
Report of the Head of Planning and Development

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 19-Mar-2020

Subject: Planning Application 2019/90925 Erection of 13 dwellings land south of, 5-25, Clay Well, Golcar, Huddersfield

APPLICANT

Dax Bradley, Brierstone
Ltd

DATE VALID

22-Mar-2019

TARGET DATE

21-Jun-2019

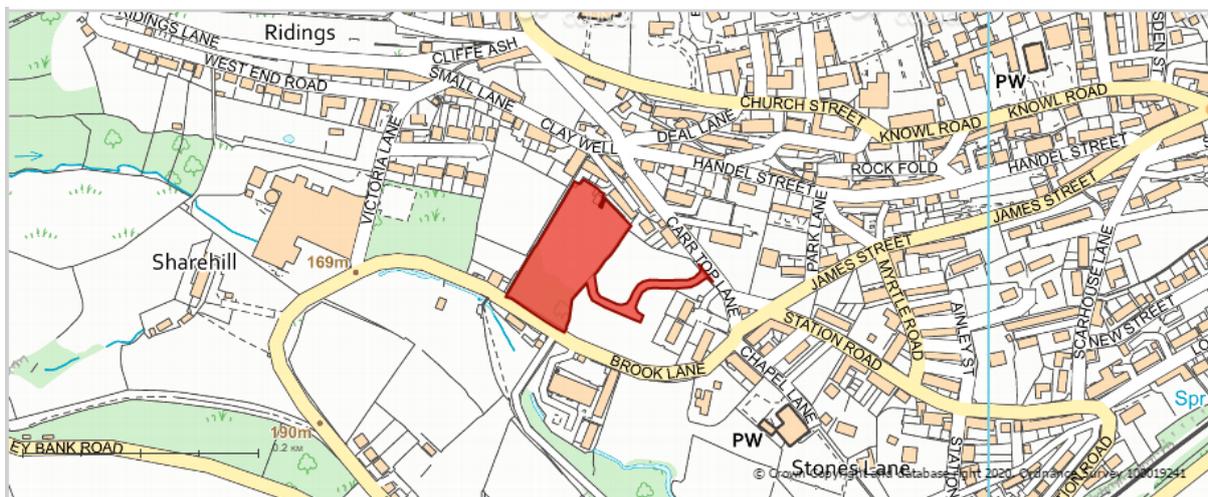
EXTENSION EXPIRY DATE

24-Jul-2019

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

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

LOCATION PLAN



Map not to scale – for identification purposes only

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 Section 106 Agreement to cover the following matters:

- 1) Affordable housing – Three affordable housing units (two affordable/social rent, one intermediate) to be provided in perpetuity.
- 2) Open space – £78,486 off-site contribution, and an additional contribution payable in the event that development comes forward at the adjacent site (site allocation ref: HS153) and the cumulative impacts of both developments require mitigation.
- 3) Education – Contribution payable in the event that development comes forward at the adjacent site (site allocation ref: HS153), the education contribution threshold (by both developments considered together) is met, and the cumulative impacts of both developments require mitigation.
- 4) Sustainable transport – 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).
- 6) Adjacent land – Agreement to allow vehicular, cycle, pedestrian and construction access to adjacent site (site allocation ref: HS153) without unreasonable hindrance.

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 13 dwellings.
- 1.2 The application is presented to the Huddersfield Sub-Committee as it relates to a site larger than 0.5 hectares in size and has attracted a significant volume of representations.

2.0 SITE AND SURROUNDINGS:

- 2.1 The application site is 0.74 hectares in size and comprises site allocation HS158 (allocated for housing) and the estate road that is under construction through the adjacent site to the east.
- 2.2 The site is within the Golcar Conservation Area. To the north 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 southwest 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 footpaths, dry stone walls and field patterns.

- 2.3 The site slopes downhill from north (approximately 190m AOD) to south (approximately 170m AOD). No buildings exist within the site's boundaries, the site has previously been in agricultural use, and is previously undeveloped (greenfield) land. Parts of the site are overgrown with self-seeded trees and shrubs, giving the site a ruderal character, although some clearance and movement of earth has recently occurred in connection with the development of the adjacent site. Tree Preservation Order 06/15/w1 protects the woodland within the southern part of the site, and the conservation area status of the site bestows protection on other trees. A Biodiversity Opportunity Zone (Valley Slopes), an SSSI Impact Risk Zone, and a Twite buffer zone cover the site.
- 2.4 A public footpath (COL/56/40) runs along the site's west boundary.
- 2.5 Land immediately to the west and east is also allocated for housing (site allocations HS153 and HS157).

3.0 PROPOSAL:

- 3.1 The applicant seeks full planning permission for the erection of 13 dwellings.
- 3.2 A new estate road is proposed as an extension to the estate road of the adjacent development (Hillcrest View, currently under construction), continuing north-westwards across the site and meeting the public footpath that runs along the site's western edge.
- 3.3 Dwellings would be arranged along this new estate road, provided as five detached houses, a pair of semi-detached houses, and in two short terraces. Nine 3-bedroom and four 4-bedroom dwellings are proposed. 12 of the proposed dwellings would have 3-storey elevations to one side, 2-storey elevations to the other. Natural stone walls and natural slate roofs are proposed.
- 3.4 No publicly-accessible open space is annotated on the applicant's drawings.
- 3.5 All dwellings would have off-street parking. Nine of the proposed dwellings would have integral garages.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

- 4.1 2017/93719 – Outline planning permission granted 14/03/2018 for residential development with details of point of access only.
- 4.2 95/90501 – Outline planning permission refused 31/03/1995 for approximately 23 residential dwellings.
- 4.3 94/93595 – Outline planning permission refused 10/01/1995 for approximately 23 residential dwellings.
- 4.4 The adjacent site to the west was granted outline planning permission for residential development (with details of access) on 14/03/2018 (ref: 2017/93638).

4.5 The adjacent site to the east was granted outline planning permission for residential development on 09/09/2015 (ref: 2015/90507), and reserved matters approval for a 19-unit scheme was subsequently granted at appeal on 14/11/2019 (refs: 2018/92848 and APP/Z4718/W/19/3229696). That scheme is currently under construction.

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

5.1 During the life of the current application, the applicant submitted amended site layout plans, floor plans and elevations, vehicle tracking diagrams, and additional information related to drainage and flood risk.

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 27/02/2019).

Kirklees Local Plan (2019):

6.2 Site allocation HS158 relates to 0.64 hectares (gross) / 0.43 hectares (net, excluding the mixed deciduous woodland), sets out an indicative housing capacity of 14 dwellings, and identifies the following constraints:

- Part of the site contains Habitats of Principal Importance.
- Public right of way runs along the western boundary of the site.
- The 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 – Masterplanning 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
LP23 – Core walking and cycling network
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
LP50 – Sport and physical activity
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:

6.4 Relevant guidance and documents are:

- West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance (2016)
- Kirklees Housing Strategy (2018)
- Kirklees Strategic Housing Market Assessment (2016)
- Kirklees Interim Affordable Housing Policy (2020)
- Kirklees Joint Health and Wellbeing Strategy and Kirklees Health and Wellbeing Plan (2018)
- Kirklees Biodiversity Strategy and Biodiversity Action Plan (2007)
- Negotiating Financial Contributions for Transport Improvements (2007)
- Providing for Education Needs Generated by New Housing (2012)
- Highways Design Guide (2019)
- Waste Collection, Recycling and Storage Facilities Guidance – Good Practice Guide for Developers (2017)
- Green Street Principles (2017)
- Golcar Conservation Area (character appraisal) (undated)

Climate change

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

National Planning Policy and Guidance:

- 6.5 The National Planning Policy Framework (2019) seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of the proposal. Relevant paragraphs/chapters are:

- 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
- Chapter 17 – Facilitating the sustainable use of materials.

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

6.7 Relevant national guidance and documents:

- National Design Guide (2019)
- Technical housing standards – national described space standard (2015, updated 2016)
- Fields in Trust Guidance for Outdoor Sport and Play (2015)

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 three site notices posted on 29/03/2019, an advertisement in the local press dated 12/04/2019, and letters delivered to addresses adjacent to the application site. This is in line with the council's adopted Statement of Community Involvement. The end date for publicity was 07/05/2019.

7.3 35 representations were received from occupants of neighbouring properties. The following is a summary of the points raised:

- Objection to principle of development at this site. Development here was previously rejected. Houses already being built elsewhere. Affordable homes should be built in more suitable locations instead. Brownfield sites should be used instead.
- Proposed development would bring no public benefit and is speculative.
- Overcrowding of Golcar.
- Site is green belt land and should not be built on.
- Golcar's green spaces are being eroded.
- Harm to character of Golcar. Charm and atmosphere of Golcar has already been harmed by development. Golcar becoming a commuter village.
- Harm to conservation area.
- Harm to setting of adjacent listed buildings.

- Landscape harm. Site forms foreground to views of Golcar from Wellhouse and the Colne Valley. These views (which also take in listed buildings, the Colne Valley Museum, St John's Church and many weavers cottages) would be ruined.
- Proposed dwellings not in keeping with local vernacular. Crudely-designed detached and semi-detached houses wouldn't respect early 20th century terraced housing. Grey materials inappropriate. Wrong, cheap and artificial materials being used on adjacent site. Houses on adjacent site are too big, obtrusive, overstated and ostentatious. South boundary wall of adjacent development is a monstrosity.
- Protected washhouse exists on the site.
- Proposed dwellings would not be eco-friendly or carbon neutral. Increased carbon emissions.
- Loss of trees and shrubs. Trees already felled. In light of the climate crisis, trees should be planted and not cut down. Loss of trees contrary to conservation area appraisal. Trees needed to maintain oxygen levels.
- Loss of wildlife habitat. Impact on bats. Query if bat survey carried out. Deer seen in February 2019. Other species are present. Development is contrary to statutory duty to conserve and enhance biodiversity.
- Site's geology should be conserved.
- Pesticides should not be used to clear site's vegetation, as this has already damaged adjacent fruit trees.
- Site is needed for drainage. Loss of vegetation and covering land with hard surfaces would adversely affect drainage. Increased flood risk to James Street. Natural springs would be compromised.
- Loss of amenity to existing residents.
- Increased noise and disturbance.
- Increased air pollution.
- Loss of privacy at 1 to 25 Clay Well.
- Loss of natural light.
- Loss of views from neighbouring properties.
- Proposed dwellings would not be affordable. Housing problems would not be solved.
- Highways concerns. Increased traffic and congestion. Conflicts between road users, and increased risk of collisions. Lanes lack footways, and are heavily parked. Danger to pedestrians, including schoolchildren. Near misses have occurred on local narrow lanes. Carr Top Lane is steep, is a rat run, and is in poor condition. Existing problems would be exacerbated. Local roads were not designed for this amount of development. Emergency services already struggle to access properties. If approved, Section 106 funding should be used to resolve existing problems, with traffic and speed control measures to Carr Top Lane. Carr Top Lane is already at capacity. Carr Top Lane should be made one-way. Parking inadequate in nearby streets. Independence of road traffic survey questioned.
- Adverse impact on ginnels and snickets of old Golcar.
- Local residents' bins are not emptied.
- Disturbance, dust and road closures during construction.
- Infrastructure of Golcar cannot cope. School and doctor services inadequate.
- Cumulative impacts of Swallow Lane and Leymoor Road developments will cause adverse impacts.
- Adjacent development had to be stopped due to structural concerns.

- Impact on property values.
- Consultation event has been arranged at an inconvenient time during weekday working hours.
- Approval of development is already a done deal.
- Developer should pay compensation to residents.
- Support for application. No fatalities have occurred on Carr Top Lane. Parking has been an issue for decades, residents park where they see fit, and create the problems themselves. Potholes can be found on most streets. Site is overgrown and has nothing of worth. Deer never seen in Golcar. No problems getting doctor appointment. Local school is not oversubscribed. Residents of new development may already be Golcar residents, and not all will have children or require medical attention. Dwellings would add to local beauty and local economy.

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

7.5 Amendments made, and additional information submitted, during the life of the application did not necessitate public re-consultation. The amendments to the typologies and orientation of the proposed residential units do not have significant implications for neighbour amenity. Local re-consultation is not normally considered necessary when technical supporting information is submitted by applicants.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

KC Highways Development Management – Proposed development is acceptable in highways terms, subject to conditions. Proposed layout is of a similar design to the adjacent scheme. Proposed development, including forward visibility and gradients, must be in accordance with the Highway Design Guide SPD – this will be addressed at conditions stage. Adequate tracking for an 11.85m refuse collection vehicle has been demonstrated. Adequate off-street parking would be provided for a development of this scale. Conditions recommended regarding surfacing and drainage of parking areas, details of internal adoptable roads, and details of waste storage and collection.

KC Lead Local Flood Authority – Recommend approval. Applicant has provided further information regarding the proposed flow route in the event of drainage failure. These details are considered satisfactory. No conditions necessary.

8.2 Non-statutory:

Yorkshire Water – (comments dated 16th April 2019) In accordance with the water disposal hierarchy, applicant must provide evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical before considering disposal to the public sewer. Only as a last resort (and subject to providing satisfactory evidence as to why other methods have been discounted) curtilage surface water may discharge to the public sewer network. This must be restricted to 3.5 litres per second. A watercourse exists to the south of the site and appears to be the obvious option for sustainable surface water disposal. Recommend condition requiring separate systems of foul and surface water drainage.

KC Biodiversity Officer – Cannot support proposals, as it has not been demonstrated that the proposals are in accordance with Local Plan policy LP30. Applicant has only submitted a Preliminary Ecological Appraisal (PEA), which includes recommendations for further survey. PEA does not include the results of an ecological records search. Based on the applicant's information, it is not possible to assess the application against biodiversity policy. It is not clear if significant ecological harm will occur, or whether a biodiversity net gain would be achieved. Ecological Impact Assessment (EclA) required.

KC Environmental Health – Five conditions recommended regarding site contamination. Condition recommended to secure provision of electric vehicle charging points. Condition recommended regarding dust suppression. Advice provided regarding site contamination and construction noise.

KC Landscape – £78,486 off-site open space contribution required. Golcar ward is deficient in all open space typologies.

KC Strategic Housing – 20% affordable housing provision required. On-site provision is preferred. In the Kirklees Rural West area there is a significant need for affordable 1- and 2-bedroom homes, as well as 1- and 2-bedroom affordable homes specifically for older people. Kirklees works on a 55% social/affordable rent / 45% intermediate split, although this can be flexible. If the applicant could not consider including some affordable 1- and 2-bedroom dwellings, a financial contribution in lieu of three affordable dwellings would be appropriate.

KC Trees – Golcar Conservation Area provides protection to all trees over 75mm diameter, and some trees are protected by Tree Preservation Order 06/15/w1. Proposed development would impact upon many trees, including all the trees north of the site's woodland. Applicant's tree information provides a useful baseline assessment, however it is not clear to what extent the tree stock would be affected by the proposals. Concern regarding the proposed levels, and how these would be achieved in close proximity to retained trees. Concern regarding driveways in relation to trees. These matters would need to be addressed in an Arboricultural Method Statement, to enable the full impact of the proposals to be assessed.

West Yorkshire Police Crime Prevention Design Advisor – no objection in principle. Public footpath between Clay Well and Brook Lane provides an easy point of access and an ideal escape route for offenders. Units 1 to 6 would have a rear boundary to the woodland which leads to the footpath. Rear gardens should be overlooked by neighbouring properties. 1.8m high rear boundary treatments and plot dividers recommended. Trellis recommended to top of fencing. 1.8m high lockable gates recommended. Detailed guidance provided regarding lighting, doors and windows, car parking, garages and cycle storage, and alarms.

9.0 MAIN ISSUES

- Land use and principle of development
- Sustainability and climate change
- Design and conservation
- Residential amenity and quality

- Affordable housing
- Highway and transportation issues
- Flood risk and drainage issues
- Trees and ecological considerations
- Environmental and public health
- Ground conditions
- Representations
- Planning obligations
- Other matters

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 sets out a minimum housing requirement of 31,140 homes between 2013 and 2031 to meet identified needs. This equates to 1,730 homes per annum.
- 10.3 The site comprises site allocation HS158 (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 (ref: 2017/93719, granted 14/03/2018).
- 10.4 The site is not designed as Urban Green Space or Local Green Space in the Local Plan, but is greenfield land, and was previously in agricultural use and designed as Provisional Open Land in the superseded Unitary Development Plan. Allocation of this and other greenfield sites by the council was based on a rigorous borough-wide assessment of housing and other need, as well as analysis of available land and its suitability for housing, employment and other uses. The Local Plan, which was found to be an appropriate basis for the planning of the borough by the relevant Inspector, strongly encourages the use of the borough's brownfield land, however some development on greenfield land was also demonstrated to be necessary in order to meet development needs.
- 10.5 The 13 dwellings proposed would contribute towards meeting the housing delivery targets of the Local Plan.
- 10.6 An Ordnance Survey map dated 1955 annotated part of the site as "Allotment Gardens", however that use has ceased, and aerial photographs do not show any cultivation in recent years (unlike at the land to the west, where some cultivation was evident in 2012). At the time the previous application for this site was considered, limited weight was attached to this previous use of part of the site. Officers noted that the site was 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.

Sustainability and climate change

- 10.7 The applicant's submission documents do not explain how the proposed development would help to address or combat climate change effects. Officers note, however, that 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 or via a Section 106 agreement, 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. Drainage and flood risk minimisation measures will need to account for climate change.
- 10.8 The application site is 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.
- 10.9 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.
- 10.10 Further reference to, and assessment of, the sustainability of the proposed development is provided later in this report in relation to transport and other relevant planning considerations.

Design and conservation

- 10.11 Chapters 11, 12 and 16 of the NPPF, and Local Plan policies LP2, LP5, LP7, LP24 and LP35 are relevant to the proposed development in relation to design and conservation, as is the National Design Guide.
- 10.12 Section 72 of the of the Planning (Listed Buildings and Conservation Areas) 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.
- 10.13 The site and its context have a relatively high degree of townscape, landscape and heritage sensitivity, due to the site being located within the Golcar Conservation Area, its hillside location, and its visibility from the other side of the subsidiary valley that runs northwest-southeast between Golcar and Wellhouse.
- 10.14 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.

- 10.15 Another notable aspect of the Golcar Conservation Area is the orientation of many of its buildings. Within the conservation area, many streets including Ridings Lane, West End Road, Small Lane, Handel Street and Church Street follow the contours of the hillside, so that where the slope runs north-south, these streets run east-west, and the buildings on these streets are similarly aligned in accordance with the topography. This pattern of development is particularly noticeable from public vantage points including along Copley Bank Road on the other side of the subsidiary valley between Golcar and Wellhouse. Although some buildings within the conservation area do not follow this pattern of development, and have massing that stands perpendicular to the contours of the hillside, these are exceptions, and the predominant pattern (which influences the character of the conservation area) is of buildings that are aligned with the east-west streets.
- 10.16 Of note, although three dwellings set perpendicular to the site's slope were recently granted planning permission at the adjacent site (refs: 2018/92848 and APP/Z4718/W/19/3229696), the majority of dwellings in that 19-unit scheme would be more respectful of the hillside's predominant pattern of development.
- 10.17 For the current application, the applicant's Design and Access Statement only briefly refers to the relevant conservation area character appraisal, and does not refer to the orientation of existing buildings on this hillside. The applicant appears not to have referred to the officer assessments set out in the committee reports for applications refs: 2017/93719 and 2017/93638, both of which called for "An improved design, with a layout that responded positively to the buildings to the north (including the predominant east-west orientation of buildings along the village's hillside lanes...).". The current applicant, as a result, initially proposed built elements that would have been set perpendicular to the site's slope and to the massing of the majority of existing buildings within the Golcar Conservation Area, which would not have reflected the adjacent predominant patterns of massing and orientation, and would have caused harm to the conservation area's character and appearance.

- 10.18 In response to officer advice, the applicant submitted amended proposals during the life of the current application. Unit 4 and 5 (previously proposed as two detached dwellings) are now proposed as a semi-detached pair. Unit 6 to 11 (previously proposed as three pairs of semi-detached dwellings) are now proposed as two short terraces (each of three dwellings), which is more reflective of the terraces of dwellings further up the hillside. Elevations and roof forms have been reoriented to respond to the adjacent predominant patterns of massing and orientation. The applicant also rotated and nudged units to give the development's layout a less regimented appearance.
- 10.19 The proposed three-storey elevations are considered acceptable. Southwest-facing three-storey elevations already exist nearby at 41 and 43 Carr Top Lane and elsewhere on this hillside, and three-storey elevations have been approved for dwellings at the adjacent site to the east (refs: 2018/92848 and APP/Z4718/W/19/3229696).
- 10.20 As a result of the changes made by the applicant during the life of the current application, the proposed development is now sufficiently reflective of the predominant patterns of development on this hillside. The proposed massing and grain would be an acceptable response to the site's context. Although the relevant character appraisal notes that there are few detached properties within the conservation area, the proposed five detached dwellings are considered acceptable, given their location, the surrounding trees to be retained, and the terraced and semi-detached dwellings proposed as part of the same development.
- 10.21 Although the application site's challenging topography will necessitate some levelling to enable the creation of development platforms and the provision of acceptable gradients along the proposed estate road, this would be relatively limited, and changes in levels would be largely accommodated through the use of differing front and rear elevation heights (most south-facing elevations would have three storeys, while most north-facing would have two), reducing the need for excavation and retaining walls. This is considered to be an appropriate response to the site's challenges, as developers are normally expected to work with a site's existing topography, rather than radically reshape it.
- 10.22 Local Plan policy LP5 (regarding masterplanning) is relevant to this application, not least because land immediately to the east and west is also allocated for housing. Local Plan policy LP7 is also relevant, and states that, to ensure the best use of land and buildings, proposals must allow for access to adjoining undeveloped land so it may subsequently be developed. Paragraph 6.41 of the Local Plan states that the council will continue to positively support measures to ensure the best use of land and buildings, including through the application of relevant policies to ensure land is not sterilised for development.
- 10.23 Although the adjacent allocated site to the west (ref: HS153) can be accessed from Fullwood Drive (as was approved by the council under outline permission ref: 2017/93638), access from the east (via Hillcrest View and Carr Top Lane) would be preferable in highways terms, as traffic would not have to negotiate the gradients and other challenges of Victoria Lane. Highways Development Management officers have confirmed that the recently-constructed Hillcrest View / Carr Top Lane junction can indeed accommodate the expected traffic of allocated sites HS153, HS158 and HS157.

- 10.24 To address these concerns, and to help avoid creating a ransom strip scenario, the applicant has agreed to extend the proposed estate road to the site's western edge (where it would meet the adjacent public footpath), and to build this road to an adoptable standard. In addition, an appropriate obligation (to be secured via a Section 106 agreement) is recommended, requiring to applicant to allow vehicular, cycle, pedestrian and construction access to site ref: HS153 without unreasonable hindrance.
- 10.25 With regard to crime prevention, it is noted that units 6 to 12 would partly complete a perimeter block with 5 to 25 Clay Well. Limiting exposure of rear gardens to public access in this way would reduce opportunities for unauthorised access and burglary. There would, however, be parts of the proposed development where garden fences abut the adjacent public footpath (COL/56/40) – here, careful design of boundary treatments and defensive planting will be necessary. Units 5 and 6 would present several windows (including windows of habitable rooms) to the adjacent footpath, which would provide welcomed natural surveillance of this north-south route. Other than the woodland area that forms the southern part of the site, no outdoor areas would be outside garden curtilages, so that there would be no ambiguous, leftover spaces at risk of anti-social behaviour such as fly-tipping. A condition related to crime and anti-social behaviour prevention measures is recommended. The recommended condition relating to boundary treatments will require security measures to be designed into the proposals, along with measures to limit the visual impact of boundary treatments at this highly-visible hillside site within the Golcar Conservation Area.
- 10.26 Off-street car parking is proposed in front or side driveways, and/or in integral garages. With appropriate landscaping, the proposed car parking would not have an overdominant or otherwise harmful visual or streetscape impact.
- 10.27 Regarding materials, section 7 of the applicant's application forms indicates that natural stone with grey mortar would be used for the walls of the dwellings, that natural blue slate roofs are proposed, and that grey UPVC windows and grey GRP door would be used. Subject to details (and samples, if necessary) being submitted at conditions stage, and having regard to the materials approved at the adjacent site to the east, this palette of materials is considered acceptable for this site within the Golcar Conservation Area.
- 10.28 The route and gradients of the proposed development's estate road would help prevent surface water running into or pooling within residential curtilages, and ground levels and kerbs will need to be designed to direct any surface water flow away from building thresholds.
- 10.29 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.

- 10.30 With 13 units proposed in a site of 0.74 hectares, a density of only 18 units per hectare would be achieved. It is noted, however, that the site area (0.74 hectares) includes the estate road through the adjacent development, and the protected woodland in the southern part of the site. Subtracting these areas, the applicant has asserted that the developable area is only 0.49 hectares (which, with 13 units proposed, results in a density of approximately 27 units per hectare), however it is reasonable to also note the site's other constraints and exclude other areas from this calculation – the site's challenging topography limits the site's developable space, and adequate spacing needs to be maintained between the new dwellings and the existing properties to the north on Clay Well. The proposed development must 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 number of units (13) is close to the indicative site capacity figure (14) for site allocation HS158, and the number of units (14) indicatively shown on drawings submitted under the previous application for outline planning permission (ref: 2017/93719).
- 10.31 With all these matters taken into account, although the proposed density falls short of the 35 units per hectare density specified (and applicable "where appropriate") in Local Plan policy LP7, it is recommended that the proposed quantum of development, and its density, be accepted.
- 10.32 The applicant's Design and Access Statement asserts that the proposed development would not cause harm to local heritage and character due to its design and materiality. This was not accepted, given the harm that the initial proposals would have caused due to the inappropriate orientation of dwellings and other concerns. However, with the amendments made during the life of the current application, it is considered that the proposed development would not cause harm to the Golcar Conservation Area, and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the relevant sections of Local Plan policy LP35 would be complied with.
- 10.33 Similarly, given the amendments made to the proposals, and the acceptable design (including scale, grain, orientation and materials) of the proposed dwellings, it is considered that the proposed development would not harm the significance (including the setting) of the nearby listed buildings at 17-29 Clay Well and 54, 54A, 56 and 58 Brook Lane. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act (which requires the council to have special regard to the desirability of preserving the setting of adjacent listed buildings) and the relevant sections of Local Plan policy LP35 would therefore be complied with.
- 10.34 Additionally, and in light of the above assessments, it is considered that the relevant requirements of chapters 11, 12 and 16 of the NPPF, and Local Plan policies LP2, LP5, LP7, LP35 and LP24, would be sufficiently complied with. There would also be an acceptable level of compliance with guidance set out in the National Design Guide.

Residential amenity and quality

- 10.35 Local Plan policy LP24 requires developments to provide a high standard of amenity for future and neighbouring occupiers, including by maintaining appropriate distances between buildings.
- 10.36 Acceptable separation distances are proposed between the proposed dwellings and existing neighbouring properties. Having regard to the site's topography, the proposed distances would ensure existing neighbours would not experience significant adverse effects in terms of natural light, privacy and outlook. Although distances of less than 21m would be maintained between the rear elevations of unit 9 to 12 and 5-15 Clay Well, this is considered acceptable due to the significant difference in levels – the eaves of the proposed units would be lower than the ground floor level of the existing dwellings to the north.
- 10.37 In terms of noise, although residential development would increase activity and movements to and from the site (and passing the already-occupied units at Hillcrest View, as well as existing dwellings on Brook Lane and James Street), given the quantum of development proposed, it is not considered that neighbouring residents would be significantly impacted. The proposed residential use is not inherently incompatible with existing surrounding uses.
- 10.38 A condition requiring the submission and approval of a Construction Management Plan (CMP) is recommended. The necessary discharge of conditions submission would need to sufficiently address the potential amenity impacts of construction work at this site, including cumulative amenity impacts should other nearby sites be developed at the same time. Details of dust suppression measures and temporary drainage arrangements would need to be included in the CMP. An informative regarding hours of noisy construction work is recommended.
- 10.39 The quality of the proposed residential accommodation is also a material planning consideration.
- 10.40 The applicant proposes:
- Unit 1 – detached, 4-bedroom, integral garage – 166sqm
 - Unit 2 – detached, 4-bedroom, integral garage – 166sqm
 - Unit 3 – detached, 4-bedroom, integral garage – 166sqm
 - Unit 4 – semi-detached, 3-bedroom – 123sqm
 - Unit 5 – semi-detached, 3-bedroom – 123sqm
 - Unit 6 – terraced, 3-bedroom – 130sqm
 - Unit 7 – terraced, 3-bedroom, integral garage – 111sqm
 - Unit 8 – terraced, 3-bedroom, integral garage – 111sqm
 - Unit 9 – terraced, 3-bedroom, integral garage – 111sqm
 - Unit 10 – terraced, 3-bedroom – 130sqm
 - Unit 11 – terraced, 3-bedroom, integral garage – 111sqm
 - Unit 12 – detached, 3-bedroom, integral garage – 161sqm
 - Unit 13 – detached, 4-bedroom, integral garage – 143sqm

- 10.41 All units would have three or four bedrooms. This is unfortunate, as a more varied unit size mix would have catered for a wider range of household sizes, would have helped create a mixed and balanced community, and would have helped to avoid visual monotony across the site. Furthermore, it is noted that Local Plan policy LP5e requires masterplanned developments to provide for a mix of housing that addresses the range of local housing needs and encourages community cohesion (although specific proportions of units sizes are not set out in the policy). While this aspect of the proposed development is a shortcoming that attracts negative weight in the balance of planning considerations, it is not recommended that planning permission be withheld on these grounds.
- 10.42 Although the Government's Nationally Described Space Standards (March 2015) are not adopted planning policy in Kirklees, they provide useful guidance which applicants are encouraged to meet and exceed. All 13 units would comply with this guidance, which is welcomed.
- 10.43 All of the proposed dwellings would benefit from dual aspect, and would be provided with adequate outlook, privacy and natural light. Adequate distances would be provided within the proposed development between new dwellings.
- 10.44 All dwellings would have WCs at their entrance level, providing convenience for visitors with certain disabilities. All units would have ground floor bedrooms, ground floor habitable rooms that could be converted to bedrooms, or garages that could potentially be converted to bedrooms (involving external alterations), which could help enable members of households with certain disabilities to remain resident.
- 10.45 All of the proposed dwellings would be provided with adequate private outdoor amenity space.
- 10.46 Regarding open space, it is accepted that on-site provision of most types of open space would not be suitable for this sloped site. A financial contribution would instead be required. This would be based on the 13 units currently proposed (having regard to local provision, and any on-site provision that could be offered by the applicant – it is noted that, in some cases, woodland can provide some of the attributes of open space), with an additional contribution required in the event that development comes forward at the adjacent site (site allocation ref: HS153) and the cumulative impacts of both developments require mitigation. Based on the 13 units proposed, and with no details of publicly-accessible open space annotated on the applicant's drawings, a contribution of £78,486 would be required.
- 10.47 Although some details of landscaping proposals have been shown on the applicant's drawings, a condition is recommended, requiring further details of the development's outdoor spaces and their purpose, design, furnishing, landscaping, boundary treatment and management. Details of improvements (and the proposed pedestrian connection) to the adjacent public footpath would also be required.

Affordable housing

- 10.48 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.
- 10.49 To comply with policy LP11, three of the proposed 13 units would need to be affordable, as 20% of 13 units is equivalent to 2.6 units. Three affordable units represents a policy-compliant 23% provision. In accordance with the 55%/45% tenure split detailed above, two of these units would need to be for social or affordable rent, and the other would need to be intermediate. Notwithstanding the advice of the council's Strategic Housing officers, given on-site provision is preferred, it is recommended that three of the proposed development's units be secured as affordable housing via a Section 106 agreement.
- 10.50 Given the size of the proposed development (and given that only three affordable units are required), it is accepted that opportunities for pepper-potting affordable housing around the site are limited. All units would be of an appropriate design, all would have three or four bedrooms, and the same materials and similar detailing is proposed for all dwellings, which would help ensure the affordable units would not be visually distinguishable from the development's market units.

Highway and transportation issues

- 10.51 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 will 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.
- 10.52 Paragraph 108 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 109 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.
- 10.53 Vehicular access would be provided via the adjacent site to the east. The estate road of that development (Hillcrest View, currently under construction) would be extended into the current application site, continuing north westwards across the site and meeting the public footpath that runs along the site's western edge. This is considered appropriate, and the applicant has demonstrated adequate tracking and turning space for an 11.85m refuse vehicle along this extended estate road.

- 10.54 The applicant's Transport Statement predicts trip generation of approximately seven two-way vehicle movements in the morning peak hour and approximately eight two-way movements in the evening peak hour. This is not considered significant in the context of local highway capacity. The concerns of residents regarding existing congestion are noted, however the local highway network nonetheless would not be severely impacted by the anticipated number of additional vehicle movement.
- 10.55 Although not assessed in the applicant's Transport Assessment, it is considered that pedestrian, cyclist and public transport trips are also likely to low and can be accommodated by the existing pedestrian and public transport infrastructure. Pedestrian infrastructure surrounding the site is mixed, with several local streets lacking footways, however a footway exists on the south side of Carr Top Lane and the southeast side of James Street, and residents of the proposed development would be able to make use of public footpath COL/56/40, to which a pedestrian connection is proposed. This connection would help create an appropriately connected, walkable, permeable neighbourhood in compliance with Local Plan policies LP20, LP24dii and LP47e, and is welcomed. Appropriate adjacent boundary treatments, landscaping, and details of the pedestrian connection can be secured to ensure the usability and attraction of the footpath is not significantly reduced.
- 10.56 A development of this size would not normally trigger a need for the submission and implementation of a Travel Plan, however measures to encourage residents of the proposed development to use more sustainable modes of transport (including public transport, walking and cycling) should be secured via Section 106 obligations.
- 10.57 Regarding the proposed development's internal arrangements, compliance with the council's Highway Design Guide SPD would need to be demonstrated at conditions stage.
- 10.58 Acceptable off-street parking is proposed for the proposed residential units in accordance with council's Highways Design Guide. Details of secure, covered and conveniently-located cycle parking for residents would be secured by a recommended condition.
- 10.59 Storage space for three bins will be required for all dwellings. Further details of waste collection, including details of management and measures to ensure any waste collection points are not used for fly-tipping or permanent bin storage, are required by recommended condition. The same condition would require refuse collection points in locations that would not obstruct access to private driveways. This would also consider the visual impact of waste storage arrangements within the development.

Flood risk and drainage issues

- 10.60 The site is within Flood Zone 1. The site slopes downhill from north to south. The nearest watercourse is located to the south of the application site, on the other side of Brook Lane. A combined public sewer runs north-south beneath the adjacent site to the east.

- 10.61 A site-specific Flood Risk Assessment (FRA) was submitted by the applicant during the life of the current application. This notes that site investigation is yet to be undertaken but suggests that infiltration is unlikely to be appropriate as a means of disposal of surface water, due to the nature of the underlying bedroom strata. The FRA also notes that connection to the nearest watercourse would require construction through third party land, and the FRA concludes that this rules out watercourse connection as a means of disposal of surface water. The FRA goes on to recommend that surface water flows from the site (post-development) be disposed of via the existing combined public sewer at an attenuated rate of 5 litres per second. Attenuation would be provided in the form of oversized pipes and two Hydrobrakes.
- 10.62 It is accepted that infiltration is not appropriate for this site. It is also noted that there is no known existing watercourse close to the site to which surface water could be discharged without having to negotiate Brook Lane and pass through third party land. The principle of disposing surface water to the combined sewers, therefore, is considered acceptable.
- 10.63 The comments of Yorkshire Water in relation to this application preceded a letter (dated 23/09/2019 and provided as Appendix F of the FRA) which states:
- “Curtilage surface water may discharge to the public combined sewer as proposed to the southwest of the site. The surface water discharge from the site to be restricted to not greater than 5 litres/second”.*
- 10.64 The Lead Local Flood Authority (LLFA) initially objected to the proposed development, but (following the submission of further information by the applicant) have more recently recommended that planning permission be approved. The LLFA have advised that no conditions relevant to flood risk and drainage are necessary, and it is noted that the development would need to be implemented in accordance with the applicant’s FRA, should planning permission be granted. This includes restricting surface water discharge from the site to no greater than 5 litres/second.
- 10.65 Details of flow routing are provided in the applicant’s FRA. These demonstrate that surface water can be directed away from the proposed dwellings, and the LLFA are satisfied with the information provided.
- 10.66 Details of temporary surface water drainage arrangements would be secured via the recommended condition requiring the submission and approval of a Construction Management Plan.
- 10.67 Foul water from the proposed development would discharge to the existing combined public sewer to the east of the application site at an unrestricted rate. This proposal has not attracted an objection from Yorkshire Water, and is considered acceptable.

Trees and ecological considerations

- 10.68 The application site is previously-undeveloped (greenfield) land and was previously in agricultural use. Parts of the site are overgrown with self-seeded trees and shrubs, giving the site a ruderal character, although some clearance and movement of earth has recently occurred in connection with the development of the adjacent site. Tree Preservation Order 06/15/w1 protects the woodland within the southern part of the site, and the conservation area status of the site bestows protection on other trees. Outside the site to the east, a Tree Preservation Order (06/15/t1) protects a single tree. A Biodiversity Opportunity Zone (Valley Slopes), an SSSI Impact Risk Zone, and a Twite buffer zone cover the site. Great crested newts may also be present in the surrounding area.
- 10.69 When considering the previous application for outline planning permission in relation to this site (ref: 2017/93719), officers noted that trees and shrubs, and the relative lack of human activity on the site, may mean the site provides, or had the potential to provide, habitats for wildlife. It was also noted that some neighbouring residents had stated that bats, deer and many species of bird had been seen at this site, that two ponds existed within 500m of the site, and that to the south of the site, on the other side of Brook Lane, was land forming part of the then-proposed Wildlife Habitat Network. This network connects designated sites of biodiversity and geological importance and notable habitat links, and any development within or close to the network will need to support and enhance these links.
- 10.70 The applicant has submitted a Preliminary Ecological Appraisal (PEA). This is dated 2017, and PEAs are not normally considered adequate in any case at full application stage (an Ecological Impact Assessment is normally required). However, given that the application site shares many characteristics with the immediately adjacent site to the east, given the commentary and conditions of the appeal Inspector in relation to biodiversity at that site (as set out in the appeal decision dated 14/11/2019 (refs: 2018/92848 and APP/Z4718/W/19/3229696), and given that a single, comprehensive scheme for biodiversity enhancement for the two sites could be brought forward (not least because the current applicant is also the developer of the adjacent site), it is not considered necessary to require the submission of an EclA at application stage in this instance. The appeal Inspector accepted that biodiversity enhancement matters at the adjacent site could largely be dealt with at conditions stage.
- 10.71 The applicant's PEA sets out the findings of a field survey carried out on 20/09/2017 and found the site to be of low ecological value. Nevertheless, further assessment of the proposed development's biodiversity impacts will be necessary, and an appropriate condition is therefore recommended. This will need to be a pre-commencement condition, given the potential for protected species (including bats, badgers and great crested newts) to be present in the area.
- 10.72 Regarding trees, the requirements of Local Plan policy LP33 are noted, as is the importance of trees to the significance of the Golcar Conservation Area, especially when viewed from public vantagepoints to the south. The site's existing trees certainly make a contribution towards public amenity, and to the distinctiveness of this specific location.

- 10.73 The applicant's Arboricultural Report includes a detailed tree survey, which identified group G14 (the protected woodland in the southern part of the site), tree T12 (a mature sessile oak to the north of the woodland) and tree T24 (the protected mature sycamore within the adjacent site to the east) as Category B trees of moderate quality whose retention is desirable. Most other trees were identified as Category C trees of low quality which could be retained, and two trees were identified as Category U trees which are unsuitable for retention.
- 10.74 The applicant proposes the retention of group G14 and trees T12 and T24. All other trees would be felled. This represents a significant loss of trees from the site and is regrettable, however almost all of these have diameters of less than 75mm, and are therefore not protected by the site's conservation area status. Given the size and quality of these trees, and the fact that efficient use of this allocated site would not be possible with these trees retained, the proposed losses are considered acceptable, subject to adequate replacement being secured by a recommended condition, to ensure compliance with Local Plan policy LP33. Conditions are also recommended requiring the submission of an Arboricultural Method Statement (to address the concerns of the council's Arboricultural Officer regarding levels and impacts upon trees) and a Tree Protection Plan.
- 10.75 Of note, the applicant submitted an Arboricultural Report, Arboricultural Method Statement and Arboricultural Implications Assessment on 28/02/2020. These late submissions are currently being reviewed by the council's Arboricultural Officers, and any further comments (and any resultant revisions to the recommended conditions) will be reported in the committee update.

Environmental and public health

- 10.76 With regard to the West Yorkshire Low Emission Strategy, a condition is recommended, requiring the provision of electric vehicle charging points. In addition, measures to encourage residents of the proposed development to use more sustainable modes of transport (including public transport, walking and cycling) and the uptake of low emission fuels and technologies, should be secured via Section 106 obligations.
- 10.77 The health impacts of the proposed development are a material consideration relevant to planning, and compliance with Local Plan policy LP47 is required. Having regard to the proposed dwelling sizes, affordable housing, pedestrian connections (which can help facilitate active travel), measures to be proposed at conditions stage to minimise crime and anti-social behaviour, and other matters, it is considered that the proposed development would not have negative impacts on human health.
- 10.78 Regarding the social infrastructure currently provided and available in Golcar (which is relevant to the public health impacts and the sustainability of the proposed development), and specifically local GP provision, there is no policy or supplementary planning guidance requiring the 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.

Ground conditions

- 10.79 Conditions regarding site contamination remediation are recommended in accordance with advice from the council's Environmental Health officers.
- 10.80 The site is 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.

Representations

- 10.81 A total of 35 representations were received from occupants of neighbouring properties. The comments raised have been addressed in this report.

Planning obligations

- 10.82 To mitigate the impacts of the proposed development, the following planning obligations would need to be secured via a Section 106 agreement:

- 1) Affordable housing – Three affordable housing units (two affordable/social rent, one intermediate) to be provided in perpetuity.
- 2) Open space – £78,486 off-site contribution, and an additional contribution payable in the event that development comes forward at the adjacent site (site allocation ref: HS153) and the cumulative impacts of both developments require mitigation.
- 3) Education – Contribution payable in the event that development comes forward at the adjacent site (site allocation ref: HS153), the education contribution threshold (by both developments considered together) is met, and the cumulative impacts of both developments require mitigation.
- 4) Sustainable transport – 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).
- 6) Adjacent land – Agreement to allow vehicular, cycle, pedestrian and construction access to adjacent site (site allocation ref: HS153) without unreasonable hindrance.

- 10.83 The provision of training and apprenticeships is strongly encouraged by Local Plan policy LP9, and although the proposed development does not meet the relevant threshold (housing developments which would deliver 60 dwellings or more), any agreement by the applicant to provide a training or apprenticeship programme to improve skills and education would be welcomed. Such agreements are currently not being secured through Section 106 agreements – instead, officers are working proactively with applicants to ensure training and apprenticeships are provided.

Other planning matters

- 10.84 A condition removing permitted development rights from the proposed dwellings is recommended. This is considered necessary due to the site's location within Golcar Conservation Area, and its visibility in views from public vantagepoints to the south. Extensions and alterations under permitted development allowances here could be harmful to the significance of this heritage asset and could cause visual harm in longer views across the subsidiary valley.
- 10.85 The impact of the proposed development upon the values of adjacent dwellings is not a material planning consideration.
- 10.86 Loss of views across private land (not under the control of the viewer) is not a material planning consideration.

11.0 CONCLUSION

- 11.1 The application site is allocated for residential development under site allocation HS158, and the principle of residential development at this site is considered acceptable.
- 11.2 The site has constraints in the form of the Golcar Conservation Area, the site's topography, adjacent residential development (and the amenities of these properties), drainage and other matters relevant to planning. These constraints have been sufficiently addressed by the applicant, or can be addressed at conditions stage. Some aspects of the proposed development attract negative weight in the balance of planning considerations, however approval of full planning permission is recommended, subject to conditions and planning obligations to be secured via a Section 106 agreement.
- 11.3 The NPPF introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice. The proposed development has been assessed against relevant policies in the development plan and other material considerations. Subject to conditions, it is considered that the proposed development would constitute sustainable development (with reference to paragraph 11 of the NPPF) and is therefore recommended for approval.

12.0 CONDITIONS (summary list – full wording of conditions, including any amendments/ additions, to be delegated to the Head of Planning and Development)

1. Three years to commence development.
2. Development to be carried out in accordance with the approved plans and documents.
3. Submission of a Construction Management Plan (including temporary surface water drainage arrangements).
4. Drainage and surfacing of parking spaces.
5. Submission of details relating to internal adoptable roads.
6. Cycle parking provision prior to occupation.
7. Provision of electric vehicle charging points (one charging point per dwelling with dedicated parking).

8. Provision of waste storage and collection.
9. Submission of an Arboricultural Method Statement.
10. Submission of a Tree Protection Plan.
11. No piped discharge of surface water from the development prior to the completion of surface water drainage works.
12. Submission of a preliminary risk assessment (phase I report).
13. Submission of an intrusive site investigation report (phase II report).
14. Submission of a remediation strategy.
15. Implementation of remediation strategy.
16. Submission of a validation report.
17. Crime prevention measures.
18. External materials (details and samples to be submitted).
19. Boundary treatments.
20. External lighting.
21. Full landscaping scheme, to include replacement trees.
22. Biodiversity assessment, enhancement and net gain (pre-commencement)
23. Removal of permitted development rights for extensions and outbuildings.

Background Papers:

Application and history files:

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2019%2f90925>

Certificate of Ownership – Certificate A signed

Link to outline permission ref. 2017/93719:

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2017%2f93719>

Link to adjacent planning approval ref. 2017/91173:

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2017%2f91173>