

# 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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## **4. THE BUILT ENVIRONMENT**

### **STRATEGY**

- 4.1. The quality of the built environment affects everyone, therefore new development should be designed to the best possible standard. The importance of quality in design and materials has become an important factor when development proposals are being considered. It is now acknowledged that the spread of poorly designed standardised developments within town centres and residential areas in the 1950's and 60's has detracted from, or even destroyed the uniqueness of some areas.
- 4.2 The importance of the architectural heritage of the District is now recognised. The strong local traditions and the variety of environments demand the avoidance of simple formula developments, and require concentration on developments which are designed for the site.
- 4.3 The topography, natural setting and cultural history of the area, as expressed in the character of local buildings, should be acknowledged in the design of new buildings. This should be reflected in matters of scale, density, layout, height, massing, materials, access and landscaping. The use of innovative modern design can enhance the built environment, although this will rarely be appropriate in conservation areas, or close to listed buildings, where the character of an area, or setting of the building should be preserved. Existing buildings of inappropriate design should not set a precedent for the design of new development.
- 4.3a Design involves much more than what the development will look like or how it will fit in with the character of the area. The form and layout of built development also impacts on whether the environment produced is safe, healthy and energy efficient. Specific policies relating to these matters occur elsewhere in the plan. Potential developers should have regard to these functional matters as an integral part of the design process from its inception. Although high quality modern design will be encouraged, local architectural styles should be respected so that the unique characteristics of the area are maintained and enhanced. New development should take account of the local context. The design of new buildings should respect any traditional character the area may have. The character is defined by the building materials, the density and scale of building, the siting and massing of buildings, the relationship of those buildings to the spaces between them and areas beyond and by the architectural details of walling, roofing, windows, doors etc. A site appraisal is an essential element of any development. Existing site features to be noted will include trees, hedges, walls, fences, streams, footpaths, existing buildings and landform such a slope and changes in level. All buildings on and around the site should be noted, together with their siting, architectural character and detailed use of materials. Views from the site and key views into the site from without must be identified. Infill development must respect the scale, height and design of adjoining buildings, and be in keeping with the predominant characteristic of the area. Within conservation areas or

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close to listed buildings particular regard should be paid to traditional architectural design and materials of construction.

- 4.3b Public Art can contribute to the quality of design. Whilst the promotion of art is not a proper function of planning control the creative arts can make a contribution to the external appearance of buildings and the built environment generally. Where a development would benefit from the inclusion of an element of public art the Council will suggest to the developer the inclusion of a work of art in the development and assist in the provision of the work of art.

### **BE1 ALL DEVELOPMENT SHOULD BE OF GOOD QUALITY DESIGN SUCH THAT IT CONTRIBUTES TO A BUILT ENVIRONMENT WHICH:**

- i CREATES OR RETAINS A SENSE OF LOCAL IDENTITY;**
- ii IS VISUALLY ATTRACTIVE;**
- iii PROMOTES SAFETY, INCLUDING CRIME PREVENTION AND REDUCTION OF HAZARDS TO HIGHWAY USERS;**
- iv PROMOTES A HEALTHY ENVIRONMENT, INCLUDING SPACE AND LANDSCAPING ABOUT BUILDINGS AND AVOIDANCE OF EXPOSURE TO EXCESSIVE NOISE OR POLLUTION;**
- v IS ENERGY EFFICIENT IN TERMS OF BUILDING DESIGN AND ORIENTATION AND CONDUCTIVE TO ENERGY EFFICIENT MODES OF TRAVEL, IN PARTICULAR WALKING, CYCLING AND USE OF PUBLIC TRANSPORT.**

### **QUALITY OF DESIGN**

- 4.4 Developers should aim to achieve a high quality of design and landscaping. The appearance of any proposed development, its appropriateness to the site, and its relationship to its surroundings will be taken into account in determining planning applications.
- 4.5 The siting of new development is particularly important in a hilly district such as Kirklees, where sites are often prominent, or can be seen from above. Accurate site surveys and the noting of existing features on or around the site are essential precursors of any development proposal to ensure that buildings relate to the existing settlement structure, and maintain or improve existing relationships with the landscape. Important views of, and from the site should be retained as basic design elements. Similarly, on site features, such as trees, boundary walls, or existing buildings, need to be respected. Levels must be taken into account so that the landscape is not harmed by any site works.

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- Extensive levelling or 'decking' of hillsides so that buildings designed for flat sites can be accommodated will be unlikely to be acceptable.
- 4.6 Care will be needed where large buildings are proposed adjacent to or amongst smaller buildings, or where they would be visible from wide areas. Public views of prominent landmarks should not be obstructed, and historic skylines should be protected from inappropriate intrusions.
- 4.7 The layout of new developments should avoid the monotonous repetition of standard designs and distances. Layouts should be designed to enclose spaces, and respect the human scale. The individual parts making up a development should be in proportion to each other, and relate to form a balanced composition whose scale, massing, density and height complements and enhances the landscape and any adjacent development.
- 4.8 The design of new buildings should respect any traditional character the area may have, and attention should be paid to the choice of materials, and elevational detail, including windows, doorways and roof style. Good quality modern design will be encouraged, although local architectural styles should be respected so that the uniqueness of the area is maintained and enhanced. Infill development must respect the scale, height and design of adjoining buildings, and be in keeping with the predominant character of the area. Within conservation areas, or close to listed buildings, particular regard should be paid to traditional architectural design, and materials of construction.
- 4.8a The district is not uniform in character and this is reflected in local building traditions. The design complexity of construction and architectural styles vary. However several essential features of the local building tradition can be identified. The use of local stone with stone or blue slate roofs and the built form of the older settlements reflect the availability of building materials and the historical development of the textile industry and the predominantly hilly topography. Many settlements, both urban and rural, take the form of stone built properties closely following the hillside contours. Industrial and residential areas were traditionally located close together and views of the surrounding countryside intrude into many settlements.
- 4.9 Good quality hard and soft landscaping should be an integral part of the design of all but minor developments. Low maintenance landscaping schemes are preferable and sensible options for areas of open space. Hard landscaping can include the surface treatments for footpaths, parking areas, walls, fences or other boundary features.
- 4.10 The layout of new developments should provide satisfactory access to existing highways, and safe and convenient facilities for vehicles within the site. Wherever possible buildings and not roads should be the dominant element. The layout of new residential development should conform to the principles of DoE Design Bulletin 32.

**BE2 NEW DEVELOPMENT SHOULD BE DESIGNED SO THAT:**

- i IT IS IN KEEPING WITH ANY SURROUNDING DEVELOPMENT IN RESPECT OF DESIGN, MATERIALS, SCALE, DENSITY, LAYOUT, BUILDING HEIGHT OR MASS;**
- ii THE TOPOGRAPHY OF THE SITE (PARTICULARLY CHANGES IN LEVEL) IS TAKEN INTO ACCOUNT;**
- iii SATISFACTORY ACCESS TO EXISTING HIGHWAYS CAN BE ACHIEVED; AND**
- iv EXISTING AND PROPOSED LANDSCAPE FEATURES (INCLUDING TREES) ARE INCORPORATED AS AN INTEGRAL PART OF THE PROPOSAL.**

**HERITAGE**

**Listed Buildings**

- 4.11 Kirklees has approximately 4500 listed buildings, 1% of all listed buildings in England. The Council places a high priority on protecting the architectural quality of the District. New development should not adversely affect the character or appearance of a listed building, or its setting. Only in very exceptional circumstances will consent be given for demolition, and then only when every possible means of retaining the building has been examined. The Council has a statutory duty to pay special regard to the desirability of preserving listed buildings and their settings. Particular attention will need to be paid to those buildings most at risk. As such, careful consideration will be given to applications which may affect listed buildings. In considering proposed changes to listed structures all aspects of public safety will be taken into account.

~~**BE3 ANY APPLICATION FOR LISTED BUILDING CONSENT FOR THE ALTERATION, EXTENSION OR CHANGE OF USE OF A LISTED BUILDING, AND ANY APPLICATION FOR PLANNING PERMISSION WHICH WOULD AFFECT ITS SETTING SHOULD PAY SPECIAL ATTENTION TO THE DESIRABILITY OF PRESERVING THE LISTED BUILDING OR ITS SETTING OR ANY FEATURES OF SPECIAL ARCHITECTURAL OR HISTORIC INTEREST WHICH IT POSSESSES.**~~

BE3 was not saved because it repeats guidance in PPG15 and is derived from Section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which states:

*In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.*

The act needs to be read in conjunction with PPG15, which covers issues relating to listed buildings as follows: <sup>1</sup>

*Alterations and extensions*

**3.12** *Many listed buildings are already in well-established uses, and any changes need be considered only in this context. But where new uses are proposed, it is important to balance the effect of any changes on the special interest of the listed building against the viability of any proposed use and of alternative, and possibly less damaging, uses. In judging the effect of any alteration or extension it is essential to have assessed the elements that make up the special interest of the building in question. They may comprise not only obvious visual features such as a decorative facade or, internally, staircases or decorated plaster ceilings, but the spaces and layout of the building and the archaeological or technological interest of the surviving structure and surfaces. These elements are often just as important in simple vernacular and functional buildings as in grander architecture.*

**3.13** *Many listed buildings can sustain some degree of sensitive alteration or extension to accommodate continuing or new uses. Indeed, cumulative changes reflecting the history of use and ownership are themselves an aspect of the special interest of some buildings, and the merit of some new alterations or additions, especially where they are generated within a secure and committed long-term ownership, should not be discounted. Nevertheless, listed buildings do vary greatly in the extent to which they can accommodate change without loss of special interest. Some may be sensitive even to slight alterations; this is especially true of buildings with important interiors and fittings - not just great houses, but also, for example, chapels with historic fittings or industrial structures with surviving machinery. Some listed buildings are the subject of successive applications for alteration or extension: in such cases it needs to be borne in mind that minor works of indifferent quality, which may seem individually of little importance, can cumulatively be very destructive of a building's special interest.*

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<sup>1</sup> To assist applicants the Council has identified text from relevant sources which it considers provides the most appropriate guidance as to how the issues in this unsaved policy should be addressed in planning applications. However, the selected text is intended to provide general guidance only, is not necessarily exhaustive and does not constitute legal or other professional advice. The Council recommends that applicants should always obtain their own expert advice.

**3.14** *As noted above, the listing grade is a material consideration but is not of itself a reliable guide to the sensitivity of a building to alteration or extension. For example, many Grade II buildings are of humble and once common building types and have been listed precisely because they are relatively unaltered examples of a particular building type; so they can as readily have their special interest ruined by unsuitable alteration or extension as can Grade I or II\* structures.*

**3.15** *Achieving a proper balance between the special interest of a listed building and proposals for alterations or extensions is demanding and should always be based on specialist expertise; but it is rarely impossible, if reasonable flexibility and imagination are shown by all parties involved. Thus, a better solution may be possible if a local planning authority is prepared to apply normal development control policies flexibly; or if an applicant is willing to exploit unorthodox spaces rather than set a standardized requirement; or if an architect can respect the structural limitations of a building and abandon conventional design solutions in favour of a more imaginative approach. For example, standard commercial office floor-loadings are rarely needed in all parts of a building, and any unusually heavy loads can often be accommodated in stronger areas such as basements. The preservation of facades alone, and the gutting and reconstruction of interiors, is not normally an acceptable approach to the re-use of listed buildings: it can destroy much of a building's special interest and create problems for the long-term stability of the structure.*

#### *Use*

**3.8** *Generally the best way of securing the upkeep of historic buildings and areas is to keep them in active use. For the great majority this must mean economically viable uses if they are to survive, and new, and even continuing, uses will often necessitate some degree of adaptation. The range and acceptability of possible uses must therefore usually be a major consideration when the future of listed buildings or buildings in conservation areas is in question.*

**3.9** *Judging the best use is one of the most important and sensitive assessments that local planning authorities and other bodies involved in conservation have to make. It requires balancing the economic viability of possible uses against the effect of any changes they entail in the special architectural and historic interest of the building or area in question. In principle the aim should be to identify the optimum viable use that is compatible with the fabric, interior, and setting of the historic building. This may not necessarily be the most profitable use if that would entail more destructive alterations than other viable uses. Where a particular compatible use is to be preferred but restoration for that use is unlikely to be economically viable, grant assistance from the authority, English Heritage or other sources may need to be considered.*

**3.10** *The best use will very often be the use for which the building was originally designed, and the continuation or reinstatement of that use should certainly be the first option when the future of a building is considered. But not all original uses will now be*



*viable or even necessarily appropriate: the nature of uses can change over time, so that in some cases the original use may now be less compatible with the building than an alternative. For example, some business or light industrial uses may now require less damaging alterations to historic farm buildings than some types of modern agricultural operation. Policies for development and listed building controls should recognise the need for flexibility where new uses have to be considered to secure a building's survival.*

**3.11** *If a building is so sensitive that it cannot sustain any alterations to keep it in viable economic use, its future may nevertheless be secured by charitable or community ownership, preserved for its own sake for local people and for the visiting public, where possible with non-destructive opportunity uses such as meeting rooms. Many listed buildings subsist successfully in this way - from the great houses of the National Trust to buildings such as guildhalls, churches and windmills cared for by local authorities or trusts - and this possibility may need to be considered. The Secretaries of State attach particular importance to the activities of the voluntary sector in heritage matters: it is well placed to tap local support, resources and loyalty, and buildings preserved in its care can make a contribution to community life, to local education, and to the local economy.*

#### *The setting of listed buildings*

**2.16** *Sections 16 and 66 of the Act require authorities considering applications for planning permission or listed building consent for works which affect a listed building to have special regard to certain matters, including the desirability of preserving the setting of the building. The setting is often an essential part of the building's character, especially if a garden or grounds have been laid out to complement its design or function. Also, the economic viability as well as the character of historic buildings may suffer and they can be robbed of much of their interest, and of the contribution they make to townscape or the countryside, if they become isolated from their surroundings, eg by new traffic routes, car parks, or other development.*

**2.17** *Local planning authorities are required under section 67 of the Act to publish a notice of all applications they receive for planning permission for any development which, in their opinion, affects the setting of a listed building. This provision should not be interpreted too narrowly: the setting of a building may be limited to obviously ancillary land, but may often include land some distance from it. Even where a building has no ancillary land - for example in a crowded urban street - the setting may encompass a number of other properties. The setting of individual listed buildings very often owes its character to the harmony produced by a particular grouping of buildings (not necessarily all of great individual merit) and to the quality of the spaces created between them. Such areas require careful appraisal when proposals for development are under consideration, even if the redevelopment would only replace a building which is neither itself listed nor immediately adjacent to a listed building. Where a listed building forms an important visual element in a street, it would probably be right to regard any development in the street as being within the setting of the building. A proposed high or bulky building might also affect the setting of a listed building some distance away, or*

*alter views of a historic skyline. In some cases, setting can only be defined by a historical assessment of a building's surroundings. If there is doubt about the precise extent of a building's setting, it is better to publish a notice.*

4.12 The listing of a building affects all aspects of its structure, both internal and external. The full implications of an application for consent cannot be properly assessed without such information. It will be a requirement in all cases that applications for listed building consent should be accompanied by plans indicating clearly both existing and proposed details, and a full schedule of all works, before any consent is granted.

4.13 Buildings which have been listed represent a unique and finite stock of our architectural history. Once lost, they will never be seen again. The Council will expect that every avenue is explored to retain a building on its site before considering its final removal.

~~**BE4 DEMOLITION OF LISTED BUILDINGS WILL NOT NORMALLY BE CONSIDERED ACCEPTABLE UNLESS:**~~

- ~~**i IT CAN BE DEMONSTRATED THAT THE BUILDING HAS NO BENEFICIAL USE AND NO POTENTIAL VIABLE USE; AND**~~
- ~~**ii THE STRUCTURE OF THE BUILDING CANNOT BE MADE SOUND.**~~

BE4 was not saved because it repeats guidance in PPG15, as follows:<sup>2</sup>

*Demolitions*

**3.16** *While it is an objective of Government policy to secure the preservation of historic buildings, there will very occasionally be cases where demolition is unavoidable. Listed building controls ensure that proposals for demolition are fully scrutinised before any decision is reached. These controls have been successful in recent years in keeping the number of total demolitions very low. The destruction of historic buildings is in fact very seldom necessary for reasons of good planning: more often it is the result of neglect, or of failure to make imaginative efforts to find new uses for them or to incorporate them into new development.*

<sup>2</sup> To assist applicants the Council has identified text from relevant sources which it considers provides the most appropriate guidance as to how the issues in this unsaved policy should be addressed in planning applications. However, the selected text is intended to provide general guidance only, is not necessarily exhaustive and does not constitute legal or other professional advice. The Council recommends that applicants should always obtain their own expert advice.

**3.17** *There are many outstanding buildings for which it is in practice almost inconceivable that consent for demolition would ever be granted. The demolition of any Grade I or Grade II\* building should be wholly exceptional and should require the strongest justification. Indeed, the Secretaries of State would not expect consent to be given for the total or substantial demolition of any listed building without clear and convincing evidence that all reasonable efforts have been made to sustain existing uses or find viable new uses, and these efforts have failed; that preservation in some form of charitable or community ownership is not possible or suitable (see paragraph 3.11 (see BE3)); or that redevelopment would produce substantial benefits for the community which would decisively outweigh the loss resulting from demolition. The Secretaries of State would not expect consent to demolition to be given simply because redevelopment is economically more attractive to the developer than repair and re-use of a historic building, or because the developer acquired the building at a price that reflected the potential for redevelopment rather than the condition and constraints of the existing historic building.*

**3.18** *Where proposed works would not result in the total or substantial demolition of the listed building or any significant part of it, the Secretaries of State would expect the local planning authority to address the same considerations as it would in relation to an application in respect of alterations or extensions (see paragraphs 3.12 to 3.15 (see BE3)).*

**3.19** *Where proposed works would result in the total or substantial demolition of the listed building, or any significant part of it, the Secretaries of State would expect the authority, in addition to the general considerations set out in paragraph 3.5 (below), to address the following considerations:*

*i. the condition of the building, the cost of repairing and maintaining it in relation to its importance and to the value derived from its continued use. Any such assessment should be based on consistent and long-term assumptions. Less favourable levels of rents and yields cannot automatically be assumed for historic buildings. Also, they may offer proven technical performance, physical attractiveness and functional spaces that, in an age of rapid change, may outlast the short-lived and inflexible technical specifications that have sometimes shaped new developments. Any assessment should also take account of the possibility of tax allowances and exemptions and of grants from public or charitable sources. In the rare cases where it is clear that a building has been deliberately neglected in the hope of obtaining consent for demolition, less weight should be given to the costs of repair;*

*ii. the adequacy of efforts made to retain the building in use. The Secretaries of State would not expect listed building consent to be granted for demolition unless the authority (or where appropriate the Secretary of State himself) is satisfied that real efforts have been made without success to continue the present use or to find compatible alternative uses for the building. This should include the offer of the unrestricted freehold of the building on the open market at a realistic price reflecting the*

*building's condition (the offer of a lease only, or the imposition of restrictive covenants, would normally reduce the chances of finding a new use for the building);*

*iii. the merits of alternative proposals for the site. Whilst these are a material consideration, the Secretaries of State take the view that subjective claims for the architectural merits of proposed replacement buildings should not in themselves be held to justify the demolition of any listed building. There may very exceptionally be cases where the proposed works would bring substantial benefits for the community which have to be weighed against the arguments in favour of preservation. Even here, it will often be feasible to incorporate listed buildings within new development, and this option should be carefully considered: the challenge presented by retaining listed buildings can be a stimulus to imaginative new design to accommodate them.*

**3.5** *The issues that are generally relevant to the consideration of all listed building consent applications are:*

- i. the importance of the building, its intrinsic architectural and historic interest and rarity, in both national and local terms ('historic interest' is further explained in paragraph 6.11 (below));*
- ii. the particular physical features of the building (which may include its design, plan, materials or location) which justify its inclusion in the list: list descriptions may draw attention to features of particular interest or value, but they are not exhaustive and other features of importance (eg interiors) may come to light after the building's inclusion in the list;*
- iii. the building's setting and its contribution to the local scene, which may be very important, eg. where it forms an element in a group, park, garden or other townscape or landscape, or where it shares particular architectural forms or details with other buildings nearby;*
- iv. the extent to which the proposed works would bring substantial benefits for the community, in particular by contributing to the economic regeneration of the area or the enhancement of its environment (including other listed buildings).*

**6.11** *Age and rarity are relevant considerations, particularly where buildings are proposed for listing on the strength of their historic interest. The older a building is, and the fewer the surviving examples of its kind, the more likely it is to have historic importance. Thus, all buildings built before 1700 which survive in anything like their original condition are listed; and most buildings of about 1700 to 1840 are listed, though some selection is necessary. After about 1840, because of the greatly increased number of buildings erected and the much larger numbers that have survived, greater selection is necessary to identify the best examples of particular building types, and only buildings of definite quality and character are listed. For the same reasons, only selected buildings from the period after 1914 are normally listed. Buildings which are less than 30 years old are normally listed only if they are of outstanding quality and under threat. Buildings which are less than ten years old are not listed.*

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### **Buildings of Local Significance**

- 4.14 Within the District there are buildings which, although not of sufficient architectural or historic interest to be included on the statutory list, are of local significance and need to be identified as such. Consideration will therefore be given to the inclusion of the best of the District's unlisted buildings on a 'local list', using the following criteria as a guide;
- 1) Examples of work by local architects or builders of esteem.
  - 2) Buildings which are of local community interest.
  - 3) Buildings, or groups of buildings, which contribute to the character or identity of a townscape or rural area, or which enhance a landscape.

### **Conservation Areas**

- 4.15 The Council has designated 56 conservation areas within the District, where additional controls apply over demolition, some building operations, and works to trees. These are places where buildings, not necessarily listed, co-exist in an environment which exhibits special features worthy of retention and enhancement. The Council places a high value on the quality of the District's built environment, and will use all means possible to secure the long term retention and improvement of designated areas, if possible in partnership with the owners. Additionally, as virtually all the main town and local centres in Kirklees have been designated or contain designated areas, the Council will seek to obtain the co-operation of the business community and residents in enhancing the architectural heritage of the area. The essential elements of the character of these conservation areas are noted in Appendix 1.
- 4.16 It is not necessary to preserve every detail of a conservation area, but there should be care in the control of new development to ensure that the appearance of the area is not affected in a way that would diminish its value. Thus not only new buildings, but also changes of use and demolition, must be carefully controlled to ensure that the works do not detract from the character of the area. The Council will continue to assess areas worthy of designation as conservation areas and revise existing boundaries and formulate and publish proposals for their preservation and enhancement.

For an area to be suitable for designation as a conservation area it should display all the characteristics:

- i) be of high architectural or historic merit;
- ii) have a distinctive overall character;
- iii) be representative of the historical, social and economic development of Kirklees;  
and

- iv) have a largely unspoilt character.

The Council will bring forward proposals for designation of further conservation areas if locations are identified which meet criteria set out above.

**BE5 PROPOSALS FOR NEW DEVELOPMENT WITHIN CONSERVATION AREAS, INCLUDING EXTENSIONS OR CHANGES OF USE TO EXISTING BUILDINGS, SHOULD RESPECT THE ARCHITECTURAL QUALITIES OF SURROUNDING BUILDINGS AND THEIR MATERIALS OF CONSTRUCTION, AND CONTRIBUTE TO THE PRESERVATION OR ENHANCEMENT OF THE CHARACTER OR APPEARANCE OF THE AREA.**

- 4.17 Spaces between buildings are as important as the buildings themselves in the built environment. New development in conservation areas must be considered not only on the basis of how it affects the setting of existing buildings, but how it affects their overall density, and consequently whether the character of the area will be adversely affected. Thus, whilst infill sites may exist within conservation areas, it cannot be assumed that all will be able to be developed.

**BE6 DEVELOPMENT ON INFILL SITES WILL NOT NORMALLY BE PERMITTED WHEN IT WOULD ADVERSELY AFFECT THE CHARACTER OR APPEARANCE OF A CONSERVATION AREA.**

- 4.18 Demolition within conservation areas requires consent, except when very small in scale. As one of the duties of the Council is to seek to preserve such areas, all demolition must be carefully considered to ensure that such works have no damaging effects on the appearance of the area.

~~**BE7 WHERE IT IS CONSIDERED THAT A BUILDING MAKES A POSITIVE CONTRIBUTION TO THE CHARACTER OR APPEARANCE OF A CONSERVATION AREA, PROPOSALS INVOLVING ITS DEMOLITION OR PARTIAL DEMOLITION WILL NOT NORMALLY BE ACCEPTABLE UNLESS:**~~

~~**i THE BUILDING CANNOT BE BENEFICIALLY USED IN THE FUTURE OR IS STRUCTURALLY UNSOUND; AND**~~

~~**ii ALL POSSIBLE EFFORTS HAVE BEEN MADE TO RETAIN THE BUILDING IN USE.**~~

~~**IF APPROPRIATE, IT WILL BE A REQUIREMENT OF ANY PLANNING PERMISSION THAT AN ACCEPTABLE REPLACEMENT BUILDING IS IMMEDIATELY ERECTED ON THE SITE.**~~

BE7 was not saved because it repeats guidance in PPG15, as follows:<sup>3</sup>

### *Conservation area control over demolition*

**4.25** *Conservation area designation introduces control over the demolition of most buildings within conservation areas (section 74 of the Act); exceptions are specified in section 75 and in the relevant direction. Applications for consent to demolish must be made to the local planning authority or, on appeal or call-in, to the Secretary of State. Procedures are essentially the same as for listed building consent applications. Authorities' own applications must be made to the Secretary of State. Scheduled ancient monuments are exempt from conservation area control: scheduled monument consent for proposed works must be sought from the Secretary of State for National Heritage (see PPG 16).*

**4.26** *In exercising conservation area controls, local planning authorities are required to pay special attention to the desirability of preserving or enhancing the character or appearance of the area in question; and, as with listed building controls, this should be the prime consideration in determining a consent application. In the case of conservation area controls, however, account should clearly be taken of the part played in the architectural or historic interest of the area by the building for which demolition is proposed, and in particular of the wider effects of demolition on the building's surroundings and on the conservation area as a whole.*

**4.27** *The general presumption should be in favour of retaining buildings which make a positive contribution to the character or appearance of a conservation area. The Secretary of State expects that proposals to demolish such buildings should be assessed against the same broad criteria as proposals to demolish listed buildings (paragraphs 3.16-3.19 (see BE4)). In less clear-cut cases - for instance, where a building makes little or no such contribution - the local planning authority will need to have full information about what is proposed for the site after demolition. Consent for demolition should not be given unless there are acceptable and detailed plans for any redevelopment. It has been held that the decision-maker is entitled to consider the merits of any proposed development in determining whether consent should be given for the demolition of an unlisted building in a conservation area.*

**4.28** *Section 336 of the principal Act states that a building includes 'any part of a building'. The demolition of part of a building should therefore be regarded as falling*

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<sup>3</sup> To assist applicants the Council has identified text from relevant sources which it considers provides the most appropriate guidance as to how the issues in this unsaved policy should be addressed in planning applications. However, the selected text is intended to provide general guidance only, is not necessarily exhaustive and does not constitute legal or other professional advice. The Council recommends that applicants should always obtain their own expert advice.

*within the scope of conservation area control. What constitutes a demolition or demolition of part of a building must be a matter of fact and degree, to be decided in the particular case and ultimately by the Courts. Routine works of repair, maintenance or replacement, including work involving such items as doors or windows, would not in the Secretary of State's view normally constitute demolition. Likewise, the removal of internal features, whether replaced or not, would not usually constitute a demolition and for the purposes of conservation area consent would not, in any event, have a material impact on the building's appearance or affect the character or appearance of the area.*

**4.29** *It will often be appropriate to impose on the grant of consent for demolition a condition under section 17(3) of the Act, as applied by section 74(3), to provide that demolition shall not take place until a contract for the carrying out of works of redevelopment has been made and planning permission for those works has been granted. In the past, ugly gaps have sometimes appeared in conservation areas as a result of demolition far in advance of redevelopment.*

4.19 Street surfaces, and street furniture like seating, signposts and lighting, are important elements in the creation of a sense of period within conservation areas. Many modern designs or materials are out of place in these areas and should not be used. Whilst the Council has a degree of control in the provision of items of street furniture, or the surfacing of highways, there will also be a requirement for any new development to incorporate appropriate features.

~~**BE8 DEVELOPMENT PROPOSALS WITHIN CONSERVATION AREAS WHICH INCLUDE THE PROVISION OR REPLACEMENT OF ROAD OR FOOTPATH SURFACES, OR NEW STREET FURNITURE, SHOULD BE SYMPATHETIC TO THEIR SETTING AND CONTRIBUTE TO THE PRESERVATION OF THE CHARACTER OR APPEARANCE OF THE AREA.**~~

BE8 was not saved because it repeats guidance in PPG15, as follows:<sup>4</sup>

### *Floorscape and street furniture*

**5.13** *Floorscape and street furniture often make a vital contribution to the appearance of a conservation area. Traditional stone, or in some cases brick, surfaces and layouts should be retained wherever possible, or re-introduced where there is historical evidence for them. In particular, where there is a tradition of rectangular slab paving,*

<sup>4</sup> To assist applicants the Council has identified text from relevant sources which it considers provides the most appropriate guidance as to how the issues in this unsaved policy should be addressed in planning applications. However, the selected text is intended to provide general guidance only, is not necessarily exhaustive and does not constitute legal or other professional advice. The Council recommends that applicants should always obtain their own expert advice.



*small block pavements and arbitrary new patterns should be avoided. In many small towns and villages, rammed earth, hoggin or aggregate, in modern times finished with tarmac, was always the traditional surface. Tarmac, preferably dressed with a suitable local aggregate, remains an appropriate and inexpensive finish for many conservation areas. Wherever practical, natural earth, hoggin or aggregate footpaths or drives should be retained and protected for their semi-rural character. If a street is to be pedestrianised, it is important to retain the traditional relationship between footways and carriageway, including kerb lines. Wall-to-wall surfaces are often unsuitable and the scale, texture, colour and laying patterns of any new materials should be sympathetic to the area's appearance.*

**5.14** *In certain circumstances grants may be available from English Heritage towards the cost of street improvement schemes which incorporate the use of traditional paving features. English Heritage's publication *Street Improvements in Historic Areas* offers guidance on the treatment of streets and public open spaces in historic areas, to encourage wider recognition of the important contribution they make to townscape quality. The New Roads and Street Works Act 1991 makes statutory undertakers responsible for carrying out the permanent reinstatement of the highway where they disturb it. They are now required to reinstate the same materials as previously existed, or the closest possible match if the materials cannot be reused. Local authorities play an important role in ensuring that statutory undertakers and their contractors carry out reinstatement to an appropriate specification and timetable.*

**5.15** *Even the smallest towns contain a wealth of street furniture of historic or architectural interest, such as pillar boxes, telephone kiosks, drinking fountains, railings, clocks and many others, often of local distinctiveness. The appearance of historic streets can be improved by preserving or reinstating such items where appropriate (see *Street Improvements in Historic Areas*). Authorities contemplating modern tramway systems should consider the effects that catenary supports and other associated street furniture and electrical equipment may have on historic streetscapes.*

**5.16** *Road signs and markings can also have a significant impact on a street's appearance. These should be of an appropriate character and quality, without unnecessary duplication of signs and posts. Wherever possible signs should be fixed to existing posts or street furniture. Traffic signs are only needed to direct drivers to their desired destinations or to particular facilities, warn them of hazards and indicate mandatory requirements. Signs which do none of these things may not be necessary at all, and much can be done to eliminate sign clutter simply by removing redundant signs, or by combining separate signs onto a single backing board. Regular 'street audits' are valuable and local amenity societies may be able to help with these. Further advice is available in *Traffic Measures in Historic Towns*. Where the *Traffic Signs Regulations* and the Department of Transport's *Traffic Signs Manual* provide for some degree of flexibility in size, siting and colour, authorities should take advantage of this in historic areas. Parking restriction signs in particular can be sited on buildings where appropriate, thus eliminating the need in many cases for a pole with a single sign.*

*Authorities' attention is drawn to the flexibility permitted in respect of no-waiting lines: a narrower line of a different colour is permitted in environmentally sensitive areas. Consideration should be given to applying waiting restrictions to areas, where appropriate, and removing yellow lines.*

*5.17 Authorities should seek advice on the selection and positioning of street lighting equipment appropriate to the age and character of the surrounding area. The Department of Transport publication Road Lighting and the Environment, for example, provides helpful advice. High pressure sodium lamps (with controlled light spillage) may be preferable in environmentally sensitive areas as they provide a whiter light with a more natural rendition of colour. Off-the-peg 'period' columns and lanterns are not universally appropriate in historic areas. Special designs reflecting established local styles or motifs, or simple modern designs, may be preferable.*

*5.18 The effects of road works and other transport projects on trees in conservation areas, or trees which form part of the setting of listed buildings, can be particularly damaging. Authorities should stress the need for statutory undertakers and others to take care when excavating, or diverting services, near existing trees in order to avoid damage to roots. Where root damage occurs, this may not show in a tree's health for several years.*

### **Permitted Development Rights and Deemed Consent Rights in Conservation Areas**

- 4.20 Powers are available to the Council to restrict permitted development rights and deemed consent for advertisements. Where it appears that the character of a conservation area may be harmed by inappropriate minor developments the Council will consider requesting the Secretary of State for the Environment to consider making the appropriate directions or designations to restrict development rights and advertisement display. The Council will, where appropriate, request the Secretary of State for the Environment to make the appropriate directions under article 4 of the Town and Country Planning (General Permitted Development) Order 1995 or designations under part iv of the Town and Country Planning (Control of Advertisements) Regulations 1992 to restrict permitted development or deemed consent rights where it appears that the exercise of such rights could be detrimental to the character or appearance of a conservation area.

### **ARCHAEOLOGICAL SITES**

- 4.21 The West Yorkshire Archaeological Service maintains a Sites and Monuments Record (SMR) which identifies all known archaeological sites in the former county. There are three classes of site:

Class I: Scheduled ancient monuments. These are of national significance and are scheduled by the government under the provisions of the Ancient Monuments and

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Archaeological Areas Act 1979. Scheduled Monument consent is required to carry out any work on such sites irrespective of any requirement for planning permission. The setting of an ancient monument is a material consideration in determining a planning application.

Class II: Sites of special archaeological value. These are of regional or potentially national (though unscheduled) significance and consequently merit a high degree of protection.

Class III: Sites of archaeological value. These are sites where there would be concern should development be proposed but available evidence does not indicate that a class II designation is justified.

Class I and Class II archaeological sites are shown on the proposals map. A list of Class III archaeological sites is available for inspection at the office of the West Yorkshire Archaeological Service. The SMR contains relevant information on all sites and is continuously up-dated.

- 4.22 Archaeological remains are fragile remnants of the past and are irreplaceable. Once disturbed, the precise record of the past is lost forever. Even though artefacts may be recovered their intrinsic value is greatly diminished if the site where they were found is developed. In the case of standing remains their visual interest or contribution to the landscape or townscape will be devalued by inappropriate development in the vicinity. These are factors recognised by the statutory protection given to class I sites. Similar considerations are necessary in respect of development likely to affect a class II site.

**BE9 NEW DEVELOPMENT SHOULD HAVE NO DETRIMENTAL EFFECT ON THE ARCHAEOLOGICAL VALUE OF CLASS I OR II SITES. ONLY WHEN OTHER PLANNING CONSIDERATIONS CONSTITUTE AN OVERRIDING FACTOR WILL DEVELOPMENT BE PERMITTED, SUBJECT TO POLICY BE10.**

- 4.23 In the case of planning applications which affect any class of archaeological site, an evaluation of the archaeological merits of the site may be required to be submitted to enable the Council to make an informed decision. Without this it is unlikely that an application would be approved.

**BE10 WHERE A DEVELOPMENT PROPOSAL AFFECTS THE ARCHAEOLOGICAL VALUE OF A CLASS I, II OR III SITE, THE APPLICANT MAY BE REQUIRED TO PROVIDE AN ARCHAEOLOGICAL EVALUATION OF THE AREA SO THAT THE COUNCIL, BEFORE DECIDING THE APPLICATION CAN DETERMINE WHETHER:**

- i THE SITE MERITS PRESERVATION IN SITU;**

**ii PROPER PROVISION FOR EXCAVATION AND RECORDING NEEDS TO BE MADE BEFORE DEVELOPMENT PROCEEDS; OR**

**iii NO ACTION IS NECESSARY.**

4.24 Where preservation by record is required, the Council will ensure that adequate provision is made to ensure an appropriate level of archaeological investigation by means of planning conditions or legal agreements.

**BUILDING MATERIALS**

4.25 A major determinant of the character of an area is derived from the materials with which the building was constructed. In many parts of Kirklees the traditional building material was stone. In these areas it would not be appropriate to use materials other than stone for new buildings on prominent main road sites or within town centres, unless there are demonstrable reasons as to why another material should be used. Similarly in rural areas, where stone was commonly used, the use of building materials other than stone would be inappropriate unless there were exceptional considerations such as the extension of existing agricultural buildings which are constructed of other materials. In all cases the previous use of inappropriate materials will not be held to set a precedent for their continued use. Stone used in accordance with this policy should be selected to be of a similar colour, texture and form to that prevailing in the immediate area.

**BE11 NEW DEVELOPMENT SHOULD BE CONSTRUCTED IN NATURAL STONE OF A SIMILAR COLOUR AND TEXTURE TO THAT PREVAILING IN THE AREA WHERE THE PROPOSAL IS LOCATED:**

**i IN AREAS WITHIN WHICH STONE HAS BEEN THE PREDOMINANT MATERIAL OF CONSTRUCTION;**

**ii WITHIN CONSERVATION AREAS; AND**

**iii WITHIN TOWN AND LOCAL CENTRES.**

**OUTSIDE SUCH AREAS, PROPOSED MATERIALS OF CONSTRUCTION SHOULD REFLECT THE PREDOMINANT MATERIALS ADJACENT TO AND SURROUNDING THE SITE, PROVIDED THAT SUCH MATERIALS ARE NOT DETRIMENTAL TO VISUAL AMENITY.**

**RESIDENTIAL AREAS**

**Space About Buildings**

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- 4.26 A reasonable amount of space should be provided around new dwellings in the interests of the amenity of future residents, and to prevent overlooking and undue loss of privacy to any existing residents. Spaces also make important contributions to the character of areas and are as much a part of the design of a layout as the buildings.
- 4.27 The Council is aware that in many cases a pragmatic approach can be taken in respect of space requirements within residential areas. In many cases where infill development is proposed, it may be reasonable to accept existing space standards within the immediate locality if this ensures that the privacy or amenity of existing residents is not detrimentally affected. Similarly, on new development, the principal criteria for determining space requirements should be good design, respect for site levels, and the achievement of privacy through well planned layouts whilst retaining adequate amenity space for existing and future residents. However, basic standards need to be stated to ensure clarity. These will be applied particularly in the case of new development which affects existing dwellings.
- 4.28 A distinction is made between windows in habitable and non-habitable rooms. Habitable rooms include lounges, dining rooms, bedrooms, living kitchens, studys, conservatories; non-habitable rooms include bathrooms, toilets, stairways, landings, small porches and garages. Secondary windows to habitable rooms will normally be treated as non habitable room windows, provided that they are small and intended primarily to admit light or ventilation. Screening or other measures will only be required if this is considered not to be the case.

### **BE12 NEW DWELLINGS SHOULD BE DESIGNED TO PROVIDE PRIVACY AND OPEN SPACE FOR THEIR OCCUPANTS, AND PHYSICAL SEPARATION FROM ADJACENT PROPERTY AND LAND. THE MINIMUM ACCEPTABLE DISTANCES WILL NORMALLY BE:**

- i 21.0M BETWEEN A HABITABLE ROOM WINDOW OF A DWELLING AND A HABITABLE ROOM WINDOW OF A FACING DWELLING;**
- ii 12.0M BETWEEN A HABITABLE ROOM WINDOW OF A DWELLING AND A BLANK WALL OR A WALL CONTAINING THE WINDOW OF A NON HABITABLE ROOM;**
- iii 10.5M BETWEEN A HABITABLE ROOM WINDOW OF A DWELLING AND THE BOUNDARY OF ANY ADJACENT UNDEVELOPED LAND; AND**
- iv 1.5M BETWEEN ANY WALL OF A NEW DWELLING AND THE BOUNDARY OF ANY ADJACENT LAND (OTHER THAN A HIGHWAY).**

**DISTANCES LESS THAN THESE WILL BE ACCEPTABLE IF IT CAN BE SHOWN THAT, BY REASON OF PERMANENT SCREENING, CHANGES IN**

**LEVEL, OR INNOVATIVE DESIGN, NO DETRIMENT WOULD BE CAUSED TO EXISTING OR FUTURE OCCUPIERS OF THE DWELLINGS OR ANY ADJACENT PREMISES OR POTENTIAL DEVELOPMENT LAND WHICH MAY BE AFFECTED.**

- 4.29 When planning permission is granted for a development not meeting the space requirements set out in policy BE12 conditions may be imposed restricting future extensions and alterations which could otherwise be carried out without the need to apply for planning permission under the provisions of the General Permitted Development Order. Such restrictions would be imposed where future alteration of the permitted design, for example, by erecting a small extension or forming a new window opening, would be to the detriment of privacy or amenity.

**Extensions to Dwellings**

- 4.30 About 40% of all planning applications received by the Council are from householders, and most of these are for extensions to dwellings. Although small in scale the effects of these proposals can, on a local scale, be very damaging. As a result it is appropriate to adopt a policy approach which ensures consistency, whilst retaining flexibility to respond to complex or innovative design solutions.
- 4.31 When extensions are proposed design features on the host building should be acknowledged. This will be especially important when listed buildings are involved, or where the proposal is in a conservation area.

**BE13 EXTENSIONS TO DWELLINGS SHOULD RESPECT THE DESIGN FEATURES OF THE EXISTING HOUSE AND ADJACENT BUILDINGS, INCLUDING:**

- i MATERIALS OF CONSTRUCTION;**
- ii WINDOW OPENINGS;**
- iii ROOF STYLES; AND**
- iv ARCHITECTURAL DETAILING.**

**EXTENSIONS TO DWELLINGS IN CONSERVATION AREAS, OR DWELLINGS WHICH ARE LISTED AS BEING OF ARCHITECTURAL OR HISTORIC INTEREST SHOULD, WHERE THE PROPOSALS ALREADY COMPLY WITH POLICY BE3 OR BE5, BE DESIGNED SO THAT THE INTRINSIC VALUE OF THE HOST BUILDING AND ITS SURROUNDINGS IS RETAINED AND THE ORIGINAL BUILDING REMAINS THE DOMINANT ELEMENT.**

4.32 The detailed design of proposed extensions will essentially be matters for the applicant to decide. However, there are principles related to the relative size and positioning of extensions, which it is considered should provide general rules. This is to protect adjoining occupiers from any unreasonable impact which would result from an over large extension or where a proposal is very close to a boundary. This is particularly the case when houses are close together. Where it is considered that a two storey (or second storey) side extension will cause an undesirable 'terracing' effect with the adjoining house, the proposal will not be acceptable unless the extension is set back from the front wall. Any reduction in the size of the extension to the front should not be replaced by an enlargement to the extension at the rear unless this would have no effect on adjacent occupiers. The term front refers to an elevation which has a frontage to a public highway or is architecturally the main elevation if this is elsewhere. It would not include an elevation to a rear accessway, unless it was unusually prominent.

**BE14 UNLESS THE PROPOSAL WOULD HAVE A DETRIMENTAL EFFECT ON VISUAL AMENITY, ADJOINING DWELLINGS OR ANY OCCUPIER OF ADJACENT LAND, EXTENSIONS TO TERRACED, SEMI-DETACHED OR CLOSELY SPACED DETACHED DWELLINGS WILL NORMALLY BE PERMITTED WHERE THE PROPOSAL:**

- i IS TO THE FRONT OR MAIN ELEVATION OF THE PREMISES AND IS RELATIVELY SMALL IN SCALE;**
- ii IS TO THE REAR AND DOES NOT EXCEED 3.0M IN OVERALL PROJECTION; OR**
- iii DOES NOT RESULT IN AN UNDESIRABLE TERRACING EFFECT BEING ESTABLISHED IN RELATION TO ADJOINING DWELLINGS.**

4.33 Dormer extensions can be very prominent features, being situated high above street level. The size of front dormers should be limited, to avoid detrimental effects to the roofscape of residential areas. In exceptional circumstances good design may indicate a departure from the policy.

**BE15 DORMER EXTENSIONS TO THE FRONT OR MAIN ELEVATIONS OF DWELLINGS WILL NORMALLY BE PERMITTED PROVIDED THAT:**

- i THE ORIGINAL ROOF FORM AND COVERING REMAINS THE PREDOMINANT FEATURE;**
- ii THE EXTENSION DOES NOT EXCEED MORE THAN 50% OF THE WIDTH OF THE ORIGINAL ROOF, AND IS CENTRALLY PLACED;**
- iii WHEN MEASURED IN THE VERTICAL PLANE A DISTANCE OF 1.0M APPROXIMATELY IS ACHIEVED BETWEEN THE GUTTER LINE OF**

**THE DWELLING AND THE BASE OF THE FRONT WALL OF THE DORMER AND 0.5M APPROXIMATELY IS ACHIEVED BETWEEN THE RIDGE OF THE DWELLING AND THE JUNCTION OF THE DORMER; AND**

- iv THE EXTENSION DOES NOT PROJECT ABOVE THE RIDGE OF THE DWELLING OR (IN THE CASE OF A HIPPED ROOF) BEYOND THE SLOPE OF EACH CHANGE IN ROOF DIRECTION, UNLESS THE ROOF IS REDESIGNED TO ELIMINATE ANY RESULTANT 'BOX' EFFECT.**

### **SHOPPING CENTRES**

- 4.34 A high quality environment will attract shoppers and assist in making the centre, as a whole, prosperous. The following policies apply to all shopping centres. Additional considerations apply in the case of Huddersfield town centre.

#### **Pedestrian Facilities**

- 4.35 Essential elements of the shopping environment are those which enable pedestrians to move between shops and to and from bus stops and car parks safely and conveniently and in pleasant surroundings. It is therefore essential that paved surfaces and lighting are of good quality, that street furniture does not obstruct movement, that there is planting to temper the visual effects of hard surfaces and that public spaces are well maintained so that their attractive qualities are not undermined by evidence of neglect. In deciding planning applications, and in carrying out maintenance or improvement works, the Council will aim to improve the quality of paving and street lighting, rationalise the provision of street furniture, and increase the amount of planting within shopping centres. Most of the District's shopping centres are also conservation areas, where policy BE8 will apply.

#### **Shop Fronts**

- 4.36 Shop fronts are an important element in the shopping environment. The design of shop fronts should respect the physical appearance of the premises so that the shop front will be readily integrated with its surroundings. Good innovative designs which would make a positive contribution to the vitality of a centre, without detracting from the quality of the host building or adjacent premises, will however be acceptable.

### **BE16 NEW SHOP FRONTS, OR ALTERATIONS TO EXISTING SHOP FRONTS WILL NORMALLY BE PERMITTED PROVIDED THAT:**

- i THEY RELATE IN SCALE AND PROPORTION TO THE HOST BUILDING, AND RESPECT THE CHARACTER AND APPEARANCE OF THE SURROUNDING AREA;**



- ii EXISTING ARCHITECTURAL FEATURES ARE RETAINED AND INCORPORATED INTO THE PROPOSALS;**
- iii FASCIAS AND STALL RISERS ARE DESIGNED TO RESPECT THE SCALE, DESIGN AND ARCHITECTURAL FEATURES OF THE BUILDING AS A WHOLE, AND OF ADJACENT PROPERTIES;**
- iv REPLACEMENT FASCIA SIGNS RESPECT THE CHARACTER AND APPEARANCE OF THE HOST AND ADJACENT BUILDINGS IN TERMS OF COLOUR, MATERIALS, LETTERING STYLE, AND ILLUMINATION WHERE EXISTING FEATURES OF THIS NATURE MAKE A POSITIVE CONTRIBUTION TO THE STREET SCENE: AND**
- v LARGE AREAS OF GLASS ARE SUB-DIVIDED BY GLAZING BARS IRRESPECTIVE OF INDIVIDUAL BUILDING FRONTAGE OR THE EXTENT OF THE INDIVIDUAL SHOP UNIT.**

4.37 Many town and local shopping centres are also conservation areas, with a high proportion of buildings which have been listed as being of architectural or historic importance. Shop fronts in such areas will be expected to retain and enhance the character and appearance of the built environment.

**BE17 NEW SHOP FRONTS ON BUILDINGS WITHIN CONSERVATION AREAS OR WHICH AFFECT LISTED BUILDINGS SHOULD PRESERVE OR ENHANCE THE CHARACTER AND THE APPEARANCE OF THE BUILDING BEING ALTERED. ORIGINAL TRADITIONAL FEATURES SHOULD BE RETAINED OR REPLACED, AND ANY SIGNAGE PROVIDED SHOULD BE IN A STYLE APPROPRIATE TO THE PERIOD AND CHARACTER OF THE BUILDING.**

4.38 Security shutters are increasingly required by retailers to protect their premises. Solid shutters severely diminish the attractiveness of centres at night, when people will still be using the entertainment or restaurant facilities. Similarly, such shutters on roadside shops, or in areas where there are houses, are obtrusive and alien to the street scene. Also, if added to a shopfront, the coil case needed to house roller shutters may form an ugly feature, as would free-standing guide channels. Where security shutters are proposed for buildings other than shops, the principles of policy BE18 will apply.

**BE18 SECURITY SHUTTERS FOR SHOP WINDOWS IN TOWN CENTRES, ON MAIN ROAD LOCATIONS, OR WHERE OVERLOOKED BY HOUSES WILL NORMALLY BE PERMITTED PROVIDED THAT:**

- i THE SHUTTERS ARE OF OPEN GRILLE CONSTRUCTION ALLOWING A VIEW THROUGH TO THE GOODS DISPLAYED;**

- ii **FITTINGS TO HOUSE THE RETRACTED SHUTTERS ARE BUILT INTO THE FASCIA SO THAT THEY DO NOT PROJECT BEYOND THE FACE OF THE BUILDING; AND**
- iii **GUIDE CHANNELS (IF REQUIRED) CAN BE REMOVED WHEN THE SHUTTERS ARE NOT IN USE, OR BE DESIGNED TO BE UNOBTRUSIVE.**

### **Pedestrian Routes in Centres**

- 4.39 As moves are made away from traffic dominated town centres, pedestrian movement through the centre becomes increasingly important. Accordingly development schemes should seek to re-establish the 'back yard' links that have gradually disappeared, creating not only ease of use but interest for the visitor, having regard to basic principles of crime prevention to ensure that people feel safe using the routes.<sup>5</sup>

~~**BE19 IN DEVELOPMENT SCHEMES IN TOWN OR LOCAL CENTRES PEDESTRIAN ROUTES SHOULD NORMALLY BE RETAINED OR RE-ESTABLISHED,**~~

BE19 was not saved because its content is covered in policy T16 (chapter 8).

### **ACCESS FOR DISABLED PEOPLE**

- 4.40 People with disabilities are entitled to expect access to buildings which the public use. This includes not only shops, but the reception areas of offices and factories, or any other building where the general public may be expected to need access. Development of land and buildings provides an opportunity to secure a more accessible environment for everyone. Developers should be aware that by making their premises accessible to disabled people, they are improving access for all. Where there is no provision in other statutes requiring alterations to access, the use of the planning process will be considered.

~~**BE20 PROPOSALS FOR THE CHANGE OF USE OF BUILDINGS (OTHER THAN FOR USE AS A PRIVATE RESIDENCE), NEW SHOP FRONTS AND ALTERATIONS TO SHOP FRONTS SHOULD INCORPORATE PROVISION FOR ACCESS TO THE PREMISES VIA THE MAIN ENTRANCE FOR PEOPLE WITH DISABILITIES TO A STANDARD COMMENSURATE WITH BS5810 (CODE OF PRACTICE FOR ACCESS FOR THE DISABLED TO BUILDINGS).**~~

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<sup>5</sup> See policy BE23

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- 4.41 Whether a space is public or private, ensuring access for all the people likely to use it is important. In the interests of equality, all such areas should be laid out with disabled access in mind.

### **BE21 PROPOSALS WHICH INCLUDE AREAS OF OPEN SPACE SHOULD INCORPORATE FACILITIES FOR ACCESS BY PEOPLE WITH DISABILITIES.**

#### **Parking Facilities for People with Disabilities**

- 4.42 Car parking needs to be accessible to people with personal mobility problems, and not just by providing specially marked out spaces. This creates additional advantages for the general public, especially those accompanied by young children, particularly in shopping areas. However it is equally desirable in any development proposal and allows everyone freedom of use of spaces, including those with a minor or temporary disability. Specially wide spaces, appropriately marked out, will always be required to accommodate wheelchair users, and it is appropriate that a percentage of spaces in all car parks are laid out to accommodate such needs. Although 5% is indicated as being the minimum acceptable level of provision, developers should consider whether a higher proportion would be possible, and it is suggested that 10% provision would, in most cases, be an appropriate level to aim for. Disabled parking spaces should be located in places where access to the main entrance is convenient and ideally should be at the end of rows.

### **BE22 DEVELOPMENT WHICH INCLUDES PUBLIC OR SHARED OFF STREET CAR PARKING FACILITIES SHOULD PROVIDE APPROPRIATELY MARKED CAR PARKING SPACES FOR PEOPLE WITH DISABILITIES AT A MINIMUM RATE OF 5% (MINIMUM 1 SPACE) OF THE TOTAL. PROVISION SHOULD ALSO BE MADE WITHIN THE SITE FOR ACCESS TO AND FROM THE PARKING AREA FOR PEOPLE WITH DISABILITIES.**

#### **CRIME PREVENTION**

- 4.43 It is not only crime, but the fear of crime, that affects the way people use and enjoy the places they live and work in, and use for recreation. Particularly when criminal acts are increasing, any course of action to deter crime should be pursued. To incorporate crime prevention measures at the planning stage of development is preferable in design terms, and is far less costly. In fact crime prevention may have no cost implications where the issue is as simple as choice of landscaping design, routing of footpaths, or siting of car parks to promote natural surveillance.
- 4.44 Developers need to consider carefully the design of housing layouts. Risks of personal attack may be reduced by adopting sensible footpath routes. Natural surveillance increases the likelihood of being seen, and therefore reduces the risk of burglary. Similarly, car parking areas will be more secure if they are visible to residents or passers by. Through its housing policies, the Council will also seek to ensure that, in large

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housing schemes, a 'mix' of house types is obtained, not only facilitating a greater degree of housing choice and availability but also to achieve a balance of occupancy throughout the development. This helps crime prevention because there will be a greater likelihood of residents being at home throughout the day, lessening the opportunity for casual crime to take place. No single measure will ensure crime prevention, but a considered approach, taking into account some basic principles, may succeed in making a development a more difficult place for criminal acts to take place.

### **BE23 NEW DEVELOPMENT SHOULD INCORPORATE CRIME PREVENTION MEASURES TO ACHIEVE:**

- i PEDESTRIAN SAFETY ON FOOTPATHS BY ENSURING THROUGH VISIBILITY FROM EXISTING HIGHWAYS;**
- ii NATURAL SURVEILLANCE OF PUBLIC SPACES FROM EXISTING AND PROPOSED DEVELOPMENT; AND**
- iii SECURE LOCATIONS FOR CAR PARKING AREAS.**

[PARAGRAPHS 4.45 AND 4.46 AND POLICY BE24 DELETED]