

## **Kirklees Local Plan Examination**

### **Stage 4 hearings Other Site Allocations**

#### **KIRKLEES RURAL SUB-AREA (Matter 42)**

#### **MATTERS, ISSUES AND QUESTIONS (MIQs)**

##### **Council Response**

##### **Matter 42 – Golcar allocations**

- 1.1 This statement sets out the council's responses in relation to the Inspector's matters and issues Matter 42. All the documents referred to in this statement are referenced within the main body of the statement.
- 1.2 The modifications proposed in this document have been provided to assist with the discussions at the hearings for this matter and have not been subject to sustainability appraisal testing or public consultation. Should it be necessary to make any of the modifications these will be added to the full schedule of modifications to the Local Plan which will be made available for comment and subject to sustainability appraisal at a later stage of the Examination in Public, subject to the delegated powers agreed by the council's Cabinet.
- 1.3 The following table (table 1) sets out the response to each question against the site reference.

**Issue – Are the proposed housing, mixed use and safeguarded land allocations in the Golcar justified, effective, developable/deliverable and in line with national policy?**

Table 1: Matter 42 – Golcar allocations

	a) Is the site suitable for the proposed use? In the case of housing allocations, does the Plan provide clear guidance on requirements and constraints, and seek appropriate mitigation measures?	b) Is the indicative site capacity appropriate, taking account of constraints and the provision of necessary infrastructure?	c) Is the site available and deliverable in the timescales envisaged?	d) For sites currently in the Green Belt - what effect would the proposed boundary change and allocation have on the Green Belt and the purposes of including land within it? Are there exceptional circumstances that justify altering the Green Belt?
H116 – land south of Parkwood Road, Golcar (125 dwellings)	<p>This site was assessed as suitable for housing using the Local Plan site allocations methodology (BP23) subject to the reports listed in the site allocations box. The Plan provides clear guidance on the constraints. The constraints for this site include provision of third party land and improvements to local highway links, a watercourse crossing the site and proximity of the site to listed buildings and conservation area.</p> <p>High level site access and local highway constraints have been considered within the context of the site capacity. The Transport Assessment provided with a planning application will inform and direct the nature and scale of any mitigation measures required.</p> <p>Such constraints have been overcome as the majority of the site has reserved matters planning permission (2017/92093, now under construction).</p>	<p>The indicative site capacity (125 dwellings) is appropriate taking account of the site constraints and provision of the necessary infrastructure and reflects planning permission for 96 dwellings (2017/92093, under construction) which covers the majority of the site. The remainder of the site has a density of 35 units per hectare.</p>	<p>This site has been tested as a Local Plan option as it was Provisional Open Land in the UDP.</p> <p>The majority of the site is available as evidenced by the planning permission (2017/92093, Barratt Homes). The site is deliverable and has been phased in accordance with the approach set out in EX30.2. The site is expected to deliver homes from 2018/19 which is justified as the site is now under construction. The remainder of the site has been identified through the Call for Sites process.</p>	N/A

<p>H174 – land north of Manchester Road, Linthwaite (22 dwellings)</p>	<p>This site was assessed as suitable for housing using the Local Plan site allocations methodology (BP23) subject to the reports listed in the site allocations box. The Plan provides clear guidance on the constraints, which for this site are surface water issues and a noise source near the site.</p> <p>High level site access and local highway constraints have been considered within the context of the site capacity. The Design &amp; Access Statement provided with a planning application will inform and direct the nature and scale of any mitigation measures required.</p> <p>The assessment of this site by the council and technical consultees identifies there is a reasonable prospect that such constraints can be overcome to enable the delivery of the site. The development of this site would be considered in the context of the surface water drainage requirements of Policy PLP28 (SD1).</p>	<p>The site capacity of 22 dwellings is appropriate as no on-site constraints have been identified which would lead to a reduction in the site capacity.</p>	<p>The site is available and has a willing landowner identified through the Call for Sites process. The site is deliverable with development anticipated to commence in 2019/20 in accordance with the approach set out in EX30.2.</p>	<p>N/A</p>
<p>H199 – Queens Road West, Milnsbridge (58 dwellings)</p>	<p>This site was assessed as suitable for housing using the Local Plan site allocations methodology (BP23) subject to the reports listed in the site allocations box. The Plan provides clear guidance on the constraints, which are surface water and that the site is located close to listed buildings and the Milnsbridge conservation area. These issues are considered below taking into account the Heritage Impact Assessment that has been prepared post submission of the plan.</p> <p>High level site access and local highway constraints have been considered within the context of the site capacity. The Transport</p>	<p>The site capacity of 58 dwellings is appropriate as no on-site constraints have been identified which would lead to a reduction in the site capacity.</p>	<p>The site is available, as evidenced by the pending outline planning application (2017/93804).</p> <p>The site is deliverable and in the context of a recent planning application (2017/93804) development anticipated to commence in 2019/20.</p>	<p>N/A</p>

	<p>Statement provided with a planning application will inform and direct the nature and scale of any mitigation measures required.</p> <p>The assessment of this site by the council and technical consultees identifies there is a reasonable prospect that such constraints can be overcome to enable the delivery of the site.</p> <p>The development of this site would be considered in the context of the surface water drainage requirements of Policy PLP28 (SD1).</p>			
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**H199 – Queens Road West, Milnsbridge**

i) Has the impact of the proposal on the historic environment been adequately assessed and appropriate mitigation measures put in place?

The site is within the Milnsbridge Conservation Area and is adjacent to the former St Luke’s Church and vicarage (grade II listed buildings).

A Heritage Impact Assessment has been carried out. The site has also been assessed in the Milnsbridge conservation area appraisal, where the southern part of the site was deemed to be important open space; however this was to ensure the retention of the tree belt which lies to the north of Deep Lane and forms an important buffer to the conservation area. The majority of this tree belt is located within the Green Belt.

Any development would have to accord with policy PLP35 to ensure that those elements which have been identified through the relevant conservation area appraisal as contributing to the significance of the conservation area are retained.

ii) Should the proposal seek to retain mature trees on the site, and are there implications for development capacity?

The site was assessed in accordance with the site allocations methodology part 2 (BP17). None of the trees on the site are subject to TPOs, so the developable area has not been reduced. West Yorkshire Ecology provided comments regarding the trees on the site and it is acknowledged that the site forms part of the habitat network. The development of the site would need to be in accordance with Local Plan policies PLP24 (Design), PLP30 (Biodiversity & Geodiversity) and PLP33 (Trees).

In response to the planning application (2017/93804) the Kirklees Biodiversity officer noted that despite the presence of important habitats, it is possible to develop the site for residential use while avoiding significant ecological impacts. Detail on how this is to be achieved will be required as part of a future reserved matters application and conditions are suggested on how to secure this. The suggested conditions relate to the preparation of an ecological design strategy, based on the results of an Ecological Impact Assessment that is compiled in accordance with current national guidelines.

H303 – land west of Ashford Park, Golcar (18 dwellings)	This site was assessed as suitable for housing using the Local Plan site allocations methodology (BP23) subject to the reports listed in the site allocations box. The Plan provides clear guidance on the constraints that third party land is required for access and connection to public sewer. The constraints listed have been overcome as this site has now been granted outline planning permission for residential use (2016/90383) with access from Ashford Park.	The site has outline planning permission for 18 dwellings (2016/90383), therefore the capacity is considered to be appropriate.	The site is available as evidenced by the planning permission (2016/90383). The site is deliverable and has been phased in accordance with the approach set out in EX30.2 taking account of the outline planning permission (delivery expected from 2019/20).	N/A
H549 – land south of Swallow Lane, Golcar (49 dwellings)	<p>This site was assessed as suitable for housing using the Local Plan site allocations methodology (BP23) subject to the provision of a pedestrian footway on the site frontage, as set out in the site allocations box.</p> <p>High level site access and local highway constraints have been considered within the context of the site capacity. The Transport Statement provided with a planning application will inform and direct the nature and scale of any mitigation measures required.</p> <p>The assessment of this site by the council and technical consultees identifies there is a reasonable prospect that such constraints can be overcome to enable the delivery of the site.</p> <p><b>Proposed Modification: Add Transport Statement to reports required.</b></p>	The site capacity of 49 dwellings is appropriate as there are no on-site constraints which would lead to a reduction in the site capacity.	The site is available and has a willing landowner identified through the Call for Sites process. As set out in EX30.2, the site is deliverable with development anticipated to commence in 2019/20. Part of the site has a planning application for residential development pending decision (2017/93459).	N/A
H550 – land east of Fullwood Drive, Golcar (8 dwellings)	This site was assessed as suitable for housing using the Local Plan site allocations methodology (BP23) subject to the reports listed in the site allocations box. The Plan provides clear guidance on the constraints, which for this site relate to improvements to	The site had outline planning permission for 8 dwellings (2014/90450), therefore the capacity is considered to be appropriate.	The site is available as evidenced by the planning permission (2014/90450) and subsequent outline application (2017/93638). The site is deliverable and	N/A

	<p>local highway links, PROW to the eastern boundary, the proximity of the site to listed buildings and location within a conservation area.</p> <p>The site previously had outline planning permission (2014/90450) and a subsequent outline planning application is pending (2017/93638).</p> <p>High level site access and local highway constraints have been considered within the context of the site capacity. The Transport Statement provided with a planning application will inform and direct the nature and scale of any mitigation measures required.</p> <p><b>Proposed Modification: Add Transport Statement to reports required.</b></p>		<p>has been phased in accordance with the approach set out in EX30.2 (completions expected on site in 2019/20).</p>	
H3395 – land between Carr Top Lane and Brook Lane, Golcar (16 dwellings)	<p>This site was assessed as suitable for housing using the Local Plan site allocations methodology (BP23) subject to the reports listed in the site allocations box. The Plan provides clear guidance on the constraints. Such constraints have been overcome as the site now has reserved matters planning permission for residential use (2017/90507) as in now under construction.</p>	<p>The site has planning permission for 16 dwellings (2017/90507, under construction) therefore the capacity is considered to be appropriate.</p>	<p>The site is available and deliverable as evidenced by the planning permission (2017/90507). In accordance with the approach set out in EX30.2, delivery is expected from 2019/20. As this development has now started there may be delivery earlier than expected.</p>	N/A
SL3396 – land to the south of 5-25 Clay Well, Golcar	<p>This site was assessed using the Local Plan site allocations methodology (BP23) which determined that the site should be safeguarded land.</p> <p>There is insufficient evidence to demonstrate this site is deliverable and/or developable during the Local Plan period, however there is a reasonable prospect that site specific</p>	<p>No site capacity has been assigned to safeguarded land options in the Local Plan as this would be determined through a review of the Local Plan.</p>	<p>This site is available as shown by the Call for Sites submission and the current planning application on the site (2017/93719) which provides further evidence of its availability.</p> <p>Following assessment of the</p>	N/A

	<p>constraints can be overcome and the site is capable of coming forward for development post 2031. In this case access and topography are issues, which are given further consideration in the question below.</p> <p>There is a current planning application on this site (2017/93719 outline application for erection of residential development) which seeks to address the access constraints but this application has not yet been determined. This is given further consideration in question (i) below.</p>		<p>site under the Local Plan site allocations methodology (BP23), it was considered that there was insufficient evidence to demonstrate that constraints on the site could be overcome within the plan period. However, this assessment did not consider gaining access through the adjacent site to the west, which the pending planning application seeks.</p>	
<p><b>H550 – land east of Fullwood Drive, Golcar</b>  <b>H3395 – land between Carr Top Lane and Brook Lane, Golcar</b>  <b>SL3396 – land south of 5-25 Clay Well, Golcar</b></p> <p>i) <u>What is the relationship between H550, SL3396 and H3395? Can access to site SL3396 be secured via adjoining allocations?</u></p> <p>The three sites are all in separate ownership and are all being promoted separately. Planning application 2017/91173 covers H3395 and has reserved matters permission. The site plan does not make specific provision for access to the site to the west and is now under construction. There was insufficient evidence available at the time of the decision making on site SL3396 that access via adjacent sites was available. There are two separate planning applications on H550 and SL3396. There is a current planning application on SL3396 (2017/93719 outline application for erection of residential development) which seeks to address the access constraints but this application has not yet been determined.</p>				
<p>H633 – land south-west of Vicarage Road, Longwood (113 dwellings)</p>	<p>This site was assessed as suitable for housing using the Local Plan site allocations methodology (BP23) subject to the reports listed in the site allocations box. The Plan provides clear guidance on the constraints, which for this site a watercourse and PROW crossing the site, the site forming part of the wildlife habitat network, potentially contaminated land and a noise source to the south-west of the site.</p> <p>High level site access and local highway constraints have been considered within the</p>	<p>The site capacity of 113 dwellings is appropriate as it recognises the on-site constraints with a total of 0.3ha removed from the total site area as there is a watercourse through the site.</p>	<p>The site is available and has a willing landowner identified through the Call for Sites process.</p> <p>The site is deliverable and has been phased in accordance with the approach set out in EX30.2 with development anticipated to commence in 2019/20. Part of the site has an extant planning permission</p>	<p>N/A</p>

	<p>context of the site capacity. The Transport Assessment provided with a planning application will inform and direct the nature and scale of any mitigation measures required.</p> <p>The assessment of this site by the council and technical consultees identifies there is a reasonable prospect that such constraints can be overcome to enable the delivery of the site. The net area has been reduced to take account of the watercourse that crosses the site.</p> <p>The eastern part of the site received planning permission in 1995 and an access to Vicarage Road has been formed. There has recently been a discharge of conditions application made in relation to this extant planning permission.</p>		(94/93648) which is currently subject to a discharge of conditions application (2017/93861), part of the site has had full permission (2013/90795).	
H779 – land north of Leymoor Road, Golcar (20 dwellings)	This site has planning permission (2014/92878) and has now been fully completed.	This site has been built out.	This site capacity is 20 dwellings, which was approved in planning application 2014/92878 and has since been developed by Jones Homes.	N/A
H780 – land east of Main Avenue, Cowlersley (76 dwellings)	This site was assessed as suitable for housing using the Local Plan site allocations methodology (BP23) subject to the reports listed in the site allocations box. The Plan provides clear guidance on the constraints, which for the site relate to surface water drainage and the site being located close to an archaeological site, therefore a pre-determination archaeological assessment is required. There is a PROW adjacent to the site, rather than across the site, so the site allocations box needs to be modified to reflect this. The development of this site	The site capacity of 76 dwellings is appropriate as there are no on-site constraints which would lead to a reduction in the site capacity.	<p>The site is owned by Kirklees Council, who are a willing landowner.</p> <p>The site is deliverable and has been phased in accordance with EX30.2 with development anticipated to commence in 2019/20.</p>	



	<p>would be considered in the context of the surface water drainage requirements of Policy PLP28 (SD1).</p> <p>High level site access and local highway constraints have been considered within the context of the site capacity. The Transport Assessment provided with a planning application will inform and direct the nature and scale of any mitigation measures required.</p> <p>The assessment of this site by the council and technical consultees identifies there is a reasonable prospect that such constraints can be overcome to enable the delivery of the site.</p> <p><b>Proposed modification:</b></p> <p><b>Site constraints:</b>  <del>Public right of way crosses the site</del>  <u>Public right of way adjacent to the site</u></p> <p><b>Proposed Modification</b></p> <p><b>Reports required:</b>  Amend "Transport Statement" to "Transport Assessment"</p>			
H814 – land north of Grove Street, Longwood (12 dwellings)	This site was assessed as suitable for housing using the Local Plan site allocations methodology (BP23) subject to the reports listed in the site allocations box. The Plan provides clear guidance on the constraints, which include that the site is within a wildlife habitat network and contains habitat of principal importance and that there is a noise source.	The site capacity of 12 dwellings reflects a previous planning permission on the site (2013/90715).	The site is available and has a willing landowner identified through the Call for Sites process.  As set out in EX30.2, the site is deliverable with development anticipated to commence in 2019/20. The site previously had planning	N/A

	<p>High level site access and local highway constraints have been considered within the context of the site capacity. The Design &amp; Access Statement provided with a planning application will inform and direct the nature and scale of any mitigation measures required.</p> <p>The assessment of this site by the council and technical consultees identifies there is a reasonable prospect that such constraints can be overcome to enable the delivery of the site.</p>		<p>permission for 12 dwellings (2013/90715) and is currently subject to an outline planning application for apartments (2017/93333).</p>	
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**H814 – land north of Grove Street, Longwood**

i) In the context of extensive woodland coverage (BAP priority habitat) on the site, is the site deliverable/developable, or are there implications for indicative capacity?

The entire site is in a UK BAP Priority habitat, however the site previously had planning permission (2013/90715), with a condition that no development will be authorised until an ecological assessment of the site, including woodland to the west has taken place. Following submission of the plan, there has been an application submitted for the development of 54 apartments (2017/93333) which covers the eastern part of the site as well as additional land to the east of it. The site was allocated as housing in the Unitary Development Plan.

The site is allocated in the plan subject to any development on the site satisfying Local Plan policy PLP30 (SD1). Policy PLP 30 refers to Habitats of Principal Importance, which is synonymous with BAP priority habitat, and requires that these features are protected unless the importance of the proposals outweighs the importance of the habitat features. The policy also requires that, where loss occurs, compensation for the loss of priority habitat is provided. Compensation could include offsite habitat creation or management to increase the biodiversity value of retained habitats, either within or outside of the site.

<p>H738 – land west of Heathwood Drive, Golcar (27 dwellings)</p>	<p>This site was assessed as suitable for housing using the Local Plan site allocations methodology (BP23) subject to the reports listed in the site allocations box. The Plan provides clear guidance on the constraints, which relate to the proximity of listed buildings (as set out below), surface water issues and improvements to local highway links. The development of this site would be considered in the context of the surface water</p>	<p>The site capacity of 27 dwellings is appropriate as there are no on-site constraints which would lead to a reduction in the site capacity.</p>	<p>This site has been tested as a Local Plan option as it was Provisional Open Land in the UDP.</p> <p>The ownership for the site is unknown, however there is a reasonable prospect that this site will become available during the plan period.</p>	<p>N/A</p>
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	<p>drainage requirements of Policy PLP28 (SD1).</p> <p>High level site access and local highway constraints have been considered within the context of the site capacity. The Transport Statement provided with a planning application will inform and direct the nature and scale of any mitigation measures required.</p> <p>The assessment of this site by the council and technical consultees identifies there is a reasonable prospect that such constraints can be overcome to enable the delivery of the site.</p> <p><b>Proposed Modification: Add Transport Statement to reports required.</b></p>			
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**H738 – land west of Heathwood Drive, Golcar**

- i) Has the impact of the proposal on heritage assets been adequately assessed and addressed? Should protection and mitigation measures linked to the Heritage Impact Assessment (LE84) be specified? Are there implications for indicative capacity?

The impact of the proposal on the heritage asset has been appropriately assessed and addressed in accordance with the NPPF (NE1). This approach is set out in the HIA for H738 (LE84). Section 6 of the HIA, as set out below demonstrates that identified impacts can be mitigated, however it is considered appropriate to allow a range of mitigation measures to be considered at the design stage of the planning application and not be specified in the local plan. As such Policy PLP35 is considered the appropriate mechanism to secure mitigation measures, with document LE84 a reference document at the time of the determination of the planning application.

There are Grade II listed weaver's houses to the north west of the site. The Heritage Impact Assessment concludes that the development of the site would have a moderate impact on the heritage asset. Potential mitigation includes development of the site so that heights do not exceed the first-floor cill level of the weavers' houses. The boundary walls and views from the adjacent footpath are considered to be of high significance for the setting of the heritage asset.

<p>SL2169 – south-west of Ballroyd Lane, Longwood</p>	<p>This site was assessed using the Local Plan site allocations methodology (BP23) which determined that the site should be safeguarded land.</p> <p>There is insufficient evidence to demonstrate this site is deliverable and/or developable during the Local Plan period, however there is a reasonable prospect that site specific constraints can be overcome and the site is capable of coming forward for development post 2031. In this case third party land would need to be acquired which is not currently available and further consideration of the scale of development in relation to the local road network. Part of this site has now been developed with an extension to an employment unit. The site constraints remain for the remainder of the site but the remaining area is less than the 0.4ha site allocations threshold.</p> <p><b>Proposed modification: Deletion of SL2169 on the basis that the remaining site area would be below the Local Plan site allocations threshold.</b></p>	<p>No site capacity has been assigned to safeguarded land options in the Local Plan as this would be determined through a review of the Local Plan.</p>	<p>This site was available as shown by the Call for Sites submission. However, an employment unit has now been extended to cover the southern part of the site. The remaining site area is less than 0.4 hectares.</p>	<p>N/A</p>
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