

**KIRKLEES  
UNITARY DEVELOPMENT PLAN  
INSPECTOR'S REPORT  
VOLUME III**

**Report into Objections to the Unitary Development Plan**

**Inspector:** D G Baldock MA DipTP DMS MRTPI  
**Assistant Inspector:** S M Rolstone BSc MA MRTPI  
**Period of the Inquiry:** 25 April 1995 to 26 September 1996

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## **CHAPTER 19 - SITES FOR BUSINESS AND INDUSTRY**

### **19.1 INTRODUCTION**

19.1.1 This chapter deals with objections either to sites allocated in the plan for business and industry under policy B2 or seeking a B2 allocation for land designated as POL or which has no notation in the plan. The cases are ordered by area.

19.1.2 The allocations in the plan are made up of sites appearing on the ELSR, which are considered to have an existing commitment for business and industry and include those with local plan allocations and those with planning permissions, and new sites. Land on the ELSR is categorised according to availability. Following detailed appraisal as part of the plan preparation, not all committed sites were brought forward for allocation. Those removed were in the more constrained categories. New sites originate from a study of urban open land, from land in employment priority areas and from release of Green Belt. Objections concerning the latter sites are covered in Chapters 17.

19.1.3 The basis for the distribution and selection of sites is explained in paragraphs 10.11 and 10.12 of the plan. In Chapter L1 I found that arguments against the general distribution, nature and broad scale of allocations were not substantiated. Bearing in mind the importance given in national and regional guidance and in the plan aims to creating the right conditions for diversification and strengthening of the economic base, the allocations under policy B2 should be upheld unless the plan is shown to be flawed. This could arise where the land is unlikely to be available, where the allocation would be inconsistent with the objectives of the plan or national guidance, or where there would be serious harm to interests of acknowledged importance.

19.1.4 When evaluating objections seeking allocation of POL or land with no notation, it is appropriate to assess whether, having regard to the requirements and considerations set out in paragraphs 10.11 and 10.12, the failure to allocate the site shows a clear inconsistency. POL is assessed as having less quality than land designated as UGS, but with actual or potential value as open land. Policy D5 will protect this value pending review of the plan. Some of the cases involve a comparative judgement of the merits of the site as open land. PPG17 emphasises the value of recreational and amenity open space in urban areas. Given the extensive consultation as part of the plan preparation and the importance of local choice, judgements reached by the local planning authority should not be set aside unless there is compelling evidence that this is necessary to further the objectives of the plan. Some cases raise the issue of the availability or viability of the site for business and industry and it is necessary to consider this in the context of PPG12, which emphasises that proposals should be realistic.

## AREA 1 - COLNE VALLEY

### **19.2 POLICIES D5 AND DL3, SITE CV10 ROYDHOUSE TIP, MANCHESTER ROAD, LINTHWAITE**

Objections: 0789 George Mallinson & Sons Ltd

#### **Issues**

- 19.2.1 These are whether the site:
- i. has amenity value or potential which merits protection;
  - ii. is suitable for development for industry or housing.

#### **Conclusions**

19.2.2 The site forms part of an area allocated as POL, some of which is also identified for derelict land reclamation under policy DL3, with the proposed use being for recreation/tree planting. The main purpose of POL is to provide a resource of longer-term development land. Allocation as POL depends upon there being some reason, such as amenity value, which inhibits immediate development but is not so significant as to preclude this occurring eventually. There should also be an expectation that the land is or will be physically capable of development, even if currently there are infrastructure constraints.

19.2.3 The site is in distinct parts. The lower part is between the rear of houses in Causeway Side and an industrial area to the north-west and includes unused land, garages, and allotments. This part of the land does not have visual value but serves as a useful buffer between the adjoining uses. Development affecting the allotments would be subject to policy R9, so that protection by policy D5 is not necessary in this respect.

19.2.4 A steep bank leads to a further more level area behind houses in Causeway Crescent. The embankment is very prominent, so that development would be undesirable and is probably also impractical because of the gradient. The level area is a former refuse tip which is overgrown and in need of reclamation. The Council say that development on this part of the land would also be too prominent but I disagree. Suitable screening could satisfactorily mitigate any adverse effect, bearing in mind that there are buildings nearby at a similar height.

19.2.5 On the second issue, concerning the lower land, this is at a similar level to the adjoining industry but in my view the functional value of the allotments and the role of this part of the POL as a buffer between housing and industry make future development, whether for housing or industry, unlikely. In these circumstances allocation as POL is inappropriate because it implies a potential for development which does not exist. The land does not have the quality which would justify designation as UGS so should be left unallocated. Not only would this be the correct designation in the circumstances, but it is also necessary where, as appears to be the case here, the area of a site is less than 0.4ha.

19.2.6 Concerning the bank and upper area, the relationship to the dwellings in Causeway Crescent and the need for access from that road means that residential development would

be likely to be the only suitable built use. However I agree with the Council's evidence that the road is narrow and that with the additional constraint of on-street parking its use as the access to a new housing development would be undesirable. Whereas this may not permanently preclude development, perhaps because suitable detailed arrangements are suggested or a greater priority is put on the benefit from housing provision, it does constitute reasonable grounds not to allocate the land for housing. The access difficulties and the prominence of the embankment are grounds to maintain the POL allocation and the use as proposed under policy DL3.

### **Recommendation**

19.2.7 Modify the proposals map by deleting and leaving unallocated that part of the POL off Manchester Road and Causeway Crescent, Linthwaite which is low-lying and at the south-western extremity, approximately coinciding with the area outside the derelict land notation.

\*\*\*\*\*

## **AREA 3 - HOLME VALLEY**

### **19.3 ALLOCATION B3.1 NEW MILL ROAD, HONLEY**

Objections: 2070 Designaim Developments Ltd

2218 Mr C Bell

#### **Issues**

19.3.1 These are:

- i. whether the land is realistically available for development;
- ii. whether development for business and industry would be undesirable because of the additional traffic generated, the opportunity to use land which is derelict or already partly developed, and the effect on a green corridor.

#### **Conclusions**

19.3.2 The site lies to the north-east of the River Holme and is a level area of some 3.1ha which contains unused land and ancillary servicing to existing premises. PPG12 states that an allocation should have a realistic prospect of proceeding and I am satisfied that this test is met for the following reasons. Previous unsuccessful applications for retail purposes demonstrate the availability for separate development of part of the land, albeit that on these occasions some of the adjoining premises were also included. One owner has supported the allocation in the plan. Finally, although some land would need to be retained to provide servicing and ancillary facilities for the existing premises, this is likely to be a small part of the total allocation.

19.3.3 Turning to the second issue, the land was allocated for industry in both the Town Map and the HMLP. The Council rightly points to the desirability of maintaining a supply of land for business and industry in all parts of the district with a substantial population because of the benefit from providing jobs near where people live so as to minimise the need to travel, especially where, as here, there is good access to public transport. In this respect the land constitutes nearly half the allocated land in the Holme Valley.

19.3.4 Objector [2218] refers to the increase in traffic on A616 New Mill Road and through built-up areas to the motorway. No detailed traffic figures are available but any increase attributable to this site would be likely to be small relative to total flows and any problems are not so severe as to be grounds to resist the allocation. Every appropriate opportunity to use brownfield sites should be taken but the identified land supply for business and industry does include both sites within the curtilage of existing premises where there is an opportunity for development and currently derelict land expected to be available following reclamation. There is no evidence that the supply available from these sources has been underestimated and indeed the development of site B3.1 would be consistent with this general approach. Hence there are not grounds to delete the allocation in favour of substituting other land which is derelict or partly developed and has hitherto been disregarded.

19.3.5 Green corridors have been designated primarily because of their value for plants and animals, with particular emphasis on watercourses. Development adjoining the corridor would be considered against policy D6. The value of this site to the purposes of the green



corridor is not so great as to justify precluding development and the terms of the policy are adequate to protect the character and quality of the corridor. Suitable landscaping which could be required by condition would be capable of enhancing the corridor.

19.3.6 Objector [2218] also suggests alternative development of the site. There is no detailed evidence that agricultural use is feasible. No specific tourism-related use for which the land would be suitable is stated, even if resources were available to implement this. There are playing fields on two sites nearby, whereas an additional recreation need which could be met here has not been shown. An alternative allocation as proposed would not be justified and would prevent implementation of the allocated use which supports the objectives of the plan.

### **Recommendation**

19.3.7 No modification.

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## **AREA 4 - KIRKBURTON**

### **19.4 ALLOCATION B4.2 ABBEY ROAD, SHELLEY**

Objections: 1033 Mr K Whiteoak 1243 Kirkburton & District Civic Society  
2607 Residents of New Hey Moor Houses 2613 Hassall Homes

#### **Issues**

- 19.4.1
- i. whether the site should be described as in Shelley or Shepley;
  - ii. whether allocation for business and industry is appropriate having regard to:
    - a. the need for land for business and industry in this part of the district;
    - b. any constraints on development, particularly the provision of access;
    - c. the effect on nearby dwellings;
    - d. the suitability of the site for a housing allocation;
    - e. the merits of an allocation as UGS or Green Belt.

#### **Conclusions**

19.4.2 As the Council points out, the site appears to be physically part of Shelley and separated from Shepley by an area of Green Belt. Whereas the objector [1243] is correct that the site is in Shepley electoral ward, the plan should use the description which accords with common understanding. Nearby residents give their address as Shepley but a more general interpretation by those without specialised knowledge is likely to be that this is part of Shelley, so that to describe the site as being in Shepley might be misleading.

19.4.3 The site consists of unused land, occupied by a mill until demolished in 1981, and an adjoining paddock. Objector [2613] argues that this is not an area of high demand for modern industry. The Council states that the intention is to provide a spread of sites capable of replacing traditional industries and that this location is convenient to Shelley and Shepley. I agree that it is sensible to provide a range of sites in an area where there has been some industrial and commercial development, so as to provide an opportunity for local firms to expand and for employment to be provided near where people live. The allocation would be consistent with paragraph 10.11ii of the reasoned justification, albeit that local businesses are dispersed. Although the location is not near a motorway junction, it does adjoin a strategic highway.

19.4.4 Sites should be allocated only where there is a realistic prospect of development taking place. In this case frontage land would be needed to provide visibility from the access. Nevertheless it is not unusual for such arrangements to be made in order to bring about development or, as the Council says, compulsory powers might be used. Although the land has been undeveloped since the demolition of the mill, I do not believe there is any fundamental constraint which has caused this.

19.4.5 There are some dwellings next to the site on the Abbey Road frontage and the residents in the New Hey Moor Houses adjoining the south-west corner have objected to the allocation [2607]. If development occurred there would be a juxtaposition of housing and

industry but PPG4 records that many businesses can be carried on in residential areas without causing unacceptable disturbance. Control over the details of the development, including siting, together with environmental legislation provide adequate means to safeguard residential amenity without the need to incorporate a specific buffer zone.

19.4.6 Objections [2607] and [2613] would favour a housing allocation. For these to succeed, the land would have to be suitable and this use preferable to the current allocation. This part of Shelley is separated from most of the settlement by Abbey Road, A629, so that in this respect business and industry would be more suitable. Shelley is in the course of substantial expansion as the result of the development of site H4.12, with a capacity of 260 dwellings, which has been incorporated in the plan following a decision of the High Court confirming the validity of the permission. I agree with the Council that a period of consolidation is required in the settlement, including the possible development of local services to support the increased population. For this reason a further housing allocation would be undesirable, although I am not convinced that the distance from this site to existing and future services would be a material disadvantage. Access requirements for housing would be less onerous, so that necessary rights might be more readily acquired, but whereas this might increase the probability of development within the plan period, other factors concerning the appropriateness of the alternative developments carry more weight.

19.4.7 Concerning an alternative allocation as UGS or Green Belt, the land is closely related to the settlement because of the buildings on three sides and the strong character of Stretch Gate forming the western boundary. Thus the land would not contribute materially to the purposes of the Green Belt and does need to be kept permanently open by inclusion within it. Although allocation as UGS or similarly as open green space is also advocated [1033 and 2607], the land does not have the visual or functional value which would be necessary for retention as an open site to be appropriate.

19.4.8 I am satisfied that the allocation for business and industry accords with the strategy in the plan and is preferable to the alternatives advocated by objectors.

## **Recommendation**

19.4.9 No modification.

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## **19.5 ALLOCATION B4.3 AND POLICY B3 LILEY LANE/WAKEFIELD ROAD, GRANGE MOOR**

|             |                                    |   |
|-------------|------------------------------------|---|
| Objections: | 0080 S Brant                       | [241 & 5478[PC] Kirkburton & District Civic Society |
|             | 2517 C & M Ramsden                 | 2946 Mr K R Andrews                                 |
|             | 3044 Campaigning Road Action Group |   |

## **Background and issues**

19.5.1 In the deposit draft plan the area for development is 6.4ha, which excludes a further area of a similar size to the east, shown as a buffer zone subject to policy B3. The extent of the buffer zone is influenced by the presence of spoil deposits, which were believed to make some of that land unsuitable for buildings. In the proposed changes the area of the

buffer zone is varied and reduced, so that the revised allocation would be 9.4ha. The Council indicates that the change is influenced by further information on ground conditions, although not all the land included may be suitable for the erection of buildings. Objection [2517] is conditionally withdrawn, subject to the proposed change.

19.5.2 A substantial part of the land was occupied by the former Shuttle Eye Colliery. This closed in 1973 and in the early 1980's the land was reclaimed to agriculture, including the planting of substantial tree belts adjoining the east and south boundaries. The Council argues that this is not a greenfield site because of the previous colliery use and to counter this evidence has been submitted as to the amount of the allocation which remained in agricultural use when the colliery was present. In my view it is the present appearance of the land as part of the countryside largely in agricultural use which is important in deciding the merits of the allocation.

19.5.3 I have examined all the evidence concerning the allocation but some of the arguments made are of insignificant weight in my decision and are not therefore included in the main issue. Objector [3044] argues that national policy should give greater importance to the protection of agricultural land. This is advocated not on the basis of special local characteristics but on the grounds that national policy is mistaken. The evidence put forward does not in my judgement justify any deviation from the policy in PPG7 that little weight should be given to the loss of land of moderate or poor quality, nor is there evidence which justifies retaining this site for agricultural use. [2946] suggests that the elevation of the site would result in unsuitably harsh winter conditions but buildings can be insulated and there is direct access to a classified road connecting to the strategic highway network, so that any difficulties are not exceptional. [3044] comments on a potential adverse effect of noise and pollution on nearby sports pitches but the opportunity to control the details of development under planning and environmental legislation would be an adequate safeguard.

19.5.4 In the Town Map the land is in part unallocated, while part is subject to allocations related to the colliery use. In so far as a boundary for the Green Belt is shown in the vicinity, this is designated "interim". The Town Map and the WYSP constitute the statutory development plan, so that a detailed boundary for the Green Belt has not been fixed. In the DDKLP the land was shown in the Green Belt and objector [3044] stresses the weight formerly given to this designation by the Council and by Inspectors in the determination of appeals. Whereas I understand the historical reasons for this, I have explained in paragraphs L1.3.11-17 that in the prevailing circumstances the detailed boundary of the Green Belt to be included in the UDP must be considered on its merits. I concur with the Council that this is not a site within the settlement framework where UGS designation might be suitable, so that the probable alternative to upholding the allocation would be to include the land in the Green Belt.

19.5.5 The main issue is therefore whether this is a suitable site for business and industry having regard to:

- i. the extent to which it is desirable to provide such sites in the rural parts of the district;
- ii. the accessibility of the site by public transport and for commercial traffic;
- iii. its contribution as open land to the purposes of the Green Belt.

If the allocation is retained a further issue is what size of buffer zone is necessary to protect local residents and the rural character of the surroundings.

## Conclusions

19.5.6 One of the arguments made against the allocation is that greater emphasis should be given to urban areas with higher unemployment and better access to the M62. These characteristics are relevant to the selection of potential employment sites but this does not necessarily invalidate the case for an allocation here, provided that a reasonable balance is maintained, particularly bearing in mind the advice in PPG4 to provide a variety of sites capable of meeting different needs. In Chapter L1 I have accepted that reasonable account has been taken of opportunities on derelict sites, as urged by [0080] and [2946], so that further land not currently in industrial use is required. The Council supports the allocation on the basis that there should be some provision throughout the plan area, so as to provide an opportunity for jobs to be available close to where people live. The Kirkburton area within which the site is located is characterised by a number of moderate-sized settlements and environmental considerations are likely to preclude separate provision for business and industry in each. A single larger allocation may also be more attractive to developers and can provide a range of opportunities for prospective occupiers. Looking at the Kirkburton area as a whole, the level of allocations is broadly consistent with the size of the local population, as is that in Denby Dale. Whereas I can see some merit in the view that a rather smaller allocation would be more suitable to meet local employment needs, this would not necessarily be practical or desirable in all the circumstances. In so far as all the land proposed to be allocated cannot be built on, its overall scale may be exaggerated. Reducing the allocation would remove the flexibility which its size provides and would require the selection of an alternative boundary, whereas there is a considerable logic to the present boundary formed on three sides by roads. Objector [3044] argues that this site is unrelated to existing industrial use. I acknowledge that this may diminish the attractiveness of the site and its rate of development but this is not a serious defect provided that adequate overall opportunities are available.

19.5.7 Concerning the accessibility of the site, one of the aims of PPG13 is to reduce the need to travel, especially by private car. Means to achieve this may include seeking a better balance in the location of employment and population and locating development attracting substantial trips where this would be well served by public transport. The employment potential of the site is estimated at between 400-600 jobs. Access on foot is limited to Grange Moor. The Council's evidence is that there are at least two buses per hour, the principal service being between Huddersfield and Wakefield, which is described as not ideal but not meriting the description "poor". Future employment is regarded as likely to encourage improvement and in my view policy T19 in the form I recommend, which would require arrangements for improvement to public transport in certain circumstances, would be relevant. Objection [3044] argues that advocating the site on the basis of shortened work journeys is flawed because local unemployment is relatively low. Nevertheless providing jobs locally would give the opportunity to seek more convenient employment and, as the Council point out, there may be a larger potential workforce. The site does have limitations in relation to the principles in PPG13 but it must be judged in the context of the overall strategy of the plan and on that basis the current deficiencies in public transport accessibility would not be grounds to remove the allocation.

19.5.8 The site lies at a junction on the strategic highway network where improvements have been carried out capable of accommodating the traffic from this site. One concern of objection [3044] is that large scale development here would bring new pressure for an M1-

M62 link. There is no evidence to substantiate this and the benefit to this site would be very small compared to the overall scale of such a project. Routes north-south are criticised because of their width and alignment and the effect of additional traffic on settlements. The Council's evidence is that there is no problem of capacity. Although the standard of the route northwards has some deficiencies, these are not serious and may be an inevitable consequence of providing rural employment opportunities. There would be an adverse effect from additional traffic through settlements but there are residential frontages to many other main routes.

19.5.9 The inclusion of the land in the Green Belt would be relevant to three of the purposes of the Green Belt in PPG2: preventing neighbouring towns from merging; safeguarding the countryside from encroachment; and assisting urban regeneration by encouraging the recycling of derelict and other urban land. Concerning the latter, opportunities for the use of derelict and other urban land have been taken into account in the overall allocations for business and industry which I am satisfied are reasonable. A balance is necessary between local job opportunities in smaller settlements and the concentration of growth in urban areas. That balance is reasonable without the additional restraint from allocation of this site as Green Belt.

19.5.10 [3044] argues that the development would erode the gap between Grange Moor and Flocton and lead to pressure for further development between the settlements. I do not regard this as a significant danger because the limits of the allocation, having a common boundary with the Green Belt, would be well-defined by roads, and a substantial open gap would remain.

19.5.11 The site is part of a larger area of open countryside and to that extent would contribute to the Green Belt. Nevertheless the visual impact is more limited than is claimed. This is an elevated plateau but the site is well-related to the settlement of Grange Moor to the north. To the east any development would be contained by Brown Hill. Perhaps the most important concern is the effect looking from the south, from where there are longer range views, but even here the effect would not be great. The belt of trees within the site would be an important screen looking from this direction, as well as giving a further screen from the east and south-east. In addition, there is already a scatter of development west and south-west of the new roundabout and this would be the context within which new development would be seen, masked by the existing planting belt adjoining Wakefield Road. [3044] also argues that a development here would appear as urban sprawl in the approach to Huddersfield and be harmful to tourism because of the proximity of the Blacksmiths Arms and land with planning permission for a hotel. While any development outside the urban area may be characterised as urban sprawl, the extent to which this would be visible and the relationship to existing development is relevant. In this case views would be principally short range, well-screened, and to some extent in the context of existing development, so that the adverse effect would not be great. Thus the potential value of the land as Green Belt is relatively minor, so that my overall conclusion is that the allocation should be upheld.

19.5.12 On the further issue, I believe the buffer zone in the deposit draft plan was excessive and included some land where special protection was not required because of its character or the relationship to adjoining development. In this respect the fact that development is impractical is not sufficient grounds for inclusion in a buffer zone. The proposed changes would reduce the area affected substantially, so that the buffer zone would

be concentrated on existing planted land or be close to existing or proposed housing. [5478] seeks the extension of the reduced buffer zone to cover the eastern side of Liley Lane. Designation as a buffer zone depends upon an assessment as to whether the interests affected are of such significance that a development brief and the development control process would be an inadequate means to influence the design and layout. Liley Lane is an important open frontage where attention to design and landscaping will be necessary. However the location is not of such sensitivity because of, for example, prominence in long range views or the effect on a narrow area of Green Belt, that the designation of a buffer zone is justified.

### **Recommendation**

19.5.13 Modify the plan by reducing the area of the buffer zone in the B4.3 allocation in accordance with plan ref 10.2 in CD113.

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## AREA 5 - DENBY DALE

### 19.6 ALLOCATION B5.5 *BROMLEY WORKS, DENBY DALE*

|             |                     |                     |                      |
|-------------|---------------------|---------------------|----------------------|
| Objections: | 0911 K Whiteoak     | 2104 J Lamle        | 2105 D Menown        |
|             | 2106 P D Preston    | 2107 E W Jennings   | 2108 J Butterfield   |
|             | 2109 D M Hunt       | 2110 B Lansdale     | 2111 R Tinker        |
|             | 2112 S Harrison     | 2115 Mr & Mrs Nixey | 2424 M W White       |
|             | 2433 K Dolson       | 2482 A Tribe        | 2483 G W H Seddon    |
|             | 2484 A Walker       | 2485 T Stringer     | 2486 M McKenzie      |
|             | 2487 S Kirwan       | 2488 J Devlin       | 2490 C Margetts      |
|             | 2491 T Evans        | 2492 P R Jessop     | 2494 Mr & Mrs Linley |
|             | 2514 R P Fieldhouse | 2519 S P Croft      | 2616 M J Willis      |

#### Issues

- 19.6.1 These are whether the allocation is appropriate having regard to:
- possible alternative allocation as Green Belt;
  - the treatment in the plan of other sites in the area;
  - the impact of additional traffic on safety and congestion.

#### Conclusions

19.6.2 The land was previously used for the industrial processes of manufacture of vitrified clay materials with ancillary office and open storage. Whilst some objectors are concerned that the allocation extends the existing industrial area, a lawful development certificate was granted for these purposes covering the whole site. Since the base date of the plan, outline permissions for industrial development have been granted. The site was not wholly open in the past and, in view of this history and permissions, is likely to be further built on irrespective of whether or not it is included in the Green Belt. In its present state it contributes little to the open character of the surrounding area. Particularly at its northern end the site is set well down into the contours of the land, so its impact on the gap perceived between Denby Dale and Lower Cumberworth is not significant. It is unnecessary to keep the land permanently open in order to perform essential Green Belt purposes. The Green Belt boundaries proposed in the plan, largely marked by a railway embankment and a quarry face from old mineral workings, are clear so danger of encroachment onto surrounding countryside is avoided.

19.6.3 Objectors mention other sites which they regard as suitable for industry but which are included in the Green Belt, in particular at Shepley. Regardless of whether or not those should be in the Green Belt, a business and industry allocation here will further the economic aims of the plan. Rural demand for industrial sites is not great and the plan does concentrate on the main urban areas, as some objectors seek. Nevertheless, some employment opportunities are required in more rural parts to achieve a distribution to serve population patterns. This site is on the edge of a relatively large rural settlement with no other industrial allocations and is close to sizeable residential areas and the railway station. Its allocation accords with PPG13 advice to encourage sustainable patterns of travel and with PPG4 and RPG12 advice to encourage the reuse of previously used land.

19.6.4 Development can be served from Cumberworth Lane and the outline permissions include conditions to preclude vehicular access from Station Road. The impact of additional



traffic was considered in detail at the inquiry leading to those permissions. There is no additional evidence before me to persuade me to differ from the conclusions of that inquiry, that the situation would not be unacceptable in terms of highway safety and congestion.

**Recommendation**

19.6.5 No modification.

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**19.7 POLICY D2, SITE DD13 STATION ROAD, SKELMANTHORPE**

Objections: 2479 Jackson & Parker

**Issues**

- 19.7.1 i. whether the lack of an allocation for business and industry is inconsistent with an adjoining allocation;
- ii. whether an allocation is justified to give greater certainty for the owner.

**Conclusions**

19.7.2 The land to the west and north-west of the site was a former colliery and is allocated under policy B2. Although the site contains buildings previously used in connection with that colliery, it is at a lower level and has separate access to Station Road. There is no expressed intention nor, bearing in mind the topography, a practical likelihood of the two areas being developed together. It is right that the site is assessed separately. Taken on its own, it is about 0.3ha which is below the 0.4ha used as a minimum size in the plan for allocations. It also includes a building, access and ancillary areas already in industrial use, whereas allocations in the plan are directed to land for development rather than being used to identify existing industrial premises. Within the tolerances of the scale of the proposals map, I am satisfied that an area where permission was given for relocation of a workshop next to this site and also at the lower level is not included within the business and industry allocation and is therefore not treated inconsistently in the plan.

19.7.3 The objector's concern to secure a degree of certainty for the future, following a previous refusal for industrial development at the site, is understandable. However, the context for that refusal, when the site was indicated as Green Belt in the non-statutory Skelmanthorpe village plan, would no longer apply. Policy D2 of the plan would give encouragement to industrial development in this case, subject to detailed considerations, including highway safety. Such considerations would have to be taken into account even if the site were allocated as requested. There is therefore no benefit of greater certainty to the objector to justify an allocation inconsistent with the general plan approach.

**Recommendation**

19.7.4 No modification.

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## **19.8 POLICY D5, SITE DD20 HARTCLIFFE MILLS, DENBY DALE**

Objections: 0659 & 5477[PC] Z Hinchcliffe and Sons Ltd

### **Background**

19.8.1 The objection sought deletion of the POL designation from the area between Hartcliffe Mills and Barnsley Road, allocation under policy B2 of an area of 0.5ha, partly within the POL and partly with no notation, and designation of the remainder of the POL as UGS. In May 1994, permission was granted for extension and reorganisation of Hartcliffe Mills, which included part of the area sought for allocation under policy B2 and an access road to Barnsley Road. The Council's proposed change is to remove the POL designation from the area covered by the planning permission, other than the access road. The counter objection supports the deletion of POL, but seeks a business and industry allocation rather than no notation and does not remove the original objection to POL designation on the remainder of the land.

### **Issues**

- 19.8.2 Whether POL designation is appropriate bearing in mind:
- i. previous use and planning permission on the site;
  - ii. the value of the land as open space;
  - iii. the expansion requirements of a local firm and the range of industrial sites available in Denby Dale;
  - iv. alternative designations for business and industry, with no notation or as UGS.

### **Conclusions**

19.8.3 The objector indicates that part of the site was previously used in connection with the mill. However, its present condition as a grassed and treed embankment reveals no remnant of any industrial use to interfere with its general open quality or to imply commitment to industrial uses. Where permission was granted in May 1994 development can proceed regardless of the plan notation. No purpose is therefore served by retaining that area as POL, since the intention of such designation is to keep land, which has some open use value, open until the plan review and to protect it from uses which would jeopardise its future permanent development. The permitted access road would not significantly affect open space value nor be prejudicial to future permanent development, so there is no overriding need to remove POL designation from the road area.

19.8.4 The site is prominently located at one of the approaches into the settlement. The land is higher than the mill and provides an attractive setting, which visually contains the industrial complex below Barnsley Road. A footpath across the site allows an element of recreational use. Overall the land has value in terms of urban open land within the settlement framework.

19.8.5 Permission has been granted for reorganisation and expansion of Hartcliffe Mills. The scheme is very recent and is presented in four phases. Although reference is made to inevitable future improvements to meet the changing needs of the business, there is no indication that further expansion is a likelihood within the plan period nor that the present

scheme is intended to be revised requiring a greater area. There is no evidence that failure to remove the site from POL designation and allocate it for business and industry will interfere with the needs of the business within the plan period.

19.8.6 With regard to whether the site would extend the range of industrial sites available in Denby Dale, the objector expresses the view that the land, due to its size and irregular shape, is unlikely to be an attractive site for a developer or operator other than Z Hinchcliffe and Sons. Whilst topography can be altered, as the present scheme shows, and development at Barnsley Road level could be made feasible in technical terms, it would be most undesirable due to the severe visual impact. Development at a lower level in conjunction with the mill premises, either for the present firm or any future operator, is therefore the most realistic prospect. The immediate prospect is not of a generally available industrial site, rather than an expansion site. In view of this and as the plan includes a business and industry allocation of 4ha in Denby Dale, which is sizeable in relation to the scale of the settlement, there is no overriding reason to remove the land from POL on the basis of giving a larger range of sites.

19.8.7 Alternative allocation of the site as a whole under policy B2 is not shown to be justified. On the smaller area where the proposed change is to remove POL designation, it is not the practice in the plan to allocate, for business and industrial use, sites which already form the curtilage of a firm. The majority of the site subject to permission is already developed and used by the firm. No notation, as intended in the proposed change, would not inhibit implementation of the existing permission or of a revised scheme which met normal development control criteria. An allocation under policy B2 here would be inconsistent with the general plan approach and is unnecessary in these circumstances to give greater certainty.

19.8.8 UGS is suggested in the original objection for most of the site, but is not pursued in later representations. I found the open land of considerable value as a visual buffer and containment to the industrial complex in the village scene. A point will come where eroding the open area and embankment to expand the complex will no longer be acceptable. Greater certainty would be provided by setting limits where landscaping and open space will be permanently retained by designation as UGS. However, it would also curtail flexibility to respond to the detailed form of any future expansion projects and their impact, or to review the extent of protection necessary in the light of development needs at the time of plan reviews. In particular the area of UGS sought in the original objection would create a hard straight edge, unrelated to land form or features. On balance, an artificial boundary is not the best way to balance protection of open land and allowance for future development needs.

## **Recommendation**

19.8.9 Modify the proposals map in accordance with the proposed changes by the deletion of the POL designation from that area shown on plan ref 2.7 in CD113.

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## AREA 8 - HUDDERSFIELD NORTH

### **19.9 ALLOCATIONS B8.1, H8.17 AND H8.59, POLICIES D6, D7, D8, B2, B3 AND H6 (footnote to site H8.17 - PC) *LAND AT LINDLEY MOOR ROAD, WEATHERHILL ROAD, COWRAKES ROAD, CROSLAND ROAD AND LAUND ROAD***

#### **Background**

19.9.1 The objections relating to these three sites are listed in Annex A. Although many arguments are common to all the proposals, some apply with more force to particular parts of the land. This is explained within the report and reflected in my overall conclusions. The allocations for development of sites B8.1 and H8.17 in the deposit draft plan were deleted by proposed changes agreed in November 1994, substituting allocation as Green Belt. These changes resulted in substantial supporting representations and counter-objections, but the changes were withdrawn in July 1995. In addition to objections to the principle of the allocations, there are also objections on behalf of the landowners to two detailed provisions of the deposit draft plan affecting site B8.1, that is the limitation to B1 and B2 uses only and the extent of the buffer zones (to which policy B3 applies). Development of sites B8.1 and H8.17 is also constrained by a footnote concerning off-site highway improvements (in the latter case, added by a proposed change). Subject to a change to the wording suggested by the HA which the Council has indicated its willingness to accept, the objections and counter-objections in this respect by the landowners have been conditionally withdrawn but there is an unresolved counter-objection to the H8.17 footnote [5494].

19.9.2 A number of points have been raised which I am satisfied are not material to the principle of the allocations. Investment would be required in foul and surface water drainage, including possible sewage pumping and surface water flow balancing, but these requirements would neither be insurmountable nor exceptional. There has been past mining but British Coal have been consulted and significant difficulties for development are not expected. There are some Listed structures present but the relationship to these could be satisfactorily controlled in the details of any development. Power lines cross the land but policy EP12 could be applied if development were to take place. Although the land is in agricultural use, most is grade 4 and the remainder grades 3b and 5, so that this would not be grounds to resist development. The sites are described as Lindley Moor but the area subject to the allocations is not the public recreational land, also known as Lindley Moor, which for the most part lies to the north of the M62.

#### **Issues**

- 19.9.3 These are:
- i. whether the allocations are appropriate having regard to:
    - a. the need for and suitability of site B8.1 for business and industry;
    - b. the effect on the landscape, amenity and the enjoyment of footpaths;
    - c. the effect of additional traffic;
    - d. a possible alternative allocation as urban greenspace or Green Belt; and
    - e. the availability of school places in the locality.

- ii. whether the objectives of the plan would be best served by limiting the development of site B8.1 to B1 and B2 uses.
- iii. whether the buffer zones are an appropriate means to safeguard amenity and secure a suitable standard of development.

## Conclusions

### The need for and suitability of site B8.1 for business and industry

19.9.4 In overall terms the allocations of land for business and industry in the plan provide a reasonable level of total provision. The background to this includes the requirement expressed in PPG4 to provide a variety of sites and the advice in RPG12 to make available attractive and developable sites throughout the Region. RPG12 also confirms the importance of sites with good access to motorways, including the M62, and the need to provide a small number of very large accessible sites. The objection site has an area of 28.1ha plus 12.1ha within the buffer zones. This is equivalent to in excess of 10% of total provision, more than 25% of new sites (ie excluding sites previously allocated in local plans or granted permission), and 22% of land within 4km of a motorway junction. It is both the largest employment site in the plan and one of only two in excess of 20ha.

19.9.5 The Council promote the site on the basis that it will provide the opportunity to create a high quality development capable of attracting inward investment and diversifying the employment base. Many of those represented at the RTS argued for the provision of some larger sites to provide a choice of plot size and tenure, together with the opportunity for future expansion. Although there is a site nearby in Calderdale (at Elland), given the desirability of providing for the needs of Kirklees and the requirement for land to be available throughout the plan period, this does not diminish the potential benefit.

19.9.6 Objector [2806] argues that the failure to press planning applications made in 1991 and 1992 to a decision demonstrates a lack of interest but this is outweighed by clear evidence on behalf of the owners that the land is available and development would be viable. Objectors also suggest that the site would be unattractive for potential occupiers because it is remote from other employment sites and services, elevated and relatively exposed. These points have some force but could to some extent be offset by the design and quality of a development scheme. I attach more weight to the benefits of motorway access and the proximity to a large potential workforce. A further advantage is that this is the sort of location favoured by PPG13 because of the juxtaposition of employment and residential uses and the potential to be well served by public transport. Whereas the motorway may also be used for commuting, this is an inevitable consequence of meeting the demand for accessible land. This location offers alternative means of access but the choice of mode will be determined by external factors, including the effect of national transport policy.

19.9.7 Objector [2169] cites evidence that transport costs are a small proportion of total costs and that there is a weak link between economic performance/relocation and road construction/accessibility. These arguments are somewhat contradictory because the same source refers to the increasing concentration of production and distribution which has occurred and the value placed on a high quality environment and access to a flexible workforce. This is the competitive environment within which Kirklees has to provide a

choice of development opportunities, to which this land could make a substantial contribution.

19.9.8 Many objectors argue that other land should be preferred but this is not borne out by detailed examination. Whilst RPG12 supports the concentration of new development as far as possible on re-cycled or derelict land, the extent of realistic opportunities has been taken into account in the balance of allocations. Furthermore in terms of size, character and location this site has a special character which could not be substituted by available re-cycled land. Objector [2806] accepts that overall there is under-provision but proposes that the disadvantages of this land should lead to other sites being preferred. Without suggesting particular alternatives, it is argued that the release of Green Belt which would be necessary would be justified. I have had regard to this possibility in reaching my conclusions but RPG12 emphasises the importance attached to the Green Belt so that, for this to be accepted, there would have to be compelling evidence that this site is very clearly unsuitable.

19.9.9 This site is a very important part of total provision for which there is strong evidence of need. Although its suitability as an employment site is questioned, the weight of the evidence is that the land would be made available and would attract potential occupiers.

#### The effect on the landscape, amenity and the enjoyment of footpaths

19.9.10 The land has a rural character, consisting of small and predominantly gently sloping fields divided by stone walls. The area is also fairly high, especially in the vicinity of Haigh Cross and at Laund Hill. The character of the land would be transformed by development, which would include the setting of the two public footpaths which cross part of sites H8.17 and B8.1 and form a section of the Kirklees Way. The area is much valued by local residents, who seek to keep the land open. Nevertheless it is necessary to make a qualitative judgement as to the degree of harm which development would cause. The land generally has a pleasant but unexceptional quality. There is concern about the potential impact of industrial development, particularly disturbance from noise, but PPG's 4 and 13 support a closer relationship between housing and employment, including industry. Given the opportunity to control the detailed siting of buildings and the location of particular uses within the area of site B8.1, there should be no significant detriment in this respect. In reaching that conclusion I have not relied on the separation which would result from retention of the buffer zones, since I do not regard these as essential to prevent harm from this source.

19.9.11 The change in the appearance of the land would have an effect within the wider landscape. This applies particularly to parts of site B8.1, since the housing allocations are smaller, closest to existing development, and generally rather lower. However site B8.1 is in effect surrounded by existing or proposed housing on most of three sides. On the fourth side, the M62 and the Elland scarp beyond are strong physical features which distinguish site B8.1 from the land to the north and result in a particularly close association with the urban area of Huddersfield. There would be some loss of openness in views from the north-east and from higher land to the south-west but the open land is currently seen in the context of its urban surroundings. Development would also be seen from short sections of the M62 but the impact would be limited by the opportunity to provide screening. The land is elevated and although concern has been expressed about the effectiveness of future landscaping, this could be safeguarded by appropriate selection of species. These conclusions on the visual

impact of development are very similar to those of the Inspector reporting on objections to the HLP which sought the inclusion of the land in the Green Belt. Overall, therefore, whereas there would be some adverse impact, I do not see this as a major barrier to the principle of development. In reaching that conclusion I have assumed that suitable measures would be taken to design a development so as to make a positive contribution to the landscape, albeit that there would be a change in character from the loss of openness.

#### The effect of additional traffic

19.9.12 The principal source of additional traffic would be from allocation B8.1. The two residential allocations would add to the use of residential roads but I accept the Council's evidence that no highway problems would result nor would I regard any amenity effects as significant. The Council has modelled the effect of additional traffic on the assumption that the current connections between Lindley Moor Road and residential roads would be eliminated. This would have some disadvantages for convenience but would serve to exclude inappropriate traffic from residential areas, including that which already uses these roads to avoid congestion. The Council intend to consult local residents about these arrangements if the development proceeds but I do not see this as introducing unnecessary uncertainty, rather it would enable the most suitable measures to be designed. In so far as there is concern at pollution from additional traffic, I regard this as principally a general national problem rather than an effect which is closely related to these allocations. Thus the main concern is the effect of additional traffic on the flow of vehicles on the highway network. There are no specific highway safety difficulties, other than would occur from a general increase in usage.

19.9.13 Were the allocations for sites B8.1 and H8.17 to stand, footnotes in the plan suggested by the HA would require a further assessment of the impact of traffic on the trunk road network and the need for related highway improvements. Policy T10 would apply in relation to the highway network generally. [5494] opposes the footnote proposed for site H8.17 on the basis that DoT traffic forecasts are widely discredited. No evidence is provided to support this assertion. PPG13 confirms the importance of enabling trunk roads to continue to provide for long distance traffic and the footnote, which does not depend upon traffic forecasts for its inclusion, is intended to support this role. Thus I accept that, if the allocations stand, the footnotes should be retained.

19.9.14 The background to the assessment of traffic impact is that, within the urban area, the Council's general strategy is to encourage alternatives to the private car, recognising that significant improvements to the radial roads are not feasible. Thus increased congestion is inevitable and is not necessarily a cause of concern which should inhibit desirable development. However, it is necessary to enable the trunk road network to continue to effectively carry long distance traffic between major centres. For these reasons the critical parts of the road network are Lindley Moor Road and the connections to the M62 at junctions 23 and 24. The principal direction of traffic movements would be between the site and junction 24, including the Ainley Top roundabout. The performance of the roundabout depends in part on limiting the queuing of traffic on the A629 Halifax Road.

19.9.15 A principal reason for the modelling exercise has been to satisfy the HA that the development could be accommodated without prejudice to the operation of trunk roads, the main issue being the performance of the Ainley Top roundabout. The HA has confirmed its acceptance of the conclusions of the traffic analysis, which proposes that the roundabout be

signalised with three approach and circulation lanes. These works would improve the performance of the roundabout, which would otherwise fail in the medium term even without the development of these sites. Some modifications would be required to the Halifax Road/Birkby Road/East Street junction, although the direct effect of the development there would be slight because the additional movements would be contrary to the main direction of flow. The evidence suggests that there would be no general need to improve Lindley Moor Road and that the increase in congestion at the junction of Lindley Moor Road with New Hey Road would be typical of the situation prevailing on the radial road network and would not merit improvement works.

19.9.16 There are a number of reasons why the implications of the modelling for improvements at the Ainley Top roundabout must be treated with caution now. New guidelines for the HA in the control of development adjacent to trunk roads were issued in July 1996. These could affect both the forecast traffic impact and the degree of improvements required. When the modelling was undertaken 40% B8 use was envisaged, which has a lower generation rate than B1/B2. My conclusions with respect to the size of the buffer zones will also be relevant to the realism of the total floorspace assumptions. The model results suggest that the Ainley Top roundabout would have some 15% capacity available in 2012, so that the solution currently preferred has some flexibility. Further detailed assessment will be needed when specific proposals are made and the footnote concerning the need to carry out improvements if necessary would be an adequate safeguard. There is a connection between land use decisions with respect to buffer zones and B1/B2/B8 use and forecast traffic levels which I return to later.

#### Possible alternative allocation as urban greenspace or Green Belt

19.9.17 National guidance requires that, where detailed Green Belt boundaries have been approved, as is the case here, exceptional circumstances are necessary to justify a change. I have already supported the need for site B8.1 as a land resource for business and industry, so that the fundamental requirement for Green Belt designation that it is necessary to keep the land permanently open would not be met. To some extent the land could fulfil the purposes of the Green Belt by safeguarding the countryside from encroachment. However it is necessary to strike a balance between the need for development land and restricting the spread of urban development. Here the land is not of special quality and development would be well-related to the general form of the settlement. Lindley Moor Road forms a well-defined Green Belt boundary consistent with the advice in PPG2, whereas an alternative boundary close to the existing settlement edge could not follow such readily recognisable features. My conclusions therefore follow closely those of the Inspector considering objections to the HLP that the land should not be included within the Green Belt, notwithstanding that this was a change to the UDP proposed at one time by the Council for sites B8.1 and H8.17.

19.9.18 Plan allocations as UGS have been based on the relative merits of open land in terms of factors such as visual quality, ecological/habitat value, recreational use and scarcity/need. The advice of the ecological advisory service is that this land does not have significant ecological value. Although the land is appreciated as a local amenity, recreational use is very limited and visual quality unexceptional, so that I concur with the Council that allocation of either the whole or part of the land as UGS would be inappropriate.



### The availability of school places in the locality

19.9.19 Objectors point to local infant and junior schools and the nearest secondary school being at or over capacity, whereas the two housing sites would lead to a requirement for some 18 places in each school year, equivalent to 90 secondary pupils. Nevertheless, I have no reason to dispute the Council's evidence that adequate provision can be made by a combination of extension and, for secondary education, the use of places available at Royds Hall, albeit that this is not the nearest school. Whereas there is no provision in the budget at present, I do not find this surprising at this stage. Thus, this would not be justified grounds on which to resist the housing allocations.

### Whether the objectives of the plan would be best served by limiting the development of site B8.1 to B1 and B2 uses

19.9.20 The Council support the limitation contained in the plan to B1 and B2 uses on the basis of the relative scarcity of employment land generally in Kirklees and the desire to maximise the number of jobs provided. A key objective is the strengthening and broadening of the economic base of the area and this site, because of its size, quality and location, can make a particularly important contribution.

19.9.21 Research evidence on employment densities confirms that B8 uses are less intensive than B1/B2, but the degree of difference shows substantial variation between the two main studies cited in evidence. The research by King Sturge [BRT/00536/3] suggests a wide gap, by a factor of at least 4, whereas the report on "employment densities in urban planning" [BRT/KB/7] indicates a factor of about 1.5. The latter also shows less difference between manufacturing and warehousing densities in modern buildings. Although some evidence also drew on experience of densities, I give much more weight to more extensive and systematic research studies.

19.9.22 The arguments for acceptance of B8 uses include that this would allow more rapid development and realisation of the employment and other benefits. B8 uses are argued to provide meaningful employment, even if lower than uses which might take longer to attract. PPG4 advocates the allocation of land to promote choice and flexibility, whilst also recognising that it may be appropriate to channel particular types of business to particular locations. Some prospective occupiers may not fit within a single use class and the Council indicated a willingness to give favourable consideration to mixed uses in which the warehousing element does not predominate, whereas objectors prefer the certainty of a more flexible allocation.

19.9.23 On balance, I believe the Council's preference to maximise employment is a reasonable objective for this important site. However, other considerations, particularly the benefits of more rapid development and the implications for traffic generation, suggest that there may be scope for some B8 use. I am not convinced by the argument by objectors that a restriction on the proportion of B8 use would be difficult to apply because some uses could not readily be categorised, since this judgement is necessary in any application of the Use Classes Order. Objectors proposed 50% as a floorspace limit and regarded 15-20% as too inflexible but even a figure towards this lower level would allow a significant element of B8 occupation.

Whether the buffer zones are an appropriate means to safeguard amenity and secure a suitable standard of development

19.9.24 Buffer zones subject to policy B3 are defined on all but two lengths of the boundary of site B8.1. These occupy some 12.1ha and vary in width between about 30-140m. General arguments concerning the policy are dealt with as objections to policy B3.

19.9.25 The main purposes of the B3 identification are to protect visual amenity and safeguard residents against the effect of industrial activities. The Council's intention would be to prepare a development brief for important sites such as this and the B3 notation is intended as part of the framework to the brief.

19.9.26 The objectors do not dispute the need for a substantial planting zone to mitigate the visual impact both on residents and in the landscape as a whole. In effect, therefore, it is the two widest portions of the buffer zones in the south-west and east of the land that are at issue. The Council's site specific arguments in support of these include the prominence of Laund Hill and the possibility of open space use there in conjunction with the adjoining UGS. Concerning the eastern buffer, the relationship of development to Jericho, a Listed Building, is cited, together with the steeper gradients and elevation of the development site above existing and proposed dwellings.

19.9.27 I can see no justification for the wide buffer zones to safeguard against noise and disturbance from the activities on the land. This should be secured by controlling the disposition of uses and other details of the development. Hence it is necessary to decide whether this form of restriction is required on visual grounds because of the particular character of the parts of the site affected. In principle I regard a general exclusion of productive buildings from such a large land area as undesirable unless there is a clear justification. Although Laund Hill is relatively high, the site rises gently to the summit, so that precluding buildings on the highest land would have only a limited benefit in the context of the development on surrounding land allocated both for housing and business and industry. I am not persuaded that an open space use should be preferred to use in connection with the primary purposes of the business and industry allocation. This also seems an unnecessarily inefficient way to protect the setting of Jericho. Similarly, whereas the land does slope towards the eastern boundary, subject to a minimum landscaped buffer a development brief which would consider details such as the siting and height of buildings would be an adequate means to assess the relationship between housing and new development on site B8.1. This could incorporate consideration of the regrading which is likely and would be a more satisfactory means to take into account the subtleties of the landform. Given the variation in levels across the site, it is also likely to be desirable to provide substantial structural landscaping internally so as provide an attractive development within the wider landscape, so that it would be undesirable to give excessive attention to parts of the periphery of the site. I shall therefore recommend that the buffer zones adjoining the east, south and west boundaries be reduced to 25m.

Overall conclusions

19.9.28 There are close relationships between these three sites but the decision on allocation B8.1 is fundamental because of its size and position. The land is suitable for business and industry and there is strong evidence of need. There would be some visual

harm, including the effect on footpaths, but this is not a major consideration. Allocation as Green Belt or UGS would not be justified, nor would there be grounds to release Green Belt land as an alternative. The traffic implications are not a reason to resist the principle of the use. Thus I intend to uphold the allocation in the plan. Increased flexibility and choice together with the potential benefit of more rapid take up support acceptance of an element of B8 use. This would also reduce the impact of traffic, particularly on the Ainley Top roundabout. I propose that the maximum proportion of B8 floorspace should be indicated in the plan as 20%, which would retain the priority towards employment generation. There would be little net impact on the area of land for B1 and B2 use because of the reduced extent of the buffer zones.

19.9.29 The two housing allocations must be decided on their own merits but, bearing in mind my recommendation with respect to site B8.1, the arguments against their allocation are insufficient to overturn the plan. Sites H8.17 and H8.59 can provide additional housing without serious disadvantages.

## Recommendations

### Allocation B8.1

19.9.30 That the plan be modified by:

- i. deleting the limitation in brackets to B1/B2 uses only and adding a footnote that:

The maximum acceptable proportion of B8 floorspace will be 20%.

- ii. on the proposals map, revising the buffer zones on the east, south and west boundaries to a width of 25m, with a consequential modification to the estimated developable area under policy B2.
- iii. revising footnote 6 to policy B2, site B8.1, in accordance with Appendix 3 to document KB/B8.1, H8.17, H8.59/1.

### Allocation H8.17

19.9.31 That the plan be modified by revising the footnote to policy H6 applied to site H8.17 in the proposed changes so as to be identical to that recommended for site B8.1.

### Allocation H8.59

19.9.32 No modification.

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## 19.10 ALLOCATION B8.9 *OLD FIELDHOUSE LANE*

Objections:

0696 Huddersfield & District Football Association  
2169 Kirklees Green Parties

1264 Ms Y Novakovic  
2262 Huddersfield & District Sports Council

## Background and issues

19.10.1 This site has an area of 5.7ha and is in two parts. Planning permission was granted in 1990 for industrial and warehouse development on the western land, which

contained two football pitches. This has now been partly developed by the erection of a bus depot and thus the proposals in the plan with respect to this part of the land amount to a commitment. The eastern land, amounting to 3ha, contains three football pitches and is a new site. This land is, in effect, an area of public open space and its allocation for business and industry is an exception to the normal practice in the plan for such land to be identified as UGS.

19.10.2 Some of the points made in objections are not critical to the decision on the allocation. [1264] refers to the effect of traffic on occupiers of Sands Terrace but access to Leeds Road would be via Old Fieldhouse Lane. The effect on the Community and Heritage Farm across the canal could be taken into account when detailed proposals were being considered but I do not regard this as a fundamental conflict which would preclude the allocation. The argument of [2169] that greenfield sites should not be used for industry has been taken into account in Chapter L1, where I found that previously developed land would not provide an adequate quantity and choice of sites. The evidence of [2262] refers to diesel fumes from buses but that development is a commitment outside the scope of my recommendation. The issues are therefore:

- i. the need for the land for business and industry;
- ii. the importance of the recreation use of this land as part of the Leeds Road complex;
- iii. whether equivalent alternative provision can be made.

## Conclusions

19.10.3 The Council emphasises the attractiveness of the Leeds Road area for industry, illustrated by the amount of land taken up there between April 1993 and August 1995. Advantages of the location are good accessibility by public transport and to the M62, the availability of flat land, and the situation within an established industrial area. Available sites in the Huddersfield area tend to be small, so that there would be a particular advantage in a site such as this, amounting in aggregate to 4.1ha excluding the area of the bus depot. Thus there is strong evidence that this would be a very desirable industrial allocation. Nevertheless the general approach in the plan is to safeguard existing public open space and private playing fields unless replacement provision is made and this is endorsed in paragraph 42 of PPG17. In this case the special role of the Leeds Road recreation complex also needs to be taken into account.

19.10.4 The Leeds Road playing fields constitute an attractive, high quality and popular sporting facility which now include 12 football pitches, a junior pitch and an all-weather pitch. In addition to use for football, other sports are accommodated, particularly in summer. The objectors emphasise the large number of user groups, the overlap period between seasonal activities, and the requirement to continue major events, such as the International Soccer Festival. The Showmen's Guild have also held an Easter Fair here but this began only recently. Ideally the decision should be made in the context of a district recreation strategy which has enabled the production of local standards. In the absence of this background, the Council put forward a number of points. No football team is denied the opportunity to play, although this may not be at Leeds Road, which is the most popular venue. It is the availability of changing rooms for no more than six teams rather than the number of pitches which determines maximum use. A number of changes have occurred since 1990. Three improved pitches have been provided across the canal, as a requirement

of the 1990 planning permission. Access to these, which are about eight minutes' walk from the changing rooms, would be unaffected by the allocation. In 1992 a full-sized synthetic turf all weather pitch was laid out, which has a capacity equivalent to three turf pitches. On balance the weight of the evidence suggests that it is not essential to retain this land. The overall number of pitches available here and suitable management of any additional or improved pitches elsewhere should enable the overall level of provision to be maintained and those activities for which Leeds Road is specially required as a large complex to continue. Whereas [1264] also suggests that the pitches are used for general recreation, other land would remain nearby for this to take place.

19.10.5 On the third issue, the Council accepts that it would be necessary to make alternative provision and its evidence is that policy L21 of the HLP would be met. Policy R7 of the UDP, modified as I recommend, would apply in this respect when specific proposals are made. Nevertheless the land should not be allocated for another use unless it is feasible to comply with the policy. The Council indicates that in order to make up an outstanding shortfall of two pitches, one additional pitch would be provided at Standiforth Recreation Ground and drainage improvements carried out at Bradley Recreation Ground to increase the level of use. There would also be associated improvements in changing facilities. [2262] suggests that any new pitch at Standiforth would be steeply sloping but from my own observation I am not convinced this would be so and the policy provides an adequate control on the standard of replacement provision. There is sufficient evidence to suggest that equivalent provision would be available, so that the relevant policy could be applied satisfactorily when planning permission is sought. For several sites policy B2 includes a footnote identifying the need for relocation of playing fields. Despite the Council's evidence that this is unnecessary, consistency indicates to the contrary.

## **Recommendation**

19.10.6 Modify the plan by adding a footnote to policy B2 applicable to this site to the effect that replacement playing field provision under policy R7 (or its equivalent) is required.

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## **19.11 ALLOCATIONS B8.15 AND B8.16 PENNINE BUSINESS PARK, BRADLEY ROAD AND OLD LANE/BRADLEY ROAD, BRADLEY**

**Objections** - listed in Annex B.

## **Issues**

- 19.11.1
- i. whether the sites would be attractive and suitable for business and industry, in particular as business parks;
  - ii. the effect of business and industry on residential amenity;
  - iii. the effect of the loss of open land on recreation, amenity and the natural environment;
  - iv. whether the additional traffic could be satisfactorily accommodated.

## Conclusions

19.11.2 Site B8.15 was allocated in the HLP for high technology industries, with a requirement for high standards of design and environmental protection. Allocation B8.16 is a new site which is proposed to be limited to B1 uses only. The Council also envisages the adjoining B8.15 site as a business park and this is the basis of its response to objections. If the allocation is upheld, this should also be for B1 use only.

19.11.3 At IR L1.1.23 I considered the principle of making provision for business parks in the plan and concluded that, in order to redress the relative deficiency in Kirklees of the type of business which might be attracted to that kind of location, a moderate level of allocations would be appropriate. There are two sites limited to B1 use in the plan, which would be three if B8.15 is added, together with opportunities in Huddersfield Town Centre, and this would be suitable in scale for the identified need. Objectors suggest that there is a surplus of land in Kirklees but this argument is not supported by detailed evidence. National policy in PPG4 stresses the need to make available sufficient land for the needs of industry and commerce and also a choice of sites. In Chapter L1 I concluded that the broad level of provision is about right having regard to the various competing considerations but this has necessitated the release of some Green Belt in order to provide sufficient land in locations likely to be attractive. The presence of business park accommodation elsewhere in the region is also mentioned but it is desirable for Kirklees to be able to cater for potential demand. Hence the allocations should stand unless this location is unsuitable or a better alternative exists.

19.11.4 [2169] opposes the use of greenfield sites but does not offer evidence of alternatives and proposes that high technology industries would be better located in older industrial areas closer to higher education centres. Policies TC11 and 12 support B1, B2 and B8 development in the older industrial areas near the town centre, which would include high technology industry. Furthermore, the disputed allocations are not directed at this activity but at business parks. I am doubtful whether the low density landscaped character sought would be compatible and viable in these alternative locations.

19.11.5 Objectors question the attractiveness of this location for the allocated use. At the RTS it was accepted that 5-10 minutes drive time is a reasonable indicator of motorway accessibility, supported by research, and on this basis these sites are just beyond the optimum level of accessibility. Nevertheless this is not a rigid criterion and there will be a progressive reduction in the attractiveness of sites as travelling time increases. These sites are only marginally beyond the 10 minute band, so that I agree with the Council that they are reasonably accessible from the motorway. The failure to secure development on site B8.15 since the adoption of the HLP is emphasised. I agree that there may be some reluctance to invest at a location which is not an employment centre but there is the prospect that the addition of site B8.16 would add to the range of occupiers to whom this might be attractive, bearing in mind the interest in this location reported by the Council. An important factor in the selection of sites should be accessibility by public transport. Whereas services along Bradley Road are of moderate frequency only, there are other routes which are either reasonably accessible, such as Bradford Road, or offer the prospect of an extended service. Overall, these sites would be capable of meeting the need for attractive employment land.

19.11.6 Both sites are adjoined by residential development on at least one boundary and the wider surroundings, particularly along Bradley Road, are predominantly residential. The effects on residential amenity may be the result of what takes place on the land or be caused by additional traffic. The allocation on site B8.16 would be limited to B1 uses, which are defined in the UCO as those which can be carried on in any residential area without detriment to amenity from a range of environmental effects. I have already stated that a similar limitation should also be applied to site B8.15. This would be appropriate recognition both of the relationship to dwellings and of the Council's intentions for the development of the site as a business park. This would also be consistent with the policy for the land in the HLP, which although not expressed in relation to the classes of the UCO, does require very high standards of design and environmental protection.

19.11.7 The relationship between a development here for industry and the surrounding housing was previously considered in relation to objections to the HLP, when the Inspector concluded that any potential adverse effects could be adequately controlled, so that there was not a significant risk of hazard or detriment. In general terms, I endorse those conclusions. Other policies of the plan, notably BE2 and EP4, would be relevant to the consideration of detailed proposals. There is however one respect in which a modification would be appropriate. A buffer zone is proposed next to existing housing on the eastern boundary of site B8.16 and, bearing in mind the similarity of the relationship and the scale of the allocation, a comparable buffer zone should also be included on the south boundary of B8.15. I acknowledge that there was no such provision within the HLP allocation for that site, but the general policy framework in that plan was different. There is also a planning permission granted in 1993 on part of the land and I have no details as to whether this would intrude into the buffer zone but it now seems very possible that this will not be implemented. Beyond the sites, there would be a substantial increase in traffic on Bradley Road, forecast by the Council at 47% in the morning peak hour. Nevertheless this is a Class 1 road where such an increase is not a significant argument against the allocations.

19.11.8 Concerning the potential loss of open land, site B8.15 is gently sloping grass of no special visual merit. There is no public access, although residents claim to use it for recreation. Site B8.16 is also gently sloping grassland, with some dividing hedges, used for grazing. The only public access is along Old Lane, an ancient highway which runs between hedges from Bradley Road to Fell Greave Wood. Residents claim recreational use of this area also. The land is grade 3 in the agricultural land classification. MAFF has been consulted but does not object, commenting on the difficulty of achieving a viable agricultural use of areas such as this substantially enclosed by development. Fell Greave Wood lies to the south-west of the land and has a common boundary with the allocation site. This is an attractive ancient woodland with a diverse network of informal paths which is used extensively for recreation. Impressive evidence was given on community involvement in its maintenance and enhancement. It is important that development on the margins of the wood does not intrude on its visual character. Objectors also cite a complementary relationship between the woodland and the adjoining grassland for wildlife but there is no special habitat value and the Council's ecological advisers have made no representations suggesting that the allocation would be detrimental. Thus I do not regard the function of the woodland as seriously prejudiced by the allocation. Nevertheless, bearing in mind my concern about the margins of the wood, the use of the informal paths there and the important route along Old Lane, I consider that there should be buffer zones along the southern limit of the allocation, which would enable a well-landscaped edge to be provided and be an opportunity to

safeguard wildlife interests. At the south-east corner a small triangle shown as UGS is part of the field subject to the allocation and should be included, although this would become part of a buffer zone. Since this does not arise directly from the objections, it is not part of my formal recommendation.

19.11.9 That part of Old Lane within the allocation would lose much of its quality, even if most of the route between hedges is retained, because it is the open setting around the land which is important. This would be regrettable but keeping the land to the west of the lane open, perhaps as UGS, would not be of great functional value. Access roads would be required to cross Old Lane. It would be desirable to minimise the number and to carry out substantial planting in the vicinity of any crossing point, so that the linear ancient highway rather than the estate roads appear dominant. This is a detail which would be for the Council to take up if development proceeds.

19.11.10 There is a factual disagreement over the degree of recreational use at present, although the only right of access is the use of Old Lane. What is most important is the extent to which there is a need to keep the land open. One reason cited is the role of the sites in separating Bradley and Brackenhall, which was one of the purposes of the protection of land from development in the HLP under policy HD/GB13, which included B8.16. However in my judgement sufficient open land would remain to achieve meaningful separation and although the absence of a relevant change in circumstances is suggested, it is inevitable that there will be a need to respond to new demands. Reference is also made to the study of playing field and play area provision in the main urban areas but the Council notes that this is not an area where further recreational land is needed, because Deighton Ward has the most such space per 1,000 population, double the NPFA standard. The Deighton planning zone also contains substantially more UGS than any other in Kirklees. Having regard to the character of the land and the extent of open space in the area, allocation as UGS would not be justified. PPG12 requires an appraisal of the environmental implications of the proposals in the plan as part of the process of preparation. Whereas the text of the plan does not include such an analysis of individual sites, this would be excessively detailed and would make the document less clear. Sufficient information is available to assess the important environmental effects.

19.11.11 The development would substantially increase the traffic flow on Bradley Road but this is operating well below its theoretical capacity at present. In practice it is the junctions with the A641 and A62 which would be the constraints but I accept the Council's evidence that there is space to improve these within the highway boundary. A traffic impact assessment would be required to support detailed proposals but the evidence available confirms that development of the land in accordance with the allocations would be feasible. There is also a concern at the effect of the additional flow of traffic on safety, particularly because of the presence of All Saints School. Whereas any accident is regrettable and local residents point to individual occurrences, the overall picture is that this is a typical road in terms of accident statistics. The speed limit has been reduced recently and the new roundabout which is expected to be required to serve site B8.16 would also have a beneficial effect in reducing vehicle speeds. There is not a problem of safety which would be grounds to reject the allocation.

19.11.12 A survey amongst local residents suggests a number of alternative uses on some of the land, such as a health centre, day centre or local shops. There is no evidence that



these uses are feasible in terms of available resources. In so far as a realistic need were established, I agree with the Council that community services would be better located in the vicinity of the school proposed on site H8.39. The fundamental test is whether in a material respect the allocations are unsatisfactory. Allocation B8.15 is carried forward from the HLP, albeit with some alteration in the detail of the intended use. Subject to the buffer zone I recommend, there is no reason why this should not proceed. The Residents' Association [0692] seek a planning brief to establish the main principles of this scheme but I agree with the Council that this is not a complex site, so that the normal development control process would be adequate. Traffic impacts would be relevant jointly with site B8.16. That land would make an important contribution to the available choice of employment land. The relationship to Fell Greave Wood could be safeguarded by additional buffer zones. The effect on Old Lane is unfortunate but the weight of the evidence, including the extent of open land in the area, favours retaining the whole allocation. The detailed relationship between the development and Old Lane is a matter for the Council to determine, guided by an appropriate planning brief.

## **Recommendations**

### Allocation B8.15

- 19.11.13 i. modify the proposals map by including a buffer zone 20m wide adjoining the housing development on the south boundary, with a consequent modification to the estimated developable area in policy B2;
- ii. modify the allocation under policy B2 to restrict the site to B1 uses only.

### Allocation B8.16

- 19.11.14 i. modify the proposals map by including two buffer zones 20m wide on the south boundary, as shown in the plan at Appendix M, with a consequent modification to the estimated developable area in policy B2.

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## **19.12 POLICY D2, SITE HN17 COLNE BRIDGE ROAD, BRADLEY**

Objections: 2254 Holliday Dyes and Chemicals

### **Issue**

19.12.1 Whether the land is capable of development for business and industry and should therefore be allocated.

### **Conclusions**

19.12.2 In the HLP this site of about 1ha was part of a larger area identified as suitable for industrial development. Much of that land is allocated in the UDP (site B8.12) but the objection site, which is subject to a TPO made in 1980, is excluded. According to the Council, the land was included in the HLP allocation so that consideration could be given

to its protection and appropriate woodland management when any planning application was made.

19.12.3 PPG4 states that development plans should ensure that sufficient land is available for business and industry which is readily capable of development and it is against this background that sites have been allocated for this purpose under policy B2 of the plan. There are many trees on this slightly undulating land, most of which are subject to a "blanket" TPO. The erection of industrial or other buildings would require the felling of some trees and minor regrading to create level platforms. An essential first step to demonstrate whether this is feasible would be a detailed survey of the trees, including information such as condition, height and spread. The objector suggests that only trees within 10m of the railway or Colne Bridge Road should be safeguarded but this would ignore the detailed characteristics of the trees which are important. The available evidence does not demonstrate that a realistic area is available for development.

19.12.4 At present the area is unallocated in the plan so that policy D2 would apply. This expresses a general presumption in favour of development subject to certain specific interests being safeguarded. Relevant considerations here might include the effect of particular development proposals on visual amenity and wildlife interests. The policy does not contain any unreasonable restraint on development and would enable all proposals, whether or not for business and industry, to be assessed on their merits. Policy NE9, which favours the retention of mature trees, would also apply whether or not the land was allocated under policy B2.

19.12.5 The plan in its present form provides a clear basis for the determination of proposals affecting the land and does not unduly restrict development. An allocation as sought could be misleading and inconsistent with national guidance because the land may not be capable of accommodating industrial development.

### **Recommendation**

19.12.6 No modification.

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## **AREA 9 - MIRFIELD**

### **19.13 ALLOCATION B9.3 HUDDERSFIELD ROAD, MIRFIELD**

Objections: 2944 K Hartley

#### **Issues**

19.13.1 Whether the allocation would lead to unreasonable harm to residential amenities or adverse traffic impact.

#### **Conclusions**

19.13.2 The site was allocated for employment in the HWDLP. It is in a part of Mirfield traditionally used for industry but close to housing areas, and benefits from easy access to the A road network. It meets plan aims and national and regional guidance to provide for industry needs in locations which assist revitalisation of the urban areas and encourage sustainable patterns of travel. Rather than points against allocation in principle, the concerns of building height, noise levels, access and parking arrangements raised by the objector are capable of being met by the details of development. Indeed, since the base date of the plan, part of the site has been developed for industry in a form which addresses these matters.

#### **Recommendation**

19.13.3 No modification.

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### **19.14 ALLOCATION B9.4 STEANARD LANE, MIRFIELD**

Objections: 0582 Mirfield Road Safety Committee 2637 L M Stalmach  
3057 J G Kent (Deceased)

#### **Issues**

- 19.14.1 i. whether the allocation is appropriate bearing in mind the highway infrastructure and impact on highway safety;  
ii. whether alternative designation for office use or a nature reserve would be appropriate.

#### **Conclusions**

19.14.2 The site is accessible by road only through the premises of Mitchell Cotts Chemicals onto Steanard Lane. The Council acknowledges the substandard nature of this road. The restrictions are so severe that a turning space has been formed opposite the existing access to Mitchell Cotts, to allow HGVs to manoeuvre in or out where the access crosses the river. This results in HGVs crossing to the wrong carriageway of Steanard Lane close to where forward visibility for oncoming vehicles is impeded by a railway bridge. Steanard Lane itself is narrow, with priority arrow markings being necessary, and a car and

HGV cannot pass without mounting the narrow footpath. To the north, the acute bend at the end of Shepley Bridge makes it difficult for HGVs to turn in one movement. To the south, the route is either to a network of narrow country lanes or through the shopping centre. In these conditions even a modest increase in traffic would be potentially seriously hazardous. The existing traffic generation from Mitchell Cotts Chemicals is given as 10% of the flow on Steanard Lane. The site would provide approximately as much development land again as the existing premises. Business or industrial development would therefore have to be of an unusual nature or benefit from an alternative to road access for it not to create a significant increase in traffic.

19.14.3 Set against these difficulties are clear benefits from the allocation. The site is well located within the settlement, in a predominantly industrial area but close to the town centre and railway station and adjoining an intended strategic cycle and pedestrian route. It was previously used for industrial purposes. It therefore fulfils aims of the plan and guidance in PPG4 and PPG13 to recycle previously used land and to encourage a more energy efficient and less polluting pattern of travel. Whilst access through the premises of Mitchell Cotts Chemicals, who own the site, may limit its contribution to the general pool of business and industrial sites, shared access by firms is not uncommon and the site would at a minimum allow for reorganisation or expansion of a local firm. The allocation would therefore aid the economic strategy of the plan.

19.14.4 In addition to the potential to encourage commuting by means other than by car, through links to the strategic cycle/pedestrian route and proximity to the railway station and centre, the site is adjacent to the railway line and the Calder and Hebble navigation and close to the River Calder. A plan of the previous industrial use shows sidings and links to a railway to the north-east. Although this is now dismantled, the railway to the south remains operational. In connection with the mineral working allocation at Shepley Bridge, just to the north-east of this site, the Council advances the possibility of the use of barges. Thus, the site holds potential for freight transport by rail or water, which would accord with advice in PPG13, PPG4 and RPG12 and could overcome highway problems. Policy T10, which precludes development which creates highway safety problems, and the opportunity to control in detail the nature of any industrial development in terms of traffic generation provide adequate safeguards. Bearing in mind the potential at the site for alternative modes of transport, the prospect of achieving development without creating a significant increase in traffic on Steanard Lane is not so unrealistic as to justify deleting the allocation.

19.14.5 Restriction to office use, whilst of assistance in limiting HGV traffic generation, is likely to lead to higher job density and could create significant traffic from employees, so is not warranted rather than a wider business and industry allocation. Designation for nature use is not merited. Although the site has regenerated by natural vegetation, no evidence is given of special wildlife value. It is close to the Green Belt and an area designated as UGS in the proposed changes, so there is no local scarcity of open land. The balance of advantage in meeting objectives of the plan lies in retaining the allocation under policy B2.

## **Recommendation**

19.14.6 No modification.

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## AREA 10 - DEWSBURY, RAVENSTHORPE AND THORNHILL

### 19.15 SITE DRT11 CARR LANE, DEWSBURY MOOR

Objections: 5834 Morton International Ltd

#### Background and issues

19.15.1 In the plan the land is designated as POL. The Council's proposed changes include designation of part of the site under policy B2 and the remainder as UGS. Other proposed changes in the vicinity are considered at IR 20.71. The counter objection is to the precise boundary between the two areas and seeks inclusion in the business and industry allocation of a strip, approximately 50m wide, shown as UGS. For convenience I refer to this strip as Area A. The issues raised are the implications of a permission for industrial use and the importance of Area A in separating an industrial area from other uses.

#### Conclusions

19.15.2 Area A forms part of a site for which outline permission for industry and warehousing development was granted in 1995, signalling that it is appropriate for allocation under policy B2. In its present condition as rough grazing land, it has no specific landscape qualities, recreational or wildlife value to merit designation as UGS. In view of the permission granted, the prospects of Area A attaining value in these terms in the future is unrealistic.

19.15.3 The application site and area allocated under policy B2 in the proposed change would be accessed via the objector's chemical works to the north and the probability is that the development would form an extension of those premises. It is reasonable to ensure separation between such a use, with the potential for disturbance to residents, and the proposed residential allocation to the south-east. The area of UGS suggested by the objector and Carr Lane would give a minimum separation of about 100m, which would be adequate for the purpose. In connection with the permission for industry and warehousing, under a section 106 agreement, the south part of DRT11 is reserved for recreation use and a rugby pitch has been created. Bearing in mind that the layout of development within the industry and warehousing site will be subject to detailed control and that in addition separate legislation provides control over the presence of hazardous substances, use as a rugby pitch is not so sensitive that a separation strip, either as UGS or as the Council later suggests as a buffer zone under policy B3, is warranted.

19.15.4 As explained at paragraph 10.18 of the plan, buffer zones are also intended to minimise visual impact. The land is in the valley bottom and forms part of a line of development with industry to the north and housing further to the south. The impact of the proposed allocation under policy B2 on the wider surroundings would not be so significant as to justify the type of broad buffer zone used on some major allocations in the plan. There is no doubt, particularly given the steep and exposed drop down to the rugby pitch, that landscaping at the south end of the industry and warehousing site will be required and this is accepted by the objector. However, this is a usual requirement in connection with

development and could be achieved through the normal process of detailed control, so that specific designation of Area A is not necessary.

## **Recommendations**

19.15.5 Modify the plan by:

- i. deleting the designation as POL from site DRT11;
- ii. allocating the areas shown as "Business and Industry" and "Area of objection" on plan DRT11 [KB/DRT11/1] as a site for business and industry under policy B2;
- iii. designating the remainder of DRT11 as UGS under policy D3, as shown on plan DRT11 [KB/DRT11/1].

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## AREA 11 - BATLEY AND BIRSTALL

### 19.16 ALLOCATION B11.1 *DARK LANE NORTH, BIRSTALL*

Objections:

2306 A Calvert  
2441 N Parker  
2443 K McHugh

2307 A Parker  
2442 B McHugh

#### Issues

- 19.16.1 Whether the allocation is appropriate bearing in mind:
- i. unused industrial premises;
  - ii. the extent of past development and loss of green fields in the area;
  - iii. the value of the site as a buffer between industrial and residential areas.

#### Conclusions

19.16.2 Whilst there are relatively modern premises available within the Centre 27 complex, a turnover of occupiers must be expected. Most of the industrial development in the area has been occupied. The existence of vacant premises in the district was considered in Chapter L1 and there is nothing exceptional about the localised situation to detract from the conclusion that the scale of allocations is correct.

19.16.3 The rapid and extensive development in this area has effected a transformation, removing a considerable tract of open land. This change was implicit in the allocations made in the HWDLP, which include this site and which recognised the particular attributes of the area close to the motorway in attracting industrial investment. The contribution of the site to the economic strategy remains relevant. Whilst much open land has been lost, land immediately to the west of this site and north of the Fieldhead residential estate is Green Belt, so that adequate open space exists in the vicinity.

19.16.4 The site, which is undeveloped agricultural land, gives the area on the north-east fringe of the Fieldhead estate an essentially rural character and mitigates the impact of industrial development to the north and east of the residential area. This benefit is not so great, given the importance of the site to the economic strategy, as to justify maintaining the whole of it as open land. Nevertheless, the south-west end of the site is very close to houses and a school. Given this proximity together with the topography, whereby industrial development at that end would rise above and face on a hillside the residential area, implementation of the allocation can be expected to have a significant impact on the character and appearance of the area. An appropriate transition between residential and industrial areas, in the form of a buffer zone under policy B3, is necessary and reasonable at this substantial 7.8ha site.

19.16.5 No buffer zone is shown in the HWDLP allocation, since the concept was not being used at that time. However, no extant planning permission under that allocation exists for development on the site, so there is no impediment which would preclude the formation of a buffer zone. The case for including one at this site is on a par with those allocations where buffer zones are included on the proposals map. It would be inconsistent to neglect measures based on environmental considerations at this location, merely because it is not a

new site. A landscaped buffer of some 25m facing the school and houses would substantially soften the visual impact without being unnecessarily inefficient in the use of land suitable for industrial purposes.

## Recommendations

- 19.16.6 Modify the plan by:
- i. on the proposals map, adding a buffer zone of approximately 25m wide along the south-west boundary of the site from the Springwell Farm buildings to a point opposite the north boundary of the UGS designation at the school;
  - ii. revising the estimated developable area for allocation B11.1 in policy B2 accordingly.

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## 19.17 ALLOCATION B11.5 *DARK LANE SOUTH, BIRSTALL*

|             |               |               |
|-------------|---------------|---------------|
| Objections: | 2311 A Parker | 2312 N Parker |
|             | 2313 B McHugh | 2314 K McHugh |

## Issues

- 19.17.1 Whether the allocation is appropriate bearing in mind:
- i. unused industrial premises;
  - ii. the visual impact and effect on amenities at nearby housing.

## Conclusions

19.17.2 As set out in the previous section, vacant industrial development in the locality does not lead to a different conclusion from that in Chapter L1, that the overall scale of allocations for business and industry is correct.

19.17.3 The site is an overgrown area behind industrial buildings and at the foot of a slope up to the rear boundaries of residential properties. It is not prominent and, being at a lower level than the adjoining housing and accessed from an existing industrial estate road onto Gelderd Road, is clearly within an industrial enclave. Appearance, noise and pollution are all matters which can be adequately controlled at the stage of detailed proposals. The planning history of the site, which includes refusals of permission at a time when it was allocated for employment in the HWDLP, illustrates this point and indicates that the Council is properly taking into account the proximity to housing.

## Recommendation

19.17.4 No modification.

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## 19.18 ALLOCATION B11.7 COLLEGE MILLS, BIRSTALL

|             |                                       |                      |                        |
|-------------|---------------------------------------|----------------------|------------------------|
| Objections: | 1507 Miss H R Shaw                    | 1508 Mr & Mrs Hughes | 2636 Ms S Haigh        |
|             | 2937 D A Earl                         | 2938 Mrs Earl        | 2939 Mr C Gottowik     |
|             | 2940 Mr M J Williams                  | 2941 Ms S E Hirst    | 2942 Mr D W Hirst      |
|             | 2957 Birstall Improvement Group       | 2958 Mr F M Thompson | 2959 Ms J Thompson     |
|             | 2960 Ms P L N Foley                   | 2961 H S Fletcher    | 2964 Mr C Firth        |
|             | 2965 Mrs J Firth                      | 2982 L M Jennings    | 2987 Mr E Donoghue     |
|             | 2989 Birstall Greenfields Pres. Group | 2990 Mr M Donaghue   | 2991 S Coase           |
|             | 2992 G Coase                          | 3055 Mr K R Kilroy   | 3058 Mrs J Donaghue    |
|             | 3059 J A Senior                       | 3080 Ms D Arthurs    | 3267 Mr R D Holdsworth |

### Conclusions

19.18.1 Some objectors have assumed the site extends onto a former cricket ground, but it is restricted to land of about 1.5ha formerly occupied by a mill. The site has a history of permissions and has recently been redeveloped for warehousing and industry. In these circumstances, no purpose would be served by giving further consideration to the allocation. As development has occurred within the plan period, the allocation should continue to be identified as a proposal at the base date of the plan.

### Recommendation

19.18.2 No modification.

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## 19.19 ALLOCATION B11.10 SMITHIES MOOR LANE, BIRSTALL SMITHIES

### Background and issues

19.19.1 The objections are listed in Annex C. The Council's proposed changes included the deletion of the allocation under policy B2 and designation of the site as UGS. This was rescinded in July 1995 and the allocation reinstated. All the objections seek the deletion of the allocation, some seek designation as UGS and some inclusion in the Green Belt.

19.19.2 The issues are:

- i. whether allocations in Birstall overall are excessive in the light of past levels of development, available premises and traffic conditions in the area;
- ii. the location of business and industry having regard to potential alternative approaches of concentrating industry near the motorway or on re-cycled land;
- iii. whether the allocation is appropriate having regard to:
  - a. the effect of additional traffic;
  - b. the suitability of ground conditions for development;
  - c. the impact on residential amenities, the landscape, ecology and recreational facilities;
  - d. possible alternative allocation as Green Belt or UGS.

### Conclusions

19.19.3 Birstall has experienced a high level of industrial development in the recent past, primarily from take-up of land near junction 27 of the M62. This has radically affected the

character of the settlement and the concerns of local residents over further impact are understandable. However, past development reflected the particular attributes of the area, close to the motorway, in being attractive to industrial investment. That factor, relative to less accessible areas of the district, remains relevant to the objective of the plan to strengthen and broaden the economic base of the district. Also bearing in mind national and regional guidance, to make available attractive sites for industry and to promote proximity between employment and housing, concentration of allocations in the major urban areas which are also near junctions of the M62 is not unexpected nor unreasonable. In Birstall, 11 sites are allocated for business and industry, totalling about 28ha, and this is not dissimilar from concentrations to be found in the plan in Cleckheaton and part of North Huddersfield where junctions 24 and 26 occur within the district.

19.19.4 Land at Birstall was also taken up for retail use, which objectors argue could have been used otherwise for business and industry. Whatever the merits of the previous planning decisions, that land no longer forms a resource available for industrial use, such as to make allocations on other land unnecessary. Retail allocations in this area merely reflect past decisions and, whilst a recent application shows pressure for this use still exists, plan policy can provide adequate control on large stores outside existing centres. Proposals for retail use on land allocated under policy B2 would not accord with the plan, so previous experience of this type of development in the area is not a reason against allocations under B2.

19.19.5 Some premises near junction 27 have been vacant for a long period, but most are occupied and land continues to be taken up, indicating that industrial demand remains strong in the area. As the objector [3502] sets out, North Kirklees has a large pool of available premises, but not disproportionately so in Batley and Birstall. For various reasons existing premises may not be suitable for those sectors of industry creating demand. The existence of vacant premises was taken into account in Chapter L1, where I concluded that the overall level and distribution of the land supply for business and industry was correct. The level of vacant premises in the area does not give a localised reason to conclude that the scale of allocations is excessive.

19.19.6 Considerable evidence was given by objectors of traffic congestion in Birstall, particularly on routes leading to the M62, via the A62 and its junction with the A652. Events, such as the well publicised opening of a major store at Centre 27, must be viewed as exceptional occurrences, but underlying difficulties remain. The situation is acknowledged by the Council and in the Birstall Transportation Study Report by TecEcon, which concludes that the highway network is stretched to capacity. Nevertheless, the modelling undertaken in that study, which included traffic generation from allocated sites and from the Batley Mills regeneration scheme in its assessment, demonstrates that various measures of improvement are physically feasible and would enable projected traffic levels to be accommodated, using a 15 year design period to 2012. The conclusion in the TecEcon Report that funding for the measures would have a good chance of success is not unreasonable, bearing in mind support for package bids in TPPs given by DoT Local Authority Circular 1/95. The most costly of the measures, the alteration of the A62/A652 junction and widening of a stretch of Gelderd Road, are included in the plan as major highway schemes and are programmed in the TPP at an advanced stage. Another element of the measures, the dualling of a further stretch of Gelderd Road, is recommended to have a protected line to enable implementation as necessary in conjunction with new development.

The evidence does not therefore demonstrate that the level of allocations in Birstall, including this site, would lead to a scale of development which would not be feasible in traffic terms.

19.19.7 On issue ii, B11.10 is some 2.5km south-west of junction 27 of the M62. At prevailing average traffic speeds in peak times found by the TecnEcon study, or even at the reduced average of 30kph projected with no highway network improvements, this proximity gives drive times making the site readily accessible in motorway terms. Delays at junctions cited by objectors will affect accessibility but, whereas these are most pronounced at peak times, freight movement is important over a longer period of the working day and tends not to be co-incident with peaks in retail activity. The attraction of the site in terms of motorway accessibility for freight movement remains. Whilst the location slightly away from the motorway would lead to HGV traffic through a built-up area, the route is via the A62, part of the strategic highway network, rather than a secondary road through a sensitive area. The site also has good access to other parts of the strategic highway network to serve journeys to other main destinations, not just to the motorway. In addition, it is well placed within walking distance of a large residential catchment and on bus routes to more distant towns, which supports a preference for this urban location in PPG13 terms. Thus, in transport terms the alternative approach advanced of concentrating on peripheral locations near the motorway holds no advantage over location of business and industry at the site. That alternative approach is undesirable, since available sites close to the motorway do not exist outside the Green Belt. As national guidance makes clear, incursion into the Green Belt should only occur as an exceptional circumstance, after other land has been considered.

19.19.8 The other suggested approach of limiting development to previously used sites is unrealistic. As set out in Chapter L1 the reclamation target in the plan for derelict land is above the grant funded programme and envisages input from other sources, so additional reliance on reclamation would be unwise. The availability of recycled land sufficient to alter the balance of need for allocations is not borne out by detailed examination. In this case, one particular opportunity is cited by the closure and marketing of the Rest Assured factory at Bradford Road. This has happened since the base date of the plan and, even if a redevelopment site as opposed to continued use of existing industrial premises emerges, it must be regarded in the nature of a "windfall" site. The continuing occurrence of previously unidentified sites was an accepted part of the context in which I assessed, in Chapter L1, the need for allocations. B11.10, being one of the larger sites above 4ha and in both an urban and motorway related location, is an important part of that total provision.

19.19.9 On issue iii, the wider effects of traffic generated by development of the site, as part of the overall allocations, on conditions along the A62 and at the A62/A652 junction were covered under issue i. With regard to impact in the immediate vicinity, the site adjoins Smithies Moor Lane, a minor road serving residential properties. However, it has adequate frontage to the A62 to enable vehicular access to be provided solely from that road. There is no need for the allocation to lead to increased vehicular traffic on Smithies Moor Lane. Proposals in the plan, for a traffic calming zone which includes Smithies Moor Lane and for alterations at the north end of the road to divorce it from the A62/A652 junction, support this view and would allow problems of "rat running" to be addressed. Recorded accident levels on the stretch of the A62 between Bradford Road and Muffit Lane do not place it in the list of areas of concern for road safety. An additional access to serve the site would be far enough from existing junctions to meet recommended standards of separation and could be

light controlled, so that a situation where vehicles had to enter or cross the flow at a priority junction could be avoided and safety on the A62 not significantly harmed.

19.19.10 Objectors refer to previous mining on the site and to wet ground conditions, but there are no objections in principle from statutory consultees. Flow balancing facilities or off-site works may be necessary for surface water drainage, but this is by no means unusual. Such arrangements are typical of the matters dealt with at detailed stage and adequate control exists to ensure reported flooding problems at nearby housing are not exacerbated.

19.19.11 Industrial development has the potential to create disturbance through such factors as noise and fumes, but PPG4 and PPG13 support a closer relationship between housing and employment, including industry. Here, the site is in an area with existing substantial industrial presence, including a major manufacturing plant opposite on the west of the A62. Although there is housing to the east, on the opposite side of Smithies Moor Lane, and directly along the northern boundary of the site, the relationship is not unusual and need not lead to significant disturbance, given the opportunity to control in detail the siting of buildings and location of particular uses within the site. This detailed control will be assisted by the inclusion in the plan of a buffer zone at the north and north-east of the site. Objectors doubt its effectiveness and point to examples where separation between industry and housing has been eroded, but buffer zones identified in a plan are a new concept in this district. They would be backed by policy B3, giving stronger policy support than existed previously.

19.19.12 Most of the site is undulating grazing land with hedgerow trees. A greater concentration of trees, protected by a TPO, occurs at the south-west corner and along the A62 boundary. The north facing slope of the site forms an attractive part of the wider countryside viewed from the opposite side of the valley. Development progressing up that slope would transform the scene and the Council accepts that it is also likely that some trees along the road frontage would be lost to accommodate necessary access arrangements. The Council's intention, through the identification of a sizeable buffer zone on the south boundary, is to contain built development within the valley and below the higher points of the site and to strengthen the wooded belt from Ridings Wood through to the vicinity of the cricket ground east of Smithies Moor Lane. This woodland is an important feature and the opportunity to continue it and provide an attractive, visual containment and backcloth on the hillside above Birstall would be of real benefit to the landscape form. Substantial tree planting in the south part of the site would offset the impact from loss of trees, within group A1 on the TPO, at the access.

19.19.13 The site, as with any extensive area of open land on the edge of the countryside, is used by wildlife. Beyond the recreation ground, the presence of more varied grassland, wooded areas and a water course provides diverse habitats. Whilst these would be lost by development, additional wooded areas in the buffer zones would create important habitats and, since open land to the south within the Green Belt would remain, no critical bridge for wildlife to the wider countryside would be lost. At the inquiry, the objector [3750] claimed that there are setts of a protected species on the site. The information relied on a third party source and could not be tested from first hand knowledge. It was not supported by an objection from the Wildlife Group concerned. Conclusive evidence of the extent and importance of the habitat and the degree to which development would compromise it is not therefore available to demonstrate an overriding wildlife interest. Nevertheless, bearing in mind that interference by development with setts of the type claimed would be an offence

without the necessary licence, that there is recent experience elsewhere of development being precluded by this factor and that allocations should be realistically capable of development, further investigation by the Council prior to adoption of the plan should be undertaken.

19.19.14 The north part of the site is occupied by a cricket ground and football pitch with ancillary clubhouse, which are well used and provide an important recreational facility to the community. Their loss is intended to be met by alternative provision on land in the same ownership. This is a short distance from the existing ground, so would be well located to serve the same catchment area. It is large enough to accommodate both cricket and football playing areas and ancillary facilities, such as changing rooms. Whilst some levelling of the ground would be necessary, the topography is not so severe as to make the work unduly onerous or unrealistic. Indeed an existing football ground exists on similar terrain just to the south of the intended replacement area. A note in the plan makes the release of the site dependent on replacement provision and I am satisfied that it could be ensured through a planning agreement, which could also address the quality of the alternative provision.

19.19.15 As the Inspector reporting on the HWDLP indicated, due to the topography and pattern of development the site would make no useful contribution to the Green Belt. Regardless of whether or not an allocation under B2 is made, it should not be included in the Green Belt. The Council accepts that the site would meet the criteria for designation as UGS, but a balance between the needs for development and the protection of valuable open land has to be achieved. Here, as set out in the HWDLP Inspector's report, it was desirable to identify the site as a possible candidate for future development in order to maintain the integrity of the Green Belt. The point has been reached when, even with the contribution from the allocation of this site, the land supply situation for business and industry justifies release of Green Belt land. The loss of the allocation would increase pressure on the Green Belt for further alterations to its boundary and the balance of priorities, bearing in mind objectives of the plan and of national guidance, lies with allocation for development.

## Recommendation

19.19.16 No modification, subject to further investigation by the Council of the possible presence of setts of a protected species and of any consequent implications for development.

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## 19.20 ALLOCATION B11.11 *BRADFORD ROAD, BIRSTALL SMITHIES*

|             |                                 |                      |  |
|-------------|---------------------------------|----------------------|--|
| Objections: | 1507 Miss H R Shaw              | 2936 Mr R Watson     | 2939 Mr C Gottowik                           |
|             | 2940 Mr M J Williams            | 2941 Ms S E Hirst    | 2942 Mr D W Hirst                            |
|             | 2957 Birstall Improvement Group | 2958 Mr F M Thompson | 2959 Ms J Thompson                           |
|             | 2960 Ms P L N Foley             | 2961 H S Fletcher    | 2962 Mr J Hayes-Ward                         |
|             | 2963 Mrs P Hayes-Ward           | 2983 Mrs S Griffiths | 2988 Mrs G Balmforth                         |
|             | 3045 Mrs J Donaghue             | 3046 L Jennings      | 3047 J A Senior                              |
|             | 3048 Mr E Donoghue              | 3056 Mr K E Kilroy   | 3060 Birstall Greenfields Preservation Group |
|             | 3061 Mrs Edmond                 | 3064 Mr J Edmond     | 3267 Mr R D Holdsworth                       |

## Issues

19.20.1 All the objections seek the deletion of the business and industry allocation. Some also seek designation as UGS or for a park or play area. The issues raised are whether:

- allocations in Birstall overall are excessive in the light of past levels of

- development, available premises and traffic conditions in the area;
- ii. the allocation is appropriate bearing in mind the value of the land as open space, the impact on amenity and traffic congestion.

## Conclusions

19.20.2 My conclusions on issue i are as set out with regard to allocation B11.10 in the previous section. On issue ii, the site is about 0.4ha and forms part of the planning unit of Rest Assured Limited, last used for the parking of trailers and thereby enjoying an existing industrial use. Although there are a beck and trees on its boundaries, there is a lack of attractive landscape features or areas for wildlife within this basically flat, unsurfaced site. There is no public access and coupled with the existing industrial use this means the potential for recreation use is low. Designation as UGS or as a park or play area is not justified.

19.20.3 Housing to the west is separated from the site by Smithies Moor Lane and, apart from a small group of houses on Bradford Road, the surrounding premises are in industrial or commercial use. The site is presently accessed via the industrial premises, which have a number of access points onto Bradford Road as well as Smithies Moor Lane. It is therefore feasible for the site to be developed without access onto Smithies Moor Lane. The allocation need not result in increased traffic onto this more rural and primarily residential road or in damage to the line of trees across that road frontage, so undue impact on residential amenity could be avoided. With access onto Bradford Road, the estimated traffic generation would create less than a 1% increase in the existing flow on that road. There would therefore be no significant impact on traffic congestion. The site provides an opportunity to develop under-used urban land, well suited to business or industrial use and within a regeneration area.

19.20.4 It is not usual in the plan to make an allocation on part of an existing industrial site. In this case the information given to the Council from the owners on the likelihood of the land becoming available as a separate site justified a different approach. The more recent marketing of the entire industrial premises makes the situation less certain. The Council should monitor this. If the land is no longer likely to come forward as a separate site its allocation, separate from the remainder of the industrial premises, would be inconsistent.

## Recommendation

19.20.5 No modification.

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## 19.21 ALLOCATION B11.15 GRANGE ROAD NORTH, BATLEY

Objections: 1014 Batley Grange Valley Action Committee  
2310 Mr A Hudson

2309 Mrs E Hudson

## Issues

19.21.1 These are whether the allocation is appropriate bearing in mind the suitability of the site for development, its value as a greenfield site, the impact on the amenity for nearby residents and the need for land for business and industry.

## Conclusions

19.21.2 The site, of about 5.3ha, was allocated for employment and industry in the HWDLP and part has been developed for a factory. There is concern that, in granting permissions for industrial development, the Council preempted consideration of the plan. However, the permissions were consistent with the prevailing development plan.

19.21.3 Two parts of the allocation remain undeveloped. These are well suited for industrial use. They are relatively level, do not involve use of Green Belt land and combine a location in the regeneration area close to the town centre with good links to the main road network, due to the recent Grange Road scheme. The west part enjoys outline permission. Although access would cross a public footpath and be via an adjacent industrial site, this does not create unusual or insuperable problems. Any road crossing a pavement leads to vehicular traffic crossing pedestrian flows and many industrial estates have private roads serving more than one unit. In addition to poorer quality agricultural land, much of the allocation covers previously derelict land, so it is not solely a greenfield site. Although housing adjoins the site on Grange Road, this is a small enclave already affected by the existing situation in what is a predominantly industrial area. Permissions granted on the site include conditions to require landscaping and to control lighting and hours of working, so the additional impact on residents' amenities can be mitigated.

19.21.4 Whilst there are further derelict sites in Batley, these will not be sufficient in either quality or quantity to meet the plan aim of providing for local firms and attracting new investment. The value of the site in assisting the local economy, by allowing a local firm to relocate from unsuitable premises without leaving the area, has been demonstrated by the development of the Rest Assured factory. The balance between the impact on the local environment, the site's suitability for business and industrial use and the need for the plan to identify a good range and choice of such sites is such that the allocation should remain.

## Recommendation

19.21.5 No modification.

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## 19.22 ALLOCATION B11.16 *GRANGE ROAD SOUTH, BATLEY*

Objections: 3042 Mrs E Hudson

3043 Mr P Barrand

## Issues

- 19.22.1
- i. whether the allocation is appropriate bearing in mind the suitability and need for the site for development and its value as open space;
  - ii. whether the site should be restored to its original use.

## Conclusions

19.22.2 The objector [3043] raises concern over the adequacy of publicity and consultation on the plan. However, it is not claimed that legal requirements have not been met and the

objections made in relation to this site enable the relevant points to be aired and taken into account.

19.22.3 The site is about 4ha. It is opposite allocation B11.15 and many of the same considerations apply. The site benefits from access to the new Grange Road scheme and contains areas where former works have been demolished. Part of it has a history of permissions for industrial development and most was allocated for employment and industry in the HWDLP and lies within the regeneration area. It is suitable for business and industry use and, as set out in the previous section with regard to allocation B11.15, there is a need to provide such sites in addition to other derelict land in the area.

19.22.4 The western part of the site was formerly a sports ground. It was used until about 1990, when top soil was removed from the pitch. That operation was unauthorised and there is a valid enforcement notice requiring reinstatement of the surface. Although the ground was private, Council resources were used for improvement and, following closure of the factory with which the ground was previously associated, for maintenance. This reflects the wider role of the facility in the community. There is thus a realistic likelihood that, in the absence of industrial development and the prospect of such development, the use of the sports ground would occur again. The area suffers from a shortage of playing fields, so the loss of the sports ground would be detrimental to the community. However, given the contribution which the site can make to the economic strategy, deletion of the allocation to give an opportunity for restoration of the former use would not be justified, provided replacement facilities can be obtained.

19.22.5 It seems to me that they can. There is no extant permission for industrial development on this part of the site and consideration can be given to the matter in a future application. As the Council agree, replacement facilities would fairly and reasonably relate to the development, so a requirement to that effect would be possible through a section 106 agreement. The objector [3043] draws attention to land south of the site. Whilst ownership constraints would need to be overcome, this suggests that industrial development need not be unreasonably jeopardised by a lack of land suitable for replacement facilities in physical terms. The Inspector's report into the HWDLP recommended that the sports ground should be relocated prior to development and the Council confirms that it accepted this recommendation. The unauthorised operations, taking place prior to industrial development and before the Council could give detailed effect to the previous Inspector's recommendations, should not be allowed to circumvent the intended outcome. The requirement to provide a replacement for the former sports facilities would, in these circumstances, accord with the spirit of policy R8 and should be made clear in the plan by means of a footnote.

### **Recommendation**

19.22.6 Modify the plan by the insertion of a footnote in policy B2 requiring provision of an alternative sports ground as a prerequisite to development of site B11.16

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**AREA 12 - HECKMONDWIKE**

**19.23 ALLOCATION B12.2 STATION LANE, HECKMONDWIKE**

Objections: 2842 West Yorkshire Transport Trust

**Issue**

19.23.1 Whether the footnote to the allocation should be extended to allow uses ancillary to the operation of a tramway.

**Conclusions**

19.23.2 The site is to the south of a disused railway, a length of which is owned by the objector. The intention is to re-open the railway as far as Low Moor, Bradford, where an educational visitor centre has been created, and use the site for development of a station and associated facilities. The project would bring benefits to the area and the Council raises no opposition to ancillary uses on the site in the event of the scheme for re-opening the railway being successful. It is reasonable to ensure that proposals in the plan do not preclude the project.

19.23.3 The site was allocated as an employment site in the HWDLP and is close to the town centre in an established business area, with adjoining sites allocated for business and industry. It is therefore also well suited to business and industrial use in a location to encourage sustainable travel patterns. As there is a measure of uncertainty over whether the transport project will proceed, an allocation in the plan which encompassed business and industrial use, ancillary transport uses or a combination of the two, if space allows, would give a reasonable balance between guidance and flexibility. This could be achieved by extending the footnote, not by reference to a tramway since it now seems a railway is proposed, but by reference to ancillary uses to the operation of the West Yorkshire Transport Trust. The Council does not oppose such a modification.

**Recommendation**

19.23.4 Modify footnote (7) in policy B2 to read:

Car parking and other uses ancillary to the operations of the West Yorkshire Transport Trust in re-opening and operating the former railway line would also be acceptable.

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## AREA 14 - CLECKHEATON

### **19.24 ALLOCATIONS B14.3 AND B14.5 HUNSWORTH DYEWORKS AND EXCHANGE MILLS, MOOREND, CLECKHEATON**

Objections: 0994 A Gooch

#### **Issues**

- 19.24.1 These are whether the allocations would lead to:
- i. unacceptable problems of odour;
  - ii. unacceptable levels of congestion on Bradford Road and Whitehall Road.

#### **Conclusions**

19.24.2 Both sites are previously developed land and are well located for access to the M62, for bus routes and proximity to residential areas. They form particularly valuable elements in the business and industrial land supply, according with plan aims and national guidance. Since the base date of the plan, both have been partly redeveloped as industrial estates, including office and warehousing uses. In so far as areas remain to be developed, I give further consideration to the allocations. On issue i, the objector does not object to what he describes as a trading estate, but is concerned at the type of industry which may be permitted. The nature of this concern raised is capable of being met by detailed control and does not weigh against allocation in principle.

19.24.3 On issue ii, Bradford Road and Whitehall Road are classified A roads. The Exchange Mills site is not accessed directly onto these roads and satisfactory arrangements have been made for access from Hunsworth Dyeworks onto Whitehall Road, by a signal controlled junction. With regard to increased traffic flows, the roads form links to the M62 which are likely to be affected by additional traffic from any new employment opportunities in Cleckheaton. Neither the HA nor the Council's Highway Service raise objections to development of the two sites on the basis of road capacity problems.

#### **Recommendation**

19.24.4 No modification.

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### **19.25 ALLOCATION B14.7 BRADFORD ROAD, RAWFOLDS SOUTH**

Objections: 2308 A McCulloch

#### **Issues**

19.25.1 The objection is not to the principle of the allocation, but raises the issue of whether access should be restricted solely to Rawfolds Way off Bradford Road.

## Conclusions

19.25.2 Given the nature of Pyenot Hall Lane and the surrounding residential streets, with a high level of on-street parking and dwellings sited close to the highway, the objector's concern over any increased industrial traffic is understandable. However, the site does not adjoin Pyenot Hall Lane and it is most unlikely that access in that direction, via two other allocations B14.8 and H14.6, would or could be pursued. There is no indication that access to Rawfolds Way is not feasible and this is what is envisaged by the Council's Highway Section. Adequate arrangements can be required through the development control process and a stipulation in the plan is unnecessary.

## Recommendation

19.25.3 No modification.

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## CHAPTER 20 - SITES FOR HOUSING

### 20.1 INTRODUCTION

20.1.1 In this chapter are grouped objections either to sites allocated in the plan for housing under policy H6 or seeking an H6 allocation for land proposed as POL or which is currently unallocated.

20.1.2 The sites allocated for housing in the plan include those considered to have an existing commitment for housing development (perhaps because of a local plan allocation or the grant of planning permission) and new sites. New sites have originated from a study of urban open land outside the Green Belt defined in statutory or non-statutory local plans. The criteria used to select new housing sites are described in very general terms in paragraph 11.25 of the plan. Other urban open land was allocated for business and industry and UGS. The remainder was either safeguarded as POL, so that the decision as to use is made when the plan is reviewed, or left unallocated. All the housing allocations have been examined in a joint study with the HBF and housebuilders. On a small number of sites amounting to 159 dwellings agreement as to development potential could not be reached and for some sites development is envisaged to extend beyond 2006. Arising out of the discussion at the RTS, I have accepted that the supply derived from the provisions of the plan, including allocations, is 14,360 dwellings. This compares with a requirement for 14,000 dwellings.

20.1.3 On the basis that there is an approximate balance between the requirement and the identified supply, there is no compelling need to increase the supply. Nevertheless RPG12 confirms that the requirement is not a firm target or limit, and excess provision need not be undesirable. Additional allocations could replace any allocated sites which prove to be unsuitable having regard to objections. However there is no control over the phasing of land release, so that substantial additional provision could reduce the probability that more difficult brownfield sites will be developed, in favour of greenfield sites which may be in more attractive locations. Thus it will be right to adopt a cautious approach to increasing the total number of allocations, bearing in mind also the desirability of protecting local choice.

20.1.4 In Chapter 11 I considered those objections which relate to the broad distribution of the housing allocations. Those which argued that there is an over-concentration in some areas were not substantiated. Other objections questioned the degree to which the advice in PPG13 has been taken into account, and I agreed that there are grounds for misgivings in this respect. The advice suggests a first priority in the allocation of housing development to the larger urban areas, with the next preference to locations well served by rail or other public transport. Significant incremental expansion in villages and small towns where this is likely to result largely in car commuting is to be avoided. For the different UDP areas, the Council has analysed the proportion of housing allocations relative to the proportion of the current district population and number of households. This indicates a broad spread of allocations resembling for the most part the current distribution and may be an indicator that demand across the district as a whole has been reasonably catered for. Nevertheless this test should not be given great weight because there may be other plan objectives, including those

associated with sustainability, which would justify more concentrated development. The selection of sustainable locations is not straightforward but given the importance of the motorway network in the location of business and industry and its position relative to the largest urban areas, it is reasonable to give priority to new housing towards the north of the district. Locations with easy access to a good range and standard of local services which are also well-served by public transport are also likely to be advantageous. These are factors which should influence the selection of sites for development now. Conversely, where development is not supported on these grounds, it may be better to resist allocation because more favourable options may be available when the plan is reviewed.

20.1.5 The allocations under policy H6 should be upheld unless the plan is shown to be flawed, for example because the land is unlikely to be available, the allocation would be inconsistent with the objectives of the plan or national guidance, or there would be serious harm to interests of acknowledged importance. When evaluating objections seeking the allocation of POL or unallocated land, it is appropriate to assess whether, having regard to the criteria in paragraph 11.25, the failure to allocate the site shows a clear inconsistency. In many cases this will involve a comparative judgement of the merits of the site as open land. PPG17 emphasises the value of recreational and amenity open space in urban areas. Given the extensive consultation as part of the preparation of the plan and the importance of local choice, judgements reached by the local planning authority should not be set aside unless there is compelling evidence that this is necessary to further the objectives of the plan. Relevant considerations may include the potential contribution to urban regeneration, the desirability of redeveloping and recycling urban land, and the suitability of the site in relation to the principles of sustainable development.

## **AREA 1 - COLNE VALLEY**

### **20.2 ALLOCATION H1.10 *HOLLIN HALL LANE, GOLCAR***

Objections: 0453 J N Wilde

#### **Issue**

20.2.1 Whether the land fulfils Green Belt purposes.

#### **Conclusions**

20.2.2 This site was allocated for housing in the CVLP. Most of the land is used for agriculture but the area should only be included in the Green Belt if it is necessary for this to be kept permanently open in order to fulfil Green Belt purposes. The site is entirely enclosed by the urban area on three sides and substantially so on the fourth side. In essence, even though itself undeveloped, this is part of the urban area rather than the open surroundings to the north. Thus the fundamental requirement for Green Belt designation would not be met.

20.2.3 The relevant criteria indicating suitability for housing development are met. Hollin Hall Lane would provide satisfactory access after minor improvement. Local services are

nearby and Leymoor Road is a bus route. The site does not have ecological or recreational value and public views are limited. Even if, as claimed by the objector, there are opportunities for housing development on previously developed land in Golcar, this would not preclude the allocation of this site. Such opportunities would be consistent with the assumption in the plan that there will be a continuing supply of small housing sites which are not specifically identified and policy D2, which applies to unallocated land, does not restrict additional housing development.

### **Recommendation**

20.2.4 No modification.

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### **20.3 ALLOCATION H1.13 BEECH AVENUE, GOLCAR**

|             |                          |                   |
|-------------|--------------------------|-------------------|
| Objections: | 0772 Mr and Mrs Crosland | 2408 Mr P Walker  |
|             | 2409 Mr and Mrs Boulder  | 2410 Mrs S Barrow |
|             | 2411 Mr S Mallinson      |                   |

### **Issue**

20.3.1 Whether the land would be suitable for housing development, in particular because of access requirements and recreation potential.

### **Conclusions**

20.3.2 This is an allocation maintained from the CVLP. Objections to the principle of that allocation were not supported by the Inspector, although he did make recommendations concerning access arrangements. The site is fairly flat, unused, and crossed by informal paths. The alternative means of access are from Beech Avenue or Marina Terrace. Following public opposition, the Council has decided that there should not be a connection to Marina Terrace, although this contradicts what is envisaged in the Local Plan. I do not disagree with the Council's evidence that access can be provided from Beech Avenue and the details can be determined as part of any development proposals. The site does not have visual or ecological value. Bearing in mind the substantial area of playing fields in the vicinity, including on the adjoining land next to Beech School, and the large area of UGS at Golcar Flat, a preference for the recreation use of this land would not be justified. Other details mentioned in objections, such as housing density, footpath routes, and play provision arising from any development, do not affect the principle of an allocation but can be adequately dealt with within the framework of the policies in the plan when detailed proposals are determined. Reference is also made to the potential effect on property values and the juxtaposition of private and Council dwellings but these are not appropriate planning considerations.

### **Recommendation**

20.3.3 No modification.

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## 20.4 ALLOCATION H1.16 WINDSOR ROAD, COWLERSLEY

Objections: 0251 Miss M Smith  
0773 S D Wood  
1760 Mrs M Cue

0739 Mr T Gledhill  
0775 B Kelly  
2407 Mr G A Coulson

### Issue

- 20.4.1 Whether the site is suitable for housing development having regard to:
- i. existing uses for garaging and as gardens;
  - ii. the road network giving access to the land;
  - iii. its value as open land.

### Conclusions

20.4.2 This is a site which was allocated for housing in the CVLP in conjunction with adjoining land which has now been developed. The combined area was included in a development brief approved by the Council in 1991.

20.4.3 There are garages and some garden tenancies on that part of the land behind Perseverance Street. The area generally contains older housing and these dwellings are not exceptional in not having off-street parking within the curtilage. The Council owns the land and accepts the desirability of replacing the garage provision but seeks to minimise the effect on the housing layout. This factor should not prevent an allocation. The precise arrangements for making land available for garages could be resolved in detailed proposals as part of the consideration of a planning application.

20.4.4 The objections express concern at traffic conditions both in Windsor Road and Manse Drive, particularly as a result of on-street parking. The access to the land would be achieved by linking Windsor Road and Warneford Road through the site, and would result in there being three alternative routes to Cowlersley Lane. Given the modest scale of this development, the intention to maintain some off-street provision for Perseverance Street residents, and the availability of three alternative routes, the access roads could accommodate the additional traffic and the safety of pedestrians, including school-children, would not be prejudiced. The representations also refer to the visibility at the junctions of Windsor Road and Manse Drive with Cowlersley Lane. This does not meet current standards but, in the case of Windsor Road, the deficiency is not so serious as to prejudice safety. As the Council points out, any significant hazard created by on-street parking near this junction could be dealt with by imposing restrictions. Visibility from Manse Drive is more seriously deficient but this route would be likely to be secondary to Warneford Road and no evidence is provided that accidents have been caused by current use. Overall, for an incremental development of the moderate scale envisaged, satisfactory access could be provided.

20.4.5 This is gently sloping land of no special visual merit which is surrounded on three sides by residential development. The southern boundary with the Green Belt is a direct line between the housing on each side. There is no evidence of special habitat value for wildlife nor is the land available for recreation. Retaining this land as UGS would not be justified because there is POS adjoining which includes play provision and the Green Belt provides opportunities for informal recreation. Thus there are not grounds to set aside the allocation for housing.



**Recommendation**

20.4.6 No modification.

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**20.5 POLICY D5, SITE CV2 LINGARDS ROAD, SLAITHWAITE**

Objections: 0842 Mr R F Garside

**Issue**

20.5.1 Whether the site should be allocated for housing because of need and suitability.

**Conclusions**

20.5.2 The deposit draft allocation as POL would prevent the development of the land at least until the plan is reviewed. The site is a prominent hillside on the periphery of Slaithwaite, so that development would be detrimental to the character and appearance of the settlement. The land also forms part of the setting of a Listed 18th century farmhouse, which mitigates against development if other options are available. The objector’s case is to a great extent founded on general housing need, which is not a reason to allocate additional housing land. The adequacy of local provision is also questioned, particularly the viability of site H1.7. I put greater weight on the assessment in the Joint Study [LCD65] that dwellings would become available on that land over a period, reflecting a combination of high and medium development potential and the relatively low demand in this area. The objection site does not have particular merit in terms of access to services, there is no special case of local need and there would be worthwhile benefits from keeping the land open.

**Recommendation**

20.5.3 No modification.

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**20.6 POLICY D5, SITE CV4 ADJOINING 61 SWALLOW LANE, GOLCAR**

Objections: 1807 Mrs S Richardson

**Issue**

20.6.1 Whether the land is capable of development and should be allocated for housing.

**Conclusions**

20.6.2 This site is mainly open land of about 1.3ha on the southern edge of Golcar. The land slopes gently to the south-east and has a pleasant appearance which contributes to the amenity of the area. Nevertheless the site is also closely related to the urban area, particularly as a result of the housing development to the west. This is a convenient location for the services and facilities in Golcar, and Swallow Lane is a bus route. PPG3 advises that

sites identified for housing development should be free or readily freed from constraints. Here there are grounds to doubt whether that is so because land will need to be acquired to provide a satisfactory access. It seems unlikely this will be available because there has been no progress in this respect since the time of the inquiry into objections to the CVLP. In addition there is no evidence that the constraint on surface water drainage can be overcome. While the objector proposes that a reduced standard of access for a development of only five units could more easily be achieved, this would be a seriously inefficient use of land. Bearing in mind the contribution of the site to visual amenity, the apparent constraints on development and the availability of other land to meet the identified housing need, allocation as POL is appropriate.

## **Recommendation**

20.6.3 No modification.

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## **20.7 POLICIES H6 AND D5, SITE CV8 CARR TOP LANE, GOLCAR**

Objections: 0790 CRS Ltd 2774 E Fielding

### **Background and issues**

20.7.1 Both objections relate to parts of an open area of about 2.4ha designated as POL and seek allocation for housing. The [0790] site is at the east end adjacent to Carr Top Lane, the [2774] site is at the north-west end adjacent to housing off Victoria Lane. An area between these is not subject to an objection, but is taken into account in the Council's and objectors' cases. A further objection which relates to adjoining land fronting Victoria Lane, also allocated as POL, is dealt with at IR 22.1.

20.7.2 The issues raised are whether allocation for housing would be appropriate having regard to the value of the area as open land and the suitability of the land for housing.

### **Conclusions**

20.7.3 The land is at the south-west fringe of Golcar adjoining the Conservation Area. There are some flatter sections, but as a whole it is on a south-westerly facing hillside prominent in views from the other side of the valley and crossed by a public footpath. Whereas the objectors argue that development would have the benefit of using under-utilised land and improving an untidy area, the site is not derelict land previously developed, other than a small area of lock-up garages some of which still serve a purpose. The mixture of rough grazing and scrub over much of the land is not of special quality. Nevertheless, even with the present level of management, the combination of open hillside and a treed fringe along Brook Lane makes a pleasant foreground to the settlement of value to the amenity of the area. It contributes to the setting of the Conservation Area and assists in maintaining its hilltop character, which remains despite some movement down the slope by new housing to the west and a group of older properties to the south-east.

20.7.4 With regard to the suitability for housing, the location is convenient for the services and facilities in Golcar, which lies within the PUA identified in the WYSP. The land is not suitable for suburban estate style housing, as suggested on an illustrative drawing, which would be wholly out of character with the Conservation Area and harm its setting. The Council and the objector [0790] consider that, due to access requirements, the topography and modern space standards, such a form of development would be inevitable, but more imaginative and careful design should be possible. Low numbers of dwellings need not equate with low density style of development, but could also be handled by separate concentrations respectively of tight built form and open space. In principle the possibility of some form of development sympathetic to the Conservation Area cannot be discounted.

20.7.5 Access onto Brook Lane is unlikely due to the cost and harmful visual impact of the scale of regrading works required by the steep slope. The Council accepts that up to about 10 dwellings could be served from Carr Top Lane and does not rule out the possibility of a minor addition to the housing estate at the west end of the land. Such limited development would be an inefficient use of land and more comprehensive consideration of the open area is desirable. There would be benefits from closing off the existing severely substandard access to the lock-up garages and improving visibility at the junction of Carr Top Lane and James Street. Bearing these in mind and the low traffic speeds and flow on Carr Top Lane, a reduced "x" distance for the visibility splay from the site onto that road and closer junction spacing than recommended in DB32 are not overriding problems. Nevertheless, additional conflict would result from increased use of the narrow, steep Carr Top Lane, which suffers from on-street parking and a lack of footways.

20.7.6 Resolution of the balance between a feasible number of dwellings in economic terms and the impact on highway safety, together with the added complication of achieving development sympathetic to the Conservation Area, gives constraints to be overcome. The area and the individual sites within it are not unusually well suited for housing. Bearing in mind the contribution of the land to visual amenity and to the character of its surroundings and the availability of other land to meet identified housing need, designation as POL is appropriate rather than allocation for housing.

### **Recommendation**

20.7.7 No modification.

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## AREA 2 - MELTHAM

### 20.8 ALLOCATION H2.3 *MILL MOOR ROAD (NORTH), MELTHAM*

Objections: 0612 Mr S Sumner  
1890 Holme Valley North Lib Dems

0618 R Butterworth & Son Ltd  
2217 R C Ashton

#### **Background and issues**

20.8.1 The allocation in the deposit draft is for an area of 1.4ha. The adjoining industrial occupier objected to the inclusion of their land, which may be required for expansion [0618]. As a result, the Council agreed a proposed change to leave this part of the site unallocated, reducing the allocation to 1ha. The change would accord with the plan's strategy to accommodate the extension of business premises where possible and would be realistic, since the land so required is unlikely to be available for housing. I shall therefore consider the other objections to the whole allocation on the basis that the proposed change will be recommended. The issues in respect of these are:

- i. whether the land would contribute to Green Belt purposes;
- ii. the effect of development on the Peak District National Park;
- iii. whether satisfactory access would be available;
- iv. whether there would be reasonable access to local services.

#### **Conclusions**

20.8.2 The land is gently sloping and grassed, with a somewhat steeper gradient on the proposed UGS, which would adjoin this allocation bordering Meltham Dike. There is existing development within the settlement both north of the Dike and to the west along Mill Moor Road, particularly on its south side but also to the north, including Rough Nook Farm. The site is therefore contained within the framework of the settlement and does not form part of the countryside which might contribute to Green Belt purposes.

20.8.3 The Peak Park is some 300m from this site. The land is some distance from the nearest edge of the settlement and separated from it by intervening buildings, so that development would be unobtrusive in relation to the Park and have no material impact in this respect.

20.8.4 The objections refer to the limitations of Mill Moor Road, especially because of parking problems, and poor visibility at the junction of Westgate and Station Street. New housing would be required to make parking provision for its own generated needs in accordance with the proposed parking standards incorporated in policy T19. Mill Moor Road is of reasonable width and there is no evidence which suggests that the road could not cater adequately for the modest increase in traffic which this development would generate. In reaching that conclusion I have taken into account other developments proposed nearby. Concerning the Westgate/Station Street junction, the plan specifies that improvements be carried out there as part of the development, so that the deficiencies of this junction are not grounds to resist the allocation.

20.8.5 Concerning access to services, dwellings on the site would be about 700m from Meltham centre and a similar distance from the nearest school. This would be closer than are a good number of residents and would not be especially inconvenient.

20.8.6 Objection [1890] refers to there having been developments in Mill Moor Road which are not in keeping. No details are given but the plan includes an adequate framework of policies to regulate what occurs on this site. Subject to the proposed change, there are no valid grounds to resist the allocation.

### **Recommendation**

20.8.7 Modify the area of the allocation on the proposals map in accordance with the proposed change [plan 11.1, CD113], with consequent changes to the schedule in policy H6.

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## **20.9 ALLOCATION H2.4 *MILL MOOR ROAD (SOUTH), MELTHAM***

Objections: 0612 Mr S Sumner 1890 Holme Valley North Lib Dems 2217 Mr R C Ashton

### **Issues**

- 20.9.1
- i. whether the land would contribute to Green Belt purposes;
  - ii. the effect of development on the Peak District National Park;
  - iii. whether satisfactory access would be available;
  - iv. whether there would be reasonable access to local services.

### **Conclusions**

20.9.2 This site of 1.3ha is on the south side of Mill Moor Road close to allocation H2.3. Several of the points of objection are common and I refer to the conclusions reached on allocation H2.3 where that is appropriate, for issues iii. and iv.

20.9.3 The allocation affects two fields and an additional triangle of land. One field occupies the frontage to Mill Moor Road and lies between built development on each side. A major part of the frontage on the opposite side of the road is also either occupied by buildings or is within allocation H2.3. This field is much more closely related to the settlement than to the open countryside which adjoins it on one boundary. Thus keeping this land open would not contribute to Green Belt purposes. Two stone walls separated by a strip of land divide this field from the second field wholly within the allocation. The remaining land is a triangle between this field and the rear of dwellings which is not divided from the larger area of agricultural land of which it forms part. Seen from the west on Leygards Lane the second field and triangle appear as a harmonious, integral part of the open countryside which extends south-west from Meltham into the Peak Park. The current edge of the settlement at this point has a mellow appearance and is consistent with the position and character of the urban-rural divide extending for a considerable distance to the south-east. Development of the allocated land would intrude into the open setting of the settlement as an inappropriate urban projection. Hence the protection of this part of the land as Green Belt would make an important contribution to the purposes of the Green Belt to safeguard the countryside from encroachment and prevent urban sprawl. If the allocation were revised the

stone walls to the south of the northern field and the rear of existing development to the east would provide a clearly defined Green Belt boundary.

20.9.4 Development of the southern field and triangle would result in an intrusive projection of the settlement contrasting with the general limit nearby. This would have an adverse effect on the setting of the Peak Park. In this respect it is the character of the landscape and the relationship with surrounding development which is important, rather than the measured distance between the site and the Park. Preventing this harm would support the change proposed to the plan by the Council which seeks to protect the visual amenity and character of the National Park, although I appreciate that in this instance no objection was made by the Joint Planning Board.

20.9.5 With respect to the third issue, the plan would also require an improvement to the Westgate/Station Street junction if this site is developed, and my conclusions are the same as for allocation H2.3. Concerning issue iv, distances to the village centre and nearest school would be only slightly greater than for H2.3 and would not be onerous.

### **Recommendation**

20.9.6 Modify the plan by including the southern field and adjoining triangle in the Green Belt on the proposals map, with a corresponding reduction in the area of the allocation and estimated dwelling capacity in policy H6.

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### **20.10 ALLOCATION H2.6 *MEAN LANE, MELTHAM***

Objections: 1890 Holme Valley North Lib Dems

### **Issue**

20.10.1 Whether safe access can be provided to this housing allocation.

### **Conclusions**

20.10.2 This is a 3.5ha cleared site, on which a brickworks was demolished more than ten years ago. The re-use of the site, which is also recorded as derelict, should be encouraged and a housing development here would be reasonably well-located in relation to the fabric and facilities of Meltham. Access would be via Mean Lane to Station Road. I accept that minor improvements would be required to Mean Lane because of its variable width and also to benefit junction visibility, but no reason is advanced why these works could not be achieved as part of a development. When planning permission was granted in 1991 for residential development of the land a condition requiring such improvements was imposed and this remains a suitable solution.

### **Recommendation**

20.10.3 No modification.

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## 20.11 POLICY D5, SITE ME2 *MILL MOOR ROAD, MELTHAM*

Objections: 0228 A T Woodhead & Sons Ltd

### Issues

- 20.11.1 i. whether the land has value as open land;  
ii. whether there is a need for additional housing land.

### Conclusions

20.11.2 This is a paddock of 0.6ha at the western edge of Meltham on which a housing allocation is sought. In the plan this is part of a larger area of POL which extends north towards Meltham Dike and east to dwellings and housing allocation H2.3. The track and cluster of buildings to the west is argued by the objector to be the logical limit of the settlement and I accept that this is so and is recognised as such in being the Green Belt boundary. POL is not included in the Green Belt and is intended to be available to meet longer term development needs, but has not been chosen for immediate development. This site does have value as open land. It is on the periphery of the urban area, is of pleasant appearance which adds to the interest and diversity of the settlement, and links both with the UGS to the north and with the Green Belt and National Park, which is less than 200m to the west. Thus the site would make a worthwhile contribution to the appearance and character of the area unless and until it is required for development, and this would still be so in the event that houses are built on the two nearby allocations. The Council also stress that at review the options for the land include allocation as UGS or Green Belt. At IR L1.3.7 I concluded that POL designation should be more precise, so that if my recommendation in that respect is accepted and this land remains as POL in the adopted plan, these alternatives would only arise exceptionally.

20.11.3 On the second issue, the objector produces no specific evidence of housing need but does cite that submitted by others. I have concluded that the release of additional land for housing is not required to meet a general need, nor is there any special need in Meltham, where the share of allocations would exceed the area's share of population and households in the district. The recommendations I have made affecting two sites would have no significant net effect. Whereas the Council also argues that the allocation of this land would produce an over-concentration in this part of Meltham, there is no evidence to substantiate this. Bearing in mind my recommendation to reduce the size of allocation H2.4, I do not support that criticism, but there are no grounds to change this allocation as POL.

### Recommendation

20.11.4 No modification.

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**20.12 POLICY D5, SITE ME4 HELME LANE, MELTHAM**

Objections: 1888 Mrs Losh, Mrs Hider and Mr Haigh

**Issue**

- 20.12.1 Whether the land should be allocated for housing having regard to:
  - i. its contribution to the character and appearance of Meltham;
  - ii. the need for and suitability of the site for development.

**Conclusions**

20.12.2 This site is part of an extensive area of open land extending north-east from the settlement. The land is fairly well related to the developed area and allocated housing site H2.6, as would be expected since this is not part of the proposed Green Belt. This is especially the case in respect of that part of the objection site bounded to the south-west and south-east by sports and recreation grounds allocated as UGS. The land towards the north-east is further from the settlement and is more likely to be seen as part of the general expanse of countryside on this side of Meltham. Bearing in mind that the objection site is almost wholly bounded by open land, the predominant impression is that this forms part of the open rural setting of Meltham which contributes to and enhances its character and appearance.

20.12.3 Concerning the feasibility of development, the Council cite three grounds for concern. The requirements to provide visibility and flow balancing would be likely to be capable of resolution and are not so significant as to preclude allocation. Pressure on local primary schools is not demonstrated to be such as to be likely to prejudice satisfactory education provision. Thus it seems the land would be capable of development. Having regard to my general conclusions on the availability of housing land, there is no need for additional aggregate provision before the plan is adopted. Whereas the objection suggests that there is a particular need for additional land in south Kirklees, no substantive justification for this exists. On the contrary, the share of allocations to Meltham in the plan exceeds its proportion of population and households and this is not a larger urban area or a location particularly well served by public transport where new development should be concentrated in order to support the strategy in PPG13.

**Recommendation**

20.12.4 No modification.

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**20.13 POLICY D5, SITE ME5 COLDERS LANE, MELTHAM**

Objections: 0238 D B Builders

**Issues**

- 20.13.1 These are whether this site:
  - i. merits protection as open land;



- ii. is capable of development and would be an appropriate housing allocation.

## Conclusions

20.13.2 This is a site of some 1.0ha which is surrounded by existing housing and allocated as POL. In the Town Map part of the land was allocated as POS and the remainder for residential purposes. In the HMLP these allocations were repeated but the area of POS was reduced. The Council's written evidence implies that future recreation use, as UGS, has not been ruled out but at the inquiry it was conceded that POS is no longer being promoted. That seems reasonable because no evidence of recreation need was put forward and, if UGS were the preferred allocation, this should be expressed now rather than await a review of the plan. It is possible that the site could have some lesser quality justifying interim protection as POL but not of the standard necessary for UGS designation. The land consists of undistinguished flat grass paddocks and a garage/caravan storage area. There is no special visual or wildlife quality nor any special demand arising from the characteristics of the surrounding area, which the Council's witness agreed is suburban. Overall, the objection site does not make a significant contribution to the townscape which would merit protection.

20.13.3 The Council argues that development is materially constrained by the presence of former coal pits. In essence I accept the evidence of the objector that this is unlikely to be a greater problem than in respect of the land to the north-east on which bungalows were built fairly recently. There is also an improvement line safeguarded under policy T9, known as the Colders Lane - Wessenden Head Link. The road line is safeguarded to facilitate new development (para 8.32 of the reasoned justification). The Council accepts that implementation of the line would have general benefits for local traffic movement and its current view is that this is an essential requirement for the development. Whereas the Council seeks to demonstrate the significance of the constraints by pointing out that no development has occurred despite the potential identified for this in the HMLP, I agree with the objector that this may have been deterred by the additional requirement for POS. The number of owners who would need to be involved is not great. Furthermore, if the land remains as POL, the benefit which would result from a development incorporating the road link would be very unlikely to be achieved until the plan is reviewed. Indeed, it is conceivable that if the difficulties of implementing the road continue to be regarded as a compelling reason not to allocate the land, the POL allocation will be retained and the site remain underused.

20.13.4 Whereas there is not a pressing need for additional housing land in Meltham, this site is in a central position well-located for services. I shall therefore recommend an allocation for housing, which would approximately offset the recommended reduction in the area of allocation H2.4. Whereas there has been no objection to the improvement line affecting this land, the need for it may be affected by the reductions in development in Mill Moor Lane consequent upon the proposed change to site H2.3 and my recommendation affecting site H2.4. Future development of land in Mill Moor Lane allocated as POL may also be relevant. The improvement line should therefore be reviewed since, if it is to be retained, a footnote requiring construction will be required.

## Recommendation

- 20.13.5 i. modify the plan by allocating this area of POL for housing under policy H6;

- ii. review the need for the Colders Lane/Wessenden Head Link. If this is demonstrated to be necessary, include a footnote to the H6 allocation requiring the link to be constructed.

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## AREA 3 - HOLME VALLEY

### **20.14 ALLOCATION H3.2 LONG LANE, HONLEY**

Objections: 2066 Mr F Hill

#### **Issues**

- 20.14.1 i. whether the southern part of the land fulfils Green Belt purposes and should be included in the Green Belt;  
ii. whether development of the north-west portion of the site is feasible because of access and drainage requirements.

#### **Conclusions**

20.14.2 No objection is made to the two areas of the site which front Long Lane. These adjoin the southern part of the site, which the objector seeks to add to the Green Belt, and the north-western portion, which lies to the rear of dwellings in Bradshaw Road.

20.14.3 The land outside the settlement on this side of Honley rises gently southwards and consists predominantly of grazing land divided by stone walls. The southern part of the housing allocation lies on the periphery of this area of open land, the main physical distinction being its greater proximity to existing development. What most clearly distinguishes this area is its planning history. The land was allocated for residential purposes in the Town Map and for housing in the HMLP. There is a long history of residential permissions, beginning in 1976, with valid permissions in existence when the plan was prepared. Bearing this in mind, it would be unrealistic to expect to keep this land open and there are not grounds for any part of the site to be designated as Green Belt.

20.14.4 Given my conclusion that the southern land should not be included in the Green Belt, this would enable access to be provided to the north-western portion. While the objector suggests that this is frequently waterlogged, Yorkshire Water do not envisage any technical difficulty in providing drainage. Overall, the evidence indicates that any practical difficulties could be overcome in the normal course of development.

#### **Recommendation**

20.14.5 No modification.

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### **20.15 ALLOCATION H3.24 SANDY GATE/SCHOLES MOOR ROAD, SCHOLES**

Objections: 1663 Mrs J Reader

1745 Mr J Durraus

#### **Issues**

- 20.15.1 i. whether the site would fulfil Green Belt purposes;  
ii. whether the land would merit designation as UGS;

- iii. the effect of development on the character of the village;
- iv. the effect on the safety and free flow of traffic and on pedestrian safety;
- v. whether satisfactory foul drainage could be provided;
- vi. the suitability of the site in relation to national guidance in PPG13.

## Conclusions

20.15.2 The objectors argue that the land would fulfil many purposes of the Green Belt. Fundamental to this issue is whether the site appears as part of the countryside or is closely linked to the settlement. The land consists of fields divided by stone walls, with housing opposite and adjoining the south boundary. The site does have a rural character and links with the countryside beyond the settlement but is also related to the settlement. A clear Green Belt boundary following roads is proposed in the plan. If this land were to be included in the Green Belt, a good part of the boundary would have to follow the edge of residential curtilages. Overall, there are not strong physical characteristics affecting the choice of a Green Belt boundary, which is likely to be influenced by the extent of housing development appropriate here.

20.15.3 On the second issue, by way of example objector [1663] refers to three other sites which have been designated as UGS. Only one is still supported by the Council [H10.32 - Rumble Road, Shawcross] and my recommendation there is for the land to revert to housing, as in the deposit draft plan. The objection site is not used for recreation and does not have special visual or habitat value, so that it does not merit designation as UGS.

20.15.4 An adverse effect on the character of the village is suggested, both because of the general scale of growth and the particular characteristics of this site. There is no specific evidence of an inability to provide necessary services nor evidence that past growth has created difficulties which might be grounds for restraint. In terms of visual impact, what is at issue is the principle of built development. If the allocation remains, there are policies in the plan such as BE1 and BE2 which would enable the detailed form of development to be regulated. Whereas this is a pleasant area of open land, I do not believe that its intrinsic character or role in separating parts of Scholes require that it should be kept open. Housing here would complement that adjoining and the open land north-east of Sandy Gate would remain as Green Belt and would relieve the increased urbanisation. Given the clear boundary formed by Sandy Gate, there is no reason to regard that land as vulnerable if the allocation is retained.

20.15.5 There are four relevant principal routes between the village and the main road network. These are characteristically rural roads of varying width, frequently without footways. Survey evidence has indicated the extent of on-street parking on parts of these routes but there is no reason to expect this to be materially increased by new development. Detailed evidence demonstrates the probable increase in traffic generated by development and records personal injury accidents reported over five years. On balance I agree with the Council that the overall level of traffic could be accommodated without a serious increase in delay or significant danger to pedestrians or other highway users. Although visibility at the junction of Chapel Gate with Scholes Moor Road and Paris Road is substandard, the main road is wide at this point and there would be a minimal increase in traffic flow. Congestion on the route north towards Huddersfield is also referred to but the effect of this development

would be slight and conditions are not so severe as to preclude additional development in this part of the district.

20.15.6 Yorkshire Water states that suitable foul drainage could be provided. Whereas it has been claimed that surcharging of sewers has occurred, I accept its evidence that records available from 1987 do not show any such event at properties which would be affected by flows from this site.

20.15.7 The advice in PPG13 is to avoid significant incremental expansion in villages and small towns where this would be likely to result largely in car commuting to urban centres and where travel needs would not be well-served by public transport. The approach in the plan is for there to be a fairly wide geographic spread of allocations but concentrated on existing centres of population. There are two allocations in Scholes which are not new sites and which together would be broadly consistent with the general scale of the settlement and the overall strategy in the plan. The additional development consequent upon the allocation of this land, which is a new site, would go beyond this level. Services and facilities in Scholes are insubstantial, including a primary school and public house but very limited shopping provision. There would be reliance on employment elsewhere and the hourly bus service to Huddersfield would be unlikely to be attractive. In my view these characteristics carry more weight than the availability of employment in Holmfirth and in Honley/New Mill cited by the Council. In respect of the latter area, the information provided does not enable comparisons to be made but even if this were significant in the location of residential development, this does not imply that Scholes, with its dependence on a relatively poor public transport service, would be suitable. The Council also refer to the possible role of new development in maintaining local services, as mentioned in PPG3. This should be justified by local circumstances. Here there is no evidence to suggest that the school has inadequate numbers nor is there any reason to believe that other services, which would have benefitted from historic growth, are likely to decline.

20.15.8 Overall, the scale of provision in Scholes consequent upon the allocation of this site would be inconsistent with the plan's overall strategy and with the principles in PPG13. If the allocation is deleted, the alternatives are for the site to be defined as POL or included in the Green Belt. If the land were included in the Green Belt, it would be logical for this designation also to be applied to the whole of the POL to the west and south-west. That would remove any possibility of significant future development in Scholes to meet local needs, so that the permanence of the boundary would be uncertain. Bearing in mind my conclusion that the objection site is reasonably related to the settlement, this alternative would be unduly restrictive. Hence the area of POL should be extended on to this land.

### **Recommendation**

20.15.9 Modify the plan by deleting allocation H3.24 under policy H6 and designating the land as POL on the proposals map.

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## **20.16 ALLOCATION H3.30 OFF UPPER MEADOWS, UPPER THONG**

Objections: 0510 Holme Valley Civic Society

7006 Holme Valley Parish Council

### **Issue**

20.16.1 The issue is whether the site, either wholly or in part, should be allocated as UGS because of its contribution to the character of the area or potential for recreation.

20.16.2 Additional representations in support of [7006] seek a general presumption against further development in Upperthong but this is beyond the scope of the objection to the plan.

### **Conclusions**

20.16.3 The site consists principally of two small fields, the eastern field having a valid planning permission for residential development which is a commitment. I therefore agree with [7006] that it is the future of the western field which is open to examination. Objection [0510] states that the site was allocated as a play area but this is contradicted by the Town Map, in which the land is unallocated, and the HMLP, in which it is shown for housing. The site is near the core of the village but is not significantly visible from roads. From the public footpath which adjoins the western boundary the land is seen as an unexceptional gently sloping field. A very small part at the northern end is in the Conservation Area centred on Town Gate but the contribution of the site to the character of the area generally or to the Conservation Area in particular does not justify keeping it open. Objection [7006] also seeks recreation use of the land, linked to the small steep open space to the west. There is no evidence that resources would be available to implement open space provision, so that identification as UGS with this objective would be unrealistic. I agree with the Council that the best means to achieve some public open space would be by the application of policy H18 to a housing proposal. In addition, while I recognise that there are deficiencies at various points in the road network serving Upperthong, there are several alternative routes over which traffic may be spread and the impact of this small allocation would be slight.

### **Recommendation**

20.16.4 No modification.

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## **20.17 ALLOCATION H3.31 AND POLICY D6 PERSEVERANCE MILLS AND LAND ADJOINING PRICKLEDEN MILLS, WOODHEAD ROAD, HOLMFIRTH**

Objections: 1665 Mr M Haigh

### **Issue**

20.17.1 Whether housing allocation H3.31 and the adjoining green corridor designation would unreasonably prejudice the development of nearby land.

## Conclusions

20.17.2 The particular area of land owned by the objector with which the objection is concerned is not identified. Allocation H3.31 is the site of a former mill also designated as derelict land. The development of the site for housing would be in accordance with the objectives of the plan and has previously been permitted. In so far as the objector's land may be required to provide access, as claimed, his rights as owner would not be prejudiced by the allocation.

20.17.3 A green corridor designation applies along the River Holme. This benefits from and supports the potential of linear features such as rivers as a wildlife habitat and for migration noted in PPG9. Development proposals adjoining the green corridor would be considered against Policy D6 but while this is intended to safeguard the function of the green corridor, there is no reason to expect that possible schemes would be unreasonably prejudiced.

## Recommendation

20.17.4 No modification.

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## 20.18 POLICIES D5 AND H6, SITE HV5 *MIRY LANE, THONGSBRIDGE*

Objections: 1318 Mrs P W Webb

### Issue

20.18.1 Whether an allocation for housing should be substituted.

### Conclusions

20.18.2 The Council acknowledges that the site "can be developed for housing" in terms of appropriate land use and infrastructure [KB/HV5/1 para 6.8]. In a subsequent document some reservations are expressed about the adequacy of Miry Lane but the previous unequivocal representations are not withdrawn. No detailed evidence is submitted to contradict my impression that the road would be satisfactory for further limited development. The case therefore turns on whether this site of about 1.3ha should be allocated for housing now or safeguarded for the future as POL.

20.18.3 Part of the objector's case is that allocation now would redress a shortage of housing land but my conclusions do not show any general need at this stage. The allocations in the plan are the result of a choice between sites and the Council argues that this site has value as open land. This is a sloping site visible from Miry Lane and crossed by footpaths which consists of grazing, unused and garden land. The site has visual quality as open land which enhances the character and appearance of the area. The objector advocates that the land could be allocated notwithstanding the absence of any current need but for this to be supported there would have to be evidence that the judgement reached in the plan is flawed. In view of the site's open land value it is reasonable for this to be protected as POL,

preserving the opportunity for future development. An additional allocation would also be undesirable in a location which is not a larger urban area nor is otherwise shown to be especially suitable in relation to the principles in PPG13.

## **Recommendation**

20.18.4 No modification.

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## **20.19 POLICY D2, SITE HV8 BRADSHAW ROAD, HONLEY**

Objections: 1096 Kenneth Hall (Builder) Ltd

### **Issues**

- 20.19.1 Whether the land should be added to housing allocation H3.2 having regard to:
- i. the effect on the character of the surroundings;
  - ii. any loss of land used by adjoining residents;
  - iii. the level of housing provision in the locality.

### **Conclusions**

20.19.2 The objection concerns an unallocated area of some 0.38ha with a frontage to Bradshaw Road and a common boundary with allocation H3.2. On the first issue, the Council has in part assessed the appropriateness of housing development against the criteria in policy D2. This may provide a helpful framework, but is not a general test for prospective allocations. In judging the effect that development of the objection site would have, it is reasonable to take into account the prospective residential development of allocation H3.2. The objection site consists of very gently sloping unused or grazing land of no special character. Although the land extends slightly nearer proposed Green Belt than do the dwellings to the south-west in Sycamore Terrace, I see no harm in principle in this respect since the land is rightly included within the general confines of the settlement. The relationship of any new development to existing buildings could be the subject of detailed control. There is no reason why housing should be confined to the frontage provided that normal privacy and other amenity considerations are taken into account. This feature of a development on this land would not be materially different to the adjoining housing allocation and already occurs at Sycamore Terrace, so that the character of the surroundings would not be harmed.

20.19.3 The Council believes that some of the land may have been used for amenity purposes by residents of Sycamore Terrace but I accept the objector's evidence, from his own detailed knowledge, that that has never been the case. Thus in this respect development would not prejudice established amenity.

20.19.4 The Council argues that there is no need for an additional allocation here and that this would result in an element of over-provision locally. In quantitative terms the impact of this site would be negligible and the housing requirement is not a maximum. The provisions of the plan should be seeking to make good use of land such as this which is



within the urban fabric and does not have special quality. The Council accepts that it would be feasible to access this land from Bradshaw Road or as part of the comprehensive development of site H3.2. On balance, securing a suitable use of the land would be best achieved by adding this to allocation H3.2, which would not preclude either means of access provided that the details in a future scheme were satisfactory.

## **Recommendation**

20.19.5 Modify the plan by adding site HV8 to allocation H3.2 on the proposals map, with a consequent variation to the address, site area and estimated dwelling capacity under policy H6.

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## **20.20 POLICY D5, SITE HV26 THE CRICKETERS, DEANHOUSE, NETHERTHONG**

Objections: 2213 Joshua Tetley & Son Ltd

7006 Holme Valley Parish Council

## **Issues**

- 20.20.1
- i. the contribution of the site to Green Belt purposes;
  - ii. suitability for designation as UGS;
  - iii. whether the land should be allocated for housing having regard to the effect on the character of Netherthong and the appropriateness of this location in terms of the advice in PPG13.

## **Conclusions**

20.20.2 The site is on the northern periphery of Netherthong. There is modern housing to the west and south-west and older development to the east and south-east. The buildings to the east are included in the proposed Green Belt but nevertheless do provide a degree of physical containment. The gentle slope down to the northern boundary of the site beyond which the land rises more steeply also reinforces the association between this land and the settlement. The overall impression is that this land is not primarily part of the open countryside and would not be appropriately included in the Green Belt.

20.20.3 The site is partly unused, part used for grazing, but makes no particular positive contribution to the appearance of the area. There is no evidence of wildlife value nor is public access available. Objector [7006] refers to the delineation of the older parts of the settlement. Part of the surroundings are included within a Conservation Area but the character and appearance of this could be safeguarded without precluding the principle of buildings on this land. There are not grounds to allocate the land as UGS.

20.20.4 The Council acknowledges the physical suitability of the land for development. Objector [7006] suggests that this land is part of the public house car park but although some informal use does occur, the principal area for this is the land to the south, unallocated in the plan, where more intensive use than at present is possible. The narrowness of local roads is also referred to but, having regard to the detailed evidence provided on the road network

and the scale of additional traffic, the network generally would not be prejudiced by the development of this site of some 1.1ha. The Council repeats the concern expressed about the consultation draft plan in Netherthong because of the previous level of development in the settlement. Nevertheless this is not a good reason to prevent further moderate growth unless identifiable harm would occur. New housing would have a different visual character but the design could be controlled so that any adverse effect on the appearance of the surroundings would be slight.

20.20.5 The centre of the village, also in the Conservation Area, contains short lengths of narrow streets where two vehicles cannot pass. An increase in use would occur if the land were developed, estimated at about 10 vehicles in the peak hour. Whereas there have not been any personal injury accidents, this would harm the character of the village and should be avoided if possible. The advice in PPG13 discourages significant incremental expansion in smaller settlements where this is likely to result largely in car commuting and where travel needs are unlikely to be well served by public transport. Although the scale of development here would be small, it would detract from the overall strategy in the plan to make additional allocations which are not favourably located in relation to PPG13 advice. In the absence of a need for further allocations at the present time, it would be preferable to resist identification for housing use.

### **Recommendation**

20.20.6 No modification.

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**AREA 4 - KIRKBURTON**

**20.21 ALLOCATION H4.3 *DUMB STEEPLE, GRANGE MOOR***

Objections: 1241 Kirkburton and District Civic Society

**Issue**

20.21.1 Whether the scale of the allocation is excessive.

**Conclusions**

20.21.2 This is an allocation of 3.4ha on the south-eastern edge of the village and adjoins business and industry allocation B4.3 of about 9.4ha, net of the buffer zone. I have recommended elsewhere that the latter allocation should be upheld and that forms part of the context within which the appropriateness of the housing allocation should be judged. The objector draws attention to the scale of the allocation in relation to the existing population of Grange Moor and the impact on the appearance of a rural settlement. The proposed housing site is compact and would be screened by Brown Hill to the east of Ben Booth Lane. On the assumption that the business and industry allocation with its associated buffer zones is taken up on the land to the south, the additional impact of the housing allocation would be minimal. The objector estimates the consequent increase in the population of Grange Moor as 25%, but it would be desirable to provide additional housing near to this employment centre. There could also be other benefits, such as to the range of services in Grange Moor and to public transport, while the appearance of the village could be enhanced by a well-designed development. Nevertheless, I am concerned that the appropriateness of the housing allocation is dependent upon the implementation of allocation B4.3 but there is nothing in the plan to prevent the housing allocation proceeding in advance of and without the employment scheme. This would be undesirable and I recommend a modification in this respect.

**Recommendation**

20.21.3 Modify the plan by adding a footnote to require that allocation H4.3 must proceed in conjunction with allocation B4.3.

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**20.22 ALLOCATION H4.8 *STOCKS DRIVE/JENKYN LANE, SHEPLEY***

Objections: 0259 L & T Rutter  
2114 Mr C B Walker

0430 Mrs A Robinson  
2481 J P Lynn

**Issue**

20.22.1 Whether this is a suitable site for housing development because of its character and the available infrastructure.

**Conclusions**

20.22.2 The objection site is L-shaped and has two frontages to Jenkyn Lane, which turns through 90°. Having regard to the existing development to the east of the lane, especially Jenkyn House, and the character of the site, this is part of the village and not countryside. The scale of allocations in Shepley is consistent with the size of the settlement and does not constitute over-provision. Objectors are concerned both by whether a satisfactory access can be provided and whether the alterations this would bring would harm the surroundings. The Council intends that there should be a link between Stocks Drive and Jenkyn Lane, with an improvement to the latter between Nos 34 and 46. This would be suitable for this scale of development and need not harm the character of the surroundings, since most of the lane would be unaffected. It would be regrettable if a footway were provided in Jenkyn Lane but this should be left to the Council to resolve when considering detailed proposals. Details of drainage would need to be submitted but I accept the Council’s evidence that the works necessary would not be an excessive burden. Objection [0430] refers to the site as a suitable play area but no resources are identified to achieve public use and a priority for this is not demonstrated. A development on a site of this size would not be likely to injure amenity from excessive noise.

**Recommendation**

20.22.3 No modification.

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**20.23 ALLOCATION H4.14 BARNSELEY ROAD, FLOCKTON**

Objections: 2617 Mr S Bretton 5494 Kirklees Green Party {PC}

**Conclusions**

20.23.1 This allocation has been followed by the grant of planning permission for residential development. Decisions have had to be made before the outcome of the inquiry is known and no purpose would be served by giving further consideration to the objections. A proposed change has been published which revises the boundary of the site to take account of existing development, coinciding with the approved plan, and this should be incorporated. Although [5494] opposes this, no grounds are stated.

**Recommendation**

20.23.2 Modify the boundary of allocation H4.14 on the proposals map in accordance with plan ref.11.2 [CD113].

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**20.24 POLICY D2, SITE K6  
FORMER SEWAGE WORKS, PINFOLD LANE, FLOCKTON**

Objections: 2300 Yorkshire Water Estates

**Issue**

- 20.24.1 Whether the land should be allocated for housing having regard to:
- i. the effect of development on the character of the area;
  - ii. the need to provide a safe and environmentally acceptable access.

**Conclusions**

20.24.2 The objection relates to unused land on the south-eastern edge of Flockton, consisting of the former sewage works and adjoining Council owned land. The land is unallocated in the plan and hence regarded as part of the settlement where development is acceptable in principle subject to policy D2. The evidence indicates that the differences between each side have narrowed and I agree that the site would benefit from a suitable housing scheme and that this could be designed to complement the position of the site adjoining bungalows on the edge of Flockton and next to Flockton Beck.

20.24.3 Illustrative schemes demonstrate that a safe access to Pinfold Lane could be achieved and in my judgement it would be possible to design these works so as to be visually acceptable. The traffic analysis suggests a peak hour flow of 11 vehicles, 9 being outward movements in the morning. Given that this is land within the settlement in need of enhancement I would not regard the minor increase in the flow of traffic on Barnsley Road as relevant. However safe visibility at the Pinfold Lane/Barnsley Road junction is necessary. This is seriously defective at present. The objector's evidence is that there has been one personal injury accident in the last six years which was related to the characteristics of the junction. I find that inconsistent both with the conclusion reached by the objector that there is no road safety problem at this junction and with the assertion that there are no "significant personal injury accidents recorded". The need to provide safe visibility is the only impediment to the development of this land for housing but in the absence of evidence that there is the prospect of securing this, I do not recommend a housing allocation. This would not prevent proposals being dealt with under policy D2 during the currency of the plan.

**Recommendation**

20.24.4 No modification.

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**20.25 POLICY D5, SITE K9 BURTON ACRES LANE, KIRKBURTON**

Objections: 2304 Mrs B Bradley

**Issue**

- 20.25.1 Whether the site should be allocated for housing having regard to:
- i. the constraints preventing building on all of the land;

- ii. the need for more housing land in Kirkburton.

## Conclusions

20.25.2 This is a site of 4ha in an urban setting but separating Highburton from Kirkburton. The principal constraint affecting the land is the need to obtain access from a very long cul de sac, although drainage restrictions may also be relevant. The objector has submitted a possible layout which would not add to the length of cul de sac but the result would be that only part of the land could be used. This would be a wasteful solution and there are strong grounds for securing a comprehensive development of the whole site which makes full use of the land while providing footpath links, open space and suitable access. The alternatives of allocating only part of the land or allocating the whole but being able to build on only part should be resisted.

20.25.3 There is no housing allocation in this settlement but there are allocations nearby, such as in Shelley, and satisfactory provision is made in the Kirkburton area as a whole, so that this is not a serious disadvantage. The objector also refers to the support additional housing would give to justify the cost of the proposed new pedestrian/cycle route which terminates in Kirkburton and notes the proximity of this land to Kirkburton centre and the potential to provide a footpath link. While these would be benefits, the priority in the provision of new housing should be in the main urban areas because of the convenient access to services and facilities and the standard of available public transport. This land is prominent and attractive and should be kept open at the present time. When it is developed, the objective should be to design comprehensive proposals which make the best use of all the land.

## Recommendation

20.25.4 No modification.

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**AREA 5 - DENBY DALE**

**20.26 ALLOCATION H5.9 MILLER HILL BANK, DENBY DALE**

|             |                 |                 |
|-------------|-----------------|-----------------|
| Objections: | 2103 M McKenzie | 2413 M W White  |
|             | 2433 K Dobson   | 2487 S Kirwan   |
|             | 2488 J Devlin   | 2489 C Margetts |
|             | 2492 P R Jessop | 2493 A Evans    |
|             | 2519 S P Croft  |                 |

**Issues**

- 20.26.1 Whether the housing allocation is appropriate having regard to:
- i. potential alternative designation as Green Belt;
  - ii. impact on woodland, wildlife and highway safety.

**Conclusions**

20.26.2 The land is Interim Green Belt on Town Map 53, but is not within the Green Belt in the non-statutory DDKLP. Since the approval of the Town Map, housing at Broomhouse Close and Revel Garth has extended the built-up area southwards in this vicinity so that the site fits within the settlement pattern. Given this relationship and the nature of the site partly occupied by buildings, albeit small scale, associated with a former builders yard, it relates better to the settlement than the countryside. The role of safeguarding the countryside from encroachment is performed by the strong landscape feature of the bulk of Tanner Wood to the south rather than by this site. Its development, together with other allocations in Denby Dale, would give only a modest level of growth, commensurate with the scale of the settlement and not so great as to detract from the purpose of assisting urban regeneration in the remainder of the district. To the extent that the site is previously used land its exclusion from the Green Belt is consistent with encouraging regeneration through recycling of land. It is not necessary to keep this land permanently open to fulfil Green Belt purposes and the boundary is appropriately set.

20.26.3 Development would lead to the loss of some revegetation. However, it would not harm the surrounding woodland environment to the south and west, which is protected by Green Belt and UGS designation respectively. An effective wildlife causeway is provided by the steep valley of Haley Well Beck to the west rather than by the site. Miller Hill Bank is substandard as an access road and the gradient and visibility onto Miller Hill Lane is poor. This constraint is recognised in the plan by the low estimated capacity. Against a background where more intensive use of the access could otherwise arise from a reactivated builders yard, it is not so serious as to make the allocation unsuitable. \_

**Recommendation**

20.26.4 No modification.

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## **20.27 ALLOCATION H5.10 *BARNSLEY ROAD, SCISSETT***

Objections: 0621 Sterling Construction (Yorkshire) Ltd

### **Issue**

20.27.1 Whether identification as a "New Site" is accurate.

### **Conclusions**

20.27.2 At the plan base date there was planning permission for housing on the site, so that it does not fall within the plan definition of a "New Site". The Council agrees that the proposals map and policy H6 should be amended accordingly.

### **Recommendation**

20.27.3 Modify the proposals map and policy H6 by the deletion of the asterisks shown against site H5.10.

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## **20.28 ALLOCATION H5.11 *SUNNYMEAD, CLAYTON WEST***

Objections: 0260 I Hutchinson  
0429 Mr & Mrs K J Gill

0261 J Hutchinson  
0623 G Pennie

### **Issues**

20.28.1 Some objectors refer to the site being in the Green Belt, but this is not the case in either the Town Map or the non-statutory DDKLP. The objections seek either deletion of the allocation, its reduction to exclude land other than former allotments or its reduction to exclude the area north of a wall between OS fields 2100 and 2394. The issues raised are whether the allocation, in whole or in part, is appropriate having regard to:

- i. impact on wildlife and amenity value;
- ii. highway safety and school capacity;
- iii. its scale in relation to the settlement.

### **Conclusions**

20.28.2 The site, of about 2.6ha, comprises a grass field and part of another and two areas indicated to be former allotments, but now also grassed over. Hedgerows along an unmade track, Langley Lane, running through the site and trees along the River Dearne, which forms its east boundary, contribute to the appearance of this rural area on the fringe of the settlement and to habitats for wildlife. Nevertheless, the overall impact on wildlife and amenity from development need not be severe bearing in mind the following points.

20.28.3 The site is well related to the settlement pattern with broad areas of housing to the east and west, beyond a recreation ground. The grassed fields are not of exceptional character or appearance. A footnote states that an area next to the river is to be protected from development, so the value of that swathe to wildlife would be retained without deletion



or reduction of the allocation. A public footpath runs along the north boundary and at present is a wholly rural path across a field, linking lengths of footpath of similar rural character to the west and east. The concern of objectors at the impact of dwellings backing onto this path with an uncoordinated range of boundary treatment is justified. Such a consequence of development is all too often observed. However, it is not a necessary result of allocation. Detailed control could ensure, through the orientation of dwellings and plots, type of boundary treatment and integration with open space elements of the development, that the appearance of the area and user enjoyment of the footpath were not unduly harmed. The dry stone wall, suggested as an alternative boundary, is low and may not satisfy future residents' reasonable needs for privacy and security. Reducing the allocation to that line would not overcome the concerns at the possible variety of boundary treatment nor diminish the need for detailed control.

20.28.4 Problems of increased traffic on Wakefield Road, the A636, and of accommodating additional school pupils are mentioned, but no details are given. Off-site alterations to access and improvements to visibility onto Wakefield Road would be needed. There is no suggestion that these could not be achieved. Traffic generation from a site of this size would not be of significance in the context of flows on the A636, which is part of the strategic highway network. The Council's Education Service does not raise objections.

20.28.5 As indicated, the site is well related to the settlement pattern. Its development would not be visually out of place in the context of the size and form of Clayton West. Although other allocations are made, these together with this site would not result in an excessive concentration of new housing in the Denby Dale area, of which Clayton West forms part. Bearing in mind that Clayton West and Scissett form a sizeable settlement with local facilities, employment opportunities and public transport links, the degree of housing intended is not such as to undermine PPG13 strategy with regard to promoting sustainable patterns of development. The site contributes to meeting the district requirement for housing land with a variety of size and distribution of sites.

### **Recommendation**

20.28.6 No modification.

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## **20.29 ALLOCATION H5.13 INGS MILL AVENUE, CLAYTON WEST**

Objections: 0426 T & E Bedeau

### **Issues**

20.29.1 Whether the allocation is flawed having regard to any harm to interests of acknowledged importance or conflict with national guidance or plan objectives.

### **Conclusions**

20.29.2 No case is advanced that specific harm would be caused by development of the site. It is within the built up area, well related to the settlement form with housing on three

sides, and its development does not involve the release of Green Belt land. Clayton West and Scissett form a sizeable settlement with local facilities, employment opportunities and public transport links. The site contributes to meeting the district requirement for housing land with a variety of size and distribution of sites. Together with other housing allocations in the Denby Dale area, this contribution is at a scale commensurate with the size and nature of the settlement and is not so great as to undermine the strategy advised in PPG13 of concentrating on existing larger urban areas.

## Recommendation

20.29.3 No modification.

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## 20.30 POLICY D5, SITE DD2 WOOD NOOK, DENBY DALE

Objections: 0422 Mr P Schofield

### Issues

- 20.30.1 Whether allocation for housing would be appropriate having regard to:
- i. the relationship of the site to the settlement pattern and its value as open land;
  - ii. its suitability for housing in terms of access and sustainable location;
  - iii. the adequacy of the housing land supply in Denby Dale.

### Conclusions

20.30.2 The area of the site is given as about 1.2ha by the Council and about 1.8ha by the objector. The POL designation, to which the objection relates, is mainly grazing land, with a small area of domestic garden. Reference is made in the objector's later statement to an animal feed factory occupying about 0.4ha. This adjoins the site and consideration of it by the objector may account for the differing areas quoted. As the feed factory is outside the objection site, its allocation for housing is not part of the case but I take into account its potential to provide access.

20.30.3 The site is closely related to development in Denby Dale, with a few dwellings continuing off Cumberworth Lane around part of its north side. Whilst it can therefore be regarded as within the general settlement framework, where inclusion in the Green Belt is not appropriate, it does make a contribution to the setting and visual quality of Denby Dale. The land provides a pleasant open aspect on rising ground, seen from the main road below through the settlement. Land at Cliff Hill and at Bromley Works is designated as POL and for business and industry respectively. Since neither area is allocated for housing, the relative prominence of those areas is not relevant to the consideration of whether this site should be allocated for housing. The merits of those other areas do not detract from the fact that the site has some value as open land in visual terms.

20.30.4 Due to gradients, intervening development between the site and the highway and visibility constraints, additional land outside the site would be required to provide suitable access. The objector suggests development in conjunction with redevelopment of the Victoria

Feeds premises. The Council does not claim that this would not be possible, although information from the objector suggests that grant aid could be involved. This is not a reason to regard development of the site as not feasible, but the situation is not one where the site is particularly well suited for housing in terms of being readily developable.

20.30.5 In the context of the rural areas, the site is well placed close to the village centre, existing and intended employment and public transport links. However, in the introduction to this chapter I comment on the implications of the general distribution of the housing allocations, in view of advice on promoting sustainable patterns of travel. PPG13 advice to give first priority for housing to the larger urban areas does not support greater concentration on the rural areas, including Denby Dale which already takes a higher proportion of allocations than its share of households. There is no identified need for additional housing sites in Denby Dale.

20.30.6 The two largest allocations in the settlement will involve demolition of buildings. These sites were assessed in the Joint Study with the HBF as having high development potential. The requirement for demolition does not therefore make them unrealistic, but their status as previously used land makes the allocations particularly suitable in terms of national, regional and plan aims to meet development needs by recycling land as far as possible. RPG12 advice on minimising use of greenfield sites is more comprehensive than as quoted by the objector and lays emphasis on full use of existing dwellings, conversions and reuse of land in urban areas, as well as infill sites in rural settlements in preference to incursions into the countryside. The choice is not between development of this greenfield site and incursion into the countryside and, given its contribution to visual amenity, its designation as POL, rather than for housing, is appropriate.

## **Recommendation**

20.30.7 No modification.

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## **20.31 POLICY D5, SITE DD15 CHAPEL COURT, CLIFF HILL, CUMBERWORTH LANE, DENBY DALE**

Objections: 0423 Hepworth Properties Ltd

### **Issue**

- 20.31.1 Whether the land should be allocated for housing having regard to:
- i. the availability of access;
  - ii. the effect on the character of Denby Dale;
  - iii. the need for additional housing land;
  - iv. the need for a comprehensive development.

### **Conclusions**

20.31.2 The site is an area of grazing land amounting to 0.6ha in the south-west corner of a larger area of POL. An objection seeking the inclusion of the latter, including site DD15,

in the Green Belt is dealt with at IR 18.49. This site is behind frontage development to Cumberworth Lane. A strip of land which is not made up leads from it to the highway and currently provides access to two dwellings. Whereas the objector argues that an allocation now is desirable to prevent encroachment on the right of way which exists over the access land, I agree with the Council that this is a separate legal matter which could be dealt with by other means. The Council comment on available visibility but I see no reason why a safe access could not be formed within the currently open land.

20.31.3 The Council argues that this is elevated land where development would be uncharacteristic with the settlement as a whole. This criticism implies a greater degree of uniformity than occurs in the village. Whereas parts of the adjoining POL are prominent, the objection site is closely related to the buildings in the settlement and development would not be obtrusive or look out of place.

20.31.4 The objector suggests that there is an element of uncertainty associated with allocation H5.16. This is previously used land and in so far as this is unattractive to develop because of the costs involved, it would contradict the objective of encouraging re-use to allocate alternative sites on the basis of the very limited evidence of uncertainty. There is no evidence of a particular need for additional land either in Denby Dale or more generally, whereas an allocation here, albeit on a very small scale, would detract from the concentration of development in the larger urban areas which the plan should promote.

20.31.5 The Council envisages that the development of the whole POL would involve a road through this site connecting either with Leak Hall Road or Leak Hall Lane. It is conceivable that the option of extending the road could be incorporated in a layout for the objection site but it would be preferable for the details to be considered comprehensively so as to make the best use of the land. Thus there would be a benefit in the future of the POL being planned as a whole.

20.31.6 The site is part of a larger area of prominent open land on the periphery of Denby Dale. Whereas on its own it is closely related to the settlement and has little amenity value, the balance of advantage lies with retaining the whole of the POL for possible long term comprehensive development.

## **Recommendation**

20.31.7 No modification.

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## **20.32 POLICIES D5 AND H6, SITES DD16 & 17 COMMERCIAL ROAD, SKELMANTHORPE**

Objections:

0660 Mr M Hall

2618 Redrow Homes (Yorkshire) Ltd

## **Background and issues**

20.32.1 [0660] relates to DD17, about 1.7ha forming the south-east part of an area designated POL. [2618] originally covered about 4ha, comprising DD17 and the area of

POL to the west. It was amended by withdrawal of the objection with respect to DD17. The revised boundary of DD16 applies to the western 2.3ha of POL. The issues raised are whether housing allocation of either or both sites would be appropriate, having regard to the value as open land and the need for and suitability of the sites for housing.

## Conclusions

20.32.2 DD16 and DD17 comprise primarily grazing land with mature trees, some of which are protected by TPOs. There is no public access and views of the land are limited by housing to the north and north-west and along Commercial Road and a wall along the frontage of DD16. Nevertheless, the sites can be seen from King Street to the west across a public playing field, from higher ground to the south in the Barrowstead estate and in places from Commercial Road, particularly near the entrance between the two sites. The composition of trees and grassland is attractive and the open land forms part of the semi-rural character at the fringe of the settlement. Each site contributes to the amenity of the area.

20.32.3 The assessment of the sites as having some open land value is not undermined by their treatment in the non-statutory Skelmanthorpe Village Plan. The village plan did not follow the approach of categorising sites following an urban open land study. It allocated these sites as PAD and indicated that their release for development was undesirable due to, among other factors, the impact on the environment and that it may not be assumed that such land will eventually be available for housing.

20.32.4 With regard to the need for housing land, as set out in Chapter L1, there is an approximate balance between the requirement and identified supply in the district. The objector [2618] clarified that the argument, that an allocation here is needed to satisfy housing demand in Skelmanthorpe, is not being pursued.

20.32.5 The objector [0660] refers to demand in the settlement in terms of new housing selling well, but the plan follows PPG3 advice to have regard to where potential house buyers wish to live. The selection of housing sites included consideration of market potential [CD43] and the sites were subject to a Joint Study with the HBF. In the context of the rural areas, Skelmanthorpe is one of the larger settlements benefiting from local facilities, limited employment opportunities and an area allocated for business and industry. Nevertheless, as referred to in the introduction to this chapter, there are already reservations as to whether the general distribution of housing land, resembling the current distribution of population, adequately takes into account PPG13 advice. Whilst additional housing of the scale provided by the sites would not create over-concentration in terms of placing unacceptable burdens on infrastructure or facilities, guidance on promoting sustainable patterns of travel does not support greater concentration on the rural areas, including Skelmanthorpe. Indeed the objector [0660] highlights the likely attraction of this location for commuters to major urban areas some distance away.

20.32.6 With regard to the suitability of the sites, they are within the overall framework of the settlement although development on DD17 in isolation from DD16 would not relate well to the pattern of buildings. Physical constraints to development, including the provision of safe access, could be overcome. As access to DD17 appears to be contemplated through DD16 this would be a further reason against allocation of DD17 in isolation. There would be an environmental impact from development. The loss of trees would be reduced by a

light controlled junction, rather than a roundabout, but some along the Commercial Road frontage would need to be removed. The setting for the remaining trees in the body of the site would significantly alter, from parkland to a housing estate, so that appreciation of them and their contribution to the character and appearance of the area would be diminished. Improved management of trees is welcome, but since with present management the majority surveyed on DD16 have not degenerated into a poor, suppressed or dying condition, any benefit in that respect would be of limited importance.

20.32.7 A grant of permission on another part of the POL does not provide a reason for allocation. The permission was for only one dwelling and the Inspector distinguished between the existing group of buildings around the appeal site and the more open land to the south, which includes the objection sites.

20.32.8 Bearing in mind their contribution to visual amenity and the availability of other land to meet housing need, the sites, either singly or together, are not of such suitability for housing as to make allocation for that purpose appropriate. The balance of priorities supports designation as POL.

### **Recommendation**

20.32.9 No modification.

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**AREA 6 - HUDDERSFIELD TOWN CENTRE**

**20.33 ALLOCATION H6.3 SNOW ISLAND/KINGS MILL LANE**

Objections: 2604 Huddersfield Civic Society

**Issue**

20.33.1 Whether the site would more appropriately be devoted to wildlife and leisure.

**Conclusions**

20.33.2 Snow Island is situated close to the town centre on the far side of the River Colne, in a crescent between the river and a mill stream. Almost half the land is open, containing trees and scrub, and is allocated as UGS. The remaining land which is subject to the housing allocation is in industrial/storage use and also contains a sea cadets' hut. The land has considerable potential because of the position next to the river, but I see no fundamental defect in the balance of uses proposed in the plan. The nearby housing development at Cornace View illustrates the opportunity to erect attractive buildings which would enhance the area. A new footbridge would be required as part of a development and the increased accessibility achieved would be very important in generating pride in the area. Whereas the objector questions the level of interest in housing near the town centre, the creation and maintenance of an attractive environment depends upon stimulating active use. Housing near the town centre would both contribute to this and encourage investment in more facilities. Thus new housing is an important part of the strategy for the area. The objector also suggests that clearing the site and allowing wildlife to occupy the land would have little or no cost but there are existing uses on the land which have a value in addition to the expense of clearance. The alternative suggested by the objector is not demonstrated to be either preferable or achievable.

**Recommendation**

20.33.3 No modification.

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## AREA 7 - HUDDERSFIELD SOUTH

### 20.34 ALLOCATIONS H7.1 AND H7.2 *TOM LANE, CROSLAND MOOR*

|             |   |  |
|-------------|---|--|
| Objections: | 0434 Mr & Mrs Parr<br>1162 G S Planning & Development<br>1762 Ms A L Phillips<br>1764 Mr H G Kaye<br>1895 Mr G S O'Hehir<br>1897 N A Blackburn<br>2017 Mr R Bottomley<br>2077 Mrs L Lambourne | 0451 & 0452 Mr & Mrs Phillips<br>1761 Mr R Brierley<br>1763 Mr & Mrs Immediata<br>1765 Ms M Durham<br>1896 H A West<br>1898 L R Varley<br>2076 Mr C Atkinson |
|-------------|---|--|

#### Issue

- 20.34.1 Whether the sites are suitable for housing development having regard to:
- the local road network;
  - the effect on wildlife and the character of the area;
  - drainage requirements;
  - the effect of H7.1 on the adjoining Green Belt.

#### Conclusions

20.34.2 These are sites on opposite sides of Tom Lane with an aggregate area of 1.9ha. There are many common points of objection, with the limitations of the local road network the subject of particular criticism. The Council envisages that Tom Lane between the two sites would be improved to provide access and that the junction with Crosland Hill Road would be closed so as to discourage the use of Crosland Hill Road and Deep Lane. This would result in some reduction in convenience for local residents but this would be offset by the wider benefit from the reduced use of highways which are deficient. Traffic leaving to travel west on Manchester Road would be required to use Park Road West rather than Deep Lane but this would be a superior route because of lesser gradients and better junction visibility. The impact on the volume of traffic in Blackmoorfoot Road would be slight. Overall, the increased traffic arising from the allocations could be accommodated satisfactorily.

20.34.3 The site of allocation H7.1 contains a derelict stone dressing works behind which is a paddock bounded by stone walls sloping gently to the north-west. Beyond to the west and north the land drops steeply away, so that this is a prominent location on the edge of the urban area. There are bungalows to the east but the relationship between these and new development is a matter for detailed control which does not affect the suitability of an allocation. Similarly, the dwelling capacity given in the plan is an estimate, not a commitment, and would be determined when a detailed proposal is made. Although wildlife value is mentioned, there is no evidence of significant habitat. Sewage may need to be pumped but the requirements to achieve suitable drainage are not exceptional. From the adjoining Green Belt this would appear as an extension to the settlement but would be well related to the urban area, so that it would not be obtrusive or out of place.

20.34.4 Allocation H7.2 is substantially surrounded by existing dwellings and new houses are under construction on part. An office associated with the former stone dressing works remains near Tom Lane. The land makes no special contribution to the character of the





**20.36 ALLOCATION H7.11 COPPICE DRIVE, NETHERTON**

Objections: 0252 Ms P King  
0454 Netherton I & N School PTA

0253 Governors of Netherton I & N School

**Issue**

20.36.1 Whether the allocation would result in the overcrowding of primary schools in Netherton.

**Conclusions**

20.36.2 This is land reserved for school purposes in the HLP. That proposal is no longer being pursued, so that the site of 1.2ha is allocated for housing in the deposit draft plan. A proposed change to include the land in the Green Belt has been withdrawn. The site is unused and surrounded by housing on three sides. Its suitability for housing development is unchallenged.

20.36.3 The objectors argue that the development of the land would lead to the Infant and Junior schools which serve Netherton becoming overcrowded, so that either the allocation should be deleted or the land reserved for a new school. Considerable evidence was given about the difficult conditions at the Infant School, where pupil numbers are highest in relation to capacity. It is accepted on behalf of the School that with careful design there would be space for the accommodation necessary to raise the pupil capacity sufficiently. The Council states that its policy is to provide places for all local pupils, and there is also the opportunity to enlarge the Junior School. What is crucial is confidence in the availability of whatever funding may be needed to achieve the necessary enlargement. The objectors, understandably, would like a prior commitment. Nevertheless, I appreciate that changes in pupil numbers between schools, in education policy and in financial priorities and programmes will occur before any housing allocation is implemented. Thus the guarantees sought by local people, concerned to maintain a good standard of education, cannot realistically be given. Having regard to the Council's evidence on the process whereby finance for new accommodation would be obtained, my conclusion is that there are not planning grounds to delete the allocation because it is reasonable to expect that resources would be available to meet a genuine need. A developer contribution was also mentioned by objectors but I agree with the Council that, for a small allocation such as this, the relationship would not be sufficiently close for funding to be sought from this source.

**Recommendation**

20.36.4 No modification.

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## 20.37 ALLOCATION H7.13 JACOBS ROW, LOCKWOOD

Objections: 0245 Mr & Mrs J McHugh  
0413 Mrs Lee  
1903 Ms R M Fawthrop

0412 Mr & Mrs J Parr  
0757 Mr T E Ellis  
2405 Mr J Kelly

### Issue

- 20.37.1 Whether the housing allocation is appropriate having regard to:
- i. the value of the site as open land, particularly for children's play, wildlife, allotments and as a footpath;
  - ii. arrangements for access and garaging for occupiers in Woodhead Road.

### Conclusions

20.37.2 This site is on the north facing slope of a large area of open land stretching south to Blue Bell Hill. The allocation site is principally unmaintained open land but there is also a paddock, a repair garage, a small police station, a public house car park, an allotment, and a rear access to dwellings fronting Woodhead Road. Most of the land is owned by the Council, with the exception of the police station and the rear access, but some leases are outstanding.

20.37.3 The open land to the south of the site is allocated as UGS and has a diverse character and a variety of uses. Woodland adjoins the objection site and further to the east on much higher land are allotments. A well used public footpath passes through the housing allocation to the UGS and the plan shows a green corridor through both areas. The objectors are residents in Woodhead Road and refer to the use made of the allocation land for children's play. Much of the site is sloping and there is no formal provision. For older children more distant land within the UGS would be equally suitable. I do not believe the function of the land for recreation justifies resisting the allocation, bearing in mind the requirement in policy H18 to make provision within a development for public open space. Wildlife value is mentioned by objectors but there is no notable habitat and the green corridor designation would require any particular worthwhile features to be safeguarded. There is one allotment on the land which has been present for very many years and is used to grow exhibition plants. Policy R9 is relevant and in the circumstances here I consider that the allotment, which is on the edge of the site, should be excluded. The setting of the footpath as well as retention of the route would be important but this would be protected by policy D6.

20.37.4 The Council does not own the land used to give access to the rear of dwellings in Woodhead Road and recognises the desirability of avoiding parking on the principal road. The right to erect garages is also referred to by objectors. I have no detailed evidence in this respect but any substantiated rights would be unaffected by the designation in the plan. Since this land is not to be part of the development, it should be excluded from the allocation.

20.37.5 This would be an awkward site to develop because of the slope, the irregular shape, and the need to maintain the green corridor and public footpath. While I endorse the principle of the allocation, the allotment and the rear access land should be excluded. I am also concerned that applying a standard density of 25 dwellings per hectare is misleading. The estimated dwelling capacity in the plan is only a guide but it would be preferable for this

to be more realistic, both to increase the reliability of the plan and to avoid any tendency to increase the design density so as to reach this figure and thereby give insufficient recognition to the special attributes of the site, particularly the green corridor and footpath. A further factor in this case is that much of the police station site and public house car park may not be built on, causing further distortion to an estimate based on area.

### **Recommendation**

20.37.6 Modify the plan by:

- i. revising the boundary of the allocation on the proposals map to exclude the allotment and the privately owned land to the rear of dwellings in Woodhead Road;
- ii. amending the area of the site under policy H6 to reflect the changes in recommendation i. and the estimated dwelling capacity to take account both of the reduced area and a probable lower density of development.

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### **20.38 ALLOCATION H7.23 LONGCROFT, ALMONDBURY**

Objections: 0085 Mr B Dawson

#### **Conclusions**

20.38.1 This is an allocation carried forward from the HLP. Planning permission was granted before the publication of the deposit draft plan and is being implemented, so that this is a commitment.

#### **Recommendation**

20.38.2 No modification.

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### **20.39 ALLOCATION H7.25 BANCROFT AVENUE/ALMONDBURY BANK, MOLDGREEN**

Objections: 2404 Mr & Mrs E Palmer

#### **Issue**

20.39.1 Whether a housing development would unreasonably prejudice the living conditions of the occupiers of No 127 Almondbury Bank.

#### **Conclusions**

20.39.2 This is an allocation of 0.6ha, the land being part unused, part grazing. The site is close to employment locations and services and has access to public transport in Almondbury Bank. In the HLP part was shown as suitable for residential development, with the remainder unallocated.

20.39.3 The site has a frontage to Forest Road but falls fairly steeply from there, so that if development occurred the access to much of the land would have to be by means of an extension to Bancroft Avenue. This is a short cul de sac which adjoins No 127 Almondbury Bank and would require widening to serve additional dwellings. One main concern of the objectors relates to the ownership of land next to the existing carriageway but this is neither relevant to nor affected by my conclusion on the merits of the allocation. The other points mentioned are the effect new dwellings would have on privacy and the noise and fumes from extra traffic. The dwelling concerned would be well separated from Bancroft Avenue even after necessary widening. The number of dwellings that could be accommodated on the allocated area is estimated at 16, although if some were served from Forest Road the increased use of the cul de sac would be less. In these circumstances living conditions would be typical of many houses next to a road junction and the effect would not be unreasonable. Concerning privacy, the characteristics of the site are not so unusual that safeguarding this could not be achieved as part of the normal consideration of detailed proposals, to which policy BE12 would be relevant.

### **Recommendation**

20.39.4 No modification.

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### **20.40 POLICY D5, SITE HS7 LADY HOUSE LANE, BERRY BROW**

Objections: 2018 Mr & Mrs Grayson

### **Issues**

- 20.40.1 i. whether the land is suitable for housing development having regard to:
- a. the need to provide a safe access at a practical gradient;
  - b. its environmental quality;
- ii. whether the most appropriate allocation is for housing, as POL, or land without notation.

### **Conclusions**

20.40.2 The boundary of the POL designation in the plan includes No 49 Lady House Lane. A proposed change to the proposals map would modify this part to land without notation, leaving an area of 0.5ha.

20.40.3 The objection is based on access from Lady House Lane, the alternative from Newsome Road South being obstructed by a building. There are two areas of concern to the highway authority, firstly, the Lane and the access from it and, secondly, the gradient within the site. Agreed measurements show that access visibility of 2x40m is achievable with the addition of a small area outside the site. At this point forward visibility would be 40m. This is the access visibility sought by the Council, but preferred forward visibility would be 45m. The Council also criticises the width of Lady House Lane and the difficulty of manoeuvring service vehicles if parking occurs near the access. In my judgement, having regard to the speed of traffic, the general character of Lady House Lane, the nature of nearby dwellings

and probable incidence of on-street parking, and the practical availability of forward visibility, a safe access for the likely scale of development is possible. On the second concern, the main part of the site is steep and no evidence has been submitted to demonstrate that development could be achieved at an acceptable gradient. In the absence of this detail, it is uncertain whether a suitable access within the site can be provided.

20.40.4 The Council also supports the POL allocation on the basis that this land is prominent and has some environmental value. The site is substantially enclosed by buildings and makes little public impact. In so far as it is visible from the west and north-west, the land is not attractive and any development would be seen in the context of existing buildings in Lady House Lane. Habitat value and the stream on the site boundary are also mentioned but the stream would not be affected by development and the value of the habitat would not justify keeping the land open.

20.40.5 The objector seeks the certainty of a housing allocation but this would not be justified because the feasibility of access within the site is unknown. The choice is therefore between no allocation or POL. The Council agrees that domestic curtilage should not be included in POL. If the curtilage of No 49 is indicated by the site area of the planning permission, then the land remaining would be less than 0.4ha and the whole should be unallocated. In my view the curtilage is an area of use and does not derive directly from a permission. The curtilage excluded by the proposed change seems about right, so that the area which would remain as POL is reasonable in this respect, especially since it is the area on which the objector seeks a housing allocation.

20.40.6 The main purpose of POL is to provide longer term development opportunities. This site cannot be relied on in this respect, since access is uncertain. The Council acknowledges that the site is not suitable for Green Belt designation and a change in circumstances whereby allocation as UGS became appropriate is very unlikely. This is a small site and any development would be likely to be at a low density. Thus the effect of additional housing being provided here on other land where development is to be encouraged, such as recycled land, would be minimal. Bearing in mind the position of this site within the main urban area and the availability of public transport, including rail, this is a very suitable location for new housing. The Council criticise leaving the site unallocated on the grounds that a dwelling on the frontage prejudicial to comprehensive development would be difficult to resist. This is not a consideration referred to in policy D2 but the plan cannot cover all eventualities and it would be reasonable to take this effect into account were an application made.

20.40.7 Leaving the site unallocated would be consistent with the planning history and would avoid an element of injustice. When planning permission for No 49 was granted, a condition required that the siting maintained a means of access to the land at the rear. The Inspector who considered objections to the HLP concluded that a housing allocation or reservation for longer term development would not be appropriate because of access difficulties. The possibility of the details of a residential development being considered on their merits was envisaged when making the recommendation to leave the land without notation. Although in the HLP policy HD/G1 contains a presumption against significant change, planning permission would have been granted unless there were harm to an interest of acknowledged importance, as would be the case for many windfall sites. I do not see that as greatly different to the situation under policy D2 of the UDP.

**Recommendation**

20.40.8 Modify the proposals map by deleting the POL allocation from site HS7 and leaving the land without notation.

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**AREA 8 - HUDDERSFIELD NORTH**

**20.41 ALLOCATION H8.1 OFF SPRINGWOOD HALL GARDENS, SPRINGWOOD**

Objections: 0246 Springwood Hall Gardens Residents Association 2401 Mrs B Beaumont

**Issue**

- 20.41.1 Whether the housing allocation is unsuitable because of:
  - i. the contribution of the site as open land;
  - ii. the adequacy of the access road.

**Conclusions**

20.41.2 This is a site of 0.5ha which was allocated for housing in the HLP. Previous planning permissions have expired. The site is level and grassed, with trees some of which are subject to a TPO mainly towards the periphery. An informal path leads through the site down a wooded slope to Springwood Footpath. This wooded land and sloping pasture to the south of the site are allocated as UGS. The objectors are concerned at the loss of open land and the effect on wildlife. While the land does provide variety within urban surroundings the choice of this land for development and the protection of the adjoining area is a reasonable recognition of their different characteristics. The trees on the land do not preclude development but can be taken into account in detailed proposals. The Council point out that the Paddock area has a relatively high allocation of UGS and that Greenhead Park and Gledholt Wood are nearby. Whereas the land may have some potential for wildlife, other open land would remain nearby and the merits of the site in this respect do not outweigh the benefit of providing housing land on a site near the town centre.

20.41.3 Objectors question the adequacy of the access road but the effect of this allocation would be slight and there is no evidence that there would be a material increase in congestion or that danger would be caused.

**Recommendation**

20.41.4 No modification.

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**20.42 ALLOCATION H8.2 HEATON ROAD, PADDOCK**

|             |                         |                        |                         |
|-------------|-------------------------|------------------------|-------------------------|
| Objections: | 0249 Mr & Mrs Clegg     | 0250 Ms M Robinson     | 0435 Mr & Mrs McCowan   |
|             | 0444 R Stocks           | 0445 Mr R Lister       | 0446 Mrs J Stocks       |
|             | 0447 Mr & Mrs Beaumont  | 0448 C Shickell        | 0449 S Hussain          |
|             | 0450 Mr & Mrs Womersley | 0759 Mr & Mrs Ferguson | 0760 Mr & Mrs Radcliffe |
|             | 1899 Mr & Mrs West      | 1900 Mr T Firth        | 1901 Ms B Williams      |
|             | 1902 Mrs H Hill         |                        |                         |

**Issue**

20.42.1 Whether the loss of open land and access deficiencies outweigh the commitment to residential development.



## Conclusions

20.42.2 This land is part of a much larger housing allocation in the HLP. The remainder of that allocation is shown as UGS in the UDP. I have no reason to dispute the Council's evidence that there are two detailed permissions for the development of the area of H8.2 which have been implemented in part and therefore remain capable of completion. A more recent application has been approved subject to a legal agreement being entered in to. On the basis of this history, substantial compensation would be likely to be payable if the preference of the objectors that the land remains open were to be achieved.

20.42.3 The site is gently sloping rough grass within a larger area of similar land. The objectors are concerned at the loss of open land but the Council rightly draws attention to the substantial area that would remain around this site and also to the relatively large area of UGS per head in Paddock. An equivalent habitat for wildlife would be available on the adjoining land. Whereas the boundary between the site and the UGS is unrelated to any features, the principle of providing some housing land in this central location is sound. Visibility at the junction of Heaton Road and Heaton Gardens is sub-standard and may be further compromised by vegetation and parking on the footway. Nevertheless I do not believe this to be so deficient as to be dangerous. Parking on Heaton Gardens may result in some inconvenience but is not grounds to prevent development. Overall, while a more natural boundary to a housing development could be devised, the objections to the allocation here do not justify action to terminate the consents which exist.

## Recommendation

20.42.4 No modification.

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## 20.43 ALLOCATION H8.7 *DEVERON GROVE, EDGERTON*

Objections: 2263 Mr P Webber

2352 J R & H B Claydon

## Issues

- 20.43.1 Whether the land should be allocated for housing having regard to:
- i. the planning history;
  - ii. suitability as UGS or a green corridor;
  - iii. access requirements.

## Conclusions

20.43.2 This is a 2.6ha site which was allocated for housing in the HLP. There is no evidence to dispute that provided by the Council that the operations approved in a planning permission granted in 1967 for the erection of 55 dwellings have been commenced, so that the permission remains valid. This is fundamental to the future of this land.

20.43.3 The site slopes down from Edgerton Road to Clayton Dike and is mainly unmaintained grass with a good number of trees, particularly towards the periphery. Two

groups of trees adjoining Clayton Dike are subject to a TPO. The Council's evidence refers to the presence of crocus nudiflorus, which is nationally rare but not subject to statutory protection. A well-used informal path begins at Edgerton Road and divides into a number of routes leading out of the site. The land is relatively contained by development, so that it is not especially visible from public viewpoints, but it has been accessible to local residents over many years and has become a valued amenity. The importance of the land is increased by its inclusion within the Edgerton Conservation Area. In seeking to keep the site open, the objectors urge its designation as UGS. UGS identified by the Council in the locality is criticised as not being comparable because there is not public access or because its character is very different, for example Huddersfield cemetery. The land, either in whole or in part, would contribute usefully to the functions of UGS for recreation, wildlife and visual amenity. Nevertheless, if such an allocation were made, policy D3 would apply and this would be misleading and create unrealistic expectations when there is a valid planning permission on the land.

20.43.4 Green corridors are identified to link sites which can contribute to a continuous route for animals and plants. In this case the basis of a corridor would have to be Clayton Dike and the nearby areas of UGS. The Dike is culverted beyond Edgerton Road and Birkby Lodge Road so that its length is relatively short. Continuation of the corridor to the east into the cemetery is suggested but this is separated by residential gardens and is bounded by a high retaining wall. A maintained landscape of this kind may also have limited value. The opportunities to extend the corridor to the north or north-west also lack the necessary continuity. Although in the plan green corridors are designated across land allocated for residential development, this would not be appropriate in the circumstances here.

20.43.5 Objectors are concerned about the adequacy of the local roads to provide satisfactory access. No detailed evidence is provided by the Council, which may reflect the fact that the existence of a valid permission makes improvements difficult to obtain. I acknowledge that the roads affected do not meet current standards and that the combination of constrained visibility, gradients, tight radii and narrow footways do mean that access would be less than ideal, although the deficiencies are not so fundamental as to seriously prejudice safety. In the circumstances the degree of improvement which can be achieved would be likely to depend upon the feasibility of carrying out necessary works.

20.43.6 For the reasons I have given, a green corridor here would not be appropriate and UGS designation would be unrealistic. The plan must both seek to influence development and take account of previous decisions by giving an accurate representation of what is likely. Housing development can be expected on this land whatever the plan designation. Thus in order to provide a reliable statement of future land use the housing allocation should be retained. Nevertheless, a planning application in 1996 suggests that the former permission may be unattractive for current circumstances and there is the possibility of influencing the form of a revised development. Several policies of the plan will be relevant, such as NE9, BE1, 2, 5, and 11, and H18. Rather than simply responding to any future planning application, the character of this land gives strong grounds for seeking to guide a development by preparing a development brief to integrate the various constraints and opportunities comprehensively.

**Recommendation**

20.43.7 Retain allocation H8.7 under policy H6 but modify the plan by adding a footnote that a development brief including requirements for access, footpaths, open space and the protection of trees is to be prepared.

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**20.44 ALLOCATION H8.18 *LOW HILLS, LINDLEY***

Objections: 0797 Mr H Fawcett

**Conclusions**

20.44.1 This is part of a larger site allocated for housing in the HLP. There has been a series of planning permissions from 1989 and the development is being carried out. This is therefore a commitment which should be retained as an allocation. No purpose would be served by detailed appraisal of the points made by the objector.

**Recommendation**

20.44.2 No modification.

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**20.45 ALLOCATION H8.19 *FERN LEA ROAD, LINDLEY***

Objections: 2344 Mrs H C Hegarty

**Issue**

20.45.1 Whether an allocation as UGS would be more appropriate.

**Conclusions**

20.45.2 The site is part of a housing allocation in the HLP and consists of rough grass sloping up from Fern Lea Road to the rear of houses in Briarlyn Avenue. Some informal paths cross the land but this is not of special visual quality. A large area to the east has been reclaimed with a proposed use as public open space and playing fields, so that this is more suitable as land for recreation (site HN41 - IR 21.26). The objection site is land within the urban area accessible to local services and facilities and to public transport where housing provision would serve the objectives of the plan.

**Recommendation**

20.45.3 No modification.

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**20.46 ALLOCATION H8.20 BIRCHENCLIFFE HILL ROAD, LINDLEY**

Objections: 2344 Mrs H C Hegarty

**Issue**

20.46.1 Whether an allocation as UGS would be more appropriate.

**Conclusions**

20.46.2 Planning permission was granted for the erection of ten dwellings in 1991, so that housing development was regarded as a commitment when the plan was prepared. The site is close to Lindley local centre and convenient for public transport. The objection suggests that the land should be used for children’s play. The site consists mainly of sloping grass with some trees but is not of special visual quality and there is no public access. There is a large area of UGS to the east which has been landscaped and includes flatter land suitable for informal recreation. I have also recommended that the POL to the west which has been reclaimed for public open space/playing fields should be made UGS [HN41 - IR 21.26]. In view of the local availability of land for recreation, modification to the housing allocation would not be justified.

**Recommendation**

20.46.3 No modification.

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**20.47 ALLOCATION H8.33 ASHBROW ROAD, SHEEPRIDGE**

Objections: 1162 G S Planning & Development

**Issue**

20.47.1 Whether development should be prevented because of the value of the site as open land.

**Conclusions**

20.47.2 This is a site of 5.1ha and is largely grassed agricultural land but is in urban surroundings and is neither especially attractive nor used for recreation. Although the objector points out that the site was rejected for residential development by the Council at the time of the draft HLP, it is inevitable that the progressive requirement for housing land will lead to the selection of sites not thought suitable previously.

**Recommendation**

20.47.3 No modification.

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## 20.48 ALLOCATION H8.48 NEW ROAD, KIRKHEATON

|             |                           |                       |
|-------------|---------------------------|-----------------------|
| Objections: | 0083 R G Leach            | 0084 Mrs J Littlewood |
|             | 0265 A S Gledhill         | 0266 Mrs J Gledhill   |
|             | 0371 Mrs M E Taylor       | 1038 L Hutton-Cornish |
|             | 1039 P Hutton-Cornish     | 2438 J M Walker       |
|             | 2480 Mr and Mrs B Makison | 2496 B Walker         |

### Issues

- 20.48.1 i. the extent to which the land contributes to Green Belt purposes;  
ii. the suitability of the site for a housing allocation.

### Conclusions

20.48.2 The site is in the area of Town Map 11 and was included in the Green Belt when this was approved in 1970. This should be given some weight, but there are exceptional circumstances to review the boundary [IR L1.3.11-17]. The general purposes of the Green Belt in this vicinity are to separate Kirkheaton from Huddersfield and safeguard the countryside from encroachment. The development would take in a rectangle of gently sloping agricultural land and produce a regular boundary to the settlement. The scale of the gap between settlements would be maintained and while there would be some loss of countryside, the land is closely related to the settlement. Whichever boundary is chosen, the Green Belt would be clearly defined. The boundary proposed in the plan is preferable to that in the Town Map because it would establish a regular and especially defensible edge to the settlement and would not include land which does not make a significant contribution to Green Belt purposes.

20.48.3 Two main concerns of objectors arising from the housing allocation relate to the Kirkheaton Junior and Infant School. The flow of traffic in New Road is seriously impeded at start and finish times but there is no evidence that the additional movement of vehicles to a housing development of some 27 dwellings would significantly affect this. It is suggested that school traffic would loop through the site and adjoining residential roads but it should be possible to avoid any undesirable effects by an appropriate detailed layout and design. There is also pressure on available school places but I have no reason to question the evidence of the education service that it should be possible to provide reasonable facilities for the scale of allocations included in the plan.

20.48.4 Although this is argued to be attractive open land, the site lacks visual interest and makes no special contribution to the character of the settlement. Designation as UGS would not be justified. The land is not available for recreation and the need for public open space would be taken into account under policy H18. MAFF has no objection to the loss of agricultural land and whereas objectors would prefer the use of derelict sites, such opportunities have been taken into account but cannot fully meet the need for housing land.

### Recommendation

20.48.5 No modification.

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**20.49 ALLOCATION H8.49  
LAND BETWEEN SOUTHLANDS AND NEW ROAD, KIRKHEATON**

Objections: 2480 Mr and Mrs B Makison

**Issue**

20.49.1 Whether the site is suitable for housing development having regard to road safety, children's play facilities, and the effect on the character of Kirkheaton.

**Conclusions**

20.49.2 This site is within the settlement and was allocated for housing in the Town Map. In the Village Plan the land is shown for housing and a play area. In some cases planning decisions have to be made while the inquiry is proceeding, as envisaged in PPG1, and here outline planning permission for residential development has been granted. The limitations of the road network are not so great as to be grounds to preclude a housing allocation. The land does not have the visual quality or make an important contribution to the townscape which would justify protection as UGS. There is no evidence which would justify precluding development in Kirkheaton because of the effect on the character of the village. Children's play facilities are available nearby at Park Side/Fields Rise and on-site provision can be required under policy H18.

**Recommendation**

20.49.3 No modification.

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**20.50 ALLOCATION H8.51 MOORSIDE ROAD, KIRKHEATON**

Objections: 2480 Mr and Mrs Makison

**Issue**

20.50.1 Whether the land is suitable for housing development.

**Conclusions**

20.50.2 In the Town Map this land is allocated for residential and public open space use, and for housing in the Village Plan. General arguments by the objectors concerning additional development in Kirkheaton have been dealt with in connection with site H8.49 (IR 20.49). The land is used as a poultry farm, is substantially enclosed by existing development and has no qualities which would justify protection as UGS. I have no information concerning ownership and the basis of occupation but there are no planning grounds to seek to retain the existing use in preference to housing development. Public open space could be required as part of a future development under policy H18 and the Council confirms that there is a long term intention to provide play facilities on the UGS which lies immediately to the south.

**Recommendation**

20.50.3 No modification.

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**20.51 ALLOCATION H8.52 HEATON MOOR ROAD, KIRKHEATON**

Objections: 2480 Mr and Mrs Makison

**Conclusions**

20.51.1 There is a history of planning permissions from 1992 and the housing development has been carried out. No purpose would be served by giving further consideration to the allocation, which should continue to be identified as a proposal at the base date of the plan.

**Recommendation**

20.51.2 No modification.

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**20.52 ALLOCATION H8.53 GLEBE STREET, MARSH**

Objections: 1162 G S Planning & Development

**Conclusions**

20.52.1 Planning permission was granted for this site on appeal in 1992 and the residential development has been completed. This is a commitment which is correctly represented in the plan.

**Recommendation**

20.52.2 No modification.

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**20.53 ALLOCATION H8.55 GROVE STREET, LONGWOOD**

Objections: 2402 L Bhola 2403 Ms G Fethney

**Issues**

- 20.53.1 i. whether the additional traffic could be satisfactorily accommodated;
- ii. the value of the site as open land.

## Conclusions

20.53.2 This is a site of about 0.5ha on the edge of the urban area in mainly residential surroundings. There is a valid planning permission for the erection of 15 dwellings.

20.53.3 The Council states that access would be from Grove Street, where the visibility which could be achieved would be reasonable for the speed of traffic on the basis of the standards in PPG13. The objectors are concerned about the increase in traffic, including in Dodlee Lane, but the effect from this small allocation would be slight. Visibility from driveways is also mentioned but this could be controlled in the details of any development.

20.53.4 The site consists of open grass-covered land. There are some self-seeded trees on the additional area which the Council states is intended to be incorporated in the allocation to coincide with the planning permission. Although the objectors oppose the loss of this open land, this does not have the visual quality or recreation or wildlife value which would justify protection as UGS.

## Recommendation

20.53.5 No modification.

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## 20.54 ALLOCATION H8.56 OFF VICARAGE ROAD, LONGWOOD

Objections: 0041 Anthony Dann Associates

## Issue

20.54.1 Whether the proposals map accurately represents the area of planning permission 89/60/00587.

## Conclusions

20.54.2 The Council agrees that the boundary of the allocation is intended to coincide with the planning permission for residential development. The evidence supplied includes a reduced copy of the approved plan and an overlay to the proposals map produced by the objector. I cannot rely on the overlay because this does not coincide with the building to the west. Nevertheless the general configuration of the approved western boundary does not entirely match the proposals map. The approved plan is more angular and in part takes in slightly more land, although the reverse may also be true. The proposals map should be as accurate as possible notwithstanding the absence of any difference of intention and the minor nature of any error.

## Recommendation

20.54.3 Modify the proposals map so that the area of allocation H8.56 coincides with the residential development approved in planning permission 89/60/00587.

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**20.55 POLICY D5, SITE HN7 ADJOINING THE BAPTIST CHURCH, NEW HEY ROAD, SALENDINE NOOK**

Objections:

1162 G S Planning & Development

2354 Salendine Nook Baptist Church

**Issue**

20.55.1 Whether a housing allocation is appropriate.

**Conclusions**

20.55.2 The objections concern flat land of no visual quality containing grass and a derelict tennis court, said to have been unused since 1977. The site of about 0.7ha is part of an area of POL and was the subject of a proposed change to housing. Both objections seek a development allocation and while [2354] does not specify a particular use, I am satisfied that in the context of the surroundings a housing allocation is appropriate.

**Recommendation**

20.55.3 Modify the plan in accordance with the proposed change in plan ref. 11.4 [CD113] by allocating site HN7 for housing under policy H6.

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**20.56 POLICY D2, SITE HN9 BRIAN STREET, LINDLEY**

Objections:

2253 Yorkshire Electricity Group plc

**Issue**

20.56.1 Whether the land should be allocated for housing having regard to:  
i. the existing use;  
ii. availability during the plan period.

**Conclusions**

20.56.2 This is a site of about 5.2ha used as a depot and containing workshops and a vacant six storey office. The surroundings are primarily residential, including new dwellings on allocation H8.18. The strategy in the plan is to retain existing business premises and sites unless this would lead to environmental problems and I have recommended a modification to take account of the prospects for reuse or redevelopment. Here there is not evidence which would demonstrate that such continued use is either undesirable or unlikely. Whereas the existing offices have been marketed for a considerable period, the objection acknowledges that these may be demolished and a redevelopment is possible. The site is not far from allocation B8.1 but that does not preclude the possibility of meeting demand for which that site is not suitable.

20.56.3 The objector concedes that the present use of the site may continue up to and beyond the end of the plan period. The plan should be realistic, so that in these circumstances an allocation for another use would be misleading. The plan does include a

small number of allocations on land which the Joint Study [LCD65] concluded would be unlikely to be developed within 10 years. These are sites where housing is the appropriate use but where there are severe development constraints, perhaps from a combination of limited market interest and acquisition, infrastructure or technical difficulties. Nevertheless these evaluations are only a best estimate and some sites may progress more quickly. The existence of some constrained sites where housing is clearly the appropriate use is not a good reason to add a site which has an alternative use and no clear prospect of availability.

### **Recommendation**

20.56.4 No modification.

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### **20.57 POLICIES D2 AND H6, SITE HN11 MILL HILL HOSPITAL, DALTON GREEN LANE**

Objections: 2347 Huddersfield NHS Trust

### **Issue**

20.57.1 Whether the plan should be modified to take account of the grant of planning permission.

### **Conclusions**

20.57.2 This is the site of a hospital where planning permission for residential development and a health centre was granted in March 1995. The Council argues that prior to publication of the plan it was not possible to identify which part of the land might be available for development. Thus at that time the plan was accurate because there was an existing use on the land, so that this should be regarded as a windfall. The plan does rely on a continuing supply of windfall sites and I agree that it would be misleading and distort the overall balance between allocations and windfall sites if the consequences of subsequent decisions were incorporated piecemeal back to the base date of the plan.

### **Recommendation**

20.57.3 No modification.

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### **20.58 POLICIES D5, D6 AND H6, SITE HN12 HOLLY BANK FARM, QUARMBY**

Objections: 2356 Mr R Salvini

### **Issues**

- 20.58.1 i. whether a housing development would be appropriate having regard to:
- a. the effect on the countryside and on Quarmby Fold Conservation Area;
  - b. the availability of access;

- c. the need for housing land;
- ii. whether the Green Corridor designation is reasonable.

## Conclusions

20.58.2 The objection site of about 0.7ha is mainly allocated as POL but includes some land without notation. The boundary of the POL coincides with an area safeguarded for possible longer term development under policy HD/GB11 of the HLP. Almost the whole site is within a Conservation Area.

20.58.3 The site is grassed and divided by stone walls from the remainder of a large area of POL which extends southwards. Whereas the Council argues that the site is part of the open countryside, I agree with the objector that the dwellings in Hayfield Avenue do provide a degree of containment, so that in this respect there would be some logic to allowing development here. Nevertheless, the land does link with the countryside beyond and contributes to the rural character of this part of the Conservation Area, so that keeping the site open would benefit the amenity of the area.

20.58.4 Concerning access, the objector suggests that this could be achieved from Haughs Road or by an extension to Hollyfield Avenue but I do not believe that these would be satisfactory means to serve this land. Hollyfield Avenue has now been extended into site H8.14 and the road is at a high level relative to this site. Whereas it is probable that the additional traffic could be accommodated, the works to extend the road would be intrusive in the Conservation Area and would be likely to be detrimental to the setting of the Listed Building, Holly Bank Farm. The works necessary to achieve a satisfactory access from Haughs Road would similarly be likely to harm the Conservation Area and the setting of adjacent Listed Buildings.

20.58.5 In support of an allocation the objector cites the contribution to the availability of housing land generally and the opportunity this site would provide for additional local provision. My general conclusion with respect to housing land is that there is no immediate need to be met in advance of a review of the plan, nor is there evidence of a particular local need. The increase in housing land supply would not be grounds to set aside the objections to an allocation here, so that the POL designation should remain. The future of this site should be subject to comprehensive consideration in conjunction with the land to the south, which would include suitable access arrangements. There seems no reason to distinguish that part which is unallocated from the POL and it would be logical to extend the POL to include this. Although not part of the objection, the Council may wish to investigate this.

20.58.6 The objection also opposes the Green Corridor which crosses the site. The primary purpose of the corridor is to provide a continuous wildlife habitat. I am not convinced that the objector's assertion of the extensive use of pesticides on the land would invalidate its role as a means of passage. There is a strong logic to the line of the corridor to the south-west along Longwood Edge and through Ballroyd Clough. The Council acknowledges that the link between these in the vicinity of the objection site is more tenuous. Nevertheless the line adopted is reasonable because of the mature gardens leading from Haughs Road into allocation H8.14. The advantage of continuity outweighs the deficiencies which result from the absence of features such as watercourses or woodland. A housing

allocation, as on H8.14, is not incompatible with a green corridor, with the details of development to be considered against policy D6.

20.58.7 The objector states that if the housing allocation is not made, the land should be removed from the Conservation Area. The designation of Conservation Areas and revision of boundaries is separate from the development plan process, so that the boundaries are shown on the proposals map for information. In any event, no reason is given to vary the current boundary.

### **Recommendation**

20.58.8 No modification.

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### **20.59 POLICIES D5 AND DL3, SITES HN22-25 *BURN ROAD/YEW TREE ROAD, PRINCE ROYD, BIRCHENCLIFFE***

|             |   |                                   |
|-------------|---|-----------------------------------|
| Objections: | 0571 Brian Bray (Builders) Limited<br>2260 G M Carter | 1189 Mr R Iredale<br>2346 N J Lee |
|-------------|---|-----------------------------------|

### **Issues**

#### Sites HN23-25

20.59.1 i. whether to allocate part of or the whole of these areas of POL for housing bearing in mind housing need and the visual character of the land.

#### Site HN22

20.59.2 i. whether to allocate part of or the whole site for housing having regard to:  
a. the effect on the development of the adjoining POL;  
b. the visual impact of development, including the benefit of using derelict land.  
ii. the suitability of the identification of the site for derelict land reclamation, including tree planting.

### **Conclusions**

20.59.3 These objections seek a housing allocation on part or the whole of an area of POL amounting to about 17ha. Objection [0571] applies to HN22, a site of 1.3ha adjoining Halifax Road which is also identified for derelict land reclamation under policy DL3.

#### Sites HN23-25

20.59.4 The Council accepts that this location, which is within the main urban area and well-served by public transport, would be suitable for housing development. There is no need to identify additional housing land generally. In so far as a local need is claimed, this does not carry great weight. Whereas some local housing allocations have been completed,

a good number remain. On the other hand, while the Council claims an allocation here would produce a local over-concentration, I am not satisfied that a phased development would be detrimental if there are not material objections.

20.59.5 This is predominantly grazing land sloping eastwards and extending from the urban edge to the Grimescar Beck. The latter forms the Green Belt boundary, beyond which the valley rises northwards. Streams, undulations and groups of trees within the site, particularly towards the south and east, create an interesting and attractive appearance. Whereas the southernmost land is closely related to the urban area, taken as a whole development here would represent the outward projection of the settlement on to land of a rural character, some of it attractive, which is widely visible from the higher land to the north and north-east. The visual impact of development justifies the current plan allocation as POL. Objections [2260] and [2346] apply to part of the land but, should development occur, it is essential that this should proceed on the basis of a comprehensive scheme which provides suitable access and relates areas of development and open space to the important physical features of the site. Any piecemeal allocation would breach these principles.

#### Site HN22

20.59.6 This is the main part of the POL site directly fronting or near to Halifax Road. Separate consideration is appropriate because this is close to the urban area and is identified as derelict land, contrasting with the general character of the remainder. It is fundamental that this land should only be developed if the appropriate development of the much greater remaining area of POL would not be prejudiced. Neither the Council nor the objector has assessed the prospective layout of the remainder but I agree with the Council that an access into the southern end of the site from Halifax Road seems likely to be the optimum solution. This would pass through the objection site, but where is unknown. The objector's case relies on land necessary for the road link being protected and the access to any dwellings built being altered if necessary when a comprehensive development occurs. Given the additional complications of ownership and the need to devise a layout which is sensitive to the character of the POL, including the complex levels, such an interim development would be unwise. Further development could be inhibited or the quality of the overall scheme prejudiced. These difficulties have been exacerbated by the steep face of the tipping carried out on the objection site, which may need some adjustment in any future development. Thus a piecemeal development of part of the objection site would be undesirable.

20.59.7 The Council argues that development here would be prominent because of the levels to which tipping has been carried out, a view which received some support in an appeal decision in 1994. I do not give this much additional weight because I have already taken into account the difficulty of satisfactorily integrating a development here with the future use of the adjoining land. The objector points out correctly that the use of derelict land should be a priority. That would not necessarily apply in so far as the claim of an existing lawful use is substantiated. Whereas the use of 1.3ha of derelict land would be desirable, it is more important to safeguard the optimum development of a much larger area.

20.59.8 The objector disputes the merit of the DL3 designation as an area where derelict land reclamation with a tree planting use will take place. I agree that the potential benefit from this is too uncertain. The expectation must be that a comprehensive development will occur here. Whereas the Council's evidence particularly cites the benefit of planting on the

north facing slope, it was also conceded that this may be temporary. Such work would only be worthwhile if it took place in the context of an overall scheme and this will need to await a review of the plan. There is no justification for tree planting on the flatter land in the context of the existing adjoining uses and the probability that a comprehensive development will occur.

## Recommendations

### Sites HN23-25

20.59.9 No modification.

### Site HN22

20.59.10 Modify the proposals map by deleting the DL3 notation from site HN22 and modify the plan by omitting the site at Prince Royd/Halifax Road, Birchencliffe from the table within policy DL3.

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## 20.60 POLICY D5, SITE HN33 *STEAD LANE, KIRKHEATON*

### Objections:

0267 Mr and Mrs Beech  
2435 Mrs J Tadman  
2437 Mr R S Tadman

0373 Mr H Hartley  
2436 S L Smith  
2614 Diocese of Wakefield

## Issues

- 20.60.1
- i. whether the land contributes to Green Belt purposes;
  - ii. whether allocation as UGS would be justified;
  - iii. the suitability of the land for a housing allocation.

## Conclusions

20.60.2 Some objections seek a housing allocation of this 2.2ha site, shown as POL in the plan, while others propose designation either as Green Belt or UGS. In Town Map 11, approved in 1970, the land was included in the Green Belt. At IR L1.3.11-17 I concluded that there are exceptional circumstances to review this boundary. In so far as objections [0373] and [2614] criticise the clarity of policy D5, particularly in relation to PPG2, these points are taken into account with other objections to that policy.

20.60.3 This is fairly flat open land on the western edge of the settlement. Keeping the land open is not necessary to prevent the merging of Kirkheaton with Huddersfield because a substantial separation from Dalton Bank would remain. The land does have some value for the purpose of the Green Belt to safeguard the countryside from encroachment but open views of the site are generally short range and the land is closely related to the settlement.

20.60.4 Protection as UGS would not be justified. Both the site and its setting are somewhat flat and uninteresting, so that the land adds little to the character of the area. There is no public access and the land is not used for recreation, while there are substantial playing fields opposite. There was a smallholding on part but this appears to be unused and there is no evidence of habitat with special value for wildlife.

20.60.5 The feasibility of drainage and access for a housing development has been demonstrated. Access would be from Bankfield Lane, so that although some objections refer to the effect on the character of Stead Lane, from where the open outlook over the land would be lost, this concern would not be grounds to resist development. At the inquiry the Council conceded that allocation of the land would not result in an excessive increase within Kirkheaton. There is a good standard of public transport provision and convenient access to employment areas. Furthermore, the land does not have particular agricultural, environmental or landscape value, so that in many respects a housing allocation would be appropriate. There are however serious grounds for concern regarding the pressure on Kirkheaton Junior and Infant School. This is stretched beyond capacity and the site is severely constrained, affecting the ability to provide sufficient accommodation and recreation space. This is a free-standing settlement from which busing to alternative schools would be undesirable. The ratio used by the education service suggests that an allocation here would add some 24 pupils to school numbers. There is considerable uncertainty in predicting the demand for school places and long availability casts doubt on when some of the housing allocations in the plan will proceed but on the evidence available it would be wrong to add significantly to the difficulties of making satisfactory education provision.

20.60.6 This site would make a small contribution to Green Belt purposes in so far as it is part of the countryside. Nevertheless in the context of the settlement as a whole it is reasonable to add to the Green Belt elsewhere, in particular part of site HN13, and to exclude this land. The strong case for a housing allocation does not outweigh the likely prejudice to satisfactory education provision.

**Recommendation**

20.60.7 No modification.

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## AREA 9 - MIRFIELD

### 20.61 ALLOCATION H9.3 HOPTON LANE, LOWER HOPTON, MIRFIELD

Objections:            2011 M J Saunders                            2118 H Hutchinson  
                             2119 P Saunders

#### Issues

- 20.61.1 Whether the allocation is appropriate having regard to:
- i. access arrangements;
  - ii. the impact on amenity and the identity and character of settlements at Hopton;
  - iii. the need for and distribution of housing land.

#### Conclusions

20.61.2 The site of about 5.2ha is allocated for housing in the HWDLP. In 1992 outline permission for up to 105 houses was granted on appeal and in August 1996 reserved matters for 95 houses were approved on appeal. The outline permission was given following consideration of access via Waste Lane, Marshall Street and Johnson Street off Calder Road. Whilst these streets are subject to on-street parking and sub-standard visibility onto Calder Road, I find no reason to disagree with the Inspector's analysis in 1992, which was based on much more detailed and comprehensive evidence than available to me or to the Inspector in a 1991 appeal conducted by written representations. In 1992, the Inspector concluded that the site was capable of housing development without causing undue harm to the safety and convenience of users of roads in the vicinity.

20.61.3 It is part of the objectors' case that the permission is incapable of implementation. This is on the basis that the proposal in the application referred to access via three streets, but that access via two of these, Johnson Street and Marshall Street, is precluded by private ownership. A report to the Council's Highways and Transportation Committee [KB/H9.3/2] on the proposed adoption of the two areas concerned advises that a public right of way for all traffic exists over the land and that the proposed developers of site H9.3 claim private rights to gain access from Johnson Street and Marshall Street. This is disputed by the objectors. The legal position regarding access over the land in private ownership is not a matter on which I am empowered to judge. In these circumstances, it would not be appropriate to set aside the existence of a detailed permission as a relevant factor. Subject to further information on the matter which may be available to the Council at the time when this report is considered, the allocation is not shown to be unrealistic in highway terms.

20.61.4 The site is sloping grazing land through which a public footpath passes. Whilst local residents, especially in the closely developed housing area to the east, understandably regard the loss of this open land a disbenefit, there is public access into the Green Belt beyond the site. The opportunity to walk on footpaths in the countryside would not be removed by a great distance. Due to the topography and development at the west end of Waste Lane, along Hopton Lane and off that road to the south, the site fits in well with the settlement pattern at Lower Hopton. The scale of the allocation is not so large as to significantly alter the character of Lower Hopton and intervening Green Belt ensures the separate identities of Lower and Upper Hopton would not be infringed.



20.61.5 PPG3 advises that the planning system must provide an adequate supply of land for housing. As set out in Chapter L1, the plan gives an estimated supply which meets the required provision for the plan period, but not by a large margin. Allowance for windfall sites, such as those referred to by the objectors, is taken into account. Although objectors are concerned that Mirfield has expanded rapidly in the past, compared with Kirklees as a whole completions for the period 1986 to 1994, including windfall and small sites, were a smaller proportion than its share of households or population. Its most recent contribution to accommodating new housing has not therefore been disproportionately high. In the plan, housing allocations within Mirfield are lower than its proportion of households. Permissions giving higher housing numbers on sites than plan estimates are not confined to this part of the district. Since it is a main urban area, accommodating local facilities, public transport links and employment and bearing in mind PPG13 advice, to concentrate housing in larger urban areas in the interests of reducing travel needs, a redistribution of housing land away from Mirfield would be undesirable. This site is well located, not far from the town centre and railway station, to make a contribution to the housing land supply in a sustainable location.

### **Recommendation**

20.61.6 No modification.

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### **20.62 ALLOCATION H9.5 TRINITY STREET, MIRFIELD**

Objections: 0230 Mirfield Road Safety Committee 2101 J G Kent (Deceased)  
2117 L M Stalmach

### **Issue**

20.62.1 Whether the allocation is appropriate having regard to the adequacy of the highway infrastructure and the impact on highway safety.

### **Conclusions**

20.62.2 Most of the site is allocated for housing in the HWDLP and outline permission exists for 4 houses served by Trinity Street. As the Council acknowledges, Trinity Street is too narrow in places for two vehicles to pass and its use to serve the site to a greater degree than that permitted would create serious and unacceptable hazards to safety. The allocation therefore relies on use of Hurst Lane. This is a private, mainly unmade road with substandard visibility onto the A644. Measures to upgrade the road, improve visibility and, if necessary, to close or restrict use of Gill Bridge to avoid use by through traffic would be possible and would not be unusually onerous nor out of scale with the development. Trees to the east of the junction with the A644 are set far enough back from the highway that, from my appraisal, they are unlikely to be compromised by necessary alterations. Two trees to the west may be affected, but the impact on the appearance of the area would not be severe. The concerns of the objector [2117] could therefore be met through detailed control.

20.62.3 The objectors [0230 & 2101] give evidence of congestion on the A644. The Council accepts that it operates near capacity at peak times, with queues forming from the

lights at Station Road, although the extent to which queuing occurs as far as Hurst Lane is disputed. Estimated traffic generation from the site would not be significant in terms of flows on the A644. On the basis of a relatively even distribution, flows would be increased by less than 1.5%. Vehicles crossing stationary traffic to enter and exit the site would not be ideal. However, the nature of the A644 in this vicinity, in a town centre with numerous junctions including ones closer to the Station Road lights than Hurst Lane, is such that drivers are likely to expect such manoeuvres. Traffic flows are already interrupted by the operation of the lights, so that the hazard from right turning vehicles exiting Hurst Lane would be tempered. Bearing in mind also the benefits of improving the junction which serves existing properties, the impact on highway safety would not be so severe as to preclude allocation.

20.62.4 The objector [0230] considers on a more general basis that there should be no more development proposals in Mirfield until road infrastructure plans are produced. The Council acknowledges congestion in the A644 corridor and indicates in KB/Tx/4 that investigations into problems and solutions are to start in a year or two. The background to this will be the Council's strategy to encourage alternatives to the private car and the recognition in national guidance that forecast levels of traffic growth, especially in urban areas, cannot be met in full. It is unrealistic to expect road infrastructure alterations to eliminate congestion and undesirable to inhibit desirable development on that basis. The objection site is exceptionally well placed to contribute to the strategy of encouraging sustainable patterns of travel, as it is close to the town centre, bus routes, places of employment and a railway station.

### **Recommendation**

20.62.5 No modification.

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## **20.63 ALLOCATION H9.11 LEE GREEN, MIRFIELD**

Objections: 0229 Mirfield Road Safety Committee

2100 J G Kent (Deceased)

### **Issue**

20.63.1 Whether the allocation is appropriate in terms of impact on road safety.

### **Conclusions**

20.63.2 Part of the site has permission for housing with limited access direct to Lee Green. The remainder can be accessed from Holmdene Drive, a modern residential estate road where traffic speeds are not high. The existing field gate access onto Holmdene Drive is on the outside of a bend giving reasonable visibility. Some widening may be necessary but would not be an insuperable problem, particularly as the adjoining land is garden area rather than buildings.

20.63.3 Although there are roads south and south-west through the residential area to the A644, the Council accepts most traffic would disperse from the residential estate onto Lee

Green. There is a record of accidents at two Lee Green junctions, the Saville Arms crossroads and the junction with Dunbottle Lane and Greenside Road. However, the additional traffic generated by this allocation, with an estimated capacity of 24 dwellings, would not be such a significant proportion of traffic on this wider network of distributor roads as to cause serious harm. A traffic management scheme has been introduced at the Dunbottle Lane junction and any further measures to address the problems identified by the accident figures would be irrespective of this allocation.

## **Recommendation**

20.63.4 No modification.

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## **20.64 ALLOCATION H9.12 WELLHOUSE LANE, MIRFIELD**

### **Issues**

20.64.1 The objections are listed in Annex F. In addition to seeking deletion of the housing allocation, some seek designation as UGS. The issues raised are whether the housing allocation is appropriate having regard to:

- i. the availability of the land for development during the plan period;
- ii. the impact on highway safety and congestion;
- iii. the value of the site as open land in terms of visual amenity, including the setting of a listed building, and of recreation and sports use;
- iv. the need for and suitability of the land for housing.

### **Conclusions**

20.64.2 The site has frontages to Wellhouse Lane and Greenside and is divided by a public footpath running between the two. To the north of the footpath the land is allocated for residential development in the HWDLP. It is used for grazing and activities associated with the Moravian Church and in 1993 permission was granted to extend the graveyard onto part of the area. Whilst members of the Moravian Church object to the allocation, the land is owned by Unitas Estate Co which has not made representations to the plan. The latest information available to me was that the estates board of that company had still to meet to decide whether to release the land.

20.64.3 To the south of the footpath the land is without notation in the HWDLP. It is a grassed area forming part of the Gilder Hall Youth Club Foundation and used for outdoor activities associated with the youth club and also grazing. The Council are sole trustees of the foundation. The disposal of the land would be subject to agreement by the Charity Commissioners. Although the Council has made approaches to the Charity Commissioners, the resolution in January 1996 by the Policy (Community Affairs) Sub-committee was to transfer youth work from the Greenside Youth Club to Mirfield Community Centre but that the football use of the field will continue to be developed. A resolution from the Council in its role as Trustees to pursue disposal of the land, as well as disposal of the building, is therefore not clear. The time scale for obtaining authority from the Charity Commissioners, if forthcoming, is not known.

20.64.4 The questions of whether the aims of the foundation would be best served by disposal of the south part of the site and, if it was, how the receipts should be used are not matters for me. What is pertinent is that there is a degree of uncertainty as to whether either the north or south parts of the site would be made available in the plan period. This is reflected by the low development potential placed on part of the site in the Joint Study with the HBF and, as there are some moves towards making the land available, the uncertainty is not so serious as to preclude an allocation as unrealistic. Nevertheless, more up-to-date information on the situation should be sought and taken into account when the Council considers this report.

20.64.5 On issue ii, Wellhouse Lane is severely substandard and is well used by school children. I agree with the Council and the objectors that any significant increase in traffic using it would be unacceptable. This could be avoided by taking vehicular access to the site primarily from Greenside. It is on this basis that the traffic implications are assessed.

20.64.6 The area of the site is disputed by objectors, who estimate it as about 1.9ha. The Council's highway evidence uses an area of about 1.7ha and an estimated capacity of 42 dwellings, rather than the 1.4ha and 35 dwelling capacity given in the plan. I am satisfied that this is of reasonable accuracy for the purposes of considering the highway matters. The percentage increase in flow on Greenside, which is a busy local distributor road, from this site would be less than 2% and not significant. As considered in the context of H9.14 at IR 20.65, safety measures in the area have been studied and, even with additional traffic from other allocations and development in the area, the safety implications of additional traffic flows could be adequately controlled. Congestion throughout Mirfield can be expected to increase but, as set out at IR 20.65, is not a reason to inhibit meeting development needs for housing.

20.64.7 Footpath provision is substandard in places along Greenside. In particular the stretch almost opposite this site suffers from the interruption of an already narrow footpath by a projecting building. The hot food takeaway use of the building can also be expected to attract pedestrian movement and short-stay on-street parking. Additional turning movements in this vicinity, which would result from an access to the site, would add to the existing potential hazards. Further investigation of the impact would be wise, but the length of frontage is sufficient to accommodate arrangements which, through careful design with possible control of the junction or assistance to pedestrian movements, should ensure the situation is not exacerbated. Particularly if the new junction were coupled with a link road, as discussed at IR 20.67, the overall effect on safety over the highway network generally in the area would not be seriously adverse.

20.64.8 With regard to the value of the site as open land, it is a pleasant open area which retains a semi-rural character and contains trees of amenity value, on the frontage of Greenside and protected by a TPO along Wellhouse Lane and the public footpath. It provides visual relief in the urban area. The openness of the north-east end also contributes to the setting of the listed Wellhouse Farm, but this is already affected by urban surroundings so that, subject to control of the detailed relationship with new building, the impact on the listed building would not be a factor influencing retention of the open area as a whole.

20.64.9 In addition to possibly unauthorised informal public access, there is evidence of recreation and sports use, in the form of outdoor activities associated with the Moravian

Church and with the Gilder Hall Youth Club. Although the level of activity has fluctuated, bearing in mind these uses and the public access given by the footpath across the site, it has value in terms of accessibility and recreational usage. There are footpaths in countryside not far to the east, so there is no local scarcity of opportunities for walking as informal recreation. An element of children's play space in a well observed and safe location could be provided in connection with housing development through the operation of policy H18. The Council's decision in its Leisure Services role to remove the indoor youth club from Gilder Hall would reduce the value of the land in terms of a place for associated outdoor activities. Nevertheless, separate sports use has been recorded in the past and development of the sports activity following removal of the youth club is intended by the Council resolution. Continuation of this open facility must be regarded as of importance in a ward with lower than NPFA standards, as discussed in IR 20.65 and when there is an absence of locally determined standards to demonstrate otherwise. In both visual and recreation terms the site is of recognisable quality.

20.64.10 On issue iv, the objectors make similar points on housing levels in Mirfield as made by objectors in respect of H9.3, H9.14 and MF12. As set out at IR 20.61 redistribution of allocations away from Mirfield would be undesirable. Although the objectors refer to various deficiencies in the town, it does accommodate places of employment, a significant proposed employment area and a good range of facilities, including a large local centre, schools and a sports centre, and is served by a railway station. The new employment proposed would reduce the need for outward commuting which is a perceived problem at present.

20.64.11 While each individual site of this scale is not critical in itself there is little scope for manoeuvre in meeting housing land requirements. Bearing in mind that developing this site could also release MF12 for development, its contribution to the housing land supply is particularly important. Balancing this against its recognised quality as open land, subject to the facility for recreational and sports use being replaced elsewhere, the diminution of its visual contribution would be outweighed by the benefits of housing land provision in a location within a main built-up area, close to bus routes, schools and not too far from the town centre. The Council states that it will seek replacement playing field provision in Mirfield and confirmed at the inquiry that such replacement was feasible. This would avoid deterioration in the level of provision and increased pressure thereby for outward journeys from Mirfield for leisure activities. This should be made clear in the plan. No location for such replacement facilities is specified, but wherever these were provided in Mirfield, a local playing field could be ensured through allocation within site MF12 as discussed at IR 20.67. In all these circumstances the housing allocation is appropriate.

20.64.12 Due to remeasurement of the area of the site alteration of its estimated capacity in the plan will be necessary. The opportunity should also be taken to review the basis for the estimated capacity. Loss of some attractive trees to accommodate access arrangements would be inevitable, but it would be desirable to minimise this loss, both of trees protected by TPO and those also of amenity value along Greenside. This factor, the slope of land on the west side of the site, the detailed requirements for a road link and for satisfactory relationship with the listed Wellhouse Farm and the implications of a permission on part of the land for a burial ground all point to an estimate of capacity based on 25 dwellings per hectare, as used in the plan, as being too high.

## Recommendations

- 20.64.13 i. insert a footnote to allocation H9.12 under policy H6 to state that the site will be affected by a link road from site MF12;
- ii. review the estimated capacity taking into account the points set out at IR 20.64.12;
- iii. insert a footnote to allocation H9.12 under policy H6 to state that the provision of replacement sport and recreation facilities will be a prerequisite to development.

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## 20.65 ALLOCATION H9.14 *FLASH LANE, MIRFIELD*

|             |                                     |                |                          |
|-------------|-------------------------------------|----------------|--------------------------|
| Objections: | 0586 Mirfield Road Safety Committee | 0632 C Sykes   | 1292 S Allinson          |
|             | 1293 H Allinson                     | 1294 M M Bates | 1295 D Spurr             |
|             | 1296 Spurr S                        | 1297 S Spurr   | 1298 J G Kent (Deceased) |
|             | 1316 A Barker                       | 2121 W J Brook | 2236 K Andrews           |
|             | 2504 Mirfield Town Council          |                |                          |

## Issues

20.65.1 In addition to seeking deletion of the housing allocation, some objections seek designation as UGS, POL or for sport and recreation. The issues raised are whether the allocation is appropriate having regard to:

- i. highway safety and congestion;
- ii. the impact on wildlife, open space and opportunity for sport or recreation facilities;
- iii. the impact on residential amenity and the setting of a listed church;
- iv. the need for and suitability of the land for housing.

## Conclusions

20.65.2 The site of about 2.2ha is allocated in the HWDLP for school use. The LEA does not object to its disposal for other uses, provided site MF12 is not developed for housing. The question of school capacity is considered in connection with that site at IR 20.67.

20.65.3 Although the site has a frontage to Dunbottle Lane, the Council considers that vehicular access, forming a crossroads with Camm Lane, would be unsatisfactory. Development would rely on access from Flash Lane. The estimated capacity of 56 dwellings would be consistent with DB32 advice for the scale of housing which may be served by a loop road, without two points of access being necessary. Personal injury records, although higher over a wider area, show only 1 in the last 5 years in the vicinity of the site. The frontage to Flash Lane is sufficient for adequate visibility splays to be formed. Subject to alterations to levels, a footway along the road could be provided, which would improve the present situation. Based on the figures from a survey in September 1995 by the Save Mirfield Group, the estimated traffic generated by development would increase two-way flows on Flash Lane at peak periods by about 5% and 2% to the west and east respectively. Flows would remain within the design capacity. Traffic from the site would add to the queues, which occur along Flash Lane back from the Dunbottle Lane junction beyond Wellhouse Lane during the morning peak. However, no alternative was given to the

Council's estimate of about one extra vehicle in the queue at any one time. This would not have a serious effect on congestion or safety nor lead to a material increase in the volume of traffic cutting through Wellhouse Lane to avoid the congested junction.

20.65.4 With regard to the impact of the traffic on the wider network, most would distribute west to Dunbottle Lane, part of the arterial route connecting the A644 with the A62. As demonstrated by figures from a continuous police survey [H9.14/00443/12], this route carries high volumes of traffic. In the context of existing flows, the increase in traffic generated by this site would not be significant. Based on the morning peak hour two-way flows and the distribution out of Flash Lane found by the September 1995 survey, the increase due to this site would be of the order of 2.5% on the south section of Dunbottle Lane and 1.4% to the north.

20.65.5 There is concern that the cumulative effect of this site together with other allocations and development should be taken into account. As objectors point out, parts of the highway network in the area have changed little as Mirfield has become more built-up. As a result sections, including Wellhouse Lane, Hepworth Lane and stretches of Greenside, are substandard in width and footway provision. There are recognised traffic problems in the area. Various measures have been implemented, such as right turn lanes on Dunbottle Lane and traffic calming at North Road. Although the accident rate is below areas on the high risk list, in response to one particularly serious accident on Sunny Bank Lane in late 1995 a study was done and a scheme to reduce speeds, including Greenside and Dunbottle Lane, drawn up. Irrespective of new development, further safety measures in the area which is used by school children are therefore under consideration. The safety implications of increased traffic flows could be adequately controlled.

20.65.6 Given the shortcomings of the highway network and the cumulative effect of new development, increased congestion can be expected. Nevertheless, this is not a cogent reason to preclude additional housing until the road infrastructure is improved. Such a course, as advocated by many of the objectors, is unrealistic bearing in mind the recognition in national guidance that forecast levels of traffic growth, especially in urban areas, cannot be met in full and the objectives of the plan to encourage a modal shift away from the private car.

20.65.7 On issue ii, the site is mainly grazing land undistinguished in terms of wildlife habitat. Some trees give greater variety and value as a habitat, but it is not far from open countryside, so does not provide a respite in the heart of the built-up area. The West Yorkshire Ecology Advisory Service has been consulted and does not identify the site as particularly valuable in this respect. It has not been used as a playing field since the early 1980s, so there has been a prolonged period of disuse and its development would not be a loss of existing public open space or sports provision.

20.65.8 The Council acknowledges that provision in Mirfield falls below NPFA recommendations for outdoor sport and play space. The extent of the shortfall is disputed. Whilst there is a small discrepancy over the areas ascribed to various sports sites, the more pertinent disagreement is whether school playing fields and private sports grounds should be taken into account. The information from objector [2236] is that individual schools do allow hire of their grounds by organisations on prior application. The Council's inclusion of both types of area is consistent with the NPFA definition, which includes facilities in the education sector which as a matter of practice are available for public use and those in the private

sector serving the needs of their members. Thus, the Council's figure of about 1.77ha per 1000 population for the former Urban District area of Mirfield is reasonable. This compares to the NPFA recommendation of 2.4ha per 1000 population. The objectors' argument is twofold, that there should be no more housing in Mirfield until NPFA standards are met and that this site should be reserved as an opportunity to provide sports facilities.

20.65.9 PPG17 emphasises the importance of sport and recreation, but advises against reliance on national standards of provision, recommending that local standards should be drawn up. As considered at IR 14.3, the work necessary to formulate local standards has not been done. In the interim, whilst NPFA standards assist in considering the adequacy of provision, other factors, such as the demographic pattern of the population and the level of disadvantage, are also relevant. The relative importance of the shortfall of provision in Mirfield, which is not a regeneration area, compared with the remainder of the district is not therefore clear. The comparison of areas of outdoor playing space to population shows that it is below the district average, but not as low as some wards. There is no evidence that resources are available to improve provision up to the NPFA standard in the plan period. In these circumstances it is unrealistic and undesirable, to resist meeting the housing requirement by precluding housing in Mirfield.

20.65.10 The Council makes it clear that resources have not been identified to develop or run the site as a sports facility, including the suggestion of a swimming pool put forward by some objectors. Although an example of a pool in another district being developed using resources from a variety of sources is given, the private fund raising was carried out over a period of over 7 years, whereas there is no evidence here that there is a local group wishing to pursue the idea nor that any start has been made on such a project. The prospect of sports use on the site is not so realistic as to justify reserving the site for that purpose.

20.65.11 On issue iii, there is housing on three sides of the site, but the relationship with existing properties is not unusual and matters such as overlooking would be normal considerations controlled at a detailed stage. The open foreground provided by the site adds to the appreciation of Mirfield Church, a grade II\* listed building, in views from the north. However, permission has been granted for houses on land between the site and the church, so the view is likely to be transformed irrespective of allocation H9.14. From other directions, the site does not contribute to the setting of the church, which is provided by its grounds and adjoining Green Belt.

20.65.12 On issue iv, the potential use of derelict land for housing as an alternative to this site is suggested by objectors, but there is no reference to specific land. A windfall allowance is already included in the housing land supply figures. As set out in Chapter L1, there is an approximate balance between the requirement and identified supply for housing land in the district. Similar points on the level of housing in Mirfield are made as by objectors in connection with H9.3, H9.12 and MF12. As set out at IR 20.61 and 20.64, taking into account deficiencies cited in the town's facilities, a redistribution of housing land away from Mirfield would be undesirable.

20.65.13 With regard to the suitability of the site for housing, it is about 1.3km walk from the town centre and is also linked by bus services which run along both Dunbottle Lane and Flash Lane. Although some nearby houses have a pumped sewerage system, information from Yorkshire Water and the NRA is that there are no insurmountable technical constraints





## Recommendation

20.66.4 No modification.

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## 20.67 POLICIES H6, D3 AND D5, SITE MF12 *BALDERSTONE LANE, MIRFIELD*

|             |                             |                            |                 |
|-------------|-----------------------------|----------------------------|-----------------|
| Objections: | 0698 Mirfield Civic Society | 1362 G F Denton            | 1363 P J Denton |
|             | 2369 Bellway plc            | 2372 K Andrews             | 2451 W J Brook  |
|             | 2501 H Fearnley             | 2504 Mirfield Town Council |                 |

### Background and issues

20.67.1 [2369] originally related to a site of about 8.1ha covering land designated as POL and UGS in the plan and sought an allocation for housing. It has subsequently been amended to seek a housing allocation in place of POL on only part of the site, which I refer to as Area A. It covers about 4.6ha as estimated by the Council (the objector's estimate is about 4.3ha) and lies west of footpath No 14 and Balderstone Hall Lane. No changes in plan designations east of the footpath and the lane are now sought, although the area remains of relevance to the objector's case which intends dedication of the majority of this land for public open space.

20.67.2 The other objections relate to the area, of about 7ha, designated as POL and seek either designation as UGS or inclusion in the Green Belt.

20.67.3 The Council's proposed changes included the allocation of Area A for housing. The proposed change was subject to a representation of support and substantial counter-objections and was rescinded in July 1995.

20.67.4 The issues raised are whether:

- designation of the POL area as Green Belt or UGS is appropriate having regard to exceptional circumstances and the value as open land;
- allocation of Area A for housing is appropriate having regard to the need and suitability for that use and the operation of the highway network.

### Conclusions

20.67.5 Some objectors understand the land to be in the Green Belt at present. This is not the case. Most of the POL area is designated as PAD in the HWDLP, with a small area having no notation. As the Inspector in the HWDLP inquiry concluded, the site does not contribute to Green Belt purposes. There has been no material change of physical circumstances on the site or in its vicinity to create exceptional reasons for the amendment of the Green Belt boundary at this location.

20.67.6 The Council has undertaken a study to provide an objective comparison of the value of urban open land in terms of the character and appearance of an area, for wildlife or for recreation. I agree with the Council's assessment of the west part of the site, Area A, as lacking sufficient quality for UGS designation. It is rough grassland, without specific

valuable landscape or habitat features and visually affected by the harsh urban edge of adjoining housing and a school. Authorised public access is limited to perimeter footpaths. Whilst these are useful to informal recreation, there is an extensive network of public rights of way to the east in more truly rural surroundings.

20.67.7 The POL area east of footpath No 14 and Balderstone Hall Lane assists in providing a relatively open setting for Balderstone Hall, a listed building, which benefits from the rural character of its immediate surroundings. There is also a greater degree of planting bordering the land at its boundary with older residential development along Hepworth Lane to the south, so the scene is more attractive. It is closely related to the existing recreation area and is crossed by footpaths in addition to the one along its west perimeter. The area has greater value and potential as open land than the west end and, if there was a prospect of the recreational potential being realised in the plan period, UGS might be merited.

20.67.8 On issue ii with regard to the need for housing land, as set out in Chapter L1, there is an approximate balance between the requirement and identified supply in the district. Whilst the share of housing allocations in Mirfield is lower than its proportion of households, achieving a balanced distribution in those terms is not a specific aim giving a reason to increase allocations in Mirfield. However, the situation supports the view of the objector [2369] that additional provision would not create an over-concentration. Other objectors are concerned that Mirfield has expanded too rapidly in the past, with the population outstripping the facilities available. Similar points on the level of housing in Mirfield are made by objectors in connection with H9.3, H9.12 and H9.14. As set out at IR 20.61 and 20.64, a redistribution of housing land away from Mirfield would be undesirable and this takes into account deficiencies cited in the town's facilities.

20.67.9 With regard to the suitability of Area A, it is at the periphery of the built-up area, but well related to existing housing. It is close to junior and infants schools and, as considered at the nearby site H9.14, the area is not far from the town centre and bus routes. The LEA indicated that allocation H9.14, previously a school site, is not objected to provided this land is not also developed. Although no specific comment is given by the LEA with respect to the cases on MF12, this indicates that accommodation of additional pupils is a factor requiring investigation. Physically there is room at the Crossley Fields school site for expansion. There is no evidence that admissions across the town, which has other schools, could not be adjusted to accommodate additional potential pupils, if an expanded size of school at Crossley is undesirable for education reasons.

20.67.10 Area A is enclosed by development on three sides and seen in this context the visual impact of housing development on the surrounding area would be acceptable. It could benefit the transition from built-up area to countryside. Existing development backing onto the land forms a harsh, rigid edge to the settlement. A suggested layout from the objector [2369] would be in danger, especially at the south end, of recreating a straight line of back gardens backing onto the countryside, but well laid out new development would provide the opportunity for variation in orientation of houses and softening through planting. Housing in Hepworth Close is slightly lower, but adequate relationships with new housing could be ensured at detailed stage. The objector [2369] acknowledges that measures to take account of previous mining and off-site sewerage and drainage works would be needed. Evidence is given of a full geotechnical appraisal, establishing that development is feasible, that a new

sewer can be requisitioned and that the costs of the works has been assessed as reasonable. In these terms and as the land is owned by a housebuilder, it is readily capable of development.

20.67.11 The objector [2369] and the Council assess the traffic impact on the basis of a capacity of 98 dwellings. Other comments were that the traffic generation assumed was unrealistically low, but it was based on nationally accepted rates. The survey of movements from one local housing area is not an adequate substitute for the research behind these.

20.67.12 The south section of Wellhouse Lane over about 210m is narrow, in places too narrow for two vehicles to pass. There is evidence of parking on the road and, whatever their intended purpose, in areas described as a layby and in front of the Cricket Club. This, the nature of the road, which gives direct access to dwellings, and its geometry with regard to the spacing of wider areas means that it does not function as a single width road with passing places and cannot be expected to. Regardless of how long it takes a vehicle to travel this section, there is substantial and convincing evidence of existing congestion and conflict resulting in unsafe manoeuvres, such as mounting the footpath and reversing. The fact that the Council has been unable to find solutions to the reported problems does not diminish their seriousness. Development of the site would increase traffic flow along Wellhouse Lane by over 25% at peak hours. Also bearing in mind the heavy usage of the road by schoolchildren and the added hazard of poor visibility from Hepworth Lane onto Wellhouse Lane at one end of the narrow section, such an increase in traffic would significantly add to existing hazards and create serious harm to road safety.

20.67.13 Visibility from Woodward Court onto Wellhouse Lane is substandard and there are grounds to doubt that a condition on the permission for Woodward Court, requiring a visibility splay, is still capable of enforcement. Traffic generated from around 98 houses would significantly alter use of the junction from the present low number of houses served. Whilst a reduced minor road distance of 2m could be used without causing undue queuing in Wellhouse Court, even on that basis the major road distance for visibility would be below that recommended in PPG13 and DB32. Visibility to the far carriageway is not equivalent to the standard way of measuring a visibility splay and, particularly in this situation where parking is known to occur along the far carriageway of Wellhouse Lane, increased use of the junction with present visibility could be hazardous. Improvements to the south involving third party land would be necessary.

20.67.14 A solution suggested by the Council to reduce the need for traffic to use the lower part of Wellhouse Lane onto Flash Lane and to improve visibility from Woodward Court involves a new road link through allocation H9.12. Extra traffic would then discharge onto Greenside. Despite concerns over its capacity and existing traffic levels, it is a distributor road. Footway provision on Greenside is poor in places, particularly nearly opposite where the new link road would emerge as discussed at IR 20.64. Additional turning movements in this vicinity from a new junction would be a potential source of danger, but a satisfactory arrangement through careful design with possible control of the junction or assistance to pedestrian movements should not be ruled out. There are advantages in the link suggested. Not only would this allow development of MF12, it would relieve existing traffic from the lower part of Wellhouse Lane. It would also enable some potential traffic management solutions, such as one-way working, to be reconsidered to alleviate other problems on the surrounding substandard highway network. Overall, the alterations could be an

improvement, even allowing for the effects of additional traffic, and at worst would not seriously harm road safety.

20.67.15 I am satisfied that development of MF12 served by the existing highway network would not be acceptable, but that it would be feasible with a link of the type suggested which would be of a scale reasonably related to the development. Earlier decisions of the Council do not persuade me against this conclusion. Allocation of a larger area, including Green Belt land, in the Consultation Draft required links both to Greenside and to Crossley Lane. The proposed change of the Council to allocate Area A, when there was no mention of a road link, was not based on Highway Service advice.

20.67.16 There is nothing in the plan to require a condition to be imposed on any permission on site H9.12 to safeguard the line of a new link and such a condition would not be necessary for the development of H9.12 itself. If that site were developed on the basis of the present plan designations, with Area A unallocated, there is a strong possibility that the area would be sterilised over the longer period. In those circumstances a POL designation, implying as it does that development could be achieved at some future stage, would not be appropriate. To avoid inefficient use of land it is important to treat development of both sites in a comprehensive way. This could be achieved by allocating both in the plan, by safeguarding both to allow future consideration or by modifying H9.12 to include a footnote requiring the route for a link to be preserved.

20.67.17 The tight housing land supply is a factor against both being safeguarded as this would remove the contribution of H9.12. Given the range of factors already to be overcome on that site, an additional constraint by way of a footnote would reduce its likelihood of making a contribution in the plan period without the impetus from a commitment to development on MF12. The greater certainty of allocations on both sites would be likely to be necessary to start progress. Another factor in favour of a comprehensive approach is the benefit of public open space provision offered by the objector [2369]. As suggested in Appendix RS18 [MF12/00384/18], this would be in scale with and reasonably related to development of Area A. This provision is of no relevance to the covenant on site H9.12 in trust of the Gilder Hall Youth Club Foundation and the determination under other legislation of whether the land may be disposed of and, if so, how the resources are to be applied. Nevertheless, it would be a benefit in ensuring that, wherever replacement facilities for those lost at H9.12 were provided in Mirfield, there was a presence in the immediate vicinity of a playing pitch. The gradient of the land is such as to facilitate an adequate playing area and access arrangements for parking for the public open space to avoid use of Balderstone Hall Lane are capable of resolution at detailed stage.

20.67.18 Taking into account all the issues, a housing allocation as sought would be appropriate. As this gives a realistic prospect of the recreational potential of the land east of Balderstone Hall Lane being realised, designation of most of that area as UGS would also be appropriate, although land to the rear of 324 and 326 Crossley Lane shown without notation in the HWDLP makes little visual or recreation contribution.

## **Recommendations**

20.67.19 i. delete POL from that part of MF12 west of footpath No 14 and Balderstone Hall Lane, as shown on plan ref: 11.14 of CD32, and substitute therefor an

- allocation for housing under policy H6;
- ii. insert a footnote to the housing allocation under policy H6 to state that development will be dependent on the formation of a road link through H9.12 to Greenside;
  - iii. insert a footnote to the housing allocation under policy H6 to state that provision of public open space on land to the east of Balderstone Hall Lane is a prerequisite for the development;
  - iv. delete POL from the remainder of MF12, other than the land shown with no notation in the HWDLP to the rear of Nos 324 and 326 Crossley Lane, and substitute therefor UGS.

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## **AREA 10 - DEWSBURY, RAVENSTHORPE AND THORNHILL**

### **20.68 ALLOCATION H10.5 RAVENSTHORPE ROAD, THORNHILL LEES**

Objections:

1850 Mr I Forbes

3271 & 3272 Ravensthorpe Road Action Group, Mr & Mrs Frazer

#### **Issues**

20.68.1 Whether the allocation is appropriate having regard to the visual impact of development and the potential alternative use of derelict or under-used land for housing.

#### **Conclusions**

20.68.2 The site of about 13.1ha is allocated for housing in the HWDLP. It is open agricultural land of undistinguished appearance, with few trees or other features of landscape interest. Although development here would alter the present open aspect immediately behind the houses on Ravensthorpe Road, it would not seriously impinge into the rising countryside to the south and south-west, which forms a rural backcloth to the built-up area. The site is generally at a lower level than this and is related to the settlement pattern by the outcrop of residential development to the east off Ouzelwell Lane. Where the site includes rising land along its south-west edge it would be necessary to ensure, through landscaping and layout, that buildings were not overly dominant and did not create a harsh edge to the settlement. This could be controlled at detailed stage.

20.68.3 Whilst reuse of derelict or under-used urban land is strongly encouraged in national guidance, including PPG3, it is unrealistic to expect requirements for housing land to be met solely from such sources. Previously used sites do figure in the allocations for development, both for housing and business and industry, in the Dewsbury/Ravensthorpe/Thornhill area. No evidence is given of specific suitable urban sites which have been overlooked. Having regard to the importance of protecting the Green Belt and promoting sustainable patterns of travel, the allocation of sites, such as this, outside the Green Belt and close to local centres, community facilities, employment and public transport including a station, is appropriate.

#### **Recommendation**

20.68.4 No modification.

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### **20.69 ALLOCATION H10.12 OFF THORNHILL STREET, SAVILE TOWN**

Objections:

2570 Savile Town Community Association

#### **Issue**

20.69.1 Whether the site is suitable for housing having regard to:  
i. its use for recreation;  
ii. access constraints, including on-street parking.

## Conclusions

20.69.2 The site consists mainly of a flat grassed recreation ground, the eastern part being on the line of a former railway. The surroundings include densely built up terraced houses and an Islamic school, which results in a significant need for recreation facilities. Land to the south of a similar size, including an area currently surfaced with shale/ash, is allocated as UGS and is intended as a replacement. The Council also indicates that the former railway line within the housing allocation would be retained as POS. The provision of alternative facilities would be protected by policy R7 or its modified replacement, and there would also be a need to secure the relaxation of the covenant which applies to the use of the land. On this basis the minor relocation which would result would not be grounds to resist the allocation.

20.69.3 The roads serving the site are narrow and on-street parking together with the traffic attracted to the nearby mosque generates a degree of congestion, particularly in Thornhill Street. The objector supports the need for additional housing in Savile Town but would prefer this to be provided in a less congested location, such as on the Savile Cricket Ground. The objection with respect to that land is dealt with at IR 21.29, where I conclude that there are compelling grounds to uphold the plan allocation as UGS. My impression is that there is some dispersed parking connected with the mosque and Islamic school, including on the land allocated as UGS. Whereas the housing allocation would not of itself seriously add to the difficulties, this could be an overall consequence. Thus on balance I consider that the allocation of this site for housing should be upheld but that, in addition to providing equivalent recreation space, measures to reduce local highway congestion would be required, probably by incorporating some further parking space in the details of a scheme.

## Recommendation

20.69.4 No modification.

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## 20.70 ALLOCATION H10.14 HECKMONDWIKE ROAD, DEWSBURY

Objections: 0231 Mr H Wood

### Issues

- 20.70.1 These are whether the allocation is appropriate bearing in mind:
- i. potential use as a play area;
  - ii. impact on privacy and outlook for adjoining residents;
  - iii. problems of flooding.

### Conclusions

20.70.2 Approximately half the 1ha site is allocated for housing in the HWDLP and has been developed since the base date of the plan. The remainder is designated in the HWDLP for open space. It is undeveloped sloping grassland and scrub. Play facilities, particularly for young children, would be of benefit in this locality to avoid crossing the fairly busy



Heckmondwike Road to Crow Nest Park. However, resources to provide useable public open space were not forthcoming over the life of the local plan. The Council indicates that its priorities are unlikely to change in this respect given the proximity to a range of recreation facilities at the park. Open space provision was not required by the permission granted on the south part of the site. The Council explains that this was due to the relevant local plan policy HW/L9 applying only to larger developments and the fact that UDP policy H18 had not at the time been approved by the Council. This is regrettable, but nevertheless it is the situation. In view of these points, there is little realistic prospect of resources being found in the plan period for a play area or other form of public open space here. The best chance of some provision is through the requirements of policy H18 in connection with development of the remainder of the allocation.

20.70.3 The development carried out on the site demonstrates the validity of the objector's concerns over visual domination and loss of privacy at Pilgrim Crescent. The lie of the land, higher than the existing dwellings, is exaggerated by a built form which is in part of three storey height. The propensity for overlooking from this elevated position is exacerbated by large windows at first floor level in some cases. Such impact is not an inevitable consequence of allocation. Whilst the remainder of the site has the potential for similar problems, it is not so constrained as to preclude development being handled in a way to overcome them. The location of open space required by policy H18 could also assist in achieving a satisfactory relationship between existing and new housing. The justifiable concerns over privacy and outlook are not a reason to delete the allocation, but a reminder that proper care must be exercised at detailed stage.

20.70.4 There is evidence of drainage problems arising following development on the south part of the allocation. The matter is in the hands of the Council's solicitor, but the problems appear to stem from damage to drainage ditches and the manner of construction of new drains. The site itself does not present insuperable drainage difficulties, so I am satisfied that this is a detailed matter rather than a factor telling against the principle of allocation.

## **Recommendation**

20.70.5 No modification.

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## **20.71 SITE DRT10 HECKMONDWIKE ROAD, DEWSBURY MOOR**

Objections: 5845 Mr T Kelly (Moorside Residents Association)

### **Background and Issues**

20.71.1 The site comprises Areas 4 and 5 shown on plan ref 11.6 in CD113. Area 4 is designated in the plan as POL and Area 5 as UGS. The Council's proposed changes include allocation of the whole site for housing. Other proposed changes in the vicinity are considered at IR 19.15 (DRT11). Permission was granted in 1995 for 64 dwellings, club car parking and the formation of a rugby pitch. Area 5 is subject to conditions concerning management of playing fields and replacement rugby pitches imposed on 1987 and 1989 permissions for housing on land to the east, now constructed.

20.71.2 In so far as implementation of the housing and rugby pitch development has commenced, the detailed concerns of the counter objector over this development would not be affected by allocation or otherwise in the plan. No purpose would be served by giving consideration to these points in the context of this report. However, the effect of the permissions, conditions and section 106 agreement has been to create areas for sport and open space use at the west end of the site. This raises the issue of whether the extent of the proposed housing allocation is appropriate.

### Conclusions

20.71.3 The area where 64 dwellings are permitted is, by virtue of this, suitable for housing. Since the grant of permission and implementation occurred after the Council's proposed change of November 1994, but the development is within the plan period, there is no reason to resist the proposed change in respect of that area.

20.71.4 The Council confirms that open land uses are to stretch from the proposed UGS north of Carr Lane south as far as the POS at the south end of Area 5. This includes the areas shown on the Section 106 Agreement Plan TP Ref 94/92383 as Rugby Pitch, Sports Ground and POS. This western part of DRT10 therefore has considerable value in recreational terms, which would fully merit designation as UGS. The fact that the implementation of some of these open areas arose in connection with the proposed housing allocation does not require them to be included in that allocation. The recreational area north of Carr Lane was similarly connected with a permission on the proposed allocation under policy B2, but the Council proposes its designation as UGS rather than inclusion in that allocation. I consider this to be the most suitable approach and the interests of consistency support its use on this site as well.

### Recommendations

- 20.71.5 i. modify the plan by deleting the designation as POL from Area 4, Dewsbury Moor, as identified on plan ref 11.6 in CD113;
- ii. modify the plan by designating as UGS under policy D3 that part of Area 4 identified as "Rugby Pitch" on the copy of Section 106 Agreement Plan TP Ref 94/92383 [KB/DRT10/1];
- iii. modify the plan by allocating for housing under policy H6 the remaining part of Area 4;
- iv. that the proposed change by deletion of UGS and substitution of housing allocation on Area 5, as set out on plan ref 11.6 in CD113, be not made.

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## 20.72 POLICIES D2 AND H6, SITE DRT12 *HEALDS ROAD, DEWSBURY*

Objections: 0993 Shevill and Brad Ltd

### Issues

20.72.1 Whether allocation for housing would be appropriate, having regard to the impact on visual amenity and wildlife and the need for and suitability of the site for housing.

## Conclusions

20.72.2 The site, which is partly allocated for housing in the HWDLP, is shown with no notation in the plan. Although there have been permissions for residential development in the past, the most recent of these were in 1980 and 1981 and have not been implemented. The site, of about 1.25ha, is densely covered with mature trees and most of it is subject to a TPO. It provides a very attractive feature within the urban area, appreciated from a number of public vantage points, especially from Healds Road where it forms the backcloth to the open area of the adjoining school playing field. Its nature as woodland is unusual in the heart of the urban area and is of particular value as a wildlife habitat.

20.72.3 Neither the adequacy of the overall district housing land supply nor its distribution provides a need for additional allocations in Dewsbury. Even if either of those factors did point to a need for additional housing land, advice in PPG3 and PPG17 would be relevant. A balance is needed to ensure that, while effective use of land in urban areas for housing is made, valuable open land is not lost. Whilst the site is well located for facilities and public transport, its value as open land outweighs the benefits of its potential contribution to the housing land supply in a sustainable location. The clear priority at this site lies in protecting its amenity and wildlife value.

20.72.4 The Council indicates that designation as UGS was not considered because the urban open land study did not include sites allocated for a built use in a local plan. Nevertheless, this is not a reason to preclude the appropriate designation of land found, through assessments other than the study, to be of value. This site is of exceptional quality and value in terms of the criteria used to define UGS and fully merits such designation. In these circumstances to leave the land with no notation would be inconsistent and would fail to give clear guidance where this is possible. Since modification of the designation to UGS would not arise from the objection, I make no recommendation to that effect, but I strongly urge the Council to give it consideration.

## Recommendation

20.72.5 No modification in response to the objection.

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## AREA 11 - BATLEY AND BIRSTALL

### 20.73 ALLOCATION H11.1 LOWER SOOTHILL, BATLEY

|             |  |  |
|-------------|--|--|
| Objections: | 1014 Batley Grange Valley Action Committee | 1061 Mrs S Nightingale                       |
|             | 1364 Miss E Sanderson                      | 1365 J K Hodgkinson                          |
|             | 1366 B Hodgkinson                          | 1367 Dewsbury East Lib Dem (D Hullock)       |
|             | 2364 M C Charlesworth                      | 2365 P Charlesworth                          |
|             | 2366 K Farrar                              | 2367 Leeds Road Concerned Residents (J Cass) |
|             | 2368 Executors of K C Oakes                | 2439 Mrs E Hudson                            |
|             | 2440 Mr A Hudson                           | 2444 Mr & Mrs Wilson                         |
|             | 2445 A Bailey                              | 2446 Mrs G Paterson                          |
|             | 2447 P E Pollard                           | 2601 R Oakes                                 |
|             | 2602 B Oakes                               | 3049 B & M Colbeck                           |
|             | 3050 A Jones                               | 5483 House Builders Federation [PC]          |
|             | 5494 Kirklees Green Parties                | 7000 Highways Agency                         |

#### Background and issues

20.73.1 Other than [7000], the objections seek the deletion of the housing allocation. Some also seek designation of the land as Green Belt. Objection 7000 sought a footnote to indicate that improvements to motorway and trunk road links and junctions may be a prerequisite to development. The objection was met by the Council's proposed change to add such a footnote, which gave rise to counter objections 5483 and 5494. In February 1996, the HA confirmed that it had carried out further assessments of the traffic impact and no longer required the addition of a footnote to this allocation. In response the Council states that it will not pursue the proposed change. In these circumstances and reliant on the Council's assurance, no purpose would be served by giving further consideration to the footnote.

20.73.2 The housing allocation covers about 21.5ha. About 6.4ha of the site is allocated in the HWDLP for housing. That together with another 0.5ha has the benefit of a detailed planning permission for 156 houses granted in September 1995, which is being implemented. There is no purpose in giving further consideration to that element of the allocation, which should remain in the plan as a proposal at the base date. The report will therefore deal with that part of the site, of about 14.6ha east of the stream. For convenience I refer to this as Phase 2.

20.73.3 The issues are whether the allocation of Phase 2 is appropriate having regard to:

- potential alternative designation as Green Belt;
- the suitability of the land for housing, including impact on amenity and wildlife;
- the agricultural quality of the land;
- the need for the land for housing, taking into account the overall land supply and Batley City Challenge strategy.

#### Conclusions

20.73.4 Phase 2 was identified for housing in the Town Map and is allocated in the HWDLP either as without notation or as PAD, subject to policy HW/GB8. National guidance is that where detailed Green Belt boundaries have been approved, as is the case here, exceptional circumstances are necessary to justify a change. The existing boundary in part marked by a barbed wire fence is less robust than the suggested boundary along the

stream, but there is no evidence of physical changes to the nature of the land or surroundings since the Green Belt was set such as to amount to exceptional circumstances. Whilst it is an objective once land is defined in a Green Belt to maintain agricultural use, PPG2 makes clear that the degree to which land meets objectives is not a factor in inclusion or continued protection. Thus, agricultural land quality is not a matter of such weight as to justify a change in the boundary.

20.73.5 With regard to the suitability of the site for housing, the evidence that it is available and capable of development is convincing. Primary access would be to Grange Road. The capacity of this new link was designed taking account of plan allocations, including this land, and surveys after its opening show it operating as anticipated. Whilst a secondary or emergency access is desirable for developments of the scale on H11.1, detailed design would enable additional traffic onto Soothill Lane to be limited to an acceptable level, having regard to the nature of that road and the position of the access at the brow of a hill. Areas where former shallow coal workings could affect ground stability are limited to a narrow band, the provision of balancing facilities for surface water is a well tried and not unusual measure and, although there is a lack of capacity at Lydgate Junior and Infants School, there is space for expansion. In combination with Phase 1 the scale of development at one location would be very large and rapid, but there is nothing to suggest that the infrastructure and facilities in Batley would be unable to cope with such concentration.

20.73.6 The site is a pleasant hillside of open countryside of strong local amenity value. Footpaths and bridleways across and near the site include the Leeds County Way. In addition to providing a rural setting enhancing the enjoyment of these rights of way, the large expanse of grazing land with blocks of trees is prominent from various vantage points. In particular, the orientation of the new Grange Road gives direct views of the Phase 2 site making it an important feature in the setting of the urban area at a main approach into Batley. Evidence was given of the nature of the wildlife habitats provided, the wide range of birds frequenting the land and its use in migratory patterns. The topography restricts the ease of development on parts of the land and the plan recognises the limitations by giving a relatively low estimated capacity, on Phase 2 equivalent to about 17 dwellings per hectare. Low density would assist in mitigating disturbance to footpaths and bridleways and particular landscape features, but nevertheless development would transform this environment and substantially remove the visual, recreation and wildlife contribution of the land.

20.73.7 The Council argues in its response [KB/H11.1/1] that as recognised by the HWDLP Inspector the loss of open land does not outweigh the factors in favour of development. However, with regard to Phase 2 the question being addressed by the Inspector was whether the land should be included in the Green Belt, not whether it should be allocated for development. Whilst designation as PAD did not preclude the possibility of development after the local plan period, neither did it guarantee future allocation as the Council has made clear during the inquiry in the context of a number of sites. The relative importance of various factors are matters to be assessed in present circumstances.

20.73.8 On issue iii, Phase 2 is part of a productive agricultural holding and over 70% of the land is of grade 2 and 3a agricultural quality. Bearing in mind the planning history of the area, it is appropriate to consider the implications of the quality of Phase 2 separately from the remainder of H11.1, which is now a commitment due to an implemented

permission. There was a split in the allocations of parts of H11.1 in the HWDLP and the Council made the point in its evidence to the HWDLP inquiry KMC25 [KB/H11.1/6] that higher grade land was not allocated but placed under policy HW/GB8.

20.73.9 On the basis that a business and industry allocation proposed in the Consultation Draft on land to the east [BB5] has been removed and provided maintenance of the Green Belt in the vicinity can be assured, MAFF does not object to the allocation. With regard to the impact on the individual agricultural holding, the land is already farmed successfully in an urban fringe location. A similar relationship with the remainder of the holding would occur following development and the potential social mix of residents is not a relevant factor. The additional loss of land to the agricultural enterprise due to Phase 2 would reduce the gross margins, but whether the MAFF figures or those provided by the objector [2368] are used, it is accepted that the loss would not necessarily remove viability.

20.73.10 With regard to the loss of grade 2 and 3a land, as MAFF comments protection of such land should not be applied slavishly. Other factors must be taken in to account. However whereas MAFF concludes [KB/H11.1/5] that, taking into account such factors as size and location of site and overall quality, the loss of the land would not be contrary to the national agricultural interest, the Council were unable to provide information to explain how MAFF had interpreted or assessed such factors. A factor which is apparent is that in Kirklees a much lower percentage of land is grade 1, 2 or 3A than nationally or regionally. In agricultural terms, little weight need normally be given to the loss of lower quality land. Since a higher proportion of agricultural land in the district is of lower quality, an expectation of development needs being more able to be met on such land is not unreasonable. The local circumstances in the district do not therefore provide a reason why national and regional policy is not applicable. PPG7 and PPG12 advise that considerable weight should be given to protecting best and most versatile agricultural land against development and that safeguarding such land is one of the priorities in drawing up development plans. This guidance is echoed in RPG12.

20.73.11 On issue iv with regard to the need for housing land, objectors argue that the number of houses for sale or to let shows a lack of demand or need for housing in Batley and advocate alternative provision by use of derelict and under-used land and premises, including mills. Offers for sale and vacancies are to be expected as part of the normal turnover in the housing market and the figures do not indicate that Batley is exceptional in this regard. The proportion of housing allocations in Batley compared to the rest of the district is marginally higher than its share of households, but that is consistent with PPG13 advice to concentrate on larger urban areas.

20.73.12 Recycling land is fully supported by national guidance and aims of the plan and, as recognised in the City Challenge document "From Rags to Riches", Batley has substantial areas of derelict land and vacant mills. Nevertheless, few of the sites identified under national criteria for derelict land are not addressed under policy DL3. As well as housing or industrial use, the proposed uses following reclamation include "soft" end-uses, but these are also important in improving the environment within the urban area. Successful schemes of conversion or redevelopment of former mills for housing are drawn to my attention. I have taken note of other premises where such schemes may well occur, but it would be unrealistic and undesirable to expect all or most of the 40 vacant or under-used mills referred to in the City Challenge document to be brought into housing use. Some still make a

contribution to industrial floorspace. The loss of this and the impact of introducing residential use on the operational flexibility of other industrial or business concerns need to be assessed in the light of PPG4 guidance. Other uses, including residential/nursing homes which are not classed as general housing in the requirement figures, may also be suitable. The calculation of the housing land supply includes a significant allowance for windfall sites and greater reliance on previously developed sites is not shown to be justified.

20.73.13 It is therefore appropriate to use the housing land requirement for the district, derived from RPG12, and the housing land supply figures as set out in Chapter L1. For the district, the requirement is met by the identified supply. Phase 2, with a residual capacity of about 244 dwellings from that estimated for the whole of H11.1, is a significant element of the supply, which would be severely constrained by the removal of an allocation on this area. Nevertheless, modifications to the plan recommended elsewhere for site specific reasons would result in additional housing allocations, also in the type of location favoured by PPG13 close to main urban areas. These would go some way to redressing the loss if Phase 2 was removed, without going into the Green Belt or using high quality agricultural land. Bearing this in mind, the need for the land for housing in terms of the overall district supply is less pressing than the importance of protecting high quality agricultural land, together with the contribution of the site as open land to visual and recreational amenity and wildlife.

20.73.14 The Batley City Challenge bid was drawn up with the involvement of a wide range of public, private and voluntary agencies, community groups and the public and was approved by the SSE. Elements of the programme have been implemented or are in the course of action, so that significant investment of public and private resources has been made relying on the basis set out in the strategy. The strategy includes the transformation of the environment, to improve the image of the town, and the creation of a vibrant housing market. Batley is one of poorest housing areas, by stock condition, overcrowding and relative deprivation, in Kirklees which is itself the 2nd worst of 17 housing authorities in Yorkshire. The housing problems are highlighted by detailed information in Appendix 9 of H11.1/01970/2. Bearing in mind the nature of and stage reached in the City Challenge process and the seriousness of the housing situation which it seeks to address, it is important that the development plan is not in conflict with the strategy. In these circumstances, very considerable weight would be needed to endorse proposals or policies for the plan which would prevent the City Challenge strategy being followed.

20.73.15 Although Phase 2 is within the regeneration area boundary, it is a greenfield site and its development would not directly improve the environment by reclamation of previously used land. The way in which the Council envisages the site aiding reclamation is by investment and new housing helping to change the perception of Batley, creating confidence and, thereby, encouraging further development within the urban area. Such a strategy must be balanced, so that too much emphasis on already attractive environments of greenfield sites, such as here in a peripheral location and potentially attractive to commuters to neighbouring conurbations, does not simply draw investment away from brownfield sites. Nevertheless, the City Challenge document highlights the process of cross subsidy between sites and partnerships with private developers set up to sustain the strategy. The Council regards this site as a key part of that process. Its availability to the Council and the fact that there are no equivalent readily developable sites around Batley without going into the Green Belt support this view. Its role in the mechanism to achieve City Challenge objectives means

that the significance of the site is much greater than simply the number of dwellings which it could accommodate.

20.73.16 Whereas objectors argue that resources should have been applied directly to the reclamation costs of previously used land, this argument revisits choices for the City Challenge strategy which have been settled and undoing existing investment is not an option. A major element in opening up site H11.1 for development was the Grange Road link, but that was primarily intended to improve access between Batley and the motorway network to stimulate job creation. The resources used can be regarded as mainly committed for that purpose.

20.73.17 The City Challenge strategy to improve the housing situation encompasses housing refurbishment, a housing renewal area and new building. It is anticipated that around 855 new dwellings will be built, made up of 390 private homes, 165 affordable homes by the private sector and 300 homes by Housing Associations. Phase I of site H11.1 is specified in "From Rags to Riches" as a new housing site, but other allocations and Phase 2 are not. Despite this lack of identification, Phase 2 would accommodate a significant number of new dwellings, including affordable housing, and its loss as a housing site would prevent the target being met. Figures in the plan and the City Challenge programme are not directly comparable, as the time scale for the latter is much shorter. The programme is intended to provide recognisable results over a 5 year period. Even allowing for allocations in the plan intended to cover a 13 year period up to 2006, without Phase 2 all those in the City Challenge area would accommodate only about 530 dwellings. Windfalls could be expected to add to this, but it is not demonstrated that the substantial scale of shortfall from the City Challenge targets could be made up.

20.73.18 In summary, Phase 2 would perform important roles in the rolling programme of investment, subsidy and confidence building and in accommodating much needed new housing in this markedly difficult housing area. Without its allocation achievement of the City Challenge strategy would be seriously hampered. This factor is of such weight as to override the loss of best and most versatile agricultural land and the adverse impact on visual and recreational amenity and wildlife habitats, which would be caused by development of Phase 2. In these circumstances the housing allocation of the whole of H11.1 is appropriate.

## **Recommendation**

20.73.19 No modification.

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## **20.74 ALLOCATION H11.5, POLICY D3, SITE BB15 THORNCLIFFE ROAD, BATLEY**

|             |  |                                    |                |
|-------------|--|------------------------------------|----------------|
| Objections: | 1113 & 2137 Mr & Mrs Gill<br>1305 B Harris | 1303 G M Lee<br>2233 L Hinchcliffe | 1304 L Mullins |
|-------------|--|------------------------------------|----------------|

## **Background and issues**

20.74.1 Housing allocation H11.5 covers about 0.8ha. An adjoining area of about 0.6ha in the same ownership is designated as UGS and a footnote to policy H6 indicates that open



space provision required by policy H18 will be made there. Objections 1113 and 2137, seeking deletion of the UGS designation under policy D3 and extension of the housing allocation onto the site, given the reference BB15, are now withdrawn. In withdrawing the objection the land owners indicate that they are willing for the provision of public open space to be within the housing development and that they wish to retain the UGS for private use. The question of whether the footnote is appropriate is thereby raised.

20.74.2 The issues are whether:

- i. the allocation is appropriate bearing in mind the need for housing land and the impact on the recreational, wildlife and amenity value of the land;
- ii. the footnote is effective and necessary to ensure adequate public open space.

## Conclusions

20.74.3 The planning system must provide an adequate supply of land for housing, also taking account of other objectives. As set out in Chapter L1, the plan gives an estimated supply of housing land which meets the required provision for the plan period. This is not by a large margin and already includes an allowance for windfall sites, such as those which could arise from reuse of land as referred to by the objectors. Compared with Kirklees as a whole, housing allocations within Batley are marginally higher than its proportion of households. Since it is a main urban area, accommodating local facilities, public transport links and employment and identified as having particularly severe housing problems including overcrowding, this level of concentration is reasonable. It is compatible with PPG13 advice, to concentrate allocations in larger urban areas in the interests of reducing travel needs, and with RPG12 and PPG2 advice on the importance of maintaining Green Belts. This site is assessed in the Joint Housing Land Study as having a high development potential and is well located, within the built up area close to two local centres, to make a contribution to the housing land supply in a sustainable location.

20.74.4 As PPG3 and PPG17 advise, a balance is needed to ensure that while effective use of land in urban areas for housing is made valuable open land is not lost. The Council indicates that the split designation of the area of open land is intended to retain such a balance. The former use as a private sports ground ceased in 1976 and it is not suggested that there is any realistic prospect of such a use being reinstated. Thus, the site does not have recreational value to the wider community. Foxes, hedgehogs, squirrels and various birds have been seen at the site, but it is mainly a grassed area undistinguished in terms of wildlife habitat. Mature trees giving greater variety and value as a habitat are limited to the perimeter. The open prospect of the site provides visual amenity for adjoining residents, but is largely screened from wider appreciation by a stone wall and trees on the Thorncliffe Road frontage and by properties adjoining the narrow access onto Track Road. The wall and trees are themselves attractive and contribute to the amenity of the locality. Being at the perimeter there is no reason why these could not be retained, and indeed strengthened by additional planting, in any development. The creation of a highway into the site to serve new housing could increase public access to points from which the openness of the remainder of the land would be more widely appreciated. The balance between meeting housing needs and having regard for environmental concerns, achieved by allocation of site H11.5 and designation of adjoining land as UGS, is acceptable.

20.74.5 As the Council indicated at the inquiry, the footnote would not achieve additional public open space provision above that required by policy H18. It would not therefore be effective in opening up a significant part of the UGS to public use. In view of the landowners' expressed intention to retain that area in private use, the footnote is not realistic nor, since policy H18 can adequately ensure public open space within the development area, is it necessary. Policy H18 allows for provision to be made on adjoining land, so should the landowners' intentions change this would not be ruled out by the removal of the footnote.

### **Recommendation**

20.74.6 Modify policy H6 by the deletion of footnote 1 in relation to allocation H11.5.

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### **20.75 ALLOCATION H11.16 WINDMILL LANE, BIRSTALL**

#### **Issues**

20.75.1 The objections are listed in Annex H. They seek deletion of the allocation and would have been met by the Council's proposed change in November 1994 to substitute a designation as UGS. This was subject to a counter objection and was rescinded in July 1995. The issues raised are whether the allocation is appropriate having regard to:

- i. the scale and proportion of development in this area in the recent past;
- ii. the housing land requirement and approaches to meeting it;
- iii. the impact on the gap between Birstall and Upper Batley;
- iv. the effect of traffic generation;
- v. the suitability of the site for housing;
- vi. potential alternative use for recreation.

#### **Conclusions**

20.75.2 The objectors consider that Batley/Birstall has suffered excessive development in recent years. Information on housing completions and land take-up are provided. Adjusting the proportion of housing completions in Batley/Birstall for the period 1986 to 1994 [KB/H11.16/3] to incorporate the figures for 1985 [H11.16/01896/4] gives a proportion over the extended period of approximately 9% compared to the district as a whole. This is smaller than the proportion of households. While, as I discuss in the housing chapter, great weight should not be placed on distributions reflecting existing patterns, the figures do not support a view that the area has experienced disproportionate housing growth.

20.75.3 With regard to industrial and commercial development, various figures are quoted by the objectors and the Council. Differences between these can be attributed to the periods and precise areas considered, rather than to any basic dispute over the information. There is no doubt that Batley/Birstall, in particular the area off Gelderd Road, has experienced a high level of industrial and commercial development, both in absolute terms and as a proportion of such development in Kirklees. This has transformed the character of the area, removing a considerable tract of open land. The concern of local residents is fully understandable, but the change has not been unwarranted and was largely implicit in the allocations made in the HWDLP. These reflect the particular attributes of the area close to

the motorway in attracting industrial investment and which the Inspector into the HWDLP described as the best location for new industry in the whole plan area. In the context of Kirklees, the Heavy Woollen area forms one of the two main urban concentrations and is generally better placed for access to the M62.

20.75.4 The impact of recent development is relevant in that the merits of the allocation are assessed in the light of the existing situation, but the level of past development in itself is not a reason to limit housing proposals.

20.75.5 On issue ii, the housing land requirement is considered in detail in Chapter L1. The fact that there are houses for sale and vacant in the area is to be expected as part of the normal operation of the housing market and turnover of occupancy. It does not demonstrate that the figure for necessary housing provision, which as I recommend to be modified is based on guidance in RPG12, is too high. There is an approximate balance between the requirement and the identified supply.

20.75.6 With regard to the distribution of housing across the district, greater emphasis on the more rural areas would not support the transport aims and strategy in PPG13. This advocates the maximum amount of housing in existing larger urban areas and the avoidance of significant incremental expansion in villages and small towns where this is likely to lead to commuting by car. As I indicate in the introduction to this chapter, there are already grounds for misgivings at the extent to which the spread of housing allocations, broadly resembling current population and household distribution, is consistent with the selection of sustainable locations. The objectors draw attention to the higher proportion of derelict sites earmarked for "soft" after-uses in the rural areas, compared to in the Heavy Woollen area. To the extent that this may indicate a potential source of development land, it would be a reason to review greenfield allocations in those areas, rather than to add to the overall supply there contrary to PPG13 guidance. While the rural areas are attractive to future residents, the plan takes account of PPG3 advice to identify a choice of sites having regard to where potential house buyers wish to live. The selection of allocations included consideration of market potential [CD43] and the sites were subject to a Joint Study with the HBF.

20.75.7 National and regional guidance emphasises the importance of recycling previously developed urban land and the plan includes a similar aim. The aim does not apply only to derelict land, a good proportion of which in Batley/Birstall is identified in the plan for development after-uses such as housing or business and industry. Under-used or neglected land or premises are also a consideration and the 40 vacant or under-used mills, occupying 30ha, identified in the Batley City Challenge "From Rags to Riches" are an example of potential opportunities. Evidence, in relation to this case and other objections, has been given of a number of successful housing schemes at these mills, including conversions. Nevertheless, I am not satisfied that the plan treatment of such potential recycling opportunities is fundamentally flawed.

20.75.8 Windfall sites making provision for over 3,000 dwellings in the district during the plan period are assumed in the calculation of the housing land supply. Paragraphs 11.24 and 11.33 of the plan acknowledge that opportunities within the main urban areas for new housing result largely from redevelopment and that change of use of buildings can provide a useful source of accommodation. Mill sites are one source of redevelopment land and conversions encompassed in these general comments. The bringing of all such sites into

housing use would be neither realistic nor desirable. Some mills still make a contribution to industrial floorspace. The loss of this and the impact of introducing residential use on the operational flexibility of other businesses need to be assessed in the light of PPG4 guidance. Policy B4, as recommended to be modified, does not preclude housing, but ensures that these other factors are taken into account. Other uses, such as for community, leisure or commercial purposes or residential/nursing homes which are not classed as general housing in the requirement figures, may be suitable. Bearing all these points in mind, greater reliance on previously developed sites is not shown to be justified. While care must be taken to avoid peripheral development at a scale which deflects the focus from regeneration of areas of urban decay, allocation of this site does not make the balance between development on greenfield and previously used land unreasonable.

20.75.9 I now turn to issue iii. The site of about 4.4ha is designated in the HWDLP as PAD, subject to policy HW/GB8. It is overgrown, open land at the edge of Birstall, facing housing to the north in Windmill Lane and adjoining a Sports Centre complex to the west. Open land to the east and south is included in the Green Belt and provides a clear break between Birstall and Upper Batley. While housing on the site would extend the built-up area further south along Upper Batley Low Lane (UBLL) than the built element at the Sports Centre, adequate separation and protection against the development pressures cited by the objectors would therefore be maintained by land designated as Green Belt.

20.75.10 On issue iv, traffic from the site would use Windmill Lane, a local distributor road, and UBLL, a district distributor road linking with the A643 to the north and the A652 to the south via Upper Batley Lane and Carlinghow Hill. As the Council acknowledges, UBLL has substandard alignment. The Council considers development would be subject to traffic calming measures on UBLL across the site's frontage and alterations at its junction with the A643, which could be achieved within highway limits. The question of the traffic impact was considered in detail on an appeal, heard in November 1991, against a refusal for housing on this site. Since then, there have been no alterations to Windmill Lane and UBLL, but Nab Lane opposite the latter's junction with the A643 has been closed and there has been considerable development off Gelderd Road to the north. The Birstall Transportation Study of August 1995, taking account of these changes, indicates that surveys show the true element of rat-running on roads in the eastern quadrant, which includes Windmill Lane, UBLL and Upper Batley Lane, is low. While the study warns of the risk that use of Windmill Lane could increase without improvements to the A62/A652 and A62/A643 junctions, the plan proposals in policy T8 include major works to both junctions.

20.75.11 Traffic flow surveys conducted in November 1995 and relied on by the Council are provided in H11.16/00384/10. They enable a comparison with the 1991 situation to be made and are not invalidated by differences with figures in H11.16/01838/1, which relate to different times and sections of the roads. On UBLL flows are not significantly different from in 1991. Accident records are low and lower than those considered at the time of the appeal. Whereas there is clear evidence of unrecorded accidents occurring, this is the situation on many roads and use of the recorded figures allows a consistent analysis of safety issues. Estimates of traffic and its distribution from development of the site, based on accepted trip generation rates and on a gravity model, show that flows on UBLL would remain well within its traffic capacity and within typical environmental capacity for such a road. To the south where it joins Upper Batley Lane flows are already above that typical

environmental capacity, but there is little housing fronting that section and the estimated increase of about 3% resulting from the development would not be significant.

20.75.12 On Windmill Lane the surveys show the morning peak hour flow increased by more than 40% since 1991 and there is congestion associated with the schools. My observations of this near the junction with Windsor Road at the entrance to the High School then, due to staggered starting times, moving to the vicinity of the junior school opposite Burnside Close are consistent with the evidence given. Nevertheless, the accident record on Windmill Lane is low, and lower than in 1991, and the estimated traffic generation would result in flows still within the traffic capacity and typical environmental capacity of the road. Activity around the schools is some distance west of the site and would not be affected directly by access points to the site. Additional flows past the schools in the morning peak hour of some 17 to 22 vehicles would not, in the context of existing flows, significantly worsen the situation nor increase the safety hazard.

20.75.13 The dismissal of an appeal for a tip at Still House Farm, partly on highway safety grounds, and the Council's stance on proposals for a ski slope off UBLL or a tip at Scotchman Lane do not alter my conclusions on the impact of traffic from development of the site. These other proposals involve different types of traffic generation, notably HGVs and coaches, which are not features of a housing development. I find no reason to disagree with the conclusion in the 1991 appeal that the site is capable of housing development without unacceptable highway problems.

20.75.14 With regard to its suitability for housing in other respects, the effect of floodlighting at the adjoining Sports Centre on residential amenities is cited. Suitable standards of amenity could be ensured by the detailed siting and orientation of dwellings and landscaping. The site is large enough to allow scope for this.

20.75.15 On issue vi, evidence was given by the objectors of demand for sports facilities, particularly football pitches, of difficulties in finding land for such uses and of funding for additional facilities being actively pursued by bodies, such as the Howden Clough Junior Football Club. The relatively level site would be suitable for recreation use and, being adjacent to the Sports Centre, well placed for any expansion proposals. Since it is in private ownership, bringing it into such use on a formal basis would be dependent on acquisition. Whilst the landowners state that disposal at less than housing land value would not be agreed, it is reasonable to expect rational decisions. Ultimately plan designations can affect value based on expectations of future use. Nevertheless, no firm funding commitment for recreational facilities has been identified and, as PPG12 advises, development plans must make realistic assumptions of likely available resources. Also, there is land of similar topography to the south, which includes a football pitch off Upper Batley Lane illustrating its suitability for such use. This land is within the Green Belt where one of the objectives is to provide opportunities for outdoor sport and outdoor recreation near urban areas. There is therefore no overriding need to pursue the objection site for recreation use.

20.75.16 Bearing in mind objectives in the plan and national and regional guidance to maintain the Green Belt, to make adequate provision for housing land and to promote sustainable patterns of travel by directing development to sites, such as this, which are well placed for facilities, places of employment and public transport routes, the balance of priorities supports its use for housing.

## Recommendation

20.75.17 No modification.

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## 20.76 ALLOCATION H11.18 *HIGH STREET, BIRSTALL*

Objections: 2449 M Hartley

2450 A Calvert

### Issues

20.76.1 Whether the allocation is appropriate, bearing in mind the value of the site as open land and the impact on the character of Birstall.

### Conclusions

20.76.2 The planning system must provide an adequate supply of land for housing. Concentration, in finding that supply, on areas such as Birstall, which is a main urban area accommodating local facilities, public transport links and employment, is supported by PPG13 in the interests of reducing travel needs. This site is particularly well placed in terms of promoting a sustainable pattern of development and most of it is identified for housing in the HWDLP.

20.76.3 The site, mainly rough grassland used for grazing, is not of particular importance to the objective of providing adequate recreational opportunities. To the north there are tennis courts, a bowling green and golf course, so that in this vicinity there is a significant amount of alternative open recreation space. Bearing in mind the extent of open land nearby, keeping the whole of the site open is not warranted to provide relief from the urban form. The grazing area is well contained by buildings and its visual impact in wider views is not of significant value. Detailed control could ensure a layout and building design compatible with its proximity to older buildings of character, such as the Old Hall.

20.76.4 In addition to the grazing land, the site includes a strip of land along Raikes Lane. This area of mown grass and trees has a landscaped appearance and complements similar open land on the opposite side of the road and a short distance to the north. These open areas and the informal pattern of buildings along this part of Raikes Lane give the immediate vicinity a distinctive and attractive character, retaining elements of the character of Birstall as an older, rural settlement. There would be merit in protecting the openness of this part of the site. It is not identified for housing in the HWDLP and has been included in the plan to provide a potential access point for the remainder of the land. With careful design, there need be no conflict between access provision and preserving its open nature. Preclusion of built development from this part would not significantly reduce the overall contribution to the housing land supply. Indeed, the site is given a relatively low estimated housing capacity in the plan, suggesting that this factor may already have been taken into account by the Council.

## Recommendation

20.76.5 Modify policy H6 by the addition of a footnote to allocation H11.18 specifying that the allocation includes an open area along the Raikes Lane frontage to be protected from development, other than for the provision of access.

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## 20.77 ALLOCATION H11.23 *BROMLEY ROAD, BATLEY*

Objections: 2315 P Barrand

### Issues

20.77.1 Whether the housing allocation is appropriate having regard to potential alternative use for recreation, the standard of residential amenities created and the traffic impact.

### Conclusions

20.77.2 Permission for 10 dwellings on about a quarter of the 1.3ha site was granted in August 1995. PPG1 gives advice on dealing with applications where a development plan is under preparation. Rejection of proposals on the grounds of prematurity is justified only rarely and, in the main, applications should continue to be considered in the light of current policies. The site is not allocated for development in the HWDLP, but determinations not in accordance with a plan may be made if justified by other material considerations. The question of whether or not the Council properly took account of material considerations is not a matter for this report. Since the permission has been implemented, no purpose would be served in giving further consideration to the allocation on that part of the site.

20.77.3 With regard to the remainder, an application for 56 dwellings was lodged in December 1995, but no indication of its determination has been given. The land is identified in the plan as derelict and in its present condition does not have recreational value. Although interpreting a street plan as showing the land as a recreation ground, the objector has no knowledge of it being used in that way. The diagrammatic nature of the street plan makes it unreliable in identifying particular areas, whereas information in connection with objections to allocation B11.16 and the OS map show a sports field further east. This may account for the reference in the street plan. Whilst the provision of recreational land would be of benefit in a ward where there is a recognised scarcity of play space, there is no evidence of resources being realistically available to bring the objection site into such use.

20.77.4 Housing on the site would be no closer to a railway line than existing dwellings. Derelict land to the north is listed under policy DL3 for reclamation with an after-use partly of tree planting and would provide a buffer against disturbance from commercial premises to the north. There are industrial/warehousing premises in close proximity to the east. As 24 hour operation can occur, there is scope for disturbance. Care in siting, orientation and landscaping at the east end of the site to ameliorate possible impact on future residents would be necessary, but is not shown to be such a severe constraint as to preclude the principle of development. The objector accepts that Bromley Road is capable of serving additional traffic. Vehicle movements near dwellings fronting that road would increase, but the

situation of having access through a residential street to housing beyond would be neither unusual nor unreasonable. Overall I do not find the allocation to be flawed.

## Recommendation

20.77.5 No modification.

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## 20.78 POLICIES T18viii, D2, D6 AND D8, SITE BB13 *RAIKES LANE/FIELD HEAD LANE, BIRSTALL*

Objections: 2297 Ogden Properties Ltd

## Background

20.78.1 The site, of about 4.9ha, covers an approximately 1km length of former railway, designated in the plan for a pedestrian/cycle route under policy T18. The section west of Nova Beck is designated also as Green Belt, derelict land and for extension of Oakwell Country Park. The east section is designated also as a green corridor under policy D6, but otherwise has no notation. The objection seeks a housing allocation on the east section, of about 2.2ha. It does not seek any changes to the designations on the west section, but encompasses that land on the basis that its potential dedication to the Council for extension of the Country Park is relevant to the benefits of a housing allocation.

## Issues

- 20.78.2 These are whether:
- i. designation under policy T18 is appropriate having regard to the value of the link as a strategic route and the feasibility of its implementation;
  - ii. a housing allocation would be appropriate having regard to the impact on the green corridor and pedestrian/cycle route and to the suitability of the ground conditions.

## Conclusions

20.78.3 The proposed pedestrian/cycle route would not link with regional or national networks, but that is not a criterion or aim for proposals under policy T18. The proposals are part of a strategy to encourage a modal shift in travel patterns. They reflect PPG13 advice that a high proportion of all journeys is very short and that better conditions for pedestrians and cyclists could lead to a significant change in travel choices. Links outside the district are not essential to influence local journeys. The route, of which this site forms part, runs close to residential areas and to places of significant concentration for employment and leisure activity. Its convenience for use to reach destinations for work or leisure trips makes a contribution to the underlying strategy.

20.78.4 The objector argues that implementation of the route cannot be dealt with in isolation from the filling and development of the cutting. However, infilling has now largely taken place and there is no physical reason why implementation would be reliant on other



development. Whilst development can provide an opportunity for implementation and cooperation with a landowner would clearly ease the process, other resources are identified by the Council to implement policy T18 and fragmented ownership is a feature of all the routes covered. The designation of sections of routes across land, such as this site, not allocated for development is not unrealistic.

20.78.5 On issue ii, the Council, although initially accepting that with careful design the green corridor and pedestrian/cycle route could be incorporated within a housing development, goes on to argue that as the site is not very wide its release for housing would affect the integrity of the corridor and route. The part sought for allocation is filled to a similar level as adjoining housing to the north and south. Agreement concerning restoration after infilling requires it to be grassed and trees to be planted at the edges. Even when this is carried out, the site would have limited features of value to wildlife. The green corridor to link Raikes Lane golf course with Oakwell Country Park would therefore be a creation, rather than protection, of such value. The site is about 50m wide. Although constrained, a limited line of housing could leave a sufficient swathe to create a well vegetated and pleasant route serving the objectives of both policy D6 and T18. Housing would not preclude the proposals under those policies and, through a section 106 agreement offered, would be likely to speed their implementation.

20.78.6 As PPG23 advises, the principle of sustainable development means that, where practicable, brownfield sites should be recycled to new uses. This will include completed landfill areas, which are given as an example of contaminated sites, so development on such areas may be feasible. In this case, housing would be directly on recently filled ground. The nature of the infill material is reported as giving problems of methane generation in the area between Nova Beck and Fieldhead Lane and the objector indicates that survey work would be needed to determine the stability of the filled cutting. The difficulties in establishing that remedial measures are possible, to ensure that the site is suitable for its intended use, are indicated by a planning application made in 1994 which has been held up for that very reason, having been neither determined nor progressed to appeal.

20.78.7 The application of policy D2 would not preclude housing, subject to what are essentially development control criteria being met. A housing allocation is not therefore essential to bring forward the undoubted benefits of land transfer for uses under policies D6, T18 and R11, intended to be agreed in conjunction with housing development. Bearing that in mind and that proposals in the plan should be realistically capable of development within the plan period, which has not been demonstrated in this case, I do not find a case for modification of the plan to include a housing allocation.

## **Recommendation**

20.78.8 No modification.

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**20.79 POLICY D2, SITE BB14**  
***STAINCLIFFE HALL RESERVOIR, BATLEY***

Objections: 0504 Yorkshire Water Estates

**Issues**

20.79.1 Whether allocation for housing would be appropriate having regard to the plan approach to the size of allocated sites.

**Conclusions**

20.79.2 The site is about 0.35ha, which is below the size of 0.4ha adopted in the plan as the threshold for allocations. As PPG3 and PPG12 advise, plans will convey greater certainty the more sites they identify as suitable for housing, but there are drawbacks in making plans more detailed, in terms of the time for adoption and ensuring up to date plans. A balance is needed and the plan has achieved this. The choice of up to 0.4ha as a definition of small sites, for which identification will not be attempted, is compatible with the approach advocated in PPG3 for joint land availability studies. The objector gives no reasons why this site should be treated as a special case. As the Council acknowledges, the site is well located within a residential area close to services. It is shown in the plan with no notation so that policy D2 would apply. This would not preclude development subject to a number of criteria being met, which largely cover what may be regarded as essential and normal development control matters.

**Recommendation**

20.79.3 No modification.

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## AREAS 12 AND 13 - HECKMONDWIKE AND LIVERSEDGE

### **20.80 ALLOCATION H12.2 *NEW NORTH ROAD, LOWER POPELEY, HECKMONDWIKE***

Objections: 0914 C Berry and E Amende

#### **Conclusions**

20.80.1 The site is about 3ha. The Council acknowledges that the area of 2ha and consequent estimated capacity given in the plan are errors which will be rectified. The site is allocated in the HWDLP in part as open space and in part for social services use. In November 1995 outline planning permission was granted for housing on all but the north-west tip of the site. While the objectors indicated that they were seeking judicial review of this decision, a subsequent identical application for outline permission was granted in March 1996. Following these events, housing development is now implemented on the site. In these circumstances, no purpose would be served by giving further consideration to the allocation. As development has occurred within the plan period, the allocation should continue to be identified as a proposal at the base date of the plan.

#### **Recommendation**

20.80.2 Modify policy H6 to accurately state the size and estimated capacity of allocation H12.2.

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### **20.81 POLICY D2, SITE HL10 *LAND ADJACENT TO LIVERSEDGE OIL TERMINAL***

Objections: 2335 British Railways Board

#### **Issue**

20.81.1 The objection seeks an extension of housing allocation H12.9 onto land with no notation, but designated as a green corridor and pedestrian/cycle route. The issue is the impact of housing on those proposals.

#### **Conclusions**

20.81.2 The objection draws attention to a cartographic error by which housing allocation H12.9 is coloured on proposals map No 1, but not on proposals map No 3. I have no doubt the Council will put this right.

20.81.3 The site of about 0.7ha is linear and elevated above existing residential areas to the north and south. Housing allocation H12.9 to the south-east is a much wider site and it has been possible to make provision, by means of condition, for the green corridor and the pedestrian/cycle route through that area. Where they pass from the housing allocation, now largely implemented, to the objection site there is a narrow pinch point. The adjoining

housing layout and the configuration and size of the objection site make it most improbable that further development for housing could be accommodated without compromising the continuity of those links.

20.81.4 Continuity is a vital component of the value of both these designations, which come together in this location to aid wildlife penetration through the urban area and to provide access opportunities for the enjoyment of open areas and alternative means of travel away from roads. Housing here would interrupt the route between Mirfield and Cleckheaton and act against the aims of the plan, to encourage more energy efficient patterns of movement and improve the environment. It would also be poorly related to nearby development. There is no overriding case for additional housing land in terms of either the overall land supply in the district or the situation in Heckmondwike, which has a relatively high proportion of allocations.

**Recommendation**

20.81.5 No modification.

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## **AREA 14 - CLECKHEATON AND GOMERSAL**

### **20.82 ALLOCATION H14.1 *BROOMFIELD MILLS, CLECKHEATON***

Objections: 3780 Mrs M Hall 3781 Mr C Hall

#### **Conclusions**

20.82.1 Most of the site is allocated for housing in the HWDLP and, since the base date of the plan, permissions for housing have been granted and implemented. In these circumstances, no purpose would be served by giving further consideration to the allocation, which should continue to be identified as a proposal at the base date of the plan.

#### **Recommendation**

20.82.2 No modification.

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### **20.83 ALLOCATION H14.3 *SCHOLES LANE, Scholes***

Objections: 3780 Mrs M Hall 3781 Mr C Hall

#### **Conclusions**

20.83.1 The site has a history of permissions for housing and, since the base date of the plan, these have been implemented. In these circumstances, no purpose would be served by giving further consideration to the allocation, which should continue to be identified as a proposal at the base date of the plan.

#### **Recommendation**

20.83.2 No modification.

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### **20.84 POLICY D3, ALLOCATION H14.6 *PYENOT GARDENS, CLECKHEATON***

#### **Background and issues**

20.84.1 The objections to the allocation are listed in Annex I. In addition to deletion of the allocation, some seek designation as UGS or Green Belt, use for recreation or a nature reserve, reduction of the allocation by about half or access only from the A638 via Rawfolds. Objection 0916 by Bridon plc is to policy D3 and seeks the extension of the housing allocation onto part of an adjoining area of UGS. A proposed change agreed by the Council on 2 November 1994 was the deletion of the allocation and replacement by UGS. This was subject to a counter objection and representations of support and was rescinded on 12 July 1995.

20.84.2 The issues raised are whether:

- i. the allocation is appropriate, having regard to:
  - a. the effect on visual amenity, wildlife and recreation;
  - b. traffic generation;
  - c. impact on residential amenities;
  - d. the suitability and need for the site for housing;
  - e. potential alternative designations as UGS or Green Belt;
- ii. extension of the allocation would be appropriate.

## Conclusions

20.84.3 The allocation covers about 2.5ha, comprising Field Cottage and Pyenot Hall and its grounds, which are split between a mainly walled area and an overgrown meadow. Both areas contain mature trees protected by TPOs. There are industrial premises and an allocation under policy B2 to the north-east, housing to the north-west and open land to the south-east and south-west, designated respectively as Green Belt and UGS. In the HWDLP, Pyenot Hall and the walled area are shown with no notation, the north-east section of the meadow for employment and industry under policies HW/E1 and E2 and the south-west section as PAD under policy HW/GB8.

20.84.4 The land is a pleasant open area, appreciated from public footpaths on all sides. The trees make a fine contribution to the visual quality of the environment on the fringe of the built-up area. The range of vegetation and trees and areas of marshy ground provide habitats for wildlife and the site is used for informal recreation for nearby residents. Retention of the trees would require careful siting and design. Although this is not demonstrated in an illustrative highway layout [Plan IDJ1 of H14.6/01263/14] submitted by objector [0916], there are sufficient areas of the allocation not covered by trees to enable housing development to proceed while retaining the trees and their amenity value. Although a wide range of birds using the site is noted, the importance of the wildlife habitats and recreation opportunity is tempered by the close proximity of countryside in the Green Belt to the south, which includes playing fields and public footpaths. Formal public access to the site is limited to footpaths, mainly around its perimeter, so that the recreation opportunity from wider use of the site cannot be guaranteed. Its loss would be offset by the opening up of the area designated as UGS to the south-west, which is in the same ownership and is intended to be dedicated for public open space. Pedestrian access through to the adjoining countryside would remain.

20.84.5 Pyenot Hall and its lion gateway are interesting features, but the hall in particular is in poor condition and, due to the extent of alterations, was not considered suitable for listing despite approaches to the DoE. As the objectors acknowledged at the inquiry, the hall and outbuildings suffer from vandalism. In these circumstances, retaining the remainder of the site as an open setting for the buildings is not of critical importance.

20.84.6 On point b, access could be gained to the site from Pyenot Hall Lane. This is a residential street leading to Greenside and, via side streets, to the A638. Even with the degree of on-street parking cited by objectors and recorded in a traffic study carried out in 1993 [H14.6/01263/14], its carriageway width gives sufficient capacity to serve traffic from the existing dwellings and those estimated on the allocation. This is consistent with the view of the Inspector in 1991 on appeals against refusals for housing on part of the site.

20.84.7 The 1993 study confirms objectors' views that the area suffers from use by through traffic. Traffic from the site would increase the likelihood of conflict. Traffic calming measures in the surrounding area are suggested in conjunction with development of the site. The Council and the objector [0916] agree that these would be necessary and reasonably related to the development, so that they could be assured through detailed control. Through traffic using Greenside, Pyenot Hall Lane and either Neville Street or Woodhead Street to avoid traffic lights near the town centre is recorded as forming about 16% to 28% of flows at the relevant junctions in the morning peak hour and between about 24% and 57% in the evening peak. In contrast estimated traffic from housing on the site would add between about 12% and 14% to the flows. A feature of through traffic can be higher speeds than from local traffic. Bearing that in mind and the relative flows, subject to the implementation of measures to deter through traffic development with access from Pyenot Hall Lane would not adversely affect safety for residents, including those of an old people's complex and bungalows.

20.84.8 An extension of Rawfolds Way off the A638 to serve the site would be unnecessary. As the road serves adjacent industrial premises and an allocation under policy B2, there would be mixing of residential and industrial traffic which is generally regarded as undesirable. Some objectors fear the creation of another route for through traffic by a link from Pyenot Hall through to Rawfolds Way, but that could be controlled at detailed stage. It is not necessary to specify access details in the plan.

20.84.9 With regard to point c, subject to associated measures to deter through traffic residential amenities in the adjoining streets would not be unduly harmed, in terms of noise and disturbance, by the resultant traffic situation. Access through residential streets to this scale of housing would be neither unusual nor unreasonable. Objectors regard the open land provided by the site as a buffer between the residential area and industrial premises to the east. Its development for housing would not increase the impact of industrial processes on the existing dwellings. With regard to future residents, noise surveys done for the objector [0916] do not show a problem for housing. The Council's Environmental Service does not object in principle, but states that protection from noise would be necessary. On either interpretation, some level and form of housing on the site is not ruled out as being unrealistic.

20.84.10 On point d, as I found in Chapter L1, there is an approximate balance between the requirement and the identified supply for housing land in the district. For a major urban area with significant employment opportunities Cleckheaton is not taking a high proportion of housing. Although the possibility of using derelict land for housing is mentioned, specific sites are not identified. A sizeable proportion of sites allocated for development in Cleckheaton are on previously used land and there is no evidence that significant additional opportunities have been overlooked. Within this context, the contribution of this allocation to the housing land supply would be achieved, without incursion into the Green Belt, on a site assessed with high development potential in the Joint Study with the HBF. The housing would be very well placed within walking distance of the town centre, bus station and places of employment to promote sustainable patterns of development.

20.84.11 The existing Green Belt boundary to the west and south is well defined and no exceptional circumstances are advanced to alter this to include the site. Whilst the land does have value as open space, as I have assessed above, the impact of development on visual

amenity, wildlife and recreation would not be unacceptably severe. Bearing in mind all the points, the balance of priorities between meeting development needs, protecting the environment and promoting sustainable patterns of development lies with retaining the housing allocation. However, taking account of the constraint of trees on the site and the possibility of noise protection measures being necessary for future residents, the estimated capacity, which equates to 25 dwellings per hectare, appears high. I consider it should be reviewed.

20.84.12 On issue ii, an adjustment to the boundary of the allocation would give the possibility of an additional access point to Pyenot Gardens. Given the capacity of Pyenot Hall Lane, an additional access is not essential. Nevertheless, it would help to distribute the traffic, a benefit in highway terms acknowledged by the Council. It would also give greater flexibility for the layout within the site, which would be helpful in retaining the trees and ensuring their integration with development so as to maximise the appreciation of their amenity value. As objectors point out, the avenue of trees included in TPO Group G1 are a feature. Options for development avoiding disruption of the avenue would be beneficial. The Council argues that retaining the boundary of the allocation would not necessarily inhibit an additional access point, but a road cutting across UGS would be undesirable. A further point in favour of altering the boundary is that the allocation includes a triangular area to the rear of Pyenot Drive, adjacent to the UGS, which would be difficult to develop. The division between the two designations does not promote the efficient use of land.

20.84.13 The Council does not draw attention to any feature of the area of UGS in the vicinity of Pyenot Gardens to demonstrate that it is of greater open space value than other land within the allocation. The loss of some UGS there could be offset by a commensurate reduction in the housing allocation and increase in UGS further east. This could also increase the scope for wider open areas along pedestrian routes towards Pyenot Hall Bridge leading out to the countryside. The indicative highway system shown on Plan IDJ1, on which the objector [0916] bases the suggested new boundary of the housing allocation, does not give adequate consideration to retention of the trees and I do not recommend variation of the allocation as sought. A review of the boundary should be carried out taking into account the benefits of a second access point, of facilitating a layout to retain the trees and their amenity value, of allowing for efficient use of land and of providing an attractive area of UGS and access to the countryside.

## Recommendations

- 20.84.14 i. review the boundary between housing allocation H14.6 and the UGS designation to the south-west having regard to the factors set out at IR 20.84.13;
- ii. review the estimated housing capacity given in policy H6 for allocation H14.6 having regard to the constraint of trees on the site and proximity to industrial premises.

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## 20.85 ALLOCATION H14.7 *ST PEG LANE, CLECKHEATON*

Objections: 1675 Cleckheaton Lib Dem, Cllrs A and K Pinnock 2173 T A Robinson  
2234 S J Hepworth 2235 J Y W Vaines

### Issues

- 20.85.1 These are whether:
- i. the site is realistically capable of development, due to ground conditions;
  - ii. benefit to local residents justifies designation for recreation and parking or as UGS.

### Conclusions

20.85.2 The site has been covered in the past with ash and a detailed assessment of ground conditions will be needed. However, it is not on the register of contaminated land and a previous permission for a school adds support to the Council's view that ground conditions can be overcome either by compaction or, if contamination is found, by scraping off the ash. These are measures well within those envisaged in PPG23 as a usual approach in recycling land. The Council acknowledges that, due to noise from an adjoining works, housing on approximately half the site at its eastern side may be precluded. Although the site has remained undeveloped for some years, despite its allocation for housing in the HWDLP, the Council as part owner is now in negotiation with the owner of the remainder who has indicated a wish to pursue development. It is reasonable to regard some, but not all, of the land as realistically capable of development.

20.85.3 The adjoining residential area of Howards Park is very closely developed. The majority of houses lack off-street parking and gardens and have only small yards. The site includes an area of lock-up garages, the loss of which would exacerbate parking problems for local residents. Although there are children's play facilities nearby at St Pegs Close park, they can be reached only across a busy main road, the A643. The creation of a play area and retention of parking on the site would therefore be of benefit. The objectors' claim for UGS designation rests on the recreational potential, not on visual amenity or wildlife value. If there was a realistic prospect of bringing a recreational use forward within the plan period the scarcity of such open land in this immediate vicinity would merit UGS designation on part of the site. Using policy H18 as a guide for provision of play space in residential areas, just under a third of the site would be sufficient to improve amenities for the Howards Park residential area to a reasonable standard. However, there is no evidence that resources would be available to realise the recreational potential, which would also require dealing with the ash. Whilst SRB is referred to, no bid for Cleckheaton has been drawn up with a successful outcome even more remote.

20.85.4 I agree with the Council that the best way forward is to obtain improvement in recreational facilities and maintenance of parking provision in conjunction with development of the site. A sizeable part of the land is likely to be precluded from housing in any event due to noise, giving the opportunity to achieve an acceptable solution through negotiation and careful design. At this stage a decision on exactly which parts of the site would best serve each purpose would be arbitrary, so the allocation of part of the site as UGS would be an undesirable approach.

## Recommendation

20.85.5 No modification.

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## 20.86 ALLOCATION H14.19 *KENMORE DRIVE, CLECKHEATON*

### Issues

20.86.1 The objections are listed in Annex J and seek deletion of the housing allocation. In the HWDLP the site is reserved for a school and some objections seek its retention for education uses. Others seek open recreation uses and designation as UGS. The issues raised are whether the housing allocation is appropriate having regard to:

- i. the effect of traffic generation;
- ii. potential alternative designation as UGS;
- iii. potential alternative designation for a school.

### Conclusions

20.86.2 The site of about 1.7ha has an estimated capacity of 43 houses. Objectors consider the Council's estimate of traffic generation too low, but this is based on the higher end of the range of accepted DoT trip generation rates and is reasonable. The site can be accessed from Rooks Avenue, a 6m wide residential road with footways on both sides. Although objectors refer to use of this road as a short cut, it is not the most direct route between Whitechapel Road and Whitcliffe Road and the information does not show that it has taken on the characteristics of a through road. As an access road, it is to a standard recognised in DB32 as suitable to serve up to 300 dwellings, whereas it currently serves about 60. There is therefore ample spare capacity, regardless of whether or not other small roads near the site are utilised as secondary access points. The restriction of visibility at the junction onto Whitechapel Road by a railway bridge does not reduce sight lines to such an extent that an unacceptable hazard to highway safety results. I conclude that the highway network is capable of serving traffic likely to be generated by housing.

20.86.3 On issue ii, the site is an open grassed area of unremarkable appearance. It is not of special visual or wildlife merit. There is no formal public access, so that although local residents use it for informal recreation this cannot be guaranteed. The ward is below NPFA standards for open space, but not as low as much of the Heavy Woollen area. West End Park and open land within the Green Belt, across which there is public access on footpaths, are not far away. Scarcity of open space in the vicinity is not therefore a factor increasing the value of the site such as to merit UGS designation. Bearing in mind the site's location, well placed in relation to housing, facilities and places of employment to promote sustainable patterns of travel, the priority for its use lies with a development option.

20.86.4 An alternative school site is allocated in the plan at Westgate. At IR 12.1 I conclude that the allocation there is appropriate and that there are no compelling reasons, arising from the distribution of schools, to favour Kenmore Drive over that site. However, doubt remains over the feasibility of reclamation of the Westgate site. A reserve position would be justified and would reflect the latest intention of the LEA as reported to me.

20.86.5 With regard to whether Kenmore Drive should be that reserve position, the Council identifies no other alternative site. The Council argues that access is not suitable for school use. I agree that, as a first school is involved, it would be unrealistic to expect parents to drop young children off at Whitechapel Road or Whitcliffe Road. Car penetration into the residential area would occur. Voluntary arrangements to encourage more responsible behaviour by parents as suggested by objectors may be feasible at other schools but, since this site is at the end of a cul-de sac, measures such as a one-way system would be difficult to operate and unenforceable. Traffic generation from a school would be much greater at peak periods than from housing development of the site. Nevertheless, the Council indicates that Rooks Avenue is of a standard capable of serving up to 300 dwellings so there is considerable spare capacity. A clear case, based on estimates of the size of school and proportion of pupils brought by car, is not made to demonstrate that school traffic would exceed that capacity and the Council acknowledges that adequate turning arrangements could be provided within the school site. No changes in the area since the site was assessed as suitable for school use in the HWDLP are cited. I am not satisfied that such use of the site should be discounted on highway grounds.

20.86.6 Housing use would have less impact on the surrounding residential roads from traffic and is to be preferred. However, unless work on the feasibility of reclamation at Westgate has progressed sufficiently to make it unnecessary or unless other land can be identified where a school would be consistent with plan policy, then the plan should provide for a reserve situation at Kenmore Drive.

### **Recommendation**

20.86.7 Subject to my comments in the above paragraph, modify the plan by the inclusion in policy H6 of a footnote to allocation H14.19, Kenmore Drive, Cleckheaton, to specify that housing development is subject to the land not being required as a school site as an alternative to that allocated under policy C3 at Westgate, Cleckheaton.

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### **20.87 ALLOCATION H14.21 ALBERT MILLS, SCHOLES**

Objections: 3780 Mrs M Hall 3781 Mr C Hall

### **Conclusions**

20.87.1 The site has a history of permission for housing and, since the base date of the plan, housing development has been implemented. In these circumstances, no purpose would be served by giving further consideration to the allocation, which should continue to be identified as a proposal at the base date of the plan.

### **Recommendation**

20.87.2 No modification.

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## 20.88 POLICIES D5 AND H6, SITE CG33 WYKE LANE, OAKENSHAW

Objections: 2166 Hassall Homes (Yorkshire) Ltd

2373 Norman Littlewood & Sons

### Issues

- 20.88.1 Whether to allocate the site for housing having regard to:
- i. the availability of a safe access;
  - ii. the level of air pollution;
  - iii. its amenity value as open land;
  - iv. the need for additional housing land and the suitability of Oakenshaw in this respect.

### Conclusions

20.88.2 Objection [2166] has been revised to exclude land west of Green Lane, so that both objections are directed at some 3.8ha of land allocated as POL between Wyke Lane, Green Lane and Low Moor Beck.

20.88.3 I agree with the Council that access would have to be from South Street because of the deficiencies of the junction of Wyke Lane with the A638. The junction of South Street with Cleckheaton Road does not meet current standards for visibility and junction radii. The evidence for objector [2166] draws attention to the width of the two roads and argues that safe visibility would be achieved at a minor road distance of 3m without there being any capacity-related problems. The witness for the Council agrees that the relevant accident statistics do not suggest that development would result in a significant increase in accidents. The sub-standard junction radius does constrain the left turn into South Street. No specific improvement proposals are put forward but these would require land beyond the highway. Nevertheless the possibility that such works might be required as a condition of development is not a sufficient constraint to mitigate against an allocation. There is also a deficiency in the stagger distance in relation to the Dyehouse Lane junction but the traffic volumes, degree of queuing, width of Cleckheaton Road and limited number of manoeuvres by larger commercial vehicles are grounds to conclude that this should not impede an allocation. Overall, therefore, a safe access could be provided.

20.88.4 The site is less than 1km from two chemical works, one being a notified major hazard about 700m to the south-west. The environmental effects of the latter, the premises of A H Marks, were the subject of detailed survey in 1978/79 and the environmental suitability of the objection site was evaluated in an appeal decision in 1984 and at a similar time in the Inspector's report on objections to the HWDLP. No weight should be given to recommendations which were based on survey information which is now very out of date. Evidence concerning current conditions is slight. Consulted in 1995 and 1996, the Health and Safety Executive stated that it would be unlikely to object to the proposal. Comments made about the details of a development on the south-west portion of the land suggest a continuing concern about hazard risk but create the expectation that a conventional residential development would be accepted. The Council states that Bradford received three complaints in 1995 but is unable to indicate either where these were from or any action taken as a result. Given the spread of residential development around the premises, differing interpretations could be put on this limited information. PPG23 confirms that "harm" under the planning

system may have a wider meaning than under the Environmental Protection Act, extending to loss of amenity. On one of my two visits to the site, there was a slight odour in the vicinity, presumably from one of the chemical works. Evidence to assess the probable effect of the nearby works on amenity is less than would be desirable. That which is available suggests that there would be a minor effect on amenity. This would not preclude an allocation but would discourage the choice of this location unless there were a clear need.

20.88.5 Looking at the value of the site as open land, the Council accepts that it is closely associated with the urban area. In my view this is the correct interpretation, so that I disagree with the Inspector who, in 1994, described one field within the site as part of the mainly rural countryside. There are dwellings on three sides and Green Lane would form a logical edge to built development. Views of the site are limited and, for example, when seen from the vicinity of Illingworth Road the land is enclosed by buildings situated along the crest which appears to approximately follow Wyke Lane. Thus I regard the open land value of the site as slight and this would not be a significant objection to development.

20.88.6 Oakenshaw is a good location for housing development. There is a frequent bus service and a train station is proposed at Low Moor, some 650m to the north-west. There are significant employment allocations in the vicinity, both in Bradford District and in Kirklees. The Inspector who reported on objections to the HWDLP concluded that this site was ill-located in relation to the plan area as a whole. That view is still relevant but must be weighed against the strong arguments for the suitability of this general location and the complexity of the inter-relationships between different parts of the conurbation for shopping, employment and other purposes.

20.88.7 On balance, given the broad suitability of housing land provision, it would be undesirable to allocate this site at the present time because of its amenity disadvantages.

### **Recommendation**

20.88.8 No modification.

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## **CHAPTER 21 - SITE CONSIDERATIONS**

### **URBAN GREENSPACE AND GREEN CORRIDORS**

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#### **21.1 INTRODUCTION**

21.1.1 In this chapter objections are considered which either are to the designation of land as UGS or green corridors or seek such designation on land shown as POL or which has no notation in the plan. Some of the objections seeking deletion of designation as UGS or green corridor also seek alternative allocations for housing or business and industry or alternative designation as POL. Where alternatives are sought, these are set out in respect of each site.

21.1.2 UGS and green corridors were designated following a detailed survey of urban open land undertaken as part of the plan preparation. UGS is urban open land identified as of value in terms of its contribution to the character and visual amenity of the area, to opportunities for recreation and sport or to the provision of a range of wildlife habitats. In addition to the qualities of the land, the surrounding density of development and existence or otherwise of other open land were taken into account in assessing the importance of that contribution. Green corridors were identified primarily for their value as habitats, with secondary benefits in terms of providing visual breaks and, in some cases, public access on uncongested routes through the urban areas.

21.1.3 National guidance emphasises that use of land as open space is no less important than other uses. The thrust of PPG3 and PPG17 is that a balance is needed to ensure that, while effective use of land in urban areas for housing, industry or other built development is made, valuable open land is not lost. Undertaking the survey of urban open land is consistent with this guidance and provides a systematic, district wide assessment. In this context the judgement of the local planning authority, as to whether or not land merits UGS or green corridor designation, should not be set aside unless it is shown to be flawed.

21.1.4 In considering alternative allocations for development purposes sought and arguments that, notwithstanding the value of sites as open land, removal of open land protection is essential to achieve plan objectives, the findings in Chapter L1 are relevant. The general distribution, nature and broad scale of allocations for business and industry are correct and there is an approximate balance between the requirement and identified supply of housing land. There is no compelling need to allocate additional sites to increase the supply of land for these purposes. Where for localised reasons further allocations are found to be warranted, the relatively lower value in open land terms of POL means it is appropriate to bear in mind whether such land has been considered before turning to UGS and green corridors.

21.1.5 Cases in which alternative designation as POL is sought raise the issue of making allowance for long term development needs. As I set out in Chapter L1 there is the prospect that POL will be insufficient to cater for total needs to 2011, or earlier on the basis of the 1992-based household projections. The approach I have recommended is of early adoption, followed by early review taking into account the implications of the 1992-based projections and revised regional guidance. It would not be appropriate to redesignate clearly valuable

open land as POL prior to this review, when the strategy which will then be followed is unknown at this time. Where however the assessment of value as UGS is finely balanced, the likely future pressure for development land is a relevant factor and particular care is needed at sites which were previously protected in local plans not as open space, but as PAD under various policies.

## **AREA 1 - COLNE VALLEY**

### **21.2 POLICIES D3 AND D8, SITE CV3 OFF MONA STREET, SLAITHWAITE**

Objections: 0843 Mr R Garside

#### **Issues**

- 21.2.1 Whether the land is appropriately allocated as UGS and Green Belt having regard to:
- i. its contribution to the purposes of the Green Belt and the effect of development thereon;
  - ii. its value as UGS;
  - iii. the need for and suitability of the land for housing.

#### **Conclusions**

21.2.2 This site of 3.8ha is largely designated as UGS but part in the north west corner is in the Green Belt. The boundary of the latter part of the objection site has been drawn through Woodall Ing Reservoir, with access intended to be provided across this land to Meal Hill Lane. This is open land which forms part of the countryside on the edge of the settlement and thereby contributes to Green Belt purposes. An access road across the land would not directly affect openness but it would introduce an urban character and thereby encroach into the countryside.

21.2.3 The main part of the site is a fairly steep east facing valley side. A good proportion of the land is used as allotments and these are a valuable source of recreation for residents in the densely built up housing in the vicinity. The general approach in the plan is to seek to retain allotments, whether by designation as UGS or by the direct effect of policy R9. There are self-seeded trees on the eastern side of the land which enhance its appearance. The land is also prominent because of its height and continuity with the valley leading north out of the settlement and complements the open south-west facing slope opposite to the east. Thus the contribution of this open land to the character and appearance of the area and its use for allotments do provide substantial value as UGS.

21.2.4 The objector argues for the allocation of the land for housing on the basis of general housing need but my conclusion in Chapter L1 is that this is not necessary. Reference to the changes made from the consultation draft does not demonstrate that there is a need for additional housing locally. In particular the attractiveness of allocation H1.7 is criticised but that is classed as high and medium potential in the Joint Study with the HBF. There is a large allocation nearby, H1.2, for which planning permission has been granted and

which the Joint Study also divides into high and medium development potential. I do not agree that the objection land would be more suitable for development because H1.2 does not have a recreation function. In addition the role of the two sites in the landscape is very different. Site H1.2 is grassed fields with no special character. The objection land has more varied and attractive vegetation and continues the open valley leading out to the north. Furthermore no evidence is offered to demonstrate that access could be provided safely, with visibility at the Mona Street/Meal Hill Lane junction a particular problem.

21.2.5 The land merits UGS designation, whereas there are serious objections to a housing allocation, particularly the provision of access. Access for development would also be likely to require a road through the approved Green Belt, which would be harmful to its purposes and for which there are not exceptional circumstances justifying a variation of the approved boundary. There are not grounds to set aside these considerations because of housing need or because this site is more suitable than others included in the plan.

### **Recommendation**

21.2.6 No modification.

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### **21.3 POLICY D6, SITE CV18 GREEN CORRIDOR, REAR OF COWLERSLEY LANE, BROAD OAK, LINTHWAITE**

Objections: 1049 Trustees of Herbert Hoyle

### **Issue**

21.3.1 Whether the land is appropriately designated as a green corridor.

### **Conclusions**

21.3.2 The objection concerns land allocated as a green corridor which lies behind newly built houses fronting Cowlersley Lane. The land within the defined corridor is predominantly steep and overgrown and in a prominent elevated position. The objection seeks the deletion of a good proportion of the width of the corridor so that the land can be added to the gardens of the dwellings. Whereas the objector states that the intention would be to extend the gardens on the level area immediately behind the current curtilages, much of the land outlined in the plan accompanying the objection is within the sloping area beyond.

21.3.3 The steep land within the green corridor should be protected from development because of its visual importance. The habitat value of the land may not be great at present but there is the potential for this to increase and I therefore support the principle of keeping the land open and not within domestic gardens. Although not directly relevant to the objection, I also note that this was derelict land in the CVLP. My impression is that improvement works would be appropriate now to enhance the appearance of the land and increase its wildlife value. This does not detract from the appropriateness of the green corridor status but the means to achieve this should be considered by the Council.



21.3.4 There is some flatter land next to the boundary of the dwellings and within the green corridor, very narrow at the north-eastern end of the objection site but increasing slightly towards the south-west. Although there might be scope for a minor re-adjustment of fence positions without going beyond the plateau, on balance the plan allocation should remain unchanged. This is because the extent of any readjustment would be very small, especially in relation to the scale of the plan. Furthermore it would be very undesirable for there to be an irregular fence line, which could occur because the re-erection of fences would be the responsibility of individual occupiers. Policy D6, which would therefore apply, does not preclude development but would require relevant impacts to be taken into account.

## Recommendation

21.3.5 No modification.

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## 21.4 POLICY D6, SITE CV20 *LAND ADJOINING GLOBE MILLS, SLAITHWAITE*

Objections: 0755 Illingworth Morris Ltd

### Issues

- 21.4.1 Whether the designation as a green corridor should be deleted on the basis that:
- i. it is inconsistent with the treatment of other stretches of river in urban areas;
  - ii. it will adversely affect operational mill activities.

### Conclusions

21.4.2 The designation applies to the River Colne where it passes through Slaithwaite. To either side of the settlement where the river runs through the Green Belt wildlife corridors are identified. Identification of green corridors is based primarily on their value as habitats. This relatively short urban stretch, benefiting from its proximity to protected rural stretches, enables water based flora and fauna to thrive in and pass through the urban area and thus meets the primary function of such designation. However, at paragraph 2.23 the plan clearly states that larger watercourses have not been designated as green corridors. It explains that, despite their function as such, they have special characteristics meriting a specific policy approach, to be found in the Recreation Chapter. In this case, the River Colne is one of 5 principal rivers in the district and so falls within the category of a larger watercourse. The section adjoining Globe Mills is tightly constrained by buildings so that, whilst policy D6 also applies to proposals adjoining a green corridor, the green corridor itself in this location is solely the river. The designation is therefore inconsistent with the plan approach. It is an unnecessary duplication of policy R18, which ensures that amongst other factors the ecological value of the river is taken into account.

21.4.3 Green corridors can also provide visual breaks and routes for people to walk and the second key factor in establishing green corridors identified in the plan is public access. At the inquiry the Council suggested that policy D6 would be used, as the opportunity arose through development proposals, to open up the riverside environment. I agree with the

objector that applied in this way the policy could adversely affect operations at the mill. The premises are constrained by the Huddersfield Narrow Canal, the river and roads giving very little space for any redevelopment or expansion proposals.

21.4.4 The potential damage to economic interests would not be justified by benefits arising from opening up the riverside at Globe Mills. Slaithwaite is a small settlement, so opportunities to observe wildlife in rural areas are not remote, as they are for larger built-up areas. A short distance to the west of Globe Mills a park with picnic areas already provides a more open, waterside environment and public access in the urban setting. Most importantly, setting built development back from this section of the river would be wholly contrary to the character of the Slaithwaite Conservation Area. The character assessment in the plan itself indicates that key buildings include "the dominating textile mills concentrated with cottages along Bridge Street close to the river and canal."

21.4.5 The original objection sought deletion of the green corridor in the vicinity of Globe Mills. In a further statement the objector suggests its deletion throughout Slaithwaite. This is based on the inclusion of the remaining length being illogical, rather than on any adverse impact from such designation. Since it was not included in the objection, I have not considered the remaining length in detail and I make no recommendation on it. I do however note that there is more open land near the river west of the Globe Mills section. It will be for the Council to consider whether there is justification for a green corridor based also on this adjoining land, rather than solely on the river. If so designation would not be illogical as it would link the park with land in the Green Belt and as continuity with the water based habitat to the east would be protected by policy R18.

### **Recommendation**

21.4.6 Modify the proposals map by the deletion of the green corridor along the River Colne where it adjoins Globe Mills, Slaithwaite.

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## AREA 3 - HOLME VALLEY

### **21.5 POLICY D3, SITE HV7 WESTCROFT/SCOTGATE ROAD, HONLEY**

Objections: 1744 Mr R Mitchell

#### **Issue**

21.5.1 Whether designation as UGS is appropriate because of visual merit or use for recreation.

#### **Conclusions**

21.5.2 This is a privately owned paddock of about 0.6ha within the urban area of Honley. The objection seeks deletion of the UGS notation, essentially on the basis that there should be an allocation of half of the land for housing, similar to a proposal for which planning permission was refused. However this would be below the minimum size for allocation in the plan of 0.4ha.

21.5.3 The land is above Scotgate Road and there are some trees on the bank leading down to the highway and one tree within the site. My impression is that the land is neither notably attractive nor widely visible. Because of its elevation above Scotgate Road, the main view of the site is from Westcroft, from where it has the appearance of a self contained area of flat grass mainly surrounded by suburban housing. In reaching this conclusion I have given careful consideration to the appeal decision on the land in 1995 but my judgement differs from the Inspector in that case. In that decision reference is also made to the role of the site as a buffer between what is accepted to be suburban style housing in Westcroft and the adjoining Conservation Area. The nearest development within the Conservation Area is a large house within substantial grounds but I see no necessity for that reason to keep this land open as UGS. Thus it is reasonable that the Conservation Area boundary has been drawn to exclude the objection site because its openness is not important to the setting of buildings within the Conservation Area. The significance of the Conservation Area could be adequately taken into account in the detail of development proposals, if these were made.

21.5.4 In supporting the allocation, the Council describe the site as the only sizeable undeveloped land in the northern part of Honley. This is an oversimplification because there is open land on the periphery of the settlement which is accessible to the public for recreation. It would be desirable to have the results of a study applying local standards available but this is not possible at the present time. Nevertheless the objector accepts that there is a shortage of open space in Honley and the superficial appraisal which is possible supports this. The objector's argument is that the recreation value of the site cannot be achieved because this is land in private ownership with no right of access. Some informal use does occur, perhaps because the site provides a short cut for some journeys, but this does not amount to a significant use for recreation. The absence of public access and of use for recreation underlay the proposal to develop half the land and dedicate the remainder with a maintenance contribution to the Council. The future application of policy D3, which may allow development in certain circumstances, will be a matter for the Council, so that in

considering the objection what is crucial is whether the recreation use or potential justifies UGS designation. In this case the site has low visibility and limited visual merit, so that functional value is fundamental. This would only be significant if an element of public use can be achieved and there should be some prospect of this during the plan period if the UGS allocation is to be sustained. The objection seeks a housing allocation on part of the land only. Nevertheless, if the prospect of UGS does not exist, then the most suitable allocation for the whole would be for housing. The site is well located for the services and facilities of Honley and there are no grounds to leave the land unallocated or to substitute allocation as POL. Since this would go beyond the terms of the objection, I make no formal recommendation of an alternative allocation in recommendation ii.

## Recommendations

- 21.5.5 i. review whether there is a prospect of achieving a recreational use of site HV7;  
ii. if there is no such prospect, delete the UGS notation on the proposals map.

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## 21.6 POLICY D3, SITE HV12 *OPPOSITE THE BRIDGE TAVERN, WOODHEAD ROAD, HOLMBRIDGE*

Objections: 2214 Century Inns

## Issues

- 21.6.1 Whether the site:  
i. merits designation as UGS;  
ii. is suitable for housing development.

## Conclusions

21.6.2 This site is mainly level grass in the valley floor adjoining the River Holme. The land is designated UGS and there is a linear UGS to the east adjoining the river and to a lesser degree to the west. This site and the other open land, particularly to the east, is very prominent from the higher land on the valley sides, including Woodhead Road, and makes an important contribution to the character of the area. Because of its position next to the river, which is a green corridor, the land also benefits wildlife. A recreation ground adjoins and there appears to be some informal use of this site, although there is no right of access. Overall, there are strong grounds to retain the UGS allocation.

21.6.3 The site is too small for a housing allocation but the objection is promoted on the basis of a potential housing development. I agree with the Council that there is a severe access constraint making use for housing impractical. Access would have to be around the Parish Hall but only strips of land about 3m wide are available, constrained by a cemetery on one side and the river on the other. In addition the point of access would be between two sharp bends in Woodhead Road and there are important trees within the churchyard making an improvement in visibility to the right very difficult to achieve.

## Recommendation

21.6.4 No modification.

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## 21.7 POLICIES D3 AND H6, SITE HV15 *CROW WOOD, BROAD LANE, UPPERTHONG*

Objections: 2376 H S Woodhead Ltd

### Issues

- 21.7.1
- i. whether the open land value of the site merits designation as UGS;
  - ii. whether the site should be allocated for housing having regard to:
    - a. the need for additional housing land;
    - b. its value as open land;
    - c. access constraints.

### Conclusions

21.7.2 The objection has been withdrawn in so far as it relates to the woodland area, Crow Wood, allocated as UGS in the plan. The outstanding objection therefore seeks the deletion of the UGS allocation of the land west of Crow Wood (issue i) and a housing allocation of this area together with some adjoining unallocated land (issue ii).

21.7.3 This is a backland site which adjoins an unmade track behind houses in Greenfield Road. The land is sloping grass and the Council argues that it should be included in the UGS because it complements the adjoining woodland and can be used for informal recreation, although there is no right of public access. The identification of this particular site as UGS depends very substantially on the claimed importance of the link with Crow Wood. The informal recreation use is not supported by any argument of need and if this did exist more visible and accessible land would be preferable. The site is on the south facing valley side and is visible behind the surrounding development both from across the valley and from Burnlee Road, about 180m to the south. From Burnlee Road the woodland and part of the grass can be seen but there is no special link or dependence between these. Looking across the valley from Cemetery Road the grassed area has no special impact compared with, for example, the open land north of Broad Lane, which has the greater merit of being easily seen from the adjoining roads. There are other areas of woodland within the settlement which are closely surrounded by buildings and there is no particular benefit to the character of the area from the juxtaposition of grass and woodland. The UGS allocation should be deleted.

21.7.4 The Council argues correctly that there is no general or local need for additional housing allocations in the Holme Valley beyond those in the plan. Nevertheless this is a small site within the urban area which would make a contribution towards the replacement of site H3.24, which I have recommended to be deleted. The site does not have value as open land which would be grounds to preclude an allocation. Access would be likely to require improvement of the existing unmade track, necessitating some land acquisition to

carry out widening and improve visibility. There are examples where land is allocated in the plan in similar circumstances and there is nothing to suggest that the difficulties here are so exceptional that development would be unlikely. The objector also states that as part of the development control process public access to Crow Wood could be achieved but I agree with the Council that this cannot be relied upon because it would not be directly related to the proposed development.

21.7.5 The objection seeking a housing allocation includes some unallocated land and since no evidence has been submitted contradicting this proposed boundary, that is what I shall follow in my recommendation. There is one difference in that the evidence suggests that access would have to be achieved by improving the existing track from Ash Grove Road, so that the allocation should not incorporate the more northerly strip of land extending west from the main body of the objection site.

## Recommendations

- 21.7.6
- i. modify the proposals map by excluding from the D3 allocation that part of site HV15 outside the Crow Wood TPO (TPO 19/95);
  - ii. modify the plan by allocating site HV15, excluding Crow Wood and the strip leading to Ash Grove Road, for housing under policy H6, with a corresponding modification to the proposals map.

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## 21.8 POLICIES D3 AND H6, SITE HV19 *BETWEEN NEW MILL ROAD AND LANCASTER LANE, BROCKHOLES*

Objections: 1889 Petrian Construction

### Issues

- 21.8.1 Whether the site:
- i. merits designation as UGS;
  - ii. should be allocated for housing, having regard to the need for additional allocations and its suitability.

### Conclusions

21.8.2 This site is a paddock of 0.5ha sloping down from New Mill Road to Lancaster Lane, which is a public footpath. The southern edge of the site, which is the Green Belt boundary in the plan, is marked by a stone wall, beyond which is a belt of trees and the River Holme. There is modern housing to the west and a single house, unallocated in the plan, to the north. On the opposite side of New Mill Road is mainly woodland on rising land, also allocated as UGS, with housing on the frontage further north. In supporting the UGS designation the Council relies on the visual merits of the site and what is described as its strategic position between New Mill Road and the housing to the west. In my view the land is of unexceptional appearance, being a paddock with a few trees, and has very little impact on its surroundings. While the Council emphasises views of the land from New Mill Road, the site does fall away from the road, so that only pedestrians looking down from the

adjoining footway would see it. The land is well-screened from the adjoining Green Belt. Whereas it would be seen by pedestrians in Lancaster Lane, this does not justify keeping the land open because it does not have particular visual quality and does not afford important views of other open land. A benefit is claimed from the separation created between residential development and New Mill Road but I see no reason why this should be regarded as desirable. Allocation as UGS is not justified.

21.8.3 The objector criticises the adequacy of housing allocations but there is no general need to increase housing provision. The Council accepts the suitability of this location for new development in terms of transport facilities and access to employment opportunities. Given that the land does not have visual merit and that no benefit would arise from it being kept open, retention for possible future allocation would not be justified. The minor increase in housing provision which would result from a housing allocation would not be detrimental to the general strategy in the plan.

### **Recommendation**

21.8.4 Delete the UGS notation from site HV19 and allocate the land for housing under policy H6.

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## **AREA 4 - KIRKBURTON**

### **21.9 POLICY D3, SITE K1 REAR OF 124 ABBEY ROAD NORTH, SHEPLEY**

Objections: 0170 Mr I Green  
2428 Mr G Day

0372 Mr L Allen  
2495 C Silsby

#### **Issues**

##### **21.9.1 Whether the land:**

- i. should be allocated as UGS because of the need to make suitable recreation provision in Shepley or its role in separating incompatible land uses;
- ii. is appropriate for housing development.

#### **Conclusions**

21.9.2 The objection site is principally an area of about 0.4ha situated between commercial/industrial premises and houses which is allocated as UGS. In the non statutory DDKLP, which was approved as Council policy in 1984, the land is allocated as POS. That plan noted that the land was likely to be required to accommodate a flow balancing facility and suggested that while fulfilling this role it could provide valuable open space for existing and proposed housing, possibly including play equipment. Any need for the land in connection with flow balancing appears to have been superseded.

21.9.3 A further strip of UGS beyond the north-east boundary of the site contains some trees but the objection land has been cleared and is below the level of the premises to the east and the houses to the west. An unauthorised storage use was the subject of an enforcement notice which was upheld at appeal in 1992. The Council states that the visual amenity of the land will gradually re-appear but this cannot be assumed because the notice merely requires unauthorised activity to cease. It is in any event doubtful whether former vegetation was significant because an appeal decision in 1987 simply describes the land as containing a number of shrubs. Overall, the appearance of the land is not a justification for designation as UGS.

21.9.4 The site may have a role for informal recreation, including the possible provision of a play area. It is conceivable that the land could be connected with housing areas via a footpath to the north within the adjoining strip of UGS, although this seems to be in separate ownership and the evidence does not show whether this is a public right of way. Local standards to assess the need for additional recreation facilities are not currently available but I accept that there is limited accessible open space on this side of Abbey Road. Objector [0170] cites the nearby presence of open countryside but this is not comparable with the kind of recreation facility which might be provided on the objection site.

21.9.5 The Council also refers to the role of the land in separating incompatible uses, which is one of the criteria used to evaluate the appropriate designation in the plan of urban open land. Objector [0170] disputes the significance of this with some justification, because one of the two units nearest the site is now used for retail purposes and an allocation for housing has been made next to the other. Thus this function of the land is not sufficiently important to be grounds to identify it as UGS.



21.9.6 Objection [0170] seeks an allocation for housing. The layout of the new development on allocation H4.11 would not allow access to this site and the situation is similar to the south-west, where the nearest dwellings in Rillside are served by a private drive which it would be difficult to extend. The only alternative would be a connection to Abbey Road North adjoining premises owned by the objector, from which it is suggested one dwelling could be served. The Council question the standard of visibility which could be achieved and no details are provided, although it seems possible this would be suitable for a single dwelling. Even if a more suitable access were available, the difference in level between the land and the premises fronting Abbey Road North, causing visual impact and potential disturbance, would constrain any layout so that the amount of development would be very small.

21.9.7 Achieving significant value as UGS would depend upon securing access for recreation. The plan gives only a general indication of the Council's intention in this respect in paragraph 2.14. The potential function of the site was evident when the DDKLP was approved but continued protection as UGS cannot be justified unless there is the prospect of these benefits being achieved during the plan period. If not, then significant housing development seems unlikely, so that the site should be unallocated.

### Recommendations

- 21.9.8
- i. review whether there is a prospect of achieving a recreational use of site K1;
  - ii. if there is no such prospect, delete the UGS notation and leave the land unallocated.

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### 21.10 POLICY D2, SITE K2 REAR OF 29-35 ABBEY ROAD, SHEPLEY

|             |                     |                      |
|-------------|---------------------|----------------------|
| Objections: | 0264 Mr L Allen     | 0624 Mr W Stephenson |
|             | 0665 Mr D Thewlis   | 0666 Ms P McMath     |
|             | 2425 J Adamson      | 2426 G Hinchcliffe   |
|             | 2427 Mr G Day       | 2429 Mrs C Talboys   |
|             | 2430 Mr T Whitehead | 2431 Mrs M Allen     |
|             | 2432 Mr D Hanson    |                      |

### Issue

21.10.1 Whether the land should be kept open as UGS or Green Belt because of its wildlife value or the effect development would have on residents in Abbey Drive.

### Conclusions

21.10.2 This unallocated land of about 0.4ha is an unused bank at the rear of an engineering works. The land lies behind houses in Abbey Drive and the railway line is on the northern boundary. Although there is some existing vegetation this does not have notable value for wildlife which would justify keeping the land open. The bank is visible from the houses behind but does not have special visual merit and is not seen by the public. With the land unallocated the protection of residents from the effect of noise or the appearance of new development can be achieved under policy D2. The objection site is within the curtilage of the engineering works and the general approach in the plan, contained in policy B1, is to

accommodate extensions except where this would have an adverse environmental impact. Allocation as UGS would contradict this and would also be inappropriate because the land does not have the visual or functional qualities necessary for that designation. Objection [2430] proposes inclusion in the Green Belt but the site is within the settlement and makes no contribution to Green Belt purposes.

### **Recommendation**

21.10.3 No modification.

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### **21.11a POLICY D3, SITE K13 TANDEM INDUSTRIAL ESTATE, WAKEFIELD ROAD, WATERLOO**

Objections: 0254 & 0255 Mikron (UK) Ltd

### **Issue**

21.11a.1 Whether the UGS allocation is justified by the amenity value of the land or would unreasonably inhibit expansion of the objector's premises.

### **Conclusions**

21.11a.2 In representations on the consultation draft plan, the objector sought the potential to expand these new premises to the north by 50m and the boundary of the UGS has taken this into account. However the UGS has also been extended along the former railway line up to the limit of the objector's car park. Tipping carried out adjoining the railway embankment has obscured any precise distinction between this and the land to the west. Nevertheless there is well developed vegetation along the former railway and there is some evidence that this is already used as a pedestrian route. Retention as UGS would complement the proposal in the plan to form a strategic pedestrian and cycle route here and would safeguard land which has amenity value and recreation potential. There is no detailed evidence to suggest that the objector's reasonable requirements could not be satisfied on the large area which would be outside the UGS designation and that, if this were so, the objection land would be crucial to meeting the shortfall.

### **Recommendation**

21.11a.3 No modification.

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**21.11b POLICIES D3, D5 AND H6, SITE K21  
ADJOINING FLOCKTON GREEN WORKING MEN'S CLUB, BARNSELEY  
ROAD, FLOCKTON**

Objections: 2608 & 2609 Flockton Green Working Men's Club

**Issues**

21.11b.1 These are whether:

- i. that part of the land allocated as UGS merits this designation;
- ii. a housing allocation is appropriate, having regard to housing need and the suitability of Flockton in this respect;
- iii. part of the land should be made available for the replacement of Flockton Green Working Men's Club.

**Conclusions**

21.11b.2 On the proposals map this site of 4.8ha is divided approximately equally between POL and UGS. The UGS contains a sports pitch, recreation/play area, grassed land, and allotments. There is a cricket ground within the Green Belt adjoining. The allotments appear not to be well used for cultivation but there is a good number of structures present, some occupied by livestock. While the benefit from the allotments is not great, judged as a whole this is a valuable recreation facility which also benefits from its accessible position towards the centre of the village and the juxtaposition with the cricket ground. The functional value of the site therefore justifies allocation as UGS. The land also has some visual merit because of its open character and position on the edge of the settlement which adds to the UGS value, although it would not be sufficient grounds by itself for designation.

21.11b.3 On the second issue, the objector argues that there is a general need for additional housing land to which this site would make a useful contribution. This is not supported by the evidence concerning the housing land supply considered in Chapter L1. Furthermore there is not a special local need because of the scale of allocations in Kirkburton generally and specifically in Flockton. Given the limited range of services in Flockton and the probable reliance on the private car, additional allocations should not be made here in the interests of sustainability as advocated in PPG13. The Council also suggests that additional housing in Flockton would be inappropriate until the Flockton by-pass is built but I have recommended elsewhere that that project be deleted from the major highway schemes listed in the plan. Bearing in mind the size of this site, the environmental impact of additional traffic within Flockton does discourage a housing allocation. That part of the site allocated as POL is closest to Barnsley Road and the Council refers to the visual contribution of this land and its elevation above the road. I agree that the POL does contribute to the character of the settlement as open land. However if there were other grounds to propose a housing allocation, the POL is well related to the linear form of the settlement. Although somewhat elevated, a suitably designed development would integrate with the streetscene. Nevertheless, having regard to sustainability considerations, the effect of additional traffic, and visual merit as open land, an allocation for housing development at the present time would be undesirable.

21.11b.4 One element in the objection is the desire to replace the current clubhouse, which is on adjoining land shown without notation. The existing building is described as inadequate for the club's needs and to have reached the end of its useful life. Although little information is included in the objection, there is an implication that the residential development is sought as a means to finance this, so that this should be considered as an overall package. The Council acknowledges the role of the club in the community but I am not satisfied that there are grounds to amend part of the POL to no notation to facilitate a new building. A small loss of the POL would not be significant but there is insufficient information to identify a specific area and avoid prejudicing the long term development of the POL as a whole, especially because of the need to design a suitable access. There is also uncertainty whether such a development is a realistic possibility in isolation and there is no evidence to show that redevelopment of the existing site would be impractical. Hence the whole of the POL should be retained and any exceptional case for development of part would have to be considered on its merits.

### **Recommendation**

21.11b.5 No modification.

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## **21.12 POLICY D3, SITE K31 *WHITEGATES GROVE, LEPTON***

Objections: 0364 Mr R Wilkinson

### **Issue**

21.12.1 Whether the land merits designation as UGS.

### **Conclusions**

21.12.2 The objection seeks the deletion of part of an UGS allocation on land between Whitegates Grove and Common End Lane, Lepton. A proposed change would meet the objection in part but this is outstanding on the remainder.

21.12.3 The UGS is focused on fairly steep woodland containing footpaths, apparently without formal status, and a stream. Bearing in mind the presence of the stream and mature trees the land has wildlife value and is very attractive. The footpaths provide a valuable opportunity for recreation. I am satisfied that that part of the objection site which is unaffected by the proposed change forms an important integral part of the UGS and that these qualities justify the allocation. Although the objector refers to the small size of the land this does not diminish its attractiveness and benefit for recreation. The amount of UGS in the area is also mentioned but it is the quality of this site, adding to the character and interest of its surroundings, which is crucial to the allocation.

21.12.4 The area subject to the proposed change does have a rather different character. This is separated from the stream and is grass with very few trees, which are small and make little contribution to the surroundings. Thus the change proposed would reduce the size of the UGS without material detriment to the objectives of the policy.

## **Recommendation**

21.12.5 Modify the plan in accordance with the proposed change in plan ref. 2.6 [CD113] by deleting the UGS at Whitegates Grove, Lepton and leaving the land without notation.

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## **AREA 5 - DENBY DALE**

### **21.13 POLICIES D3, DL3, H18 AND R7, SITE DD5 *FORMER GAS WORKS, DENBY DALE***

Objections: 2299 British Gas

#### **Background and issues**

21.13.1 The objection seeks the deletion of UGS, identification as derelict land for reclamation with a residential after-use and an allocation for housing. The Council's figure for the site area as about 0.37ha is not disputed. This is below the size of 0.4ha adopted in the plan as the threshold for allocations and identification of sites under policy DL3. Whilst plans will convey greater certainty the more sites they identify as suitable for housing, there are drawbacks in making them more detailed, in terms of the time for adoption and ensuring up to date plans. A balance is needed and the plan has achieved this. The choice of up to 0.4ha as a definition of small sites for which identification for housing will not be attempted, is compatible with the approach advocated in PPG3 for joint land availability studies. Similar arguments apply to the level of detail appropriate in identifying derelict land for reclamation.

21.13.2 Whereas the site is part of a larger area of open land designated as UGS, it would be inconsistent and disruptive to the plan approach to treat the site as a special case with regard to allocation under H6 and DL3. I consider the case on the basis that, in the event of UGS designation being deleted, the site would be shown with no notation.

21.13.3 The objection forms also specify policies H18 and R7. The references do not set out grounds for objecting to the policies, but respectively indicate that open space to serve housing development could be met by an adjoining sports field and reiterate that the site should be included for residential allocation. Policy H18 applies only to housing development on sites of more than 0.4ha, so is not relevant here, and policy R7 applies only to areas of public open space, which is not claimed by the Council to be the case here.

21.13.4 The issue is whether designation as UGS is appropriate having regard to the value of the site as open land, the effect on regeneration and potential housing use.

#### **Conclusions**

21.13.5 On the approach to protecting open land, the objector draws attention to paragraph 27 of PPG17. The advice there, that undeveloped land with recreational or amenity value should be protected if it can be demonstrated that there is a deficiency of accessible public open space in the area, does not limit protection solely to where such a deficiency would otherwise arise. PPG17 also emphasises that open space, whether or not there is public access to it, is important for its contribution to the quality of urban life. The purpose of UGS designation is more extensive than recreation provision. Clearly a balance is needed between competing claims for different land use, including built development and open land use, but as set out in the introduction to this chapter the survey of urban open land has provided a systematic, district wide context in which to assess that balance.

21.13.6 This site is part of the valley floor on the north side of the River Dearne. The former gas holder has been cleared and there are a number of attractive self-set trees, concentrated near the river. Most of the site is occupied by rough vegetation with elements of open storage/deposit of materials and evidence of burning. The overall impression is of open land requiring improvement. The site does not have formal public access and the notes in the Council's urban open land survey, giving it a low value in terms of the UGS criteria, accurately reflect the situation. In its present condition UGS designation is not merited.

21.13.7 In combination with the sports ground to the east and the wooded valley slopes to the south, the site has the potential to provide an attractive riverside environment within the settlement framework. If brought forward with public access links such a scheme would be of considerable benefit in both visual and recreation terms. However, such potential is not relevant to designation if there is no realistic prospect of it being achieved. The Council concede that derelict land funding or RECHAR resources for the site are unlikely. A degree of contamination is likely given the former gas holder use and this would not be removed by improvement through natural revegetation. Whilst reclamation through voluntary schemes or the Parish Council Dearne Valley project could occur, no detailed information on the project is given and the positive reference to improvement of the site in the Denby Dale Village Plan has not resulted in any progress since 1984.

21.13.8 The objector's argument, that some development to inject funding is more likely to achieve remediation, is reasonable. The Council accepts that an element of development with open space and public access to the river could provide a solution and considers such a scheme could be consistent with policy D3. However, as the underlying purpose of the policy is to preserve the open characteristics of land reliance on development as an exception to policy is undesirable.

21.13.9 If the site were shown with no notation policy D2 would not preclude development subject to a number of criteria being met, which largely cover what may be regarded as essential and normal development control matters. The requirement for proposals not to prejudice visual amenity, the character of the surroundings or wildlife interests, coupled with the application of policy R18 which would be relevant on this site adjacent to the River Dearne, would enable the riverside environment including existing trees to be adequately protected and provision for public access at the riverside to be taken into account. Access problems, cited by the Council and which I find to be well founded, would severely limit the number of dwellings. That scale of built development on a site of this size would allow scope for an appreciable element of open space with public access.

21.13.10 There is no compelling need to facilitate use of the land as a windfall housing site. PPG13, cited by the objector, encourages housing in larger urban areas of market towns and above, but Denby Dale as a rural settlement is somewhat further down the PPG13 hierarchy. Recycling previously used land to new built uses to reduce pressure on greenfield sites is very important, as recognised in PPG23 and RPG12, but there can also be a role for other uses, including landscaping and recreation, as recognised in the latter guidance. The availability of housing allocations in Denby Dale are challenged, but all were subject to a Joint Study with the HBF to determine their development potential. Nevertheless, Denby Dale is one of the larger rural settlements benefiting from various facilities, employment opportunities and public transport links, including a railway station. Thus, in that context housing on the site would be reasonably well placed. Coupled with the benefit of improving

the opportunities for reclaiming the site and providing public open space along the river, the circumstances make removal of the site from UGS to no notation appropriate.

**Recommendation**

21.13.11 Modify the proposals map by deleting UGS designation on site DD5 and leaving the site with no notation.

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**21.14 POLICY D3, SITE DD6 CUMBERWORTH ROAD, SKELMANTHORPE**

Objections: 2301 Co-operative Retail Services Ltd

**Issues**

21.14.1 The objection seeks allocation for housing and the issue raised is whether this is a more appropriate use than UGS, bearing in mind open land existing in Skelmanthorpe and the potential contribution of the site to the housing land supply.

**Conclusions**

21.14.2 The site of about 0.9ha lies between an area allocated for housing to the west and existing dwellings to the east. There is open land immediately to the north of the site, but this is of a wholly different character containing rough and overgrown land. The site is occupied by allotments. By their nature, such sites may not be visual gems or provide habitats for wildlife greatly different from those which may arise from garden areas associated with housing. However, their potential for recreation is particularly valuable as recognised in PPG3 paragraph 27. This potential is fully realised on this site where the allotments are well used. A very valuable recreation function is clearly performed by this site, fully meriting designation as UGS.

21.14.3 The plan approach to development on allotments is set out in policy R9. The objection gives no indication that replacement allotments would be possible in this instance. Given the long standing cultivation of the site, which was shown as statutory allotments as far back as the Town Map submitted in 1961, and its location within an established residential area, there can be no guarantee of satisfactorily fertile and convenient replacement land being available. Whilst this site, subject to off-site highway improvements, is capable of being developed for housing, housing land supply considerations do not support additional allocations in Skelmanthorpe, as set out at IR 20.32.

**Recommendation**

21.14.4 No modification.

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## **AREA 7 - HUDDERSFIELD SOUTH**

### **21.15 POLICIES D3 AND D6, SITE HS1 GOSLING HALL FARM, BANK END LANE, DALTON**

Objections:0414 & 0415 Mr E Doherty

#### **Issues**

- 21.15.1 Whether the site:
- i. has qualities which justify designation as UGS;
  - ii. should be allocated for housing having regard to housing need and its suitability for development.

#### **Conclusions**

21.15.2 The objection site is part of an area of 11.6ha allocated as UGS. The UGS slopes down from south to north and consists of grassed land interspersed with trees which divides areas of housing development. The higher parts towards the south and south-east are fairly prominent and there are well-used footpaths across the land.

21.15.3 The objection site contains two paddocks and a dwelling, the latter being unallocated in the plan, and has a total area of about 0.8ha. There are trees around the periphery which are subject to a TPO. There is no public access to the site, which is on the lower-lying land and is positioned behind dwellings in Greenhead Lane. To the south the boundary is with the rest of the UGS and approximately coincides with the extent of a housing development carried out at the Oaklands (H7.28). On the north-east side a strip of land about 45m wide owned by the Council and allocated as UGS lies between the objection land and the Oaklands. This is also grassed and bluebells grow there amongst some mature trees.

21.15.4 The Council supports the UGS allocation on the basis of wildlife value, appearance, and the relationship with the UGS as a whole. No survey of habitat value has been carried out but the land is essentially paddock and does not contain notable habitat. There is no evidence that the effect of development on one side of the protected trees would seriously affect their value in this respect. The land is well contained by existing development and the trees and because of its low lying position is relatively unobtrusive. The visual impact of development, if this occurred eventually, would not impair the character of the remainder of the UGS. The Council points to the danger of piecemeal erosion of the UGS from the edges but this land is exceptional in terms of its position within the UGS, the relationship to other development, and the absence of any recreation function. The Council also refers to HLP policy L16 to promote outdoor recreation here. Part of the land subject to that policy has been incorporated within housing allocation H7.28. Excluding the objection land from the UGS would continue the general alignment of that boundary and would be appropriate because the site does not have the visual or functional qualities which are necessary for this open land allocation.

21.15.5 The future use of the objection land may affect the intervening wood to the north-east because this would be the probable direction for access. An access would require the felling of a small number of trees, probably a maximum of three. Nevertheless neither this nor the change in character from the creation of a road would be seriously adverse. Trees are relatively dispersed within the wood and there are houses on two sides, with a cul de sac coming close to one boundary, so that this is not isolated and remote from development at present. It would also be reasonable to expect some enhancement to be carried out to offset any detriment. This land is not part of the objection and it will be for the Council to decide whether this should have the same allocation as the objection site or remain as UGS. Whatever the outcome, no development other than an access road would be appropriate there.

21.15.6 On the second issue, no evidence of need is produced by the objector and my general conclusion in Chapter L1 is that there is no requirement to make additional allocations. This would be a suitable location in the main urban area for additional housing provision but on balance it would be preferable at the present time to designate the site as POL. This would recognise that development would have some effect on amenity, both generally from within the UGS and in the adjoining wood in particular, and would leave the Council to decide the priority for allocations when the plan is reviewed.

### **Recommendation**

21.15.7 Modify the proposals map by allocating as POL that part of site HS1 currently shown as UGS.

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### **21.16 POLICY D3, SITE HS5 *ASHENHURST UNIVERSITY CAMPUS, ATHENE DRIVE, LOWER HOUSES***

Objections: 2512 University of Huddersfield

### **Issue**

21.16.1 Whether the need to provide additional student accommodation outweighs the benefit from keeping the land open as UGS.

### **Conclusions**

21.16.2 The objection site is on the southern edge of a major area of UGS extending from close to the town centre and including areas of woodland together with Longley Park golf course. The objection applies to part of a paddock between woodland in Oaken Bank and Squirrel Ditch plantations which lies immediately to the north of 264 units of student accommodation. The paddock has a total length approaching 200m but whereas the original objection applied to the whole of this, what is now sought is deletion of the UGS allocation for a distance of 40m.

21.16.3 The UGS as a whole is very attractive and of considerable importance for recreation, as well as providing a varied wildlife habitat which has resulted in the identification of a green corridor through Oaken Bank plantation. The significance of this

paddock is in part as the setting of the woodland. Access to these Council owned woods is unrestricted and there are views from paths within them across the paddock. In addition the grassland adds to the local variety of habitat. To some extent the existing residential complex already projects beyond what might have been a regular boundary formed by Wood Lane, although it is relatively unobtrusive in its woodland setting and the Council's concern about the narrowing of the gap in relation to Longley School is not relevant now that the scale of the change sought has been reduced. Whereas there were strong grounds to resist the original objection, the case now is necessarily more balanced. Nevertheless the land does contribute to the appearance and function of the UGS as a whole and has the relevant qualities for designation. As such the allocation in the plan is fully justified.

21.16.4 The objector points out that this accommodation is popular with students and that additional units here would make the site more economic and complement the finite opportunity at Storthes Hall. The Council does not object to this as a location for student accommodation. However it does point out the relative disadvantages for general housing and if the land were left unallocated, this would be difficult to resist under policy D2. Notwithstanding this, the general evidence of demand for student accommodation and the benefit from meeting the University's needs does not demonstrate that the plan is flawed and provide grounds to set aside the UGS designation. Policy D3 would allow for development in certain circumstances, but whether these would apply to a particular scheme is something to be considered by the Council once the plan is adopted and is not grounds to set aside an appropriate allocation.

### **Recommendation**

21.16.5 No modification.

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### **21.17 POLICIES D2, D6, AND D7, SITE HS10 *BANK END LANE, DALTON***

Objections: 0248 & 1808 Roy Brook (Builders) Ltd

### **Issues**

- 21.17.1 i. whether the boundary of housing allocation H7.27 should be extended on to adjoining land without notation to the south-west;
- ii. whether a green corridor gap should be identified across allocation H7.27.

### **Conclusions**

21.17.2 On the first issue, this site consists of moderately sloping grass behind houses with access from Bank End Lane. There is little to distinguish the allocated land from the area to the south-west left unallocated both in the HLP and in the deposit draft plan. A proposed change to extend the allocation in this respect has been agreed by the Council, which would also conform with boundary of a planning permission granted in 1965 which remains valid.

21.17.3 Concerning the green corridor in the vicinity, this begins on the extensive sloping UGS south of Greenhead Lane. The objection site lies between this land and the steep tree

covered UGS to the west. The designation of a green corridor across these areas is in accordance with the intention of this policy to link land with habitat value. There is also the potential to provide a pedestrian link across site H7.27, with connections to an informal path continuing to the west and with public footpaths to the east of Bank End Lane. It is therefore reasonable that the principle of a green corridor across H7.27 should be upheld. The objector suggests that the provision of a footpath within the layout approved in 1965 adequately satisfies the relevant policy. Even if that were so, that is not a reason to modify the plan, which needs to be relevant to any alternative proposals which may be made. A green corridor should be provided across this land and it is reasonable to show a green corridor gap on the proposals map in current circumstances. This will not affect implementation of the approved plan but it would be relevant to any revised proposals.

**Recommendation**

21.17.4 Modify the proposals map by extending housing allocation H7.27 on to the unallocated land to the south-west in accordance with the proposed change in plan ref. 11.3 [CD113], with a consequent revision to the site area and estimated dwelling capacity in policy H6.

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## **AREA 8 - HUDDERSFIELD NORTH**

### **21.18 POLICY D3, SITE HN1 THORNHILL ROAD, QUARMBY CLOUGH, LONGWOOD**

Objections: 0793 Joseph Hoyles & Sons Ltd

#### **Issue**

21.18.1 Whether designation as UGS is appropriate having regard to the value of the site as open land and its suitability for housing development.

#### **Conclusions**

21.18.2 This is a small site of about 0.16ha at the south-east corner of a large area of UGS. The UGS stretches from Longwood Edge, around Nab End, which is a prominent feature to the north-west of the site, and into Ballroyd Clough. The objection site has a frontage to Thornhill Road and adjoins dwellings on its southern boundary.

21.18.3 The land is elevated above Thornhill Road behind a tall retaining wall and contains grass, scrub and self-seeded trees. The site slopes up towards Nab End and appears as an integral part of this prominent open land, making an important contribution to the appearance of the surroundings and enhancing the character of the area. There is a green corridor adjoining and while this site does not contain special habitat, the designation does emphasise the significance of the promontory of which this is part.

21.18.4 The site is within a main urban area and housing development here would be well-located for services and facilities. There are reservations about the practicality of development because of the considerable excavation, retaining wall support, and possible acquisition/demolition which would be required to achieve a satisfactory access. Even were that not so, protection of the site as UGS would be justified by its considerable open land value.

#### **Recommendation**

21.18.5 No modification.

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### **21.19 POLICY D3, SITE HN2 *SITE OF FORMER MILL PREMISES, THORNHILL ROAD/VICARAGE ROAD, QUARMBY CLOUGH, LONGWOOD***

Objections: 0794 Joseph Hoyles & Sons Ltd

#### **Issue**

21.19.1 Whether designation as UGS is appropriate having regard to the value of the site as open land and its suitability for housing development.

## Conclusions

21.19.2 This site of about 0.4ha is at the southern end of Ballroyd Clough with a frontage to a sharp bend in Vicarage Road. The mill premises said to have been present appear to have been demolished for some time because the central fairly flat part of the site is mainly grass. On the rising land at each side there are trees, some of which are subject to a TPO. The surrounding open land rising steeply to the east and west is very attractive and is important both for recreation and wildlife. The site occupies an important position in the centre of the southern end of the valley because of the views across it towards the surrounding higher land and the convenience of pedestrian access through the land, albeit that this is on informal paths. The open nature of this land is also beneficial in maintaining continuity with the green corridor to the south of Vicarage Road. It is therefore very important to keep open the whole of the objection land so as to support the objectives of designation as UGS.

21.19.3 This location is convenient for services and facilities and is within a main urban area, so that the principle of a housing development would be acceptable. No specific evidence is provided in support of a need for affordable housing, which is proposed in the objection. Any benefit in this respect would not outweigh the considerable harm from the loss of part of this open valley landscape. There are also grounds to doubt whether a safe access could be provided to this site on the outside of a sharp bend because of the difficulty of achieving forward visibility for vehicles turning right into a development.

## Recommendation

21.19.4 No modification.

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## 21.20 POLICIES D3 AND D6, SITE HN4 *EAST OF WATERLOO ROAD, WATERLOO*

Objections: 0770 Illingworth Morris Ltd

## Issues

- 21.20.1
- i. whether the allocation as UGS is justified;
  - ii. whether the green corridor designation should be limited to the immediate edge of Round Wood Beck.

## Conclusions

21.20.2 The original objection on this site of almost 0.3ha sought a housing allocation and deletion of the green corridor. The more recent statement acknowledges that a specific housing allocation would not be consistent with the minimum size of allocation in the plan, so that the land would have to be left without notation. The objection to the green corridor has also been revised and is reflected in the wording of issue ii. The site is a flat low lying area on the west side of Round Wood Beck leading up to the rear of houses in Waterloo Road. The land is grassed and considerable tree planting has been carried out in connection

with flood alleviation works. The land is now attractive and significantly enhances the amenity of the area. As the planting grows this benefit will increase substantially. I also agree with the Council that the relationship between this land and that on the eastern side of the beck is very important. On that side there are comprehensive proposals to enhance the margins of the beck and provide public access in conjunction with an approved retail development. Because these two areas are seen and appreciated together their overall value is greatly increased. For these reasons deletion of the UGS allocation on the objection site would be very harmful to the objectives of the plan. In so far as this amenity value should be balanced against the potential loss of housing land, the shape of the site would severely constrain housing capacity, so that the benefit from development would be small.

21.20.3 The green corridor follows Round Wood Beck along the perimeter of the site. The objector does not now challenge the application of the designation to the watercourse. Policy D6 would allow the effect of development proposals on the attributes of the green corridor to be taken into account appropriately, so that there is no justification for seeking to limit the effect of the policy in this case to a rigidly defined area.

### **Recommendation**

21.20.4 No modification.

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### **21.21 POLICY D3, SITE HN15 HOLLY BANK CAMPUS, HOLLY BANK ROAD/EAST STREET, HUDDERSFIELD**

Objections: 2512 University of Huddersfield

### **Issues**

- 21.21.1 i. whether the extent of UGS should be reduced to reflect the area of use by Lindley Junior School;  
ii. whether the campus should be allocated for Class B1 use.

### **Conclusions**

21.21.2 The original objection seeks allocation for Class B1 and B8 but in subsequent detailed evidence this is revised to B1 use only, so that this is the basis on which I have considered the objection.

21.21.3 The Holly Bank campus, containing substantial nine and four storey buildings, is unallocated in the plan, while grassed land to the west is allocated as UGS, in conjunction with the adjoining Lindley Junior School. The boundary between the UGS and the unallocated land is intended to reflect the distinction between land available for recreation and that part which is associated with the university buildings. The School has made use of the grassed land informally but arrangements have now been agreed to convey sufficient land to the School to provide the required area of playing fields. A proposed change has been agreed intended to reflect this principle but the alignment of the boundary is slightly different

from that now agreed by the School governors. The Council has no objection to this further variation, which would retain the same area of UGS as the published change. This is a sensible arrangement which safeguards the land needed for recreation and retains the campus as a separate entity.

21.21.4 It is on this unallocated land that a Class B1 allocation is sought. The buildings are anticipated to become surplus to education requirements in 3-5 years'. The desirability of creating B1 business parks to encourage the establishment of types of business currently poorly represented in Kirklees is acknowledged in the plan. Although the details of a development would be very important in this location, the Council does not raise any objection to the principle. The point at issue is whether land occupied for another use should be the subject of an allocation or should be left unallocated and subject to policy D2. Whereas I understand the objector's current preference for greater certainty, policy D2 provides considerable flexibility while avoiding detailed prescription. This approach to making allocations has been followed consistently where there are occupied buildings, so that the plan is not excessively rigid and the potential for changes in circumstances resulting in land allocated not coming forward for development is reduced. There are not grounds to deviate from that general approach in this case.

### **Recommendation**

21.21.5 Modify the proposals map to delete part of the UGS at Holly Bank campus in accordance with plan 2 in Appendix 4 of document HN15/03857/5.

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### **21.22 POLICIES D3 AND D6, SITE HN16 QUEENS MILL ROAD, HUDDERSFIELD**

Objections: 0668 Daval Furniture Ltd

### **Issue**

21.22.1 Whether land south-east of the objector's premises is appropriately allocated as UGS and a green corridor.

### **Conclusions**

21.22.2 The objector seeks the opportunity to expand on land south-east of existing premises, so that identification in the plan for industrial development is suggested. The area of the objection site is about 0.18ha, which is below the minimum size of 0.4ha selected for allocation. Including greater detail would make the plan more complex and delay adoption, so that the current limit is reasonable.

21.22.3 The objection site is long and narrow and is mainly a flat area close to the objector's premises which provides access to land in separate occupation. There is also a bridleway over this land. Thus it is doubtful whether there is the potential to develop on this part of the land, which is unallocated in the plan so that policy D2 would apply. This does



not preclude development in principle and would provide a reasonable basis for the determination of specific proposals in conjunction with other relevant policies such as B5 .

21.22.4 The boundary of the unallocated land coincides with the start of sloping land containing trees and shrubs which rises from the industrial land towards residential development to the south. This rising land is prominent and serves to break up the urban area, providing variety and visual interest. The value of the land is also increased by its contribution to the setting of a public footpath which crosses it, passing close to the objection land. The varied habitat and links with other open land to the south-west and north-east have also been appropriately recognised in the green corridor designation. Hence this land does have visual and wildlife significance meriting protection as UGS and it is reasonable to identify a green corridor through it.

### **Recommendation**

21.22.5 No modification.

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### **21.23 POLICY D3, SITE HN19 SALENDINE NOOK UNIVERSITY PLAYING FIELDS, SALENDINE NOOK**

Objections: 2512 University of Huddersfield

### **Issues**

- 21.23.1 i. whether allocation as UGS is justified;  
ii. whether part of the site should be allocated for Class B1 development.

### **Conclusions**

21.23.2 The objection lodged against the plan is directed at the UGS allocation of the University owned playing fields and seeks a combined Class B1/B8 allocation. Subsequent evidence introduces a number of changes. The Council has declined to deal with an extension of the site on to adjoining land and a preferred use for housing as late objections to the plan. These would materially alter the objection and I have not taken them into account. Other changes would reduce the extent of the objection, by seeking a Class B1 use only and on just part of the University land, and these form part of my consideration.

21.23.3 The objection site consists of former University playing fields, including also a pavilion and tennis courts, immediately north-east of Longwood Edge with an area of 4.5ha. There are other playing fields in different ownership both to the south-east and north-east. Although the Council refers to the visual prominence of the site, there is housing to the north-west and I am satisfied that it is the functional value which will determine whether protection as UGS is justified. PPG17 does not distinguish the ownership of playing fields and includes those used by schools in its advice in para 42 that these should normally be protected. Three possible exceptions are noted. The first is not relevant here because the redevelopment being suggested would amount to about half the site, not a small part. The second is that alternative provision of equivalent community benefit is made available. This

possibility is already reflected in policy D3 as I recommend it and in the recommended form of policies R7/R8. Allocation as UGS would enable a suitable test to be applied to development proposals but such alternatives are unlikely to be relevant to initial allocation, particularly because of the difficulty of ensuring that the omission of one area from the plan leads to the availability of another. The third exception is where there is an excess of sports pitch provision. However the guidance also acknowledges the importance of taking a long term perspective and having regard to the growing need in the wider community for recreational land.

21.23.4 The objector's case against the UGS allocation has two main elements, firstly, the amount of outdoor recreation space in Lindley Ward and, secondly, the provision of alternative facilities at Storthes Hall. Local standards to evaluate the adequacy of recreation provision as recommended in PPG17 are not currently available so that the only quantitative assessment is based on NPFA standards. Whereas this shows provision above the minimum in Lindley, there are other nearby wards where this is not the case. I do not believe that a rigid ward by ward assessment would be in the interests of the community, which national guidance and the provisions of the plan are seeking to protect. The quality and accessibility of this facility are also grounds to retain it. In so far as alternative facilities are to be provided for students at Storthes Hall, this has some bearing on the general level of need in this part of Huddersfield. Nevertheless this does not amount to evidence that retaining this site as UGS would result in an excess of provision for the population for whom this would be an accessible and worthwhile facility, bearing in mind also that the NPFA standard is described as a minimum. Furthermore, as I have already indicated, following allocation specific proposals could be measured against the test of equivalent alternative provision or benefit under specific policies in the plan.

21.23.5 As to the suggested allocation for Class B1 development, I agree with the Council that this is not a good location. Whereas built development would not necessarily be obtrusive, buildings above conventional two storey residential height would be likely to stand out in what is a potentially prominent and exposed position near a scarp slope. Access would require the use of minor residential roads, which would both have an adverse effect on residential amenity and be unattractive to occupiers because of the backland position and the likelihood that future activities would be constrained. Although the objector draws attention to the views expressed by the Council on another prospective B1 site (HN15), the character of the highway, its current use and proximity to a Class 1 road are very different. More accessible land offering greater flexibility in an attractive location is available, on allocation B8.1. The objector also proposes that the allocation for B1 use should be on part of the land only, with a footnote to require formal recreation provision on the remainder. No sound planning basis exists for requiring such provision in connection with the development, nor are there grounds to distinguish one part of the objection site from another in deciding an appropriate allocation.

### **Recommendation**

21.23.6 No modification.

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**21.24 POLICY D3, SITE HN28  
ADJOINING 228 HALIFAX ROAD, BIRCHENCLIFFE**

Objections: 0691 Brian Bray (Builders) Ltd

**Issue**

21.24.1 Whether the land is appropriately allocated for protection as UGS.

**Conclusions**

21.24.2 This site of less than 0.1ha is at the northern edge of the urban area and consists of a small paddock with trees behind, some of which are subject to a TPO. In the HLP this land together with a large area to the south-east was protected for possible long term development under policy GB11. In the UDP the objection site together with the cricket ground adjoining have been identified as UGS, implying long term protection as open land. This relies on the visual importance of the objection site, since it does not perform a recreation function. The open nature of this land does make an important contribution to the character and appearance of the surroundings which justifies the UGS allocation. The significance of the land arises from its position beyond the ribbon of development along Halifax Road and the extensive attractive view across it into the Grimescar valley. This open view is especially valuable because it is seen and appreciated from the vicinity of Ainley Top roundabout, which is a very busy location on an important route into Huddersfield.

**Recommendation**

21.24.3 No modification.

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**21.25 POLICY D3, SITE HN32  
PROSPECT ROAD/PERCIVAL STREET, LONGWOOD**

Objections: 0815 Joseph Hoyles & Sons Ltd

**Issue**

21.25.1 Whether the site merits designation as UGS, having regard to the possible relocation of the allotments and the need for and suitability of the land for housing.

**Conclusions**

21.25.2 This site of about 0.6ha is mainly allocated as UGS but also includes some unallocated land. On three sides of the site there is densely developed older terraced housing. On the fourth side are industrial premises which were vacant at the time of my visit.

21.25.3 The UGS is predominantly surrounded by hedges and much of it is in use as allotments. These are a valuable recreation facility, particularly in an area of densely developed housing, and policy R9 of the plan is intended to ensure their retention. This

benefit together with the role of the open character of the land in relieving the built up surroundings are strong grounds to allocate the land as UGS. This is supported by the recognition in PPG17 of the importance of open space to the quality of urban life.

21.25.4 An alternative site for allotments of just over 0.3ha is suggested behind 82 and 84 Longwood Gate. This is fairly steep and it is not clear how pedestrian access would be obtained. Although the land could function as an allotment after preparation, it has the further disadvantage of being slightly away from the main concentration of dwellings, while the accessibility of the current site is a particular advantage.

21.25.5 The objector seeks a housing development on part of the land, which would be just below the minimum size for an allocation in the plan of 0.4ha. The close proximity of the suggested area to the adjoining industrial premises would be unsatisfactory but this constraint would not affect the whole of the land. This is a site in the main urban area where the principle of a housing development would be appropriate but there is not a pressing need for additional land which would justify setting aside the benefits from the present use as allotments and from the open character of the site. Allocation as UGS would not prevent the consideration of specific proposals, to which policies D3 and R9 would be relevant.

### **Recommendation**

21.25.6 No modification.

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### **21.26 POLICIES D5 AND DL3, SITE HN41 *FERNLEA TIP, FERNLEA ROAD, BIRCHENCLIFFE***

Objections: 2344 Mrs H C Hegarty

### **Issue**

21.26.1 Whether the land should be retained for recreation.

### **Conclusions**

21.26.2 This is an area of about 6ha identified for derelict land reclamation under policy DL3 with an after use as public open space/playing fields. On the proposals map this is shown as POL. The objector seeks a play area and a rough area for exercising dogs, the objection also applying to housing allocations H8.19 and H8.20. The potential of the land for recreation is recognised in the DL3 after use and in the details of the reclamation scheme, which has now been carried out. The main land use allocations in the plan do not distinguish between different types of recreational activity and this would be excessively detailed. Nevertheless, in view of the intention that this land should laid out for recreation use, the degree of certainty provided by plan designations would be increased if this were allocated as UGS. Such a modification would meet the general purpose of the objection and would accord with my conclusion [IR L1.3.7] that the degree of uncertainty associated with POL is currently excessive. More rigorous justification for POL designation will ensure that, following adoption, re-allocation as UGS or Green Belt should only occur exceptionally.

**Recommendation**

21.26.3 Modify the proposals map by allocating Fernlea Tip, Fernlea Road [site HN41], as UGS in lieu of POL.

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**21.27 POLICY D2, SITE HN43  
ALBANY WORKS AND ADJOINING LAND, ALBANY ROAD, DALTON**

Objections: 2768 Mr A Coop

**Issue**

21.27.1 Whether Albany Works, including its car park, should be allocated as UGS.

**Conclusions**

21.27.2 Open land south of Albany Works is designated as UGS and is crossed by a green corridor. Paragraph 2.24 of the reasoned justification states that within areas of UGS the status as a green corridor is intended to maintain the land as a link. Furthermore policy D6 applies to any watercourse in the corridor, which would include both Fenay Beck and Oxfield Beck. The approach in the plan is to designate wildlife corridors in the Green Belt, subject to policy NE5, and green corridors to which policy D6 applies within settlements. The difference between these reflects the effect of Green Belt status, so that policy D6 is rather broader. In so far as the objection concerns the protection of this open land for its wildlife and visual merit, the provisions of the plan in its present form are comprehensive.

21.27.3 The objection seeks designation of Albany Works as UGS, on the basis that this is ugly and should be incorporated in a nature park. Although the building and its ancillary land does form an obvious edge to the attractive open area used for informal recreation which is designated as UGS, this does not make the course of action being advocated appropriate. For the most part land is allocated as UGS because it has existing characteristics which contribute to the objectives of policy D3. In some cases the potential contribution is a significant factor but where this is so there should be the prospect of that potential being realised during the plan period. In the present case it would be unreasonable to expect the current use of Albany Works to be replaced by an open use of a character which would merit an allocation as UGS. The allocation sought would therefore be misleading and would not achieve the objector's intention.

**Recommendation**

21.27.4 No modification.

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**21.28 POLICY D6, SITE HN45 NORWOOD ROAD/STORTH LANE, BIRKBY**

Objections: 0116 Mr T Khan

**Issue**

21.28.1 Whether the land merits designation as a green corridor.

**Conclusions**

21.28.2 This green corridor follows the course of Grimescar Dike from Green Belt land eastwards to Norman Park. The objection seeks the deletion of the allocation affecting land on the margin of the Dike extending to Norwood Road. Retaining the land as a green corridor is both beneficial to wildlife because of the watercourse and many mature trees and adds to the variety and visual interest of the surroundings. Although planning permission has been granted for the construction of a doctor's surgery on part of the land, this does not detract from the case for the current plan allocation. The Council points out that certain safeguards have been incorporated with respect to the green corridor. If the permission were not implemented and further proposals were made the implications for the green corridor should be taken into account, so that the current allocation should be maintained.

**Recommendation**

21.28.3 No modification.

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## **AREA 10 - DEWSBURY, THORNHILL AND RAVENSTHORPE**

### **21.29 POLICY D3, SITE DRT5 SAVILE CRICKET GROUND, SAVILE ROAD, SAVILE TOWN**

Objections: 2570 Savile Town Community Association

#### **Issue**

21.29.1 Whether the land should be allocated for housing, having regard to its value as open land.

#### **Conclusions**

21.29.2 The objection is made on the basis that there is a need for new housing in Savile Town but that this land would be better than allocation H10.12. At IR 20.69 I recommend that the latter allocation should be upheld. Even were that not so, there are very strong grounds to retain this land as UGS. The site contains good quality specialist facilities, including the cricket pitch, a surfaced floodlit kickabout area, and a bowling green. These are accessible to residents in the nearby densely built up housing areas. In addition the attractive treed frontage is in a prominent location and both relieves the urban setting and enhances the character of the surroundings.

#### **Recommendation**

21.29.3 No modification.

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### **21.30 POLICY D3, SITE DRT7 HEADLAND LANE, EARLSHEATON**

Objections: 2332 Victor Homes Ltd

#### **Issues**

21.30.1 The objection seeks the extension of housing allocation H10.19 to include this site. The issues raised are whether designation of the site as UGS is appropriate having regard to:

- i. its value as open land;
- ii. previous allocation in the HWDLP;
- iii. potential contribution as a housing allocation to the overall housing land supply and to affordable housing provision in particular.

#### **Conclusions**

21.30.2 Approximately half of the 0.8ha site is heavily treed and is subject to a group TPO made in 1994. The remainder is rough grassland with more scattered trees. Although the site is below the level of Headland Lane, the trees form an attractive feature in views from that direction, complementing trees on a former railway embankment to the south. The site is part of an interesting and pleasant land formation with adjoining UGS in the valley south

of Station Road. The slope of the site increases the prominence of the open grassed area. As a whole the site makes a significant contribution to the visual quality of the area. The mix of trees, undergrowth and rough grassland provides varied habitats of value to wildlife. Whilst close to other UGS and open countryside in the Green Belt, so that there is no added scarcity value, and whilst not having formal recreation use, the quality of the site in visual and wildlife terms is such as to merit designation as UGS.

21.30.3 In the HWDLP the site is allocated for housing as part of a larger area, the majority of which has either been developed or is included in the plan as allocation H10.19. The balance between development allocations and protection of open land, achieved in the HWDLP is not immutable. In addition to the natural changes at the site as trees and other vegetation have matured, a systematic district wide study has been undertaken of urban open land. As I have found above, the site performs well against the criteria used for designation as UGS. The assessment in the urban land study is not therefore shown to be flawed and previous allocation for a development purpose is not a reason to set it aside.

21.30.4 The objection raises matters concerning the overall housing land supply in the plan period and beyond which are covered in Chapter L1. As set out there and mentioned in the introduction to this chapter, there is an approximate balance between the requirement and identified supply of housing land. There is no identified need to allocate additional sites to increase the supply of land for housing where the sites are found to have worthwhile open land value, as in this case.

21.30.5 Information given in DRT7/00615/6 shows that a housing association is involved in seeking to secure affordable housing on part of the site. The objector argues that the plan should set specific targets for affordable housing on allocated sites and suggests that a 100% target would be reasonable in this case. The plan recognises that despite existing efforts there is likely to be a shortfall of affordable housing to meet identified need. The definition of indicative targets for suitable sites would be desirable and, in contrast to a uniform quota, would not be contrary to PPG3 advice. However, as I set out at IR 11.5, such a fundamental modification would be difficult to incorporate in the plan at this stage. To do so for just one site would be inconsistent. Policy H11 allows exceptionally for development for the provision of affordable housing, subject to other considerations including environmental matters. A housing allocation would not therefore be essential to achieve such benefits.

## **Recommendation**

21.30.6 No modification.

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## **21.31 POLICY D3, SITE DRT8 SCOUT HILL MILLS, DEWSBURY**

Objections: 0737 Stross Holdings Ltd

### **Issues**

21.31.1 These are whether:

- i. the designation in the plan as UGS is appropriate, having regard to the value



- of the site as open land;
- ii. allocation for business and industry would be appropriate, having regard to the needs of an existing firm and the suitability of the land.

## Conclusions

21.31.2 Policy D3 is not applied to any piece of green urban land, but as explained in the introduction to this chapter is specific to land assessed as of value in terms of particular criteria. In this case, no specific wildlife importance is claimed.

21.31.3 The site is in a mixed area of densely developed terraced and back to back housing and industrial premises between the A644 and the Leeds-Huddersfield railway line. The objector refers to other open land on Fall Lane and Thornhill Road, but sites are not specified. No land of similar character is apparent nearby between the A644 and the railway. Although there are large areas of UGS, including Crow Park, a short distance to the north, these are on the other side of a dual carriageway and do not make a visual impact in the vicinity of the site. Open land to the south is separated by the railway and is allocated for business and industry. There is a localised scarcity of undeveloped land.

21.31.4 The site, of about 0.4ha, is overgrown land adjoining two residential streets to which it has open boundaries and is not in itself attractive. In its present condition the contribution to the visual amenity of the area, whilst enhanced by the scarcity of open land, remains limited. The site lies between housing and industrial premises, but is not effective in establishing a residential character for the housing area by separating it from an industrial area. The two uses are intermingled, with other housing as close to the industrial premises as this site. The contribution of the site to the character of the area, through acting as a buffer between incompatible uses, is not therefore of great value.

21.31.5 It is clear that the site is used for informal recreation. Having regard to the density of housing nearby, with very little if any garden space, and the absence of easily and safely accessible recreation opportunities for residents without crossing a busy dual carriageway, this is an important function. However, there is no formal public access and continued availability for informal use could not be guaranteed. Although the Council's Environmental Services acknowledge that this would seem to be a prime site for recreational use, no information is given on the allocation of resources and there is no indication of progress at the site. This is despite it being allocated under policy L3 of the HWDLP, which states that a new area of POS will be provided as and when resources are available.

21.31.6 In summary on issue i, if there was a realistic prospect of bringing a recreational use forward the potential of the site in those terms, given the scarcity of such open land in this vicinity, would fully merit UGS designation. There would also be the possibility of associated improvements through landscaping to its visual contribution. Nevertheless, to be consistent with the approach followed by the Council at other sites, the Council should ensure that the recreational potential has a prospect of being realised. Unless this is demonstrated the UGS designation should be deleted.

21.31.7 On issue ii, the objector indicates that an inability to develop the site may cause a loss of jobs, but no information is given to support the claimed need to extend the premises

onto this site. Within a short distance there are extensive allocations for business and industry. There is no evidence that industrial land availability is a restraint for local firms.

21.31.8 Irrespective of the potential disturbance of industrial processes so close to housing, the suitability of the site for business or industry is in doubt in terms of access. Additional commercial traffic on the network of narrow residential streets, which accommodate on-street parking, would be undesirable. Visibility at the junction of Craven Road leading from the site onto Broad Street is substandard and improvement would involve adjoining garden land. The need to obtain control over additional land may often be readily resolved in the normal development process. However, in this case the removal of land from already very small front gardens in an area of dense housing development could be unacceptable, due to the harm to residential amenity. Allocation under policy B2 would not be appropriate. In the event of UGS designation being deleted the site should remain with no notation.

### **Recommendations**

- 21.31.9
- i. review whether there is a prospect of achieving a recreational use at site DRT8;
  - ii. if there is not such a prospect, delete the designation of site DRT8 as UGS and leave the land with no notation.

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## **AREA 11 - BATLEY AND BIRSTALL**

### **21.32 POLICIES D3 AND H6, SITE BB12 *FIELD HEAD FARM, BATLEY***

Objections:

1577 Peacock & Smith

2293 Barratt Leeds Ltd

#### **Background**

21.32.1 [1577] relates to about 23ha and argues that UGS designation is unnecessary on the whole area. It seeks redesignation to incorporate an allocation under policy H6 and POL, as well as UGS. The proportions of the areas sought for the different allocations are not given and no specific areas are indicated in the objection. [2293] relates to about 16ha west of Coal Pit Lane within the [1577] site. It sought an allocation under policy H6 on about 6.3ha at the west end of the site, but has subsequently been amended to seek a housing allocation on a reduced area of about 2.3ha and POL on 4ha. For convenience I refer to the 23ha to which [1577] relates as the site and specify areas within it as necessary in the report.

#### **Issues**

21.32.2 These are whether:

- i. designation as UGS is appropriate having regard to the value as open land;
- ii. a housing allocation would be appropriate having regard to the overall housing land supply and:
  - a. the visual impact of development on part of the land only;
  - b. the stance of existing and proposed policies to development on the open land;
  - c. benefits from formalised public access on the remaining UGS;
  - d. the suitability of the site for housing;
- iii. designation as POL is justified having regard to long term development needs.

#### **Conclusions**

21.32.3 The site is mainly agricultural grazing land and forms the western part of a large open area, which extends from near the centre of Batley to Heckmondwike. Being surrounded by extensive built-up areas, the open land forms an important relief from urbanisation. Its position on a hillside above the residential area of Carlinghow enables its openness and the break it provides between different parts of the urban conglomeration to be appreciated over a wide distance, in addition to its impact on its immediate surroundings. The site is an important element of the open area as a whole. That part where [2293] as amended seeks a housing allocation is flatter and does not share the general topography of the north-east facing hillside. Nevertheless, it can be viewed as part of the wider open land from vantage points, such as west of Mortimer Terrace, and it plays a particularly valuable role in giving an open prospect from White Lee Road.

21.32.4 The Council does not claim special wildlife value on the site and recreational value is limited to the use of a public footpath and a public bridleway. Nevertheless, UGS designation does not depend on land performing well in terms of all the criteria and is not based solely on land with full public access. This approach is consistent with the recognition

in PPG17 that open space, whether or not there is public access to it, is important for its contribution to the quality of urban life and is not undermined by policies intended in the Leeds UDP which are not relevant to this case. The site, in whole and in part, is attractive open land, which contributes significantly to the appearance of the area and enhances the enjoyment of the use of the public rights of way by providing a semi-rural character, and fully merits designation as UGS.

21.32.5 On issue ii, housing on the western 2.3ha would be on undulating land at a lower level than existing development in Jail Road to the south. It would not therefore create skyline development and, as the objector [2293] points out, the majority of the land would remain open and there would be scope for increasing tree cover and other landscaping. Despite this, housing as sought in [2293] would have a substantial and damaging effect on the appearance of the area, closing up the frontage of White Lee Road. [1577] does not specify where an allocation is sought, but other parts of the site are not evident where housing could be located with less visual disruption.

21.32.6 The objector [2293] argues that policies H3 of the WYSP, EN15 of the HWDL and D3 of the UDP all envisage that some development could take place. It is clear from the report of the Inspector into the HWDL that policy H3 was not sufficient to achieve the prime objective for this land, which was to preserve it in its open state. It was for this reason that a more restrictive policy in the form of EN15 was recommended which makes it clear that development, other than that necessary for existing uses, is to be resisted. Similarly the prime aim of policy D3 is to retain the function and quality of the land as greenspace. The possibility of some development in connection with established or alternative open land uses does not undermine the approach that essentially the land should be kept open nor does it justify allocation, even on part of the site, for unrelated development purposes.

21.32.7 Both objections are based on a proposition that the land not allocated for housing or as POL would be made available for enhanced public access. [2293] draws attention to PPG17 advice on encouraging increased public access to open land where this is compatible with existing uses. That advice is directed to urban fringe areas, whereas this site is within the urban area. Nevertheless, in general enhanced public access to such land is of benefit. An illustrative scheme was included in the original objection [2293], showing existing uses removed and the whole remaining area given over for recreational purposes, but no supporting information on resources for developing and maintaining the facilities was given. The feasibility of improving the recreational value of the land would therefore require more careful consideration. Bearing in mind the existence of recreational facilities nearby, in the form of playing fields and allotments, the balance of priorities lies in maintaining the open amenity and character of what is in effect a remnant of countryside within an otherwise urbanised environment. Whilst enhanced public access could help to mitigate the loss of openness in the event of development being found necessary for other reasons, it does not justify the loss of UGS protection on part of the site to a housing allocation.

21.32.8 Housing on the site would be within easy reach of facilities and public transport and the western part can be accessed from White Lee Road. Nevertheless, bearing in mind the environmental considerations, the site is not so well suited for housing as to provide localised reasons for allocation when there is no compelling need to increase the housing land supply overall.

21.32.9 On issue iii, the site has clear value as open land. Thus, this is not a finely balanced case and it is not appropriate to designate the 4ha sought by [2293] or any other part of the site as POL.

### **Recommendation**

21.32.10 No modification.

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## **21.33 POLICIES D3 AND H6, SITE BB16 AND ALLOCATION H11.10 WHITE LEE ROAD, BATLEY**

Objections:

2984 M Webb and B Smith

2986 Gradequick Ltd

### **Background and issues**

21.33.1 [2684] supports allocation H11.10, but seeks a revision to give assurance that access will be allowed through adjoining Council owned land. [2986] relates to site BB16, of about 3ha, which is designated UGS and adjoins allocation H11.10. It seeks allocation for housing. The issues raised are whether:

- i. the north part of allocation H11.10 is capable of development without revision;
- ii. designation of BB16 as UGS is appropriate having regard to:
  - a. the impact on access to land within H11.10;
  - b. its value as open land;
  - c. potential alternative allocation for housing, in the light of the housing land supply.

### **Conclusions**

21.33.2 Allocation H11.10 is split into two parts, each with a frontage to White Lee Road, linked by a small strip. The area of the north part adjoining the road has been developed, following a grant of permission in 1991. No provision has been made to allow access through that development. The Council considers that access to the remainder of the north part can be obtained via the strip of land joining the two parts. However, this strip forms the garden of a dwelling constructed following the 1991 permission. There is no indication that the agreement of the owner of the dwelling would be forthcoming. The need to obtain control over additional land may often be readily resolved in the normal development control process, but in this case there is also considerable doubt that the suggested access would be acceptable in terms of the impact on residential amenity. The road would be serving about half the allocation of 1.7ha with an estimated capacity of 45 dwellings and, if confined within the existing allocation, would bring the traffic generated to within very close proximity of the rear of the dwelling. The situation is such that the whole of the allocation cannot be regarded as genuinely available in practical terms.

21.33.3 Bearing in mind PPG1 advice, that proposals in development plans should be realistic, some revision of the allocation is necessary. Access through the Council owned land alone would not be sufficient, as a pinch point into the north part of the allocation would

remain. Some extension of the allocation eastward, including into part of BB16, would be justified. However, with regard to point b of issue ii, the whole of the 3ha site would not be necessary for that purpose.

21.33.4 BB16 is grazing land and forms part of a larger area of UGS which is a visually important open tract. The designation as UGS continues the aim of preserving the land in its open state, which lay behind policy EN15 in the HWDLP. That policy makes it clear that development, other than that necessary for existing uses, is to be resisted. Although BB16 forms a spur from the main body of the UGS and is more closely surrounded by development, housing to the east is at lower level and does not impinge greatly on the appearance of the land. The site enhances the enjoyment of the use of the public footpath along its south boundary. Although it is argued that this is merely a short-cut rather than a recreational path, it provides a route of pleasant semi-rural character. Apart from unauthorised dumping close to development at Enfield Drive, public safety problems are not apparent which could be beneficially resolved by further development abutting the footpath. The site contributes significantly to the appearance of the area and merits designation as UGS.

21.33.5 As set out in the introduction to this chapter and in Chapter L1, there is an approximate balance between the requirement and identified supply of housing land. There is no compelling need to allocate additional sites to increase the supply of land for housing where the sites are found to have worthwhile open land value, as in this case. As I have concluded, allocation of part of the site for housing so as to allow access to the north part of allocation H11.10 would be reasonable. Provided the erosion of the open area is kept to a minimum, this would not unduly harm the overall contribution of the UGS. The eastern boundaries of the allocation are well marked by existing hedges and beyond these there is no clear landscape feature to guide a revised boundary. It will therefore be necessary for the Council to give detailed consideration to a suitable boundary, giving scope for access, flexibility of layout and opportunities for planting at what would become the edge of built development.

## **Recommendations**

21.33.6 Modify the plan by:

- i. on the proposals map extending allocation H11.10 eastward to the extent necessary to allow access between the south and north parts of the allocation;
- ii. revising the area and estimated capacity of allocation H11.10 in policy H6 accordingly.

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## AREAS 12 TO 14 - HECKMONDWIKE, LIVERSEDGE AND CLECKHEATON

### **21.34 POLICIES D3 AND D6, SITE HL7 *FLUSH MILLS, HECKMONDWIKE***

Objections:

1677 Noel Heppenstalls

2836 Readicut International plc

#### **Issues**

21.34.1 The objections related to a site of about 2ha comprising a stretch of former railway line and a triangular area to the south. Subsequently, it has been made clear that the objections no longer seek changes to the designations on the former railway line, which in addition to being shown as UGS has notations under policies D6 and T18 and as derelict land. With regard to the triangular area allocation under policy B2 is sought, or failing that deletion of UGS to leave no notation. The issues raised are whether UGS designation is appropriate having regard to the value of the area as open land and the needs of an established business for expansion space.

#### **Conclusions**

21.34.2 The land is at a similar level to Cook Lane to the east, but is higher than the former railway line in cutting to the north and industrial premises at Flush Mills, contained by retaining walls, to the south. It is crossed by a public footpath. The site includes grassland and a heavily treed section and provides an attractive feature, which complements open land in a park and allotments to the north. The trees provide an important visual foil to the large expanse of commercial premises nearby, including a prominent electricity station to the west. Given its contribution to the character and visual amenity of the area, the site is of a quality to merit UGS designation.

21.34.3 The latest submissions from the objectors indicate an expansion scheme for Flush Mills, which involves the construction of a new retaining wall and extensive excavation of the site to provide for vehicle turning and open storage areas and possible building extension at the same level as the mills. Whilst additional planting is intended on that part of the site to remain unexcavated, the extent of the open land would be significantly reduced and, at the east end, limited to a very narrow strip at the top of the railway embankment. As the objectors indicate, the footpath as diverted would no longer run immediately alongside the industrial premises and the new route would be more open and attractive. However, whereas the footpath presently provides a relatively level shortcut, the suggested diversion would introduce steps where it would cross the former railway making it less convenient for some users and prohibitive for others. Overall industrial development would diminish the contribution of the site to the amenity of the area.

21.34.4 The economic strategy of the plan includes accommodating the requirements of existing businesses, which are an important component in the strength of the local economy. As I conclude in Chapter L1, the overall provision of land for business and industrial use is adequate to meet the economic objectives of the plan, having regard to both the needs of local firms and the promotion of inward investment. The approach is to allocate a range of sites, including locations close to established business areas, so as to increase scope for

relocation if necessary. Nevertheless in some cases it may be more beneficial for firms to expand at existing premises.

21.34.5 In this case, valuable employment is provided at Flush Mills, which is well placed in the urban area in proximity to housing to promote sustainable patterns of travel as supported by PPG13. The proposals for development here have altered between the date of the objection and the close of the inquiry and an element of the present expansion proposals appears to arise due to part of the premises being leased to another firm. This creates some uncertainty but, subject to any further information available to the Council when it considers this report, a need for expansion into the triangular area is not unreasonable given that the Flush Mills site is almost wholly covered, with virtually no space around the buildings, and is closely surrounded by a built-up area. Ensuring the continuation of employment at Flush Mills would justify the degree of harm to amenity envisaged in the expansion proposals illustrated on drawing no: 3268-1G submitted by the objectors.

21.34.6 Deletion of UGS designation from part of the triangular area would therefore be appropriate. Industrial development would require extensive excavation. Disposal of the material onto the former railway would have an unacceptable impact on the green corridor and strategic cycle/pedestrian route and a satisfactory alternative disposal scheme remains to be resolved. Bearing these points in mind and as allocations in the plan should be realistically capable of development, allocation under B2 would not be appropriate and the area removed from UGS should be left with no notation.

## Recommendation

21.34.7 Modify the proposals map by the deletion of the UGS designation from part of the triangular area of HL7 south of the southern embankment of the former railway to the extent necessary to accommodate vehicle turning and storage areas at Flush Mills.

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## 21.35 POLICIES D3, D4 AND D5, SITES HL8, HL9, CG22, CG27 AND CG31 LAND AT UPPER AND LOWER BLACUP FARMS, LIVERSEDGE AND CLECKHEATON

### Objections:

1442 Mr P Pearson  
1479 J R Gomersal  
1674 Mr P & Miss S Brown & Mrs Harker  
1673 Mr M Foster

1478 Mrs A Henningway  
1666 Mr M Brown  
1672 Mrs D Hall  
2508 Mr J Wood

## Background

21.35.1 Site CG31, of about 46ha, is designated as UGS with the exception of about 2.37ha at the east end designated as POL. [1673] seeks inclusion of the site as Green Belt. [2508] seeks deletion of the UGS and POL designations. [2508] also seeks identification of an area of about 0.62ha at the south-east end (HL8) for the siting of telecommunications equipment, which is covered at IR 5.7, and inclusion of the footpath network under policy T18, which is covered at IR 8.16. It is listed by the Council also under Chapter 16, but the relevant point is covered here.



21.35.2 The remaining objections relate to various areas within CG31. [1666] seeks deletion of UGS from HL9, about 0.36ha at the southern tip. [1442] and [1674] seek deletion of UGS and allocation for housing on CG22, about 1.75ha at the west end off New Lane. [1672] relates to CG27, about 3.44ha at the east end including the area designated as POL. It seeks deletion of UGS and POL and allocation for housing, or failing that the designation of the whole of CG27 as POL. [1478] and [1479] relate to the POL area and seek designation as UGS.

21.35.3 In the HWDLP most of CG31 was designated as an open area under policy HW/EN15. The western section, corresponding to CG22, was designated as PAD under policy HW/GB8. A small area at the east end, within CG27, was identified for the provision of public open space under policy HW/L3. A parcel at the north end was identified as derelict land for reclamation to agricultural use.

21.35.4 The issues raised are:

- i. whether policy D3 is a suitable approach to protecting this open land;
- ii. whether there are exceptional circumstances to alter the Green Belt;
- iii. the value of the area as open land;
- iv. the need for and suitability of various parts of the area for housing or potential long-term development.

## Conclusions

21.35.5 A number of objections presume that UGS designation requires public acquisition of land or appropriation to provide increased public access. As set out in the introduction to this chapter, UGS designation rests on value in terms of one or more of the contribution to character and visual amenity, wildlife interests or recreation opportunities. Whilst the level of accessibility may be a factor in assessing the value in these terms, designation as UGS is not dependent on public access being available, nor on the land fulfilling a statutory definition as open space. Whereas measures to enable greater public enjoyment of UGS may be beneficial, opening up the land to increased public access or removal of existing uses is not a necessary corollary of the designation.

21.35.6 The adequacy of the Council's survey of the area is challenged, but the approach followed is consistent with that used for the remainder of the urban open land study and allows a district-wide comparison of sites to be carried out. The plan base was the most up to date available and inaccuracies such as to invalidate the assessment and future monitoring are not specified.

21.35.7 Whereas the objector [2508] argues for a special planning zone to address positive management and matters such as security and crime prevention, a specific brief increasing the level of detail in the plan is not justified. The problems cited at this site are not exceptional in the urban fringe. Much of the activity sought to be covered is outside the scope of the planning system, powers exist under other legislation to control such matters as fly tipping and even presently unused areas contribute through natural revegetation to the open character and visual quality of the land. The application of policy D3 will not determine the management of the land, but gives adequate guidance in setting the context for control of development. Its effect on existing commercial uses, primarily agriculture, would not be unreasonable. Permitted development rights would not be affected and under policy

B18 agricultural buildings should not detract from the landscape character of the area irrespective of UGS.

21.35.8 On issue ii, [1673] refers to agricultural use of the land. Whilst it is an objective, once a Green Belt has been defined, to retain land in agricultural use, PPG2 explains that the extent to which land fulfils this objective is not a material factor in inclusion in the Green Belt. As concluded by the Inspector into the HWDLP, CG31 is separated from the Green Belt by built development in sufficient depth to represent an identifiable break in continuity. Its inclusion as Green Belt would not be appropriate and circumstances to justify altering the boundary set in the HWDLP are not shown.

21.35.9 On issue iii, CG31 is an extensive open tract of agricultural and grazing land and vacant overgrown areas, lying between the Hightown area of Liversedge and the Moorside area of Cleckheaton. It includes field hedges, tree groups and pockets of buildings mainly of agricultural origin. It forms an attractive feature, appreciated from many vantage points both within the built-up areas and along the public footpath network across the land, and plays a very significant and worthwhile role in providing relief from urbanisation. The area as a whole is of a visual quality meriting UGS designation.

21.35.10 With regard to the need for housing land, this is covered in Chapter L1. Including allowance for such factors as demolition of existing dwellings, in the district the housing requirement is met by the identified land supply. The adequacy of the supply in Cleckheaton is disputed on the basis that some allocations, in particular H14.20, are unrealistic. However, these were assessed in the Joint Study with the HBF which agreed their development potential and capacity. Several of the allocations are subject to objections. Consideration of these does not lead to the conclusion that any of the allocations is unrealistic. Review of the estimated capacity is recommended in two cases, but the effect in the context of the supply in Cleckheaton would not be significant.

21.35.11 Concerning allocation H14.20, although this is in fragmented ownership, one owner who supports housing development and the release of the land in the plan period controls about 96% of the site. Whilst some uncertainty about the viability of the reclamation package on H14.20 leads to a recommendation for a reserve position for the school, that is in the context of one specialist site needing to be identified in the town. In contrast, given the importance of encouraging recycling of previously used urban land, it would be undesirable to provide additional housing sites on a settlement basis to shadow where more difficult brownfield sites are allocated. The impact, should H14.20 not make the expected housing contribution in period of the plan, would not be so severe in overall supply terms or in distribution to main urban areas, including Cleckheaton, as to warrant overriding the importance of protecting the open land value in order to make other housing allocations.

21.35.12 Other benefits are put forward to support an allocation on CG27. An adopted highway could be provided to serve Lower Blacup Farm, where listed buildings are in a very poor state of repair, but is not shown to be required for the reuse of the buildings rather than the erection of new dwellings. No evidence is provided to show that refurbishment of the existing buildings is not viable without additional dwellings. A case for allocation of CG27 being necessary to preserve listed buildings is not made. The objector offers to dedicate adjoining land to the Council, but its open quality would be protected by policy D3

regardless of ownership. As it is of value primarily in visual terms, the increase in public access from that provided by existing footpaths used for informal recreation would not be of such importance as to result in an overall benefit, taking account of the loss of open land by a housing allocation. Although a play area provided to serve new development could be used by the wider public, that is the case with any housing scheme where policy H18 applies, so there is no special advantage in allocation on CG27.

21.35.13 The plan designation of part of CG31 as POL indicates a view by the Council that, having regard to other objectives, the long-term protection of the whole tract of open land may not be appropriate. Given likely future pressures for development needs in and close to main urban areas, it would be desirable to allow some flexibility for a plan review stage. This is the context within which the particular contribution of different parts of CG31 and their suitability for development are considered.

21.35.14 HL9 is rough grassland, not dissimilar from that part of the open land which adjoins it to the north and north-west. It is visible from the footpath of Quarry Lane along its east boundary and provides some open land value in terms of visual amenity. Nevertheless, it is closely surrounded by built development to the south-west, south and east and, being beyond the ridge, is not prominent in views from footpaths to the north. Whilst it is necessary to be cautious in removing small areas from the open tract to avoid its gradual erosion, the contribution of HL9 is not critical to the quality and importance of the overall open area. Although below the threshold size for allocations, potential windfall development well related to the main urban area could result from no notation.

21.35.15 CG22 has a more enclosed feel than much of the area, due to the narrowing of the open tract at the west end between housing on Moorside and Halifax Road and to more intensive tree cover. As it is relatively flat it is less prominent from the built-up area of Cleckheaton than the north facing slopes further east. Nevertheless, it creates an open break along New Lane and is also appreciated from the public footpath to the east. The trees, some of which are protected by TPO, provide a feature of particular amenity value. Irrespective of the assessment made in the HWDLP, the conclusion from the urban open land study that it is of UGS quality is well founded.

21.35.16 The Council does not seriously press an argument that there are insurmountable constraints to development, but has reservations over access. New Lane suffers from on-street parking and is below the width recommended for this type of road in DB32, so that additional access from Moorside would be likely to be necessary. Gaining control over third party land can be a normal part of the development process, but since residents of the private road involved oppose development of this site an element of constraint reduces its suitability for development. Also, as the Council points out, the site is at the periphery of the urban area. It is in a vicinity where development off both Moorside and Halifax Road is less concentrated and it is not as well placed as land further east for accessibility to the town centre, facilities and main employment areas of Cleckheaton. Greater emphasis is now placed on encouraging sustainable patterns of travel, as advised in PPG13, than was the case when the HWDLP selected this west end of the open tract for designation as PAD. Bearing in mind its contribution to visual amenity, its suitability for potential future development is not so great as to warrant deletion of UGS designation.

21.35.17 CG27 is grazing land interspersed with hedges and trees mainly sloping up from north to south and is typical of the overall tract of land, creating a prominent backcloth in views out from the built-up area of Cleckheaton. It is also highly visible from the residential area to the east, where estate roads extend to its boundary, and from the public footpath network which is at its most dense across the eastern end of CG31. Neither the west boundary of CG27 nor the west boundary of the POL area within CG27 is marked in such a way as to divide the land off from the remainder of the open tract, throughout which hedge and tree lines are a common feature. CG27 is not distinguishable as being of lesser quality or value as open land than the remainder of CG31 and the south slopes are particularly important in visual terms. The site is readily capable of development. Adequate access is possible from two estate roads, which terminate at its east boundary, without additional access from Penn Grove. The land is very well placed for easy accessibility, being reasonably close to main areas of employment in Cleckheaton and within walking distance of the town centre and other facilities.

21.35.18 Given the large size of the open tract, likely future development pressures and the advantages of the location in terms of sustainable travel patterns, an element of POL towards the east end of CG31 would be reasonable to allow future assessment for possible development without invalidating the contribution of the open area as a whole. However, the particular area designated in the plan is not suitable. Development on the southern fields adjacent to Penn Drive and Ashbourne View, whether in the POL area or in CG27 as extended westward, would be overly prominent. The topography is such that an area at the north-east end, possibly extending along the south of H14.20, would relate better to the built-up area and impinge much less on views out from that area and on the quality of the open land. There is no merit in extending the line of the residential area from the east merely to replicate a straight boundary. Consideration is needed of how an alternative POL area could be accessed, whether off Ashbourne Drive alone or also from H14.20 which could have a benefit in providing additional impetus to that redevelopment scheme through the prospect of further development. I do not therefore recommend particular boundaries, but the present designations should be reviewed.

## Recommendations

- 21.35.19 i. delete UGS designation from site HL9, Halifax Road/Church Street, Liversedge;
- ii. review the boundaries between POL and UGS designation at the east end of CG31, Lower Blacup Farm, Cleckheaton having regard to the points made at IR 21.35.18.

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## 21.36 POLICY D3, SITE CG23 *HIGHMOOR LANE, HARTSHEAD MOOR SIDE*

Objections: 1676 Hartshead Moor Cricket Club

### Background and issues

21.36.1 The objection was to policies H1, H5 and D8 and sought amendment of the Green Belt and allocation for housing. The site is in fact not within the Green Belt but is designated in the plan as UGS. At about 0.2ha it is below the threshold used for allocations.

The objection is therefore being treated, with the agreement of the Council and objector, as being to policy D3 and seeking a change to no notation under policy D2.

21.36.2 The issues are whether the site merits designation as UGS, bearing in mind its recreational value and its potential to contribute to housing land.

### **Conclusions**

21.36.3 In this case the land has been designated as UGS on the basis of its recreational value. The site is the south-west part of cricket club premises and part of a larger area designated UGS, comprising the cricket ground, a school and its playing fields. Most of the site is occupied by a shale surface, used as a car park for the cricket club. Although there is a further car park to the north of the ground, permission was obtained by the club for the formation of the car park on the objection site as recently as December 1995, as part of a proposal to also extend the club. It thus serves a purpose associated with that sports use and has worthwhile recreational value, meriting designation as UGS.

21.36.4 The site is on the north-west side of Highmoor Lane. Although opposite housing, this area has an open character established by the club house and school buildings set in associated extensive grounds and is distinct from the residential area. Housing on the site would detract from this character. The motorway lies immediately to the west. Based on 1985 noise readings, the site falls within Noise Exposure Category C as defined in Annex 1 to PPG24. PPG24 advises that for such sites planning permission should not normally be given. The site is not well suited for housing and even if removed from UGS would be unlikely to make a contribution to housing land. The question of the overall housing land supply is covered in Chapter L1 and this shows no overriding need for further housing land.

### **Recommendation**

21.36.5 No modification.

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### **21.37 POLICY D3, SITE CG24 *ST PAUL'S ROAD AND PROSPECT LANE, BIRKENSHAW***

Objections: 2168 Victor Homes Ltd

### **Background and issues**

21.37.1 The objection to policy D3 seeks designation as POL. A second objection form to policy H5, seeking an increase in the provision of housing land, also gives the site address as this land. The accompanying statement indicates that options to overcome technical concerns are being investigated and a planning application will then be submitted, suggesting that development within the plan period is sought rather than solely the safeguarding of the land for future consideration. There is a degree of uncertainty requiring interpretation and I consider the objection as also seeking a housing allocation as an alternative to POL.

21.37.2 The issues raised are whether UGS designation is appropriate having regard to the value of the site as open land; the suitability and need for the site for housing in the plan period or the longer term.

## Conclusions

21.37.3 The site of about 2.2ha forms part of a larger area designated as UGS, including a cemetery immediately to the north. Approximately the north quarter of the site is allocated for housing in the HWDLF. The remainder is shown without notation.

21.37.4 The south part of the site accommodated a football pitch, a use providing valuable recreational opportunities. The pitch is now disused and overgrown, following dissolution of the club in 1991. Whilst the objectors indicate that no interest has been shown in purchase by a sports society or the Council, no information is given to show that its availability has been publicised. Also, for the reasons set out at IR 14.6.2, decisions on the release of land last used as private playing fields should not be based solely on demand by other organisations, rather than on a longer term view of community need. Bearing in mind the relevance to this site of policy R8, as recommended, and that the period of disuse is not very prolonged, it is reasonable to regard the south part of the site as retaining recreational potential. Trees, protected by TPOs, form an attractive feature on the north and central parts of the site. Together with the general open nature of the land, covered by natural vegetation, they contribute to the visual amenity of the surrounding residential area and provide a varied habitat for wildlife.

21.37.5 The site thus has some value in terms of all the criteria used for UGS, although the value is tempered by the following points. No specific ecological quality is claimed for the wildlife habitat. The enclosure of the site by built development limits its wider visual impact, with public views largely restricted to from within the UGS to the north and from the footpath at the end of Prospect Lane. Other areas in close proximity are designated as UGS, so there is not a scarcity of open land.

21.37.6 With regard to its suitability for housing, the site is well placed within an urban area, close to local facilities and public transport. A large business and industry allocation to the south-west will add to the potential employment opportunities nearby. In later submissions, the objectors suggest partial development with the former football ground set out as public open space. This would have the benefit of bringing forward and increasing the chances for renewed recreational use of that area and limited development should allow most protected trees to be retained.

21.37.7 However, there are access problems. Prospect Lane is severely substandard in terms of width, footpath provision, turning facilities and visibility at its junction with Old Lane and at access points along it. Particularly as the lane is part of the pedestrian network through the settlement, increased traffic from housing on the site would create unacceptable hazards. Correspondence with the Council in October 1995 suggests that, subject to improvements to Prospect Lane, about 7 dwellings on the site may not be ruled out on highway grounds. Alterations radical enough to overcome the hazards would require, in addition to gaining control over other land, significant demolition of buildings. Whilst the objectors indicate that off-site alterations are being pursued, the information provided does not adequately demonstrate that even part of the site could be readily freed from constraints.

21.37.8 The housing supply situation is covered in Chapter L1. The approximate balance between the housing requirement and the identified supply does not provide a reason to allocate additional land in the plan period. Bearing this in mind and the recreational potential of part of the land, the contribution of the site to visual amenity and wildlife and the constraints on development, the retention of most of the land as UGS is merited and allocation of any part of the site for housing would not be appropriate.

21.37.9 In the longer term, suitable safeguarded land may not be adequate to cater for housing requirements. Increased pressure for housing can be expected on urban sites such as this, supported by national guidance on urban regeneration, Green Belt protection and sustainable travel patterns. As set out in the introduction to this chapter, whilst it would not be appropriate to redesignate clearly valuable open land as POL prior to a review, where the assessment of value as UGS is finely balanced the likely future pressure for development land is a relevant factor. In this case, the value of the whole site is not clear cut and there are potential benefits in bringing forward public open space use from limited development. Deletion of UGS from the north part of the site, broadly between the two main tree belts, and designation as POL, which would allow reassessment including consideration of progress on overcoming access constraints at review stage, would be appropriate.

### **Recommendation**

21.37.10 Delete UGS designation from that part of site CG24 between tree group A1 on TPO No 3 1978 and tree group A1 on TPO No 13 1993 [KB/CG24/1] and substitute therefor designation as POL.

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### **21.38 POLICY D3, SITE CG25 MOORLANDS CUTTING, TONG MOOR, BIRKENS HAW**

Objections: 2296 Ogden Properties Ltd

### **Background**

21.38.1 Most of the site, of about 0.7ha, is designated in the plan as UGS, with the western tip shown without notation. The objection seeks deletion of UGS and for the site to be shown for Waste Disposal and Derelict Land. The objection also seeks POL, with an alternative housing allocation referred to in the accompanying statement.

### **Issues**

- 21.38.2 These are whether:
- i. UGS designation is merited having regard to the value of the site as open land;
  - ii. designations for waste disposal and derelict land would be appropriate having regard to the contribution to landfill capacity and the condition of the land;
  - iii. housing allocation or POL designation would be appropriate having regard to the effect on restoration.

## Conclusions

21.38.3 The site is part of a former railway cutting, lying between a residential area to the south and a sizeable, open remnant of heathland, Tong Moor, to the north which is also designated UGS. The UGS area of the site and Tong Moor are designated as open space in the HWDLP. Despite being also allocated in the HWDLP for solid waste disposal, the majority of the cutting remains unfilled and natural revegetation has resulted in dense tree cover. It suffers from a degree of fly tipping, but this does not detract from its overall visual contribution and there are powers under other legislation to control this problem. The trees form an attractive feature complementing and visually framing the open expanse of Tong Moor, which trodden paths show is well used by the public for informal recreation. The significant value of the site in terms of visual amenity merits UGS designation.

21.38.4 The objector argues that locations satisfactory for tipping are scarce, but the available void space at this site is insignificant in waste disposal terms. Any benefit from increasing landfill capacity would be very slight and insufficient to outweigh the adverse impact of removing the tree cover and harming the appearance of the site, which filling would entail. The view that the site in its present condition is potentially dangerous is not supported by evidence or reasoning. Natural vegetation has effectively regenerated the site and further reclamation, such as to justify identification under the derelict land policies, is not necessary.

21.38.5 It is argued that a residential allocation would facilitate restoration but, as I conclude above, reclamation of the site is not necessary. There is therefore no local reason for housing. In addition it is not demonstrated that this linear site, some 400m long by 20m wide and where a refusal of permission for a dwelling on the eastern half points to access problems, would be suitable for housing. The major part of the site is clearly of open land value, so this is not a finely balanced case and it would not be appropriate to designate the site as POL pending a review of the plan.

21.38.6 The objector places some reliance on the designation of the site in the Consultation Draft for waste disposal, derelict land and POL, but the purpose of this report is not to assess the merits or otherwise of the Consultation Draft version of the plan. I am satisfied that the present plan designations should not be disturbed.

## Recommendation

21.38.7 No modification.

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## 21.39 POLICY D3, SITE CG26 LAND AT TONG MOOR, BIRKENSHAW

Objections: 0654 A & D Hoare

## Background and issues

21.39.1 The site of about 1.57ha comprises two paddocks at the east end, a length of former railway and a small triangular area to the south of the railway line at the west end.



The former railway is also within CG25 and, together with the triangular area, is designated UGS in the plan (Area A). The east part of the site is shown as POL and a small area at the south-east is without notation (Area B). The objection seeks a housing allocation on the whole site, following waste disposal on the former railway area. The issues raised are:

- i. whether Area A merits UGS designation having regard to its open land value;
- ii. the suitability of Area A for access to housing;
- iii. whether Area B is capable of development for housing.

## Conclusions

21.39.2 As I conclude at IR 21.38, the former railway cutting within Area A has significant value in terms of visual amenity. The small triangle of land to the south of this is a well maintained grassed area, landscaped with trees. It is open to Bradford Road and provides a pleasant foreground to the larger open area of Tong Moor. The contribution of both parts of Area A to the character and appearance of the area merits its designation as UGS.

21.39.3 The use of the cutting for access to land to the east relies on it being filled. This would result in the loss of the tree belt and harm the contribution to the appearance of the area. Access from Area A onto the busy A651 would be at substandard junction spacing, in terms of the recommendations in "Roads and Traffic in Urban Areas" [LCD116]. The objectors argue that the standards of access necessary for a tipping operation would be adequate to serve residential development. However, previous refusals for tipping include problems of access and it is not shown that satisfactory arrangements could be made for that purpose. Moreover, what may be accepted for an essentially short term operation cannot be equated with the requirements for long term use.

21.39.4 With regard to Area B, that part designated as POL comprises two paddocks. As open land providing visual relief within the built-up area it makes some contribution to the amenity of the area. Area B, including that part with no notation, is well related to the urban area, with housing, places of employment and community facilities nearby. Nevertheless, PPG3 advises that sites identified for housing development should be free or readily freed from constraints. Here it has not been shown that this would be the case within the plan period, due to the problems of obtaining satisfactory access. Whereas the Council resolved in 1980 to grant permission for residential development subject to a S52 (now S106) agreement being entered into to secure the construction of a link to Moorlands Road, no agreement was able to be completed. The problem would not be resolved by a potential alternative access to the A651 via Area B for the reasons set out in the previous paragraph. Modification of the plan to give a housing allocation would not therefore be appropriate.

## Recommendation

21.39.5 No modification.

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## CHAPTER 22 - MISCELLANEOUS SITE SPECIFIC CASES

### **22.1 POLICY D5, SITE CV9 *OPPOSITE VICTORIA MILLS, VICTORIA LANE, GOLCAR***

Objections: 1377 Readicut International plc

#### **Issue**

22.1.1 Whether the site should be unallocated so as to provide for the expansion of Victoria Mills.

#### **Conclusions**

22.1.2 In the CVLP this site of about 0.5ha is unallocated, whereas the land to the east is protected for possible longer term development. The objector disputes the inclusion of the objection land within a combined area of POL but there is little physical distinction between the two areas, the whole constituting fairly steep open land of some amenity value on the edge of the settlement. I have concluded elsewhere that the allocation of the adjoining land as POL should be retained (site CV8, IR 20.7). The objector cites the need to provide for the future expansion of Victoria Mills and this would be in accordance with the objective of the plan to support existing businesses. Nevertheless this would not be grounds to modify the allocation at the present time because no firm evidence of the requirements of the business is available and there are grounds to doubt whether this steep land positioned below existing houses would be suitable for industrial use. In addition there is a concentration of trees on the south-western part which make a particular contribution to amenity.

#### **Recommendation**

22.1.3 No modification.

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### **22.2 POLICY D5, SITE CV12 *WEST OF BLACK ROCK MILLS, LINTHWAITE***

Objections: 0219 & 0220 Patons RTN

#### **Issue**

22.2.1 Whether the site should be retained as POL.

#### **Conclusions**

22.2.2 The objection concerns a site of about 0.7ha which is the north-eastern portion of a larger area of POL. The site is on the south-western edge of Linthwaite and adjoins Black Rock Mills, owned by the objector. The objection seeks the deletion of the POL allocation on the basis that the land should be available for development in conjunction with the Mills.

Originally an expansion of the industrial use was implied but more recently the objector indicated that production would cease and a residential development was being contemplated.

22.2.3 The objection site is an integral part of the fields which make up this area of POL. The land is on the periphery of the settlement and links with the Green Belt to the south-east whereas the buildings to the north-east are at a lower level and relatively unobtrusive. The land slopes gently towards the north and its pleasing appearance enhances the character of the settlement in views from Upper Clough Road. Thus the designation of the area as a whole as POL, safeguarded for possible longer-term development, is reasonable and accords with the guidance in PPG2. No evidence of a need for the land for industrial development exists. Concerning possible use for housing, whatever the future of the Mills, this land is so closely related to the remainder of the POL that it is appropriate for the future use of the latter to be decided comprehensively. The site differs from CV11, where the Council has agreed a proposed change from UGS to unallocated, because that land does not contribute to visual amenity and is more closely related to the mill complex.

### Recommendation

22.2.4 No modification.

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### 22.3 POLICY D5, SITE HV34 *BROAD LANE, UPPERTHONG*

|             |                       |                    |
|-------------|-----------------------|--------------------|
| Objections: | 1750 Michael Haigh    | 1751 Maurice Haigh |
|             | 1752 Richard Haigh    | 1753 Linda Haigh   |
|             | 1754 Mr & Mrs D Haigh | 1755 Dora Haigh    |

### Issue

22.3.1 Whether the land is appropriately defined in the plan as POL or could be changed to no notation.

### Conclusions

22.3.2 This is a site of about 0.45ha which is at the south-eastern end of a much larger area designated as POL. Whereas the deposit draft plan refers to the flexibility which is achieved by keeping some land free from permanent development as POL, the recommendations in Chapter L1 are intended to give more emphasis to the role of POL as safeguarded land with the potential for future development as described in Annex B of PPG2.

22.3.3 With this background, the identification of the land containing the objection site as POL is well-founded. These are attractive small fields visible from the surrounding highways but not of such merit as to justify designation as UGS. Although the local road network is less than ideal and the Council refers to pressure on places at the local primary school, long term development would seem to be a realistic possibility. Removing the objection site from this larger area of POL would have serious disadvantages. The comprehensive development of the whole of the land would be prevented, which would be especially unsatisfactory because part of the objection site occupies a key position adjoining Broad Lane. Also because of its location, if this part of the land were developed views of

the remainder would be obstructed so that the contribution to amenity would be seriously damaged. Although the easternmost part of the objection site is more detached, it is also desirable for the use and development of that area to be decided in conjunction with the adjoining land. Deleting any part of the POL would reduce necessary provision of safeguarded land.

### **Recommendation**

22.3.4 No modification.

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### **22.4 SITE HV42 *MILL DAM, STEPS, HONLEY***

Objections: 2500 N Snow & R Glover

#### **Issue**

22.4.1 Whether the former mill pond should be designated as a wetland so as to bring about restoration.

#### **Conclusions**

22.4.2 The objection concerns what was a drained mill pond. As the Council points out, there is no planning control which would prevent drainage of a water feature. The plan deals with this problem within policy NE6, which seeks to retain water areas when development is proposed. A special designation applying to this site would therefore be unnecessary. The outcome here has been that the mill pond has been restored recently because of a requirement imposed in a planning permission.

#### **Recommendation**

22.4.3 No modification.

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### **22.5 POLICY D5, SITE K15 *WAKEFIELD ROAD, COWMES***

Objections: 0664 Elliotts Bricks Ltd

#### **Issue**

22.5.1 Whether the land is appropriately designated as POL.

#### **Conclusions**

22.5.2 The objection applies to a site of about 1ha at the junction of Wakefield Road and Fenay Bridge Road. No specific grounds are given for seeking the deletion of the POL allocation, although the use as grazing land is referred to.

22.5.3 The plan designation should be upheld unless it can be shown that the land would not be capable of development in the longer term or that it should have been allocated for immediate development. The current use for grazing is entirely appropriate because it maintains the condition and appearance of the land without prejudicing the potential for development. The site is in a main urban area where development would, in principle, be acceptable. The land is fairly steep and near a road junction, so that access would be difficult and the density of development could be low. While development would be likely to be possible, the benefit achieved would not be great. The site is also relatively prominent and has some amenity value, in views from both the surrounding roads and the adjoining disused railway line where a pedestrian and cycle route is proposed. Thus the decision not to allocate the land for immediate development but to protect its open land value pending a review of the plan conforms with the principles governing the identification of POL.

### **Recommendation**

22.5.4 No modification.

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## **22.6 POLICY D2, SITE HS9 *LOCKWOOD PARK, HUDDERSFIELD***

Objections: 2351 Bass plc

### **Issue**

22.6.1 Whether the potential for development of this land is appropriately recognised in the plan.

### **Conclusions**

22.6.2 The objection is best considered by dividing the land into two areas on either side of the Huddersfield-Barnsley railway line. Area A, to the west, is in the Green Belt and is also subject to policy NE5, with part a washland under policy EP3. The objector cites the potential for recreation development but the particular policies applicable here are not criticised. The relevant policies D8, D10, NE5 and EP3, have each been subject to scrutiny and do not unduly restrict appropriate use of the land, including for recreation.

22.6.3 Area B, to the east of the railway, is land without notation and therefore subject to policy D2. This allows considerable flexibility in determining the suitability of an alternative future use, subject also to any other specific policies which may apply. Although housing development is mentioned by the objector, it is not the practice in the plan to allocate land currently in use and this both gives greater certainty where land is allocated and avoids restricting the alternative use of land which does become available.

### **Recommendation**

22.6.4 No modification.

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## 22.7 POLICIES D5 AND D6, SITE HN3 ALBANY ROAD, DALTON

Objections: 0769 Illingworth Morris Ltd

### Issues

- 22.7.1
- i. whether designation as POL is appropriate;
  - ii. whether a boundary should be defined for the green corridor along Round Wood Beck.

### Conclusions

22.7.2 The plan designates an area of about 1.3ha north-west of Albany Road as POL. Flood alleviation works have been carried out, according to the Council in about 1991, which changed the character of the land, and subsequently some planting was done. The southern part of the land (site A) is a self-contained area bounded by Round Wood Beck, Fenay Beck and Albany Road. In terms of potential development, this is separate from the northern part (site B). The latter lies between Fenay Beck, Ox Field Beck and Albany Road, with a footpath passing through and continuing westwards adjoining Fenay Beck.

- 22.7.3 The original objection makes reference to the physical alterations which have resulted from the flood alleviation works and seeks specific changes to the plan:
- i. the removal of the D5 allocation from site A. A housing allocation is also advocated but the land would be below the threshold for this.
  - ii. the deletion of the green corridor designation along Round Wood Beck affecting the west side of site A.

The subsequent case for the objector includes the appropriateness of allocating site B as UGS. I have taken this into account because the future use of the two areas is connected but I do not intend to make a recommendation with respect to site B because that would extend the scope of the objection.

22.7.4 The Council's general case is that a decision on the future use of these sites should not be made at the present time. While the general argument to make land subject to policy D5 is principally to safeguard future development, here rather greater emphasis is placed on possible designation as UGS when the plan is reviewed, albeit within a position of overall "neutrality" as to the probable outcome. This is supported by reference to the continued maturation of landscaping carried out on the sites, so that although these are said not to merit UGS designation yet, it is suggested that this may be achieved in the future. This is wholly inadequate. The flood alleviation works are said to have been carried out in about 1991 and the objector's representations on the consultation draft plan in April 1993 drew attention to the effect of these. The Council suggest that potential is not relevant to the assessment of UGS quality but in my view this is not so and has not been universally followed, for example when some derelict land has been allocated as UGS. The process of preparing the plan is not wholly reactive and must involve considering both the merits of a site and its potential to contribute to plan objectives, particularly where what is being evaluated is the significance of a maturing landscape, the effect of which is substantially predictable.

22.7.5 Site A is flat grassed land with some peripheral tree planting. There is no public access and the land is self-contained, so that its role as UGS would be likely to be primarily visual. In this respect its contribution to an open corridor is diminished by the presence of

houses on the opposite side of Albany Road. The importance of the land arises principally from the presence of the watercourses but these are protected by the green corridor designations. The main differences between sites A and B are that the latter provides continuity between the UGS/footpath to the south-east and the footpath alongside the beck to the west. This gives the site greater visual significance and a functional value, both actual and with further potential. There is rather more planting, especially adjoining Fenay Beck, and this creates a visual barrier in relation to site A. The land also has value as a buffer next to industrial premises. Given the differences and the physical distinction between the two sites it is reasonable for them to be given separate consideration. Site B merits designation as UGS but there are not grounds to continue that designation on to site A, so that this area of 0.3ha should be without notation.

22.7.6 Policy D6 seeks to safeguard a number of attributes of green corridors. The objection as revised seeks to limit the effect of the policy here to Round Wood Beck and its immediate banks by applying a boundary to the corridor. One aspect of development proposals examined under the policy is the impact on the visual quality of a corridor. The objection aims to restrict the operation of the policy so that the effect of buildings or other works near a watercourse but beyond its banks would not be tested. The change sought by the objector implies an unduly narrow interpretation of green corridors which would be liable to detract from their long term value. Furthermore, adding a boundary would not have the effect sought because the policy encompasses land adjoining the corridor.

### **Recommendation**

22.7.7 Modify the proposals map by deleting the POL allocation from the land between Round Wood Beck, Fenay Beck and Albany Road (site HN3) and leaving the site without notation.

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### **22.8 POLICY D5, SITE HN10 WARREN HOUSE FARM, LINDLEY MOOR ROAD**

Objections: 2252 Mr & Mrs Drake

#### **Issue**

22.8.1 Whether development should be resisted because of the value of the site as open land.

#### **Conclusions**

22.8.2 This site is part of a larger area of POL between the Ainley Top roundabout and Weatherhill Road. Land adjoining Lindley Moor Road was transferred from Calderdale to Kirklees in April 1994 and a proposed change has included this as further POL. An objection was made to the Calderdale UDP allocation of this land as open space and the Inspector's recommendation in August 1994 upholds this and recommends that the site be unallocated. His conclusions emphasise the need for comprehensive consideration in conjunction with the Lindley Moor area. The Council are treating objection [2252] as also applying to the transferred land, although no counter objection was made in this respect. All

references to the site are to this aggregate area of about 1.2ha. The objection refers to the release of the land for development but does not specify a particular use.

22.8.3 The objection site consists of flat grassland with existing development, mainly houses, to the north-west and east. To the south-west across Lindley Moor Road is business and industry allocation B8.1, on which a buffer zone is proposed next to the road. The south-east boundary is marked by a tall stone retaining wall. Beyond this is a band of POL centred upon a shallow valley which descends in an eastern direction to the edge of the Ainley Top roundabout. A green corridor runs through the POL and across the objection site into the Lindley Moor buffer zone. The objector suggests that the routing of this "up" the retaining wall is illogical and that a tunnel under Lindley Moor Road for wildlife would be more sensible. This is a detail for the Council to consider but is not part of the original objection.

22.8.4 An appeal against the refusal of residential development was decided in 1991 and the Council place some reliance on the observations of the Inspector concerning the visual character of this site, which is described as an integral part of the Penine landscape and part of an important gap between Ainley Top, Lindley and Birchencliffe. These views do not apply in current circumstances. The Green Belt terminates to the north-west beyond this land, whereas the site is closely related to the development on the opposite site of Lindley Moor Road which is clearly within the settlement. The swathe of open land to the south-west is proposed for business and industry. The POL which would remain to the south-east would provide a reasonable gap between Ainley Top and Birchencliffe and has some intrinsic attractiveness. In contrast, the objection site is a featureless area of grass unconnected to the open countryside. Whereas the POL to the south-east is visible from the vicinity of the Ainley Top roundabout, I disagree that the objection land is significant in views from there.

22.8.5 The site does not have value as open land and is clearly distinguished from the remainder of the POL. Bearing in mind the position of the site within a main urban area, there are no grounds to retain the POL allocation, which would have the effect of preventing development pending a review of the plan. I agree with the Council that formal consideration of the objection should be limited to whether or not to retain the allocation as POL but, since it will be necessary for the Council to think about future development, it may be useful to summarise the alternatives. The objector mentions the possibility of housing, business and industry, or a commercial development related to a possible hotel on site B8.1. I consider extension of business and industry beyond the buffer zone to be established on site B8.1 would be undesirable. Housing would be suitable, since I do not regard the Council's criticism of the distance to a local centre as compelling. It is conceivable that a commercial/leisure use related to the B8.1 allocation would be attractive here but this is not within the scope of the principal plan allocations and it would be important to safeguard residential amenity.

## Recommendations

- 22.8.6
- i. modify the plan by deleting the POL allocation of site HN10;
  - ii. that the proposed change adding a further area of POL as shown in plan A6 of CD113 be not made.

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## 22.9 POLICIES D3, D5 AND EP3, SITES MF9 AND MF10 *LEDGARD BRIDGE MILLS AND LAND EAST OF HOPTON NEW ROAD, MIRFIELD*

Objections:

1108 Mr H G Webster  
2504 Mirfield Town Council

1667 Mirfield Civic Society  
2954 James Walker & Sons Ltd

2501 H Fearnley  
5679[PC] David Wilson Estates Ltd

### Background

22.9.1 The objections concern a number of overlapping sites to the north of the River Calder between Ledgard Bridge and Wheatley's Bridge, Mirfield. They relate to the following areas identified in KB/MF9 and MF10/1: Site A, about 1.3ha at Ledgard Bridge Mills [1108 and 2504]; Site B, about 3.7ha between Hopton New Road and Holme Bank Mills [1667, 2504 and 2954]; an area consisting of Sites A and B plus about 2.9ha of land in between [2501]; Site C, about 5.7ha east of Holme Bank Mills [2954]. In the plan the land, with the exception of the northern strip of Site C, is designated as Washland, Sites A and B are without other notation, the land in between is UGS and Site C is POL and Derelict Land. [5679 PC] relates to about 3.3ha along the northern strip of Site C and is to the proposed change agreed by the Council to replace the POL designation by UGS.

### Issues

- 22.9.2 The issues raised are whether:
- i. the washland designation is necessary in view of the history of industrial use in the area and flood alleviation works in Dewsbury;
  - ii. the washland designation would unreasonably preclude industrial development;
  - iii. UGS designation is merited on Site B, the allotments to the west or on the northern strip of Site C;
  - iv. the plan should designate the land as suitable for industrial development or for future safeguarding.

### Conclusions

22.9.3 C30/92 emphasises the importance of development plans taking into account information from the NRA on the extent of washland. The washland here is as recommended by the NRA and is based primarily on historical records, including the 1946 flood levels which affected these sites as confirmed by the objector [1108]. The NRA has commenced work on a review of washland in accordance with C30/92 advice. Bearing in mind that C30/92 defines washland limits as at least the 1 in 100 years flood profile, that the NRA records for this area relate to a 1 in 60 year event and the initial findings of the NRA consultants, I am satisfied that changes in this area are more likely to lead to additional land being included in the washland, not less. Whilst Ledgard Bridge Mill has been in industrial use for more than two centuries, the bulk of the buildings lie outside the washland designation. Minor buildings and open uses closer to the river do not demonstrate that the land is not liable to flooding nor that it is not needed as washland. The flood alleviation scheme at Dewsbury did not reduce the likelihood of flooding or the need for washland at this point on the river. It is essential the area remains identified as washland.

22.9.4 Policy EP3 applies only when decisions are taken on whether to permit development. Thus it does not, as [1108] fears, act in retrospect to restrict existing lawful

uses. Similarly the concern of [2954], that there should be flexibility to allow development if alternative washland capacity can be supplied, is already incorporated in criterion i of the policy. Whilst the expansion of Holme Bank Mills may be prevented by the policy if criteria i and ii cannot be met, I am satisfied that the designation of this land as washland does not preclude development to a greater extent than is reasonable in the interests of taking proper account of flood risk as advised in C30/92.

22.9.5 UGS is open land of value in either visual, wildlife or recreational terms. The area designated as UGS in the plan is occupied by allotments gardens. By their nature such sites may not be visual gems and these allotments are no exception to that. However, they can provide wildlife habitats and their potential for recreational purposes is particularly valuable, as recognised in PPG3 paragraph 27. This potential is fully realised on this site, where the allotments are very well used. I am in no doubt that a valuable recreation function is performed by the area between Sites A and B, fully meriting designation as UGS.

22.9.6 Site B is open agricultural land of undistinguished character and unexceptional appearance. There is no evidence of particular wildlife value and no public access for recreation. Since it is a short distance from wooded hillsides within the Green Belt to the south of Lower Hopton, which provide visual relief from the built-up area, it does not enjoy any scarcity value. I conclude that UGS designation of Site B as sought by [1667] is not justified.

22.9.7 The northern strip of Site C was formerly railway sidings. At the time of the proposed change, natural revegetation had resulted in pioneer woodland of mainly birch with willow, sycamore, cherry, alder, hawthorn and elder. Since then, virtually all the trees have been felled and ash extracted. In addition to the devastation of the emerging woodland environment, the process of extraction has resulted in compaction of the ground. Without work to the area this is likely to slow down any future natural revegetation and attainment of wildlife habitat value. It seems that the ash extraction and associated operations were unauthorised development and that the opportunity for enforcement action exists, although the Council had not pursued this at the time of the inquiry. If measures are required either to restore the land to its former condition or to remedy the injury to amenity, then visual and wildlife habitat value could be restored to the area within a reasonable timescale. If, but only if, such action is taken I consider the designation as UGS is merited.

22.9.8 As PPG4 advises, plans should give industrial and commercial developers certainty about the types of development which will be permitted and allocations for business and industrial use should be readily capable of development. An indication in the plan that these sites are suitable for business and industry would be potentially misleading to developers. Whilst washland designation does not wholly preclude development, the full range of business and industrial development is highly unlikely to be suitable. There is no evidence that measures such as the provision of alternative floodwater storage capacity in this area have been investigated and can be achieved. Thus, it has not been demonstrated that the land is readily capable of development. Allocation for business and industry would also run contrary to the advice in C30/92 for planning authorities to guide development away from areas that may be affected by flooding. It would be inappropriate to allocate the land or indicate in any other way that it is suitable for business and industry.

22.9.9 The need for development land and therefore the balance between different factors will alter in the future. However, it is not sensible to safeguard land to meet that potential need if there is no realistic prospect of the land being readily capable of development at the required time. Bearing in mind that the NRA survey is unlikely to lead to reduced washland being identified in this area, the realistic future development potential of this land is not such as to justify safeguarding it by a POL designation. Those areas not designated as UGS should be subject to no further notation than washland and DL.

## Recommendations

- 22.9.10 i. modify the proposals map by the deletion of POL from the area east of Holme Bank Mills, Mirfield shown as Site C on the plan attached to KB/MF9 and MF10/1;
- ii. subject to the measures discussed in section 22.9.7 having been taken, modify the proposals map by the addition of UGS designation as agreed in the proposed changes and shown on plan ref 2.13 of CD113.

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## 22.10 POLICIES D5 AND EP3, SITE DRT19 *FORGE LANE, DEWSBURY*

Objections:

2287 Wormalds & Walker Ltd

2288 Ratcliffe Mills

## Issues

22.10.1 The land is identified in the plan as washland, POL and a site for mineral working under policy M2 and a green corridor is shown through the south-east end of the site. In place of the first two designations, the objectors seek either a special policy encouraging mixed development for residential, employment, leisure and community facilities purposes after mineral extraction; or no notation, other than the mineral allocation with an annotation that mixed use development would be sympathetically considered after mineral extraction subject to a planning brief. The issues raised are whether:

- i. designation as washland is necessary taking into account flood relief measures undertaken;
- ii. designation as POL is appropriate bearing in mind the value of the site as open land and its suitability for development;
- iii. a special annotation or allocation is appropriate bearing in mind the suitability of the site for mixed development and likely timescale;
- iv. a special allocation or annotation is necessary to aid regeneration objectives and guide restoration following mineral extraction.

## Conclusions

22.10.2 The site, of about 10.2ha, is low lying agricultural land adjoining the River Calder. Its designation as washland is as recommended by the NRA and reflects its record of flooding. This is consistent with the importance which C30/92 places on development plans taking into account information from the NRA on the extent of washland. The clear evidence is that, following the implementation of a Flood Alleviation Scheme at Dewsbury, the flood

relief channel to the north-east of the site has operated and the site remains below predicted flood levels, and thereby necessary as washland in this otherwise heavily built-up area.

22.10.3 On issue ii, POL was identified following a survey of urban open land, excluding land allocated for a built use in a local plan. The process of designating the urban open land for specific purposes was intended to strike a balance between the need to allocate sufficient land for development in the plan period, the need to protect the most valuable areas of open land and the need to provide for development in the longer term. POL is described as having some actual or potential value as open land, but of less quality than UGS. In the context of objections to policy D5, the Council state that all POL sites are capable of development, although there may be constraints to be removed over time.

22.10.4 The Council does not argue that the open land value of the site merits long term protection. Indeed, this would be inconsistent with the identification through policy M2 of the site as, in principle, suitable for mineral extraction, a process which would be likely to radically alter the visual and overall wildlife contribution of the land and affect the public access presently provided by a public footpath.

22.10.5 Persuasive evidence is provided by the NRA, on behalf of the Council, that alternative floodwater storage capacity schemes would not be feasible nor effective at this site. The whole of the site is subject to flooding and other land is not available on this stretch of the river to provide alternative floodwater storage. Whilst excavation on the site could increase the volume of storage, this would be limited by the depth of the water table. A modelling exercise would be necessary to establish the situation precisely, but the expert opinion, based on considerable experience and not contested by any technical investigation, is that a very substantial proportion of the site would remain necessary as washland and unsuitable for built development or development otherwise interfering with the washland function.

22.10.6 There is no benefit in safeguarding land to meet longer term needs for development if there is no realistic prospect of the land being readily capable of development at the required time. The NRA has commenced work on a review of washland in accordance with C30/92 advice. Since C30/92 defines washland limits as at least the 1 in 100 years flood profile, whereas the NRA records for this area relate to a 1 in 60 years event, this review is more likely to lead to additional land being included in the washland, not less. None of the 10 calculations of 1 in 100 years flood levels made by NRA consultants would remove this site from the floodplain. This is not therefore a case where a constraint is likely to be removed over time and the realistic future development potential of this land makes it inappropriate to safeguard it by a POL designation.

22.10.7 On issue iii, annotation to the mineral allocation to indicate what after use would be acceptable would not be helpful if it was misleading. An indication that mixed development as suggested would be feasible would be misleading, since there is a strong case that washland issues would not be able to be overcome. In addition to the washland factor, in arguing against allocation for mixed development the Council cites access constraints and delay from mineral extraction. The adjacent landowner indicates a willingness to facilitate access and off-site highway works are not an insuperable bar to development, but are a common feature of allocations in the plan. The objectors' intention is for a new allocation to be made alongside the mineral allocation and they accept that mineral extraction should

take place first. This is important, as sterilisation of the minerals by development would be most undesirable. The evidence from the existing AMW site to the south-west is that the reserves of aggregate in this area are of marketable quality and the situation in the district is that it is not well endowed with aggregate reserves and, in common with the rest of West Yorkshire, is a net importer.

22.10.8 Based on the experience of the nearby AMW site, the Council estimates that extraction here would take about 10 years followed by a restoration period. The objectors' give no alternative estimate, but argue that faster extraction could occur. This view relies on an upturn in development activity in the area, primarily spurred by the SRB programme and other initiatives for regeneration, and is therefore more speculative. It is also undermined to some extent by another argument of the objectors, that constraints on several of the larger allocated housing sites in Dewsbury, Thornhill and Ravensthorpe will tend to hold them back from early development. Bearing in mind also that the nearby AMW site is reported only as coming to the end of its life, not yet exhausted, and that there are no proposals on this site which make commencement of extraction imminent, development following mineral extraction is highly unlikely to be feasible within the plan period. Irrespective of the long term constraint from washland on development, which in itself would make an allocation for mixed development as suggested unrealistic, the likely time scale of mineral extraction means the allocation sought would be unrealistic in the plan period and therefore inappropriate.

22.10.9 With regard to issue iv, there is a possibility that opening up the site and overcoming access restraints could assist access to a leisure project on the nearby AMW site, which would improve the environment and range of facilities. Nevertheless, conclusive evidence was not given on the prospects for other links to that land, on the feasibility of a link via this site, over the canal and through a former railway embankment, and of the dependence of such a link on mixed development. The objection site is well located in the urban area close to a local centre and public transport facilities and the proposed site of a new railway station. However, there is no shortage of land allocated for industrial or residential use in the regeneration area, equally well placed to promote sustainable transport patterns and able, if taken up, to revitalise the area. The close proximity of housing and employment throughout the area means there is no special advantage in a site for mixed use and the nature of the access to the site through existing industrial land does not make it particularly suitable to create high quality development. The objectors argue that many of the allocated housing sites have limitations in terms of availability for early development. The implication drawn that the site would therefore be of value in assisting the SRB 7 year programme is flawed. As the objectors agreed at the inquiry, assessed on the same terms as those sites were in the Joint Land Study, this site would be similarly placed at the end of the 10 year period. Thus, although the site is in a regeneration area, mixed development on it is not demonstrated to be of outstanding value to regeneration objectives.

22.10.10 Policy M1 states that proposals for mineral extraction should include measures for restoration and after use. It is reasonable for the plan, which places this requirement on mineral operators, also to provide guidance to assist them. This is the only site identified under policy M2 which is not in the Green Belt. Nevertheless, guidance on acceptable after use is provided by the washland designation, which makes it clear that any after use must not inhibit the washland function or must incorporate adequate alternative floodwater storage. With the removal of designation as POL, the site would be subject to policy D2. This would

place no bar in principle on various types of development, including those suggested in the objection. Prejudice to proposals in the plan, including mineral extraction and washland protection, would have to be avoided and detailed considerations, which may be regarded as basic development control criteria, would have to be met. However, that would be necessary to allow development to proceed even with the benefit of a specific allocation or annotation. In this case given the characteristics of the site, it is not possible to provide a high degree of certainty by a specific allocation. The flexibility provided by no notation, other than washland, M2 and green corridor, would not be a disadvantage to potential developers and mineral operators nor lessen the prospects for any contribution to regeneration objectives.

### **Recommendation**

22.10.11 Modify the proposals map by the deletion of POL on the objection site identified as DRT19 at Forge Lane, Dewsbury.

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