

# UDP

## **KIRKLEES UNITARY DEVELOPMENT PLAN**

### **WRITTEN STATEMENT – REVISED WITH EFFECT FROM 28 SEPTEMBER 2007**

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

**<http://www.kirklees.gov.uk/business/regeneration/udp/savedPolicies.aspx>**

# UDP

## **KIRKLEES UNITARY DEVELOPMENT PLAN**

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## **12. COMMUNITY FACILITIES**

### **STRATEGY**

- 12.1 The pattern of community facilities is well established. New facilities are only likely to be provided in association with major new developments, in areas where the nature of the community needs has changed significantly, or where existing facilities need replacing. Facilities for shopping and recreation are dealt with in chapters 13 and 14.
- 12.2 Generally community facilities should be provided in locations accessible to the largest possible number of people wishing to use them. They should be accessible on foot to as many users as possible and close to public transport routes. Particular consideration should be given to the needs of those who are least mobile, whether it is the result of poverty or disability. The most appropriate location for community facilities is usually in, or adjacent, to town and local centres.

**C1 COMMUNITY FACILITIES SHOULD BE PROVIDED IN ACCESSIBLE LOCATIONS. THIS WILL NORMALLY BE TOWN AND LOCAL CENTRES.**

### **SPECIAL COMMUNITY NEEDS**

- 12.3 In certain circumstances it may be appropriate for community facilities to be provided in locations separate from existing centres. Proposals to provide a facility separate from existing centres should therefore be considered in relation to the needs of the community it is intended to serve. Such proposals will, however, need to be capable of accommodation without giving rise to problems of disturbance for occupiers of adjacent premises or prejudicing highway safety. As community facilities encompass a diverse range of functions and activities it will be particularly important to ensure that any unacceptable future use of the premises is prevented. In appropriate cases conditions will be attached to planning permissions to achieve this.

**C2 IN CIRCUMSTANCES WHERE IT IS CLEARLY IN THE INTEREST OF THOSE WHO WILL BE SERVED, COMMUNITY FACILITIES WILL BE PERMITTED IN LOCATIONS SEPARATE FROM EXISTING CENTRES PROVIDED THAT:**

- i THE DEVELOPMENT CAN BE ACCOMMODATED WITHOUT CAUSING DISTURBANCE TO THE SURROUNDING NEIGHBOURHOOD; AND**
- ii THERE WILL BE NO DETRIMENT TO HIGHWAY SAFETY.**

## Kirklees Unitary Development Plan, Written Statement

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### **EDUCATION SERVICES**

- 12.4 Educational facilities are major users of land and they have particular locational requirements. It is the duty of the Council as Local Education Authority (LEA) to provide sufficient school places to meet local demand. However, it is not possible to determine the future demand for individual schools from demographic trends alone as other factors such as land allocations, parental choice and schools opting for grant maintained status can affect the level of demand. Where demand for school places increases sufficiently the LEA applies to the Department for Education for a capital allocation to provide new buildings. In the case of primary schools any such bids have to take account of spare places at other schools within a two mile radius; in the case of secondary schools the radius is three miles. Evidence of demand has to be established when an application is made. Anticipation of demand, for example, as a result of land being allocated for housing developments, is not sufficient to secure a capital allocation. Pupil numbers at schools must exceed the agreed capacity of all schools within the defined area.
- 12.5 Specific requirements for new schools have been identified in Cleckheaton and the Bradley Area of north Huddersfield. In Cleckheaton there is a need to improve first school accommodation and a suitable location for a new school has been identified at Westgate in association with proposed redevelopment for new housing (site ref. H14.20). At Bradley further primary school accommodation is required to meet anticipated demands and a suitable location has been identified within the housing allocation (site ref. H8.39) to the north of Bradley Road.

### **C3 SITES FOR NEW SCHOOL FACILITIES ARE IDENTIFIED ON THE PROPOSALS MAP AT:**

- i WESTGATE, CLECKHEATON;**
  - ii BRADLEY ROAD, NORTH HUDDERSFIELD.**
- 12.6 School facilities can provide an additional benefit to the community if they are available to the public when they are not required for school use. Dual use of facilities helps make the most efficient use of land and buildings.
- 12.7 Further and higher education are significant land users. Huddersfield town centre is the main location for further and higher education in Kirklees, containing the main campuses of Huddersfield University and Huddersfield Technical College. Dewsbury Art College is mainly located at Halifax Road, Dewsbury. These institutions are important to the economic, social and cultural life of the District. Specific proposals to accommodate further and higher education in Huddersfield town centre are included in chapter 15.
- 12.8 The main campus of the University is adjacent to the town centre and is expected to expand over the next few years. Provision is made for this in the Town Centre Inset Plan. The University also has teaching facilities at Holly Bank, Lindley and playing fields at Salendine Nook. The University is proposing to develop the former Storthes Hall

hospital, which is in the green belt, to accommodate a major expansion of teaching and residential facilities. Planning permission has been granted for this and the site is indicated on the proposals map.<sup>1</sup>

## **PLACES OF WORSHIP**

### **General**

- 12.9 Religious meeting places have an important role in many local communities. They should be sited where they will be convenient for members of the religious group, near to public transport, and with adequate parking. In many instances the most appropriate locations for places of worship will be the same as for other community facilities, that is, in town and local centres. However there may be circumstances when the most suitable location is in a residential area, in which case highway safety and the amenity of local residents will need to be safeguarded. Consequently it may be necessary to require off-street car parking, soundproofing and to place restrictions on the hours of use. Proposals for new buildings or change of use requiring external alterations, will need to take into account policies detailed in chapter 4.

### ~~**C4 PROPOSALS FOR THE CONSTRUCTION OR USE OF PREMISES FOR RELIGIOUS PURPOSES WITHIN RESIDENTIAL AREAS WILL BE CONSIDERED HAVING REGARD TO HIGHWAY SAFETY AND THE AMENITY OF LOCAL RESIDENTS.**~~

This policy was not saved because it does not conform with the principle of providing facilities in locations which are most accessible to its users. The policy also runs counter to policies C1 and C2.

### **Mosques and Madressahs**

- 12.10 About 8% or more than 30,000 of the District's resident population are of Indian sub continent descent. A high proportion are followers of Islam, who gather for daily prayers in mosques, and whose children are taught the Quran in Madressahs.
- 12.11 Most proposals for a use related to places of worship will be able to be adequately considered against policy C4. There are, however, unique characteristics of mosques and Madressahs which mean that additional policies have been included. This is not to place additional barriers in the way of such proposals, but to give recognition to the special cultural considerations associated with the particular characteristics of Islamic worship and education. The policies recognise that in the majority of cases proposals will be located within communities whose residents will support them. However, for clarity, it is necessary to be specific about what is likely to be most acceptable to the community at large, and this is reflected in the policies. Primarily, the intention is to support the culture

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<sup>1</sup> See policy D15

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of the communities by ensuring that wherever possible, planning applications for religious facilities can be approved.

- 12.12 The Islamic faith is not only a religion, but an integral part of the social, political, cultural and family life of its followers. Whilst all Muslims are bound together by a common faith, there are many different sects, often existing as a result of differing interpretations of the Quran. Each sect requires its own meeting place, which may only be used by a limited number of people.
- 12.13 Madressahs often operate independently of a mosque, providing daily religious instruction for children, mainly of the 7-12 year age group. Instruction in the Quran is given to small groups of children, usually after school in the afternoons although attendance during the day is likely during school holidays or at weekends. Madressahs need to be located as close as possible to the childrens' homes, both for convenience and safety.
- 12.14 Within Kirklees, there are identifiable areas where, over a period of time, Asian residents have tended to congregate. Thus districts like Savile Town in Dewsbury, or Thornton Lodge in Huddersfield, are now almost exclusively inhabited by Asian residents. Within these communities, there is a need for cultural requirements to be provided for, particularly to sustain the social and religious customs of the residents. There is, therefore, not only acceptance but positive support for the establishment of mosques and Madressahs in these areas.
- 12.15 Whilst some proposals may relate to the change of use of existing premises (often dwellings) for such uses, there is also a tendency now for the established communities to seek sites for the erection of purpose built premises.
- 12.16 Within Asian communities, there are therefore justifiable needs and demands for local mosques and Madressahs. Such uses should, however, be compatible with the cultural identity of the neighbourhood, and should cause no undue nuisance to residents. As such, detached premises are considered to be the most suitable where the minimum of disturbance will be caused to adjoining occupiers.
- 12.17 Parking provision for these uses will be considered having regard to the fact that these are community based uses, and often little or no off street car parking may be required. Only where non religious uses are to be incorporated, for example, social or recreational facilities, or where the use is likely to be of more than local community significance would there be a positive requirement to provide off-street car parking. The main highway consideration will be the effect the proposal is likely to have on road safety.

~~**C5 PROPOSALS FOR THE CONSTRUCTION OR CHANGE OF USE OF  
DETACHED RESIDENTIAL PREMISES TO A MOSQUE OR MADRESSAH  
WILL BE CONSIDERED TAKING INTO ACCOUNT:**~~

- ~~i — THE ACCEPTABILITY OF THE PROPOSAL TO NEARBY RESIDENTS, WHO SHOULD PREDOMINATELY BE MEMBERS OF THE SAME RELIGIOUS COMMUNITY;~~
- ~~ii — THE PROPOSED USE OF THE PREMISES, WHICH SHOULD BE PRIMARILY AS A PLACE OF WORSHIP, OR FOR RELIGIOUS INSTRUCTION; AND~~
- ~~iii — THE PROVISIONS OF POLICY C4.~~

This policy was not saved because it applies additional tests to proposals for mosques and madressahs compared with other religious institutions. Policy C2 provides an adequate approach to circumstances where a non central location better serves the users of the facility than a central location.

12.18 In some circumstances the short term use of non detached premises may be appropriate. It will be necessary to consider such proposals in the context of the availability of other premises in the area, the scale of the proposal effect of any alteration proposed on the potential future use of the premises. Where planning permission is granted it will be restricted to a period of two years to enable the applicant to locate more suitable premises. Only in exceptional circumstances will permission be renewed. If the use relates to premises which adjoin dwellings a limit will be placed on the number of people using the building at any one time, to minimise the possibility of excessive disturbance to nearby residents. Normally this will be 25 people, particularly when the use relates to a former dwelling which is not of a sufficient size to accommodate a greater number.

~~C6 — PROPOSALS FOR THE CHANGE OF USE TO A MOSQUE OR MADRESSAH OF EXISTING PREMISES WHICH ARE NOT DETACHED FROM OTHER PROPERTIES WILL NORMALLY BE PERMITTED ON A TEMPORARY BASIS PROVIDED THAT THE REQUIREMENTS OF POLICY C5 CAN BE SATISFIED AND IN ADDITION:~~

- ~~i — THE APPLICANT HAS DEMONSTRATED AN INABILITY TO OBTAIN MORE SUITABLE PREMISES IN THE AREA; AND~~
- ~~ii — ANY ALTERATIONS PROPOSED WILL NOT PREJUDICE THE RETURN OF THE BUILDING TO ITS PREVIOUS USE.~~

This policy was not saved because it applies additional tests to proposals for mosques and madressahs compared with other religious institutions. Policy C2 provides an adequate approach to circumstances where a non central location better serves the users of the facility than a central location.

12.19 In certain circumstances it may be appropriate to allow the establishment of a mosque or Madressahs in a temporary building for a limited period pending the establishment of appropriate permanent premises.

~~**C7 PROPOSALS FOR THE ESTABLISHMENT OF MOSQUES OR MADRESSAHS IN TEMPORARY BUILDINGS WILL BE ACCEPTABLE ON A TEMPORARY BASIS PROVIDED THAT THE REQUIREMENTS OF POLICY C5 AND C6 i CAN BE SATISFIED.**~~

This policy was not saved because it applies additional tests to proposals for mosques and madressahs compared with other religious institutions. Policy C2 provides an adequate approach to circumstances where a non central location better serves the users of the facility than a central location.

## **CHILD CARE FACILITIES**

### **Day Nurseries**

- 12.20 Day nurseries are increasingly in demand, as more women decide to return to work before children reach school age. Whilst child minders cater for many children during the day<sup>2</sup>, day nurseries are now being provided by the private sector to satisfy the increasing demand for facilities. A day nursery is essentially a business use and should be considered in this context.
- 12.21 A flexible approach to the location of day nurseries is appropriate. Whilst it is anticipated that sites within or on the edge of residential areas will be preferred by applicants, sites in established business areas could be acceptable locations for day nurseries especially where they could serve employees in local businesses. A concern in every case will be the anticipated effect of the nursery on any adjacent user. A limitation on days or hours of use may enable permission to be granted in locations where an unrestricted permission would be unacceptable. The provision of day nurseries in association with schools may be appropriate.

~~**C8 THE PROVISION OF DAY NURSERIES EITHER BY NEW BUILD OR CHANGE OF USE OF PREMISES WILL NORMALLY BE PERMITTED PROVIDED THAT WHERE LOCATED WITHIN RESIDENTIAL AREAS SUCH PREMISES ARE DETACHED FROM OTHER BUILDINGS.**~~

This policy was not saved because it does not conform with the general principle of providing facilities in locations which are most accessible to its users. Policy C2 provides a useful context for proposals outside centres.

- 12.22 Day nurseries may generate a considerable amount of traffic, usually first thing in the morning and again late in the afternoon. Satisfactory arrangements will be required for car parking and to prevent conflict between cars leaving and entering the site or queuing on the highway. The vehicular activity should also not cause undue disturbance to

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<sup>2</sup> See chapter 10 paragraph 10.41 and policy B12 for guidance on the use of residential premises for childminding



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neighbouring property. Large nurseries in residential streets may be considered unacceptable because of the amount of traffic generated.

### ~~C9 PROPOSALS FOR THE PROVISION OF DAY NURSERIES WILL BE CONSIDERED HAVING REGARD TO:~~

~~i THE PROVISION OF PARKING FOR STAFF AND VISITORS CARS; AND~~

~~ii THE SAFE CIRCULATION OF VEHICLES ENTERING AND LEAVING THE SITE.~~

This policy was not saved because Transport policies T10 and T19 provide the appropriate test for highway safety and parking standards. (For Transport policies see chapter 8)

12.23 An outdoor play area is a reasonable requirement for a day nursery. However, it would not be possible to control its use adequately by planning conditions. Any play area should therefore be located in a position which will cause no nuisance to adjacent occupiers. In some cases, permanent fixed screens will be required to protect privacy.

### **C10 ASSOCIATED OUTDOOR PLAY AREAS FOR DAY NURSERIES SHOULD BE LOCATED AND DESIGNED SO AS TO MINIMISE DETRIMENT TO ADJACENT OCCUPIERS. WHERE PLAYAREAS OVERLOOK ADJACENT PRIVATE PROPERTY SCREENING SHOULD BE PROVIDED.**

#### **Employment Related Childcare**

12.24 The provision of affordable employment related childcare will help to promote equality of opportunity in access to jobs and give employees the widest possible choice of employers. Where development providing employment is proposed the inclusion of arrangements for childcare will therefore be a consideration.

12.25 It would be desirable for all employees requiring childcare facilities to have access to them. However, the proportion of employees in any business who are likely to have children under school age in need of childcare is likely to be low. There will, therefore, be a minimum size of business below which the provision of childcare arrangements by, or in association with, the employer will be uneconomic. Provision of childcare facilities by large employers, or by groups of employers, is likely to be the most viable form of provision, with at least 50 employees being needed to create sufficient demand. To ensure the viability of any facilities provided their use need not necessarily be restricted to employees in the new development. In appropriate cases legal agreements will be sought to secure childcare provision-

~~**C11 WHERE A PROPOSED DEVELOPMENT WOULD RESULT IN THE EMPLOYMENT OF 50 OR MORE PEOPLE THE PROVISION OF CHILDCARE FACILITIES SHOULD BE CONSIDERED.**~~

This policy was not saved because it did not incorporate a specific requirement.

**Childcare for Visitors to Facilities**

12.26 Where developments are likely to attract substantial numbers of visitors, there may be a need for crèche facilities. This is particularly likely in the case of large shopping facilities and also education and training and other community facilities. Provision of a crèche would increase the opportunities for potential users to avail themselves of the facilities. However, as developments differ substantially, a flexible approach is needed. In appropriate cases legal agreements will be sought to secure such provision.

**C12 NEW SHOPPING SCHEMES AND PROPOSED DEVELOPMENT FOR COMMUNITY PURPOSES, PARTICULARLY TO PROVIDE EDUCATION AND TRAINING, SHOULD NORMALLY INCORPORATE CRÈCHE FACILITIES.**

**PROVISION OF PUBLIC TOILETS**

12.27 Developments such as shopping or entertainment facilities which attract substantial numbers of visitors, and especially those located in town centres where there are already large numbers of visitors, should incorporate toilets and facilities for nappy changing and baby-feeding by persons of either sex. These facilities should be accessible to disabled people. This will enhance the attractiveness of the development and ensure that visits by disabled people and groups including young children will not be deterred. The appropriate scale of provision will vary according to the scale of the development and the availability of other facilities in the locality. In appropriate cases legal agreements will be sought to secure such provision.

**C13 SHOPPING SCHEMES AND OTHER PROPOSED DEVELOPMENTS WHICH WOULD ATTRACT LARGE NUMBERS OF VISITORS SHOULD PROVIDE ACCESSIBLE TOILETS AND FACILITIES FOR NAPPY CHANGING AND BABY FEEDING.**