

Appendix SH1

Relevant Policies from UDP

UDP

KIRKLEES UNITARY DEVELOPMENT PLAN

WRITTEN STATEMENT – REVISED WITH EFFECT FROM 28 SEPTEMBER 2007

As a result of a Direction issued by the Secretary of State for Communities and Local Government, from 28 September 2007 some of the policies in the UDP continue to have effect ('saved policies') and some do not as they were not saved. This updated version of the UDP contains explanatory text for each not saved policy. Further information about policy saving can be found on the Kirklees website at

<http://www.kirklees.gov.uk/beta/planning-policy/saved-policies.aspx>

2. THE DEVELOPMENT FRAMEWORK

STRATEGY

- 2.1 The main function of the plan is to reconcile conflicts between the need for development, including the provision of infrastructure, and the need to protect the built and natural environment. In order to work towards the reconciliation of such conflicts a development framework is required. This defines where development can and cannot be accepted if open land within towns and the countryside around towns are to continue to provide the benefits of visual amenity, opportunities for recreation and habitats for wildlife and to contribute to a sense of place.

D1 DEVELOPMENT PROPOSALS WHICH WOULD LEAD TO A LOSS OF VALUABLE OPEN LAND WITHIN TOWNS OR OF OPEN COUNTRYSIDE WILL NOT NORMALLY BE PERMITTED.

- 2.2 The development framework is based on the policies set out in this chapter together with the provision made in the plan for specific types of development, principally the allocations for housing and business and industry which are shown on the proposals map. Within the built-up areas undeveloped land is either subject to a general policy which applies where there is no specific notation on the proposals map, or to specific urban open land policies. The countryside, and especially undeveloped land between settlements, is protected by green belt policies which are based on a general presumption against inappropriate development.

LAND WITHOUT NOTATION ON THE PROPOSALS MAP

- 2.3 Large parts of the urban areas are not subject to notation on the proposals map principally because comprehensive zoning is considered to impose too much rigidity on the plan, especially as it is clearly not possible to anticipate where proposals for the redevelopment or change of use of property will occur. However, absence of notation does not mean that no policies will be applicable to development proposals which might arise in these areas. There are non site specific policies relating to types of location such as residential areas and to types of development such as house extensions or change of use of houses to business use. Nevertheless, there will be many development proposals to which no specific policy applies. These proposals will need to be determined on their merits taking into account the general considerations which underlie the policies in the plan and the allocations on the proposals map.
- 2.4 Proposed development to which no specific policy applies will need to fit in with the plan's proposals for other land to avoid prejudicing their implementation and thereby frustrating the objectives of the plan. In this context the proposal will itself need to avoid contributing to the over-development of built-up areas (sometimes referred to as "town cramming") and the unnecessary use of energy through encouraging greater car usage. It will also need to avoid detriment to highway safety, residential and visual amenity, the character of the surroundings and wildlife interests. The overloading of infrastructure,

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such as drainage, will also need to be avoided. Finally, as with any planning application, the Council may take into account any other material planning consideration, defined in PPG1 as any consideration which relates to the use and development of land and can fairly be related to the application concerned.

D2 PLANNING PERMISSION FOR THE DEVELOPMENT (INCLUDING CHANGE OF USE) OF LAND AND BUILDINGS WITHOUT NOTATION ON THE PROPOSALS MAP, AND NOT SUBJECT TO SPECIFIC POLICIES IN THE PLAN, WILL BE GRANTED PROVIDED THAT PROPOSALS DO NOT PREJUDICE:

- i THE IMPLEMENTATION OF PROPOSALS IN THE PLAN;**
- ii THE AVOIDANCE OF OVER-DEVELOPMENT;**
- iii THE CONSERVATION OF ENERGY;**
- iv HIGHWAY SAFETY;**
- v RESIDENTIAL AMENITY;**
- vi VISUAL AMENITY;**
- vii THE CHARACTER OF THE SURROUNDINGS;**
- viii WILDLIFE INTERESTS; AND**
- ix THE EFFICIENT OPERATION OF EXISTING AND PLANNED INFRASTRUCTURE.**

URBAN OPEN LAND

- 2.5 Undeveloped land not included in the green belt and not allocated for development constitutes 'urban open land'. This takes a number of forms: parks and other public open space, playing fields, allotments, unused land, and agricultural land (usually grazing land). Private gardens and land which constitutes the grounds of large buildings such as factories, offices and hospitals are not included as urban open land because they form amenity and operational space ancillary to residential, industrial and other uses. However, the grounds of schools and colleges have been included as urban open land where they contain playing fields because these represent an extensive and valuable open land resource.
- 2.6 Some urban open land contains buildings; these are mainly in school grounds, but parks and sports grounds may contain pavilions and changing rooms and land in agricultural use may contain farm buildings and scattered dwellings. Most of the urban open land identified in the District is in public ownership, with about 36% privately owned. Much, but by no means all, urban open land has public right of access.

4. THE BUILT ENVIRONMENT

STRATEGY

- 4.1. The quality of the built environment affects everyone, therefore new development should be designed to the best possible standard. The importance of quality in design and materials has become an important factor when development proposals are being considered. It is now acknowledged that the spread of poorly designed standardised developments within town centres and residential areas in the 1950's and 60's has detracted from, or even destroyed the uniqueness of some areas.
- 4.2 The importance of the architectural heritage of the District is now recognised. The strong local traditions and the variety of environments demand the avoidance of simple formula developments, and require concentration on developments which are designed for the site.
- 4.3 The topography, natural setting and cultural history of the area, as expressed in the character of local buildings, should be acknowledged in the design of new buildings. This should be reflected in matters of scale, density, layout, height, massing, materials, access and landscaping. The use of innovative modern design can enhance the built environment, although this will rarely be appropriate in conservation areas, or close to listed buildings, where the character of an area, or setting of the building should be preserved. Existing buildings of inappropriate design should not set a precedent for the design of new development.
- 4.3a Design involves much more than what the development will look like or how it will fit in with the character of the area. The form and layout of built development also impacts on whether the environment produced is safe, healthy and energy efficient. Specific policies relating to these matters occur elsewhere in the plan. Potential developers should have regard to these functional matters as an integral part of the design process from its inception. Although high quality modern design will be encouraged, local architectural styles should be respected so that the unique characteristics of the area are maintained and enhanced. New development should take account of the local context. The design of new buildings should respect any traditional character the area may have. The character is defined by the building materials, the density and scale of building, the siting and massing of buildings, the relationship of those buildings to the spaces between them and areas beyond and by the architectural details of walling, roofing, windows, doors etc. A site appraisal is an essential element of any development. Existing site features to be noted will include trees, hedges, walls, fences, streams, footpaths, existing buildings and landform such a slope and changes in level. All buildings on and around the site should be noted, together with their siting, architectural character and detailed use of materials. Views from the site and key views into the site from without must be identified. Infill development must respect the scale, height and design of adjoining buildings, and be in keeping with the predominant characteristic of the area. Within conservation areas or

close to listed buildings particular regard should be paid to traditional architectural design and materials of construction.

- 4.3b Public Art can contribute to the quality of design. Whilst the promotion of art is not a proper function of planning control the creative arts can make a contribution to the external appearance of buildings and the built environment generally. Where a development would benefit from the inclusion of an element of public art the Council will suggest to the developer the inclusion of a work of art in the development and assist in the provision of the work of art.

BE1 ALL DEVELOPMENT SHOULD BE OF GOOD QUALITY DESIGN SUCH THAT IT CONTRIBUTES TO A BUILT ENVIRONMENT WHICH:

- i CREATES OR RETAINS A SENSE OF LOCAL IDENTITY;**
- ii IS VISUALLY ATTRACTIVE;**
- iii PROMOTES SAFETY, INCLUDING CRIME PREVENTION AND REDUCTION OF HAZARDS TO HIGHWAY USERS;**
- iv PROMOTES A HEALTHY ENVIRONMENT, INCLUDING SPACE AND LANDSCAPING ABOUT BUILDINGS AND AVOIDANCE OF EXPOSURE TO EXCESSIVE NOISE OR POLLUTION;**
- v IS ENERGY EFFICIENT IN TERMS OF BUILDING DESIGN AND ORIENTATION AND CONDUCIVE TO ENERGY EFFICIENT MODES OF TRAVEL, IN PARTICULAR WALKING, CYCLING AND USE OF PUBLIC TRANSPORT.**

QUALITY OF DESIGN

- 4.4 Developers should aim to achieve a high quality of design and landscaping. The appearance of any proposed development, its appropriateness to the site, and its relationship to its surroundings will be taken into account in determining planning applications.
- 4.5 The siting of new development is particularly important in a hilly district such as Kirklees, where sites are often prominent, or can be seen from above. Accurate site surveys and the noting of existing features on or around the site are essential precursors of any development proposal to ensure that buildings relate to the existing settlement structure, and maintain or improve existing relationships with the landscape. Important views of, and from the site should be retained as basic design elements. Similarly, on site features, such as trees, boundary walls, or existing buildings, need to be respected. Levels must be taken into account so that the landscape is not harmed by any site works.

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Extensive levelling or 'decking' of hillsides so that buildings designed for flat sites can be accommodated will be unlikely to be acceptable.

- 4.6 Care will be needed where large buildings are proposed adjacent to or amongst smaller buildings, or where they would be visible from wide areas. Public views of prominent landmarks should not be obstructed, and historic skylines should be protected from inappropriate intrusions.
- 4.7 The layout of new developments should avoid the monotonous repetition of standard designs and distances. Layouts should be designed to enclose spaces, and respect the human scale. The individual parts making up a development should be in proportion to each other, and relate to form a balanced composition whose scale, massing, density and height complements and enhances the landscape and any adjacent development.
- 4.8 The design of new buildings should respect any traditional character the area may have, and attention should be paid to the choice of materials, and elevational detail, including windows, doorways and roof style. Good quality modern design will be encouraged, although local architectural styles should be respected so that the uniqueness of the area is maintained and enhanced. Infill development must respect the scale, height and design of adjoining buildings, and be in keeping with the predominant character of the area. Within conservation areas, or close to listed buildings, particular regard should be paid to traditional architectural design, and materials of construction.
- 4.8a The district is not uniform in character and this is reflected in local building traditions. The design complexity of construction and architectural styles vary. However several essential features of the local building tradition can be identified. The use of local stone with stone or blue slate roofs and the built form of the older settlements reflect the availability of building materials and the historical development of the textile industry and the predominantly hilly topography. Many settlements, both urban and rural, take the form of stone built properties closely following the hillside contours. Industrial and residential areas were traditionally located close together and views of the surrounding countryside intrude into many settlements.
- 4.9 Good quality hard and soft landscaping should be an integral part of the design of all but minor developments. Low maintenance landscaping schemes are preferable and sensible options for areas of open space. Hard landscaping can include the surface treatments for footpaths, parking areas, walls, fences or other boundary features.
- 4.10 The layout of new developments should provide satisfactory access to existing highways, and safe and convenient facilities for vehicles within the site. Wherever possible buildings and not roads should be the dominant element. The layout of new residential development should conform to the principles of DoE Design Bulletin 32.

BE2 NEW DEVELOPMENT SHOULD BE DESIGNED SO THAT:

- i IT IS IN KEEPING WITH ANY SURROUNDING DEVELOPMENT IN RESPECT OF DESIGN, MATERIALS, SCALE, DENSITY, LAYOUT, BUILDING HEIGHT OR MASS;**
- ii THE TOPOGRAPHY OF THE SITE (PARTICULARLY CHANGES IN LEVEL) IS TAKEN INTO ACCOUNT;**
- iii SATISFACTORY ACCESS TO EXISTING HIGHWAYS CAN BE ACHIEVED; AND**
- iv EXISTING AND PROPOSED LANDSCAPE FEATURES (INCLUDING TREES) ARE INCORPORATED AS AN INTEGRAL PART OF THE PROPOSAL.**

HERITAGE

Listed Buildings

- 4.11 Kirklees has approximately 4500 listed buildings, 1% of all listed buildings in England. The Council places a high priority on protecting the architectural quality of the District. New development should not adversely affect the character or appearance of a listed building, or its setting. Only in very exceptional circumstances will consent be given for demolition, and then only when every possible means of retaining the building has been examined. The Council has a statutory duty to pay special regard to the desirability of preserving listed buildings and their settings. Particular attention will need to be paid to those buildings most at risk. As such, careful consideration will be given to applications which may affect listed buildings. In considering proposed changes to listed structures all aspects of public safety will be taken into account.

~~**BE3 ANY APPLICATION FOR LISTED BUILDING CONSENT FOR THE ALTERATION, EXTENSION OR CHANGE OF USE OF A LISTED BUILDING, AND ANY APPLICATION FOR PLANNING PERMISSION WHICH WOULD AFFECT ITS SETTING SHOULD PAY SPECIAL ATTENTION TO THE DESIRABILITY OF PRESERVING THE LISTED BUILDING OR ITS SETTING OR ANY FEATURES OF SPECIAL ARCHITECTURAL OR HISTORIC INTEREST WHICH IT POSSESSES.**~~

BE3 was not saved because it repeats guidance in PPG15 and is derived from Section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which states: