective, as they would appear natural and in keeping with the surrounding landscape in order to sustain and enhance the character and setting of Golcar's Conservation Area. Notwithstanding the above, no specific details have been provided to the eastern and western boundaries and therefore a full boundary treatment plan will be required as part of any approval, prior to the commencement of the superstructure.
- 10.44 In conclusion, it has been considered that the details provided within this full planning application, demonstrates that the development has been designed to sympathetically respond to the local character for example, with the use of traditional walling materials and elevational detailing. It is considered that the proposal development complies with the councils guidance documents for residential developments.

Setting of Golcar Conservation Area

- 10.45 Sections 66 and 72 of the Planning (Listed Buildings & Conservation Area) Act (1990) requires that LPA's pay special attention to the desirability of preserving or enhancing the character or appearance of the setting of a listed building and conservation area where relevant.
- 10.46 Kirklees Local Plan Policy LP35 relates to the historic environment. It states that development proposals which would affect a designated heritage asset should preserve or enhance the significance of that asset. In cases likely to result in substantial harm or loss, development would only be permitted where it can be demonstrated that the proposals would bring substantial public benefits that clearly outweigh the harm. This is supported by guidance contained within Chapter 16 of the NPPF.
- 10.47 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.

- 10.48 The application site lies within the Golcar conservation area. The north boundary lies adjacent to the Grade II Listed Building known as Mill Barn and to the rear boundary lies the Grade II Listed Building subdivided into 54, 54a and 58 Brooke Lane.
- 10.49 In light of the above, given the amendments sought to ensure the developments acceptable design (including scale, grain, orientation and materials), along with the installation of natural boundary treatment to include evergreen hedging and dry stone walling, it is considered that there would be no undue harm on the significance of the aforementioned heritage assets.
- 10.50 Additionally, it is considered that the relevant requirements of Chapters 11, 12 and 16 of the NPPF and Policies LP2, LP7, LP24 and LP35 of the Kirklees Local Plan would be sufficiently complied with. The scheme also complies with the guidance set out within the council's Housebuilders Design Guide SPD.

Residential amenity

- 10.51 A core planning principle as set out in the NPPF is that development should result in a good standard of amenity for all existing and future occupiers of land and buildings. This is also reinforced within part (b) of Policy LP24 of the Kirklees Local Plan. Principle 6 of the Housebuilders Design Guide SPD sets out that residential layouts must ensure adequate privacy and maintain high standards of residential amenity, to avoid negative impacts on light, outlook and to avoid overlooking. Specifically, it outlines that for two storey dwellings the following, typical minimum separation distances between existing and proposed dwellings, are advised: -
- 21 metres between facing windows of habitable rooms at the back of dwellings.
 - 12 metres between windows of habitable windows that face onto windows of non-habitable room.
 - 10.5 metres between a habitable room window and the boundary of adjacent undeveloped land.
 - For a new dwelling located in a regular street pattern that is two storeys or above, there should normally be a minimum of a 2 metre distance from the side wall of the new dwelling to a shared boundary.
- 10.52 In addition to this, Paragraph 130 (f) 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.
- 10.53 Principle 17 of the Council's adopted Housebuilders Design Guide SPD requires development to ensure an appropriately sized and useable area of private outdoor space is retained. Principle 16 of the Housebuilders Design Guide seeks to ensure the floorspace of dwellings provide a good standard of amenity for future residents and make reference to the 'Nationally Described Space Standards' document (March 2015).
- 10.54 The site is surrounded by existing residential development to the north, east, south and west. With regards to separation distances, it has been noted that the majority of the dwellings would retain 21m between windows of habitable rooms and 12m between windows of habitable rooms that face onto a non-habitable room, within the site and to third party properties. This would ensure that there would be no undue overlooking, commensurate with the minimum recommended separation distances set out in the SPD.

- 10.55 Notwithstanding the above, officers have noted the concerns raised by some residents along Fullwood Drive and Clay Well with regards to potential loss of privacy and overbearing from the new dwellings and the relationship these would have with the existing properties. Officers have noted that the property most likely to be impacted upon as part of this application would be no. 20 Fullwood Drive, which is located to the north west of plot 1. As such, there is some potential for overbearing and overshadowing upon no. 20's outdoor amenity space. However, on balance this is not considered to be detrimental given the angle of plot 1 and the fact that no. 20 Fullwood Drive is situated to the west, allowing sunlight to be received to its rear garden and rear windows within an afternoon and evening. There would also be no openings within the western facing side elevation of plot 1 which would omit any undue overlooking into these neighbours' outdoor amenity space. Future first floor openings would need to be fitted with obscure glazing to accord with the General Permitted Development Order and permitted development rights for future ground floor windows within this plot can be removed. This would be attached as a condition to the decision notice.
- 10.56 No. 21 Fullwood Drive on the other hand, is set further north, with there being a greater separation distance to this dwelling. As such, there would be no material harm to these neighbours' amenity.
- 10.57 With regard to the properties along Clay Well, acceptable separation distances are proposed to accord with the above. Given the changes in land levels, these properties are already set at a higher level and therefore, the two storey dwellings to the northern edge of the application site are not considered to propose any undue overbearing or overshadowing impact upon these neighbours' amenity.
- 10.58 Likewise, the impact to which the application site would have on the approved dwellings to the east (pursuant to application 2021/91384) would be limited, due to the tree cover which would be retained and the dwellings having a side to side relationship.
- 10.59 An adequate separation distance of approximately 40m would be retained to no. 54a Brook Lane from plots 4 – 7. Therefore, whilst the land levels drop significantly to these existing neighbours, the aforementioned separation distance is considered to mitigate against any undue overbearing and overshadowing upon their amenity.
- 10.60 Consideration must also be given to internal separation distances and the amenity of future occupiers. Whilst internal separation distances fall slightly short of the recommended 21m at approximately 19.5m, officers have afforded weight to the constraints of the site and the buildability of certain areas, given the topography, and therefore do not consider this slight reduction to result in any undue loss of privacy to future amenity and therefore can be supported.
- 10.61 The quality of the proposed residential accommodation is also a material consideration and therefore the 12 units would comprise of 1 x one bed, 1 x two beds and 10 x three beds. Each unit would meet or exceed the Government's Nationally Described Space Standards and would provide a dual aspect for all residents, in regards to outlook, privacy and light.

Landscaping

- 10.62 The proposed private gardens are considered commensurate in scale to their host dwellings. They offer good separation and space about dwellings, whilst offering private amenity space for residents, securing a high standard of visual and residential amenity.
- 10.63 As the site is for 12 dwellings, the scheme triggers the need for open space to accord with Policy LP63 of the Kirklees Local Plan. Given the steep nature of the site, it is noted that most types of open space would not be suitable. Therefore, a financial contribution would be required for £22,086.00, which would be secured via a S106 agreement, including funding for Two Furrows and Wellhouse.
- 10.64 Although some details of landscaping have been shown on the proposed site plan (Dwg no. (100)03 Rev L), a condition is recommended requiring further details of the hard and soft landscaping and a management and maintenance for it. Details of improvements (and the pedestrian connection) to the adjacent public footpath would be required. This is to accord with Policies LP32 and LP63 of the Kirklees Local Plan and Chapter 15 of the NPPF.

Highways issues

- 10.65 Paragraph 110 of the NPPF states that, in assessing applications for development, it should be ensured that appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, that safe and suitable access to the site can be achieved for all users, and that any significant impacts from the development on the transport network (in terms of capacity and congestion), or highway safety, can be cost-effectively mitigated to an acceptable degree. Paragraph 111 of the NPPF adds that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highways safety, or if the residual cumulative impacts on the road network would be severe.
- 10.66 Local Plan policy LP21 requires development proposals to demonstrate that they can accommodate sustainable modes of transport and can be accessed effectively and safely by all users. The policy also states that new development would normally be permitted where safe and suitable access to the site can be achieved for all people, and where the residual cumulative impacts of development are not severe.
- 10.67 KC Highways DM have been formally consulted as part of the application process. The officer has noted that the site would be accessed off of Fullwood Drive, a 30 mph two-way residential access road of approximately 5.5m width with footways and street lighting. Outline with access was approved from Fullwood Drive under the previous application (2017/93638).

- 10.68 The proposed site is 330m to bus stops on a low frequency bus route and approximately 400m to stops on a medium frequency route. These distances can be lowered to approximately 115m and 230m if PROW footpaths are used, although the condition of the PROWs and if they will allow for year-round and bad weather use has not been confirmed. The site is approximately 430m from shops and services and 430m to a school (via PROWs). It should be noted that many of the roads in the area are based on a historical layout and do not provide pedestrian facilities for the full length of the routes.
- 10.69 There is a PROW footpath COL/56/40 that runs adjacent to the edge of the site and there are proposals to link a pedestrian access from the site to the PROW.
- 10.70 As part of the outline permission, a contribution of £5,115.00 for provision of bus only metro-cards was requested. This should be included as part of a s106 agreement and should be offered to the purchasers of the dwellings on occupation. The site is below the required size for a Travel Plan to be submitted and so one would not be requested, however the residential metro card scheme will need to be administered by the applicant or housebuilder.
- 10.71 No trip generation details were provided with the application, however the proposals are for an additional two dwellings above the ten granted outline permission in 2017 and so officers would expect a slight intensification of vehicular trips on the local network but this increase is not considered to be great enough as to have a severe impact on the operation or efficiency of the local highway network.
- 10.72 As outlined above access to the site was granted as part of the outline permission and this was through Fullwood Drive, with an access being made at the end of the existing turning head. In previous highways comments made with this application, concern was raised over the access and it was suggested that the applicant should consider linking the development to the adopted highway by going through the development to the east. However, this has not been deemed acceptable due to land level constraints and also may cause a severing of the PROW.
- 10.73 It should be noted that Fullwood Drive experiences on-street parking on both sides, even though most of the dwellings appear to have off street parking, and this often obstructs the footways to allow access through. It is assumed that access for refuse collection is obtained and this should remain the same for the proposed development. However, there may be issues with construction access and due to this, officers would require a construction access management plan, to be conditioned.
- 10.74 Officers would also like to see a condition survey carried out on the access routes to the site, with a secondary survey upon completion, with any defects caused during construction identified and rectified by the applicant. This is considered reasonable and therefore an appropriate condition would be attached in the case of an approval.
- 10.75 The site is to be offered up for adoption by the Local Highway Authority under a Section 38 agreement. Drawing no (100) 03 Rev L shows an improved access road off the existing turning head and the curve in the road is now designed to match standards with a 20m radius.

10.76 The access road measures at approximately 5.5m width and this is acceptable. A swept path analysis for an 11.22m refuse collection vehicle (RCV) was submitted on drawing No 1377 001B and shows that it can safely navigate the access road and turning head. An 11.22m RCV was used rather than the 11.85m RCV as stated in the Kirklees Highways Design Guide, as this is what is required by Kirklees Waste Strategy Team in their consultation response. Given the existing narrow roads on the surrounding highway network, it is doubtful that a larger vehicle would be able to reach the site and so the use of a 11.22m RCV is acceptable on balance in this specific instance.

10.77 The proposed turning head within the site is an improvement to the existing at the end of Fullwood Drive.

10.78 Access to the parking for plots 6 to 9 are shown to be off a private drive, with a footpath to an adoptable size shown to connect to the PROW. Further details regarding the design and implementation of the PROW link are required and can be controlled via a condition.

10.79 In terms of on-site parking for each unit, local guidance states that:

- 1 and 2 bed flats = 1 space per dwelling
- 2 and 3 bed houses = 2 spaces per dwelling
- 4 + bed houses = 3 spaces per dwelling
- 1 visitor space per 4 dwellings

10.80 The parking for the proposal can be found within the table below:

| Plot number | Number of beds | Garage or no garage | Parking spaces required | Parking spaces proposed |
|-------------|----------------|---------------------|-------------------------|-------------------------|
| 1 | 3 | Yes | 2 | 2 |
| 2 | 3 | Yes | 2 | 2 |
| 3 | 3 | Yes | 2 | 2 |
| 4 | 3 | Yes | 2 | 2 |
| 5 | 3 | Yes | 2 | 2 |
| 6 | 3 | Yes | 2 | 2 |
| 7 | 3 | Yes | 2 | 2 |
| 8 | 3 | No | 2 | 2 |
| 9 | 3 | No | 2 | 2 |
| 10 | 3 | No | 2 | 2 |
| 11 | 2 | No | 2 | 2 |
| 12 | 1 | No | 1 | 1 |

- 10.81 Whilst an adequate number of parking spaces have been proposed, Highway officers have noted that the road gradient compared to the finished floor levels for plots 2 – 7 could mean that the driveways are too steep. The applicant's agent, however, believe that these could achieve a 1:12 gradient. As such, additional information would be required by condition in order to demonstrate full road gradients (a long section) and how these would work with the finished floor levels, prior to development commencing.
- 10.82 Notwithstanding the above, the garages internally measure 3m x 6m and therefore are suitable for the parking of a vehicle. Highway officers would not wish to see these garages converted (for plots 2-7) and therefore have requested a condition to this effect be attached to the decision notice. This would omit any future shortfall in parking to these plots which would lead to additional pressures upon the existing highway network.
- 10.83 Further to the above, the proposed site plan also shows three visitor parking spaces and this would be acceptable for 12 dwellings.
- 10.84 With regards to waste storage and collection points, these are generally acceptable as amended plans have been sought to show storage for 3 residual bins for each dwelling, along with acceptable collection points. A bin collection point has been demonstrated to the south of plot 10 for the dwellings situated along the private drive. Details of temporary waste storage during construction would be required and this can be secured via condition.
- 10.85 KC Highways Structures have also reviewed this planning application, raising no objection subject to conditions regarding any new retaining walls adjacent to the highway, a scheme assessing the adequacy of the steep embankment and details of any drainage within the highway being submitted to and approved in writing by the LPA before development commences.

Flood risk and drainage issues

- 10.86 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.
- 10.87 Details have been provided with this application to show the installation of two attenuation tanks under the private drive and parking spaces of plots 6 and 7 and 8, 9 and 10. KC Lead Local Flood Authority (LLFA) accepts the proposed attenuated surface water discharge of 3.4 l/s discharging from the application site to the head man hole in the neighbouring Brierstone site (directly to the east). For the avoidance of doubt, the allowable surface water discharge from the neighbouring site into the YW sewer network should be a maximum of 5l/s for both combined sites.
- 10.88 The hydraulic calculations and proposed drainage layout are also considered acceptable, but officers understand that these only include preliminary information and therefore more detailed information would be required. Revised calculations and construction stage drawings should be submitted for the discharge of drainage conditions when the drainage has been fully designed.

- 10.89 The proposed geocell attenuation tanks should be provided with adequate access points to allow for safe inspection and maintenance. As such, the development can be supported by drainage officers subject to conditions being attached to include full drainage details, overland flow routing, construction phase surface water and a pollution prevention plan.
- 10.90 Alongside the above, it is recommended that the management and maintenance for the proposed drainage infrastructure (until adoption by Yorkshire Water) be secured via a S106 agreement.

Ecological considerations

- 10.91 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. This is echoed in Policy LP30 of the Kirklees Local Plan.
- 10.92 Furthermore, Policy LP30 of the KLP 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. Principle 9 of the Housebuilders Design Guide SPD echo the Local Plan in respect of biodiversity.
- 10.93 The application site is previously-undeveloped (greenfield) land, with trees and shrubs that 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 site. In addition, two ponds exist within 500m of the site.
- 10.94 In support of this application an updated BNG Metric Calculation and Ecological Impact Assessment (EclA) have been submitted. This has been undertaken following the Preliminary Ecological Assessment, submitted with the outline application in 2017. The submitted documents provide a comprehensive assessment of the ecological constraints and impacts of the scheme, as set out in KC Ecology's initial response.
- 10.95 The EclA determined that the habitats at the site were of no more than site level value. Additional survey work confirmed that habitats, breeding birds, foraging and commuting bats, amphibians, reptiles, badgers and hedgehog had the potential to be negatively affected by the proposed development and as such mitigation measures should be placed on any forthcoming consent to ensure that protected species and habitats are protected throughout the scheme. As such, two conditions are proposed requiring a Biodiversity Enhancement and Management Plan to demonstrate (but not including to) how the 1.12 habitat units and 0.13 hedgerow units are to be achieved post-development, as well as the submission of a Construction Environmental Management Plan (for biodiversity). This is to accord with Policy LP30 of the Kirklees Local Plan and the aims of Chapter 15 of the NPPF.

- 10.96 An updated Biodiversity Net Gain calculation has been submitted with the EclA, using the Biodiversity Metric 3.0 calculator tool. The submitted metric details that there will be an overall net loss of 0.52 habitat units at the site (31.74% net loss) and a net gain of 0.11 hedgerow units. In order for the development to achieve a 10% net gain and come forward in line with local and national planning policies, 0.68 habitat units will need to be delivered, via off-site compensation.
- 10.97 In line with the Kirklees Biodiversity Net Gain Technical Advice Note, the off site compensation would need to be secured via an off site contribution, given that there is not sufficient space within the space to provide the net gain required. This would require a contribution of £15,640, which would be secured via the S106.

Trees

- 10.98 Policy LP33 of the Kirklees Local Plan states that “the Council would not grant planning permission for developments which directly or indirectly threaten trees or woodlands of significant amenity...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”. This is supported by Principle 7 of the Housebuilders SPD.
- 10.99 KC Trees have been formally consulted as part of this application whereby the officer has confirmed that a tree survey and arboricultural impact assessment has been submitted which identifies several trees across the site, most are of a low amenity value as individual specimens but there are some of better quality and value amongst them, collectively offering reasonable tree cover and wildlife habitat to the site.
- 10.100 While some of the trees around the perimeter of the site are shown as being retained unfortunately, the higher value trees are central within the site and have not been designed around within the current layout, which shows them as being removed. While this is undesirable and a change in layout would be the preferred option from a trees perspective, officers as a minimum, expect the tree loss to be appropriately mitigated by means of a suitable landscape plan which would include detail of tree size, species, and location with an appropriate aftercare and maintenance programme.
- 10.101 Given that the principle of the site has been allocated for housing development, KC Trees have no objection to the proposal, however, it is desirable to integrate good quality existing trees into new housing designs and any unavoidable tree loss must be appropriately mitigated with new tree planting being an integral part of any new development scheme. As such, a condition to require details of any new tree planting to mitigate against those lost, would be captured under the proposed landscape conditions.

Environmental Health

- 10.102 A Phase II Report by Rogers Geotechnical dated 1st December 2020 (ref: C977/20/E/1511 - Rev 1) has been submitted in support of this application. The Phase 2 report concluded that the site is generally uncontaminated, except for a hotspot of asbestos contamination, which was thought to be associated with made ground at the site. Subsequently, the report has recommended that remediation is necessary to remove the asbestos contamination or break the pollutant pathways.
- 10.103 Since then, the Phase 1 Desk Study by JNP Group report number NG8480/FUL/PH1, dated February 2014, has been submitted. Officers agree with the report findings and that all potential pollutant linkages that were identified at the Phase I level have been assessed in the later investigation by Rogers Geotechnical as detailed in their report dated 1st December 2020 (ref: C977/20/E/1511 - Rev 1).
- 10.104 As such, KC Environmental Health officers agree that remediation is therefore necessary at this site. An outline remediation proposal has been set out within the Phase II report, however, these refer to outdated guidance and do not go far enough i.e. officers require details relating to the delineation of the asbestos hotspot. Therefore, it is recommended that in the case of an approval, that conditions requiring a stand along remediation strategy, along with its implementation and verification be attached to the decision notice. This is to accord with Policy LP53 of the Kirklees Local Plan and the aims of Chapter 15 of the NPPF.
- 10.105 With regard to the West Yorkshire Low Emission Strategy, a condition is recommended, requiring the provision of an electric vehicle charging point for each dwelling. Technical details of the chargers to be submitted would be required at the discharge of condition stage. This is to support Policies LP20, LP24 and LP47 of the Kirklees Local Plan and Chapters 2, 9 and 15 of the NPPF.
- 10.106 Lastly, Environmental Health officers have requested the submission of a Construction Environmental Management Plan prior to any works taking place. This should include but is not limited to; timetable of works, vehicle sizes, routes, movements, parking during construction, details and the location of signage, details of measures to control and monitor the emission of dust and dirt during construction etc. A footnote is also required to set out that no noisy construction shall be undertaken outside of the hours of 07.30 to 18.30 hours Mondays to Fridays 08.00 to 13.00 hours Saturday, with no noisy activities on Sundays or Public Holidays. This is to accord with Policy LP24 and LP52 of the Kirklees Local Plan and the aims of the NPPF.

Other matters

Crime prevention

- 10.107 The Council's Designing Out Crime Officer has been formally consulted as part of this application. The Officer has raised no objection to the proposed layout however, has requested that a condition is attached to the decision notice in the case of an approval, requiring the security measures for the site be attached to an approval. This should include boundary treatments, lighting, window and glazing details, doors and locking systems, CCTV and alarms and cycle and motorcycle storage. This is to accord with Policy LP24 (e) of the KLP.

Representations

10.108 As a result of the above publicity, 32 representations have been received by 22 individuals/local residents at the time of writing. Most of the matters raised have been addressed within the report. However, officers have provided a brief response to the concerns raised below:

Visual amenity and heritage:

- The gables with peaks on the front of plot 1-7 don't fit with the character of the conservation area and is not seen elsewhere.
- Concern regarding the height, style, roof pitches of the new dwellings.
- Our ancient hillsides do not need the blight of even more housing developments.
- There are no four storey dwellings within the area and the design is not in keeping. The majority are three storey. For properties to be in keeping with the existing properties in the conservation area, detached properties should be no more than two stories and semi-detached or terraced properties should be no more than 3.
- At 14.5 metres above existing ground level, plot 1 (plot 2 is nearly as tall) would be substantially taller than any other residential houses in the area. As narrow, detached properties their proportions are further out of character with the area.
- Three storey dwellings will be over-bearing, especially the larger plots 1 – 7.
- All of the three storey dwellings in the area are semi-detached or terraced. The only exception to this is Millbarn, which is adjacent to this plot, but Millbarn is a former commercial property, is a listed building and to a very different style and proportion to the dwellings in this proposal.
- The façade treatment to the front and rear of the property lacks character and does not fit within the conservation area.
- It is fair to say that the proposed designs are not sympathetic or characteristic to the existing properties within the Conservation Area. There are no current similar designs of these types of buildings and indeed the previous application was significantly more sympathetic (after the requirements that Kirklees placed on it for the type of building materials to be used) than this current one.

Comment: These concerns have been noted and significant amendments have been sought to create an acceptable housing mix and design. A full assessment can be found within the committee report. However, the main amendments include, two and three storey properties, a design to sympathise with surrounding built form, both in terms of elevational treatment and height. As such, officers and heritage officers consider the development to have an acceptable visual impact on the surrounding built form and the nearby heritage assets.

- The site is within a conservation area and if these houses are allowed, there will be far less old houses than there are new.

Comment: This has been noted.

- This area of Golcar is already overdeveloped, especially the area surrounding the proposed development. Kirklees local plan promotes; “the use of brownfield land to meet development needs and support the regeneration of areas”. Policy LP 3 also states; “ensuring that opportunities for development on brownfield (previously developed) sites are realised”. Thus the need for housing can be met on more suitable brownfield sites.

Comment: The site is allocated for housing within the KLP.

- The site plans show concrete roof tiles which are out of character for the area, slate should be used instead especially because the houses sit into the hillside which forms a significant part of character area. Views from Wellhouse/Share Hill would be impacted if the wrong material is used.
- We are much happier with the design of this proposal, more appropriate style of building for the Conservation Area. But we object to Concrete Interlocking Tiles for the rooves, this is a Conservation Area and the materials should be sympathetic to the existing buildings especially the listed building and as such should be at minimum Blue Slate tiles.
- Materials should be in keeping with the Conservation Area. The dwellings should be constructed from reclaimed natural stone, timber conservation windows. Concrete roof tiles are not suitable in the conservation area.
- **Comment:** This concern has been noted, however KC Conservation and Design have raised no objection to the principle of concrete tiles, due to the cost implications associated with natural slate, however, this would have to include a high quality imitation. As such, samples would be required and these must be agreed with the LPA, prior to their use. Walling materials would include natural stone.
- The proposal would have an undesirable impact on the conservation area.
- The area is deemed a 'conservation area' for a reason. It is to conserve the character of the area and its historic interest. This can't be done by adding loads of new houses.
- This development will be built within a conservation area, recognised for the contribution it makes to the cultural heritage of the locality. This land forms the foreground to views of the conservation area of Golcar from Wellhouse and the Colne Valley.
- Speaking from a heritage point of view, this application is within a Conservation Area and is adjacent to a Listed Building of significant size and the current design and layout will have a negative effect on the area and are not consistent with others in the Conservation Area and do not meet the stated requirement by the Council in granting outline planning permission for the development in that “the properties must be of a layout appearance scale and landscaping proposals that would maintain significance of the conservation area and that such details would be required to have regard to the character and appearance of the Conservation Area and to draw a reference to the Conservation Area Appraisal”.

- The updated proposals do not take into account Historic England's comments.

Comment: Officers acknowledge that the site is within Golar Conservation Area and adjacent to a number of listed buildings and therefore KC Conservation and Historic England have been consulted. Given the amendments sought the initial concerns raised by the aforementioned consultees has been overcome, subject to conditions being attached to the decision notice. As such, officers do not consider the development to harm the setting of the heritage assets.

Residential amenity:

- The new application incorporates up to 4 storey buildings on very substantial footings (Plots 6 – 10) which all contributes to having a severe impact on the current housing and a much greater loss of privacy.

Comment: Given the amendments sought, there would be no 4 storey dwellings and only the rear elevations of plots 1 – 7 would be three storey in height. As such, this would help retain acceptable levels of privacy for neighbouring properties.

- Loss of view.

Comment: This is not a material planning consideration.

- The proposals do not take into consideration the overlooking of existing dwellings on Clay Well, Small Lane and Fullwood Drive. The proposed sections do not show how these properties will be impacted. The sections need to be updated to include 33 – 43 Clay Well. The sections do not include any proposed levels. This is concerning as the developer could have free reign with regards to the built levels of the properties.

Comment: These concerns have been noted and sections plans have been submitted as part of the amended scheme. A full assessment upon the properties at Clay Well can be found within paragraph 10.57 of the committee report.

- The proposals will impact on neighbouring natural light.
- Impact on neighbours' gardens from the built form.
- Concerns regarding overlooking onto existing neighbouring properties.

Comment: A full assessment upon neighbouring amenity can be found within the report above within reference to paragraphs 10.51 – 10.59.

- The development does not comply with the separation distances set out within the SPD.

Comment: Officers consider the development to accord with the SPD, as set out within paragraph 10.54 of the committee report.

- House types C and D look too small, this should be reviewed against the space standards.

Comment: All the house types either comply or exceed the Nationally described space standards.

Highways safety and access

- Existing health and safety concerns in the area in relation to highway safety.

- The surrounding roads are totally unsuitable for the development.
- Victoria lane is steep and the exit from Fullwood Drive is tight. Victoria lane is heavy with traffic at school times and dangerous without building traffic adding to the traffic.
- The roads leading to and from these houses are not fit for heavy use.
- Access via Hillcrest where existing infrastructure has already been placed would be more suitable as recommended by Kirklees Highways. Clay Well/Small Lane operate as one lane in parts, more traffic is not acceptable. This is also applicable on Fullwood Drive where on street parking is fundamental to the residents but also would restrict access.
- As you go down Victoria Lane it is cobbled which is a fundamental character material of Golcar but not suitable for more vehicle traffic.
- As previously pointed out in previous applications the access to the plot from Fullwood Drive would present a lot of additional dangers to the residents of Clay Well and Small Lane as the traffic heading up to the village would naturally snake through these tiny roads, so too would the increased volume of daily delivery vehicles. It would be much better if the application was accessed by Carr Top Lane, a view that is also shared by Jamie Turner, Principal Engineer for Kirklees Council.
- An increase in housing will mean more pedestrians on these narrow dangerous roads.
- This planning application shows the roadway continuing through this estate of new houses from Carr Top Road up to Fullwood Drive, which was designed as a cul-de-sac and families have for 40 years allowed their children to play out in safety. Any attempt to use the cul-de-sac as an access road would be entirely unsuitable and dangerous. There could potentially be a further 100 plus cars using this cul-de-sac every day. The road is single track and impassable if householders park outside their homes. Also the road surface was not laid to be a main road and is off Victoria Lane which is very steep.
- Highway surveys tend to be done in the car when there aren't as many cars about.
- A much better alternative would be to access the plot through the 2 developments (1 currently built 2018/92848 and 1 currently in planning ref 2021/91384) that are accessed off Carr Top Lane which is a much more usable road for passing traffic. This would also involve creating a road over a current public footpath and would ironically ensure the footpath would be safer. Also any parents utilising the facilities of the local schools and nurseries in the village would likely take these shortcut routes and further compound the Health and Safety issues at the very peak times of traffic and congestion.
- Winter in Golcar is hills of ice and snow, and therefore adding additional cars is likely to cause damage to property and make the road conditions worse.
- The junction of Carr Top with Church St is a particular concern with only one passing place (the entrance to a private drive) and with drivers regularly reversing back down or even more dangerously, reversing back into the traffic on Church Street, a procedure that must be done blind due to the steepness of the slope.
- The access off Fullwood Drive onto Victoria Lane offers very poor visibility. It's dangerous.
- Victoria Lane and Fullwood Drive are not suitable. These roads are already at capacity. Fullwood Drive already has 21 dwellings along it.

- Victoria Lane is a steep ungritted road which is not accessible in bad weather.
- It would be more suitable for the development to be accessed from the East off Car Top Lane, through the newly built houses which form Hillcrest View. However the access from Car Top Lane is also overused and not suitable for the existing number of vehicles which drive and park along this road.
- The roads leading to Golcar village, to Brook Lane and to schools and doctors surgery have no pavements or footpaths and can be dangerous to children walking to school, or visits to the doctor. An increase in housing will mean more pedestrians on these narrow dangerous roads.
- There are existing problems with Small Lane and Clay Well which would only get worse with this development.
- Adding more traffic to the school runs can only worsen the Health and Safety issues.
- The application states “The development would give rise to a minimal number of peak hour vehicle movements causing negligible impact to the highway network.” This is a statement with no evidence to back it up. If you were to observe the traffic patterns in current existence on Fulwood Drive it would be very quick to demonstrate the statement has no validity.
- No matter how well served the location is with a fantastic bus route and local schools, these do not stop people from regularly driving to the shops and the schools.
- The roads are already almost impossible to drive down without coming up against another car and having to reverse right back down narrow roads, with no passing places. Adding further traffic of not just people who live in the area, but delivery trucks and visitors, will make the roads absolutely impossible.
- Damage to properties from car accidents in bad weather.
- I have burst a tyre before now on a raised man hole cover after it became exposed when cobble stones were worn away through water running off the hills, which is still not fixed.
- We have already had substantial housing developments on land off Carr Top Lane despite the inadequacy of this road. By granting permission for the development off Fullwood Drive, the driving nightmare would only increase.
- There are serious safety issues due to the fact that the general infrastructure in the area cannot cope with additional demand.
- No doubt the road will need digging up for this development to take place and gain access to water/electricity.

Comment: Full highways comments can be found within the committee report, however, officers would like to add that the site is allocated for housing within the Kirklees Local Plan, whereby outline permission granted access from Fullwood Drive. Nonetheless, appropriate conditions to mitigate some of the concern would be required. These include a construction, access management plan and road surveys for example. A contribution towards sustainable transport measures would also be secured via the S106 agreement, whereby the future occupiers should be offered metro cards upon occupation.

- There is a constant struggle with parking at Fullwood Drive. Residents park on the road (due to existing parking provisions) leaving issues with access. The proposals remove parking spaces from the end of Fullwood Drive and this will add to the strain.
- There are already a significant number of cars which park on Fullwood Drive and this is already a hazard.
- Parking provisions on site do not seem adequate. 2 bed properties have been given 1 space and 3 bed properties have been provided 2 spaces. It's likely more parking provisions will be required on site, as most 3 bed dwellings have 3 cars.
- Lack of visitor parking.
- As many of these are three and above bedroomed houses it is likely that as time goes by and the children brought up within them will each get cars and the roads ever more populated. This exact outcome can be witnessed on Bobbin Close in Golcar where some of the properties now have 5 cars. This is unsustainable within this very specific landscape.

Comment: The application site has been designed to ensure that adequate parking and visitor parking is provided. This would mitigate any future impact upon Fullwood Drive, as officers acknowledge that some residents do currently park on street.

- Emergency vehicles may find it difficult to get through.
- Does not appear to be suitable turning for a refuse vehicle or fire engine.
Comment: The site has been designed to an adoptable standard to allow for access from the emergency services and for refuse collection.
- The land owned by the owner is not fully adjacent to the existing road at Fullwood, the boundary slips down to the south meaning vehicle access would have to come down in front of no.20 Fullwood, on street parking here is common as such access unsuitable.
- Fullwood Drive is a cul-de-sac which has a metre wide strip of land called a 'ransom strip' at the head of the turnaround, which is owned jointly by the owners of numbers 20 and 21. No one has any right to use Fullwood Drive as an access road to what will be Phase 3 of a plan
- to build a massive housing estate.
Comment: This has been noted, however, the access would adjoin the adopted highway and would appear as a continuation of Fullwood Drive (including the existing footpath). Any private rights of land ownership is not a material planning consideration.
- A lack of bin stores and presentation points.
Comment: Adequate bin storage and presentation points have been provided. Temporary bin storage details will be conditioned.

Ecological concerns (including trees):

- The builders are not considerate. They ripped down trees during the nesting period. The birds were very distressed. I believe it is illegal to disturb birds during nesting?
- They have demolished the pond. There were newts in the pond. Not anymore.

- They tore down the trees without permission. There are bats living and nesting in and around the field. I have not seen any bats since development started.
- The contractors have returned this year. All the tree remains have been shredded to pulp. The vast majority of trees were established trees. The site is prepped for development before the plans are passed.
- We are already highly disappointed from the works that were carried out in the field without any notice on the 20th October 2020, they came into the field with a digger and destroyed the natural habitat that was home to an abundance of the above animals and birds. On 20 September 2021, machinery was again moved onto this land to clear shrubland and shred any tree remains.

Comments: These concerns have been noted and no development should begin, until formal planning permission has been sought. If residents are concerned regarding any unauthorised works, they should contact KC Planning Enforcement. Alternatively, if residents believe that an offence has taken place under the wildlife and countryside act (1981 as amended), concerns should be raised with the police, as this is outside the remit of planning. Protected species will be protected under the construction, access management plan for biodiversity.

- Item 10 states there are no trees and hedges – but despite a massive land clearance earlier in the year there are still a considerable number of trees and hedges so the application is incorrect and what about the trees they were required to retain last time?

Comment: The application form should state that there would be some trees lost as part of this development, however, these would be replaced within the landscape scheme for the development.

- This area is very important for bats on or near the development site. However, ever since the digger came on Tuesday 20 October 2020. I have not seen a single bat – they have gone entirely.

Comment: Measures to protect these species are required as part of this application, and have been set out within the EclA.

- There are invasive plants in the field. I am concerned that the this will not be treat appropriately.
- Work should not begin until the invasive plants/specifies are removed.

Comment: Any invasive species and details regarding their removal would be secured under the construction environmental management plan condition.

- The habitats onsite (namely the wooded areas) make up part of the conservation area character of Golcar and have significant amenity value to local residents. It is unclear of the intentions of the developer regarding landscape and biodiversity, as documents contradict one another.

Comment: The development is seeking to sustain the character of the conservation area, by providing adequate landscaping and habitats to enhance biodiversity where possible. Conditions have been requested to acquire further detail should planning permission be granted.

- No new trees are shown on the most recent proposals and but 11 were shown on the old plans. The Arb Impact shows 20 trees lost, I believe a ratio of 3:1 is recommend so at least 60 quality new trees should be planted.
- This planning application needs redesigning to include the trees already there. There are some trees of high capacity value in the middle. Mitigation is not acceptable because of the length of time it takes to grow young trees or saplings. We're in a climate emergency every tree counts.
Comment: The submitted site plan shows 10 new native trees to be planted, along with shrubs and a wildflower meadow. Trees to the sites perimeter and within the site itself would be retained where possible. Further details of any new trees, their species and density would be required as part of a future discharge of condition application.
- The Biodiversity Impact Assessment is based on the PEA undertaken in 2017 and thus a new PEA is needed to obtain an up to date Biodiversity Gain/loss measurement, it is also based on 8 dwellings. The biodiversity loss if not acceptable in relation to climate change and LP24 of the KLP.
- I would like to see the updated ecology reports.
- As noted within the consultee comments by Yorkshire Wildlife Trust the proposal results in a 40% loss of Biodiversity. Policy LP-24 of the Kirklees Local Plan states; “development contributes towards enhancement of the natural environment, supports biodiversity and connects to and enhances ecological networks and green infrastructure”. A loss in biodiversity goes against this policy.
Comment: An up to date EclA has been undertaken, to include the two additional houses and correct BNG calculations. This has been reviewed by KC Ecology in their comments have been outlined within the committee report above.
- The latest government proposals are that everyone should be within 15 minutes of a green space - this is a perfect example of a natural green space being destroyed. This land and hillside is a natural wild area and the habitat of many species of birds and wildlife.
Comment: This has been noted and KC Landscape have confirmed that there is public open space within a 15 minute walk from this site, which will be enhanced via a financial contribution from the developer of the site.
- We need to preserve our wildlife corridors.
- Impact on an highly active bird population.
- I often see wild deer and beautiful animals should be encouraged.
Comment: These comments have been noted.
- The site does not provide any natural greenspace.
Comment: This has been noted and given the size and constraints of the site, it has not been feasible to get any meaningful on-site POS and therefore an off site contribution is required.
- The proposed development would radically alter the natural environment that forms an essential part of the conservation area. The new plans require even less trees to be kept than the previous plans, even the larger central tree (T25-Category B) would be sacrificed to the

development. This visually detrimental scenario would also have a negative impact on the huge variety of wildlife current inhabiting the area.

Comment: This concern has been noted, however the site is allocated for housing within the KLP and therefore a balance between the delivery of the houses and the provision of tree planting and landscaping has been made.

Drainage concerns:

- The historic water, drainage and sewage system in this area was not built to cope with the amount of new drainage that will be required for this development. There is surface water running constantly in this area, there are natural springs in the field, and further development could have a big impact on this. It turns to ice in cold weather and is dangerous.
- There appears to be little mention of the current springs that exist on the plots and the potential for damage these could create the buildings as the direction of these water courses change slightly, as they do, over the course of time.
- We are already finding excess water pouring into our garden and haven't got a solution to this problem. It has arisen since the building work in the adjoining field. Building more houses will cause us more problems.
- Item 11 states there is no existing water course but there is a natural spring within the land that the developer has attempted to conceal by digging over the land but it is there and is very visible after all this rain and there are two existing culverts that run under our garden and exits into the development.
- The proposals will also create a flood risk for the dwellings to the South of the site. The site currently delays the water run-off in periods of heavy rainfall. During periods of heavy rainfall in the area flooding and severe run-off is common, the proposals will make this issue much worse, due to the large amount of hardstanding and dwellings on the site. Reducing the number of dwellings on site would help this. There has also been no reference to SUDS.

Comment: KC LLFA have been formally consulted as part of this application and their comments have been outlined within the above committee report. The information submitted, whilst limited identifies an acceptable run off rate, discharge point and shows that two attenuation tanks can be provided within the site. More technical information on these matters would be required as part of a discharge of condition application, should planning permission be granted.

General concerns:

- Fullwood Drive does not have the infrastructure to support another 10 dwellings; particularly houses of this size.
Comment: This has been noted.
- As you are no doubt aware that the building work has already started before the so called planning permission has been granted. The works canteen has already been erected at the end of our road. The works are currently illegal without planning permission.
- The field is now a dumping ground for building equipment, containers etc. It's an absolute eye sore.

- They have already broken down the stone wall at the head of the cul-de-sac and crossed the strip of land that they do not own and have no right to do. They brought in a digger and started to clear the land and then they brought a wood chipper to continue clearing the land. They have also erected a large metal fence.
- More habitats of flora and fauna not only would be destroyed, but already have been by the developers who have already driven diggers onto the land.

Comment: No development should begin until planning permission has been granted. If there is concern regarding this, Planning Enforcement should be contacted.

- The doctor's surgery is over subscribed and under review.
- Local doctors are already impossible to get appointments at, there's no dentist available, schools are full.
- Current strain on all local community resources.

Comment: Although health impacts are a material consideration relevant to planning, there is no policy or supplementary planning guidance requiring a proposed development to contribute specifically to local health services. Furthermore, it is noted that funding for GP provision is based on the number of patients registered at a particular practice and is also weighted based on levels of deprivation and aging population. Direct funding is provided by the NHS for GP practices and health centres based on an increase in registrations. Local education needs are addressed later in this report in relation to planning obligations.

- The local schools are over subscribed/over stretched.
- Comment:** A contribution towards additional school places would be sought as part of this application.

- The outline application (2017/60/93638/W) was for 10 residential dwellings and not 12 as on the latest proposals this is not acceptable. Also most of the consultation documents are based on the original proposal and thus not valid in relation to updated plans.

Comment: All new consultations have taken place, where necessary, since increasing the number of units on site to 12.

- Considering the current middle plot that is being developed adjacent to this has seen lots of complaints from neighbours that the developers have ignored the fencing locations and heights and created much severe ground works behind their properties, what assurances will be provided to ensure this does not happen here and that the groundworks will cause no slippage to the existing properties and gardens in Clay Well?
- The builders of these houses on the previous site behind Clay Well have demonstrated a clear disregard for planning permissions, they've already cleared the ground despite not being allowed due to protected newts, they knocked down a wash house from the 1800s despite the fact they had no permission, they're building houses on a higher elevation than they have permission for as they haven't flattened the land properly, destroyed land that didn't belong to them, and have erected fences above what was agreed. And they've been allowed to get away with all of it. No repercussions from the council at all.

Comment: Appropriate conditions would be attached to the decision notice, in the case of an approval, whereby it would be the responsibility of the developer to comply with these and build the development in accordance with the approved plans/information. If local residents have any concerns regarding the above and consider the development to be in breach of any conditions, KC Planning Enforcement should be contacted.

- What assurances can the Council give to better insulate the new houses.

Comment: The dwellings would need to be built in accordance with the most recent building regulations in order to ensure thermal efficiency.

- These dwellings, will not be affordable to many local people.
- The development should provide affordable/social housing.

Comment: Two affordable homes have been proposed out of the 12 dwellings. This would accord with Policy LP11 of the KLP.

- Since this has happened my view is destroyed by big piles of rubbish left behind, mature trees were cut down that have been there for as long as I can remember. They broke through the wall off of Fullwood drive removed all of the original drystone wall that created the boundary line and put up heras fencing.

Comment: This has been noted, however, the loss of a view is not a material planning consideration. The creation of a gap/access onto the site is not considered to be development in its own right, and may have been undertaken to allow for the required surveys to be undertaken. The installation of heras fencing would be to restrict any unauthorised access.

- Our privacy has already been impacted by the other houses that are across the field, I do not want more houses building next door to mine.

Comment: The site is allocated for residential development within the KLP.

- Children have always been safe to play on our road, because it's quiet and everybody knows everybody, bringing more people in is unsafe.
- There is already too much noise coming from the new houses in the other field that they have built, we don't need more houses, we need more privacy.

Comment: These concerns have been noted.

- The land in question was last used as allotments. Planning permission should not be granted to build in the field as it was still being used as allotments until very recently. I noticed that land in the Holme Valley was refused planning permission because the land is 'allotment land', although it has not been used for this purpose for several years'.
- The proposed site is noted in the land registry as allotment gardens. I believe allotments are not just beneficial to the environment but enhance protected species - thus the proposed site is not suitable for development. As this site is a green field site which has not been previously developed, the majority of nearby residents do not feel this site should be developed and the previous application for outline development has been misjudged.

- Further to this local policy states “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. Having been on the waiting list for 3 years I can confirm there is significant demand for allotments, within the local area.
- In my property deeds I have a map from H M Land Registry, dated 1981 showing the land in question as 'Allotment Gardens'. If the Land Registry knew that the land was Allotment Gardens, why is Kirklees Council not aware of the designated status of this land and it being illegal for it to be developed? Planning permission should not be granted to build in the field as it was still being used as allotments until very recently.
- Whilst the application is keen to show the purpose of Provisional Open Land allocations was to identify a reserve of land for future residential development. It has been well documented in recent years that Kirklees Council cannot demonstrate a five year housing supply and therefore try to justify the development as “It is therefore appropriate for POL sites to assist in meeting the Council’s requirement for housing” there is no mention how this will increase the benefit to the community. There is no mention of a contribution to social housing (essential for every thriving community), there is no mention of contribution towards the educational infrastructure or health services (without which the current community will suffer).

Comment: The principle of development has been set out within the committee report.

- At last the Government has realised that brown field sites should be used to build more houses on sites that have previously been developed, closer to town centres and other services and amenities.
- Although on previous applications the Council has made it clear that there is no obligation to insist on using Brown Field sites there is a preferred desire for designated brown land to be used before green land within Kirklees, have all brown field sites been exhausted before consideration will be given to this development?

Comment: The site is allocated for housing within the KLP.

- Healthy and safety risks to local residents.

Comment: Given the size of the site, it is not considered to cause any risks to the health and safety of local residents. Adequate precautions and signage should be installed before development commences to ensure the safety of the workers and the surrounding local residents.

- Lastly, no doubt the road will need digging up for this development to take place and gain access to water/electricity. This will impact all residents having access to their homes. There is no other access as you are aware, this is a cul de sac and therefore as we have experienced when the builders removed trees a few weeks back, we were asked to move our cars and large vehicles were parked up causing disruption and noise.

Comment: The digging up of the road for access to water/electricity is outside of the planning remit, however, a CEMP would be attached as a condition to the decision notice, which will identify where workers and deliveries will park within the site during the construction phase.

- No proposed plans and elevations have been provided for plots 6&7 as the drawing for house type C denotes plots 2&3, the roof layout is mirrored and not reflective of the proposed design. Also the elevation drawings do not match the site layout for plot 1. The Proposed plans, elevations and site plan do not include a scale bar. Thus consultees cannot scale these drawings. I feel an updated set of drawings should be issued and the comment period extended as this is a standard validation requirement.

Comment: The correct plans to show the house types (including the floor plans and elevations for each) have been submitted as part of this application. Each plan also includes the correct scale to which the drawings can be measured.

- Residents identified that “development should be close to employment opportunities and well-served by public transport, but should not overload existing roads, drainage systems, schools and other vital services”. It would be interesting to know what local employment opportunities these houses would be serving and certainly how they would not overload local schools.

Comment: Local jobs may be created by this development, with the dwellings having the potential to bring in new local professionals to the area and Kirklees. A financial contribution would also be provided to school places as part of the S106 agreement.

- There is no provision for a public play area yet a large area frequently used by a lot of children especially over the summer months, will be lost. Although it will be noted that this is private land and not public land, should there not be a provision to include an open play area for the benefit of the community to ensure compliance with Council policy? The development also damages the Golcar Ginnel Trail. We will lose that.

Comment: Give the size and constraints of the site, it is not feasible to provide any meaningful public open space. However, an enhancement to the local area will be made as part of this planning application. This will be secured via a S106 contribution.

Financial contributions and planning obligations

10.109 Paragraph 56 of the NPPF confirms that planning obligations must only be sought where they meet all of the following: (i) necessary to make the development acceptable in planning terms, (ii) directly related to the development and (iii) fairly and reasonably related in scale and kind to the development.

10.110 As such, the following contributions are required for this type of development.

Affordable housing

10.111 Local Plan policy LP11 requires 20% of units in market housing sites to be affordable. A 55% social or affordable rent / 45% intermediate tenure split would be required, although this can be flexible. Given the need to integrate affordable housing within developments, and to ensure dwellings of different tenures are not visually distinguishable from each other, affordable housing would need to be appropriately designed and pepper-potted around the proposed development.

10.112 To comply with LP11, the proposed development would need to provide 2 affordable housing units. These would be provided in the form of 1 x affordable rent and 1 first home. This is supported by the Council's Strategic Housing Team.

Education

10.113 Whilst the site is isolation would not require an education contribution, a wider master planning approach has been undertaken (to accord with LP5 of the KLP) given the adjacent housing allocations. The contribution is determined in accordance with the Council's policy and guidance note on providing for education needs generated by new housing. This confirms that The Local Authority's (LA) Planning School Places Policy (PSPS) provides the framework within which decisions relating to the supply and demand for school places are made. In this instance a contribution of £21,276 is required to go towards Golcar J I & N School and Colne Valley High School.

Public open space

10.114 In accordance with LP63 of the Kirklees Local Plan new housing developments are required to provide public open space or contribute towards the improvement of existing provision in the area.

10.115 An off site contribution of £26,883 is required, to accord with the Public Open Space SPD and Policy LP63 of the Kirklees Local Plan.

Management and maintenance

10.116 A management company for the management and maintenance of any land not within private curtilages or adopted by other parties and of infrastructure (including surface water drainage until formally adopted by the statutory undertaker), shall be secured via the S106.

Highways and transport

10.117 A financial contribution of £5,115 towards measures to encourage the use of sustainable modes of transport is required, to accord with Policy LP20 of the KLP.

Biodiversity

10.118 In accordance with Policy LP30 of the Kirklees Local Plan, developments are expected to demonstrate a net gain to local ecology. This is measured via the biodiversity metric and should be delivered through on-site enhancements. When sufficient enhancements cannot be delivered on site, an off-site financial contribution may be sought.

10.119 In this instance, an off-site contribution of £15,640 is required to provide a 10% biodiversity net gain.

11.0 Conclusion

- 11.1 The application site is allocated for residential development under site allocation HS153. Outline permission with access onto Fullwood Drive has been previously granted under application 2017/93638, however, this application seeks a new full permission. Nonetheless, the principle of residential development remains acceptable.
- 11.2 The site is constrained by topography, contamination, the local highway network and is located within Golcar Conservation Area and within close vicinity to a number of Listed Buildings. These constraints have been sufficiently addressed by the applicant or can be addressed at the conditions stage.
- 11.3 The proposal would not cause any undue harm to visual amenity or heritage, residential amenity, highway safety and all other material planning considerations and would provide local affordable homes alongside market housing compliant with local and national policies.
- 11.4 Full planning contributions would be secured via a S106 agreement.
- 11.5 This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval, subject to conditions and planning obligations being secured via an appropriate S106 agreement.

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

1. Three years to commence development.
2. Development to be carried out in accordance with the approved plans and documents.
3. Sample of facing materials.
4. Samples of roofing materials.
5. Details of all new windows and doors.
6. Window frames and stonework for blind windows set back into reveal by 75-100mm.
7. Details of pedestrian connection.
8. Details of proposed internal adoptable roads.
9. Submission of a CEMP.
10. Submission of road survey.
11. Permeable surfacing to all vehicle parking areas.
12. Removal of PD rights for the garages at plots 2-7.
13. Submission of full drainage details.
14. Assessment of the effects of a 1 in 100 year storm event.
15. Submission of temporary drainage for surface water.
16. Submission of a Biodiversity Enhancement and Management Plan (BEMP).
17. Submission of a CEMP (for biodiversity).
18. Details of temporary waste arrangements.
19. Details of measures to deter crime and anti-social behaviour.
20. Submission of all hard and soft landscape materials.
21. Submission of an AIP for any new retaining walls/buildings adjacent to the adoptable highway.

22. An assessment of the adequacy of the steep embankment.
23. Details of any drainage within the highway.
24. Submission of a Phase 1 Report.
25. Submission of a Phase 2 Report.
26. Submission of a Remediation Strategy.
27. Development in accordance with approved Remediation Strategy.
28. Submission of a Validation Report.
29. Details of EVCP's.
30. Removal of PD rights for ground floor openings within the western elevation of Plot 1.
31. Details of renewable energy and/or energy efficiency measures
32. Removal of PD rights within Part 1 and Class A of Part 2 of the GDPO.
33. Details of finished floor levels.
34. No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive.
35. Submission of a revised Arboricultural Method Statement.
36. Details of any additional tree works required during the construction process that are not identified within the revised Arboricultural Method Statement.

Background Papers:

Application files: <https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2021/93621>

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Certificate B signed.