



Strategic Planning & Research Unit

For and on behalf of
Kirklees Council

Report on
Bradley Park Local Plan Housing Allocation

on behalf of
Kirklees Council

Prepared by
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**Strategic Planning Research Unit
DLP Planning Limited**

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Report on Bradley Park Golf Course Housing Allocation
For Kirklees Local Plan Submission Version

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1.0 SUMMARY

- 1.1 The Strategic Planning Research Unit (SPRU) of DLP Planning were appointed by Kirklees Council to review and bring together the various evidence base documents prepared to support the Kirklees Local Plan, specifically in relation to the allocation of Bradley Park Golf Course for housing and associated infrastructure.
- 1.2 The report sets out the national and local planning context, the relevant case law from appeal decisions and local plan examinations, the relevant evidence base documents and sets out the planning balance which supports the allocation of this site in the emerging Local Plan.
- 1.3 A Local Planning Authority must ensure that sustainable development is achieved through the preparation of a Local Plan; paragraph 14 of the Framework sets out the balance which a decision maker must reach in the consideration of sustainable development.
- 1.4 Applying this to Bradley Park is undertaken in section 5 of this report. In summary:
 - The Local Plan has positively sought to meet the development needs of the area; Bradley Park contributes to meeting housing need and needs as set out in the playing pitch strategy and open space study.
 - Table 1 within Section 5, sets out the specific policies within the Framework which should be taken into account when considering whether the adverse impacts would significantly and demonstrably outweigh the benefits. The clear benefits to the site are:
 - Delivery of significant proportion of Kirklees' need for market and affordable housing;
 - Delivery of primary and secondary education facilities;
 - Promote use of more sustainable modes of transport;
 - Creation of 32.4ha of publicly accessible open space;
 - Delivery of new sport infrastructure and increased formal and informal participation levels.
 - The clear adverse impacts to the site are:
 - Loss of existing golfing facility;

- Loss of Green Belt.

- 1.5 It is clear when taking these clear benefits and adverse impacts into consideration, in balance it is not possible for the adverse impacts to significantly and demonstrably outweigh the benefits.
- 1.6 Tests of soundness are set out within section 6, the preparation of the Local Plan and the allocation of Bradley Park is soundly based; it meets the 4 tests set out in the Framework and has been prepared in accordance with the relevant legislation; in particular, the SA and SEA regulations and directive.
- 1.7 The allocation is positively prepared; it will deliver 1,500 new homes to meet identified need and will deliver necessary infrastructure items and make improvements to the health and wellbeing of residents.
- 1.8 The allocation is justified based upon a proportionate evidence base when considered against reasonable alternatives. The SA clearly sets out that the allocation will bring forward several significant positive effects; importantly no significant negative effects are identified.
- 1.9 The relevant case law for both planning appeal decisions and local plan allocations supports the allocation of this site for housing and is set out within Section 3 of this report. Tables 3 and 4 within Section 7 identify clear similarities which can be drawn from similar examples.

2.0 PLANNING POLICY CONTEXT

National Policy Context

- 2.1 The National Planning Policy Framework (the Framework) sets out the Government's framework within which councils can prepare their own distinctive local plans, which reflect the needs and priorities of their communities.
- 2.2 National policy for the preparation of local plans and the issues that they need to take into consideration are set through the themed based chapters of the Framework. Paragraphs 150 through to 177 sets out how Local Plans should be produced.
- 2.3 Paragraphs 150 through to 155 set the context in which Local Plans should be prepared; principally this is with the objective of contributing to the achievement of sustainable development (paragraph 151). It goes on to state that *they should be consistent with the principles and policies set out in this Framework. Including the presumption in favour of sustainable development.*
- 2.4 The achievement of sustainable development is expanded in the following paragraph at 152, stating:
- “Local planning authorities should seek opportunities to achieve each of the economic, social and environmental dimensions of sustainable development, and net gains across all three. Significant adverse impacts on any of these dimensions should be avoided and, wherever possible, alternative options which reduce, or eliminate such impacts should be pursued. Where adverse impacts are unavoidable, measure to mitigate the impact should be considered. Where adequate mitigation measures are not possible, compensatory measures may be appropriate.”*
- 2.5 Paragraph 154 states that plans should be aspirational but realistic and should address the spatial implications of economic, social and environmental change.
- 2.6 The remainder of the Local Plan section, up to paragraph 177 sets out the more specific strategic requirements, specific policy and guidance on issues is set out throughout the Framework. Whilst this whole section will have varying degrees of relevance to the Bradley Golf Course site, those of particular importance cover the issues of:
- Housing;
 - Infrastructure;
 - Environment;
 - Health and Well-being;
 - Viability and Deliverability;

- Promoting Healthy Communities;
- Sustainable Development.

Housing

- 2.7 Paragraph 159 sets out the importance of preparing a SHMA to understand the full housing needs and to prepare a SHLAA which considers and establishes a range of factors to identify suitable sites to deliver the identified needs over the plan period.

Infrastructure

- 2.8 Paragraph 162 sets out the need to understand the capacity of infrastructure and how it can meet forecast demands.

Environment

- 2.9 Sections 11 and 12 of the Framework set out guidance on conserving and enhancing both the natural and built environment.

Health and well-being

- 2.10 Paragraph 171 is clear that planning authorities should work with public health to understand the health status of the local population and also their needs; such as sports and recreation. This should include expected changes and understand barriers to improving health and well-being.

Viability and deliverability

- 2.11 Paragraph 173 outlines that attention should be paid to viability and costs in plan-making and that plans should be deliverable. Therefore the sites allocated in the plan should not be subject to obligations and policy burdens that threaten site viability and delivery.

Promoting Healthy Communities

- 2.12 Of particular relevance to the Bradley allocation is paragraph 74 of the Framework which states that open space, sports and recreational buildings and land should not be built on unless one of the three tests which are listed are met.

Sustainable Development

- 2.13 As already set out within this section, Local Plans must be prepared with the objective of contributing to the achievement of sustainable development. Whilst the Framework describes what sustainable development means in this planning context, it is the Planning and Compulsory Purchase Act 2004, section 39(2) which sets the legal

framework for this to be achieved; that those with the authority of preparing a Local Plan must do so *with the objective of contributing to the achievement of sustainable development.*

- 2.14 Furthermore section 19 (5) (a) & (b) of the Act requires local planning authorities to carry out a sustainability appraisal of each of the proposals in a Local Plan and prepare a report on the findings of that appraisal.
- 2.15 The preparation of a Sustainability Appraisal is set out within SEA Directive 2001/42/EC along with the Environmental Assessment of Plans and Programmes regulations 2004 and the supporting guidance issues by Government over the past 12 years, in addition to the relevant subsequent High Court and Appeal judgements.
- 2.16 It is a requirement of section 19 of the 2004 Planning and Compulsory Purchase Act that a local planning authority must carry out an SA of each of the proposals in a Local Plan. Furthermore, section 39 requires the authority prepare a Local Plan to do so with the objective of achieving sustainable development.
- 2.17 Guidance set out by Government in 2015 on SEA and SEA (which now forms part of the PPG) clearly summarises what SA is.

“A sustainability appraisal is a systematic process that must be carried out during the preparation of a Local Plan. Its role is to promote sustainable development by assessing the extent to which the emerging plan, when judged against reasonable alternatives, will help to achieve relevant environmental, economic and social objectives.

This process is an opportunity to consider ways by which the plan can contribute to improvements in environmental, social and economic conditions, as well as a means of identifying and mitigating any potential adverse effects that the plan might otherwise have. By doing so, it can help make sure that the proposals in the plan are the most appropriate given the reasonable alternatives. It can be used to test the evidence underpinning the plan and help to demonstrate how the tests of soundness have been met. Sustainability appraisal should be applied as an iterative process informing the development of the Local Plan. By the end of the Sustainability Appraisal process the local authority will have considered a range of suitable and reasonable options to meet the requirements to deliver the objectives of the Framework to meet the identified needs within the local authority area.”

The Presumption in Favour of Sustainable Development

- 2.18 It is inevitable in the preparation of a Local Plan that a balance will need to be reached in the pursuit of one or more strands of sustainable development, or indeed the overall balance to be reached (as set out in paragraph 152).

- 2.19 Therefore, the tensions of each of the 3 strands of sustainable development (social, environmental and economic) and the various options available (set in a sustainability appraisal) to a Council in achieving them will need to be reconciled by the decision maker that require an often-extensive range of judgements. Paragraph 14 of the Framework sets out the balance in which the decision maker must reach in considering the most appropriate strategy; the presumption in favour of sustainable development.
- 2.20 The plan making components of paragraph 14 can be split into two sections. Firstly, local planning authorities should positively seek opportunities to meet the development needs of their area. This is satisfied if the Local Plan clearly sets out the various types of need and strategies or land use allocations to meet them (within the plan period). The second section of paragraph 14; Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change; unless, subject to the two qualifying statements:
- a) Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework or taken as a whole, or;
 - b) Specific policies in the Framework indicate development should be restricted (as set in footnote 9 of the Framework).
- 2.21 Once the two parts of paragraph 14 can be met with the Council's preferred strategy, policies and allocations, the two qualifying statements of the second part must be adequately satisfied.
- 2.22 The first of those, requires the decision maker to determine where the balance of Local Plan impacts lie across the 3 strands of sustainable development, i.e. the overall effects arising from the spatial strategy, policies and sites. In terms of the positive effects of a Plan, paragraphs throughout the Framework state the weight to be given to various requirements, when change is to be permitted and the paragraph's role in consideration. Although not a complete list, those of particular relevance to the Kirklees Local Plan and Bradley Park Golf Course are:
- Paragraph 19: significant weight should be placed on the need to support economic growth through the planning system;
 - Paragraph 63: great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area;

- Paragraph 72: give great weight to the need to create, expand or alter schools;
- Paragraph 113: appropriate weight [should be given to designated landscape or ecological sites] to their importance and the contribution that they make to wider ecological networks;
- Paragraph 74: existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless...;
- Paragraph 83: Green Belt boundaries should only be altered in exceptional circumstances, through the preparation or review of a Local Plan;
- Paragraph 30: In preparing Local Plans, local planning authorities should therefore support a pattern of development which, where reasonable to do so, facilitates the use of sustainable modes of transport;
- Paragraph 34: Plans... should ensure development that generate significant movement are located where the need to travel will be minimised and the use of sustainable modes of transport can be maximised;
- Paragraph 47: To boost significantly the supply of housing, local planning authorities should;... ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the HMA;
- Paragraph 73: Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities;
- Paragraph 109: The planning system should contribute to and enhance the natural and local environment by...protecting and enhancing valued landscapes...minimising impacts of biodiversity and providing net gains in biodiversity where possible.

2.23 It is not often the case that a Local Plan is without harm, but it is the overall effects of the plan's strategy, allocations and policies that have to be considered that in total limits adverse effects and maximises the benefits. At this point it can be concluded whether the adverse effects identified are such to be significant and demonstrably outweigh the benefits of the plan as a whole.

2.24 The second qualifying statement is the compliance in respect of any specific Framework policies of restriction. Those which are clearly restrictive policies are set out footnote 9 to paragraph 14:

- Birds and habitats directive
- Designated SSSI
- Green Belt
- Local Green Space
- AONB
- Heritage Coast
- National Park
- Designated Heritage Assets
- Locations at risk of flooding or coasting erosion.

2.25 There are further policies within the Framework, such as paragraph 74 which set out restrictions to consider in the plan making process.

2.26 Therefore, to ensure that a Local Plan meets the presumption in favour of sustainable development and is thus consistent overall with national policy, the requirements of paragraph 14 must be met.

Examining Local Plans and the Four Tests of Soundness

2.27 As set out from paragraph 182 of the Framework, Local Plans will be examined by an independent inspector with the role of assessing whether the plan has been prepared in accordance with the various legal and procedural requirements and whether the plan is sound. The plan which the authority submits, must be considered to be sound. The four tests of soundness are set out in paragraph 182; *Positively prepared, Justified, Effective and Consistent with national policy.*

2.28 **Positively Prepared;** the plan should be prepared based on a strategy which seeks to meet objectively assessed development needs and infrastructure requirements;

2.29 **Justified;** the plan should be the most appropriate strategy, when considered against the reasonable alternatives, and based on proportionate evidence;

2.30 **Effective;** the plan should be deliverable;

- 2.31 **Consistent with national policy**; the plan should enable the delivery of sustainable development, in accordance with the policies in the Framework. This links the tests of soundness with paragraph 14: presumption in favour of sustainable development.
- 2.32 To briefly summarise the tests of soundness, it is clear from the Framework and also through the examination of plans that the plan submitted by the local authority for examination must address development needs and infrastructure requirements and that it should be deliverable. The strategy for the Plan, **justified and consistent with national policy**, needs to ensure that it is appropriate and that it can deliver sustainable development; therefore there may be a range of options or alternatives available to the planning authority to deliver a positively prepared plan, but the strategy chosen needs to ensure it will enable the delivery of sustainable development and is supported by a proportionate evidence base.

Local Policy Context

Extant Plan

- 2.33 The current statutory development plan for Kirklees is made up of the 2007 'saved policies' of the UDP from 1999.
- 2.34 Whilst the plan is several years old, weight should be given to policies depending on how they accord with the Framework. The most relevant policy within the UDP, to the proposed housing allocation is the saved allocation to the south of Bradley Golf Course: H8.39 – North of Bradley Road for a capacity of 200 dwellings. It should be noted that this extant allocation is included within the proposed allocation covering the Bradley Golf Course.
- 2.35 The principal of residential development on part of the Golf Course has already been established in the extant UDP.

3.0 CASE LAW AND LOCAL PLAN INSPECTOR'S REPORT REVIEW

Paragraph 74 Test

3.1 Paragraph 74 of the National Planning Policy Framework (the Framework) (2012) 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 The following appeal decisions have been examined in respect of paragraph 74 of 'the Framework'. These appeals relate to sites that involve all forms of open space, not just golf courses, and the Inspector's judgement for each case including the presumption in favour of sustainable development (paragraph 14 of 'the Framework') and the overall 'planning balance'.

1) APP/Q3060/A/13/2200191

Address:

Land at Radford Bridge Allotments, Russell Drive, Wollaton, Nottingham, NG8 2BE

Description of Development:

Residential development and regeneration of allotments, incorporating new public open space, access, drainage infrastructure and ecological enhancement.

3.3 Allowed 8th May 2014 - The appeal site comprises 10.8 hectares of used and unused private allotments within a residential suburb of Nottingham. This appeal referred to an outline application, except for access and included a scheme of approximately 140 houses (amended to 110). The proposal was accompanied by a Section 106 Agreement for 20% affordable units, a footpath, education, travel plan, and off-site highway works contributions. Three separate planning applications for residential development on part of the site were refused by the Local Planning Authority.

3.4 The City Council's Open Space Network, as shown on the Local Plan Proposals Map covers approximately 66% of the allotment site, the exception being an area of some 3.72 hectares that corresponds with the land subject of previous planning applications.

- 3.5 Although that land was included as part of the OSN in the draft version of the Local Plan, the subsequent Inspector's Report into the then emerging Local Plan concluded that the land was appropriate for housing and should be allocated for that use. However, the report was non-binding and the Council adopted the Local Plan in November 2005 without making any change to the designation here. A subsequent legal challenge to that decision was successful and the OSN designation for that part of the allotment site was quashed by the High Court in September 2006. The land is therefore not designated for any specific planning purpose.

Key Quotes:

- 3.6 *'The Local Plan Inspector's Report notes, in relation to the Radford Bridge Allotments site, that the land was underused, providing poor quality open space of little amenity value from either public or private vantage points. As such, it was found that the allotments did not make a particularly valuable contribution to the OSN' (paragraph 15);*
- 3.7 *'Surrounding occupiers benefit from a green space to the back of their properties. However, having in mind the observations and conclusions of the Local Plan Inspector, and the current state of most of the land, it is my view that the area as a whole continues to be underused and undervalued as an allotment site within the OSN' (paragraph 16);*
- 3.8 *'There is no doubt that there is strong local feeling about this proposal, as reflected by the volume of objections received at every stage and the vocal opposition demonstrated at the Inquiry itself.... I find no conflict with the development plan, nor any other material harm' (paragraph 58).*

2) APP/L3245/A/14/2221002

Address:

To the rear of 132-134 Avery Hill Road, New Eltham, London, SE9 2EY

Description of Development:

The erection of 136 residential units with access, parking, publicly accessible open space and landscaping, including demolition of a garage at 134 Avery Hill Road (LPA Ref: 14/3551/F).

- 3.9 Allowed, 26th May 2016 - The former GAA Sports Ground was vacated in 1992. The land is overgrown and unused. The site is designated community open space and is subject to several Tree Preservation Orders, although few trees remain. There is no public access but the site is overlooked from properties on four sides and Forest Hill Road.
- 3.10 The appeal was against non-determination. The appeal had been made before a refusal notice was issued. Alongside the housing, the development would include a public open space of 1.86ha including a park and football pitches. The Inspector concluded that

compared with the former development scheme, dismissed by the SoS in 2007, the circumstances are now different. This scheme is for far fewer dwellings in a much changed policy context including greater emphasis on the need for housing.

Key Quotes:

- 3.11 *'There is no dispute that all of the policies cited above with respect to Open Space and Sports Provision do affect the supply of housing by constraining the use of land which might otherwise be used for new homes' (paragraph 49);*
- 3.12 *'NPPF paragraph 74 should accordingly be taken into account as a restrictive policy in terms of paragraph 14, in as much as this is germane to assessing the overall planning balance' (paragraph 50);*
- 3.13 *'Although vacant and in a declining condition for some 24 years, the site was last used as a playing field and remains a potential resource for that use to resume. Therefore, even though there are currently no playing pitches on the land, the loss of two thirds of the site would also be in clear conflict' (paragraph 56);*
- 3.14 *'Taken as a whole, the scheme would be in conflict with those policies of the development plan which protect COS and land last used as a playing field, albeit the latter is subject to assessment of need, as considered below. However, the development would provide secured benefits compliant with the aims of the development plan to increase and enhance sports and park provision' (paragraph 58);*
- 3.15 *'It is also in accordance with recent case law that Policies OS1, OS (b) and OS (d) continue to carry weight with respect to their primary aims to protect and improve COS and sports pitches, broadly in line with NPPF paragraph 74. In this respect it is also concluded that the appeal proposal, to place residential development on some two thirds, or 3.44ha, of the appeal land, is in conflict with these development plan objectives' (paragraph 99);*
- 3.16 *'Whilst the loss of the larger part of the appeal site as COS would militate materially against the proposal, this adverse impact would not be so great as significantly and demonstrably to outweigh the very considerable benefits of the development in providing much needed homes in the face of the significant 5YHLS shortfall. The public local park and sports pitches on the appeal site and the Bardhill community scheme being made a reality, all secured by the UU, form a further substantial benefit' (paragraph 108).*

3) APP/W4515/A/12/2186878 (Recovered Appeal)

Address:

Land at Scaffold Hill Farm, Benton, Newcastle upon Tyne

Description of Development:

Residential development of 450 houses including affordable, local community facilities of a shop (A1) and surgery (D1), extension to the Rising Sun Country Park with associated habitat, landscape and recreational improvements, and works to the surrounding highways infrastructure (application ref. 11/01600/FUL).

- 3.17 Allowed 3rd July 2013: The appeal proposals would occupy open grassland and farmland designated as open space within the UDP. There is no public access, except for footpaths which are to be retained within the development. The land occupies an urban fringe location. It is seen principally in relation to surrounding features of existing residential development, an embankment, public house, carriageway and hotel.
- 3.18 The Secretary of State agreed with the Inspector's conclusions that planning permission should be granted following a public inquiry, subject to conditions and S106 agreement. The Council's position of this application prior to the enquiry subsequently changed and no witnesses were called.
- 3.19 The Secretary of State agreed that the scheme would bring benefits in the form of an attractive, well-conceived mixed-use development and it would result in more land being made publicly accessible through the proposed extension to the country park. The Secretary of State agreed with the Inspector that there would be no conflict with the intent of paragraph 74 of the Framework (Paragraph 10).

Key Quotes:

- 3.20 *'The Secretary of State concludes that the scheme would bring benefits in the form of an attractive, well-conceived mixed-use development that would deliver a substantial quantum of residential development including much-needed affordable dwellings, positively contributing to boosting the borough's supply of housing' (paragraph 22);*
- 3.21 *'He considers that it would not conflict with the relevant but now out-of-date UDP housing policy relating to 'greenfield' development. He also considers that the scheme would not have a demonstrably negative impact on the appearance or character of the area, and that it would secure a sizeable extension to the valued resource of the Rising Sun Country Park and enhancements to biodiversity' (paragraph 22);*
- 3.22 *'The Secretary of State also considers that the proposal would bring economic benefits in the form of jobs. He also considers that it is a sustainable development which should carry a presumption in favour of the grant of planning permission. Although the scheme would generate additional traffic on the local highway network, he considers that it would also provide mitigation in the form of highway works and the provision of a residential Travel Plan such that any residual cumulative impacts of the development would not be severe' (paragraph 22);*
- 3.23 *'The Secretary of State concludes that the benefits of the scheme are not significantly or demonstrably outweighed by any adverse impacts, and that therefore the planning balance should be in favour of the scheme such that planning permission should be granted' (paragraph 23).*

4) APP/Y3615/A/12/2177936

Address:

Land north-west of 10 Greencroft, Mellow, Guildford, GU1 2SY

Description of Development:

Construction of houses and access road on land currently part of St Thomas of Canterbury RC primary school playing field (LPA Ref: 11/P/01159).

- 3.24 Allowed 21st January 2013: The appeal site comprises approximately one half of a school playing field. The other would be retained as open space by the school. Planning permission had previously been granted for the renovation of this land to provide a mini soccer pitch with a storage facility building. Over the past 12 years the Guildford Saints Football Club has been the only user of the site and has used it for only 1% of the total annual available time.
- 3.25 Local Plan Policy R1 states the Council will resist the loss of land used for recreation purposes or with the potential for recreational use unless: a suitable alternative is provided nearby; there is an excess of recreation land in the area; and sports and recreation facilities can best be retained and enhanced by the redevelopment of a small part of the site. However, the explanatory text does not completely rule out development on such land
- 3.26 The school argues that the facilities on both areas require substantial improvements and the proposed development is a means of providing funds. The Council's first reason for refusal was an unacceptable loss of recreational land. However, the Council then withdrew this reason and the appellant has entered a Section 106 Agreement.

Key Quotes:

- 3.27 *'There are sports/playing facilities for the school both on the main site and the appeal site. The school contends that the facilities on both areas require substantial improvements and upgrading and the evidence provided supports this. It sees the proposed development as a means of providing funds for these improvements' (paragraph 27);*
- 3.28 *'Concurrently with its determination on the application before me the Council permitted a scheme for the renovation of the facilities on both parcels of land. This would provide, on the application site a mini soccer pitch with a storage/toilet facility building, and on the main school site a soccer pitch and a multi-use games area' (paragraph 27);*
- 3.29 *'Testing the proposal against paragraph 74, on the first criterion the school has reviewed all its open space and says that the amount of space it has greatly exceeds the*

Department for Education recommended guidelines for team playing field space even with the loss of the appeal site' (Paragraph 36);

- 3.30 *'It is appropriate to do so given the linkages between the schemes with the housing funding the open space improvements. It is arguable that the second criterion would not be met because although the replacement provision would be clearly better in quality the amount of open space available would be less. However, only one of the criteria of paragraph 74 of the Framework needs to be met for this part of national policy to be complied with' (Paragraph 37);*
- 3.31 *'It is concluded that loss of the appeal site to housing would comply with the Local Plan Policy R5 and paragraph 74 of the Framework and would not constitute an undesirable loss of recreational land' (Paragraph 38).*

5) APP/F2605/A/13/2210283

Address:

Land between London Road and New Road, London Road, Attleborough, Norfolk, NR17 1YF.

Description of Development:

(a) Erection of 73 dwellings; (b) creation of 0.71 hectares of on-site public space to include LAP, nature play area, kick about area, footpaths, landscaping and dog waste bins; (c) creation of outdoor exercise trail, connecting footpaths and landscape enhancements at existing public open space on New Road Attleborough; (d) creation of LEAP, connecting footpath and landscape enhancements at existing public open space on Blackthorn Way Attleborough; and (e) installation of dog waste bins at Hillsend Lane, Attleborough.

- 3.32 16th May 2014 - Allowed: The Inspector considered two major issues during the hearing;
- 3.33 Firstly whether the development would unacceptably undermine the Council's objective of providing adequate open space to meet the needs of children's play and recreational needs; and
- 3.34 Secondly whether any adverse effects would significantly and demonstrably outweigh its benefits including housing and economic growth.
- 3.35 The appeal site comprises a broadly square area of arable land of some 2.46 hectares within the settlement boundary for Attleborough. The settlement has an identified shortfall in the area of open space provision when compared against the standards of

the National Playing Fields Association. The site's designation was retained in order to help in addressing the shortfall which was last assessed, in 2010.

- 3.36 The proposed development removed the opportunity for the whole of the site to be used for public open space and thus conflicted with local saved policies. However, the site is within private ownership; is not publicly accessible and has never been used for open space use.

Key Quotes:

- 3.37 *'Whilst the continued designation of the site for public open space provision would retain the possibility of such use being achieved at some time in the future, there is at present no reasonable prospect of such an aim being achieved. There is thus no present reasonable likelihood that implementation of the proposed development would, in practice, cause the loss of a deliverable area of public open space' (Paragraph 13);*
- 3.38 *'This being the case, I conclude that implementation of the proposed development would not unacceptably undermine the Council's objective of providing adequate open space to meet the needs of children's play and recreational needs of Attleborough' (paragraph 13);*
- 3.39 *'I consider there is no reasonable prospect of such a goal being achieved in the foreseeable future. Thus whilst the permanent loss of the possibility is an adverse effect of the proposal it is one to which I attach limited weight' (paragraph 15);*
- 3.40 *'Retaining the faint possibility of achieving an additional 1.75 hectares of public open space at some time in the future would not justify foregoing the achievable benefits outlined above..... I conclude that there are no adverse effects of the proposal that would significantly and demonstrably outweigh its benefits' (paragraph 18).*

6) APP/G2625/A/13/2195084

Address:

Carshalton Road, Lakenham, Norwich, Norfolk,

Description of Development:

75 Dwellings (50 open market and 25 affordable homes) along with new public allotments, children's play areas and a 5-a-side football pitch at in accordance with the terms of the application, Ref 12/01885/O, dated 11th June 2012, subject to the conditions set out in Schedule 1 of this decision.

- 3.41 Allowed, 21st October 2013 - the appeal site is 3.18 ha. It is identified as urban greenspace in the City of Norwich Replacement Local Plan. The ground was used by Norfolk County Cricket Club until 2000 when they moved to Horsford Cricket Club.
- 3.42 The site was more recently used by the former Lakenham Sports and Leisure Centre which closed in 2007 and prior to that contained playing fields, tennis courts, squash

courts, gym and the pavilion. The proposed open space element of the appeal scheme is 1.15ha including play provision, allotments, preserved woodland/wildflower garden, and an informal 5-a-side pitch. In its current form, Sport England considers the site to be incapable of being brought back into use.

3.43 The main issues in this appeal were;

- The effects of the proposal on open space;
- The effects of the loss of the pavilion on the historic environment;
- Housing land supply context.

Key Quotes:

3.44 *'As a result of consideration of these factors, I do not consider that the amenity value that the site makes to the surrounding area amounts to an overriding one which would prevent development of the site in the manner proposed' (paragraph 8);*

3.45 *'There is a clear balance to be struck against the existing larger area of land, which is not in use at present, and the smaller area proposed which would have public access and would be of a better quality than the existing run-down facilities on site; it is also important to bare in mind my findings in relation to the likelihood of the present use being resurrected' (paragraph 9);*

3.46 *'There is very little significance in the pavilion or its setting. Although the proposals would result in its complete removal, I do not see this as a reason to resist the proposal' (paragraph 16);*

3.47 *'The proposal would have no unacceptable effects and would bring some positive aspects to the local area. I have concluded that there would be no harm to the historic environment as a result of the loss of the pavilion or the remainder of the development' (paragraph 28);*

3.48 *'Additional issue of the supply of housing land indicates that for the NPA it cannot be demonstrated that there is a suitable 5 years supply. This adds weight to my positive findings for the proposal' (paragraph 28).*

Summary of the appeal decisions

3.49 The following points provide a useful summary of the planning issues that were raised during each of the appeal cases. These observations are made in respect of the decision-making process and the application of paragraph 74 of the Framework.

- Development proposals should contain an appropriate mix of housing including affordable units and associated infrastructure including those secured by a Section 106 Agreement (APP/W4515/A/12/2186878).
- Sport England will seek to ensure that an appropriate mix of public facilities is provided to encourage health and well-being within the local community.

- For privately owned or sites with restrictive access, residential development on areas of open space could result in more land being made accessible to the public.

Inspector's Report Review

3.50 A series of Inspector's Reports for Local Plan Examinations have been reviewed in respect of paragraph 74 of the Framework. These cases relate to golf courses and the justification for allocating such sites as residential development.

Tamworth Local Plan: Tamworth Municipal Golf Course, Eagle Drive Amington, Tamworth, Staffordshire, B77 4EG

3.51 The site was a functioning golf course until it was closed in October 2014. In March 2014 Cabinet considered 3 options: 1) Close the course, 2) Open it temporarily; 3) Appoint an external management company to operate the course and consider long term options.

3.52 For Option 3, the Council spoke to external golf operators, but the short term lease was not cost effective. Cabinet therefore decided to operate the golf course 'in-house' for two years which offered a less costly option to re-open the course.

3.53 The Council received enquiries from a variety of sources about future commercial opportunities at the course, but many of these were speculative. During the options appraisal, a number of key issues were raised including the requirement for capital investment and the potential of future risk to the Council's revenue budget. These factors and the opportunity to meet other strategic needs led cabinet to close the course and redevelop it for housing with parkland.

3.54 On the 26th February 2015, an outline planning application was submitted to Tamworth Borough Council for the demolition of clubhouse and construction of up to 1100 dwellings, primary school, local centre, parking, comprehensive green infrastructure, extension to local nature reserve, formal and informal open spaces, footpaths, cycleways, water areas, landscaping and vehicular access (Ref: 0088/2015).

3.55 On the 4th August 2015, the above planning application was put before Members at Planning Committee. The Planning Manager's report makes reference to the following:

'In the adopted Local Plan the golf course was included as a sports facility but access to the course was restricted to those playing golf therefore it is perhaps not appropriate to consider the site as being public open space in this sense' para 6.2.4

'The site was considered separately to open space in the borough's sports strategy and it is questionable as to whether it is publicly accessible open space. It is however clear that there will be a loss of the sports facility of a golf course from this proposal and therefore the site should also be assessed under NPPF Paragraph 74' para 6.2.5

'The updated Joint Indoor & Outdoor Sports Strategy (2014) recognises that the golf course has been shown to be surplus to requirements. This follows the Tamworth Golf Course Needs Assessment Report (2014), which concluded that there would be no requirement for a golf course after analysing the strategic context, undertaking stakeholder consultation, reviewing the course and producing a supply and demand audit' para 6.2.5

'Whilst this is disappointing for golf, and users of the facility, Sport England accept that the Council have robustly and fairly assessed need and options in coming to their decision to dispose of the golf course. On the basis that there are adequate alternative golf facilities in the wider area to meet demand and retaining the course would not be financially viable Sport England consider the loss of this facility meets NPPF 74', para 6.20.2

'Sport England consider that that scale of the above contributions is acceptable as the contributions are to be secured for sport and informed by the Sports Strategy. It is noted that a further £2m will provide public open space on the site which will include greenways/health trails for walking, running and cycling designed to deliver social and health benefits', para 6.20.4

- 3.56 On the 6th August 2015, the Secretary of State decided not to call in the planning application. On the 21st January 2016, planning permission was granted, subject to a legal agreement.

Bracknell Forest Local Plan: Blue Mountain Golf Course

- 3.57 Blue Mountain Golf Club was allocated for residential development in the Bracknell Forest Local Plan and adopted in July 2013.

- 3.58 The removal of the golf course land (now known as the Blue Mountain Golf & Conference Centre) was secured via a Section 52 Agreement and released from the covenant in the Tenth Schedule, Part II (paragraph 1), which is in the following terms:

'1. Not to use the Golf Course Land for any purpose other than as a golf course for the provision of sporting or other recreational facilities or as open space and not to construct any buildings on the Golf Course Land other than as reasonably required in connection with any of the uses mentioned in this paragraph'

- 3.59 The Executive Member for Planning and Transport decided that subject to the three criteria stated in point 6 of the Record of Decision (Work Programme Reference I044560), the Borough Solicitor is to be authorised to complete a Deed of Release in respect of the Section 52 Agreement 16/02/1990.

- 3.60 This ensures that agreement will only be released to permit development of the Blue Mountain site which substantially accords with the Council's adopted Site Allocations Local Plan (2013).
- 3.61 On the 15th January 2016, a hybrid planning application was registered seeking (a) outline permission for up to 400 additional dwellings, a community facility of up to 1,077 sqm, sports provision and open space and (b) full planning permission for an all-through school providing nursery, primary, secondary, post 16 and SEN facilities, Suitable Alternative Natural Greenspace and vehicular access (Ref: 16/00020/OUT).
- 3.62 On the 26th May 2016, the planning application was determined by Members at Committee. The Planning Officer's report makes reference to the following key points in respect of open space:

'The loss of the existing golf course, this matter was considered through the SALP process, and was supported by evidence in relation to the supply of and need for golf courses. The Local Plan Inspector found the SALP including Policy SA7 sound and legally compliant, including being consistent with the NPPF, and being in conformity with the adopted Core Strategy. Therefore, there is no policy objection to the loss of the golf course, and therefore no conflict with CSDPD Policy CS8 and the NPPF' para. 74' (para 9.5). 'Bracknell Town Football Club do not currently wish to pursue a move to the Blue Mountain site, and therefore a mixture of sports uses could be provided as an alternative' (para 9.12).

'Bracknell Forest commissioned a Blue Mountain Golf Centre Study in 2012 to inform the planning process involved in the preparation of a site allocation DPD. The Study found that in the area there is a wide range of golf facilities to meet current need, that individual golf clubs and courses are less well used than in previous times over the last twenty years and, the loss of Blue Mountain would leave the area with sufficient golf facilities to meet likely demand' (para 9.202).

'Sport England have been consulted on this application and raise no objection to the proposal subject to conditions requiring details of the proposed sports facilities to be submitted for approval and a requirement within any S106 for sports facilities within the learning village to be available before the residential development is commenced' (para 9.204).

'It is considered that the loss of the golf course is acceptable as other facilities are available in the area and the development provides for alternative sports and recreation facilities to serve a wider section of the community than are served by a golf club' (para 9.204).

- 3.63 On the 15th June 2016, planning permission was granted subject to a legal agreement.

Canterbury Local Plan: Herne Bay Golf Course

- 3.64 The site comprises the former Herne Bay Golf Course which extends to 42 hectares and has until recently been landscaped for use as an 18-hole golf course. The use of the site as a golf course stopped in 2011 and is has remained vacant.
- 3.65 In the Council's SHLAA 2014, the site was identified under reference no. 208. on p.91 of the assessment, the site is located on the urban fringe of South Herne Bay. Development of the site is thought to have minor negative effects on sustainable living, but positive effects on housing and the coastal community. Only parts of the site are in walking distance of public transport and access to local service within 800m is assessed as poor (doctors only) but this could be improved. There could also be significant negative effects on the countryside; and flood risk zones 2 and 3.
- 3.66 Canterbury Council adopted their current Local Plan in July 2006. The golf course was never designated as part of the old Local Plan. The land as well as an adjacent site is now designated as housing in the proposed Local Plan. The site is also a Strategic Allocation.
- 3.67 On the 5th May 2015, a hybrid planning application was validated for the redevelopment of the former Herne Bay Golf Course, including the demolition of the existing golf club house and the creation of 113 residential units; with a second phase planned which will include a sports hub, sports pavilion, tennis pavilion, two football pitches, a cricket pitch and a hockey pitch. The outline element comprising up to 459 residential units including affordable housing; 60 bed care home, Use Class C2; doctors surgery, public house; restricted secondary vehicular access, sustainable drainage system; parking and open space (Ref: CA/15/00844).
- 3.68 On the 15th September 2015, the application was considered by Members at Planning Committee. The Planning Officer's report makes reference to the following:

'The site was last used as a Golf Course, with the use ceasing in 2011 and therefore its lawful use would be Class D2 - Assembly and Leisure. With regards the Local Plan 2006 there is no policy protection for the use of the site specifically as a golf course or as a Class D2 use Policy C27 of the adopted Local Plan does, however, relate to the loss of publicly or privately owned playing fields and is therefore relevant' (paragraph 84).

'In this instance, it is considered that the requirements of these policies are met as the proposed development would provide much needed homes for the District, as well as retaining a high level of sports facilities which are considered to enhance the overall

provision in the District. The loss of the golf course facility is therefore considered to be acceptable in principle' (paragraph 85).

'In this instance, it is considered that the range of sports facilities proposed by the applicant would make at least an equivalent sports provision in qualitative terms. There is also a significant level of support has been received from local sports groups which have emphasised the importance of the improved facilities and the opportunities or increased participation on their clubs' (paragraph 101).

'The Herne Bay Golf Course is not specifically allocated for development in the Local Plan 2006, although it proposed to be allocated for a residential-led mixed use development by Policy SP3 of the emerging Local Plan. Notwithstanding the proposed allocation, the emerging Local Plan has yet to be adopted and for the reasons discussed in the report, the NPPF is proposed to form the primary policy background for the determination of this application' (paragraph 393).

- 3.69 Planning permission was subsequently granted for the above development on the 24th Sep 2015 and conditions are at present being discharged.

Basingstoke Local Plan: Basingstoke Golf Club

- 3.70 On the 26th May 2016, Basingstoke and Deane Borough Council adopted the Local Plan 2011-2029. Basingstoke Golf Club has been identified as a Housing Allocation in the adopted Local Plan.
- 3.71 A full assessment of the site's constraints is set out in the Volume 1 of the Housing Site Assessment (HO/05) and in Appendix 14 of the Sustainability Appraisal (PS/02/16) (paragraph 11.11.1).
- 3.72 The Council's Housing Site Assessment (March, 2014) identified the land as suitable for residential development. On page 150 reference is made to the Leisure and Recreational Needs Assessment (2009) and Infrastructure delivery information. Hatchwarren and Beggarwood do not currently have a deficit of open space in terms of quantity.
- 3.73 However, within the housing area of Beggarwood Park the open spaces are small and are not generally suitable for kick about and robust play. If this site were developed the majority of open space and play required to meet the needs of the new residents would have to be provided on-site. There would also be the possibility of helping to address the poor distribution of larger open spaces across Beggarwood as a whole, particularly in the south.
- 3.74 On page 155 of the assessment it states that the site is owned and currently used by Basingstoke Golf Club. Members of the club voted in favour of the resolution to support

the promotion of the site for inclusion in the Local Plan and the club have since appointed consultants to progress its promotion. However, the site is not technically available now as the final decision to sell the site will be taken by the members based upon a satisfactory offer and the timeframes associated with relocating the club elsewhere.

3.75 On page 157 of the assessment, it states that previous consultation events raised concerns regarding loss of amenity and open space and amongst other matters. The majority of open space would need to be provided on site if this site came forward and there would be an opportunity to help address the poor distribution of larger open spaces across the whole of Beggarrwood. The site is not currently available as it is owned and used by Basingstoke Golf Club and the final decision to sell the site has not yet been taken. Overall, the most significant constraint is the availability of the site.

3.76 Section 2 and 3 of the Statement of Common Ground between Basingstoke Golf Club and Basingstoke and Deane Borough Council confirm the following prior to the Local Plan Examination:

- There is no planning policy requirement to retain the golf course;
- The Golf Course Site will be made available for development; and
- Approximately 1,000 dwellings will be delivered within the plan period.
- Once the Golf Course Site has been allocated within the adopted local plan, it will be promptly marketed by Basingstoke Golf Club.

3.77 Basingstoke Golf Club consider that the proposed allocation at Basingstoke Golf Course for a high quality, mixed-use development including approximately 1,000 dwellings is sound, and represents a positively prepared, justified and deliverable site that will assist in providing much needed housing and supporting infrastructure.

3.78 In respect of Paragraph 74, the Inspector's report states that:

"156. Concern was expressed over the loss of the golf course as a recreational facility for local people, especially in the light of the protective stance towards such facilities in paragraph 74 of the Framework. This paragraph, however, permits such a loss where an assessment clearly shows these facilities are surplus to requirements; or the loss would be replaced by better provision on a suitable location; or the development is for alternative recreational provision. National policy is reflected in Plan policy CN8.

157. The SCG between the Golf Club, the Council and the LEA/LHA83 demonstrates that the projected demand for playing golf over the plan period can be met on alternative

sites within 2-11 miles from Basingstoke town centre. It also points to a 6.8% national decline in golf participation over the period 2007/08- 2011/12, a trend which is expected to continue for the foreseeable future. This decline is also reflected locally.

158. I am satisfied from the above evidence, none of which was robustly challenged, that the benefits of allocating the golf course site for 1,000 dwellings plus community facilities outweighs the loss of the existing golf course."

Pending Case: Scarborough Local Plan: Whitby Golf Club

3.79 On 9 May 2016, the Scarborough Borough Local Plan (2011-2032) was submitted for independent examination. Public Hearings commenced on the 16th August 2016 and 8th September 2016. Proposed main modifications were subject to public consultation between the 21st September and the 3rd November 2016. The Inspector has decided that to hold a further hearing session on Tuesday 24 January 2017, and later issued his final report on 9th February 2017 which makes no reference to the golf course.

3.80 There is land at Whitby Golf Course proposed for residential allocation under reference HA21. The site has been allocated an indicative yield of 60 dwellings. It will be accessed of Sandsend Road with an option for a secondary access from Highfield Road. The development will only be supported where it is demonstrated that it will contribute to the longer term future of the Golf Course whilst also allowing the retention of its 18-hole status through a suitable re-configuration of the course. Development should be outwardly facing with appropriate open space provided between the residential development and the golf course in order to provide an attractive residential environment and entrance to Whitby.

3.81 This site was submitted for consideration after the previous draft Plan was consulted upon. This is related to securing the long term future of the golf club and will involve the reconfiguration of a small number of holes to retain its 18-hole status. However, this assessment bears no consequence to the financial status of the club. The site is considered as a suitable location for housing development and one that could serve to improve the visual entrance to Whitby along this section of road. In this instance, capital raised from the release of land for housing would be invested into the long term operation of the overall golf course.

Summary of Local Plans and Key Questions

3.82 The following questions provide a summary of the key issues that were raised during the preparation of each Local Plan. These observations are made in respect of the decision-making process, wider political and economic ramifications, the need to

provide housing and the application of paragraph 74 of the National Planning Policy Framework.

- Diversification of the existing facilities could accommodate a wider demographic of customers in the community. The introduction of these new facilities may not be possible without the raising of capital funds through the allocation of the golf course for housing.
- Consideration of the relationship with existing facilities is needed. How are those displaced customers from the golf course going to be subsequently accommodated elsewhere? How will this affect existing supply and demand audits?
- Subject to the golf course being allocated for residential development in the local plan, the Council could use planning conditions and a Section 106 Agreement to secure public open space throughout site. This could be explored through indicative masterplans.
- It is worthwhile to consider the health and general well-being of the local community, including NHS audits. Would a diversification of the site help to deliver wider social and health benefits? Can this site benefit residents in the borough of Calderdale as well as Kirklees?
- It is considered that the loss of a golf course is acceptable when other facilities are available in the area and the development provides for alternative sports and recreation facilities to serve a wider section of the community than are served by the existing offer.

4.0 KIRKLEES LOCAL PLAN

Emerging Local Plan

4.1 The emerging Local Plans for Kirklees are:

- Local Plan: Strategy and Policies
- Local Plan: Allocations and Designations

4.2 Once adopted these will replace the current statutory development plan for Kirklees.

4.3 The Strategy and Policies Local Plan sets out that there is a strategic need for development, including:

- 31,140 new dwellings by 2031, of which 7,000 are proposed in Huddersfield
- 165 hectares of new employment land

4.4 The Council's vision for the Plan is set out on page 21 of the Local Plan, in summary the elements of the vision that Bradley Park will help to achieve are:

- A mix of high quality housing which offers choice and meets the needs of all communities including meeting affordable housing need
- Ensuring access to a range of local facilities, such as education, healthcare
- Ensuring places will be well connected and encourage sustainable modes of transport.
- Increased opportunities to play sports

4.5 The Spatial Objectives listed on page 22 serve to specify the necessary measures needed to deliver the vision. The Bradley Park allocation is consistent with the following spatial objectives of the Plan:

- Improving transport links...giving priority to public transport, cycling and walking, providing an efficient highway network
- Provide new homes which meet the housing needs of the community
- Tackle inequality and give all residents the opportunity of a healthy lifestyle...achieve their potential in work and education
- Protect and improve green infrastructure to support health and well-being, giving access to good quality open spaces, sport and recreation opportunities

- 4.6 The Plan's spatial development strategy (pages 36 to 39) sets out what the plan seeks to achieve over the plan period. In particular it sets out a housing need of about 31,140 new dwellings across the plan period and that development within the district will be concentrated on the main urban areas of Huddersfield and Dewsbury, through; development in the urban areas and the allocation of strategic sites in north Huddersfield, south Dewsbury and Chidswell. Specifically for Huddersfield, approximately 7,000 new dwellings will be delivered within the plan period.
- 4.7 The Allocations and Designations Local Plan allocates the Bradley Golf Course for housing (allocation H1747, page 37). The site is approximately 56.37ha (gross) and will accommodate approximately 1,577 new dwellings. The total urban extension in this location (also including an adjacent privately owned site) amounts to approximately 2,000 dwellings.
- 4.8 In addition to the residential element of the allocation the site will also bring forward:
- Affordable Housing
 - Primary School and early years provision
 - Secondary School (on or off-site)
 - Links to the core cycling network
- 4.9 Further to the items set out in the Local Plan, a cabinet report presented to the Council's cabinet on 16 September 2016, set that the housing element of the allocation would be complemented by:
- A new local centre to provide services
 - Transport and infrastructure improvements to improve connectivity to other areas and jobs
 - More coherent sports and open space strategy for the whole of North of Huddersfield
 - Improved Green Infrastructure
- 4.10 The KPP 2017 report sets out the sports infrastructure items that are listed in the preferred master plan for Bradley Park, these are:
- Two full sized 3G pitches.
 - Two adjoining adult size football pitches (the space occupied by which may also be able to facilitate use for cricket).

- Two junior size pitches next to the school.

4.11 It is clear that through the allocation of Bradley Park will help to achieve the Council's vision and spatial objectives. The allocation will deliver new homes to meet the housing needs of Kirklees and will help to ensure that the highest proportion of new homes are built around Huddersfield. Furthermore, the allocation will bring forward a range of additional sports facilities and access to open space, plus education facilities and a local centre. This will help to meet several further spatial objectives of the plan.

Local Plan Evidence Base

4.12 The evidence base prepared by the Council for the submitted Plan is extensive and covers a wide range of issues as expected. The evidence base documents with particular relevance to the Bradley allocation are set out in the table below.

4.13 These documents, set out the evidence to justify the strategy used taken by the Council and how the strategy will enable sustainable development.

Sustainability Appraisal

4.14 A Sustainability Appraisal (SA) of the Local Plan was prepared by Land Use Consultants (LUC) at each stage of plan preparation.

4.15 The Council's preferred spatial strategy for development is to bring forward new development in sustainable locations across the plan area and not specify quantum for each settlement or areas. However, there is a clear direction of growth through the allocation of strategic sites in Huddersfield and Dewsbury. Within Huddersfield this equates to approximately 7,000 dwellings over the Plan period, of which Bradley Park is expected to contribute approximately 1,577.

4.16 The SA considered this strategy for growth and identified that cumulatively there would be a significant positive effect on: housing, access to recreation facilities and open space, employment and access to jobs, the economy, education and transport. Minor positive effects on health and access to services and facilities. Little impact upon crime and safety and air, water and soil pollution, climate change, efficiency in materials use. Mixed effect on amenity and efficient use of land and biodiversity. With minor negative effects on landscape and flooding.

4.17 The appraisal of Bradley (SA page 522) is one of several (reasonable alternatives) urban extensions to Huddersfield considered within the SA. In summary the SA states

that there are no significant constraints to the site that cannot be mitigated against through planning policy, the necessary mitigation is listed in the relevant policies in the proposed plans. It states the site is of strategic importance to deliver growth and is worth noting that there are insufficient brownfield sites to deliver the Council's needs within an alternative strategy for growth. Therefore, housing growth is partly focussed upon Huddersfield (the location for this site).

- 4.18 The Council, through the consideration of the results from the SA of the site and the quantum of housing it can deliver within the Plan period and its contribution to ensuring most new development is within Huddersfield, decided to allocate Bradley Park.

Green Belt

- 4.19 The Framework (paragraph 83) states that once established, Green Belts should only be altered in exceptional circumstances, through the preparation or review of a Local Plan. Therefore, the Council are correct to seek to consider alterations to the Green Belt within the plan making process.
- 4.20 The Council have prepared a Green Belt Review (November 2016). Bradley Park abuts Green Belt edges AS3 and AS4. The assessments are contained in appendix 2a on page 94 of the PDF (pages are not numbered).
- 4.21 AS3 has a test two score of 5, and AS4, a score of 3. 5 being the most significant degree of conflict with green belt purposes and 1 being negligible.
- 4.22 The green belt assessment uses a green, amber, red coding assessment.
- 4.23 **AS3-** Described as at risk of prominent development, part of the wider countryside (red), prominent slope down towards the north (red), proximity to green belt in Calderdale (amber), high voltage power lines, pylons, waste disposal site to north, landfill gas buffer, air quality from M62 (amber)
- 4.24 **AS4-** Described as containment from landform and woodland which would also act as a buffer from the motorway. High voltage power lines, pylons, waste disposal site to north, landfill gas buffer, air quality from M62 (amber), restricted gap (amber), tree belts and Bradley Wood could provide containment (amber), limited visual relationship with wider countryside (amber).
- 4.25 Both are assessed as having no impact on perceived setting and character and considered to be minor impact in terms of topographical. Generally, the green belt

review describes the green belt as being particularly narrow north of Bradley, but importantly further merger into Calderdale is prevented due to the M62.

4.26 Further to the Green Belt review, the Council have considered the impact on green belt in a site-specific assessment of site H1747 as set out in the “Accepted Site Options – Technical Appraisals document (November 2016)” This document recognises that Bradley Park is located within an area that performs a strategic role of preventing the further merger of Kirklees with Calderdale. However, it is considered there are opportunities to allow for settlement expansion without significantly undermining the strategic role of the Green Belt in this particular location.

4.27 The Council’s exceptional circumstances for the release of Green Belt are summarised as:

- The release of land for development in this location makes a significant contribution to meeting OAN;
- The development is demonstrated as sustainable; through the SA;
- The site forms part of the Council’s strategy which has been demonstrated to be sustainable; through the SA;
- The loss of these parcels of land from the wider Green Belt would not adversely affect the strategic purpose of Green Belt in this area; particularly when considering sprawl and merger of settlements. Development will be contained by the M62 motorway.

Loss of Sports Facilities: evidence related to paragraph 74 of the Framework

4.28 The Council have prepared several documents which relate to open space, outdoor and indoor sports facilities and the overall sports strategy.

4.29 The most relevant documents within the evidence base related to Bradley Park are:

- Open Space Demand Assessment (2015) and revision (2016)
- Built Leisure and Sport Facilities Strategic Framework (2015)
- Playing Pitch Strategy and Action Plan, plus addendum (2015)
- Playing Pitch Strategy Assessment (2015)
- Independent Golf Options Report (2016)

- Comparison of existing and future sports provision: Bradley Park (March 2017)

Built Leisure and Sport Facilities Strategic Framework, KKP (2015) – Golf (Page 14)

- 4.30 There are 12 golf clubs in the Kirklees Council area, of which 11 are traditional membership clubs and Bradley Park is a 'pay and play' facility. There are three golf driving range facilities, two located in Huddersfield and one in Mirfield.
- 4.31 Overall the demand for golf club membership has been in decline over the past decade although pay and play facilities remain popular. Therefore there is capacity across golf clubs in Kirklees to accommodate new members, which would further increase if the current trend in declining membership continues.
- 4.32 England Golf has a number of initiatives to raise golf participation levels which may help to stimulate demand. But unless the current trends in golf participation are reversed it is possible that supply will substantively outweigh demand and one or more clubs may be forced to close.
- 4.33 Bradley Park, operated by KAL and is the only traditional 'Pay and Play' golf provision in Kirklees, which serves as a key entry route into golf.

Built Leisure and Sports Facilities Strategic Framework, Appendix C, KKP, (2015)

- 4.34 Kirklees Golf Market supports 120 full time and 70 part time jobs, there are 12 courses, 14 within the local catchment area. Two courses Spenborough and Birstall have been mothballed. Specifically, for Bradley it provides 15 full time posts, 2 part time staff.
- 4.35 Of the 12 golf courses in Kirklees there is capacity to support 5,050 players, although a slight deficit in capacity at 431 across 9 courses: Crosland Heath and Woodsome Hall are both at capacity.
- 4.36 Bradley Park caters for nomadic individuals and a number of nomadic societies. Nomads are prepared to travel further (30 -60 minutes) rather than the usual 20 minutes to access bargain courses with a good reputation.
- 4.37 The report concludes that there is an oversupply of provision with 10% of members only travelling more than 5 miles. The courses under greatest pressure to recruit new members at this time are:
- Marsden GC
 - Cleckheaton GC

- Dewsbury District GC
- East Bierley GC and
- Outlane GC

4.38 The report clearly sets out at page 37 onwards, that there is currently an over provision of golf facilities in Kirklees to meet current levels of demand. KPP consider that latent and future demand within Kirklees can be met through the existing provision and that no new facilities will be needed up to at least 2037. Importantly, it is identified that should a facility close there is the capacity to accommodate displaced golfers.

4.39 *Independent Golf Options Report for Kirklees Council – Smith Leisure (2016)*
An independent view on future golf provision options for the Council was prepared, assessing whether/how the requirements of the patrons of Bradley Park Golf Course could be met equally elsewhere, and what might happen if it were to close.

4.40 From around 2003 onwards, the UK golf industry has experienced general decline. At first the pace of decline was slow but things got significantly worse with the onset of the global financial crisis in 2008 and the deep recession thereafter. Also, poor and erratic summer weather in recent years has adversely affected the industry. This is exacerbated by a 30% reduction in the supply of courses from the 1990s to approximately 3,500 venues.

4.41 In the 1980s many achieved 50,000 rounds of golf and were cash cows for Local Authorities. Today many are lucky to achieve 20,000 rounds and are making substantial losses.

4.42 Within close proximity to Bradley Park are Willow Valley Golf Club (Calderdale) and Crow Nest Park Golf Club (Calderdale).

4.43 Willow Valley is 2 miles away within a 20minute drive time and is the closest course to Bradley Park. It has good facilities and could accommodate some of the displacement. Built in 1993 it has several facilities:

- 18-hole Willow Valley Course aimed at experienced players (water features on 11 holes and host to the Yorkshire Professional Golfers' Association Championship between 2001 and 2013)
- the 18-hole Pine Valley Course, measuring 5,154 yards aimed at players of more modest abilities and at a lower price point;

- the 9-hole Fountain Ridge Course with six par 3 holes and three par 4 holes, aimed at those not proficient enough to play the Willow Course or who have less time to spare;
 - a 24-bay floodlit driving range;
 - an academy area comprising three short holes to practice pitching, chipping and putting;
 - Footgolf.
- 4.44 Further courses are located to the north and south. Cleckheaton and District, East Bierley and Hanging Heaton, Outlane Golf Club, Crosland Heath, Longley Park, Woodsome Hall Dewsbury District Golf Club and Elland Golf Club.
- 4.45 If Bradley Park closed this would result in one course per 47,500 residents. However it appears there would be sufficient capacity at surrounding clubs to provide for the existing members at Bradley Park.
- 4.46 What is very unusual is that the Kirklees district has no proprietary golf venues at all. Of the twelve venues, eleven are traditional not-for-profit private members' clubs built a long time ago and one is Bradley Park, the municipal course.
- 4.47 Further to this main report a survey was undertaken with the other 13 surrounding golf clubs to Bradley Park. The results from this survey clearly conclude adequate capacity and a sufficient range of options to facilitate the users from Bradley Park.
- Open Space demand documents*
- 4.48 This is a demand study outlining the demand for open space and the views and perceptions of local people in relation to the provision of open space.
- 4.49 The document forms a demand assessment of open space supply which will help inform other Council strategies such as an updated Parks and open space strategy. An updated Playing Pitch Strategy was undertaken separately and a Built Leisure and Sports Facilities Framework was completed to examine indoor sport's needs.
- 4.50 The report sets out that there are three typologies of open space that are the most visited (more than once a week); parks; footpaths, cycleways and canal towpaths; and nature areas.
- 4.51 In general, the report sets out there is no strategic deficiency in open space; highlights the waiting list for allotments and also the need for a cemetery in the south.

- 4.52 The Bradley Park allocation is located within the Ashbrow Ward, which is within the Huddersfield area. With specific regard to parks; the level of satisfaction over quality and supply is high (over 80%) and residents are quite prepared to travel for over 30 minutes using transport, but are less so to walk.
- 4.53 There is no supply deficiency within Huddersfield, although it is noted that there is potential for improvement of quality across all typologies and that the level of satisfaction of facilities for younger people is poorer compared to levels on other typologies. Whilst not a significant issue, it is something that can be considered in the specific provision of new open space at Bradley Park.

Comparison of existing and future sports provision: Bradley Park (2017)

- 4.54 This latest report seeks to consider and balance the loss of the existing Golf Course facility with the provision of new alternative sports and recreation facilities.
- 4.55 It sets out that the new on-site (replacement) sports offer will be
- 32.4ha of open space provision
 - Two full size 3G pitches
 - Two full sized adult pitches (that could also be used for cricket)
 - Two junior pitches
 - 3.8km of cycling and walking routes, linked into the wider network
 - 5km running / walking circuit (which could allow for events such as parkrun, cross country etc.)
- 4.56 Further to the work already prepared on behalf of the Council, this latest KKP report considers the loss of the Golf Course facilities.
- 4.57 As previously established in other reports, the offer found at Bradley Park can be met at other facilities within a 20-minute drive of the existing facility (2 within 10minutes, 12 within 20 minutes). Specifically, for the driving range facility there are 3 within a 20-minute drive (Willow Valley, Hopton Horse Centre, Crows Nest).
- 4.58 When considering the availability of golf per head of population, the report sets out that whilst there is no standard, for England it equates to 0.59 holes per 1,000, regionally 0.61 holes per 1,000 and for the 20-minute drive time around Bradley Course is currently 0.83 holes per 1,000 which would reduce to 0.77 per 1,000 once the golf facilities are

closed. The driving range facilities available would still be above the national average when the facilities close, however for par 3 this would be slightly under the national average.

4.59 In summary at page 8 of the KKP report, it is concluded that the accessibility to all types of golf provision cannot be considered to be an issue.

4.60 As set out in the previous studies there is an over-provision of facilities to meet current levels of demand. All but three of the listed 12 courses would benefit (i.e. have capacity) from the recruitment of new members. This latest study goes on to state that there is no need for any new golf course in Kirklees up to 2037, if at all. There is capacity within the existing facilities to meet both the displaced Bradley Park members and increased demand over the plan period.

4.61 The 2015 playing pitch strategy identified significant shortfalls in match equivalents sessions across the whole of Kirklees and across all of the pitch sports. A strategic solution to this would be to:

- Football - Create two 3G pitches
- Cricket - Work to reduce over play on club sites
- Rugby Union & Rugby League – improve quality and reduce over play
- Hockey – improve pitch quality

4.62 In summary the analysis by area (of which Bradley park sits within the Huddersfield area), shows that the Huddersfield area has an undersupply of:

- Two 3G pitches
- Youth 11v11 pitches
- Shortfall in pitches for rugby league (various types)

4.63 Comparing activity and participation levels at Bradley Golf Course against the proposed new facilities, it is clear the new facilities would provide for a greater number of participants and importantly a wider range.

- Golf: c.50,000 participants per annum
- New facilities (combined) c76,120 participants per annum

- 4.64 Whilst it would be difficult to calculate the number of annual participants (c50,000) lost completely from golf if Bradley Park closed, the evidence that sufficient capacity exists within several nearby courses clearly demonstrates not all of those participants would stop playing golf. Therefore, it is not a simple calculation of losing 50,000 golf participants and gaining over 70,000 others, it is the consideration of gaining over 70,000 participants and also retaining a proportion of those existing 50,000 annual participants who play golf. Given there is sufficient capacity in other courses across Kirklees and Calderdale and that the nearby Willow Valley course (as set out in the Smith Leisure report) has a similar offer; cost, facilities, non-elitist, to Bradley Park, the likelihood of retaining participants is good.
- 4.65 Further to formal sport participation through the proposed new facilities; informal activities on those facilities plus the additional informal circuits for walking and running, using Sport England calculations would lead to a further estimated (conservative) 19,500 participants.
- 4.66 Increases in the participation levels for formal and informal sports activity will be a key part in helping to address health and deprivation issues across Kirklees, particularly in Huddersfield.

Heritage Assets

- 4.67 The Heritage Impact Assessment of Land north of Bradley Road, Bradley, Huddersfield was carried out on behalf of Kirklees Council, by Farrell and Clark Architects LLP. The study assesses the potential impact of allocated sites on heritage assets and advises on mitigation for which there is a reasonable prospect of it being achieved.

5.0 ACHIEVING SUSTAINABLE DEVELOPMENT

5.1 Within section two of this report the role in which Local Plans play in achieving sustainable development is set out. So too is the process and consideration a decision maker must take to ensure that the strategy, policies and allocations within the Plan are sound and able to achieve sustainable development.

Paragraph 14 of the Framework

First Section: Local Planning Authorities should positively seek opportunities to meet the development needs of their area

5.2 The development needs for Kirklees, pertinent to Bradley Park are established in the following relevant evidence base documents:

- Strategic Housing Market Assessment
- Kirklees Playing Pitch Strategy and Kirklees Open Space Study

5.3 It is clearly set out and justified within the submitted Local Plans that all of these needs can be met within Kirklees.

5.4 The Sustainability Appraisal for the Local Plan sets out the reasonable alternative strategies and the spatial options, to deliver these needs. The strategy chosen by the Council to deliver the housing element of this need is to bring forward as many sites within the urban area as possible whilst making substantial allocations in Huddersfield and Dewsbury, where the majority of housing needs will be met.

5.5 The Local Plan sets this strategy out within section 6.1 (The Spatial Development Strategy)

5.6 The Bradley Park allocation helps to deliver this strategy through the delivery of approximately 1,577 dwellings. The Local Plan policy sets an affordable housing requirement of 20% for sites of this size. As part of this urban extension, there will also be approximately 400 dwellings provided on an adjacent privately owned site giving a total of approximately 2,000 dwellings. In addition to the residential element of the urban extension, there will be:

- Approximately 400 affordable homes (both the council site and adjacent site)
- Primary School and early years provision
- Secondary School (on or off-site)

- A new local centre to provide services
- Transport and infrastructure improvements to improve connectivity to other areas and jobs
- More coherent sports and open space strategy for the whole of North of Huddersfield
- Improved Green Infrastructure
- 32.4ha of open space provision
- Two full size 3G pitches
- Two full sized adult pitches (that could also be used for cricket)
- Two junior pitches
- 3.8km of cycling and walking routes, linked into the wider network
- 5km running / walking circuit (which could allow for events such as parkrun, cross country etc.)

5.7 It is clear from the submitted Plan(s) and evidence base that the strategic housing needs of Kirklees can be met within the Borough and within the plan period. The Bradley Park allocation will help to ensure this need is met sustainably and importantly will make a significant contribution to the objectively assessed housing needs of Kirklees.

5.8 The delivery of the Bradley Park allocation will also help to address shortfalls identified within the Council's sport strategy and also increase the quantum of publicly accessible open space.

Second section of paragraph 14; Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change, unless: a) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework or taken as a whole

5.9 Plan making policies within the Framework of particular relevance to the Kirklees Local Plan and Bradley Golf Course are set out in the table below. This sets out how the particular facets/issues of Bradley Golf Course are considered against the plan making policies of the Framework.

Table 1 Assessment of policies within the Framework

Framework Paragraph	Summary
Paragraph 19; significant weight should be placed on the need to support economic growth through the planning system	Whilst there is no specific allocation or provision for employment needs, the delivery of housing and associated infrastructure (schools, sports) will contribute to economic growth.
Paragraph 63; great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area	Design policies within the Plan will help ensure this achieved. It is considered that as the Bradley Park allocation is Council owned then a higher level of design will be required and the site will be treated as an exemplar development across the Borough. Given the scale of the development, this will allow for more opportunities to achieve good design.
Paragraph 72; give great weight to the need to create, expand or alter schools	The submitted plan policy sets out that primary school provision is required on site and that also provision for a new secondary school is also required (on/off site)
Paragraph 113; appropriate weight [should be given to designated landscape or ecological sites] to their importance and the contribution that they make to wider ecological networks	The site is currently allocated as Green Belt, and has a small portion of land allocated as a Site of Wildlife Significance.
Paragraph 74; existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless...	See appendix 1
Paragraph 83; Green Belt boundaries should only be altered in exceptional circumstances, through the preparation or review of a Local Plan.	As set out within section 4 of this report, the Council has set out the exception circumstances to release this site from the Green Belt and ensure that the fundamental aim of the Green Belt in this area will not be compromised. The release of this site from the Green Belt is justified.
Paragraph 30; In preparing Local Plans, local planning authorities should therefore support a pattern of development which, where reasonable to do so, facilitates the use of sustainable modes of transport.	The plan's strategy is to increase the use of sustainable modes of transport. The SA of the Bradley Park site sets out that there would be a significant positive effect on transport. This is evidenced through the creation of new cycle and walk routes and access to existing public transport.
Paragraph 34; Plans... should ensure development that generate significant movement are located where the need to travel will be minimised and the use of	See above

sustainable modes of transport can be maximised.	
Paragraph 47; To boost significantly the supply of housing, local planning authorities should;... ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the HMA	The allocation will bring forward at least 1,500 new dwellings, of which 20% will be affordable. The site will make a significant contribution to the delivery of new homes in Kirklees over the plan period including delivery within the first 5 years of the plan.
Paragraph 73; Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities.	<p>The allocation will create 32.4ha of new publicly accessible open space and allow for additional participation of over 70,000 persons per annum through formal sports and over 13,000 in informal sports.</p> <p>Whilst there will be a loss of the golf course facility, as set out above, this will not impact upon access to facilities.</p> <p>The creation of additional facilities and increased participation levels in sport across Kirklees will have a positive contribution to the health and well-being of communities.</p>
Paragraph 109; The planning system should contribute to and enhance the natural and local environment by:... protecting and enhancing valued landscapes...minimising impacts of biodiversity and providing net gains in biodiversity where possible	Supporting evidence has assessed the proposals against such constraints and the indicative masterplan suggests significant net gains are possible in terms of landscape and biodiversity.

- 5.10 Clearly from the SA supporting the submission Plan, both the Plan as a whole and the Bradley Park allocation will contribute to sustainable development.
- 5.11 Moreover, when considered against the specific plan making policies within the Framework and balancing negative and positive impacts the decision maker has clearly considered that the delivery of new homes, new infrastructure provision and a significant increase to formal and informal sports participation levels in Kirklees, clearly outweighs the loss of the existing Golf facility.

Second Section of paragraph 14; Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change, unless b) specific policies in the Framework indicate development should be restricted (as set in footnote 9 of the Framework).

Table 2 Framework paragraph 14 restrictions

Framework Paragraph 14, footnote 9 restrictions	Summary
Birds and habitats directive	Not applicable
Designated SSSI	Not applicable
Green Belt	See summary above
Local Green Space	Not applicable
AONB	Not applicable
Heritage Coast	Not applicable
National Park	Not applicable
Designated Heritage Assets	Listed buildings as assessed by the Heritage Impact Assessment
Locations at risk of flooding or coasting erosion.	Not applicable

- 5.12 The only NPPF paragraph 14 (footnote 9) restriction applicable to the Bradley Golf Course is Green Belt, as already set out within this section, the Council have adequately demonstrated that there are exceptional circumstances to alter the existing Green Belt boundary. In short, the loss of Green Belt will allow for the delivery of homes to meet the objectively assessed needs for Kirklees and will also demonstrably contribute to sustainable development, through housing delivery and the other infrastructure associated with the housing allocation.

6.0 FOUR TESTS OF SOUNDNESS

6.1 The examination of the plan will consider whether it is sound, based on the four tests of soundness that are set out in paragraph 182; **Positively prepared, Justified, Effective and Consistent with national policy**. These have been summarised in section 2 of this report.

Positively Prepared

6.2 The strategy set out in the submitted plan will meet the objectively assessed development needs set out in the evidence base documents. As set out in section 5, Bradley golf course will deliver at least 1,500 dwellings of the strategic housing needs and also the necessary infrastructure over the plan period; several items of infrastructure (schools, sports and improvements to health and well-being) are key considerations within the Framework.

Justified

6.3 The SA of the plan considered reasonable alternatives, based on proportionate evidence base, the Plan is the most appropriate strategy to deliver the objectively assessed development needs of Kirklees. The Sustainability Appraisal considered alternative site options to Bradley Golf Course. It is clear from the summary of impacts, that the existing UDP housing allocation (which forms part of H1747), the need for new housing delivery, potential for alternative sports and recreation provision and the provision of much needed new educational facilities will bring forward several significant positive effects, whilst there will be some negative effects, this will be few and minimal. Importantly there are no *significant* negative effects through the allocation of this site.

Effective

6.4 The plan is deliverable and the objectively assessed development needs can be delivered within the Plan period. The allocation is viable when consideration is given to the infrastructure and policy requirements set out in the local plan.

6.5 The more specific test of deliverability is set out in paragraph 47. Footnotes 11 and 12 state that:

- Deliverability Test: available now, suitable location now, achievable and realistic prospect that housing will be delivered in 5 years, the site is viable.
- Developability Test: sites should be in a suitable location and there should be a reasonable prospect that the site is available and could be viably developed at the point envisaged.

6.6 The Council have demonstrated that this site is both deliverable and developable. It is recognised in the housing phasing table that the site would need to be delivered on a phased basis including some delivery within the first five years of the plan (deliverable). The phasing table demonstrates that the site as a whole is developable.

Consistent with national policy;

6.7 As set out in section 4 the plan and Bradley golf course enable the delivery of sustainable development, in accordance with the policies in the Framework and within section 5, the allocation will demonstrably contribute to sustainable development.

7.0 CONSIDERATION OF THE RELEVANT CASE LAW

7.1 Table 3 and 4 sets out the summary of the case law and local plan review carried out within section 3 of this report and considers how the issues raised at those appeals and plan examinations have relevance to the Kirklees Local Plan and the Bradley Park allocation.

Table 3 Local Plans summary

Local Plans	
Diversification of the existing facilities could accommodate a wider demographic of customers in the community. The introduction of these new facilities may not be possible without the raising of capital funds through the allocation of the golf course for housing.	<p>The development of Bradley Park will lead to the diversification and expansion of sports facilities which will significantly increase the levels of participation in Kirklees. Importantly the proposed sports will attract higher levels of women and younger persons than the current facility.</p> <p>Without the revenue generated from the sale of the Golf Course the Council would not be able to invest in these new facilities, nor would it be able to 'match fund' with external funding pots.</p>
Need to consider the relationship with existing facilities. How are those displaced customers from the golf course going to be subsequently accommodated elsewhere? How will this affect existing supply and demand audits?	The more recent work carried out by KPP (2017) clearly demonstrates that there are several of courses within a 10 minute and 20 minute drive time of Bradley and that there is sufficient capacity within those clubs/facilities to accommodate the displaced members.
Subject to the golf course being allocated for residential development in the local plan, the Council could use planning conditions and a Section 106 Agreement to secure public open space throughout site. This could be explored through indicative masterplans.	This is clearly an aim of Kirklees Council. Such a process will be made easier as the Council are landowners. It is anticipated through the most recent masterplans that large areas of new open space will be created; without the need for S106 to achieve this.
Worthwhile considering the health and general well-being of the local community including NHS audits. Would a diversification of the site help to deliver wider social and health benefits? Can this site benefit residents in the borough of Calderdale as well Kirklees.	As already set out, the diversification of facilities on the site will lead to wider levels of sports participation in Kirklees across a wider demographic. Increased levels in participation have direct health benefits and wider social benefits.

<p>Has there been contact with alternative service providers of sports facilities? If so, would there be a suitable and commercially viable option for local sports groups to use the site. More Integrated and diverse facilities could have a greater appeal to the community.</p>	<p>If alternative sport and recreation facilities are delivered through the development of this site, this would deliver more integrated and diverse facilities that would have a greater appeal to the community as set out in the Comparison of Existing and Future Sports Provision: Bradley Park (KPP, March 2017). As set out in the KPP reports there is sufficient capacity at several other golf facilities within a 10 and 20 minute drive time.</p>
<p>It is considered that the site will need to be retained, upgraded and diversified in order for residential development to be acceptable. The whole allocation of the site and removal of the golf club is likely to be resisted.</p>	<p>This issue is not particularly relevant. There is sufficient capacity at other clubs within a 10 and 20 minute drive time, therefore there is no need to retain the existing facility.</p>

Table 4 Appeals summary

Appeals	
<p>Existing on site facilities can be upgraded or diversified through the raising of funds for part of a site. This can widen the potential usage, encourage investor confidence and secure jobs.</p>	<p>See above.</p>
<p>Prospective sites should be sustainably located with suitable access to shops, services and public transport infrastructure. Residential development should be interpreted as a suitable alternative.</p>	<p>Given the scale of the proposed allocation and the range of facilities and infrastructure items associated with the development, access to services and convenience shopping will not be an issue. These facilities will be sustainably and suitably located within the development.</p>
<p>The loss of key facilities which are practical and used on a regular basis are likely to be resisted especially if there is a deficit within the locality.</p>	<p>The loss of the Golf facilities is recognised, however this will not lead to a loss within the locality. There will be sufficient capacity within other existing facilities to accommodate those displaced members and users of Bradley Park.</p>
<p>Viability is an important material consideration particularly if the existing facilities on site are financially unsustainable in the long term with little prospect of being resurrected into active use.</p>	<p>The specific long term viability of the site is unknown, there is no need for the facility to close immediately. However two particular points should be noted:</p> <ol style="list-style-type: none"> 1. The facilities operators KAL are funded by the Council 2. The extant allocation for housing, covering some of the golfing facilities,

	<p>if developed would have a significant impact upon the facilities at the club. This would likely impact upon its viability in the medium term.</p>
<p>The lack of a five year housing land supply does not necessarily take priority over the Council's need to provide open space provision.</p>	<p>This point is not particularly relevant. However, should the Plan not progress to adoption, the extant housing allocation can come forward independently. Given recent appeal decisions in Kirklees and what would likely be a shortfall in supply, it is likely that at least that element of the facility will be lost.</p>
<p>Development proposals should contain an appropriate mix of housing including affordable units and associated infrastructure including those secured by a Section 106 Agreement.</p>	<p>It is considered the allocation will deliver 20% affordable homes and contribute a mix of housing in-line with the proposed policies in the plan.</p>
<p>Whilst residential development on part of a site identified for open space is not necessarily precluded, it should not comprise the retention of the facilities or the overall land as a whole. Population levels and demographics are important factors to ensure sufficient capacity. Replacement facilities should consider the quality and the amount of open space that is available.</p>	<p>The council's evidence suggests that the existing golf course is surplus to requirements, however the Comparison of Existing and Future Sports Provision: Bradley Park (KKP, March 2017) sets out the potential replacement provision should that be necessary. This fully takes into account population levels and demographics when considering its potential benefits and would be capable of meeting identified shortfalls.</p>
<p>Sport England will seek to ensure that an appropriate mix of public facilities is provided to encourage health and well-being within the local community.</p>	<p>The new facilities proposed at Bradley Park will achieve this.</p>
<p>For privately owned sites, residential development on areas of open space could result in more land being made accessible to the public.</p>	<p>Whilst Bradley Park is not privately owned, the course is members only; it is not generally publicly accessible (a similar situation to the Tamworth Golf Course) therefore, the closure and creation of open space, will significantly increase the amount of open space publicly available in Kirklees.</p>
<p>Weighted planning balance - the loss of open space should be outweighed significantly and demonstrably by the benefits of providing homes.</p>	<p>It is clear from the evidence available and the consideration made by the Council that the loss of the sports facility is outweighed significantly and demonstrably by the benefit of providing over 1,500 new homes. Further to this, as there is sufficient capacity within other golf facilities and through the provision</p>

	<p>of new sports facilities on the site, plus additional open space, the balance to be considered is significantly weighted in favour of developing Bradley Park:</p> <ul style="list-style-type: none"> • Overall increase in public open space; • Overall significant increase in participation levels and across a wider demographic; • Delivery of 1,500 new homes. <p>Weighted against:</p> <ul style="list-style-type: none"> • Sufficient capacity for golfers in other clubs;
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8.0 DO NOTHING OR THE FALL BACK POSITION OF THE EXTANT DEVELOPMENT PLAN

Golf Course

- 8.1 As set out within section 2; Local Policy context, part of the proposed allocation is already allocated for residential development within the saved policies of the 1999 UDP.
- 8.2 The principal for residential development on that portion of the Golf Course has been established and importantly this land is not within the Green Belt.
- 8.3 Whilst there would still need to be a planning application to commence development on the site, given a scenario of the proposed plan not being adopted, or an application coming forward in advance of the submitted plan being adopted, the scenario of this portion of land coming forward in isolation of the wider allocation is realistic.
- 8.4 The development of the allocated portion of the Golf Course would lead to the loss of the 9-hole (par 3) golf course within the overall golf facility.
- 8.5 The result of this would have an impact upon the operation of the Golf Course as a whole. This should be a consideration for this Local Plan examination, as the position put forward by Golf England and Sport England of the operation of Bradley Golf course, must be considered in the full context of what planning permissions and allocations exist on this land already. It is not the case that this is a Golf Course, entirely within the Green Belt where the facilities would not be impacted upon should the submitted plan not be adopted.

Implications for other areas of public open space or sports

- 8.6 In a recent appeal decision within Kirklees the inspector found that in the planning balance the delivery of homes significantly outweighed the protection of open space in those circumstances
- 8.7 This appeal decision may have wider consequences for open space and sports facilities in private ownership across Kirklees. If the Council is to adopt a Plan which can deliver objectively assessed needs and infrastructure and to aim to protect open space and sports facilities as far as possible, a balance will need to be struck between meeting housing need and protecting open space. This should be fully considered by Sport England and by the Inspector through the examination of the Plan.

9.0 CONCLUSIONS

9.1 The previous sections to this report set out the considerations taken by the Council and the evidence base used to support and justify the allocation of Bradley Park in the emerging Local Plan.

Achieving Sustainable Development

9.2 As set out in Section 2, a Local Planning Authority must ensure that sustainable development is achieved through the preparation of a Local Plan; paragraph 14 of the Framework sets out the balance which a decision maker must reach in the consideration of sustainable development.

9.3 Applying this to Bradley Park is undertaken in section 5 of this report. In summary:

- The Local Plan has positively sought to meet the development needs of the area; Bradley Park contributes to meeting housing need and needs as set out in the playing pitch strategy and open space study.
- Table 1 within Section 5, sets out the specific policies within the Framework which should be taken into account when considering whether the adverse impacts would significantly and demonstrably outweigh the benefits. The clear benefits to the site are:
 - Delivery of significant proportion of Kirklees' need for market and affordable housing;
 - Delivery of primary and secondary education facilities;
 - Promote use of more sustainable modes of transport;
 - Creation of 32.4ha of publicly accessible open space;
 - Delivery of new sport infrastructure and increased formal and informal participation levels.
 - The clear adverse impacts to the site are:
 - Loss of existing golfing facility;
 - Loss of Green Belt.

9.4 It is clear when taking these clear benefits and adverse impacts into consideration, in balance it is not possible for the adverse impacts to significantly and demonstrably outweigh the benefits.

- 9.5 The adverse impacts themselves are not significant, nor in combination. Although a loss of Green Belt, the strategic role of Green Belt in this area will not be impacted. The loss of the golf facility can be justified by satisfying at least two of the 'tests' set out in paragraph 74 of the Framework (appendix 1 of this report). The loss of the Golf facilities can be mitigated.
- 9.6 Those restrictive policies as described in paragraph 14 of the Framework are also considered within Section 5, Table 2. Green Belt, which is the most restrictive of the policies has been dealt with, within Table 1; stating that the exceptional circumstances required by the Framework can be met; the SA of the allocation clearly demonstrates the site to be sustainable.
- 9.7 The Heritage Impact Assessment of Land north of Bradley Road, Bradley, Huddersfield was carried out on behalf of Kirklees Council, by Farrell and Clark Architects LLP. The study assesses the potential impact of allocated sites on heritage assets and advises on mitigation for which there is a reasonable prospect of it being achieved.

Tests of Soundness

- 9.8 As set out within section 6 the preparation of the Local Plan and the allocation of Bradley Park is soundly based; it meets the 4 tests set out in the Framework and has been prepared in accordance with the relevant legislation; in particular, the SA and SEA regulations and directive.
- 9.9 The allocation is positively prepared; it will deliver 1,500 new homes to meet identified need and will deliver necessary infrastructure items and make improvements to the health and wellbeing of residents.
- 9.10 The allocation is justified based upon a proportionate evidence base when considered against reasonable alternatives. The SA clearly sets out that the allocation will bring forward several significant positive effects; importantly no significant negative effects are identified.
- 9.11 The allocation is effective. It is deliverable within the plan period, it is viable and can deliver the necessary infrastructure.
- 9.12 The allocation is consistent with national policy; this is set out within Section 5 of this report and summarised above. The allocation will demonstrably contribute to sustainable development and the benefits of the scheme clearly outweigh the identified adverse effects.

Case Law

9.13 The relevant case law for both planning appeal decisions and local plan allocations supports the allocation of this site for housing. As set out in Tables 3 and 4 within section 7 of this report, there are clear similarities which can be drawn from similar examples. Of particular note which have been considered to be benefits in the planning balance:

- The development will lead to the diversification and expansion of sports facilities in Kirklees and specifically capital funds raised from the sale of the site will enable this to happen;
- Displaced users of the existing facilities will not lose out, they can still access other golf courses within a 10 and 20 minute drive time of the current facility;
- Wider levels of sports participation will be achieved particularly amongst women and young persons. This has direct health and social benefits;
- The development will deliver approximately 300 (400 across the wider site) affordable homes, which is a significant contribution to meeting affordable need in Kirklees;
- A significant amount of new publicly accessible open space will be created;
- The delivery of new homes (1,500) will significantly outweigh the loss of open space.

The Planning Balance

9.14 The Framework at Paragraph 151 sets out that sustainable development must be achieved through the preparation of a Local Plan. Paragraph 14 sets out how plans, their policies and allocations should be considered in this context. Paragraph 152 goes on to state that opportunities to achieve gains in each of the three pillars of sustainability should be sought, if then sets out the considerations that should be taken to avoid significant adverse impacts and measures to avoid or mitigate.

9.15 In the pursuit of achieving gains in the economic dimension of this balance, the allocation of Bradley Park does not set out any specific employment type land uses, however there will be undoubtedly employment opportunities that arise through the allocation's construction and then limited employment opportunities through the new sports facilities. The delivery of new homes will help to ensure the workforce for the planned levels of economic growth across Kirklees and also the wider Leeds City

Region will be housed; this will support economic growth. The existing Golf Course employs a limited number of staff; however, this cannot be considered to be a significant adverse impact. Clearly there are net economic gains that can be achieved through the development of the Bradley Park allocation.

- 9.16 In the pursuit of achieving gains in the social dimension, these gains are easily recognisable. The development will help to achieve paragraph 30 of the Framework; as there will be increased opportunities for residents to use more sustainable modes of transport. The delivery of 1,500 (2,000 through the wider development) new homes will, as required by paragraph 47, boost significantly the supply of housing, the allocation will significantly contribute to meeting the objectively assessed housing need; both market and affordable, in Kirklees. Paragraph 72 affords great weight to the delivery of new schools, at least one new primary school (1FE) and a new secondary school (on or off site) will be delivered through this allocation. The delivery of 32.4ha of new publicly accessible open space and the increased participation rates of formal and informal sport will demonstrably contribute to the aims of paragraph 73; contributing to the health and well-being of communities. It can be demonstrated that 2 of the tests set in paragraph 74 can be satisfied through the evidence base prepared for the Local Plan (as set out in more detail in Appendix 1). Whilst the loss of the existing facility should be considered in the balance, the specific test in paragraph 74 can be met. The facility is surplus to requirements; there is sufficient capacity within existing courses to take displaced members and account for expected growth. Part of the development is for alternative sport and recreational use (the listed facilities and new open space) the levels of participation in sport will be increased and across a wider demographic of the population. This will clearly outweigh the loss of the golf facility.
- 9.17 The gains in the pursuit of the social dimension of sustainability are significant and clear. There are no significant adverse impacts identified through the evidence base. Where there is an impact (the loss of the facility) this has been mitigated to an extent that a net gain will be achieved. It is abundantly clear that there is a net social gain to be achieved through the development of Bradley Park.
- 9.18 In the pursuit of achieving gains in the environmental dimension the allocation does not adversely impact upon any ecological designations or networks. There is one ecological asset located within the site, however, given the size of the designation and the opportunities that exist across the wider allocation, it is considered that with sensitive

planning and design any potential impacts can be avoided or minimised; paragraph 109 makes this clear. It goes on to state that the natural environment should be enhanced. This aspect of paragraph 109 can be explored in further detail at the planning application stage.

- 9.19 Whilst Green Belt is not an environmental designation, it does lend itself to consideration within this dimension of sustainable development. In the consideration of Green Belts in a local plan context, the Framework is clear (paragraph 83), that land should only be removed from the Green Belt under exceptional circumstances. Whilst the planning balance set out here could be used to demonstrate these exceptional circumstances, the Council's SA and Green Belt review documents set this out. The site is assessed as sustainable through the SA and there are no likely significant adverse effects identified, the Green Belt reviews consider that whilst this will be a loss, there is no adverse impact to the strategic nature of the Green Belt in this part of Kirklees. The exceptional circumstances can be demonstrated to remove this land from the Green Belt.
- 9.20 Whilst there are no clear gains to the environmental dimension of sustainability, there are also no demonstrable significant adverse effects. As required of paragraph 152 where there is an impact (albeit in this case of a local ecological designation not severe) the impact can be avoided, mitigated or at least compensated.
- 9.21 It is clear that the allocation of Bradley Park, meets the requirement of paragraph 151 and 152 of the Framework. It has been prepared with the objective of meeting sustainable development and there are clear net gains in the social and economic dimensions of sustainable development.
- 9.22 Section 4 of this report sets out how the allocation contributes to the vision, spatial objectives and the spatial development strategy of the Local Plan. The allocation will contribute to deliver several key aspects of the plan's vision and objectives and it will specifically help to deliver elements of the spatial development strategy; the housing need of 31,140 new homes; concentration of new development in Huddersfield; delivery of new sports facilities.
- 9.23 Taken as a whole the site contributes to sustainable development as set out in the Framework and the vision and strategic objectives of the Local Plan.

The Fall-back position of the extant development plan

- 9.24 As briefly outlined within Section 8 of this report, part of the Golf Course is already allocated for residential use in the extant saved policies of the UDP. Should the submitted plan not be adopted and the Council pursues to develop the existing allocation the implications of this 'fall-back' position upon the operation of the Golf Course and the gains to the social and economic aspects of sustainable development, should be taken into consideration.

A1. PARAGRAPH 74 TESTS

A1.1 Paragraph 74 of the Framework states:

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.”*

A1.2 It is therefore only necessary for at least one of these tests to be met for paragraph 74 to be satisfied.

A1.3 The tests most applicable to the current proposals for the Bradley Park allocation are the 1st and 3rd of paragraph 74.

An Assessment has been Undertaken Which Has Clearly Shown the Open Space, Buildings or Land to be Surplus to Requirements.

A1.4 The assessments undertaken by KPP within several of their reports for the Council clearly demonstrates that there is sufficient capacity in other facilities within a 10 and 20 minute drive to take the displaced Bradley Park members and casual users. Therefore an excess capacity in facilities within an adequate travel time that can accommodate existing users, clearly demonstrates the Bradley Park facilities are surplus to requirements.

A1.5 This test can be clearly met.

The Development is for Alternative Sports and Recreational Provision, the Needs for Which Clearly Outweigh the Loss.

A1.6 The principal use in the proposed Bradley Park allocation is housing. The Council also propose to bring forward a significant level of new sporting facilities. These have been set out within previous sections of this report. These proposals by the Council seek to address existing the shortfalls (under supply) of facilities for a number of pitch based sports within Kirklees. In summary (conservative) it has been considered by KKP that sports participation to meet such identified needs will increase by at least 70,000 in formal sports and over 15,000 through in-formal sports participation, moreover the

delivery of this 'alternative' sports provision is addressing established shortfalls in the Kirklees area.

- A1.7 Furthermore 32.4 hectares of publicly open space will be made available, the course is currently not publicly accessible open space.
- A1.8 Whilst the golf facilities will be lost the current members and users will not be displaced (as set out above) to the effect of having no comparable facilities to use. However, when considering the proposed new sport and recreation facilities compared with identified need, then it is clear the new sports facilities will assist in meeting identified needs and increase participation levels in excess of 20,000 (formal) and 15,000 (informal) and create 32.4 hectares open space. Further to the clear increases in participation, the new facilities will allow for a much wider demographic to participate in sports.
- A1.9 Such as evidence which is primarily set out in the KKP report and referred to in this report demonstrates that the alternative open space and sports provision meets identified needs and that it increases the level of participation in sport, both formally and informally. The loss of the golf provision at Bradley Park, based on issues identified within paragraph 74 of the Framework is clearly outweighed by the provision of alternative facilities.
- A1.10 This test can be clearly met.

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