

Kirklees Local Plan Examination Hearing Statement

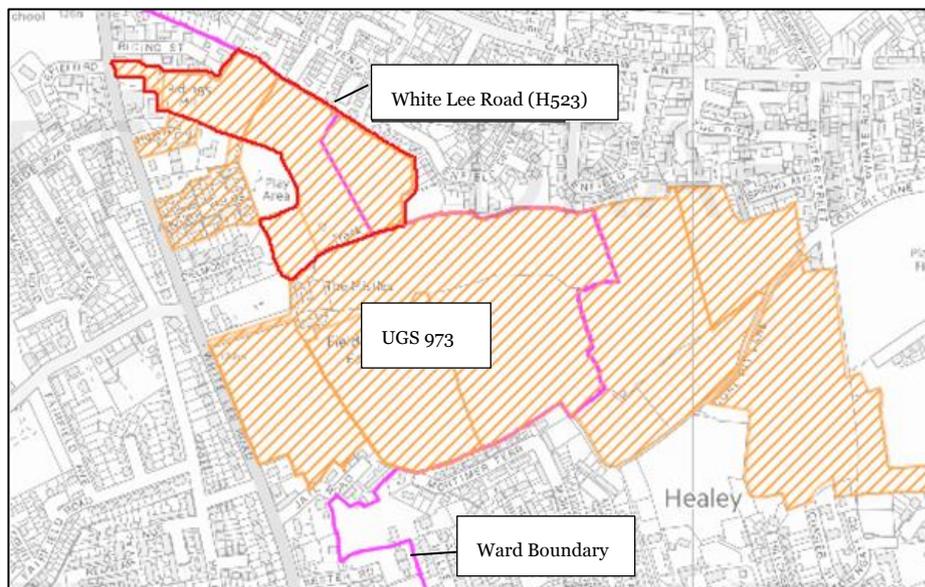
Our ref 50772/JG/ATu
Date January 2018

Subject: Matter 29: Hearing Statement on behalf of M62 Developments Limited – Urban Green Spaces and Other Open Space

1.0 Introduction

- 1.1 This Hearing Statement has been prepared by Lichfields on behalf of M62 Developments Limited and responds to the questions set by the Inspector in relation to Matter 29.
- 1.2 M62 Developments Limited is the landowner of site H523: Land at White Lee Road, Batley and has previously promoted it through the planning system jointly with Jones Homes (Yorkshire) Limited. This Hearing Statement should therefore be read in conjunction with the representations submitted during the Local Plan Consultation (2016) in relation to Land at White Lee Road, Batley (representor ID: 968476) and the Hearing Statements submitted to Stage 1 (Examination Documents M2.7, M3.5, M4.6, M5.4 and M8.6) and Stage 3 (M24.5) of this Examination in Public.

Figure 1 Location of White Lee Road, Batley (H523) in relation to draft allocation UGS973



2.0 Issue – Does the Plan set out an effective approach to the protection of Urban Green Spaces and other open spaces, which is justified and in line with national policy?

Questions (a) and (b)

- 2.1 M62 Developments Limited has no comment to make in relation to Questions 29 (a) and (b).

Question (c) – What methodology has the Council applied in its assessment of open space deficiency in a locality?

i Has it relied solely on the minimum benchmark levels by ward, or have other assessments been carried out? For example the assessment of sites 737 and 1456 (pages 118 and 107 in the Open Space Assessment) refer to additional information. If so, what is the nature of this evidence and where is it located?

2.2 The Council has relied solely on the minimum benchmark levels by ward to establish open space deficiencies. For the reasons set out in response to question (c) iii, this approach is not robust. Any additional information needs to be made publically available to ensure that it is fully scrutinised.

2.3 A number of high level qualitative assessments have also been undertaken but these have not been used to determine open space deficiency. Our concerns regarding these assessments are set out in response to question (g) below.

ii Did the Council also take account of distances to other similar open spaces in the immediate vicinity, within a particular ward?

2.4 Distances to other similar open spaces in the immediate vicinity, within a particular ward, have not been taken into account when assessing open space deficiency in a locality. The Council has simply looked at how much of each typology is available within the ward. This approach is incorrect and will not identify any true deficiencies in an area.

2.5 For example, site H523 Land at White Lee Road, Batley sits within a larger strategic UGS allocation (UGS973)¹. Given the very limited size of site H523 (2.46ha²) and the fact that the remainder of the 48.5ha UGS allocation will remain in this area (along with the additional green belt land within the natural / semi-natural greenspace typology as discussed at question (c) iii) below), residents will still have access to substantial amounts of such greenspace within a 15 minute walk (720m) and a 20 hectare site within 2km³. Therefore the omission of this area of land from the draft allocation will not result in reduced access to natural / semi-natural greenspace within the Heckmondwike and Batley West wards or a deficiency in the area.

iii To what extent has open countryside been captured in the benchmarking of natural/semi-natural greenspace within a ward / local area?

2.6 Open countryside has not been captured in the benchmarking of natural / semi-natural greenspace within a ward and therefore the outcomes of the Council's assessment of open space deficiency are unreliable. This is a concern which was also identified in the Inspector's initial findings on Stage 1 relating to urban greenspace. The Kirklees Open Space Study (KOSS) does not provide a realistic assessment of the availability of natural / semi-natural greenspace to the local population. In particular, large areas of accessible land falling within the natural / semi natural greenspace typology are located close to the defined urban areas but are excluded from the assessment on the basis of their planning policy designation i.e. they are not allocated as UGS. The planning designation is however irrelevant in identifying the supply of accessible and available land within this category. The relevant matter is actually the proximity and availability of spaces which meet the primary purposes and definitions of the typology to the UGS. This is particularly important in Kirklees where a large proportion of the authority's area is located in

¹ Identified at Figure 1

² The site extends to 2.64ha, 2.46ha of which sits within the UGS allocation

³ The council's accessibility standard

the Green Belt and large stretches of the urban area directly abut designated Green Belt land. The findings of the KOSS cannot therefore be relied upon. A robust assessment would actually demonstrate a substantial oversupply of some typologies of UGS such as natural / semi natural greenspace. This is apparent just from the extent of land that falls within the designation.

- 2.7 A clear example of this is seen within the Batley West and Heckmondwike wards. The KOSS suggests that there is a deficit of natural / semi-natural greenspace within both of these wards. However, they both contain substantial areas of green belt land (approximately 450ha) which falls within the natural / semi-natural greenspace typology and which is located close to the urban area and within 2km⁴ of the centre of these wards. If all land falling within the natural / semi-natural typology within these wards is included within the assessment, a substantial oversupply of land that serves the purposes of natural / semi-natural greenspace is seen and there is no existing shortage of land with such a function. This completely changes the outcomes of the KOSS deficiency assessment and subsequent requirement to retain such UGS sites. The Council's methodology is not robust and needs to be revised to reflect this.
- 2.8 On this basis, the Council's approach to the assessment of natural / semi-natural greenspace does not accord with the NPPF and is not justified.

Questions (d) and (e)

- 2.9 M62 Developments Limited has no comment to make in relation to Questions 29 (d) and (e).

Question (f) - Which green spaces recommended for retention in the Council's Open Spaces assessment do not benefit from i. public access; and/or ii. a Public Right of Way through the site? Is the retention of such sites justified and suitably evidenced?

- 2.10 Site H523 Land at White Lee Road, Batley, which currently forms part of UGS973⁵, is recommended for retention in the Council's Open Spaces assessment. However, this site is an area of private land, it does not benefit from either i. public access or ii. a public right of way through the site. It provides no functional community use or benefit beyond it comprising an area of open land. The retention of this site is not justified or suitably evidenced.
- 2.11 Paragraph 74 of the NPPF is directed at accessible open space, which has specific functions for sport and recreation, as is also the case with paragraph 73 of the NPPF. It is incorrect to apply these paragraphs to any area of open land and in our view they are not relevant to land that has no public access. The Council's current approach confuses public open space within urban areas with an objective to maintain open and undeveloped land.
- 2.12 It has been accepted by two Inspectors at Public Inquiry⁶ and also conceded by the Council at Public Inquiry⁷ that paragraph 74 of the NPPF does not apply to open space that is only protected for its visual amenity or landscape value as this could not realistically ever be deemed to be 'surplus to requirement' or replaceable by 'equivalent or better provision' in common sense terms. This would also apply to any other land that did not have public access.
- 2.13 In the Strata Homes appeal decision⁸, the Inspector reaches the following conclusions:

⁴ As per the Council's accessibility standard

⁵ See Figure 1

⁶ APP/Z4718/W/16/3147937 and APP/Z4718/W/16/3162164

⁷ APP/Z4718/W/16/3162164

⁸ App/Z4718/W/16/3147937

‘It is hard to see how such land protected mainly for visual amenity or landscape value could normally be regarded as ‘surplus to requirements’ in any common sense or practical view, or that it could be replaced by ‘equivalent or better provision in terms of quantity or quality in a suitable location’, in the way that, for example, a playing field, formal recreational ground, play area or park could’ (paragraph 20).

‘The danger is that the strict application of such tests framed in this way would preclude development on large swathes of land protected mainly for their visual amenity within the Plan Area. It would severely restrict opportunities for new development because it would require that land primarily protected for its visual qualities would have to be re-provided elsewhere in alternative suitable locations, or found to be ‘surplus’ to requirements. I am not convinced this is a realistic or appropriate approach given the severe housing land supply shortage in Kirklees’ (paragraph 21).

‘Nor am I persuaded that it was the Framework’s intention to sterilize such land from development, especially given the requirement to boost significantly the supply of housing and to ensure that the planning system does not act as an impediment to sustainable growth. In my view, paragraph 74’s purpose is not primarily concerned with landscape protection, especially given that other provisions of the Framework deal with such matters. Hence, I am not convinced that the strict application of the tests in paragraph 74 is particularly relevant or appropriate in this case. It follows too, therefore that I do not consider the weighted presumption of paragraph 14 should be displaced’ (paragraph 22).

- 2.14 Additionally, the NPPF definition of open space is focused upon land that is accessible, i.e. that provides a sport and recreational function and also acts as a visual amenity (our emphasis). The visual amenity element of the definition should be read as a conjunct to sport and recreational use. To imply that any land of visual amenity alone should be regarded as open space does not make sense as most open undeveloped land will have some degree of visual amenity, which may be valued by the public; this cannot therefore be the intention of the NPPF.
- 2.15 There is a key distinction between the approach applied by the Council and that set out in the NPPF. NPPF para 74 applies to “existing open space, sports and recreational buildings and land, including playing fields”. The definition of “Open Space” at Annex 2 of the Framework is “All open space of public value, including not just land, but also areas of water (such as rivers, canals, lakes and reservoirs) which offer important opportunities for sport and recreation and can act as a visual amenity”. The NPPF therefore does not apply the criteria-based approach to land with a broader green space function but rather to land with a recreational function. Broader green space functions are addressed in NPPF paras 109–123. On this basis, these criteria should not be applied to land with visual amenity value and no public access.
- 2.16 For these reasons, the retention of greenspaces without public access /a public right of way running through them as UGS (including site H523) is not justified or suitably evidenced.
- 2.17 For the reasons set out in the initial statement to the Local Plan Consultation 2016 (representor ID: 968476 extract attached) site H523 is an appropriate housing site and should be released for residential development. Although an application on this site has previously been refused on urban greenspace and visual amenity grounds, with a revised design and layout, an alternative scheme could be developed which would address any outstanding concerns.

Question (g) - Where extensive tracts of open countryside have been designated as UGS (natural / semi-natural green space), how were sites assessed and boundaries determined?

Site Boundaries

- 2.18 A boundary review of extensive tracts of UGS, such as draft allocation UGS973 (land at Field Head Farm, Batley), has not been undertaken and these boundaries have not been robustly re-assessed in the production of the emerging Local Plan. This needs to be remedied, particularly within the context of the need to find additional housing land.
- 2.19 For example, the boundary of draft allocation UGS973 was determined by the UDP Inspector some 20+ years ago⁹. At this time, site H523 Land at White Lee Road (referred to as site BB16) was considered separately to the wider urban greenspace allocation. It was seen as grazing land more closely surrounded by development than the remainder of the wider allocation. Site H523 was concluded to enhance the enjoyment of the use of the public footpath along its southern boundary, providing a route of pleasant semi-rural character and contributing to the appearance of the area. These were the only merits identified. These features do not warrant the ongoing protection of this land as UGS, particularly within the context of the need to identify a substantial amount of additional land for housing in Kirklees.
- 2.20 It is inappropriate to rely upon an historic assessment instead of undertaking an up to date assessment of site H523 and UGS973. The UDP Inspector makes clear at paragraphs L1.2.10, L1.2.12 and 21.1.5 that given likely future pressures for development in and in close proximity to main urban areas, it would be desirable to allow some flexibility for a plan review stage, thereby acknowledging that revised boundaries will be necessary in the future. This has not happened.
- 2.21 There are now substantial and unmet needs for additional housing across Kirklees, particularly in sustainable and accessible urban locations, such as Batley. In recognition of this, a new Local Plan is being prepared which necessitates the release of a significant amount of land to provide additional housing. This includes Green Belt release which, should only be utilised after other sustainable options, including suitable areas of UGS, have been exhausted. The boundaries of the larger UGS allocations therefore need to be reviewed as a matter of urgency and within the context of the need to find an appropriate supply of housing land.
- 2.22 Site H523 and UGS973 should be considered within the context of the NPPF's aims to boost the delivery of housing, the acknowledged lack of a five year supply of housing land and the chronic and severe shortage of housing delivery in Kirklees. This view is consistent with paragraph 27 of the Strata Homes' appeal decision (APP/Z4718/W/16/3147937) where the Inspector concludes that the UDP Inspector's opinion over 20 years ago that an UGS designation was warranted at the time should be treated with some caution. The Strata Inspector went on to conclude that the characteristics and appearance of such areas inevitably change over time and the UDP Inspector's report was written in a markedly different planning policy context, before the publication of the Framework, and at a time when housing needs were not so pressing.
- 2.23 As is set out in the attached extract from the representations submitted during the Local Plan Consultation (2016) in relation to Land at White Lee Road, Batley (representor ID: 968476), Site H523 has a limited function as UGS and could be removed from the UGS allocation without prejudicing its function and an appropriate UGS boundary would remain. There is no real deficiency of this landscape type, and there is, in fact, a considerable surplus of land within the natural / semi-natural greenspace typology available in relation to the Council's standards. On this basis, site H523 should be removed from the UGS allocation.

⁹ The Examination in Public into the Kirklees UDP took place between 25 April 1995 and 26 September 1996

Site Assessment

- 2.24 A basic qualitative assessment has also been undertaken to evaluate the physical, social and visual qualities of each draft allocation. The robustness of this qualitative assessment is questioned as for natural / semi-natural greenspace, a site needs to gain a score of just 8% to be categorised as a high quality space; this is not logical.
- 2.25 Additionally, the qualitative assessments of larger allocations have not been undertaken on a fine grained basis; they simply comprise a high level tick box matrix with a couple of concluding sentences. This is not a robust basis upon which to assess larger strategic draft allocations. For example, site H523 Land at White Lee Road, Batley forms a very small part (approx. 5%) of the larger 48.50ha UGS973 draft allocation¹⁰ which extends to the south east. Site H523 sits within a 28.76ha area of natural / semi-natural greenspace which forms part of this overall UGS allocation. However, this site is entirely separate from the wider UGS and differs in character and context. The basic qualitative assessment of site UGS973 does not apply to land within H523 and a robust assessment of site H523 itself has not been undertaken. It is concerning that the disaggregation of this large site has not been considered in order to meet housing needs.
- 2.26 The Kirklees Urban Green Space and Local Green Space Technical Paper (April 2017) confirms that the basis for the proposed UGS973 allocation is the Open Space Audit, the Playing Pitch Strategy, Open Space Deficiencies and Public Health Assessment. However, for the site to be identified as “green” within the Open Space Audit it has to be a *‘site assessed as having a high value as open space in terms of its physical, social, environmental or visual qualities. Includes sites rated high overall with more than one open space assessment’* (Table 6).
- 2.27 However, as is set out in the enclosed Development Plan representation extract, site H523 is not of high value in terms of physical, social, environmental or visual qualities. For its Public Health Assessment, the Council has identified a significant degree of health inequality in the ward. In relation to this, the Council has provided a table which states that levels of obesity and loneliness / isolation in the under 65s in the ward are higher than the Kirklees average. Clearly, the promotion of a healthy population should be encouraged. Nonetheless, as the site is not publically accessible, it cannot perform a role in assisting in reducing health inequality and enhancing physical or social activity. In contrast, if this site is released for housing development, areas of publically accessible POS can be provided and the public would be more likely to use the site for public health benefit. Site H523 does not contain playing pitches and is not accessible to the public. Therefore, it cannot presently make any contribution towards this initiative. Finally, site H523 forms only a very small part of a larger UGS allocation and its development would not lead to a qualitative or quantitative deficiency in land within the natural / semi-natural greenspace category within the area. Overall, a site needs to be an *‘Important open space, sport or recreation site required to meet local needs and meriting designation as urban green space’*, this is not the case in relation to site H523.
- 2.28 For the reasons set out in the initial statement to the Local Plan Consultation 2016 (extract attached), site H523 is an appropriate housing site and should be released for residential development. This site is identified as a potential 0-5 year housing site in the Council’s SHLAA¹¹ and has only been rejected as a housing allocation on the basis that it forms part of a larger UGS site in an area of deficiency; which, as has been set out in response to question (c) iii) above, is not the case. Although an application on this site has previously been refused on urban

¹⁰ See Figure 1

¹¹ Site 991

greenspace and visual amenity grounds, with a revised design and layout, an alternative scheme could be developed which would address any outstanding concerns.



Appendix

9. Proposed Urban Greenspace Allocation UGS973

Jones Homes **objects** to the proposed allocation UGS973 'Field Head Farm, Batley Cemetery, Carters Fields, St Mary's Primary School, North Bank Road Allotments' and the evidence based used to support it.

9.1. Test of Soundness

Jones Homes considers that this element of the Kirklees Publication Draft Local Plan is **unsound**.

Which test of soundness are comments about?			
X	Positively Prepared	X	Effective
X	Justified	X	Consistency with National Policy

9.2. Justification

Jones Homes **strongly objects** to the identification of their site at White Lee Road, Batley as urban greenspace within the proposed allocation '**UGS973 – Field Head Farm, Batley Cemetery, Carters Fields, St Mary's Primary School, North Bank Road Allotments**' (48.50ha).

The Urban Green Space Technical Paper (November 2016) explains that the justification for allocating UGS973 as urban greenspace is:

- Open Space Audit
- Playing Pitch Strategy
- Public Health

- Open Space Deficiencies

The Urban Green Space and Local Green Space Technical Paper and associated evidence base is flawed as the conclusions in Appendix 1 of the Technical Paper do not apply to the White Lee Road, Batley site.

For a site to be identified as “green” within the Open Space Audit it has to be a *‘site assessed as having a high value as open space in terms of its physical, social, environmental or visual qualities. Includes sites rated high overall yet contain more than one type of open space’*. However, the site is not of high value in terms of physical, social, environmental or visual qualities. For Public Health a significant degree of health inequality must have been identified in the ward and in relation to this, the LPA has not published any information to justify this and as the site is not publically accessible it cannot perform a role in assisting in reducing health inequalities and enhancing physical activity. Furthermore, the draft Kirklees Local Plan Technical Paper: Spatial Development Strategy and Settlement Appraisal confirms that the health of 79.1% of the population of Batley is classed as ‘good – very good’ which contradicts these findings. The White Lee Road site does not contain playing pitches and therefore cannot make any contribution towards this initiative. Finally, the White Lee Road site forms only a very small part of a larger area of land allocated as urban greenspace and its development would not lead to a qualitative or quantitative deficiency in urban greenspace within the Batley area. Overall, a site needs to be an *‘Important open space, sport or recreation site required to meet local needs and meriting designation as urban green space’*. This is not the case. Furthermore, the site name for UGS973 bears no relation to this part of the site as this site does not form part of Field Head Farm, Batley Cemetery, Carters Fields, St Mary’s Primary School or North Bank Road Allotments.

It is concerning that although the Technical Paper refers to reviewing existing extents of sites, no such review appears to have been thoroughly and rigorously undertaken. The evidence base behind the draft allocation is therefore flawed.

Jones Homes would like to highlight that the White Lee Road, Batley site is entirely and wholly separate from the wider UGS973 site and is different in character and context. The site is not assimilated with the adjacent land and performs no open space function. It is concerning that the Urban Green Space Review has not considered disaggregation of this large site.

9.2.1. White Lee Road, Batley – Objective Qualitative Analysis

Spawforths, on behalf of Jones Homes, have assessed the proposed removal of the White Lee Road, Batley site from the wider UGS973 allocation and its impact upon the quality and purpose of the wider allocation.

Use and Accessibility

The site constitutes an area of privately owned, underused land that was previously used for the grazing of horses; there are no formal public rights of access over it and it does not provide a formal urban greenspace function relating to its physical use. Indeed, the most accessible and valuable parts of the allocated site are located further to the south. This matter does not appear to be disputed by either the LPA or the 1999 UDP Inspector. On this basis, it can be concluded that the site is of low value and quality in terms of its actual use as urban greenspace and its development would not prejudice the continuing function of the remainder of the urban greenspace allocation.

Purpose

The site itself does not play a strong role in providing relief from the urban area which is the key purpose of this overall allocation. At 2.46ha, the site forms just 5% of a much larger 48.5ha¹ area of urban greenspace, it is located

¹ Source: Publication Draft Local Plans Allocation and Designations (November 2016) page 273

at the northern edge of this wider UGS973 allocation and is bound and enclosed on three sides by existing residential development. The site therefore makes only a very limited contribution in terms of achieving a visual and physical separation between existing urban areas. The site is therefore far less important to the purpose of this allocation than the remainder of the urban greenspace designation located to the south which separates existing urban areas and more closely reflects the character described by the UDP Inspector. On this basis, the site is of low value and quality in terms of its purpose as urban greenspace and its development would not prejudice the overriding purpose of the wider UGS973 allocation.

Character and Visual Quality

The site constitutes underused land that was previously used for the grazing of horses. On this basis, the site is of low value and quality in terms of its overall character as urban greenspace. It is also important to note that the development will open up this area of land to public access, thereby delivering an accessible and well maintained open space within the urban area. The development of this small site will not impact negatively upon the character of the wider allocation and the key features of importance identified by the Inspector would still remain.

Views

In terms of available views, the site is partially visible from a number of locations. There would be some impact on shorter distance views, i.e. from dwellings and roads directly adjacent to the site however this impact would be substantially mitigated as the proposed development would be read in conjunction with the context of existing neighbouring residential development that flanks the site on three sides. Overall, the development is considered appropriate to the local urban scene.

Ecological Value

An Ecological Appraisal has been undertaken which suggests a range of precautions and mitigation measures and concludes that there would be no

impact upon protected or otherwise important species, habitats or designated sites. The removal of the site from UGS973 would therefore not impact upon the ecological value of the site or the wider allocation.

Other Benefits

The site does not provide any other specific benefits. It serves no cultural heritage, educational, social inclusion or health purposes; it contains no cultural or historic features, friends of groups and does not provide any economic benefit.

Overall Quality and Value

It has been demonstrated above that in terms of quality, the site is presently underused, there is no formal public access and its landscape quality is not of merit. The site is bordered by housing on three sides and 46.04ha of further urban greenspace provision and therefore does not have strong locational value given its setting and the availability of a large extent of more beneficial greenspace in immediate proximity. On this basis, the site can only be deemed to be of **low quality**. The removal of this **low quality** site from the wider UGS973 allocation will have no bearing on that allocation.

Turning to value, as private land, the general public has no formal rights of access over the site and it provides no level of formal physical greenspace use or function and does not meet the needs of groups of people. The site directly adjoins 46.04ha of further urban greenspace (also within the natural/semi natural grassland category) and therefore this tract of land would still remain within the area and the site does not have any scarcity value. The site itself does not provide any educational, social inclusion and health, cultural and heritage or economic benefits at all, it does not contain any listed buildings or friends of groups. Given the above factors, it is clear that the site itself can have nothing more than a **limited value** as urban greenspace nor is it considered to fulfil the function of a valued landscape in terms of paragraph 109 of the National Planning Policy Framework.

On this basis, although part of a wider allocation, the site itself is only of low value and quality as urban greenspace and as such, there is little merit in retaining it as such. The removal of the site from UGS973 would neither materially harm the provision of open space in the area for the community nor diminish the benefits of the wider UGS973 site in providing relief from urbanisation. The removal of the site from the proposed allocation would not prejudice the overall function and purpose of the UGS973 urban greenspace allocation as a whole and the site should be released for alternative and beneficial development.

9.3. Proposed Change

To overcome the objection and address soundness matters, the Council should:

- Review the approach towards urban greenspace to be in accordance with the Framework.
- Review UGS973 and remove the White Lee Road, Batley portion from its proposed allocation.

11. Rejected Site H523: Land at White Lee Road, Batley (part of SHLAA site 991)

Jones Homes **objects** to the rejection of the site at White Lee Road, Batley for residential development and its retention as urban greenspace.

11.1. Test of Soundness

Jones Homes considers that the Kirklees Publication Draft Local Plan is **unsound**.

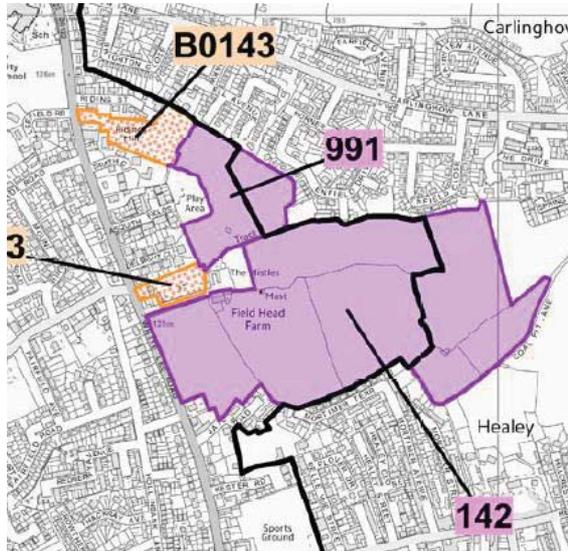
Which test of soundness are comments about?			
X	Positively Prepared	X	Effective
X	Justified	X	Consistency with National Policy

11.2. Justification

Jones Homes objects to the rejection of the site at White Lee Road, Batley H523 as a housing allocation. The site is a sustainable site in a sustainable location and is a logical extension to Batley which is one of the largest settlements in Kirklees. Batley scores favourably in the settlement appraisal and is considered to have good accessibility to services and facilities.

Jones Homes is particularly concerned that level of new housing proposed within Batley over the plan period (725 dwellings) does not reflect the size, status, function and sustainability of the settlement and also that Green Belt sites are proposed for release elsewhere within the authority ahead of non-Green Belt sites such as land off White Lee Road, Batley.

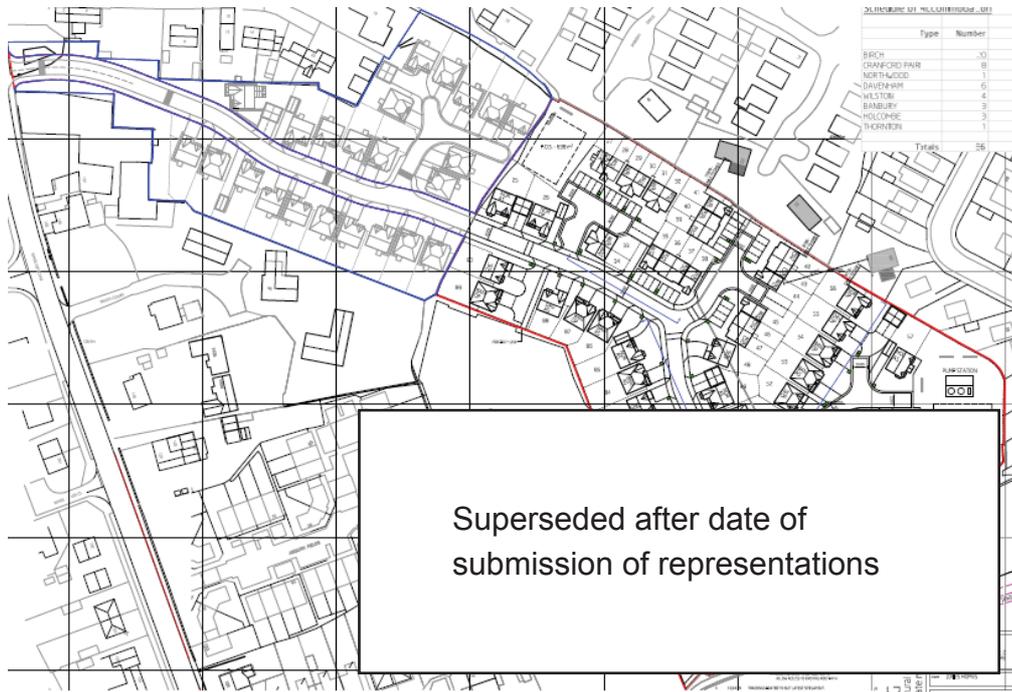
This site forms SHLAA Site 991:



The Council's own site assessment considers the site is accessible, sustainable and appropriate. The SHLAA concludes that site 991, known as Land to the East of Asquith Fields, is a Green site in relation to availability and an Amber site in relation to suitability and achievability and the site is identified as a potential 0-5 year housing site. The SHLAA comments that access may need improving and that there will be costs associated with this. Jones Homes have demonstrated that suitable access can be provided to the site and that a residential scheme is viable.

Overview of the proposals

The plan below shows that the site off White Lee Road, Batley provides a logical extension to the existing urban area. The site could deliver around 66 new homes in a mixture of sizes and tenures. Highway access for the scheme could be taken from White Lee Road, via Jones Homes' existing residential development that is currently under construction on land directly to the west. The site occupies a sustainable location close to services and facilities and is accessible by foot, cycle, public transport and private vehicle.



Development principles and benefits

The site is situated in a sustainable location and is well defined by existing housing and roads, it is surrounded by development on three sides and is effectively an infill plot. The site is located close to Batley, Heckmondwike, Gomersal and Birstall, all of which provide shops and services. The site also has access to public transport facilities, with bus stops located on White Lee Road.

Having concluded that the site is appropriate in locational terms for development, it is now relevant to assess it against the criteria for identifying allocations in the National Planning Policy Framework, which states that local planning authorities should identify sufficient deliverable sites to deliver housing in the first five years. To be considered deliverable, sites should be available, suitable and achievable.

Deliverability

The site is available, suitable and achievable and is deliverable in accordance with the Framework and represents a sustainable residential opportunity within an established residential area. Jones Homes intends to develop the site themselves which further demonstrates the site's deliverability.

Availability

Jones Homes controls the site and therefore the site is available for development now.

Suitability

The proposed development can make an efficient and attractive use of the land. Although greenfield in nature, the site represents an excellent opportunity for future housing and development. This site would allow housing to be delivered within an appropriate and sustainable location within Batley.

The site is surrounded by built form and residential development on three sides and is effectively an infill plot. The development would clearly accord with the emphasis set out in the Framework, particularly concerning the need to make more efficient use of land. The site benefits from being located close to a range of services and facilities, including local shops, public houses, primary and secondary schools and other community facilities. The site is also within walking distance of bus routes to Leeds, Morley, Batley, Heckmondwike and Mirfield.

Achievable

It is considered that development on this site is achievable. There are no known constraints to its development.

Accessibility

The main access point into the site will be taken from White Lee Road, via Jones Homes' existing residential development that is currently under

construction on land directly to the west. It is considered that a safe and suitable accesses can be created into the site, and that the development would not have a significant detrimental impact on the local highways network. There are therefore no insurmountable constraints with regard to impact on local highways and access.

The site is located within the existing urban area of Batley which is a focus for growth and development within the authority. The site occupies a sustainable urban location and is accessible by a range of modes of transport. White Lee Road which provides access to Heckmondwike and Dewsbury to the south and Gomersal and Batley to the north with access to the M62 and M621 Motorways a short distance beyond. Bus stops are located close to the site on White Lee Road and the site is also accessible on foot and by bicycle. The site is also situated close to a range of services and facilities, including schools, local shops and employment opportunities.

Other environmental matters

The site has been fully surveyed and there are no known environmental constraints to site delivery.

Effective Use of Land

Although the site is greenfield, the proposed scheme will utilise and enhance existing infrastructure. Although the site is not previously developed it is currently under-utilised. The site is easily accessible and the proposed access point is off White Lee Road, via Jones Homes existing residential development site that is currently under construction directly to the west. The scheme is therefore making an efficient and effective use of land and infrastructure.

Delivering a Flexible Supply of Housing

The Framework requires Local Planning Authorities to meet their full objectively assessed housing need. The site at White Lee Road, Batley will

reinforce the housing supply for the short to medium term and address the District's housing needs in the early and middle periods of the Local Plan.

A Positive Response to the Key Objectives of the Framework

The Framework sets out the Government's key housing policy objective of boosting significantly the supply of housing and proactively driving and supporting sustainable economic development to deliver homes, business and industrial units, infrastructure and thriving local places that the country needs. The Framework explains that the supply of new homes can sometimes be best achieved through planning for larger scale development, such as extensions to towns, and creating mixed and sustainable communities with good access to jobs, key services and infrastructure. Sites should also make effective use of land and existing infrastructure.

- The proposal responds positively towards national guidance
- The site is appropriate for accommodating housing growth, being an expansion of an existing settlement.
- The proposed site is accessible to existing local community facilities, infrastructure and services, including public transport.
- The site has been assessed and is available, suitable and achievable for development.

Benefits

The development of the site would provide significant benefits. The site would provide a mixture of housing that would meet the needs of Kirklees and deliver much needed new homes. The site is not located in the Green Belt, it is situated within flood zone 1 and occupies a sustainable location adjacent to existing housing and close to a range of services. Therefore this site provides a unique opportunity in a sustainable location.

In accordance with the Framework Jones Homes has shown that:

- The site is suitable for housing.
- The proposal will deliver high quality housing.
- The proposal can provide a good mix of housing commensurate to the demand and need in the area.
- The scheme uses land efficiently and effectively.
- The proposal is in line with planning for housing objectives.
- The site is within a sustainable location situated in close proximity to facilities and services and also to bus stops for local bus routes.
- The proposal will deliver public open space.

11.3. Proposed Change

To overcome the objection and address soundness matters, the Council should:

- Allocate the White Lee Road, Batley site for residential development which could deliver 66 dwellings in the short term.