
Kirklees Local Plan – Matter 38

Batley and Spen Employment, Housing and Mixed Use Allocations: Urban (non-Green Belt) sites

Site Number: H138



Contents

1.	Introduction	1
2.	General Questions	2
3.	Site Specific Questions - H138	5
4.	Conclusions	7

Appendices

Appendix 1 Correspondence from Residential Developers

Appendix 2 Playing Pitch Relocation Site – Location Plan

Appendix 3 Correspondence – Birstall St Patricks FC

8

1. Introduction

- 1.1. This submission is made on behalf of the Diocese of Leeds in relation to Matter 38 of the Kirklees Local Plan examination, with specific reference to the Matters, Issues and Questions (MIQs) published 3rd January 2018. (EH13.4)
- 1.2. Matter 38 seeks to consider the proposed employment, housing and mixed-use allocations on urban (non-Green Belt) sites in the Batley and Spen area.
- 1.3. The main issue raised is:

"Are the proposed employment, housing and mixed use allocations in the urban areas of Batley and Spen justified, effective, developable / deliverable and in line with national policy?"
- 1.4. Site H138 - land south of Mill Street, Birstall (262 dwellings) is identified as a proposed housing allocation in the Kirklees Publication Draft Local Plan - Allocations and Designations document (SD2).
- 1.5. Section 2 of this submission addresses the general questions set out in the MIQ paper, namely:
 - *"Is the site suitable for the proposed use? Does the Plan provide clear guidance on requirements and constraints, and seek appropriate mitigation matters?;*
 - *Is the indicative site capacity appropriate, taking account of constraints and the provision of necessary infrastructure? On mixed-use sites, what are the proposed uses: and*
 - *Is the site available and deliverable in the timescale envisaged?"*
- 1.6. Section 3 of this submission addresses the site specific question raised in the MIQ, namely:
 - *"Is the proposal in line with paragraph 74 of the NPPF? What are the plans for the re-provision of the sports facility?"*
- 1.7. Section 4 provides a summary of the overall conclusions on these issues.
- 1.8. This submission should be read in conjunction with the previous representations submitted on behalf of the Diocese of Leeds by Indigo Planning and NJL Consulting respectively.

2. General Questions

2.1. This section of the submission addresses the "general" questions set out in the MIQ paper (EH13.4)

a) Is the site suitable for the proposed use? Does the plan provide clear guidance on requirements and constraints, and seek appropriate mitigation measures?

2.2. The site is proposed for residential development. The site was previously allocated in the Kirklees UDP (LE1) for employment uses (B1 / B2) under Policy B2 (Site B11.10).

2.3. Therefore, the principle of development of this green field site has long been established.

2.4. The proposed residential use now proposed is a more appropriate land use than the previously anticipated employment use (B1 / B2). Residential use will have a lesser impact on the amenity of residents of adjacent residential properties on Mill Street and Smithies Moor Lane.

2.5. Previous representations to the emerging draft site allocation (CD2) have been supported through the local plan preparation process by raft of technical information justifying the use of the site for the purpose proposed, including:

- Transport Assessment (Curtins);
- Flood Risk Assessment (Curtins);
- Ecology Assessment (Curtins);
- Noise Assessment (WSP); and
- Odour Assessment (WSP).

2.6. The content of these documents confirms that the site is capable of development and is not constrained in terms of the issues raised (as replicated in emerging site allocation H138).

2.7. The remaining issues not as yet addressed are:

- Coal Mining Risk Assessment - this is a standard request of the Coal Authority, and is included on a significant number of sites proposed as allocations. This is standard practice. No evidence of mining activity is readily identifiable on site. There are no specific records which suggest such activity took place on this green field site;
- Contamination Report - there is no evidence of contamination on this green field site; and
- Replacement playing pitch - this is considered later in these representations.

2.8. On this basis the site is suitable for the proposed use and the emerging allocation identifies the key potential constraints, a number of which have already been considered. The remainder can be considered as part of the normal development management process.



b) Is the indicative site capacity appropriate, taking account of constraints and the provision of necessary infrastructure? On mixed use sites, what uses are proposed?

- 2.9. The emerging allocation text to H138 in CD2 identifies a gross site area of 7.72Ha (net 7.50Ha). This is correct, taking into account the removal of the wooded area.
- 2.10. As part of previous submissions to the emerging Local Plan an indicative masterplan was submitted. This masterplan, prepared by Bowman Riley, indicated that the site could potentially accommodate up to 221 standard semi-detached and detached dwellings taking into account the requirement to provide 30sqm of open space per dwelling. The open space is proposed to be provided on site.
- 2.11. No allowance has been made for the potential to provide terraced or apartment (flatted) development on site. Should such accommodation be provided the site would be capable of physically accommodating the indicative figure of 262 as set out in emerging policy H138.
- 2.12. The previously submitted Transport Assessment (Curtins) confirmed that the site, highway junctions, access points and surrounding highway network could accommodate, and work efficiently, the 262 dwellings as proposed.
- 2.13. The indicative figure of 262 remains appropriate. No other use is proposed on site.

c) Is the site available and deliverable in the timescales envisaged?

- 2.14. The site is in the sole ownership of the Diocese of Leeds. Birstall St Patricks FC and other third parties have annual licences to use the land for sporting activities and grazing respectively. The site is confirmed by the Diocese of Leeds to be available.
- 2.15. In terms of delivery, the Diocese of Leeds is keen to bring the site to market at the earliest opportunity whilst at the same minimising risk and financial exposure to Birstall Parish (with whom financial responsibility sits). The site has yet to be formally marketed, but there is clear evidence of current market interest. The site could either a) be marketed immediately or b) marketed immediately after adoption of the local plan.
- 2.16. The anticipated trajectory for delivery of this site is set out in table c) "*Phasing Schedule for Local Plan Housing Options*" at Appendix 3 to the Kirklees Publication Draft Local Plan - Strategy and Policies (SD1). At the time of publication this suggested the following:

Year	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	Total
Units per Annum	25	50	50	50	50	37	-	-		262

Scenario 1 - Best Case

2.17. Evidence provided by the Development Division of Savills in relation to the housing site delivery process has informed a review of the anticipated trajectory for unit delivery on the site. It is anticipated that the following programme is achievable assuming the site is offered to market in March 2018.

- Offer to market - March 2018;
- Secure option agreement / contract position - June 2018;
- Submission of planning application (full) - January 2019;
- Determination of application - June 2019;
- Start on site - January 2020.

2.18. This results in the following revised "Best-case" trajectory.

Year	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	Total
Units per Annum (Immediate marketing)	-	-	12	50	50	50	50	50	-	262

Scenario 2 - Worst Case

2.19. An alternative scenario is that marketing of the site is delayed until adoption of the Local Plan. In this instance the following timeline would be followed.

- Offer to market - January 2019;
- Secure option agreement / contract position - March 2019;
- Submission of planning application (full) - October 2019;
- Determination of application - March 2020;
- Start on site - June 2020.

2.20. This results in the following revised "Worst-case" trajectory - effectively a 6 month delay.

Year	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	Total
Units per Annum (Marketing - Post Adoption)	-	-	-	36	50	50	50	50	26	262

3. Site Specific Questions - H138

i) Is the proposal in line with paragraph 74 of the NPPF? What are the plans for re-provision of the sports facility?

3.1. Paragraph 74 of the NPPF states that:

"Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- *An assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; OR*
- *The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; OR*
- *The development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss."*

3.2. Paragraph 74 only applies to the existing football pitch area and associate facilities (changing block and car park). The remainder of site H138 is agricultural land (Grade 3 - Good / Moderate).

3.3. The position in relation to open space definitions in Kirklees and the application of paragraph 74 of the NPPF has been explored recently at appeal [APP/Z4718/W/16/3147937 - Land off New Lane, Cleckheaton]. In paragraphs 20 - 22 of the decision notice the Inspector confirms that: *"whilst accepting open space may comprise land protected for its visual amenity [not the case here in any event] it is difficult to see how the various tests in Paragraph 74 are especially relevant or germane to land primarily or solely safeguarded for that purpose."* Therefore it is clear that in this instance paragraph 74 relates solely to the playing pitch.

3.4. Kirklees Council does not identify the wider site (agricultural land) or the playing pitch as open space. This is confirmed in the Kirklees Local Plan Open Space Study 2015 (Revised 2016) - Open Space Site Assessments and Plans (December 2017)(LE145). This document does not provide any comment on the agricultural land, and identifies the pitch as a site *"not subject to an Open Space Assessment"*.

3.5. Those not assessed include *"outdoor sports facilities such as playing pitches including football, rugby, cricket and hockey pitches which together with bowling greens and outdoor tennis courts have been assessed separately as part the Playing Pitch Strategy (2015)." The Playing Pitch Strategy (LE124) identifies the pitch at site H138 as worthy of protection as a local football site with recommended action being to "improve quality and retain spare capacity in order to sustain / protect pitch quality."*

- 3.6. Draft site allocation H138 clearly identifies, under other site specific considerations, the requirement to replace existing pitch provision to meet the needs of existing users. The pitch is currently used solely by Birstall St.Patricks FC, who also hold maintenance liability.
- 3.7. The Diocese of Leeds has committed to this requirement and has identified a site as shown on the plan at **Appendix 2** for relocation.
- 3.8. This land is within the ownership of the Diocese of Leeds.
- 3.9. The site is of a suitable size and location to accommodate a new relocated pitch and new changing block. The changing block will provide a new facility replicating the existing changing block facilities (2.no changing rooms; showers; toilets; kitchen area), which are in a poor state of repair.
- 3.10. The proposed relocation site is the subject of annual grazing licences which can be discontinued by the Diocese of Leeds at expiry.
- 3.11. This proposal would be in full accordance with bullet 2 of paragraph 74 of the NPPF.
- 3.12. Such a proposal would also be in accordance with paragraph 89 (bullet 2) of the NPPF in that such development would not be considered to be inappropriate development within the Green Belt, comprising "*provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it*".
- 3.13. This proposed relocation has the full support of Birstall St Patricks FC (**Appendix 3**).
- 3.14. In conclusion, the relocation of the existing football pitch and associated facilities can be delivered, in accordance with the emerging allocation and the NPPF.

4. Conclusions

4.1. Site H138 - land south of Mill Street, Birstall (262 dwellings) is identified as a proposed housing allocation.

4.2. The Inspectors MIQ raises the following questions:

"Is the site suitable for the proposed use? Does the Plan provide clear guidance on requirements and constraints, and seek appropriate mitigation matters?"

4.3. The site is entirely suitable for the use proposed both in terms of on site conditions and constraints and relationship to existing land uses.

Is the indicative site capacity appropriate, taking account of constraints and the provision of necessary infrastructure? On mixed-use sites, what are the proposed uses?"

4.4. The site has the ability to accommodate the indicative number of units proposed both in terms of net developable area, on site capacity and off site infrastructure requirements.

Is the site available and deliverable in the timescale envisaged?"

4.5. The site is in sole ownership and will be offered to the market immediately, or immediately post adoption of the plan.

"Is the proposal in line with paragraph 74 of the NPPF? What are the plans for the re-provision of the sports facility?"

4.6. The existing pitch can be re-located within the vicinity of the site - such an approach is in accordance with the NPPF (Playing Pitch and Green Belt policy).

4.7. The site is entirely appropriate for development for residential use and should be allocated accordingly under the terms of emerging allocation H138.



Appendices



Appendix 1

Correspondence from Residential Developers



PERSIMMON HOMES
WEST YORKSHIRE
3 Hepton Court
York Road
Leeds
LS9 6PW

Your Ref:
Our Ref:

Tel: 0113 240 9726
Fax: 0113 240 8967

BY EMAIL: SDouglas@savills.com

Mr S Douglas
Savills
Ground Floor
City Point
29 King Street
Leeds
LS1 2HL

2 December 2018

SUBJECT TO CONTRACT

Dear Simon

Land west of Smithies Moor Lane in Birstall

I write, on behalf of Persimmon Homes West Yorkshire, in order to confirm our interest in the acquisition of the above site.

I understand that approximately 19 acres of land is currently being promoted through the Local Plan for residential use. In the event that planning permission is granted I would be pleased to explore with you and your client the potential acquisition of the whole or part of the site.

This part of Kirklees is a very popular market area and I can confirm there is high demand for new-build properties in this part of the district. With this in mind and at the appropriate time I would welcome the opportunity to discuss how Persimmon Homes can strengthen its presence in this part of Kirklees.

Why Persimmon Homes?

Persimmon Homes, part of the Persimmon PLC group of Companies is one of the leading house builders in the UK. Persimmon has been trading since 1972. Our business operates under three main brands, Persimmon Homes, Charles Church and Westbury Partnerships.

Our recent trading update confirmed that the Group delivered a strong performance in 2016 with an increase in 599 legal completions to 15,171 new homes. Furthermore we acquired c.18,700 plots of new land during 2016 therefore demonstrating our appetite to invest in further growth.

Yours sincerely

Christopher Hull
Land Director

Our Ref: JF - Smithies Moor Lane, Birstall

Tuesday 2nd January 2017

Simon Douglas BSc (Hons) MRICS MCI Arb
Director - Development
Savills,
Ground Floor,
City Point,
29 King Street,
Leeds,
LS1 2HL

Dear Simon,

RE: Smithies Moor Lane, Birstall, Kirklees

Following a land registry search I understand that the Diocese of Leeds have a freehold interest in land at the above address. I also understand that Savills are retained as planning consultants in order to promote the land through the Local Plan process.

Avant Homes (previously branded as Ben Bailey Homes in Yorkshire) are looking for any available land opportunities (greenfield, brownfield with or without planning). Avant Homes is also very much in the market place for 'oven ready' and strategic land in order to expand our portfolio and plot sales delivery across all market locations within Yorkshire.

Your land is a draft housing allocation in the Kirklees Local Plan, as such we believe that your site has medium term residential development potential and would be interested in a purchase on a subject to planning basis (at our risk).

The viable market area alongside the sustainable commuter location makes the site of keen interest to us.

Avant Homes is one of the UK's leading privately-owned housebuilders. Our homes have established a reputation for innovative design and specification. Last year we built over 1,600 homes, from Auchterarder to Milton Keynes, and we have no intention of stopping there. In fact, our aim is to become the home builder of choice.

Operating in Scotland, the north east of England, Yorkshire and the Midlands, we have offices in each of those regions and employ over 600 people.

As a progressive, responsible homebuilder, we have a commitment to the communities we build in, and the people that live within them. As such, our focus is firmly on quality, attention to detail and the local area.

Unit 2, Mariner Court, Peel Avenue, Durkar, Wakefield WF4 3FL

T: 01924 248410
avanthomes.co.uk

GOOD. BETTER. DIFFERENT

By benchmarking ourselves against other leading companies and comparing our approach with theirs, we know we're better than the rest.

I trust that the above is of interest to you and we look forward to hearing from you with regards to this exciting opportunity.

If you have any queries, please do not hesitate to contact me.

Yours sincerely,



JOEL FRANK BSc (HONS) - SENIOR LAND MANAGER
AVANT HOMES YORKSHIRE
joel.frank@avanhomes.co.uk
m. 07500 891535

Unit 2, Mariner Court, Peel Avenue, Durkar, Wakefield WF4 3FL

T: 01924 248410
avanhomes.co.uk

GOOD. BETTER. DIFFERENT



Redrow Homes Yorkshire
Redrow House
Brunel Road
Wakefield 41
Wakefield
West Yorkshire WF2 0XG

Tel: 01924 822566
Fax: 01924 821901
Email: yorkshire@redrow.co.uk
Website: www.redrow.co.uk

Simon Douglas,
Savills,
City Point,
29 King Street
Leeds
LS1 2HL

03 January 2018

Dear Simon,

[Smithies Moor Lane, Birstall.](#)

On behalf of Redrow Homes Yorkshire, I would like to state our support for the site on Smithies Moor Lane in Birstall. It is our considered opinion that the development proposals are situated in a suitable and highly sustainable location in respect of existing settlement. Should this site be successfully allocated, we would be keen to pursue this opportunity for residential development.

Smithies Moor Lane offers the opportunity to continue to build a successful working relationship with Kirklees Council, replicating the success of Burton Acres Lane, Highburton. Redrow is committed to finding, developing and managing the locations in which people want to live, work and enjoy, consequently we would support the pursuit of residential development on Smithies Moor Lane.

Should you require any further details on the content of this letter please do not hesitate to contact me.

Yours sincerely,

Harriet Parker

harriet.parker@redrow.co.uk



3rd January 2017

FAO Simon Douglas
Savills
Ground Floor
City Point
Leeds
LS1 2HL

Dear Simon,

RE: SMITHIES MOOR LANE, BIRSTALL

Having reviewed the above opportunity, the size and location of the site would be of significant interest to Barratt Homes.

Last year Barratt Developments Plc, as the UK's largest Housebuilder, delivered over 17,000 homes nationwide. The Yorkshire West Division completed on circa 700 homes across 23 outlets. Currently BDWH have several active outlets in the Kirklees region including Flockton, Skelmanthorpe, Birkenshaw, Golcar and Meltham.

We continue to seek new land within this market area and look forward to receiving more details about this opportunity in due course.

Yours sincerely

David Coe
Development Director
Barratt & David Wilson Homes Yorkshire West

Taylor Wimpey

Mr Simon Douglas
c/o Diocese of Leeds
Savills
Ground Floor, City Point
29 King Street
Leeds
LS1 2HL

Taylor Wimpey Yorkshire
Sandpiper House
Peel Avenue
Calder Park
Wakefield
Yorkshire WF2 7UA

T: 01924 241500
F: 01924 241580

www.taylorwimpey.co.uk

5th January 2018

Dear Mr Douglas,

RE: Expression of Interest – Land west of Smithies Moor Lane, Birstall

Taylor Wimpey is one of the largest homebuilders in the UK, operating from 24 regional offices across England, Scotland and Wales. In 2016, we built approximately 13,800 new dwellings across the UK, comprising a range of properties, and both private and affordable homes.

Taylor Wimpey Yorkshire covers a large regional area with a focus on West and South Yorkshire, East Riding, Derbyshire and High Peak. The business currently delivers approximately 600 private and affordable units per year from around 15 operational Outlets. We are currently in the market for suitable opportunities to acquire land for residential development that fit our land strategy and business plan.

The site at Smithies Moor Lane, Birstall, is situated within a good market location in a key target area for our business, and would therefore provide a great opportunity should it become available for residential development.

We hope this letter confirms our interest in acquiring the site, and I would be grateful if you are able to keep us updated on progress with regards planning.

Yours sincerely,



Andrew Jones MA MRTPI
Senior Land Manager

Taylor Wimpey Yorkshire

Taylor Wimpey UK Limited
Registered Number:
1392762 England and Wales.
Registered Office:
Gate House, Turnpike Road
High Wycombe, Buckinghamshire
HP12 3NR

Taylor Wimpey Yorkshire is a
division of Taylor Wimpey UK Ltd



Mr S Douglas
Savills
Ground Floor
City Point
29 King Street
Leeds
LS1 2HL

Bellway Homes Limited
Yorkshire
First Floor
2150 Century Way
LEEDS
LS15 8ZB

02/01/2018

Telephone: 0113 3900 800

Ref: GEE/Birstall 02/01/2018

DX 742132 Leeds 17

Subject to Contract

www.bellway.co.uk

Dear Simon,

Re: Smithies Moor Lane, Birstall

I am delighted to confirm that Bellway Homes Yorkshire Division have an immediate and long term requirement for development sites in Kirklees and would be happy to work with your client in bringing forward and developing the 19 acres at Smithies Moor Lane, Birstall either alone or sharing the site with another House Builder.

The Yorkshire Division is based at our offices in Leeds and the staff have an intimate knowledge of the site with many living in the surrounding area.

Bellway are the 4th largest house builder in the UK and have built more than 100,000 homes since their inception in 1946. We have 18 Divisions throughout the UK with the Yorkshire Division based at our divisional headquarters at Thorpe Park, Leeds. In the last 12 months we have acquired a number of large, prestigious sites throughout the Yorkshire region and we are on target to deliver 650 homes in Yorkshire in 2018.

Our Group have significant funds available and have publicly stated that they will be investing heavily over the next 12 months to secure more land to grow the business further and create a second office in Yorkshire.

We trust that the above provides you with adequate assurance as to our commitment to the Birstall site, however if you require further confirmation please do not hesitate to contact me.

Yours sincerely,

Guy Evans
Land Director
on behalf of
BELLWAY HOMES LIMITED (Yorkshire Division)

Mr Simon Douglas
Savills
Ground Floor
City Point
29 King Street
Leeds
LS1 2HL

RECEIVED 08 JAN 2018

3rd January 2018

RE: Smithies Moor Lane, Birstall

Dear Simon,

Further to our discussion and the supporting documentation you provided in connection with the land at Smithies Moor Lane I write to confirm our interest in the site should it become available for development.

Our understanding is that the site is under consideration as part of the emerging Kirklees Local Plan.

As you will be aware, Strata Homes is a regional house builder operating across Yorkshire, Humberside and East Midlands with a turnover in excess of £100m per annum. We build over 600 homes per year and have achieved and retained our 5* rating from the HBF which is evidence of our attention to build quality and customer service.

Strata Homes works hard to bring forward sustainable developments of new homes working with local communities, both prior to submitting a planning application and during the construction period.

We also have a recognised track record of working with multi-landowners on sites involving Local Authority ownership and in partnership with local RP's and the HCA.

We very much hope we can assist in working with you, the landowner and the Local Authority in bringing this site forward. If you require anything further at this stage, please don't hesitate to contact me.

Yours sincerely



Haley Clarke
Land & Partnership Co-ordinator

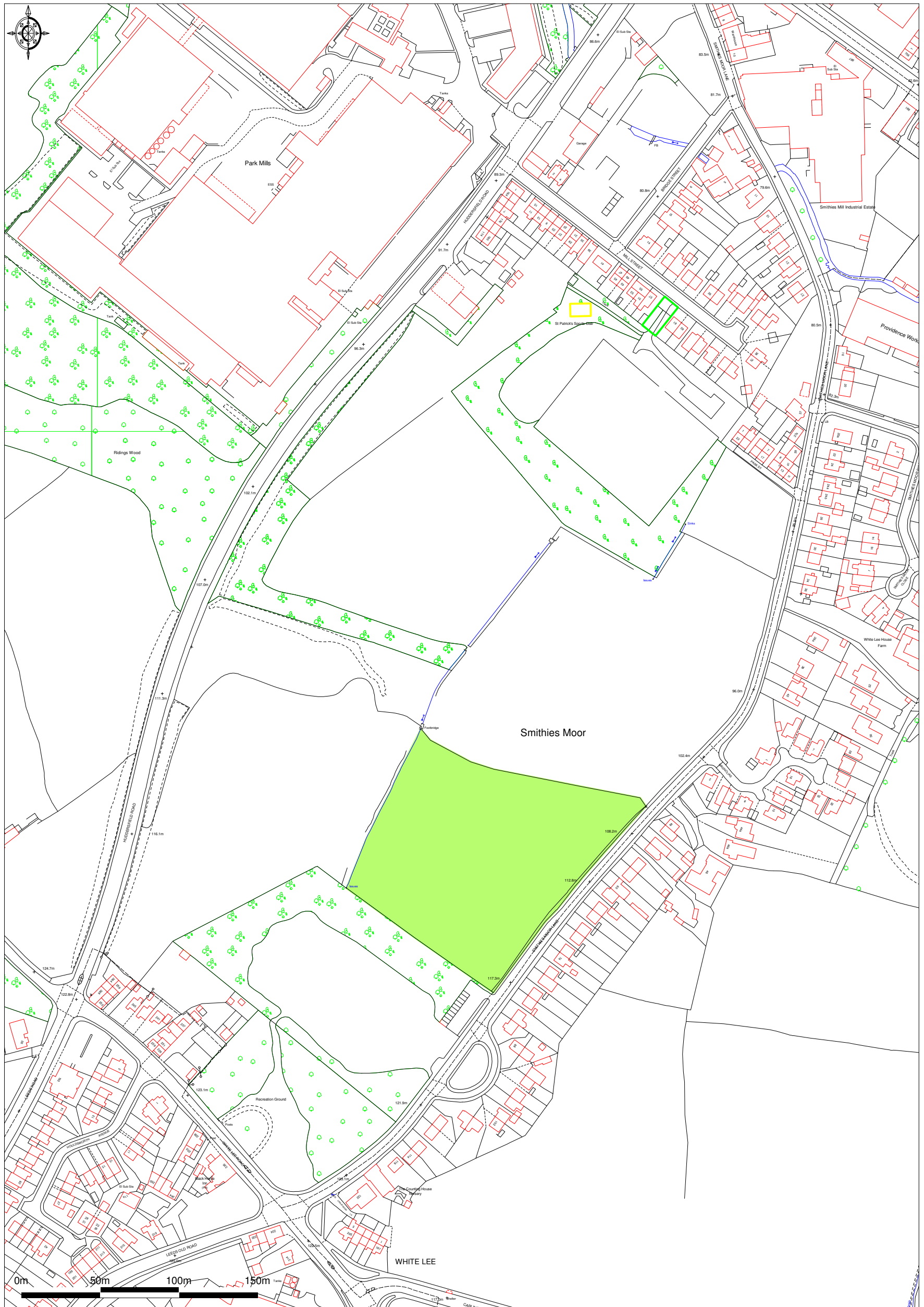
cc: Nigel Robson, Land Director, Strata Homes Yorkshire.



Appendix 2

Playing Pitch Relocation Site – Location Plan

Birstall, Smithies Moor Relocation of Birstall St Patrick's FC





Appendix 3
Correspondence – Birstall St Patricks FC

BIRSTALL St PATRICK'S A.F.C.

Secretary: E Brady. 533 Hunsworth Lane, East Bierley,
Bradford, West Yorkshire, BD5 6RN.
Ground Mill Street Birstall

Telephone 01274 686989
Mobile 07779114225

Kevin Anderson
Property Administrator
Catholic Diocese of Leeds
Hinsley Hall
62 Headingley Lane
Leeds
LS6 2BX

22nd January 2018

Dear Mr Anderson

Birstall St Patricks FC – Relocation

You have asked for the football club's view on the proposed relocation of the existing football pitch and changing block at Mill Street, Birstall.

We understand that you are proposing to relocate the pitch and changing block to a new site to the south of Mill Street, adjacent to the existing facilities provided by Kirklees MBC at Smithies Moor Lane.

We support this relocation, and the opportunity this provides to secure further investment in football pitch facilities in this location, which will help secure the future of Birstall St Patricks FC.

Yours sincerely



Eddie Brady
Secretary Birstall St Patricks