

Kirklees Local Plan Examination – Stage 4 Hearings

Statement in relation to Matter 36:

Dewsbury and Mirfield Safeguarded Land

Site: SL2163 – Balderstone Hall Lane, Mirfield

on behalf of Ms Margaret Dugdill and Mr Brian Dugdill

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Issue – Are the proposed safeguarded land allocations in Dewsbury and Mirfield justified, effective and in line with national policy?

- 1.1 In a general sense, Nexus Planning do not consider that the approach taken in respect of the designation of safeguarded land is in compliance with the tests of soundness set out in Paragraph 182 of the National Planning Policy Framework ('the Framework'). This view has rightly been echoed by the Inspector in her Interim Views (Doc. Ref. EX32). Despite the Inspector asking what form of modifications may be necessary to deal with this issue, the Council failed to provide any specific details, instead preferring to deal with matters on a site by site basis in the Stage 4 Hearings.
- 1.2 This is of great concern. To deal with what are essentially strategic matters on a site by site basis fails to ensure that cumulatively, sufficient land is released from the Green Belt for development within the plan period and that sufficient land is then safeguarded for development beyond the plan period. This will ensure that Green Belt boundaries endure beyond the lifetime of the plan, satisfying the requirements of Paragraph 85 of the Framework.
- 1.3 The Council accept (and we agree) that exceptional circumstances exist to release land from the Green Belt in order to meet full and objectively assessed needs for housing. As has always been the case, safeguarded land is defined as lying between the urban area and the Green Belt and is identified as such to ensure that longer term development needs can be met well beyond the plan period, avoiding the need for a further review of the Green Belt. The intention to identify areas of safeguarded land within the urban area is therefore fundamentally flawed and cannot be considered to be justified and in line with national policy and guidance.

SL2163 – Balderstone Hall Lane, Mirfield

- 1.4 One such site that fails to comply with the requirements of the Framework in respect of the identification of safeguarded land is Land at Balderstone Hall Lane, Mirfield (ref. SL2163). Given that exceptional circumstances exist for the release of Green Belt to meet housing needs in the plan period, it is unclear as to why this site, despite it being considered to be deliverable, is still identified as safeguarded land.

- 1.5 The site is currently the subject of a full planning application by Bellway Homes (ref: 2017/62/93935/E; submitted 16 November 2017) and having reviewed the supporting documentation it is quite clear that this is a suitable and deliverable site for housing and as such should be identified as a Housing Allocation within the plan.
- 1.6 It is our view that any such allocation should logically incorporate the land to the immediate east of SL2163 (land at Crossley Lane, Rejected Site Ref. H149) to provide a wider area of land – comprising both SL2163 and H149 – which would be able to make a substantial contribution to meeting local housing needs. Allocating both of the sites would deliver more dwellings to Mirfield on a site which would better relate to the shape of the existing settlement and would benefit from a strong new boundary to the Green Belt in the form of Crossley Lane. What is more, this wider allocation would provide the opportunity for an additional access via Crossley Lane to the east.

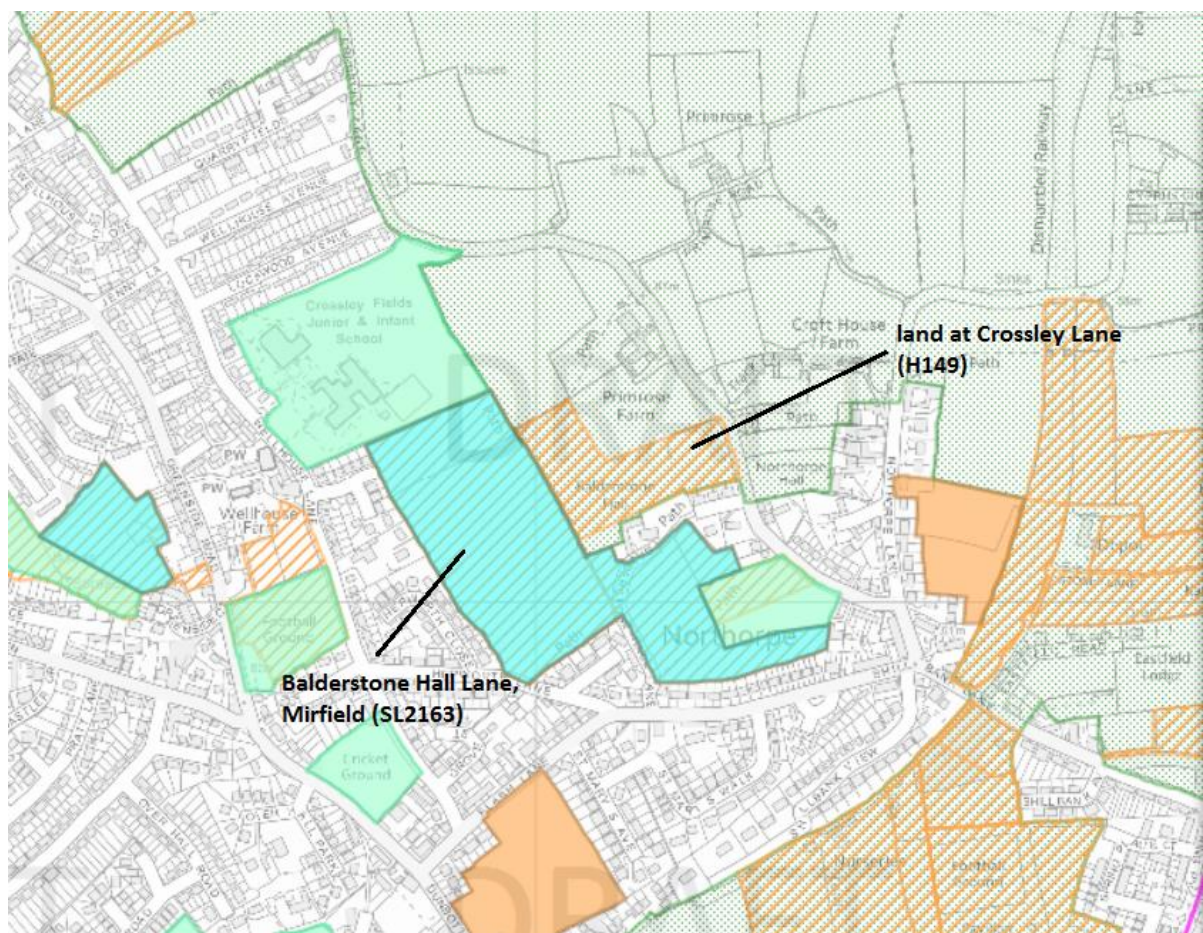


Figure 1: Extract of Submission Proposals Plan

- 1.7 We set out below how land at Crossley Lane in Northorpe (ref. H149) represents an available, suitable and achievable site for housing development that meets the required tests of deliverability such that it presents an eminently sensible location to direct new housing development for Mirfield. The site measures approximately 2.2 hectares and has a regular shape. Accordingly, we envisage the site has capacity for approximately 60 to 70 dwellings.

Available

- 1.8 The site is under the single ownership of the Dugdill family, who is supportive of the sites development for housing and has promoted it for this use throughout the Local Plan preparation process. The land is not subject to any ransom strips or covenants that would restrict its development for new housing. As such, the site can be considered to be available.

Suitable

- 1.9 The site lies immediately adjacent to the existing settlement of Mirfield and therefore benefits from access to a range of local facilities and services. It is extremely well related to the existing settlement, with Crossley Lane and the buildings of Northorpe Lane to its east, a further collection of residential dwellings to the immediate south, and the proposed safeguarded site SL2163 – Balderstone Hall Lane, Mirfield to the west.
- 1.10 The site is referenced MF12 in the Green Belt Review and H149 in the Rejected Site Options Report (Doc. Ref. LE4). Site H149 is scored 'red' in respect of the 'Green Belt' criterion. We do not believe that this scoring accurately reflects the characteristics of the site or the Council's own evidence base which concludes development in this location 'would have limited impact on the openness of the Green Belt', attributing it a score of 3 – where development would only lead to a moderate impact on the Green Belt.
- 1.11 In this regard, the Rejected Site Options Report commentary identifies that site H149 is separated by Crossley Lane from the wider Green Belt and confirms that the site relates well to the existing settlement pattern. Notwithstanding this, the commentary goes on to suggest that the site is 'visually linked' to the Green Belt and retains a countryside character.

1.12 We do not agree with this conclusion and do not believe that it is supported by the Council's Green Belt Review (April 2017) (Doc. Ref. SD19). We consider that the site's location – well related to the settlement and wholly within the strong barrier of Crossley Lane – actually provides for a very defensible future Green Belt boundary. In making this point, we note that the Green Belt Review's assessment of MF13, to the north of MF12, describes Crossley Lane as a 'strong boundary'. It is therefore in-consistent for it not to be considered a strong boundary in relation to MF12.

1.13 As described below, the site makes only a limited contribution towards the five purposes of including land within Green Belt as set out in Paragraph 80 of the NPPF. As such, it represents a suitable location to identify for Green Belt release.

- **Purpose 1 – To check the unrestricted sprawl of large built-up areas.** As identified in the Council's Green Belt Review (April 2017), there is an 'extensive gap' and the nearest built up areas to the east of Dewsbury, Heckmondwike and Norristhorpe and as such to site has a low importance towards this purpose.
- **Purpose 2 – to check the unrestricted sprawl of large built-up areas.** Again, the Council's Green Belt Review recognises that the 'Crossley Lane field boundaries provide containment'. We reiterate that the key physical feature in the area is Crossley Lane, which runs to the north and to the east of the site, and that the area to the south and west falls outside the Green Belt. Accordingly, we also re-iterate our view that Crossley Lane acts as a logical defensible boundary to restrict urban sprawl and safeguard the countryside from encroachment. It is only land which lies beyond Crossley Lane that is identifiable as open countryside.
- **Purpose 3 – to assist in safeguarding the Countryside from encroachment.** The Green Belt Review describes MF12 as 'part of the wider countryside, partial urban edge'. As set out above, we disagree that the site can be viewed as part of the countryside when in fact it is acknowledged the site is well related to the settlement. It is surrounded by existing built development to the east and south, and to a safeguarded site to the immediate west, which is currently subject to a planning application for housing. Its development will not be experienced as an unnatural encroachment into the countryside, but rather a logical infilling of the emerging shape of the settlement in this location.

- **Purpose 4 – to preserve the setting of historic assets.** We acknowledge that the site is within the setting of the Grade II listed Balderstone Hall. The Hall is however, sited some distance from the majority of the site and its location clearly does not preclude the delivery of an appropriate residential development.

1.14 Accordingly, and with reference to the Council's own evidence base, the site identified at Crossley Lane is considered suitable for residential development.

Achievable

1.15 There are no known physical constraints which would prevent the site from coming forward for housing development.

- Access and Highways: vehicular access to the site could be achieved directly from Crossley Lane to the east, or via land to the immediate west (currently the subject of the Bellway application) connecting to Woodward Court and Wellhouse Lane. The Rejected Site Options report (Doc. Ref. LE4) identifies that improvements would be required to the road width of Crossley Lane and the provision of pedestrian facilities but confirms that the access could be achieved via the existing adopted highway.
- Flood Risk and Drainage: The entire site is located within Flood Risk Zone 1 with reference to the Environment Agency flood maps and therefore residential development would be entirely acceptable in flood risk terms. There are no topographical constraints that would automatically prevent the implementation of a drainage strategy for development of the site.
- Utilities: It is anticipated that residential development on the site will be able to connect to the existing utilities networks which serve the area. The presence of the relevant utilities networks in the area is evident given the current application for residential development to the immediate west and the long established residential settlement beyond. Further investigations and enquiries would reveal any improvement works or on site provision deemed necessary.
- Historic Environment: Whilst potentially a matter to be considered at design stage, the Grade II listed Balderstone Hall is sited some distance from the majority of the site and its location clearly does not preclude the delivery of an appropriate residential development.

- Ground Conditions: Given the previous agricultural use of the site, it is not anticipated there will be any issues with land contamination which would preclude residential development of the site. The location of the site (along with much of Kirklees) within a high risk coal referral area does not preclude its suitability for residential development and is a matter to be appropriately addressed at planning application stage.
- Ecology and Trees: There are no designated sites of nature conservation interest within or adjacent to the site. Given its agricultural use, the majority of habitats with the site are common and only of local value. Existing trees and hedgerows will be incorporated into any future development layout along with appropriate buffers to preserve their value as wildlife habitat. Opportunities for ecological enhancement would be incorporated into any future development such that there would be a net biodiversity gain to the proposals. Overall, given the nature and location of the site, there are no overriding constraints to its development in respect of biodiversity and it is considered the site can be delivered in a manner which provides appropriate mitigation and enhancements.

1.16 Accordingly, it has been demonstrated that there are no physical, legal or environmental constraints which would prevent the site from coming forward for housing development. It has been demonstrated that the site is deliverable in line with the tests set out in footnote 11 of the Framework in that it is available, suitable and achievable with no reason to believe that housing could not be delivered on site.

Modifications Sought

- 1.17 Our view has been consistent that a significant quantum of land needs to be released from the Green Belt for development in order that the future housing needs of Mirfield can be met; our response to Matters 8 and 34 should be referred to in that regard.
- 1.18 Given that our firm and justified view is that Site SL2163 Balderstone Hall Lane, Mirfield should be identified as a Housing Allocation, additional land should also be released from the Green Belt and identified as Safeguarded Land on the outskirts of Mirfield, particularly in the north / east of the settlement, in order that the Green Belt boundary can endure well beyond the plan period.
- 1.19 In this context, the Council should be taking the opportunity to also allocate land at Crossley Lane (Rejected Site Ref. H149) for housing as a logical part of any Green Belt release in this area.

- 1.20 Implementing these modifications would ensure consistency with the advice set out in the Framework in respect of the release of Green Belt and the identification of Safeguarded Land, in the context of the exceptional circumstances that exist to do so. The Plan could then be considered to comply with the tests of soundness set out at paragraph 182 of the Framework.

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