

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/beta/planning-policy/saved-policies.aspx>

FOREWORD

The Unitary Development Plan sets out the Council's policies and proposals for the use and development of land and buildings. The plan was adopted on 1 March 1999 and constitutes the statutory development plan for Kirklees, except for that part of the District which is within the Peak District National Park (where the national park plans are in force). All previous development plans for areas within Kirklees, excluding the national park, are superseded.

The plan is in two parts. Part I sets out strategic policies; part II provides detailed policies and reasoned justification and includes site specific proposals on the Ordnance Survey based proposals map. The proposals map is at 1:10,000 scale and is divided into 15 sheets, with a separate inset plan for Huddersfield Town Centre at 1:3,100 scale on the reverse of sheet 6.

Local planning authorities are required to determine applications for planning permission in accordance with the provisions of the statutory development plan "unless material considerations indicate otherwise". Consequently, the Council will not grant permission for planning applications which are not in accordance with relevant policies and proposals in this plan unless there are considerations which fairly and reasonably relate to the application which would justify departing from the provisions of the plan.

The Council is required to keep the plan under review. There is currently no timetable for the first review but this is likely to commence once the Secretary of State for the Environment, Transport and the Regions has issued new guidance governing the review of development plans in Yorkshire and the Humber. This guidance is expected in 2000 or 2001.

With regard to the supply of land for housing and business and industry, the plan covers the period between 1 April 1993 and 1 April 2006. Some housing allocations were developed by 1 March 1999; these are identified on the proposals map.

Policies and paragraphs in the written statement referenced by a number with a suffix have been inserted as a result of the Council's modifications to the plan following the public inquiry into the draft proposals. Similarly, gaps in numbering occur where policies and paragraphs in the deposit draft document have been deleted as a result of modifications.

March 1999

UDP

KIRKLEES UNITARY DEVELOPMENT PLAN

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KIRKLEES UNITARY DEVELOPMENT PLAN PART I

INTRODUCTION

- 1.1 Part I of the Unitary Development Plan is a statement of the strategic land use planning policies for Kirklees. These policies have been prepared in the context of national government policies, Strategic Planning Guidance for West Yorkshire and the Council's vision statement. The Strategic Guidance covers the period to 2001, but many of the plan's policies will remain relevant well into the next century.

NATIONAL CONTEXT

- 1.2 The government's objectives for land use and the planning system are:

- to improve the quality of life in our towns and cities;
- to ensure that the planning system works to provide for homes and jobs, and to meet our desire for mobility, at the same time as conserving our heritage and protecting our environment;
- to integrate agricultural and environmental policy.

The Government's objectives for the prudent use of resources are also relevant. They are:

- to increase the efficiency with which we use energy, at work and in our homes, and in our cars and use of public transport;
- to reduce the amount of waste produced and increase the amount of material recycled;
- to ensure better use of resources in the Government estate and the rest of the public sector; and
- to see that we meet announced targets for reduced emissions of gases causing global warming, ozone depletion and acid rain.

- 1.3 National planning policy guidance states that the Government intends to work towards sustainability and that it will continue to develop policies consistent with the concept of sustainable development. The planning system and the preparation of development plans in particular can contribute to this. The sum total of the decisions in the planning field, as elsewhere, should not deny future generations the best of today's environment. The provisions of this plan acknowledge this principle.
- 1.4 More specific Government guidance on a wide range of planning issues is provided in Planning Policy Guidance Notes (PPG's) and Minerals Planning Guidance Notes (MPG's).¹

¹ A full list of national policy guidance notes is provided in appendix 3

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REGIONAL CONTEXT

1.5 The regional context for the Unitary Development Plan was provided by Strategic Guidance for West Yorkshire, published by the Secretary of State for the Environment in September 1989. The full text of Strategic Guidance is available separately but the main points in relation to Kirklees are summarised below:

- The principal strategic objectives for West Yorkshire are "to foster economic growth and to revitalise the urban areas while ensuring the conservation of the countryside and the urban heritage".
- Provision must be made for at least 14,300 dwelling completions between April 1986 and March 2001 on a range of sites capable of satisfying housing demands.
- An adequate supply of development land for business uses, with a good choice and mix of sites, should always be available to respond to market forces.
- There is a role for retail development which widens shopping choice without undermining town centres.
- Every opportunity should be taken to bring vacant and derelict land in urban areas back into use.
- The green belt should only be altered if a case can be made that economic regeneration would otherwise be prejudiced.
- Environmental protection and enhancement is essential in both town and country.
- The need for rural diversification should be recognised.

1.5a It is also relevant to recognise the special status of the Peak District National Park and to ensure that the visual amenity and character of the park is not prejudiced by inappropriate development beyond its boundaries.

THE COUNCIL'S VISION STATEMENT

1.6 The Council's vision statement identifies three corporate goals:

- A thriving economy
- A flourishing community
- A healthy environment

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A Thriving Economy

1.7 The key to achieving a thriving economy is regeneration. The Council has an economic regeneration strategy with four themes, which aim to:

- strengthen and broaden the economic base;
- provide infrastructure and secure regeneration of buildings and their surroundings;
- improve the area's image and quality of life;
- initiate action for employment, including training.

A Flourishing Community

1.8 A flourishing community can only be achieved by involving the residents of Kirklees in community regeneration. Action is required to tackle poverty and deprivation, by facilitating and enabling improvements, particularly in the most deprived areas, and to meet the needs of individual communities. The promotion of equal opportunities is central to the creation of a flourishing community.

A Healthy Environment

1.9 The Council aims to achieve sustainable development. In practical terms this means reducing pollution and the consumption of raw materials and energy to levels which minimise damage to the local and global environment and help to ensure their long term protection. If such environmental management can be achieved future generations should be able to enjoy at least as good a quality of life as people alive today. These measures should also help to make Kirklees an increasingly attractive and healthy place to live and to sustain economic development. Much of the action required to achieve sustainable development is beyond the scope of the plan or the Council working alone; national and international action is needed. The Council can, however, make a positive contribution in areas such as transport, energy, health and environmental awareness. The plan's provisions aim to establish a framework of sustainable development.

1.10 The use of energy conservation measures is of particular importance if there is to be progress towards sustainable development. The plan has been prepared taking into account relationships between land use and energy conservation. The land allocations and policies controlling the location of development take account of the desirability of minimising the need to travel. The plan also seeks to ensure that energy conservation is taken into account in the siting of buildings and it provides guidelines for development associated with the generation of energy from renewable resources.

Quality and Equality

1.11 The Council is also committed to quality in service provision and achieving equality of opportunity.

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- 1.12 The Council's vision statement provides the context for an integrated process of policy and service planning, budgeting and review. Implementation of the UDP will be an integral part of the corporate activities of the Council.
- 1.12a The plan seeks to meet the needs of people with disabilities which are relevant to land use planning. Proposals for new development will be expected to provide for equality of opportunity in terms of access to and use of buildings and to provide the necessary ancillary facilities needed for outdoor activities. The plan contains specific policies in Part II which indicate where the Council will be seeking provision of facilities for people with disabilities. Whilst the level of provision is a matter for negotiation with applicants the Council will be seeking to achieve the highest reasonable standards.

REGENERATION

- 1.13 The Council's vision statement establishes regeneration as the focus for the UDP. Kirklees has a legacy of industrial activity stretching back two centuries and more. This has shaped much of the District's character but has also left many environmental problems. These have been compounded by more recent changes in the economy such that unemployment levels are persistently high in many parts of the District. Consequently many residents experience low incomes and poor housing.
- 1.14 The Council is pursuing policies to promote regeneration consistent with the vision statement, encompassing measures to revitalise the local economy, improve the physical environment and strengthen community action. Achieving regeneration involves the co-ordination of the programmes and plans of both public and private sectors to ensure that resources are used effectively to bring about new job opportunities and better housing and general living conditions. The current focus for regeneration is provided by City Challenge and Estate Action, complemented by the Council's expenditure programmes. The scale and pace of regeneration will be affected by the availability of resources and this is likely to depend principally on the availability of government funding programmes. The plan's provisions acknowledge these programmes of action and aim to provide the appropriate framework for land use and development decisions, which will assist the process of regeneration. In particular, the areas which exhibit the most severe problems arising from past and current land uses, which tend to be the most economically deprived parts of the District, are identified on the proposals map as Regeneration Areas.

RESOURCES

- 1.15 The plan is required to take into account the likely availability of resources, both financial and material, and must be realistic in this respect. The plan has been prepared with reference to the anticipated spending programmes of the Council and central government, especially on infrastructure; the expected level of grant availability from both governmental and non-governmental sources; and, where known, likely investment by other public bodies and the private sector. The provisions of the plan are therefore considered to be as realistic as possible given the inevitable uncertainty about future investment and the lack of comprehensive information.

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- 1.16 A further consideration is that the plan contains a number of new policies and proposals, based on national planning policy guidance, which have resource implications both for the Council and for prospective developers. The Council will need to identify resources particularly in the form of relevant expertise, to enable those policies to be effectively implemented, while developers will be expected to meet a greater range of obligations in putting their development intentions into effect.

PLANNING APPLICATIONS

- 1.17 In the majority of cases, the provisions of the plan will only be implemented following the submission and subsequent approval of a planning application. The quality of the information provided can have a major effect on the determination of an application.
- 1.18 The Council requires all relevant details of a development proposal to be submitted with a planning application.
- 1.19 Given the history of land use in the District it is likely that some development proposals will involve land, which is contaminated or unstable as a result of previous activities. Any relevant information on instability and contamination will be taken into account when development proposals are determined, as indicated in Policy G6. However, the responsibility for determining whether land is suitable for a particular purpose rests primarily with the developer.
- 1.20 Certain applications will not be capable of adequate consideration without the submission of an environmental statement. Schedule 1 of the Town & Country Planning (Environmental Impact Assessment) Regulations 1999 sets out a number of types of development, which will require environmental assessments. These include proposals with major environmental implications such as oil refineries, nuclear power stations, major mineral working or waste disposal schemes, major roads and railways. Schedule 2 of the regulations indicates types of proposals where the submission of an environmental statement is at the discretion of the local planning authority. The Council intends to implement the provisions of the 1988 regulations to their full extent. In addition to those proposals where an environmental statement is provided for in the regulations, policies in the plan indicate where a statement of environmental effects may be requested when applications are received. Such statements will be expected to indicate all likely environmental effects of the proposal, so that the application can be determined with the benefit of all relevant information.

PLANNING OBLIGATIONS

- 1.21 The Town and Country Planning Act 1990 allows legal agreements to be made between local planning authorities and applicants when considerations which cannot form part of a planning application, or cannot be controlled by conditions, are integral to planning permission being granted. Under these circumstances, the applicant may offer to carry out works, or provide funding for them, as a prerequisite to the implementation of the planning permission. Compliance with this obligation is ensured by the applicant entering into a legal agreement with the Council under Section 106 of the act. Such agreements are likely to be the most suitable way forward where development proposals are

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dependent on the provision of facilities or ancillary works which are not within the application site, a specific user or type of user implementing the permission, or a financial contribution being made to another party to enable any facilities required by the development to be provided.

STRATEGY

1.22 The UDP strategy is based on seeking to achieve a number of broad aims set out below, and is expressed in the Part I policies, which follow. The aims stem from consideration of the many interacting themes to be found in national and regional policy and in the Council's values and goals. They underpin all aspects of the plan.

1.23 **AIMS**

- i To ensure that development and land use change is consistent with the principles of sustainable development and improves the quality of the built and natural environment.
- ii To accommodate development and land use change to ensure that housing, employment, shopping, education, recreation, waste recycling and disposal and other facilities are commensurate with the needs and demands of Kirklees residents and business now and over the next decade.
- iii To meet development needs by recycling previously developed land wherever possible, to minimise the need to develop greenfield sites.
- iv To ensure that land with particular potential for the production of food, building materials and fuel is safeguarded for those purposes.
- v To retain sufficient open land within and around urban areas, and where possible enhance its quality, to ensure that the character and amenity of Kirklees as a place to live and work is sustained.
- vi To encourage a more energy efficient and less polluting and potentially less dangerous pattern of movement.
- vii To secure adequate environmental controls so that the potentially harmful effects of different types of development and land use do not exceed tolerable levels and, where possible, to secure environmental benefits.
- viii To encourage developers to take appropriate measures to cater for the demands generated by their developments.
- ix To take account of the needs of those who are disadvantaged in their ability to avail themselves of housing and employment opportunities and shopping, education, recreation and other facilities which contribute to the overall quality of life.

- x To ensure that there is a reasonable prospect that resources will be available for the implementation of proposals in the plan.

PART I POLICIES

1.24 Part I policies are arranged in two groups. Policies G1-G6 give expression to the general concerns of the Government and the Council as outlined in paragraphs 1.2-1.14 and follow the aims set out in paragraph 1.23. The remaining policies, starting with policy D1, are derived from the same source as policies G1-G6, and are topic based. They provide the context for the Part II policies and proposals.

G1 REGENERATION WILL BE SECURED THROUGH DEVELOPMENTS WHICH:

- i **STRENGTHEN AND BROADEN THE ECONOMIC BASE AND INCREASE EMPLOYMENT OPPORTUNITIES;**
- ii **IMPROVE INFRASTRUCTURE AND SECURE THE REUSE OF LAND AND BUILDINGS AND THE IMPROVEMENT OF THEIR SURROUNDINGS;**
- iii **BENEFIT THE ECONOMICALLY DEPRIVED PARTS OF THE DISTRICT; AND**
- iv **IMPROVE THE DISTRICT'S IMAGE.**

~~**G2 DEVELOPMENT PROPOSALS WILL BE CONSIDERED HAVING REGARD TO SUSTAINABILITY, INCLUDING PARTICULARLY THE CONSERVATION OF ENERGY.**~~

Policy G2 was not saved because the issues it covers are addressed in PPS1 "Delivering sustainable development". Significant relevant paragraphs are set out below but the PPS provides considerably more information and should be examined in full to appreciate the wide range of issues to be taken into account in achieving "sustainability".²

3. Sustainable development is the core principle underpinning planning. At the heart of sustainable development is the simple idea of ensuring a better quality of life for everyone, now and for future generations. A widely used definition was drawn up by the World Commission on Environment and Development in 1987: "development that meets

² 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.

the needs of the present without compromising the ability of future generations to meet their own needs."

4. The Government set out four aims for sustainable development in its 1999 strategy. These are:

- social progress which recognises the needs of everyone;*
- effective protection of the environment;*
- the prudent use of natural resources; and,*
- the maintenance of high and stable levels of economic growth and employment.*

These aims should be pursued in an integrated way through a sustainable, innovative and productive economy that delivers high levels of employment, and a just society that promotes social inclusion, sustainable communities and personal well being, in ways that protect and enhance the physical environment and optimise resource and energy use.

5. Planning should facilitate and promote sustainable and inclusive patterns of urban and rural development by:

- making suitable land available for development in line with economic, social and environmental objectives to improve people's quality of life;*
- contributing to sustainable economic development;*
- protecting and enhancing the natural and historic environment, the quality and character of the countryside, and existing communities;*
- ensuring high quality development through good and inclusive design, and the efficient use of resources; and,*
- ensuring that development supports existing communities and contributes to the creation of safe, sustainable, liveable and mixed communities with good access to jobs and key services for all members of the community.*

Issues of energy conservation are initially covered as follows:

22. Development plan policies should seek to minimise the need to consume new resources over the lifetime of the development by making more efficient use or reuse of existing resources, rather than making new demands on the environment; and should seek to promote and encourage, rather than restrict, the use of renewable resources (for example, by the development of renewable energy). Regional planning authorities and local authorities should promote resource and energy efficient buildings; community heating schemes, the use of combined heat and power, small scale renewable and low carbon energy schemes in developments; the sustainable use of water resources; and the use of sustainable drainage systems in the management of run-off.

G3 — ~~NEW DEVELOPMENT SHOULD NORMALLY BE LOCATED WHERE THE NEED TO TRAVEL, PARTICULARLY BY PRIVATE CAR, WILL BE MINIMISED.~~

Policy G3 was not saved because the issue is covered in PPG13 which specifies as one of its 3 objectives "to reduce the need to travel, especially by car". The objectives are supported by the following text:³

6. In order to deliver the objectives of this guidance, when preparing development plans and considering planning applications, local authorities should:

- 1. actively manage the pattern of urban growth to make the fullest use of public transport, and focus major generators of travel demand in city, town and district centres and near to major public transport interchanges;*
- 2. locate day to day facilities which need to be near their clients in local centres so that they are accessible by walking and cycling;*
- 3. accommodate housing principally within existing urban areas, planning for increased intensity of development for both housing and other uses at locations which are highly accessible by public transport, walking and cycling;*
- 4. ensure that development comprising jobs, shopping, leisure and services offers a realistic choice of access by public transport, walking, and cycling, recognising that this may be less achievable in some rural areas;*
- 5. in rural areas, locate most development for housing, jobs, shopping, leisure and services in local service centres which are designated in the development plan to act as focal points for housing, transport and other services, and encourage better transport provision in the countryside;*
- 6. ensure that strategies in the development and local transport plan complement each other and that consideration of development plan allocations and local transport investment and priorities are closely linked;*
- 7. use parking policies, alongside other planning and transport measures, to promote sustainable transport choices and reduce reliance on the car for work and other journeys;*
- 8. give priority to people over ease of traffic movement and plan to provide more road space to pedestrians, cyclists and public transport in town centres, local neighbourhoods and other areas with a mixture of land uses;*
- 9. ensure that the needs of disabled people as pedestrians, public transport users and motorists - are taken into account in the implementation of planning policies and traffic management schemes, and in the design of individual developments; consider how best to reduce crime and the fear of crime, and seek by the design and layout of developments and areas, to secure community safety and road safety; and*
- 10. protect sites and routes which could be critical in developing infrastructure to widen transport choices for both passenger and freight movements.*

³ 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.

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G4 NEW DEVELOPMENT SHOULD ACHIEVE A HIGH STANDARD OF DESIGN.

G5 DEVELOPMENT PROPOSALS SHOULD HAVE REGARD TO EQUALITY OF OPPORTUNITY IN TERMS OF ACCESS TO BUILDINGS AND OPEN SPACE FACILITIES AND OTHER RELEVANT ASPECTS OF DESIGN, INCLUDING THE PROVISION OF ANCILLARY FACILITIES.

G6 DEVELOPMENT PROPOSALS WILL BE CONSIDERED HAVING REGARD TO AVAILABLE INFORMATION ON THE CONTAMINATION OR INSTABILITY OF THE LAND CONCERNED.

Development Framework (chapter 2)

D1 DEVELOPMENT PROPOSALS WHICH WOULD LEAD TO A LOSS OF VALUABLE OPEN LAND WITHIN TOWNS OR OF OPEN COUNTRYSIDE WILL NOT NORMALLY BE PERMITTED.

Natural Environment (chapter 3)

~~**NE1 THE NATURAL ENVIRONMENT WILL BE SAFEGUARDED WHEN DEVELOPMENT PROPOSALS ARE CONSIDERED.**~~

For information about this not saved policy see chapter 3.

Built Environment (chapter 4)

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 CONDUCIVE TO ENERGY EFFICIENT MODES OF TRAVEL, IN PARTICULAR WALKING, CYCLING AND USE OF PUBLIC TRANSPORT.**

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Environmental protection (chapter 5)

~~**EPI DEVELOPMENT PROPOSALS WILL BE CONSIDERED TAKING INTO ACCOUNT CONSEQUENCES FOR:**~~

- ~~**i LAND QUALITY;**~~
- ~~**ii AIR AND WATER QUALITY;**~~
- ~~**iii NOISE LEVELS; AND**~~
- ~~**iv VISUAL INTRUSION.**~~

For information about this not saved policy see chapter 5.

Minerals (chapter 6)

M1 PROPOSALS FOR MINERAL EXTRACTION, WHICH SHOULD INCLUDE MEASURES FOR RESTORATION AND AFTER-USE OF THE SITE, WILL BE CONSIDERED HAVING REGARD TO:

- i THE IMPACT ON THE ENVIRONMENT INCLUDING WATER RESOURCES AND THE BEST AND MOST VERSATILE AGRICULTURAL LAND;**
- ii THE IMPACT ON RESIDENTIAL AMENITY AND HIGHWAY SAFETY; AND**
- iii THE NEEDS OF BUSINESS AND INDUSTRY.**

Waste disposal (chapter 7)

WD1 LAND WILL BE MADE AVAILABLE FOR STORAGE AND TRANSFER, TREATMENT AND RECYCLING AND FINAL DISPOSAL OF WASTE IN LOCATIONS WHICH AVOID INJURY TO AMENITY, HARM TO THE ENVIRONMENT AND UNDUE BURDEN ON THE HIGHWAY INFRASTRUCTURE.

Transport (chapter 8)

T1 PRIORITY WILL BE GIVEN TO:

- i SATISFYING THE TRAVEL NEEDS OF ALL SECTIONS OF THE COMMUNITY THROUGH AN EFFECTIVELY INTEGRATED TRANSPORT SYSTEM, WITH EMPHASIS ON IMPROVING PUBLIC TRANSPORT AND ENCOURAGING A MODAL SHIFT AWAY FROM TRAVEL BY PRIVATE CAR;**

- ii **PROMOTING A TRANSPORT NETWORK ON WHICH IT IS SAFE TO TRAVEL AND WHICH CAUSES MINIMAL DISTURBANCE THROUGH DANGER, NOISE AND AIR POLLUTION; AND**
- iii **CO-ORDINATING LAND USE CHANGE WITH TRANSPORT PROVISION SO AS TO MINIMISE THE NEED TO TRAVEL AND LOCATING NEW DEVELOPMENT WHERE IT CAN BEST BE SERVED BY PUBLIC TRANSPORT AND WHERE IT MINIMISES THE NEED FOR EXPANSION OF THE HIGHWAY NETWORK.**

Derelict and Neglected Land (chapter 9)

DL1 DERELICT AND NEGLECTED LAND WILL BE BROUGHT INTO BENEFICIAL USE TO ASSIST IN THE REGENERATION OF THE DISTRICT

Business and Industry (chapter 10)

B1 THE EMPLOYMENT NEEDS OF THE DISTRICT WILL BE MET BY:

- i **PROVIDING LAND TO ACCOMMODATE THE REQUIREMENTS OF EXISTING KIRKLEES BUSINESSES AND THE ESTABLISHMENT OF NEW BUSINESSES;**
- ii **MAINTAINING THE STOCK OF ESTABLISHED BUSINESS AND INDUSTRIAL PREMISES AND SITES, EXCEPT WHERE THIS WOULD LEAD TO ENVIRONMENTAL PROBLEMS, OR WHERE THEY ARE UNSUITABLE FOR BUSINESS AND INDUSTRIAL USE OR THERE IS NO REALISTIC PROSPECT OF RE-USE OR REDEVELOPMENT FOR SUCH PURPOSES;**
- iii **ACCOMMODATING THE EXTENSION OF BUSINESS PREMISES EXCEPT WHERE THERE WOULD BE ADVERSE ENVIRONMENTAL IMPACT;**
- iv **PROVIDING FOR OFFICE USES TO BE ESTABLISHED PARTICULARLY IN TOWN CENTRES AND OLDER INDUSTRIAL AREAS;**
- v **ACCOMMODATING WORKING FROM HOME;**
- vi **PROMOTING TOURISM; AND**
- vii **ACCOMMODATING AGRICULTURAL DEVELOPMENT AND DIVERSIFICATION OF THE RURAL ECONOMY.**

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Housing (chapter 11)

H1 THE HOUSING NEEDS OF THE DISTRICT WILL BE MET BY:

- i IMPROVING EXISTING HOUSING PARTICULARLY THROUGH THE DESIGNATION OF RENEWAL AREAS AND AREAS FOR HOUSING IMPROVEMENT;**
- ii PROVIDING LAND TO MEET THE REQUIREMENT FOR A RANGE OF HOUSE TYPES BY ALLOCATING SITES OF VARIOUS SIZES AND IN DIFFERENT TYPES OF LOCATIONS HAVING REGARD TO LOCAL PATTERNS OF DEMAND;**
- iii THE PROVISION OF HOUSES AFFORDABLE TO THOSE LEAST ABLE TO COMPETE IN THE HOUSING MARKET; AND**
- iv APPLYING APPROPRIATE PLANNING STANDARDS FOR HOUSES IN MULTIPLE OCCUPATION AND RESIDENTIAL HOMES FOR THE ELDERLY.**

Community Facilities (chapter 12)

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

Shopping and Service Uses (chapter 13)

S1 TOWN CENTRES AND LOCAL CENTRES WILL REMAIN THE FOCUS OF SHOPPING, COMMERCIAL CULTURAL AND SOCIAL ACTIVITY AND PRIORITY LOCATIONS FOR ENVIRONMENTAL IMPROVEMENT.

Recreation (chapter 14)

R1 PROPOSALS FOR THE DEVELOPMENT OF NEW RECREATIONAL FACILITIES SHOULD TAKE ACCOUNT OF:

- i THE NEED TO BE ACCESSIBLE TO ALL SECTORS OF THE COMMUNITY; AND**
- ii THE EFFECT ON THE LOCAL ENVIRONMENT.**

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KIRKLEES UNITARY DEVELOPMENT PLAN

2. THE DEVELOPMENT FRAMEWORK

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2.3 LAND WITHOUT NOTATION ON THE PROPOSALS MAP

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2.11 Urban Greenspace

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2.30 GREEN BELT

2.34 Outdoor Sport and Outdoor Recreation in the Green Belt

2.38 The Extension of Buildings in the Green Belt

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2.44 Infill Development in the Green Belt

2.45 The Extension of Domestic Gardens into the Green Belt

2.47 Storthes Hall University Site

2. THE DEVELOPMENT FRAMEWORK

STRATEGY

- 2.1 The main function of the plan is to reconcile conflicts between the need for development, including the provision of infrastructure, and the need to protect the built and natural environment. In order to work towards the reconciliation of such conflicts a development framework is required. This defines where development can and cannot be accepted if open land within towns and the countryside around towns are to continue to provide the benefits of visual amenity, opportunities for recreation and habitats for wildlife and to contribute to a sense of place.

D1 DEVELOPMENT PROPOSALS WHICH WOULD LEAD TO A LOSS OF VALUABLE OPEN LAND WITHIN TOWNS OR OF OPEN COUNTRYSIDE WILL NOT NORMALLY BE PERMITTED.

- 2.2 The development framework is based on the policies set out in this chapter together with the provision made in the plan for specific types of development, principally the allocations for housing and business and industry which are shown on the proposals map. Within the built-up areas undeveloped land is either subject to a general policy which applies where there is no specific notation on the proposals map, or to specific urban open land policies. The countryside, and especially undeveloped land between settlements, is protected by green belt policies which are based on a general presumption against inappropriate development.

LAND WITHOUT NOTATION ON THE PROPOSALS MAP

- 2.3 Large parts of the urban areas are not subject to notation on the proposals map principally because comprehensive zoning is considered to impose too much rigidity on the plan, especially as it is clearly not possible to anticipate where proposals for the redevelopment or change of use of property will occur. However, absence of notation does not mean that no policies will be applicable to development proposals which might arise in these areas. There are non site specific policies relating to types of location such as residential areas and to types of development such as house extensions or change of use of houses to business use. Nevertheless, there will be many development proposals to which no specific policy applies. These proposals will need to be determined on their merits taking into account the general considerations which underlie the policies in the plan and the allocations on the proposals map.
- 2.4 Proposed development to which no specific policy applies will need to fit in with the plan's proposals for other land to avoid prejudicing their implementation and thereby frustrating the objectives of the plan. In this context the proposal will itself need to avoid contributing to the over-development of built-up areas (sometimes referred to as "town cramming") and the unnecessary use of energy through encouraging greater car usage. It will also need to avoid detriment to highway safety, residential and visual amenity, the character of the surroundings and wildlife interests. The overloading of infrastructure,

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such as drainage, will also need to be avoided. Finally, as with any planning application, the Council may take into account any other material planning consideration, defined in PPG1 as any consideration which relates to the use and development of land and can fairly be related to the application concerned.

D2 PLANNING PERMISSION FOR THE DEVELOPMENT (INCLUDING CHANGE OF USE) OF LAND AND BUILDINGS WITHOUT NOTATION ON THE PROPOSALS MAP, AND NOT SUBJECT TO SPECIFIC POLICIES IN THE PLAN, WILL BE GRANTED PROVIDED THAT PROPOSALS DO NOT PREJUDICE:

- i THE IMPLEMENTATION OF PROPOSALS IN THE PLAN;**
- ii THE AVOIDANCE OF OVER-DEVELOPMENT;**
- iii THE CONSERVATION OF ENERGY;**
- iv HIGHWAY SAFETY;**
- v RESIDENTIAL AMENITY;**
- vi VISUAL AMENITY;**
- vii THE CHARACTER OF THE SURROUNDINGS;**
- viii WILDLIFE INTERESTS; AND**
- ix THE EFFICIENT OPERATION OF EXISTING AND PLANNED INFRASTRUCTURE.**

URBAN OPEN LAND

- 2.5 Undeveloped land not included in the green belt and not allocated for development constitutes 'urban open land'. This takes a number of forms: parks and other public open space, playing fields, allotments, unused land, and agricultural land (usually grazing land). Private gardens and land which constitutes the grounds of large buildings such as factories, offices and hospitals are not included as urban open land because they form amenity and operational space ancillary to residential, industrial and other uses. However, the grounds of schools and colleges have been included as urban open land where they contain playing fields because these represent an extensive and valuable open land resource.
- 2.6 Some urban open land contains buildings; these are mainly in school grounds, but parks and sports grounds may contain pavilions and changing rooms and land in agricultural use may contain farm buildings and scattered dwellings. Most of the urban open land identified in the District is in public ownership, with about 36% privately owned. Much, but by no means all, urban open land has public right of access.

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- 2.7 Urban open land fulfils several valuable functions enhancing the quality of life in urban areas. It contributes to the character and visual amenity of many built-up areas, it provides opportunities for recreation and outdoor sport close to where people live and it provides a range of habitats supporting plants and animals.
- 2.8 Some types of urban open land have more value in these terms than others; for example, areas of woodland are likely to be more significant in terms of visual amenity and habitat value than open grassland. However, grass playing fields are important for outdoor sport. Some land with little intrinsic quality may be of value simply because there is no other undeveloped land in the vicinity.
- 2.9 All urban open land sites in excess of 0.4 hectares throughout the District have been assessed to determine their relative value in terms of the factors outlined in paragraph 2.7. On the basis of this assessment most of these sites have been designated either as urban greenspace or provisional open land. Some urban open land sites do not fall into either of the above categories because they are of low value as open land. As they also tend to have little potential for development because of location, slope, access problems or other reasons it is not appropriate to allocate them for a specific use, and they are without notation on the proposals map. Therefore, should development proposals be forthcoming on any of these sites policy D2 will apply. (All areas of urban open land less than 0.4 hectares in extent are also without notation on the proposals map and are similarly covered by policy D2.) Particular considerations apply to some types of urban open land, namely public open space, private playing fields and allotments.¹
- 2.10 The amounts of urban open land designated as urban greenspace and provisional open land and without notation are shown in figure D1 and compared with the area of green belt and the amount of land committed to development.

Figure D1 Policy breakdown of the plan area	Hectares	%	%
a. Total plan area (i.e. Kirklees excluding area within national park)	36398	100	-
b. Area subject to green belt policy	25718	71	-
c. (=a-b) Non-green belt area, i.e. "urban area"	10680	29	100
d. Area subject to urban greenspace policy	1577	4	15
e. Area subject to provisional open land policy	332	1	3
f. Urban open land sites in excess of 0.4 hectares without policy notation	141	-	1
g. Land allocated for development	681	2	6
h. (=c-(d+e+f+g)) "Built up area". (including areas of urban open land less than 0.4 hectares in extent).	7949	22	74

¹ See policies R7A and R9

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Urban Greenspace

- 2.11 Those areas of urban open land of identifiable value, irrespective of ownership, are shown on the proposals map as urban greenspace. All areas of public open space and school grounds containing playing fields, in excess of 0.4 hectares, are included in this designation. The total area shown as urban greenspace amounts to almost 1600 hectares or some 15% of the land in Kirklees not covered by green belt. In order to safeguard these sites it will be appropriate to resist development proposals except those which would maintain or enhance a site's value as open land. Proposals of this nature would involve development such as the provision of changing facilities within an area of playing fields or the establishment of a play area within an area of grazing land. Clearly, any development which can be accepted in these terms will need to be carefully conditioned to ensure that it does not prejudice the amenity or ecological value of the site or its use for sport and recreation.
- 2.12 Exceptionally, there may be a case for areas within designated urban greenspace to be released for development not associated with open land uses where it can be shown that the proposed development would result in a specific benefit to the community. The community benefit might take the form of improved school accommodation or sport, recreation, health or social facilities. The development providing the community benefit would not necessarily be located within the greenspace; other types of development may be acceptable within the greenspace provided that it enabled the community benefit to be realised. Usually, only small parts of areas designated as urban greenspace should be considered for development because one of the main functions of urban greenspace is to safeguard the balance within urban areas between the amount of land which is built-up and the amount of open land. It would also need to be demonstrated that the functions of the urban greenspace concerned (for example, providing for sport and recreation) and its quality (for example, as represented by important landscape features) could be maintained.
- 2.12a It may be that development proposals come forward which include alternative urban greenspace provision, for example, the relocation of a playing field to enable a housing development to take place. Where the alternative provision can be demonstrated to be genuinely equivalent in both quantitative and qualitative terms to what currently exists the proposal will be acceptable. However, in the case of the relocation of a playing field or an area for informal recreation the alternative provision will not be considered to be equivalent if current users would be significantly inconvenienced by the need to travel a greater distance to the new location.

D3 ON SITES DESIGNATED AS URBAN GREENSPACE PLANNING PERMISSION WILL NOT BE GRANTED UNLESS THE DEVELOPMENT PROPOSED:

- i IS NECESSARY FOR THE CONTINUATION OR ENHANCEMENT OF ESTABLISHED USES OR INVOLVES CHANGE OF USE TO**

ALTERNATIVE OPEN LAND USES, OR WOULD RESULT IN A SPECIFIC COMMUNITY BENEFIT, AND, IN ALL CASES, WILL PROTECT VISUAL AMENITY, WILDLIFE VALUE AND OPPORTUNITIES FOR SPORT AND RECREATION; OR

- ii INCLUDES ALTERNATIVE PROVISION OF URBAN GREENSPACE EQUIVALENT IN BOTH QUANTITATIVE AND QUALITATIVE TERMS TO THAT WHICH WOULD BE DEVELOPED AND REASONABLY ACCESSIBLE TO EXISTING USERS.**

2.13 Some areas of urban greenspace contain buildings, usually school premises set within playing fields. Factors such as school reorganisation may render these buildings partly or wholly redundant. In these circumstances a change of use or redevelopment to accommodate purposes not associated with open land uses will be appropriate, provided that the use and quality of the associated open land could be safeguarded or enhanced. It would not, therefore, normally be appropriate to increase significantly the area covered by buildings or car parking.

D4 THE CHANGE OF USE OR REDEVELOPMENT OF REDUNDANT BUILDINGS LOCATED WITHIN DESIGNATED URBAN GREENSPACE FOR PURPOSES NOT ASSOCIATED WITH OPEN LAND USES WILL NORMALLY BE PERMITTED PROVIDED THAT THE USE AND QUALITY OF THE ASSOCIATED OPEN LAND WILL BE SAFEGUARDED.

2.14 As urban greenspace includes the most important urban open land it will also be appropriate for such resources and means as the Council may have for the acquisition and improvement of open land for public enjoyment to be directed to these areas.

Provisional Open Land

2.15 Urban open land sites assessed as having less quality than those designated as urban greenspace but nevertheless having identifiable value as open land are designated as provisional open land. These sites are also judged to be capable of development either now or when new infrastructure such as roads and sewers can be provided. The aim of the provisional open land designation is to maintain the character of the land so designated at least during the period until the plan is reviewed when it will be considered for allocation for development.

2.16 Reviews of the plan are required at least every 5 years. The reassessment of provisional open land will involve determining for each site whether in the prevailing circumstances there is a case for releasing some or all of the land for development, or whether it should be maintained as provisional open land until the next review of the plan. Reallocation of provisional open land as green belt or urban greenspace will occur only in exceptional circumstances.

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- 2.17 It is intended that there will be an early review of the plan in the context provided by updated regional planning guidance which will take into account the latest population projections. The review will follow the guidance in PPG2 concerning safeguarded land, so that, exceptionally, some land may be removed from the provisional open land designation because it is unfavourably located in terms of achieving sustainable development.
- 2.18 In view of the function of POL and its value as open land, development will generally not be appropriate. However, it is recognised that some forms of development will not prejudice the function and value of the land and may also help to ensure that the land is properly looked after. It will therefore be appropriate to permit development required in connection with established uses, or change of use to an alternative open land use or to temporary uses which would not prejudice the possibility of development after the plan is reviewed, nor be detrimental to the character of the site and its surroundings.

D5 ON SITES DESIGNATED AS PROVISIONAL OPEN LAND PLANNING PERMISSION WILL NOT BE GRANTED OTHER THAN FOR DEVELOPMENT REQUIRED IN CONNECTION WITH ESTABLISHED USES, CHANGES OF USE TO ALTERNATIVE OPEN LAND USES OR TEMPORARY USES WHICH WOULD NOT PREJUDICE THE CONTRIBUTION OF THE SITE TO THE CHARACTER OF ITS SURROUNDINGS AND THE POSSIBILITY OF DEVELOPMENT IN THE LONGER TERM.

Green Corridors

- 2.19 Contiguous areas of urban open land and those which are linked by features such as watercourses, railways (used or disused) or treelined routes, provide "green corridors". The identification of these corridors is based primarily on their value as habitats enabling plants and animals to exist and thrive within the urban area. There is no standard width to a green corridor; they can vary between the width of a stream to the full extent of an area of open land through which a corridor feature such as a stream or disused railway passes. There is evidence that a corridor framework increases the viability of wildlife in urban areas by avoiding fragmentation and isolation of habitats and, clearly, such a framework will enable a closer integration of semi-natural and built environment, improving the quality of urban life.
- 2.20 The benefits of green corridors are not confined to habitat protection and potential opportunities for wildlife movement through the urban area. Green corridors provide visual breaks giving character and identity to built-up areas. The presence of vegetation, particularly trees, in green corridors can help to regulate the local climatic harshness which is a feature of urban areas and can ameliorate pollution by trapping dust, absorbing some air pollutants and noise and screening industrial or commercial areas which are visually intrusive or brightly lit.

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- 2.21 The corridors themselves can enable people to walk or possibly cycle through urban areas in unpolluted and uncongested surroundings. There are also opportunities to observe wildlife which provide educational and recreational benefits within urban areas rather than being confined to the relatively remote urban periphery. Public access is therefore the second key factor in establishing green corridors although it will not be appropriate where there would be detriment to wildlife interests.
- 2.22 Watercourses with undeveloped margins and woodlands are potentially the most valuable elements in green corridors. However, even playing fields or grazing land, which provide little habitat value, can be significant as physical links in a corridor across which human and animal movement can occur and footpaths could be provided, and around which planting could be carried out.
- 2.23 Canals and larger watercourses have not been designated as green corridors. While they undoubtedly function as green corridors over parts of their length they also have special characteristics which merit a specific policy approach.² They can, however, be considered to be a significant element in the emerging green corridor network.
- 2.24 Green corridors are shown on the proposals map. Where a green corridor follows a watercourse or a railway formation and a corridor boundary is not represented it is taken to be the "outside" of the margin of the watercourse or railway formation. Where green corridors pass through areas designated as urban greenspace and provisional open land or land allocated for development the line of the corridor is indicative only. A definitive boundary is not necessary because any development proposed within these areas must be considered in the context of the whole site; where a green corridor is shown within the site the development proposal will need to be considered in the light of policy D6. The corridor notation within areas of urban greenspace and provisional open land is intended to ensure that these areas are maintained as links in a green corridor. Within sites allocated for development provision will need to be made to maintain a green corridor along the line indicated or a suitable alternative line which will ensure the continuity of the corridor. Briefs prepared by the Council for the development of allocated land will provide guidance on appropriate treatment of green corridors.
- 2.25 The edges of green corridors tend to be vulnerable to the adverse effects of adjoining land uses. For example, noise and disturbance from industry can reduce the habitat value of an adjoining corridor edge. It will therefore be appropriate to apply policy D6 to development proposed not only for land within a corridor but also for land adjoining the corridor. In the latter case, however, measures required to safeguard the corridor will be likely to be less extensive than those required in respect of development within the corridor.

² See policies R18 and R19

- 2.25a Some green corridors are shown on the proposals map without defined boundaries. In these cases the definition of "adjoining land" is as follows:

where green corridors are shown following watercourses or railway formations the adjoining land is that which borders the identifiable margin of the watercourse or limit of the railway formation;

where green corridors pass through urban greenspace, provisional open land or land allocated for development the adjoining land is the area defined by the boundary of the urban greenspace, provisional open land or allocation.

D6 DEVELOPMENT PROPOSALS INVOLVING LAND WITHIN OR ADJOINING A GREEN CORRIDOR WILL BE CONSIDERED IN TERMS OF THEIR IMPACT ON:

- i PLANTS WITHIN THE GREEN CORRIDOR AND ANIMALS USING IT;**
- ii ANY WATERCOURSE, WATER AREA OR WETLAND WITHIN THE GREEN CORRIDOR;**
- iii THE VISUAL QUALITY OF THE GREEN CORRIDOR;**
- iv PUBLIC ACCESS ALONG THE GREEN CORRIDOR; AND**
- v THE PHYSICAL CONTINUITY OF THE GREEN CORRIDOR.**

PLANNING PERMISSION WILL NOT NORMALLY BE GRANTED UNLESS IT CAN BE DEMONSTRATED THAT THE GREEN CORRIDOR WILL BE SAFEGUARDED OR AN ALTERNATIVE GREEN CORRIDOR WILL BE ESTABLISHED AND THAT THERE WILL BE NO DETRIMENT TO WILDLIFE OR RESTRICTION TO PUBLIC ACCESS.

- 2.26 Wherever development is proposed which would affect a green corridor the Council may seek agreement with the applicant to incorporate as part of the development measures to enhance the quality of the corridor. These might involve planting specific tree or shrub species, creating water areas or providing footpath or cycle links.

- 2.27 The proposals map also identifies breaks in green corridors where there is no obvious corridor feature or area of undeveloped land. The provision of a physical link such as a footpath or planted area which would narrow or close the gap would increase the continuity of the corridor. Should a development proposal be made for land in a gap identified on the proposals map it will be appropriate to seek to secure measures which would help to bridge the gap.

D7 DEVELOPMENT PROPOSALS INVOLVING LAND WITHIN A GREEN CORRIDOR GAP IDENTIFIED ON THE PROPOSALS MAP SHOULD INCLUDE MEASURES WHICH WOULD HELP TO ESTABLISH THE CONTINUITY OF THE GREEN CORRIDOR.

- 2.28 While the control of development is a significant means of protecting and, in some cases, enhancing green corridors, the Council and other owners of land within green corridors can achieve similar or greater protection and enhancement by their management practices. The Council can take a lead in this by adopting appropriate management practices on its own land and encouraging other landowners to take similar action.
- 2.29 Green corridors are intended to secure environmental protection and enhancement in the face of urban development pressures and are therefore not defined within the green belt where there is a presumption against inappropriate development. Nevertheless, the concept of the corridor has a role to play in the countryside where habitats are under threat from some land uses and forms of land management. Therefore wildlife corridors exhibiting a range of habitats have been defined where development proposals will be expected to include specific provision for the safeguarding of nature conservation interests.³

GREEN BELT

- 2.30 Areas in Kirklees to which green belt policies apply were first defined in the West Riding County Development Plan and Town Maps prepared in the 1960's. The West Yorkshire Structure Plan, approved in 1980, confirmed the general area of the green belt in the District and subsequently local plans identified detailed boundaries which in places are different from those originally defined in the County Development Plan and Town Maps.
- 2.31 PPG2 states that the essential characteristic of green belts is their permanence and requires that their protection must be maintained as far as can be seen ahead. It is therefore important when deciding on green belt boundaries that they are drawn so that provision is made for the accommodation of development over the long term. However, Strategic Guidance precludes a review of existing green belt boundaries established in local plans except where regeneration is constrained by a lack of suitable employment sites. The local plan green belt boundaries have only been altered where necessary to accommodate new allocations for business and industry. PPG2 also states that landscape quality is not a material factor in the designation or continued protection of the green belt.
- 2.32 The purposes of the green belt in West Yorkshire have been defined by the Secretary of State in Strategic Guidance as:
- regulating the growth of urban areas,
 - preventing the coalescence of settlements,

³ See Chapter 3 paragraphs 3.9 – 3.12

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- preserving the open land that extends into the urban area for recreational and amenity use,
- providing for easy access to open country, and
- assisting in the process of urban regeneration.

Within the green belt there is therefore a presumption against development which is inappropriate to the attainment of these purposes. PPG2 sets out types of development which are not inappropriate within the green belt, reflecting both established uses typically to be found within the areas which are designated as green belt, and the need to maintain an open character which is the key feature which must be maintained if the green belt is to function successfully. Although some development will be appropriate within the green belt it will be important that it is not detrimental to visual amenity because this would be undesirable and could be prejudicial to the achievement of the purposes of the green belt.

~~D8 — WITHIN THE GREEN BELT, EXCEPT IN VERY SPECIAL CIRCUMSTANCES TO BE DEMONSTRATED BY APPLICANTS, PLANNING PERMISSION WILL NOT BE GRANTED FOR INAPPROPRIATE DEVELOPMENT, IE:~~

~~i — THE CONSTRUCTION OF NEW BUILDINGS OTHER THAN FOR AGRICULTURE AND FORESTRY, ESSENTIAL FACILITIES FOR OUTDOOR SPORT AND OUTDOOR RECREATION, LIMITED AFFORDABLE HOUSING WHICH COMPLIES WITH POLICY H11, CEMETERIES AND OTHER USES OF LAND WHICH PRESERVE THE OPENNESS OF THE GREEN BELT AND DO NOT CONFLICT WITH THE PURPOSES OF INCLUDING LAND WITHIN IT, NAMELY :~~

~~REGULATING THE GROWTH OF URBAN AREAS;~~

~~PREVENTING THE COALESCENCE OF SETTLEMENTS;~~

~~PRESERVING THE OPEN LAND THAT EXTENDS INTO THE URBAN AREA FOR RECREATIONAL AND AMENITY USE;~~

~~PROVIDING FOR EASY ACCESS TO OPEN COUNTRY; AND~~

~~ASSISTING IN THE PROCESS OF URBAN REGENERATION; —~~

~~AND~~

~~ii — THE CARRYING OUT OF ENGINEERING AND OTHER OPERATIONS AND CHANGES OF USE UNLESS THEY MAINTAIN THE OPENNESS OF THE GREEN BELT AND DO NOT CONFLICT WITH THE PURPOSES OF INCLUDING LAND WITHIN IT (SET OUT IN i ABOVE).~~

~~**DEVELOPMENT WHICH IS APPROPRIATE SHOULD NOT DETRACT FROM THE VISUAL AMENITY OF THE GREEN BELT BY REASON OF SITING, MATERIALS OR DESIGN.**~~

Policy D8 was not saved because PPG2 covers what constitutes inappropriate development in the green belt, the relevant text of which follows:-⁴

Planning Policy Guidance 2: Green Belts (PPG2)

3. Control Over Development

Presumption against inappropriate development

para 3.1 The general policies controlling development in the countryside apply with equal force in Green Belts but there is, in addition, a general presumption against inappropriate development within them. Such development should not be approved, except in very special circumstances. See paragraphs 3.4, 3.8, 3.11 and 3.12 below as to development which is inappropriate.

para 3.2 Inappropriate development is, by definition, harmful to the Green Belt. It is for the applicant to show why permission should be granted. Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. In view of the presumption against inappropriate development, the Secretary of State will attach substantial weight to the harm to the Green Belt when considering any planning application or appeal concerning such development.

para 3.3 Green Belt policies in development plans should ensure that any planning applications for inappropriate development would not be in accord with the plan. These exceptional cases would thus be treated as departures from the development plan, to be referred to the Secretary of State under the Town and Country Planning (Green Belt) Direction 2005.

New buildings

para 3.4 The construction of new buildings inside a Green Belt is inappropriate

⁴ 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.

unless it is for the following purposes:

- *agriculture and forestry (unless permitted development rights have been withdrawn - see paragraph D2 of Annex D) (set out under replacement guidance for UDP policy D12);*
- *essential facilities for outdoor sport and outdoor recreation, for cemeteries, and for other uses of land which preserve the openness of the Green Belt and which do not conflict with the purposes of including land in it (see paragraph 3.5 below);*
- *limited extension, alteration or replacement of existing dwellings (subject to paragraph 3.6 below);*
- *limited infilling in existing villages (under the circumstances described in the box following paragraph 2.11), and limited affordable housing for local community needs under development plan policies according with PPG3 (now PPS3) (see Annex E, and the box following paragraph 2.11); or*
- *limited infilling or redevelopment of major existing developed sites identified in adopted local plans, which meets the criteria in paragraph C3 or C4 of Annex C.*

para 3.5 Essential facilities (see second indent of paragraph 3.4) should be genuinely required for uses of land which preserve the openness of the Green Belt and do not conflict with the purposes of including land in it. Possible examples of such facilities include small changing rooms or unobtrusive spectator accommodation for outdoor sport, or small stables for outdoor sport and outdoor recreation.

*para 3.6 Provided that it does not result in disproportionate additions over and above the size of the **original** building, the extension or alteration of dwellings is not inappropriate in Green Belts. The replacement of existing dwellings need not be inappropriate, providing the new dwelling is not materially larger than the dwelling it replaces. Development plans should make clear the approach local planning authorities will take, including the circumstances (if any) under which replacement dwellings are acceptable.*

Re-use of buildings

para 3.7 With suitable safeguards, the re-use of buildings should not prejudice the openness of Green Belts, since the buildings are already there. It can help to secure the continuing stewardship of land, especially by assisting farmers in diversifying their enterprises, and may contribute to the objectives for the use of land in Green Belts. The alternative to re-use may be a building that is left vacant and prone to vandalism and dereliction.

para 3.8 The re-use of buildings inside a Green Belt is not inappropriate development providing:

- (a) it does not have a materially greater impact than the present use on the openness of the Green Belt and the purposes of including land in it;*
- (b) strict control is exercised over the extension of re-used buildings, and over any associated uses of land surrounding the building which might conflict with the openness of the Green Belt and the purposes of including land in it (e.g. because they involve extensive external storage, or extensive hardstanding, car parking, boundary walling or fencing);*
- (c) the buildings are of permanent and substantial construction, and are capable of conversion without major or complete reconstruction; and*
- (d) the form, bulk and general design of the buildings are in keeping with their surroundings.* (Conversion proposals may be more acceptable if they respect local building styles and materials, though the use of equivalent natural materials that are not local should not be ruled out).*

* Footnote to PPG2 explains that if a planning application is submitted for the re-use of a building which the local planning authority considers has a significant adverse effect on the landscape in terms of visual amenity, it may be appropriate in connection with any proposed structural changes to impose conditions to secure an improvement in the external appearance of the building.

Planning Policy Guidance 2: Green Belts (PPG2)

Mining operations, and other development

para 3.11 Minerals can be worked only where they are found. Their extraction is a temporary activity. Mineral extraction need not be inappropriate development: it need not conflict with the purposes of including land in Green Belts, provided that high environmental standards are maintained and that the site is well restored. Mineral and local planning authorities should include appropriate policies in their development plans. Mineral planning authorities should ensure that planning conditions for mineral working sites within Green Belts achieve suitable environmental standards and restoration. Relevant advice is in MPG2 and MPG7. Paragraph 3.13 below is also relevant to mineral extraction.

para 3.12 The statutory definition of development includes engineering and

other operations, and the making of any material change in the use of land. The carrying out of such operations and the making of material changes in the use of land are inappropriate development unless they maintain openness and do not conflict with the purposes of including land in the Green Belt. (Advice on material changes in the use of buildings is given in paragraph 3.8 above).

Land use objectives

para 3.13 When any large-scale development or redevelopment of land occurs in the Green Belt (including mineral extraction, the tipping of waste, and road and other infrastructure developments or improvements), it should, so far as possible contribute to the achievement of the objectives for the use of land in Green Belts (see paragraph 1.6). This approach applies to large-scale developments irrespective of whether they are appropriate development, or inappropriate development which is justified by very special circumstances. Development plans should make clear the local planning authority's intended approach.*

* Footnote to PPG2 refers to C4 of Annex C regarding the redevelopment of major developed sites, which states the following:-

Planning Policy Guidance 2: Green Belts (PPG2)

Annex C

Redevelopment

C4 *Whether they are redundant or in continuing use, the complete or partial redevelopment of major developed sites may offer the opportunity for environmental improvement without adding to their impact on the openness of the Green Belt and the purposes of including land within it. Where this is the case, local planning authorities may in their development plans identify the site, setting out a policy for its future redevelopment. They should consider preparing a site brief. Redevelopment should :*

- (a) have no greater impact than the existing development on the openness of the Green Belt and the purposes of including land in it, and where possible have less;*
- (b) contribute to the achievement of the objectives for the use of land in Green Belts (paragraph 1.6 - see also paragraph 3.13);*
- (c) not exceed the height of the existing buildings; and*

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(d) not occupy a larger area of the site than the existing buildings (unless this would achieve a reduction in height which would benefit visual amenity).

2.32a PPG2 also indicates that limited extension of buildings and limited infilling will be appropriate in the green belt.⁵

2.32b Any planning application for inappropriate development in the green belt will be treated as a departure from the plan and will be referred to the Secretary of State.

2.32c In addition to defining the purposes of including land in green belts PPG2 also sets out objectives for the use of land within them as follows:

- to provide opportunities for access to the open countryside for the urban population;
- to provide opportunities for outdoor sport and outdoor recreation near urban areas;
- to retain attractive landscapes, and enhance landscapes, near to where people live;
- to improve damaged and derelict land around towns;
- to secure nature conservation interest; and
- to retain land in agricultural, forestry and related uses.

2.32d PPG2 also advises that when any large scale development or redevelopment including mineral extraction, waste disposal or road building, occurs in the green belt it should "so far as possible, contribute to the objectives for the use of land in green belts". Therefore when the Council is mindful to grant planning permission for large scale development or redevelopment in the green belt or has the opportunity to comment on road proposals or other development which is the responsibility of other agencies, it will investigate the opportunities afforded by the proposal to secure some or all of the defined objectives. In particular the Council will seek the restoration of derelict land, and additional tree planting and other measures to enhance wildlife habitats. In cases where the Council is empowered to grant planning permission the attainment of land use objectives will be secured, where practical, through conditions, or alternatively will be sought through legal agreements.

[PARAGRAPH 2.33 AND POLICY D9 DELETED]

⁵ See policies D11 and D13

Outdoor Sport and Outdoor Recreation in the Green Belt

- 2.34 Outdoor sport and outdoor recreation are appropriate uses within the green belt. In order to accommodate such uses a degree of built accommodation may be proposed, for example, changing rooms or storage for maintenance equipment, in addition to the laying out of pitches or courses. As the principal objective of green belt policy is to maintain an open character by preventing development it follows that any new building, or parking areas, associated with an appropriate green belt use should be no more than is genuinely required to enable that use to be carried on. Even then the consequent impact on the green belt may render a proposal unacceptable. Clearly, it will be preferable if an existing building can be converted to provide the accommodation required. Provision of accommodation for spectators, including car parking, should be unobtrusive and will not be acceptable where it would create a significant and essentially urban element in the landscape as this would be prejudicial to maintaining the open character of the green belt.
- 2.35 In order to accommodate proposals for outdoor sport or recreation the highway access will need to have adequate capacity. If road improvements are necessary it will be important that these do not create a visual element prejudicial to the aim of maintaining an open character.
- 2.36 The sporting or recreational use and associated development will also need to be assimilated without detriment to the landscape, trees or wildlife interests or to established recreational opportunities, such as public rights of way and access areas, all of which are important elements in the green belt. Where the establishment of the new use can bring about positive environmental gains through the restoration of derelict or degraded land, or improvements to the landscape and wildlife opportunities, the essential character of the green belt will be enhanced.
- 2.37 The sporting activity to be accommodated, by its nature and intensity, may be unacceptable in some locations because the noise and other disturbance it would generate, both on site and on the road network leading to the site, would be harmful to the amenity of local residents or people visiting the area for recreation.

D10 IN THE GREEN BELT PROPOSALS FOR OUTDOOR SPORT AND OUTDOOR RECREATION, INCLUDING RELATED FACILITIES, WILL BE CONSIDERED HAVING REGARD TO:

- i THE SCALE AND SITING OF ANY ANCILLARY BUILDINGS, SPECTATOR ACCOMMODATION, ACCESS ROADS AND PARKING AREAS WHICH SHOULD NOT EXCEED WHAT IS ESSENTIAL FOR THE SPORTING OR RECREATIONAL ACTIVITIES PROPOSED;**
- ii THE EFFECT ON THE LANDSCAPE, TREES OR WOODLAND, WILDLIFE OR THE ENJOYMENT OF ANY PUBLIC RIGHT OF WAY OR ACCESS AREA; AND**
- iii THE LEVEL OF TRAFFIC MOVEMENT, NOISE AND OTHER DISTURBANCE WHICH WOULD BE GENERATED.**

The Extension of Buildings in the Green Belt

2.38 The open character of the green belt can be maintained primarily by preventing the growth of built development. However, there are many buildings within the green belt, a large proportion of which are old and likely to be unsuitable to modern requirements, although this may be true of buildings of any age. One means by which they can be adapted to meet current needs is by extension. If building extensions are to be accepted in the green belt it is essential that they should neither prejudice its open character nor be discordant in themselves or in relation to the host building. Consequently they should normally be small in relation to the existing building and designed to harmonise with it. This will avoid detriment to the established character of the area. This consideration will be especially relevant when an extension is proposed to a building which has already been extended.

D11 PROPOSALS FOR THE EXTENSION OF BUILDINGS WITHIN THE GREEN BELT WILL BE CONSIDERED HAVING REGARD TO:

i THE IMPACT ON THE OPENNESS AND CHARACTER OF THE GREEN BELT;

ii THE SIZE OF THE EXTENSION IN RELATION TO THE EXISTING BUILDING WHICH SHOULD REMAIN THE DOMINANT ELEMENT;

AND, IN THE CASE OF TRADITIONAL BUILDINGS,

iii THE EFFECT ON THE CHARACTER OF THE EXISTING BUILDING.

IN THE CASE OF PROPOSALS TO EXTEND BUILDINGS WHICH HAVE ALREADY BEEN EXTENDED THE PROPOSAL SHOULD HAVE REGARD TO THE SCALE AND CHARACTER OF THE ORIGINAL PART OF THE BUILDING.

The Re-use of Buildings in the Green Belt

2.39 Buildings in the green belt which are unused represent a wasted resource and can be eyesores. Therefore, provided that proposals will not prejudice the openness and visual amenity of the green belt, the re-use of such buildings will be beneficial, especially where this assists the diversification of the rural economy, provides a community facility, secures the future of worthwhile buildings or enhances landscape quality. Nevertheless, proposals involving buildings with an existing use for business and industry will also be subject to policy B4 to ensure that potential benefits to local economic activity are not lost by the acceptance of other uses for these buildings.

2.40 However, given that the most important attribute of the green belt is its openness, it will not be appropriate to permit the re-creation of buildings which have virtually fallen down, or the permanent re-use of temporary buildings.

- 2.41 The re-use of buildings may involve the construction of parking areas or vehicle accessways, or the widening and up-grading of existing tracks. Such development will not be appropriate where there would be adverse consequences for visual amenity or the character of the surrounding area.

~~**D12 PROPOSALS FOR THE RE-USE OF BUILDINGS IN THE GREEN BELT WILL BE CONSIDERED HAVING REGARD TO:**~~

- ~~**i THE DEGREE OF COMPLETENESS AND THE PERMANENCE OF THE BUILDINGS AND THE EXTENT OF DEMOLITION AND REBUILDING INVOLVED; AND**~~
- ~~**ii THE EFFECT OF THE PROPOSAL ON THE OPENNESS OF THE GREEN BELT, THE CHARACTER OF THE AREA, VISUAL AMENITY, LANDSCAPE AND WILDLIFE.**~~

Policy D12 was not saved because PPG2 provides detailed advice on the re-use of buildings in the green belt, the relevant text of which follows:-⁶

<p><i>Planning Policy Guidance 2: Green Belts (PPG2)</i></p> <p><i>3. Control Over Development</i></p> <p><i>Re-use of buildings</i></p> <p><i>para 3.7 With suitable safeguards, the re-use of buildings should not prejudice the openness of Green Belts, since the buildings are already there. It can help to secure the continuing stewardship of land, especially by assisting farmers in diversifying their enterprises, and may contribute to the objectives for the use of land in Green Belts. The alternative to re-use may be a building that is left vacant and prone to vandalism and dereliction.</i></p> <p><i>para 3.8 The re-use of buildings inside a Green Belt is not inappropriate development providing:</i></p> <p><i>(a) it does not have a materially greater impact than the present use on the openness of the Green Belt and the purposes of including land in it;</i></p> <p><i>(b) strict control is exercised over the extension of re-used buildings,</i></p>

⁶ 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.

and over any associated uses of land surrounding the building which might conflict with the openness of the Green Belt and the purposes of including land in it (e.g. because they involve extensive external storage, or extensive hardstanding, car parking, boundary walling or fencing);

(c) the buildings are of permanent and substantial construction, and are capable of conversion without major or complete reconstruction; and

(d) the form, bulk and general design of the buildings are in keeping with their surroundings. (Conversion proposals may be more acceptable if they respect local building styles and materials, though the use of equivalent natural materials that are not local should not be ruled out).*

* Footnote to PPG2 explains that if a planning application is submitted for the re-use of a building which the local planning authority considers has a significant adverse effect on the landscape in terms of visual amenity, it may be appropriate in connection with any proposed structural changes to impose conditions to secure an improvement in the external appearance of the building.

*para 3.9 If a proposal for the re-use of a building in the Green Belt does not meet the criteria in paragraph 3.8, or there are other specific and convincing planning reasons for refusal (for example on environmental or traffic grounds), the local planning authority should not reject the proposal without considering whether, by imposing reasonable conditions, any objections could be overcome. It should not normally be necessary to consider whether the building is no longer needed for its present agricultural or other purposes.** Evidence that the building is not redundant in its present use is not by itself sufficient grounds for refusing permission for a proposed new use.*

** Footnote to PPG2 explains that in the case of a tenanted agricultural building, the value in planning terms of the existing use should however be taken into consideration.

Planning Policy Guidance 2: Green Belts (PPG2)

ANNEX D: RE-USE OF BUILDINGS – ADDITIONAL ADVICE

Agricultural buildings

D1 *It is important to discourage abuse of permitted development rights. Local planning authorities should examine particularly carefully applications for re-use made within four years of the substantial completion of agricultural buildings erected under the General Development Order. This should alert them to the possibility that, when it was substantially completed, the building was in breach of planning control because there was no genuine agricultural justification.*

D2 *When granting permission for the use of agricultural buildings for non-agricultural purposes, local planning authorities should consider whether proliferation of farm buildings constructed under permitted development rights could have a seriously detrimental effect on the openness of the Green Belt. If so, they should consider whether it would be reasonable to attach a condition withdrawing these rights for new farm buildings in respect of that particular agricultural unit or holding. Such a condition should be used with great care, and must fairly and reasonably relate to the proposed development. While a restriction on additions to a particular group of farm buildings without specific permission might be reasonable, a restriction which sought to cover the whole of a large holding in connection with the re-use of a single building might well be unreasonable. Authorities should, where appropriate, include in their local plans a policy indicating the factors that they would take into account. If permitted development rights have been withdrawn, very special circumstances would need to be established for a new agricultural building to be permitted.*

Listed buildings

D4 *If a building is listed, listed building consent may be needed for its conversion as well as planning permission (see PPG15).*

The majority of the countryside in Kirklees is defined as being within the green belt and therefore the content of Planning Policy Statement 7: Sustainable Development in Rural Areas (PPS7) should also apply. The most relevant sections are set out as follows:-

Planning Policy Statement 7: Sustainable Development in Rural Areas

Re-use of buildings in the countryside

para 17. The Government's policy is to support the re-use of appropriately located and suitably constructed existing buildings in the countryside

where this would meet sustainable development objectives. Re-use for economic development purposes will usually be preferable, but residential conversions may be more appropriate in some locations, and for some types of building. Planning authorities should therefore set out in LDDs their policy criteria for permitting the conversion and re-use of buildings in the countryside for economic, residential and any other purposes, including mixed uses.

These criteria should take account of:

- the potential impact on the countryside and landscapes and wildlife;*
- specific local economic and social needs and opportunities;*
- settlement patterns and accessibility to service centres, markets and housing;*
- the suitability of different types of buildings, and of different scales, for re-use;*
- the need to preserve, or the desirability of preserving, buildings of historic or architectural importance or interest, or which otherwise contribute to local character.*

para 18. Local planning authorities should be particularly supportive of the re-use of existing buildings that are adjacent or closely related to country towns and villages, for economic or community uses, or to provide housing in accordance with the policies in PPG3 (now PPS3), and subject to the policies in paragraph 7 of this PPS in relation to the retention of local services.

2.42 Where the Council considers that a sensitive design is necessary to protect the character of the building or its surroundings, or to avoid an adverse impact on visual amenity, permitted development rights may be removed when planning permission is granted so that subsequent alterations to the building, the erection of structures such as sheds and walls and the provision of drives and hardstandings will be subject to planning control.

2.43 Where permitted development rights might allow the building proposed for re-use to be replaced by a new structure elsewhere within an associated agricultural or other land holding, the Council will give consideration to the removal of these rights as a condition of a planning permission. Such a condition would apply to those parts of the holding where the erection of a building would be prejudicial to the openness or established character of the area.

D12A WHEN PLANNING PERMISSION IS GRANTED FOR THE RE-USE OF BUILDINGS IN THE GREEN BELT CONDITIONS WILL BE IMPOSED REMOVING PERMITTED DEVELOPMENT RIGHTS FROM SPECIFIED AREAS WITHIN THE ASSOCIATED LAND HOLDING WHERE THE ERECTION OF STRUCTURES PERMITTED UNDER THE GENERAL

PERMITTED DEVELOPMENT ORDER WOULD PREJUDICE THE OPENNESS AND ESTABLISHED CHARACTER OF THE GREEN BELT.

Infill Development in the Green Belt

2.44 Many small settlements lie within the green belt. They may contain small sites which could be developed without prejudice to the open character of the green belt. However, development will only be appropriate where it is genuinely small scale and will occupy a small gap in a definable frontage or a small site largely surrounded by development. It will also need to harmonise with its surroundings so that there is no detriment to visual or residential amenity or highway safety.

D13 WITHIN EXISTING SETTLEMENTS IN THE GREEN BELT INFILL DEVELOPMENT WILL NORMALLY BE PERMITTED WHERE:

- i THE SITE IS SMALL, NORMALLY SUFFICIENT FOR NOT MORE THAN TWO DWELLINGS, AND WITHIN AN OTHERWISE CONTINUOUSLY BUILT-UP FRONTAGE, OR**
- ii THE SITE IS SMALL AND IS LARGELY SURROUNDED BY DEVELOPMENT, AND**
- iii NO DETRIMENT WILL BE CAUSED TO ADJOINING OCCUPIERS OF LAND OR TO THE CHARACTER OF THE SURROUNDING AREA.**

INFILL DEVELOPMENT SHOULD BE IN HARMONY WITH EXISTING DEVELOPMENT IN TERMS OF DESIGN AND DENSITY AND CAPABLE OF SAFE ACCESS FROM THE HIGHWAY.

The Extension of Domestic Gardens into the Green Belt

2.45 The extension of domestic gardens into the green belt may not prejudice the open character of the green belt where it constitutes infill between existing gardens or the rounding off of a settlement. In some cases the use itself may not be prejudicial but the erection of structures such as sheds and greenhouses or the construction of access roads, drives or vehicle hardstandings under permitted development rights would introduce features which would be harmful to the established character of the area.

~~**D14 PLANNING PERMISSION FOR THE EXTENSION OF DOMESTIC GARDENS INTO THE GREEN BELT WILL NOT BE GRANTED UNLESS THERE WOULD BE NO HARM TO THE ESTABLISHED CHARACTER OF THE AREA.**~~

Policy D14 was not saved because the issues it refers to are covered in PPG2, the relevant text of which follows:- ⁷

Planning Policy Guidance 2: Green Belts (PPG2)

3. Control Over Development

Presumption against inappropriate development

para 3.1 The general policies controlling development in the countryside apply with equal force in Green Belts but there is, in addition, a general presumption against inappropriate development within them. Such development should not be approved, except in very special circumstances. See paragraphs 3.4, 3.8, 3.11 and 3.12 below as to development which is inappropriate. (see replacement guidance for UDP policy D8);

para 3.2 Inappropriate development is, by definition, harmful to the Green Belt. It is for the applicant to show why permission should be granted. Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. In view of the presumption against inappropriate development, the Secretary of State will attach substantial weight to the harm to the Green Belt when considering any planning application or appeal concerning such development.

Mining operations, and other development

para 3.12 The statutory definition of development includes engineering and other operations, and the making of any material change in the use of land. The carrying out of such operations and the making of material changes in the use of land are inappropriate development unless they maintain openness and do not conflict with the purposes of including land in the Green Belt. (Advice on material changes in the use of buildings is given in paragraph 3.8 above).

⁷ 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.

Kirklees Unitary Development Plan, Written Statement

Policies struck through ceased to have effect from 28 September 2007 (having been "not saved" by the Secretary of State). An explanatory note is provided for each not saved policy.

- 2.46 Where the Council takes the view that if planning permission were to be granted subsequent development permitted by the General Permitted Development Order would be harmful to the character of the area, consideration will be given to the removal of these rights as a condition of a planning permission.

Storthes Hall University Site

- 2.47 Huddersfield University acquired the former Storthes Hall Hospital in 1993 to provide both teaching facilities and student accommodation with associated recreation and sporting facilities. The University's master plan for the site envisages the extension of existing buildings, infilling and redevelopment to achieve this. Planning permission was granted for the redevelopment of part of the hospital complex involving extensive demolition and the construction of accommodation for 1500 students. This scheme was substantially completed in 1995.

- 2.48 As the hospital complex is a "major developed site" in the green belt, annex C of PPG2 (1995) provides guidance on what further development may be appropriate. In accordance with this guidance the hospital site is identified on the proposals map and proposals for development within the boundary shown will be subject to policy D15. It is considered that through the operation of policy D15 future development on the land included within this boundary will have no greater impact on the openness of the green belt, and the purposes of including land within it, than the original hospital buildings. The policy also provides scope for that impact potentially to be reduced through the relocation of buildings within the site.

D15 WITHIN THE BOUNDARY SHOWN ON THE PROPOSALS MAP, PROPOSALS FOR THE EXTENSION OF BUILDINGS, INFILLING (IE, THE FILLING OF SMALL GAPS BETWEEN BUILT DEVELOPMENT) AND REDEVELOPMENT (IE, THE REPLACEMENT OF BUILDINGS EITHER IN THE SAME LOCATION OR ELSEWHERE WITHIN THE BOUNDARY) TO ACCOMMODATE THE ACTIVITIES OF THE UNIVERSITY, TOGETHER WITH PROVISION FOR SURFACE CAR PARKING, WILL BE ACCEPTABLE PROVIDED THAT:

- i THEY ACCORD WITH THE TERMS OF A SITE DEVELOPMENT BRIEF;**
- ii THERE WILL BE NO DETRIMENT TO THE OPENNESS OF THE GREEN BELT, TO THE ESTABLISHED CHARACTER OF THE SITE, TO VISUAL AMENITY OR TO THE AMENITY OR PRIVACY OF OCCUPIERS OF EXISTING OR PROPOSED BUILDINGS;**
- iii NO BUILDING WILL EXCEED THE HEIGHT OF THE EXISTING BUILDINGS;**
- iv THE SAFE CIRCULATION OF VEHICLES WITHIN THE SITE WILL NOT BE PREJUDICED;**

Kirklees Unitary Development Plan, Written Statement

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v **A HIGH STANDARD OF LANDSCAPING IS ACHIEVED;**

AND, IN THE CASE OF REDEVELOPMENT,

vi **NEW BUILDINGS WILL NOT OCCUPY A LARGER AREA THAN THE BUILDINGS TO BE REPLACED UNLESS THIS WOULD ACHIEVE A REDUCTION IN HEIGHT WHICH WOULD BENEFIT VISUAL AMENITY.**

2.49 The Council has approved a brief to provide additional detailed guidance on the control of development. The brief establishes the extent of the hospital footprint, and hence the extent of the scope for redevelopment in accordance with PPG2, annex C, paragraph 5; provides guidelines on the extension of buildings, infilling and the provision of car parking and on design and landscaping; and identifies areas of visual importance to be protected.

UDP

KIRKLEES UNITARY DEVELOPMENT PLAN

3. THE NATURAL ENVIRONMENT

3.1 STRATEGY

3.3 NATURE CONSERVATION

3.4 Site protection

3.5 Sites of Special Scientific Interest and Special Protection Areas

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3.41 Development Proposals Affecting Trees

3. THE NATURAL ENVIRONMENT

STRATEGY

- 3.1 The natural environment comprises topography or landform together with plant and animal habitats. However, few, if any, of these elements can be described as truly "natural" in view of the many changes wrought over centuries by man through building, quarrying, tree clearance and agricultural practices. Man-made elements forming part of the natural environment can have value through cultural or historic significance. An essential role of the plan is to safeguard the natural environment, primarily by protecting valuable areas from detrimental development, and also to seek its enhancement when development is permitted, for example, by requiring tree planting as a means of increasing habitat quality.
- 3.2 A key influence on the natural environment is the management of land, which is largely beyond planning control. However, the Council can seek to influence this by its current practice of increasingly managing its own land in the interests of nature conservation and the wider environment, by concluding management agreements with owners of land with particular environmental value and by more general advocacy of good environmental practices. Voluntary groups have an important role in this process and their involvement will be encouraged.

~~**NE1 THE NATURAL ENVIRONMENT WILL BE SAFEGUARDED WHEN DEVELOPMENT PROPOSALS ARE CONSIDERED.**~~

This policy was not saved because the issues it refers to are covered in PPS 9 the relevant text of which follows: ¹

1 (ii) Plan policies and planning decisions should aim to maintain, and enhance, restore or add to biodiversity and geological conservation interests. In taking decisions, local planning authorities should ensure that appropriate weight is attached to designated sites of international, national and local importance; protected species; and to biodiversity and geological interests within the wider environment.

NATURE CONSERVATION

- 3.3 The Council has adopted a Charter for Wildlife and an Ecological Strategy committing it to taking a series of actions to promote nature conservation interests. The role of the planning

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Kirklees Unitary Development Plan, Written Statement

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process is to seek to protect habitats from the adverse consequences of development and to secure habitat enhancement where permission for development is granted. Tree Preservation Orders and management agreements are also to be employed to safeguard nature conservation interests.

Site Protection

- 3.4 There are three categories of site of nature conservation value which are afforded specific protection; Sites of Special Scientific Interest (SSSI's), Sites of Scientific Interest (SSI's) and Sites of Wildlife Significance (SWS's). These sites are shown on the proposals map. All except five, including the two canals are located within the green belt and are therefore afforded protection from many development pressures. However, conflict could arise where uses appropriate in the green belt are proposed, particularly development to accommodate outdoor sport or recreation.

Sites of Special Scientific Interest and Special Protection Areas

- 3.5 SSSI's are sites of national significance notified by English Nature and are subject to statutory protection. Local planning authorities must consult English Nature on any planning application involving land within, or in the vicinity of, an SSSI. Special Protection Areas (SPA's) are designated by the Department of the Environment on the advice of English Nature as a result of the requirements of the European Community Council. The government is obliged to provide for the protection, management and control of all species of naturally occurring wild birds and to take special measures to conserve the habitat of rare and migratory birds. This requirement is satisfied by the designation of SPA's within which appropriate steps have to be taken to avoid pollution or deterioration of the habitat and to protect the birds. All SPA's in the UK are also notified SSSI's. There are currently 2 SSSI's in Kirklees, one of which is also an SPA. The SPA will be subject to management arrangements set out in an integrated strategy and conservation action plan produced for the South Pennine Moors by the Standing Conference of South Pennine Authorities, English Nature, the RSPB, Yorkshire Water and North West Water. The other SSSI at Honley Station cutting is a geological formation and there are no specific management arrangements for this site.

~~NE2 DEVELOPMENT PROPOSALS WITHIN OR IN THE VICINITY OF A SITE OF SPECIAL SCIENTIFIC INTEREST WILL NOT BE PERMITTED UNLESS THE CHARACTER AND QUALITIES OF THE SITE CAN BE MAINTAINED.~~

~~NE2A DEVELOPMENT HAVING A SIGNIFICANT EFFECT ON THE ECOLOGICAL OBJECTIVES OR INTEGRITY OF A SPECIAL PROTECTION AREA WILL NOT BE PERMITTED UNLESS THERE IS NO ALTERNATIVE SITE OR BETTER PRACTICAL APPROACH AVAILABLE AND THE DEVELOPMENT CAN BE SHOWN TO BE PURSUANT TO AN OVERRIDING PUBLIC INTEREST. WHERE A SITE HOSTING A PRIORITY HABITAT OR SPECIES WILL BE AFFECTED DEVELOPMENT WILL NOT BE PERMITTED UNLESS THERE IS NO~~

~~ALTERNATIVE AND THE DEVELOPMENT IS REQUIRED FOR REASONS OF HUMAN HEALTH, PUBLIC SAFETY OR ACHIEVING BENEFITS OF PRIMARY IMPORTANCE TO THE ENVIRONMENT, OR PURSUANT TO THE ADVICE OF THE EUROPEAN COMMISSION.~~

These policies were not saved because the issues they refer to are covered in PPS9. The relevant text is as follows:²

International Sites

6. *The most important sites for biodiversity are those identified through international conventions and European Directives. Local planning authorities should identify these sites on proposals maps and may need to cross-refer to the statutory protection given to these sites in the explanatory texts in local development documents. Since they enjoy statutory protection specific policies in respect of these sites should not be included in local development documents (see also Part I of ODPM/Defra Circular ODPM 06/2005, Defra 01/2005). The Habitats Regulations do not provide statutory protection for potential Special Protection Areas (pSPAs) or to candidate Special Areas of Conservation (cSACs) before they have been agreed with the European Commission. For the purposes of considering development proposals affecting them, as a matter of policy, the Government wishes pSPAs and cSACs included in a list sent to the European Commission, to be considered in the same way as if they had already been classified or designated. Listed Ramsar sites, also as a matter of policy, should receive the same protection as designated SPAs and SACs.*

Sites of Special Scientific Interest (SSSIs)

7. *Many SSSIs are also designated as sites of international importance and will be protected accordingly. Those that are not, or those features of SSSIs not covered by an international designation, should be given a high degree of protection under the planning system (see also Part II of ODPM/Defra Circular ODPM 06/2005, Defra 01/2005) through appropriate policies in plans.*
8. *Where a proposed development on land within or outside a SSSI is likely to have an adverse effect on an SSSI (either individually or in combination with other developments), planning permission should not normally be granted. Where an adverse effect on the site's notified special interest features is likely, an exception should only be made where the benefits of the development, at this site, clearly outweigh both the impacts that it is likely to have on the features of the site that*

² 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.

make it of special scientific interest and any broader impacts on the national network of SSSIs. Local authorities should use conditions and/or planning obligations to mitigate the harmful aspects of the development and where possible, to ensure the conservation and enhancement of the site's biodiversity or geological interest.

Sites of Scientific Interest

- 3.6 SSI's are sites of nature conservation value in a West Yorkshire context. They are identified on the basis of work undertaken by the Ecological Advisory Service and the West Yorkshire Regionally Important Geological Sites Selection Panel. There are 21 SSI's in Kirklees. Unlike SSSI's, owners of land designated as SSI's are not required to give notification of their intention to make changes to the management of the land. None of the existing SSI's is currently subject to management agreements and landowners may be unaware of the site's significance for nature conservation. It will normally be inappropriate to permit development which would adversely affect an SSI. However, in some cases the need for development may be such that it overrides the normal presumption in favour of protecting such sites.

NE3 DEVELOPMENT PROPOSALS WITHIN OR IN THE VICINITY OF A SITE OF SCIENTIFIC INTEREST WILL NOT NORMALLY BE PERMITTED UNLESS THERE IS AN EXCEPTIONAL REQUIREMENT FOR THE DEVELOPMENT AND MEASURES WILL BE TAKEN TO MINIMISE ANY DETRIMENT TO THE SITE.

Sites of Wildlife Significance

- 3.7 These are sites which have been identified by local conservation groups rather than a comprehensive survey of the District, and are shown on the proposals map. None is currently managed in the interest of nature conservation. While not having a county-wide value, their significance for nature conservation is based on their contribution to the range and diversity of wildlife in Kirklees. As such it is appropriate to seek to secure a continuing role for nature conservation when development is proposed which would adversely affect an SWS.

NE4 DEVELOPMENT PROPOSALS WHICH WOULD AFFECT A SITE OF WILDLIFE SIGNIFICANCE WILL NOT NORMALLY BE PERMITTED UNLESS PROVISION CAN BE MADE TO MAINTAIN THE SITE'S ROLE FOR NATURE CONSERVATION.

Local Nature Reserves

- 3.8 An SSI or SWS can also be given the status of Local Nature Reserve, which offers a mechanism for the management of sites of nature conservation importance. LNR's can be established by the Council, with the co-operation of landowners. Local authorities have to

consult English Nature about establishing LNR's and various bylaws may be used to protect them. In Kirklees there are 3 LNR's, at Upper Park Wood, Honley; Dalton Bank, Huddersfield; and Spen Valley, Ravensthorpe. The Council has also approved in principle the designation of a further 5 sites. Because LNR's are a means of securing management of sites which are designated as SSI's or SWS's they are not shown as specific allocations on the proposals map. The Council will look at opportunities for designating further LNR's.

Wildlife Corridors

- 3.9 The Kirklees Ecological Strategy identified the need to protect and strengthen links between areas of semi-natural habitat in order to accommodate the range of needs of wildlife for feeding, breeding and dispersal. This concept underlies the green corridor policy which is intended to promote such links within urban areas.³ Within the countryside there is an equivalent role for wildlife corridors linking, if possible, with green corridors. The topography of Kirklees suggests that the main river valleys and their tributaries are the most significant corridors for wildlife, containing as they do watercourses and water areas frequently with wooded margins. SSI's and SWS's together with woodlands provide other links in a pattern of wildlife corridors.
- 3.10 A number of wildlife corridors based on the main river valleys are shown on the proposals map. Smaller watercourses and valleys have not been designated as wildlife corridors because the extent of current information is considered to be inadequate to justify the definition of boundaries. However, ecological assessment work is on going and further sites of value as wildlife corridors may be found and it is likely that unpolluted watercourses in rural areas will be found to be of importance to wildlife.
- 3.11 As wildlife corridors are located within the green belt they are afforded protection from most development. However, where development proposals which are likely to affect wildlife corridors satisfy green belt requirements, it will be necessary to ensure that they are implemented in such a way as to maintain the continuity of the corridor, and protect the nature conservation value of the land affected.

NE5 DEVELOPMENT PROPOSALS INVOLVING LAND IDENTIFIED ON THE PROPOSALS MAP AS PART OF A WILDLIFE CORRIDOR SHOULD MAKE PROVISION FOR THE RETENTION OF THE CORRIDOR AND THE PROTECTION OF THE WILDLIFE VALUE OF THE LAND.

- 3.12 The protection of wildlife corridors from the adverse consequences of development will be of benefit to nature conservation. However, wildlife interests are frequently prejudiced by proposals to improve the drainage of agricultural land, to carry out forestry schemes and to undertake other land management measures. Within wildlife corridors it will be appropriate to seek the modification or avoidance of such works through management agreements especially where there will be eligibility for grant assistance for ecologically acceptable

³ See chapter 2 paragraphs 2.19 and 2.29

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practices from MAFF and other sources. The Council will seek the co-operation of landowners, voluntary and statutory bodies and adjoining local authorities to ensure that the interests of nature conservation are secured.

Water and Wetlands

3.13 Water areas in Kirklees vary from large, mainly acidic, reservoirs to fast flowing and virtually unpolluted streams most of which drain into the slower flowing and heavily polluted River Calder. Along the river valleys there are the remnants of mill ponds, often stagnant and reed filled, some of which are fished. Elsewhere the occasional pond or pool occurs, perhaps as a result of previous mineral extraction. There are, however, no significant areas of marshland or other wetland in Kirklees.

3.14 Two water areas, Blackmoorfoot Reservoir and Brownhill Reservoir are designated as SSI's.

3.15 There is continuing pressure for the drainage of small water areas. Under normal circumstances there are no planning powers to prevent drainage. However, where development is proposed on a site containing a water area it is possible for the Council to seek its retention by condition or agreement linked to a grant of planning permission.

NE6 WHERE IT IS PROPOSED TO DEVELOP A SITE CONTAINING A WATER AREA PLANNING PERMISSION WILL NORMALLY BE SUBJECT TO A CONDITION OR LEGAL AGREEMENT TO RETAIN THE WATER AREA.

3.16 Where development requires flow balancing arrangements to deal with storm water drainage or improvements to increase the capacity of a watercourse, the opportunity may exist to engineer these requirements in such a way that water habitats are enhanced rather than destroyed. In this respect the Environment Agency has a statutory responsibility to consider the interests of nature conservation.

~~**NE7 WHERE DEVELOPMENT PROPOSALS INCLUDE IMPROVEMENTS TO LAND DRAINAGE, PLANNING PERMISSION WILL NORMALLY BE SUBJECT TO A CONDITION OR LEGAL AGREEMENT TO SECURE MEASURES WHICH WILL PROTECT NATURE CONSERVATION INTERESTS.**~~

This policy was not saved because the issues it refers to are covered in PPS 9, the relevant text of which follows:⁴

⁴ 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.

Biodiversity within Developments

14. *Development proposals provide many opportunities for building-in beneficial biodiversity or geological features as part of good design. When considering proposals, local planning authorities should maximise such opportunities in and around developments, using planning obligations where appropriate.*

LANDSCAPE

- 3.17 Kirklees contains a diversity of landscape ranging from gritstone moorland in the west to undulating mature farmland in the east. The landscape is subject to constant change arising from factors such as loss of tree cover, hedgerows and ponds, decay of stone boundary walls and changes in the vegetation cover. Many of these changes are attributable to changing agricultural and forestry practices stimulated by financial incentives from the European Community and national government and by changing taxation structures. The landscape is also affected by the spread of urban development. Although this is largely restricted to the periphery of the main urban areas as a result of green belt policy, the re-use and adaptation of disused rural buildings and the introduction of development involving the keeping of horses has on occasion led to a noticeable degree of suburbanisation.
- 3.18 With the exception of a number of areas on the periphery of the built-up areas which have open land designations⁵, all the countryside in Kirklees is within the green belt. Green belt policies and policies for countryside recreation and mineral extraction set out requirements for landscape conservation which proposed developments will need to satisfy.

Areas of High Landscape Value

- 3.19 Areas of high landscape value are defined on the proposals map. Within these areas development proposals will be considered in terms of their impact on the landscape. Should this impact be such that there would be a serious threat to landscape quality which could not be overcome by proposed measures to screen the development, it will be inappropriate to grant planning permission.
- 3.20 Areas of high landscape value in Kirklees tend to be uplands (the river valleys being largely urbanised) which are particularly sensitive to the effect of changing agricultural practice and declining agricultural viability. Reduced investment in the maintenance of buildings and walls and in woodland management brings about deterioration in the visual quality of key elements in the landscape. This can be exacerbated by the consequences of inappropriately designed building conversions, the creation of garden areas and the introduction of horse stabling, grazing and exercising, as new uses replace agriculture.

⁵ Urban greenspace (chapter 2, paragraphs 2.11 – 2.14) or provisional open land (chapter 2, paragraphs 2.15 – 2.18)

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- 3.21 The deterioration of the landscape in these areas and the change and decline in the agricultural system which gave rise to many of the established landscape features are therefore inextricably linked. Whilst there is no realistic prospect of a return to former agricultural and woodland management, it is possible to secure measures to conserve or enhance landscape quality in association with the grant of planning permission for replacement uses. As the areas of high landscape value are within the green belt, planning permission is only likely to be granted for small-scale development although, exceptionally, road building, quarrying or waste disposal may be permitted. Measures to protect or create landscape features where development is permitted will help to minimise the potential adverse consequences for the landscape as agriculture gives way to other uses.
- 3.22 It will be particularly important to consider the treatment of land associated with a development proposal. For example, where a barn conversion is proposed within an agricultural holding, measures could be taken to improve the landscape value of surrounding land within the holding. These measures could include the provision of planted areas or reconstruction of boundary walls around the building.

~~**NES DEVELOPMENT WHICH WOULD ADVERSELY AFFECT LANDSCAPE QUALITY WILL NOT BE PERMITTED WITHIN AREAS OF HIGH LANDSCAPE VALUE. IN THESE LOCATIONS PARTICULAR ATTENTION SHOULD BE PAID TO SITING, DESIGN AND CONSTRUCTION MATERIALS AND THE TREATMENT OF ASSOCIATED LAND.**~~

This policy was not saved because it has been superseded by the content of PPS7 whereby landscape quality is replaced by landscape character. The relevant text is as follows: ⁶

Local landscape designations

24. *The Government recognises and accepts that there are areas of landscape outside nationally designated areas that are particularly highly valued locally. The Government believes that carefully drafted, criteria-based policies in LDDs, utilising tools such as landscape character assessment, should provide sufficient protection for these areas, without the need for rigid local designations that may unduly restrict acceptable, sustainable development and the economic activity that underpins the vitality of rural areas.*

⁶ 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.

25. *Local landscape designations should only be maintained or, exceptionally, extended where it can be clearly shown that criteria-based planning policies cannot provide the necessary protection. LDDs should state what it is that requires extra protection, and why. When reviewing their local area-wide development plans and LDDs, planning authorities should rigorously consider the justification for retaining existing local landscape designations. They should ensure that such designations are based on a formal and robust assessment of the qualities of the landscape concerned.*

The Peak District National Park

- 3.22a The special status of the Peak District National Park is recognised in paragraph 1.5a. In accordance with this status it is appropriate that attention is given to the potential effect on views into and out of the national park arising from development proposals. As it is clear that potential impact on the national park will not be confined to development located in designated areas of high landscape value this factor may be a relevant consideration for development proposals arising in many parts of the District. The extent to which the impact on the national park will be significant will depend mainly on the prominence of a proposed development against its background and the degree to which points from which the development is open to view are accessible to the general public.

NE8a DEVELOPMENT WHICH WOULD BE INTRUSIVE IN VIEWS FROM WITHIN THE PEAK DISTRICT NATIONAL PARK, OR HAVE A HARMFUL IMPACT ON VIEWS INTO THE PARK, WILL NOT BE PERMITTED.

Sources of grant aid for landscape conservation

- 3.23 The Countryside Agency offers grant aid to landowners and farmers to support landscape conservation measures and environmentally friendly practices. The Council operates a landscape conservation grant scheme on behalf of the Countryside Agency providing grants of up to 50% of the cost of qualifying projects which have mainly been small scale tree planting schemes. MAFF also operates a farm conservation grant scheme to encourage farm management which will conserve historic landscape features and benefit nature conservation. The take up of MAFF grants has been very low.
- 3.24 As resources of this nature are very limited in relation to the potential scale of deterioration in landscape quality it is appropriate to raise awareness of their availability, if maximum benefit to landscape conservation and enhancement is to be achieved. The Council will, therefore, seek to increase awareness of grant aid for measures to conserve and enhance the landscape amongst landowners and farmers.
- 3.25 A small part of Kirklees outside the Peak District National Park is within the North Peak Environmentally Sensitive Area where MAFF provides direct grant aid to farmers to pursue agricultural practices sympathetic to the local environment, for example, reducing sheep

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numbers and maintaining boundary walls so that heather growth is encouraged. In 1993 the North Peak ESA was extended further into Kirklees to encompass Marsden Moor and the area around Deanhead and Scammonden Dam.

TREES AND WOODLANDS

- 3.26 About 2.6% of Kirklees (approximately 1,100 hectares) is covered by trees, considerably less than the regional average which is 5.3%. However, much of the tree cover in Kirklees is on valley sides unsuitable for agricultural or urban development but visible over a wide area, which gives the impression that wooded areas are relatively extensive. There is also a high degree of fragmentation of woodland with only 13 woods in excess of 25 hectares.
- 3.27 About one-third of existing tree cover is considered to be ancient woodland, land where there has been tree cover since at least 1600. Unless there has been replanting these woodlands are dominated by sessile oak and birch, although the predominant broadleaf tree in Kirklees is the sycamore.
- 3.28 Some 88% of woodland is in private ownership with many woods having several owners. Consequently management tends to be poor to non-existent leading to deterioration in tree quality. In this respect a major problem is that woodland boundaries are neglected leading to uncontrolled grazing which restricts natural regeneration. The fragmentation of ownership militates against the conclusion of management agreements between the Council and landowners. The remaining woodlands are in Council ownership and managed primarily for amenity and recreation and also to protect ecological interests.
- 3.29 In the absence of management agreements the protection and enhancement of the tree stock has relied on the use of Tree Preservation Orders (TPO's), together with initiatives to secure new planting particularly on steep hillsides incapable of other beneficial use, within urban areas and in wooded cloughs.
- 3.30 The Standing Conference of South Pennine Authorities aims to secure an increase in the amount and distribution of tree cover and improvements to the management of existing woodland in the South Pennines. An advisory strategy has been produced to direct new planting, which should be of British native species, to locations such as cloughs and main valley sides. Such new planting will need to be compatible with the conservation of important wildlife habitats.

Tree Protection

- 3.31 Within the urban areas of the District there is a general lack of trees. Such trees as exist tend to be concentrated in particular areas, especially Almondbury, Birkby, Edgerton and Fixby in Huddersfield, Northfields in Dewsbury, and parts of Mirfield, Gomersal and Birstall. Elsewhere tree cover is insignificant and substantial areas, particularly older industrial and housing areas, town centres and newer housing estates, are bereft of trees.

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- 3.32 Urban trees have a high amenity value which contributes to local character. The Council utilises its powers to serve and enforce Tree Preservation Orders (TPO's) as a means of retaining such trees. However, the use of such procedures can do little to bring about effective tree management or promote the diversification of species away from the dominant sycamore.
- 3.33 In the countryside there tend to be few protected trees because TPO's are mainly used where trees are under threat from development or other pressures which occur more often in urban areas.
- 3.34 The amenity value of trees results not only from their visual quality, either singly or in groups, but also from their importance as wildlife habitats. Many areas of woodland are included within SSI's and SWS's. However, the habitat value of trees is not in itself sufficient reason for serving a TPO. A more significant means of protecting woodland is through the felling licence system operated by the Forestry Authority. The Council will continue to press the Forestry Authority to refuse or amend felling licences in the interests of preserving wildlife habitats.

Management

- 3.35 The use of TPO's secures the retention of trees but does not provide for their management or enhancement. Although there are practical difficulties involved in establishing woodland management agreements, co-operation between landowners and the Council is potentially a significant means of protecting woodlands and ensuring their continued health. The Council will therefore seek the agreement of landowners to establish programmes of woodland management.

New Planting

- 3.36 Given that Kirklees has a relatively small amount of woodland which is generally poorly managed there is a clear need for the creation of new woodland, both to replenish losses in the existing tree stock and to achieve a greater coverage. An increase in woodland would be beneficial in amenity and landscape terms, provided that chosen locations, planting formations and tree species respect the characteristics of the landscape, and in ecological terms as woodland provides a potentially rich habitat for many species of fauna and flora.
- 3.37 In order to secure maximum amenity and ecological benefit from woodland creation, priority locations for planting should be green corridors, wildlife corridors, SSI's and SWS's, except where there would be conflict with established aspects of nature conservation value, sport and recreation facilities, such as golf courses, where there are extensive opportunities for integrating woodlands into the development, and as a major element of restoration proposals for derelict land, mineral workings and other areas requiring environmental improvement.

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- 3.38 New tree planting is achieved by means of conditions on planning permissions and planning obligations where development is proposed, and through derelict land reclamation schemes. There are also grants from the Forestry Authority and Countryside Agency for planting and subsequent management and the Council provides some grant aid for tree planting. In addition MAFF encourages new tree planting through the Farm Woodland Premium Scheme.
- 3.39 The Council pursues a number of other actions to improve the quality and distribution of tree cover in urban areas. The planting of trees is encouraged in school grounds to bring educational as well as amenity and wildlife benefits. Programmes of tree planting take place in highway margins, parks and public open space and in association with housing area improvement programmes and the Council's own development. An urban woodland programme supported by the Forestry Authority is in operation and will secure the implementation of tree planting proposals identified in former local plans. Most of this planting is on Council-owned land and is in the form of small woodlands and copses.
- 3.40 In some parts of the District, particularly the Colne Valley, voluntary organisations play a very significant part in achieving increases in tree cover.

Development Proposals Affecting Trees

- 3.41 The replacement of mature trees by new planting in order to accommodate development is usually less acceptable than the retention of existing trees because of the time required for replacement trees to mature and provide an equivalent level of amenity. A further consideration where development is proposed on sites containing mature trees is that there may be a threat to the trees resulting not only from the siting of buildings but also from changed ground levels, drainage works and the formation of access roads. If trees on development sites are to be effectively protected no disturbance should be permitted within the area defined by the crown spread of the trees, unless specific precautionary measures are taken. Proposals for a site which includes mature trees should be accompanied by a detailed survey identifying the location, species and welfare of the trees. The retention and protection of trees within the body of a minerals working site or a waste disposal site will rarely be possible because of the nature of the development. The recognition that permission for such development will almost certainly preclude retention of mature trees within the site and the relative importance of the trees which would be lost will be considered in the context of the environmental considerations in policies M3 and WD5.

NE9 DEVELOPMENT PROPOSALS SHOULD NORMALLY RETAIN ANY MATURE TREES WITHIN THE APPLICATION SITE. WHERE DEVELOPMENT IS APPROVED ON SITES CONTAINING MATURE TREES NO CONSTRUCTION, INCLUDING CHANGES IN LEVELS, DRAINAGE WORKS AND THE FORMATION OF ACCESS ROADS WILL BE PERMITTED WITHIN THE CROWN SPREAD OF THE TREES UNLESS IT CAN BE DEMONSTRATED THAT SATISFACTORY PRECAUTIONS WILL BE TAKEN TO ENSURE THEIR CONTINUED VIABILITY.

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3.42 Where permission for development is granted it is the practice of the Council to impose planning conditions requiring a landscaping scheme to be incorporated.⁷ Such schemes usually provide for a general distribution of trees throughout the site. However, on sites of sufficient size it will be appropriate to create copses or small woods. This will assist tree management and benefit visual amenity and wildlife interests.

~~**NE10 LANDSCAPING SCHEMES SHOULD HAVE REGARD TO THE POTENTIAL TO GROUP TREES TO CREATE COPSES OR SMALL WOODS.**~~

This policy was not saved. The intention of the policy can be achieved by the application of planning conditions on any approved development.

⁷ See policies BE2 and EP11

UDP

KIRKLEES UNITARY DEVELOPMENT PLAN

4. THE BUILT ENVIRONMENT

4.1 STRATEGY

4.4 QUALITY OF DESIGN

4.11 HERITAGE

4.11 Listed Buildings

4.14 Buildings of Local Significance

4.15 Conservation Areas

4.20 Permitted Development Rights in Conservation Areas

4.21 ARCHAEOLOGICAL SITES

4.25 BUILDING MATERIALS

4.26 RESIDENTIAL AREAS

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4.30 Extensions to Dwellings

4.34 SHOPPING CENTRES

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4.40 ACCESS FOR DISABLED PEOPLE

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4.43 CRIME PROTECTION

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 CONDUCIVE 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: ¹

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.*

¹ 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:²

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.*

² 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:³

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*

³ 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:⁴

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,*

⁴ 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.⁵

~~**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).**~~

⁵ 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]

UDP

KIRKLEES UNITARY DEVELOPMENT PLAN

5. ENVIRONMENTAL PROTECTION

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5. ENVIRONMENTAL PROTECTION

STRATEGY

- 5.1 Environmental protection is a wide ranging topic covering issues which are of both global and local significance. The policies in this section deal with matters related to the quality of land as a resource for food production, air and water quality and the prevention of flooding, excessive noise, visual intrusion and other nuisance. Wherever possible, the plan seeks to limit, and where possible prevent, damage to the environment which might be caused by development, in so far as planning powers permit. In some instances, such as development for renewable energy, there is a potential conflict between possible adverse local affects of the proposed activity and the wider environmental benefits it would bring, for example, through a reduction in the burning of fossil fuel.

~~EP1 DEVELOPMENT PROPOSALS WILL BE CONSIDERED TAKING INTO ACCOUNT CONSEQUENCES FOR:~~

- ~~i LAND QUALITY;~~
- ~~ii AIR AND WATER QUALITY;~~
- ~~iii NOISE LEVELS; AND~~
- ~~iv VISUAL INTRUSION~~

EP1 was not saved because it repeats national policy and policies elsewhere in this document.

Agricultural land quality is addressed in PPS7, see EP2 below.

With regard to land, air and water quality PPS23, paragraph 2 states:¹

– any consideration of the quality of land, air or water and potential impacts arising from development, possibly leading to impacts on health, is capable of being a material planning consideration, in so far as it arises or may arise from or may affect any land use;

¹ 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.

With regard to noise PPG24, paragraph 1 states:²

The impact of noise can be a material consideration in the determination of planning applications. The planning system has the task of guiding development to the most appropriate locations. It will be hard to reconcile some land uses, such as housing, hospitals or schools, with other activities which generate high levels of noise, but the planning system should ensure that, wherever practicable, noise-sensitive developments are separated from major sources of noise (such as road, rail and air transport and certain types of industrial development). It is equally important that new development involving noisy activities should, if possible, be sited away from noise-sensitive land uses.

Visual intrusion is covered in policy D2 (see chapter 2) which seeks to ensure that development does not prejudice visual amenity.

- 5.2 The Council will consult the appropriate regulatory bodies, particularly the Environment Agency, to ascertain what preventative measures will be required to ensure that any emissions to the atmosphere, discharges to surface and underground water and noise or other nuisance likely to be caused by a proposed development will be within acceptable standards.
- 5.2a A particular concern will be the protection of groundwater resources which are essential to the public water supply and the base flow of many rivers. The whole of Kirklees is designated as a minor aquifer for groundwater protection purposes. The use and development of land can lead to serious ground water contamination which is difficult and expensive to remove. Strict control will therefore be required over development likely to pose a risk to groundwater resources and it will be necessary to refuse planning permission where a development carries a risk which is judged to be unacceptable.

DEVELOPMENT AFFECTING AGRICULTURAL LAND

- 5.3 It is national policy that considerable weight should be given to protecting the best and most versatile agricultural land (ie grades 1, 2 and 3a). Such land is a national resource which should not be depleted. Most of the agricultural land in Kirklees is moderate or poor quality (grades 3b, 4 and 5). Losses of land of this quality to other uses are not likely to be critical unless the cessation of agricultural practices in a particular area would prejudice local agricultural viability (for example, because winter pasture would be seriously depleted) or be detrimental to the local landscape or ecology because the land is no longer tended in the same way. In a landscape of river valleys and undulating

² 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.

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topography such as that which predominates in Kirklees agricultural, environment and the rural economy are closely interconnected. Therefore, proposals to develop land outside the built up area should be considered taking into account the effect of the development on agricultural operations; the operation of businesses and the provision of jobs; and the impact on the landscape quality and local wildlife.

- 5.4 Proposals which would bring about the loss of agricultural land of grades 1,2 or 3a will not be acceptable unless it can be demonstrated that there is a particular need for the development, that no alternative site of a lower grade is available, and that the proposal would not result in the severance, fragmentation or reduction in size of farm holdings which would prejudice their continuing viability. These considerations will be applicable to all proposals including those involving little or no built development, such as golf courses, because any later restoration to agricultural use of the land concerned is unlikely to be capable of reproducing the original soil quality

~~**EP2 PROPOSALS FOR THE DEVELOPMENT INCLUDING, CHANGE OF USE, OF THE BEST AND MOST VERSATILE AGRICULTURAL LAND (GRADES 1, 2 AND 3a) WILL ONLY BE PERMITTED IN EXCEPTIONAL CIRCUMSTANCES. PROPOSALS INVOLVING LAND OF MODERATE OR POOR QUALITY (GRADES 3b, 4 AND 5) WILL BE PERMITTED UNLESS THE CESSATION OF AGRICULTURAL USE WOULD PREJUDICE THE VIABILITY OF LOCAL FARMS, LANDSCAPE QUALITY OR LOCAL WILDLIFE.**~~

This policy was not saved because the issues it refers to are covered in PPS7, the relevant text of which follows:³

Best and most versatile agricultural land

28. The presence of best and most versatile agricultural land (defined as land in grades 1, and 3a of the Agricultural Land Classification), should be taken into account alongside other sustainability considerations (e.g. biodiversity; the quality and character of the landscape; its amenity value or heritage interest; accessibility to infrastructure, workforce and markets; maintaining viable communities; and the protection of natural resources, including soil quality) when determining planning applications. Where significant development of agricultural land is unavoidable, local planning authorities should seek to use areas of poorer quality land (grades 3b, 4 and 5) in preference to that of a higher quality, except where this would be inconsistent with other sustainability considerations. Little weight in agricultural terms should be given to the loss of

³ 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.

agricultural land in grades 3b, 4 and 5, except in areas (such as uplands) where particular agricultural practices may themselves contribute in some special way to the quality and character of the environment or the local economy. If any undeveloped agricultural land needs to be developed, any adverse effects on the environment should be minimised.

DEVELOPMENT AFFECTING WASHLAND

- 5.5 Washland is essential to flood control as it absorbs floodwater and helps to regulate river flow. If the water storage capacity of washland is reduced, which would be the case where development raised the height of the land or created a barrier to floodwater, there will be more serious flooding problems elsewhere, possibly affecting built-up areas. The Government looks to local authorities to use their planning powers to guide development away from areas that may be affected by flooding, and to restrict development that would itself increase the risk of flooding or would interfere in the ability of the Environment Agency or other bodies to carry out flood control works and maintenance. However, not all development is precluded. For example, the use of washlands for playing fields, public open space, or allotments is likely to be acceptable. The acceptability of any change of use will depend upon the frequency of flooding.

EP3 DEVELOPMENT WILL NOT BE PERMITTED WITHIN DESIGNATED WASHLAND SHOWN ON THE PROPOSALS MAP EXCEPT WHERE:

- i IT WOULD NOT SIGNIFICANTLY AFFECT THE FUNCTION OF THE WASHLAND OR IT INCORPORATES ADEQUATE ALTERNATIVE FLOODWATER STORAGE CAPACITY; AND**
- ii THERE WOULD BE NO SERIOUS RISK TO THE DEVELOPMENT FROM FLOOD DEBRIS OR POLLUTION.**

- 5.5a Provision for surface water to run off from development will be assessed and the Environment Agency will be consulted, where appropriate, to determine any resultant flooding risk and the implications for the capability of the washland to deal with any likely additional flows.

Culverting and Canalisation

- 5.5b Culverting or canalising of open watercourses represent major threats to wildlife habitats and the amenity of green space. They can also lead to significant problems in times of high rainfall. Therefore proposals for culverting and canalisation of open watercourses will not normally be acceptable. However, in some circumstances culverting or canalisation will be necessary in the interests of public safety. The Council will promote the reopening and restoration of existing culverts and canalised watercourses.

EP3A CULVERTING OR CANALISATION OF WATERCOURSES WITHIN OR RELATED TO DEVELOPMENT SITES WILL NOT NORMALLY BE PERMITTED, UNLESS THERE ARE PUBLIC SAFETY CONSIDERATIONS. IN APPROPRIATE LOCATIONS DEVELOPMENT PROPOSALS SHOULD INCORPORATE REOPENING OF CULVERTS AND RESTORATION OF CANALISED WATERCOURSES TO A MORE NATURAL STATE.

NOISE

- 5.6 Although noise sources will vary, there are two main categories which should be taken into account; transport noise, and noise generated by industry. The perception of noise as a negative feature of a proposal may be a major factor when planning permission is under consideration. The presence of noise generating uses close to a developable site may fundamentally affect any decision made as to its future use. Similarly, proposals to locate noise-generating uses adjacent to potential development sites should not prejudice the long-term development prospects of those sites.

Sensitive Locations

- 5.7 Some uses of land are particularly sensitive to noise. Although houses, educational establishments and care institutions (hospitals, old peoples homes etc) are likely to be the premises of most concern, in some cases the consideration will be extended to public buildings (eg libraries and museums) or offices. Measures to restrict noise will be imposed by means of planning conditions, although if any off-site works are needed to ensure the implementation of noise reduction measures, the applicant will be required to enter into a legal agreement with the Council.

EP4 PROPOSALS FOR NOISE SENSITIVE DEVELOPMENT IN PROXIMITY TO EXISTING SOURCES OF NOISE, OR FOR NOISE GENERATING USES OF LAND CLOSE TO EXISTING NOISE SENSITIVE DEVELOPMENT, WILL BE CONSIDERED TAKING INTO ACCOUNT THE EFFECTS OF EXISTING OR PROJECTED NOISE LEVELS ON THE OCCUPIERS OF THE EXISTING OR PROPOSED NOISE SENSITIVE DEVELOPMENT.

Transport and Noise

- 5.8 Highways are a major source of noise nuisance. Noise is also generated on a more localised basis by railways and airfields. Although noise will vary throughout the day, there are maximum levels which are considered reasonable. These levels can be achieved by incorporating sound reduction measures in new development if normal construction will not achieve the required internal noise limits. Externally, recreation areas should either be sited sufficiently distant from highways to avoid excessive noise, or should be protected by planting, mounding or fencing. Sites adjacent to existing transport uses which are noisy may not be suitable for noise sensitive development. However, if the proposal is acceptable in principle, and appropriate sound reduction measures can be

incorporated to achieve a reasonable degree of amenity for future occupiers, permission may be granted. In exceptional cases, local considerations may allow higher noise levels to be accepted, particularly for outdoor recreation areas which may be difficult to protect. Maximum noise levels stated in policy EP5 are those recommended in the DoE Design Bulletin 'New Housing and Road Traffic Noise' (1972) in respect of internal noise levels. Those for external areas are based on the recommendations of the Noise Insulation Regulations 1975 (amended 1988), where it is recognised that highways development which will generate noise in excess of these levels will require the payment of a grant to secure noise reduction measures.

~~**EP5 PROPOSALS FOR DWELLINGS, EDUCATIONAL ESTABLISHMENTS, CARE INSTITUTIONS, PUBLIC BUILDINGS OR OFFICES LOCATED CLOSE TO SOURCES OF TRANSPORT RELATED NOISE SHOULD BE DESIGNED SO THAT THE MAXIMUM L10 (18 HOUR) NOISE LEVEL DOES NOT EXCEED 50 dB (A) FOR INTERNAL HABITABLE ROOMS AND 68 dB (A) FOR EXTERNAL RECREATION AREAS.**~~

This policy was not saved because it repeats government advice and the supporting text references out of date information. The latest guidance is provided in a *Noise Design Advice* note⁴ available from Kirklees Environmental Services on 01484 226436.

Development and Noise

- 5.9 Proposals for industrial development or other uses such as waste disposal which may have noise implications need to be individually assessed. Locational characteristics need to be taken into account before consideration can be given to the need for sound reduction. The applicant must be able to demonstrate that either the proposed building will be constructed to such a standard, or the development will incorporate noise reduction measures which will ensure that the resulting noise levels at specified locations will not exceed the acceptable maxima.

~~**EP6 EXISTING AND PROJECTED NOISE LEVELS WILL BE TAKEN INTO ACCOUNT IN CONSIDERING APPLICATIONS FOR DEVELOPMENTS WHICH ARE, OR HAVE POTENTIAL TO BE, NOISE GENERATORS. PREDICTIONS OF CORRECTED NOISE LEVELS AT THE BOUNDARIES OF THE APPLICATION SITE SHOULD BE SUBMITTED WITH THE APPLICATION.**~~

⁴ 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.

ENERGY PRODUCTION FROM RENEWABLE RESOURCES

The Need for Renewable Energy Sources

- 5.10 Historically, energy production in the UK has been derived predominantly from burning fossil fuels. Kirklees is gradually recovering from the effect this has had on its environment by reclaiming old colliery spoil heaps and cleaning smoke blackened buildings. There are wider problems associated with the combustion of fossil fuels which will not be as straightforward to overcome. There is a growing acceptance that an increasing proportion of energy used will need to be produced from renewable resources, such as sun, wind and water. Whilst not strictly 'renewable', the use of waste materials to generate power is also considered under this heading. The Council supports these initiatives and, wherever reasonable, the aim will be to assist the utilisation of renewable energy.
- 5.11 Proposals for developing alternative energy sources have to be seen in the wider context of a long term change in society's attitudes to energy as a commodity. There is no single answer to the world's long term energy problems. Finding new ways to generate power is only one element of a solution. Given that current use of energy is wasteful, conservation measures are likely to have greater effect particularly in the short term.
- 5.12 A new alternative energy industry is emerging, and gaining public support because of international concern over the effects of burning fossil fuels. In particular, technology has now reached the point where domestic or commercial use of wind and solar power is likely to be a viable long term proposition. Although their contribution at present is small, there is a case to support their utilisation in the national, if not global interest. It should, however, be acknowledged that at best, present alternative means of energy generation can only be regarded as erratic and minor contributors to national energy needs. The need for such means of power generation should not override other considerations. Particularly visual amenity, when considering planning applications.
- 5.13 The government's policy for renewable energy is set out in PPG22. This indicates that renewable energy sources offer the best hope for the developed world in increasing diversity and security of supply, whilst reducing harmful emissions to the environment. Development plans should take account of renewable resources, whilst continuing to recognise the fundamental importance of policies to protect the landscape and wildlife. In particular, in line with PPG2, very special circumstances are needed to justify such proposals in green belts, unless the particular proposal constitutes a use appropriate to a rural area. In these circumstances, the development should not injure the visual amenities of the green belt.

Wind Power

- 5.14 In Kirklees, wind power is the most likely source of renewable energy. There are areas within the District with sufficiently high average wind speed to make the establishment

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of wind turbines viable. These are large structures which can dominate a landscape not only by size (as large as an electricity pylon) but by the fact that whilst working they introduce constant movement into a landscape which can be obtrusive and distracting. Because of the 'hill and dale' topography of the District, and dispersed settlement pattern, it is unlikely that wind turbines will ever be able to be sited completely out of public view. However, what should be avoided is a proliferation of individual turbines across a landscape. Proposals for wind farms, (groups of wind turbines specifically erected to utilise wind energy on a commercial basis by feeding power to the national grid) can therefore be viewed more favourably, provided that no serious harm is caused to any landscape of special character or importance.

- 5.15 Wind turbines may be categorised as small, medium, or large. The main determinant is blade diameter and type of use. Small turbines typically have 6 blades of 2 - 3m diameter, which can rotate quite rapidly (200 - 400 rpm). The height of the tower varies but rarely exceeds 10m. These supply sufficient amounts of DC power to charge batteries, so that small appliances can be used in remote locations, e.g. for caravans, canal boats, or for agricultural uses like electric fences. Medium turbines have 2 or 3 blades with a diameter of about 30m. These are mounted on a tower of about 25m height, and will rotate around a horizontal axis at a speed of 40 - 50 rpm. Maximum generating power is in the region of 300 - 400 KW. These are used either to supply power direct to a user (e.g. for space heating or cooling) or can be connected to the electricity company's 415 volt 3 phase network. Medium turbines are the most likely structures to be used in wind farms. Large turbines capable of generating 3MW have been constructed with blades 60m in diameter mounted on 40m high towers. These are used only to supply power to the national grid.

Small Turbines

- 5.16 Small wind turbines are relatively inconspicuous, have low noise levels and will not create a prominent feature in the landscape. Proposals will require individual assessment, but to minimise the likelihood of noise being a source of disturbance to occupiers of adjacent land, a separation distance of approximately 5 times the tower height between the turbine and neighbouring occupied buildings will normally be required.

EP7 SMALL WIND TURBINES WILL BE PERMITTED PROVIDED THERE WILL BE NO SERIOUS ADVERSE EFFECT ON OCCUPIERS OF ADJOINING LAND OR ON ANY CONSERVATION AREA OR LISTED BUILDING.

Medium and Large Turbines

- 5.17 The generation of significant amounts of power from wind energy requires the erection of large structures which will inevitably form distinctive and prominent features in the landscape. Any proposals for large or medium sized wind turbines should have regard to the need to protect the landscape, particularly in areas of high landscape value.

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- 5.18 In locations where there are historic buildings, the modern appearance of a wind turbine would create an incongruous feature which would detract from the setting of the buildings. Therefore, the erection of wind turbines in such locations will be inappropriate.
- 5.19 Wind turbines can be a significant source of noise and as a result, a separation distance is needed between turbines and houses. Noise levels will vary from site to site depending on topography, surface texture, and prevailing wind direction. As noise increases with blade diameter, a guide to achieving adequate separation distance from neighbouring dwellings is 10 times blade diameter. This may vary if local circumstances indicate that a greater or lesser distance is more appropriate. Proposals should be accompanied by a report setting out the noise levels expected at the boundary of the nearest noise sensitive location.
- 5.20 Any permission granted for wind turbines will include a requirement for them to be dismantled and the site cleared of ancillary roadways, buildings and other structures when the use of the turbines has ceased.
- 5.21 Wind farms present the best opportunity to make significant contributions to clean energy generation at the least visual cost to the environment, provided that suitable sites can be found. Specific sites have not been identified, as it is acknowledged that site assessment is a process which can be affected by the state of technology, availability of grant aid, contracts and agreed prices for the sale of power to electricity companies. Individual proposals will, therefore, be judged on their merits. As the proximity of a suitable high voltage national grid line is likely to be a consideration in the choice of wind farm sites, cable connections should be relatively short. However, in order to minimise the visual impact, such connections should be underground.

EP8 WIND TURBINES WILL BE PERMITTED PROVIDED THE DEVELOPMENT, INCLUDING ANCILLARY BUILDINGS, ACCESS TRACKS AND CONNECTIONS TO THE ELECTRICITY SUPPLY GRID, WILL NOT CAUSE SERIOUS HARM TO:

- i THE CHARACTER, RECREATIONAL VALUE AND VISUAL AMENITY OF THE GREEN BELT OR LANDSCAPE;**
- ii THE CHARACTER, APPEARANCE OR SETTING OF A LISTED BUILDING OR CONSERVATION AREA;**
- iii THE AMENITY OF OCCUPIERS OF LAND IN THE VICINITY;**
- iv THE ECOLOGY OF THE AREA;**

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- v **AREAS DESIGNATED AT NATIONAL, REGIONAL OR LOCAL LEVEL AS OF NATURE CONSERVATION, SCIENTIFIC OR ARCHAEOLOGICAL INTEREST;**
- vi **HIGHWAY SAFETY; OR**
- vii **EXISTING TRANSMITTING OR RECEIVING SYSTEMS BY REASON OF ELECTROMAGNETIC DISTURBANCE**

AND PROVIDED SPECIAL REGARD IS PAID TO THE VISUAL RELATIONSHIPS WITH OTHER EXISTING OR PROPOSED WIND TURBINES.

- 5.22 Full consideration needs to be given to all implications of a wind farm development, including any likely shadowing of TV signals, electromagnetic effects, and construction of access roads. This can best be achieved by the submission of a full statement of the environmental effects of the proposal at the time the application is submitted. Kirklees Council has agreed a joint statement with 12 other local authorities in the South Pennines area on the approach to wind power proposals in the area, " Inter Authority Planning Policy Principles for Wind Power Development". This document will be taken into account when proposals for wind power developments are considered.

EP8A PERMITTED OR OPERATIONAL WIND TURBINES GENERATING POWER TO THE GRID WILL BE SAFEGUARDED FROM DEVELOPMENT WHICH WOULD PREJUDICE THEIR OPERATION THROUGH A REDUCTION IN ELECTRICAL POWER OUTPUT.

Solar Power

- 5.23 Solar power could provide a significant long term contribution to energy needs. As yet, the technology limits the application of this source of energy so that it cannot be a contributor to the national grid and is only available to individual householders or businesses as a supplement to other energy sources. External fixtures needed to collect solar power are limited to flat black panels which are often fixed to roofs, causing minimal visual impact. Their effect on historic buildings, or conservation areas, will however, need to be carefully and sensitively controlled.

~~**EP9 WHERE PLANNING PERMISSION IS REQUIRED FOR PROPOSALS TO UTILISE SOLAR ENERGY, APPLICATIONS WILL BE CONSIDERED TAKING ACCOUNT OF THE VISUAL EFFECT OF THE STRUCTURES PROPOSED, AND THE NEED TO PROTECT LISTED BUILDINGS AND PRESERVE CONSERVATION AREAS.**~~

Policy EP9 was not saved because the issues it covers are addressed in policy D2 (chapter 2) and PPG15 as described under BE3, and BE5 (chapter 4).

Power Generation from Waste Material

- 5.24 A further potential source of energy is the generation of electricity from waste. At present, some of the District's waste is incinerated. It is possible to combine the burning of the waste with generation of heat and power, and some incinerators are already capable of this. Such schemes will need to be located where there will be no adverse effect on residential amenity and where there is satisfactory access for vehicles transferring waste. The operation of the plant will need to avoid harmful or offensive emissions which may require the utilisation of high chimneys. Locations in industrial areas are likely to be most appropriate, Proposals may need authorisation under the provision of the Environmental Protection Act 1990.
- 5.25 It is also possible that power could be generated from methane produced in landfill sites. It is likely that proposals to generate power from landfill gas will be located within the confines of landfill sites, which may well have been completed and possibly landscaped. Installations needed to generate electricity from methane will generally be acceptable on landfill sites, provided that no detrimental effect would result to any neighbouring land use. In situations where it is desirable to retain the open character of the land, the installation of equipment or erection of buildings will be inappropriate, and the operator will be encouraged to seek an alternative site to which the gas can be piped.
- 5.26 Proposals for the generation of heat and power from waste materials and for generation of power from land fill gas will be considered in the context of the criteria in policy WD7.

ENERGY EFFICIENT SITE DEVELOPMENT

- 5.27 The conservation of energy can be assisted where the layout of development sites provides opportunities to take full advantage of solar heating and natural lighting and incorporates measures to shelter buildings from prevailing cold winds. As a result of such measures the potential demand for energy for space heating and lighting within the proposed buildings will be reduced. In preparing planning briefs, and in considering planning applications, the Council will seek to secure development layouts which, by measures such as siting, orientation and type of buildings, earth sculpting and tree planting, will maximise opportunities for solar heating and natural lighting and minimise exposure to wind chill.

EP10 IN CONSIDERING PLANNING APPLICATIONS, ACCOUNT WILL BE TAKEN OF THE EXTENT TO WHICH MEASURES HAVE BEEN INCORPORATED TO:

- i MAXIMISE OPPORTUNITIES FOR SOLAR HEATING; AND**

ii MINIMISE EXPOSURE, TO WIND CHILL.

ECOLOGICAL LANDSCAPING

- 5.28 The main aim of requiring the landscaping of new development is to improve the visual appearance of a development, or to reduce the impact of a proposal on an area by providing screening. The value of new planting, or site contouring, may be significantly enhanced by the application of ecological principles to the design and choice of landscaping elements, thereby creating schemes which have the required visual effect and can be ecologically sustainable.
- 5.29 Where proposals involve alterations to land, whether by new works or a change of use, it will be necessary to take into account the ecological value of the site, and to consider how this can be reflected in proposed landscaping work. Often this will involve incorporating ancillary features in proposals which otherwise involve no new buildings, such as car parks, access roads, and amenity areas. There will also be a general requirement to submit landscaping schemes as an integral part of planning applications, so that they can be considered concurrently with other issues raised by the proposal.

EP11 APPLICATIONS FOR PLANNING PERMISSION SHOULD INCORPORATE AN INTEGRAL LANDSCAPING SCHEME WHICH PROTECTS OR ENHANCES THE ECOLOGY OF THE SITE.

OVERHEAD POWER LINES

- 5.30 Electricity is distributed to consumers via the national grid. The primary distribution network is carried on steel pylons, of differing heights depending on the voltage. An overhead line may not be installed without consent from the President of the Board of Trade, unless an exemption applies as indicated in the Electricity Act 1989. Part of the process to obtain consent requires the electricity undertaking involved to consult the district council, which may object to the proposal. In this case, there must be a public inquiry before the application is decided. In many cases, objections may be overcome by early discussions between the Council and the applicant.
- 5.31 Although they have been an element in the countryside for many years, electricity pylons are still seen as being intrusive features. The Council considers that there are certain locations where such features are inappropriate and will object to their use. In considering whether or not to object to a proposal for an overhead line the Council will have regard to the effect on:
- i any listed building, conservation area or area of high landscape value;
 - ii important views; and

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- iii the amenity of occupiers of any dwellings which overlook the proposed line.

The electricity undertaking will be expected to indicate in its submission to the Council:

- i what measures will be taken to minimise the impact of the proposal (including design of transmission towers and use of tree planting).
 - ii how the proposed route has been selected to cause minimum visual impact.
- 5.32 Any proposals for housing on land which is close to overhead electricity lines will be considered taking into account the effect the towers and cables will have on future residents. Where appropriate, buffer zones will be required, along with appropriate building orientation, to minimise the adverse impact of the structures. Such considerations could be extended to other types of development where amenity is likely to be adversely affected by an overhead line.

EP12 APPLICATIONS FOR DEVELOPMENT CLOSE TO OVERHEAD POWER LINES SHOULD TAKE INTO ACCOUNT THE EFFECT OF THE TRANSMISSION TOWERS AND CABLES IN THE VICINITY OF THE SITE ON THE AMENITY OF OCCUPIERS OF THE PROPOSED DEVELOPMENT.

TELECOMMUNICATIONS

Domestic Situations

- 5.33 Many telecommunications structures have little environmental effect, and the General Permitted Development Order permits certain types of equipment. The main categories of development for domestic use are satellite antennae and amateur radio masts. In most cases, except in conservation areas, one satellite dish of 90cm diameter will not need planning permission when mounted on a house. There are no permitted development rights for freestanding amateur radio masts more than 3.0m in height. A second satellite dish antenna would be likely to detract from the residential appearance of the premises, unless a discreet location not generally open to public view can be found. Ground mounted antennae will be less obtrusive than any mounted on the wall or roof of a dwelling, and therefore there should be no reason for objection provided that suitable measures have been taken. if necessary, to screen the equipment from public view.
- 5.34 The government's general policy on telecommunications is to facilitate the growth of new and existing systems. The government is also fully committed to environmental objectives, including the protection of green belts. Some telecommunications development is granted permission by the General Permitted Development Order, but in certain cases a requirement is placed on developers to obtain the views of the Council before the proposal is implemented. This is known as 'prior approval' and is requested at the discretion of the Council.

~~**EP13 WHERE PLANNING PERMISSION IS REQUIRED FOR THE ERECTION OF A SATELLITE ANTENNA ON A DWELLING, THE APPLICATION WILL BE CONSIDERED TAKING ACCOUNT OF:**~~

- ~~**i ANY EXISTING ANTENNA ON THE BUILDING;**~~
- ~~**ii THE SIZE, WHICH SHOULD NOT NORMALLY EXCEED 1.8M IN DIAMETER;**~~
- ~~**iii THE LOCATION OF THE PROPOSED ANTENNA ON THE BUILDING, AND THE VISUAL EFFECT ON OCCUPIERS OF ADJACENT LAND; AND**~~
- ~~**iv THE EXTENT TO WHICH THE PROPOSAL CAN BE SCREENED FROM PUBLIC VIEW.**~~

This policy was not saved because it is superseded by Government advice in PPG8 and PPS1, the relevant text of which follows:⁵

PPG8 para 79. It is important that a dish blends in with its background; it should be sited, so far as practicable, so as to minimise its impact on amenity and on the external appearance of the building (see paragraph 47). The installation of dishes in close proximity to the windows and doors of neighbouring houses is likely to lead to complaints and should generally be avoided. In respect of blocks of flats, the installation of shared systems can help avoid the impact of an otherwise likely proliferation of dishes on walls and roofs. Further details on the siting of satellite television antennas can be found in "A Householder's Planning Guide for the Installation of Satellite Television Dishes" available from PO BOX 236, Weatherby, West Yorkshire, LS23 7NB, Tel: 0870 122 6236.

PPS1 para 19. Planning authorities should seek to enhance the environment as part of development proposals. Significant adverse impacts on the environment should be avoided and alternative options which might reduce or eliminate those impacts pursued. Where adverse impacts are unavoidable, planning authorities and developers should consider possible mitigation measures. Where adequate mitigation measures are not possible, compensatory measures may be appropriate. In line with the UK sustainable development strategy, environmental costs should fall on those who impose them – the "polluter pays" principle.

⁵ 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.

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- 5.35 A tall freestanding radio mast with a complicated aerial array is an alien feature in most residential areas. However, provided that its impact can be minimised no objections are likely to be raised. Whilst it is acknowledged that amateur radio transmission equipment is strictly controlled, less technically precise domestic receiving equipment may be in use in the vicinity of the site, and it would not be reasonable to allow one person's hobby to disrupt neighbours' enjoyment of radio and television. Initially therefore, only a temporary planning permission will be appropriate for an amateur radio mast. If interference has been a problem during the temporary approval, and no technical solutions appear possible, planning permission will not be renewed.
- 5.36 In general, 'rear garden' or similar locations will be preferred, and the height of the mast should not exceed the height of the roof of the nearest dwelling (or be capable of retraction to such a height when not in use). The aerial array should be minimised in its complexity to reduce its visual impact. Normally, there will be a requirement to site the aerial, if within a domestic curtilage, closer to the user's dwelling than any other in the vicinity of the site, to reduce the potential impact on adjacent residents. Initially, temporary permissions of one year only will be granted to enable the acceptability of the proposal to be assessed, particularly with regard to the incidence of interference with other domestic receiving apparatus in the area.

~~EP14 PROPOSALS FOR AMATEUR RADIO MASTS WILL BE CONSIDERED TAKING ACCOUNT OF THE VISUAL IMPACT AND THE EFFECT ON SURROUNDING BUILDINGS AND OCCUPIERS OF ADJOINING LAND.~~

This policy was not saved because it is superseded by Government advice in PPG8 and PPS1 the relevant text of which follows:⁶

PPG8 para 76. In seeking to arrive at the best solution for an individual site, authorities and operators should use sympathetic design and camouflage to minimise the impact of development on the environment. Particularly in designated areas, the aim should be for apparatus to blend into the landscape.

PPG8 para 78. In considering the design of an individual development, and particularly any mast development, careful consideration should be given to screening and planting. Care should be taken to accommodate the implications of seasonal leaf-fall. The boundaries of the site should be drawn large enough to accommodate the necessary landscaping.

⁶ 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.

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PPG8 para 80. Applications for planning permission to install the masts often used by amateur radio operators, radio taxi firms and other private and commercial users, usually present few potential planning problems in terms of size and visual impact over a wide area. Such masts need to be high enough for technical efficiency and located as far as possible from other antennas, in order to minimise the possibility of interference. However, they will not normally be of such a scale as to have a serious impact on local amenity. Such applicants will generally have less scope for using alternative sites or for sharing sites, and masts will often need to be located on the premises.

PPS1 para 19. Planning authorities should seek to enhance the environment as part of development proposals. Significant adverse impacts on the environment should be avoided and alternative options which might reduce or eliminate those impacts pursued. Where adverse impacts are unavoidable, planning authorities and developers should consider possible mitigation measures. Where adequate mitigation measures are not possible, compensatory measures may be appropriate. In line with the UK sustainable development strategy, environmental costs should fall on those who impose them – the "polluter pays" principle.

Commercial Purposes

5.37 Of necessity, telecommunications devices for commercial purposes will be larger and potentially more prominent than domestic installations. Provided that an area is primarily industrial or commercial, this should not be a significant problem. However, it is necessary to prevent harm to the amenities of any residents who may overlook the site.

~~**EP15 WHERE PLANNING PERMISSION OR PRIOR NOTIFICATION IS REQUIRED, PROPOSALS FOR THE INSTALLATION OF TELECOMMUNICATIONS EQUIPMENT WITHIN THE CURTILAGE OF INDUSTRIAL OR COMMERCIAL PREMISES WILL BE CONSIDERED TAKING ACCOUNT OF:**~~

- ~~**i THE SCALE OF THE EQUIPMENT IN RELATION TO ITS SURROUNDINGS;**~~
- ~~**ii THE EFFECT ON VIEWS FROM PUBLIC AREAS AND ON THE AMENITY OF OCCUPIERS OF ADJACENT LAND; AND**~~
- ~~**iii THE EXISTENCE OF SIMILAR EQUIPMENT IN THE VICINITY OF THE SITE.**~~

This policy was not saved because it is superseded by general Government advice in PPG8.

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- 5.38 There has been a demand from some business premises, particularly betting offices, to install satellite-receiving antennae in prominent locations which are incongruous. Large antennae on business premises should be unobtrusively located so that they are largely hidden from public view. Ground mounting will usually provide the best solution.

~~EP16 THE ERECTION OF SATELLITE ANTENNAE ON BUSINESS PREMISES WILL NORMALLY BE PERMITTED WHERE:~~

- ~~i THE PROPOSAL IS LOCATED SO THAT IT WOULD NOT BE VISIBLE FROM PUBLIC AREAS; AND~~
- ~~ii THE PROPOSAL WOULD NOT BE VISIBLE FROM ANY HABITABLE ROOM WINDOW OF A DWELLING WHICH OVERLOOKS THE SITE~~

~~UNLESS THERE ARE EXCEPTIONAL CIRCUMSTANCES THE MAXIMUM SIZE OF SUCH ANTENNAE SHOULD BE 1.8M IN DIAMETER.~~

This policy was not saved because it is superseded by general Government advice in PPG8.

- 5.39 Radio and television masts are invariably tall prominent structures, and will be likely to be proposed in elevated locations. Each should be considered on its merits, depending on location and the effect on the landscape. Alternatives, such as mast sharing, should be considered as an alternative to a new mast. However this consideration should take account of the national policy on telecommunications to facilitate the growth of new and existing systems, the provisions of the Telecommunications Act 1984 and the limitations imposed by the nature of Telecommunications networks and technology.
- 5.39a The installation of equipment should be avoided in environmentally sensitive areas and where features of local amenity value would be adversely affected. The most sensitive areas are those visible from the Peak District National Park, those areas defined on the proposals map as being of high landscape value and adjacent to historic structures or townscapes. The most suitable locations for the installation of new equipment are in established industrial areas and in locations which are well screened and not visible over a wide area.

~~EP17 IN DETERMINING WHETHER APPROVAL OF SITING AND APPEARANCE IS REQUIRED OR CONSIDERING APPLICATIONS FOR PLANNING PERMISSION FOR THE ERECTION OF TELECOMMUNICATION NETWORK MASTS THE COUNCIL WILL NEED TO BE SATISFIED THAT:~~

- ~~i THE PROPOSAL IS PART OF A ROUTING STRATEGY TO AVOID INSTALLATIONS IN AREAS OF RECOGNISED ENVIRONMENTAL SENSITIVITY AND AT SITES OR FEATURES OF LOCAL AMENITY VALUE;~~

- ~~ii THE PROPOSAL IS PART OF A ROUTING STRATEGY TO DIRECT INSTALLATIONS TO AREAS WHERE MASTS WILL BE IN KEEPING;~~
- ~~iii THERE IS NO REASONABLE POSSIBILITY OF ERECTING THE ANTENNAS ON AN EXISTING BUILDING, MAST OR OTHER STRUCTURE; AND~~
- ~~iv THE SITING AND EXTERNAL APPEARANCE OF APPARATUS, TAKING INTO ACCOUNT EXISTING AND PROPOSED LANDSCAPING, HAVE BEEN DESIGNED TO MINIMISE WITHIN TECHNICAL LIMITATIONS THE IMPACT ON AMENITY, INCLUDING WHERE THE PROPOSAL IS IN A RESIDENTIAL AREA THE IMPACT ON OUTLOOK FROM PROPERTIES AND THE IMPACT DUE TO NOISE AND DISTURBANCE.~~

This policy was not saved because it is superseded by general Government advice in PPG8.

- 5.40 The appearance of modern telecommunications devices is not compatible with the character of historic structures or townscapes. However taking into account the limitations imposed by the nature of telecommunications networks and technology planning permission could be granted if it can be shown that the proposal has a minimal effect on its surroundings.

~~EP18 THE INSTALLATION OF TELECOMMUNICATIONS EQUIPMENT ON BUILDINGS WHICH ARE LISTED AS BEING OF ARCHITECTURAL HISTORIC INTEREST, OR WITHIN CONSERVATION AREAS, OR ON AN SITE WHICH WOULD AFFECT THE SETTING OF SUCH BUILDINGS OR AREAS, WILL NOT BE PERMITTED UNLESS THE SITING AND APPEARANCE CAN BE DESIGNED SO THAT THE PRESERVATION OF THE LISTED BUILDING, ITS SETTING OR THE CHARACTER OR APPEARANCE OF THE CONSERVATION AREA ARE NOT JEOPARDISED~~

This policy was not saved because it is superseded by Government advice in PPG8, the relevant text of which follows:⁷

⁷ 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.

81. All telecommunications development is subject to the normal statutory procedures insofar as listed building consent is concerned. No exceptions have been made to the requirement to obtain such consent under Sections 7, 8 and 9 of the Planning (Listed Buildings and Conservation Areas) Act 1990 before executing works affecting a listed building. Any operator intending to carry out work which is likely to affect the character or appearance of a listed building is advised to consult the local planning authority. When installing equipment at a listed building, it is important to note that internal as well as external works, even if small in scale, may require consent. Further advice on listed building consent can be found in Planning Policy Guidance 15: Planning and the Historic Environment (PPG15). Similarly, any works to, or on the site of, a scheduled ancient monument require scheduled monument consent from the Department for Culture, Media and Sport under Section 2 of the Ancient Monuments and Archaeological Areas Act 1979. Advice on discovery of archaeological remains during works is contained in Planning Policy Guidance 16: Archaeology and Planning (PPG16).

CARAVAN STORAGE

- 5.41 When caravans are not being used it is an increasingly common practice to keep them on commercial storage sites instead of at home. In some respects, this is to be welcomed, as a caravan permanently parked in a drive can be unsightly, particularly if in front of the house, and takes up a car parking space which may result in an increase in on-street parking. The disadvantages of large scale storage are mainly related to the appearance of a large number of brightly coloured caravans, particularly if widely visible, and in a rural landscape. Also, the highway implications of regular movements of vehicles towing caravans into and out of the site need to be considered. A careful assessment will be required of the effect of such proposals on the local highway network.
- 5.42 The appearance of a proposed caravan storage site will usually be the main factor in determining a planning application particularly where it is overlooked from residential areas. Sites which are located away from residential areas will therefore be more likely to be acceptable. If overlooked, or in rural areas, screening will be needed to minimise the impact of the development. Caravan storage is not compatible with the traditional appearance of the District's conservation areas. Similarly, such a use would detract from the setting of listed buildings. It is most unlikely that sites in such locations could be made acceptable.
- 5.43 Proposals within conservation areas, or in close proximity to listed buildings, will generally not be viewed favourably if it is considered that the proposal would affect the character or appearance of the conservation area, or the setting of the listed building. Sites in predominantly industrial or warehousing areas will be favoured, provided that other policies can be complied with. Caravan storage in green belt areas is not a use considered to be appropriate to a rural area.

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~~EP19 PLANNING APPLICATIONS FOR THE STORAGE OF CARAVANS WILL BE CONSIDERED TAKING ACCOUNT OF:~~

- ~~i EXISTING OR PROPOSED PERMANENT SCREENING FROM PUBLIC VIEW OF THE STORED CARAVANS; AND~~
- ~~ii THE ADEQUACY AND SAFETY OF THE VEHICULAR ACCESS TO THE SITE FROM THE LOCAL HIGHWAY NETWORK.~~

The policy was not saved because it simply repeats the general considerations set out in other visual amenity and transport policies.

ADVERTISEMENTS

Control of Advertisements Regulations

5.44 Many advertisements are given consent by the Control of Advertisements Regulations. These have specified classes indicating those applications which either do not need consent, or have deemed consent. There will, however, be instances when consent will be required because the advertisement is not one included within any of the specified classes.

5.45 Outdoor advertising can take many different forms. No attempt has been made to categorise the type of advertisements. General principles which relate to location are applicable, with the main determinant being in every case the effect of the proposal on visual amenity and public safety. Exceptionally permissions may be considered appropriate if innovative types of advertisement are proposed particularly in town centres, where they would make a positive contribution to the townscape.

Signs on Business Premises

5.46 Signs can have a dramatic effect on buildings, similar to carrying out alterations to the building itself. Careful regard must be had to the site and its surroundings when signs are proposed. Internal illumination of the whole of a sign can turn it into a garish and offensive feature. This can be avoided if other forms of illumination are used. Internal illumination of letters only or external illumination have the potential to be softer and less glaring.

~~EP20 SIGNS ON BUSINESS PREMISES SHOULD REFLECT AND RESPECT THE SCALE, ARCHITECTURAL STYLE AND DETAILING OF THE PREMISES AND ITS SURROUNDINGS.~~

This policy was not saved because it is superseded by Government advice in PPG19. Particular regard should be given to the following paragraphs:⁸

Criteria for dealing with advertisement applications

9. *The general approach to dealing with advertisement applications is similar to the process of dealing with planning applications. But there are two important differences from ordinary planning procedures. First, the display of outdoor advertisements can only be controlled in the interests of "amenity" and "public safety". What is meant by these two terms in the Regulations is explained in paragraphs 11 to 16 of this Guidance. Secondly, it is accepted that (with one minor exception in Areas of Special Control, as specified in Regulation 19(2)(b) of the Regulations, where an applicant needs to show a reasonable requirement for an advertisement) anyone proposing to display an advertisement "needs" that advertisement in that particular location, whether for commercial or other reasons.*

10. *The control system is concerned with the visual effect on its surroundings of an advertisement. The subject matter of the advertisement may not be controlled by LPAs, though it may sometimes be regulated by other means.*

Consideration of "amenity"

11. *In assessing an advertisement's impact on "amenity", LPAs should have regard to its effect on the appearance of the building or on visual amenity in the immediate neighbourhood where it is to be displayed. They will therefore consider what impact the advertisement, including its cumulative effect, will have on its surroundings. The relevant considerations for this purpose are the local characteristics of the neighbourhood, including scenic, historic, architectural or cultural features, which contribute to the distinctive character of the locality. When it is appropriate to consider how brightly advertisements should be illuminated, LPAs should have regard to the Institute of Lighting Engineers Technical Report Number 5 (Second Edition) available from the Institute of Lighting Engineers, Lennox House, 9 Lawford Road, Rugby CV21 2DZ.*

12. *Where there is a group of buildings, whether in a city, town or village, the scale and massing of existing structures, the predominant land-use in the locality, the presence of "listed" buildings or a designated conservation area and any proposals (for example, in*

⁸ 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.

the development plan) for land-use change in the area will be relevant considerations. For instance, a large, brightly illuminated sign, which would appear appropriate on a department store and contribute colour, interest and vitality to some High Street shopping areas, may well be unacceptable on a corner shop in an otherwise residential locality. In the open countryside, the land-form and quality of the immediate surroundings, and whether the advertisement respects natural contours, landscape character and background features against which it will be seen, will be amongst the relevant factors. Whilst businesses located in the countryside will expect to be able to advertise their whereabouts, especially to visitors, care should be taken to ensure that signs are designed and sited to harmonise with their setting; and that a proliferation of individually acceptable advertisements does not spoil the appearance of open countryside. Wherever practicable, businesses in the same general location, or in by-passed communities, should be encouraged to combine their essential advertising needs so as to avoid a proliferation of advance signs. By-passed communities may wish to consider whether an officially approved highway sign can be produced to meet the needs of the whole community.

13. Large poster hoardings, which are often part of the fabric of commercial and industrial areas, are usually out of place anywhere else. Since 1984 published guidance has been available about the criteria for deciding applications involving poster-sites. This guidance remains relevant and is included as the Annex to this Note.

14. Amenity considerations may sometimes appear to be based on a subjective judgement. It is thus important for the LPA to be consistent in assessing visual impact in similar surroundings, so as to minimise the scope for prospective advertisers to criticise apparently inconsistent or unreasonable decisions.

Considerations of "public safety"

15. In assessing an advertisement's impact on "public safety", LPAs are expected to have regard to its effect upon the safe use and operation of any form of traffic or transport on land (including the safety of pedestrians), on or over water, or in the air. LPAs will therefore consider such matters as the likely behaviour of drivers of vehicles who will see the advertisement; possible confusion with any traffic sign or other signal; or possible interference with a navigational light or an aerial beacon. LPAs will also bear in mind that some advertisements can positively benefit public safety by directing drivers to their destination. In their assessment of the public safety implications of an advertisement display, LPAs will assume that the primary purpose of an advertisement is to attract people's attention and will therefore not automatically presume that an advertisement will distract the attention of passers-by, whether they are drivers, cyclists or pedestrians. The vital consideration, in assessing an advertisement's impact, is whether the advertisement itself, or the exact location proposed for its display, is likely to be so distracting, or so confusing, that it creates a hazard to, or endangers, people

in the vicinity who are taking reasonable care for their own and others' safety. Further advice on assessing the public safety implications of the display of an advertisement is given in DOE Circular 5/92 (WO 14/92).

16. When considering public safety factors, LPAs will usually consult other relevant organisations who have an interest in the display of the advertisement. For example, they will consult the highway authority about an advertisement which is to be displayed alongside a trunk road or within view from a motorway, or where they consider that the safety of people using the highway may be affected.

5.47 Within predominantly residential areas, general advertising is an unnecessary and unreasonable encroachment on the amenity of residents. Only signs needed to identify business premises within predominantly residential areas will be appropriate.

~~**EP21 GENERAL ADVERTISING WITHIN PREDOMINANTLY RESIDENTIAL AREAS WILL NOT NORMALLY BE PERMITTED.**~~

This policy was not saved because it is superseded by Government advice in PPG19. See EP20 above.

5.48 The Control of Advertisements Regulations permit some projecting signs on business premises. In most cases, these should be the maximum allowed in the interests of amenity, although exceptions may be appropriate, for example, in the case of public houses which traditionally display projecting signs at a higher level than permitted by the Regulations.

~~**EP22 WHERE CONSENT IS REQUIRED, APPLICATIONS FOR PROJECTING SIGNS ON BUSINESS PREMISES WILL BE CONSIDERED HAVING REGARD TO THE NUMBER OF EXISTING PROJECTING SIGNS ON THE PREMISES. CONSENT WILL NORMALLY ONLY BE GRANTED FOR ONE PROJECTING SIGN AT FASCIA LEVEL FOR EACH ELEVATION OF THE PREMISES.**~~

This policy was not saved because it is superseded by Government advice in PPG19. See EP20 above.

Outdoor Advertising Hoardings

5.49 Large scale outdoor advertising has a significant impact on its surroundings and is not appropriate in areas where it would be clearly out of scale, or where it would be directly overlooked by dwellings.

~~**EP23 APPLICATIONS FOR POSTER PANELS WILL BE CONSIDERED HAVING REGARD TO:**~~

~~i THE PREDOMINANT CHARACTER OF THE AREA;~~

~~ii THE SCALE OF SURROUNDING BUILDINGS;~~

~~iii THE VISUAL IMPACT ON HIGHWAY USERS AND OCCUPIERS OF PREMISES WHICH OVERLOOK THE SITE; AND~~

~~iv THE INTERESTS OF PUBLIC SAFETY.~~

~~POSTER ADVERTISING WILL NOT NORMALLY BE PERMITTED IN THE OPEN COUNTRYSIDE OR IN PREDOMINANTLY RESIDENTIAL LOCATIONS.~~

This policy was not saved because the issues it refers to are covered in PPG19 Annex 1 and to Communities & Local Government Circular 03/2007 Appendix E, the relevant text of which follows:⁹

PPG19 Annex 1

CRITERIA FOR DECIDING APPLICATIONS AND APPEALS INVOLVING POSTER-SITES

General

1. Any application to a local planning authority, or appeal to the Secretary of State, which involves the display of a poster is to be considered on its own merits with regard to the general characteristics of the locality in which it is to be displayed. Although other material factors may be taken into account in determining the application or appeal, the Control of Advertisements Regulations require that powers of control shall only be exercised in:-

(1) the interests of amenity (which means the visual amenity of the neighbourhood where the poster is to be displayed); and

(2) the interests of public safety (which means the safety of people using any form of travel likely to be affected by the poster display).

2. In applying the expression "in the interests of amenity" to any particular application or appeal, account should be taken not only of factors which may be detrimental to amenity but also of factors which may be to the advantage of the amenity of a locality, such as adding appropriate colour and interest to a drab area, or screening an eyesore.

⁹ 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. *While they are to have regard to the general characteristics of a locality (including any feature of historic, architectural, cultural or similar interest), and they may disregard existing advertisements in the locality in assessing its general characteristics, local planning authorities should nevertheless seek to ensure consistency in their general approach towards the determination of applications in particular localities; and the Secretary of State should ensure the same approach is taken to appeals.*

4. *Poster-panels should respect the scale of their surrounding location: when they are displayed on a paved forecourt, or in a pedestrianised area, their dimensions should be in scale with other street furniture and the effect of the display should not be overwhelming upon pedestrians in the area; but when they are displayed on buildings, or as free-standing units alongside the highway, they should be related to the scale of surrounding buildings and have regard to the symmetry or architectural features of their location. Good quality hard or soft landscaping, properly maintained, can significantly enhance the appearance of a poster display and help it to blend with its surroundings.*

Open countryside

5. *Poster advertising is out of place in the open countryside and should not normally be allowed. There may be temporary exceptions, eg agricultural shows and similar events, but the duration of the display should be limited to a suitable period leading up to, and the duration of, the event being advertised.*

Villages

6. *In villages large-scale poster advertising is normally out of place; but the smaller sizes may be appropriate, depending on the character of the village and the position of the proposed display in relation to surrounding buildings and features.*

Residential areas

7. *Poster advertising is out of place in any predominantly residential locality and should not normally be allowed. If a locality is in a mixed use - with shops or offices interspersed with residential development, or sharing the same premises in former dwellinghouses - some poster advertising may be acceptable when it is carefully related to the scale of surrounding buildings and designed and positioned so as not to intrude upon or interrupt existing features or landmarks*

Predominantly commercial areas

(i) General

8. *In predominantly commercial surroundings, the scale of the buildings may be sufficiently large to accommodate larger poster displays without any adverse effect upon visual amenity. But the scale of commercial surroundings can vary greatly, even*

within short distances in the same town; and it is to be expected that decisions on applications or appeals in commercial areas will seek to match the scale of poster displays with the scale of adjacent buildings.

9. In mixed commercial/residential areas much greater care should be taken in the siting of poster advertising than in a wholly commercial area, in precisely the same way as greater care should be taken with the siting of other commercial activities.

(ii) On buildings

10. A poster panel on a building should be in scale with the particular building. It should not cut across any architectural features of the building unless there are exceptional circumstances, eg windows of a disused building awaiting redevelopment. Large-scale poster advertising will normally be inappropriate on listed buildings.

11. Poster panels may be acceptable on the flank-walls of buildings, but they should not be unduly dominant, and should be so designed and positioned as to be seen as an integral feature of the building.

12. In determining whether, on grounds of amenity, the display of a poster panel is appropriate on a building, the most important criterion is the overall visual effect of the display upon the entirety of the building and its surroundings. In judging this effect, the actual use of the building may matter less than the purpose for which the building was originally designed and built.

(iii) Free-standing roadside displays

13. Free-standing roadside panels should always be in scale with the buildings on either side and in the surrounding area, in precisely the same way as any other commercial development. Large poster hoardings situated at the back-edge of the pavement, or in other prominent locations, usually have a dominant visual impact upon their surroundings, and they therefore need to be sited with particular care to ensure that their effect on pedestrians is not overwhelming.

Conservation areas

14. Poster advertising may be appropriate in the predominantly shopping and business parts of conservation areas, though particular care to ensure that the method of presentation of any posters displayed in a conservation area is compatible with the area's architectural or historic features is essential. In some areas, the smaller sizes of poster panel will be more appropriate to the scale of the buildings. Similar considerations apply in areas which, though not formally designated as conservation areas, nevertheless contain buildings of considerable architectural or historic merit, or where the "group-value" of a number of buildings is outstanding.

Open spaces and civic buildings

15. Poster advertising may be appropriate when seen in juxtaposition with parks and open spaces, or with civic buildings, if other forms of commercial activity, eg modern shop buildings, are also seen in juxtaposition with those spaces or buildings. However, where any form of commercial activity would detract from the dignity or character of an area, poster advertising would be equally inappropriate.

Appendix E Circular 03/2007

Criteria for deciding applications and appeals involving poster-sites.

GENERAL

1. Any application to a local planning authority, or appeal to the Secretary of State, which involves the display of a poster is to be considered on its own merits with regard to the general characteristics of the locality in which it is to be displayed. Although other material factors may be taken into account in determining the application or appeal, the Control of Advertisements Regulations require that powers of control shall only be exercised in:

*(1) the interests of amenity (which means the visual amenity of the neighbourhood where the poster is to be displayed and where noise is a consideration); and
(2) the interests of public safety (which means the safety of people using any form of travel likely to be affected by the poster display; crime prevention and drug abuse are also considerations).*

2. In applying the expression "in the interests of amenity" to any particular application or appeal, account should be taken not only of factors which may be detrimental to amenity but also of factors which may be to the advantage of the amenity of a locality, such as adding appropriate colour and interest to a drab area, or screening an eyesore.

3. While they are to have regard to the general characteristics of a locality (including any feature of historic, architectural, cultural or similar interest), and they may disregard existing advertisements in the locality in assessing its general characteristics, local planning authorities should nevertheless seek to ensure consistency in their general approach towards the determination of applications in particular localities; and the Secretary of State should ensure the same approach is taken to appeals.

4. Poster-panels should respect the scale of their surrounding location: when they are displayed on a paved forecourt, or in a pedestrianised area, their dimensions should be in scale with other street furniture and the effect of the display should not be overwhelming upon pedestrians in the area; but when they are displayed on buildings, or as free-standing units alongside the highway, they should be related to the scale of surrounding buildings and have regard to the symmetry or architectural features of their

location. Good quality hard or soft landscaping, properly maintained, can significantly enhance the appearance of a poster display and help it to blend with its surroundings.

OPEN COUNTRYSIDE

5. Poster advertising is out of place in the open countryside and should not normally be allowed. There may be temporary exceptions, e.g. agricultural shows and similar events, but the duration of the display should be limited to a suitable period leading up to, and the duration of, the event being advertised.

VILLAGES

6. In villages large-scale poster advertising is normally out of place; but the smaller sizes may be appropriate, depending on the character of the village and the position of the proposed display in relation to surrounding buildings and features.

RESIDENTIAL AREAS

7. Poster advertising is out of place in any predominantly residential locality and should not normally be allowed. If a locality is in a mixed use – with shops or offices interspersed with residential development, or sharing the same premises in former dwelling houses – some poster advertising may be acceptable when it is carefully related to the scale of surrounding buildings and designed and positioned so as not to intrude upon or interrupt existing features or landmarks.

PREDOMINANTLY COMMERCIAL AREAS

(i) General

8. In predominantly commercial surroundings, the scale of the buildings may be sufficiently large to accommodate larger poster displays without any adverse effect upon visual amenity. But the scale of commercial surroundings can vary greatly, even within short distances in the same town; and it is to be expected that decisions on applications or appeals in commercial areas will seek to match the scale of poster displays with the scale of adjacent buildings.

9. In mixed commercial/residential areas much greater care should be taken in the siting of poster advertising than in a wholly commercial area, in precisely the same way as greater care should be taken with the siting of other commercial activities.

(ii) On buildings

10. A poster panel on a building should be in scale with the particular building. It should not cut across any architectural features of the building unless there are exceptional circumstances, e.g. windows of a disused building awaiting redevelopment. Large-scale

poster advertising will normally be inappropriate on listed buildings.

11. Poster panels may be acceptable on the flank-walls of buildings, but they should not be unduly dominant, and should be so designed and positioned as to be seen as an integral feature of the building.

12. In determining whether, on grounds of amenity, the display of a poster panel is appropriate on a building, the most important criterion is the overall visual effect of the display upon the entirety of the building and its surroundings. In judging this effect, the actual use of the building may matter less than the purpose for which the building was originally designed and built.

(iii) Free-standing roadside displays

13. Free-standing roadside panels should always be in scale with the buildings on either side and in the surrounding area, in precisely the same way as any other commercial development. Large poster hoardings situated at the back-edge of the pavement, or in other prominent locations, usually have a dominant visual impact upon their surroundings, and they therefore need to be sited with particular care to ensure that their effect on pedestrians is not overwhelming.

CONSERVATION AREAS

14. Poster advertising may be appropriate in the predominantly shopping and business parts of conservation areas, though particular care to ensure that the method of presentation of any posters displayed in a conservation area is compatible with the area's architectural or historic features is essential. In some areas, the smaller sizes of poster panel will be more appropriate to the scale of the buildings. Similar considerations apply in areas which, though not formally designated as conservation areas, nevertheless contain buildings of considerable architectural or historic merit, or where the "groupvalue" of a number of buildings is outstanding.

OPEN SPACES AND CIVIC BUILDINGS

15. Poster advertising may be appropriate when seen in juxtaposition with parks and open spaces, or with civic buildings, if other forms of commercial activity, e.g. modern shop buildings, are also seen in juxtaposition with those spaces or buildings. However, where any form of commercial activity would detract from the dignity or character of an area, poster advertising would be equally inappropriate.

5.50 Within commercial areas, or in conjunction with business premises, it is reasonable to allow a degree of advertising where this is related to the scale of the surrounding buildings and is not detrimental to the amenities of any residents who may overlook the site.

~~**EP24 SMALL SCALE ADVERTISEMENTS NOT EXCEEDING 1.6 SQUARE METRES WILL NORMALLY BE PERMITTED IN PREDOMINANTLY COMMERCIAL LOCATIONS, OR IF DISPLAYED IN CONJUNCTION WITH EXISTING BUSINESS PREMISES. THE NUMBER AND SIZE OF THE ADVERTISEMENTS SHOULD BE IN PROPORTION TO THE SIZE OF THE BUSINESS PREMISES AND THE EXTENT OF ROAD FRONTAGE. GENERAL ADVERTISING WILL NOT BE PERMITTED WHERE SUCH SITES ARE DIRECTLY OVERLOOKED BY DWELLINGS.**~~

This policy was not saved because it is superseded by Government advice in PPG19. See EP20 above.

Directional Signs

- 5.51 Motorists already have numerous distractions on highways, including legitimately displayed direction signs. Only signs which are acceptable in terms of both amenity and road safety will be appropriate.

~~**EP25 SIGNS INTENDED TO DIRECT PEDESTRIANS OR ROAD USERS TO PARTICULAR SITES OR LOCATIONS NOT VISIBLE FROM THE PUBLIC HIGHWAY WILL NORMALLY BE PERMITTED WHERE THEIR DISPLAY WOULD NOT BE DETRIMENTAL TO VISUAL AMENITY OR HIGHWAY SAFETY**~~

This policy was not saved because it is superseded by Government advice in PPG19. See EP20 above.

Signs Affecting Listed Buildings or Conservation Areas

- 5.52 The Council has a duty to pay special regard to preserving listed buildings and their settings and to enhancing the character and appearance of a conservation area. Inappropriate advertisements can have a detrimental effect on listed buildings and conservation areas.

~~**EP26 ADVERTISEMENTS WHICH AFFECT LISTED BUILDINGS OR CONSERVATION AREAS SHOULD RESPECT THE CHARACTER OF THE BUILDINGS AND BE COMPATIBLE WITH THE AREAS ARCHITECTURAL FEATURES. SIGNS ON BUILDINGS SHOULD BE OF A STYLE WHICH DOES NOT DETRACT FROM THE INTRINSIC VALUE OF THE PREMISES.**~~

This policy was not saved because it is superseded by Government advice in PPG19. See EP20 above and the following additional extracts from PPG19:¹⁰

Advertisements in Conservation Areas

22. LPAs have the power (in section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990) to designate conservation areas. It is reasonable to expect that more exacting standards of advertisement control will prevail in conservation areas. However, the designation of a locality as a conservation area does not necessarily justify its also being defined as an "Area of Special Control of Advertisements". Many conservation areas are thriving commercial centres where the normal range of advertisements on commercial premises is to be expected, provided they do not detract from visual amenity. LPAs should use advertisement controls flexibly in such areas, so as to conserve or enhance particular features of architectural or historic interest.

23. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 provides that where an area is designated as a conservation area "... special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area" in the exercise of any of the provisions of the Planning Acts. This includes the control of outdoor advertisements. LPAs will therefore need to bear this provision in mind when considering any advertisement application in a conservation area.

"Listed" buildings and Ancient Monuments

24. Additional controls usually apply to advertisements for display on listed buildings, and on the site of a scheduled Ancient Monument. This is because almost all advertisements on listed buildings or scheduled monuments will constitute an "alteration" to the building or the monument's site and, therefore, require listed building or scheduled monument consent in addition to any advertisement consent. Special care is essential to ensure that any advertisement displayed on, or close to, a listed building or scheduled monument does not detract from the integrity of the building's design, historical character or structure, and does not spoil or compromise its setting.

Discontinuance Action

¹⁰ 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.

Kirklees Unitary Development Plan, Written Statement

Policies struck through ceased to have effect from 28 September 2007 (having been "not saved" by the Secretary of State). An explanatory note is provided for each not saved policy.

- 5.53 Major approach routes to towns create an impression of the locality for both residents and visitors alike. The amount and quality of outdoor advertising can have a significant influence on this impression. The Council will take steps to seek a reduction in the amount of outdoor advertising where it considers that this would improve environmental quality. Implementation programmes will be prepared which identify sites where advertisements should be removed as part of an overall road corridor improvement scheme. Consequently, the Council will take action under the Town and Country Planning (Control of Advertisements) Regulations in respect of advertisements that have been erected within main road corridors which are detrimental to the quality of the environment.

SPECIAL INDUSTRIAL USES

Hazardous Industry

- 5.54 Where processes which may be considered hazardous are carried out, the implications extend well beyond the boundaries of the site. The release of toxic chemicals, or the effects of an explosion, could be serious not only for people working on the premises, but also for those who live or work nearby. Proposals related to new hazardous industry will receive careful consideration, in consultation with the Health and Safety Executive, to determine the suitability of the site with regard to existing or proposed uses in the vicinity. The responsibility of showing, beyond all reasonable doubt, that the site is suitable for the proposal, and that the likely effects of any accident will have only a minimal impact on surrounding uses, will be placed on the applicant.

~~**EP27 HAZARDOUS INDUSTRIAL PROCESSES OR STORAGE FACILITIES WILL NORMALLY BE PERMITTED IN LOCATIONS WHERE IT CAN BE SHOWN THAT THERE WOULD BE NO ADVERSE EFFECTS ON EXISTING PROPERTIES OR POTENTIAL DEVELOPMENT LAND WITHIN ANY AREA THAT WOULD BE LIKELY TO BE AFFECTED IN THE EVENT OF ACCIDENT OR EMERGENCY ON THE SITE.**~~

Policy EP27 was not saved as there is a requirement under the Hazardous Substances Act 1990 for consent to be obtained for the storage and use of hazardous substances. This takes account of the likely impact on the local area, existing properties and allocated sites.

- 5.55 It will not be appropriate for new development to be permitted which could result in significant numbers of people living, working or congregating close to hazardous industry. Such proposals will be considered in consultation with the Health and Safety Executive.

~~**EP28 DEVELOPMENT PROPOSALS FOR ANY USE WHICH WOULD RESULT IN A SIGNIFICANT NUMBER OF PEOPLE LIVING, WORKING OR CONGREGATING IN THE PROXIMITY OF ANY INDUSTRY WHICH STORES HAZARDOUS SUBSTANCES OR UTILISES HAZARDOUS PROCESSES WILL NOT NORMALLY BE PERMITTED.**~~

Policy EP28 was not saved because the issue it addresses is a matter for the Health and Safety Executive (although the relevant powers have been delegated back to local authorities, specifically in Kirklees to minerals and waste planning officers). The HSE requires all planning applications within consultation zones it defines around hazardous sites to be assessed according to the HSE PADHII process. Consequently EP28 has no practical effect.

- 5.56 Some industrial uses are by their nature 'bad neighbours'. This is recognised by the Town and Country Planning (Use Classes) Order 1987, which categorises them into Special Industrial Groups. These include industries such as metal treatment, mineral smelting, refining oil, and processing animal wastes. Often the processes used are little different from those employed in most industry, in that deliveries, storage requirements, and the use of machinery will be common features. Special industrial uses therefore should be considered in the context of other policies which apply to industrial use of land or buildings, with the additional consideration that the proposal should not cause any nuisance to, or prejudice the development of, adjacent land.

~~**EP29 PROPOSALS FOR ANY USE IDENTIFIED AS A SPECIAL INDUSTRY IN THE TOWN AND COUNTRY PLANNING (USE CLASSES) ORDER 1987 WILL BE CONSIDERED HAVING REGARD TO:**~~

- ~~**i THE EFFECT ON OCCUPIERS OF ADJOINING LAND OF THE OPERATION OF THE INDUSTRIAL USE PROPOSED;**~~
- ~~**ii THE METHODS OF CONTAINMENT AND DISPOSAL OF ANY WASTE ARISING FROM THE PROPOSED USE; AND**~~
- ~~**iii MEASURES PROPOSED FOR THE REMOVAL OF GROUND CONTAMINANTS AND THE RESTORATION OF THE SITE WHEN THE USE CEASES.**~~

Policy EP29 was not saved as the use classes to which it refers have been discontinued.

CONSTRUCTION SITES

- 5.57 Work on construction sites can be a significant source of nuisance to occupiers of nearby land. On large sites it may be many months before construction work is complete. Whilst it is acknowledged that the effects of building works are temporary, there are measures that can be taken to limit the disturbance that may result and, where appropriate, conditions can be imposed on any grant of planning permission to minimise potential nuisance.
- 5.58 Construction work is temporary and any controls over the work in progress must be effective, and be able to be actioned quickly if the need arises. Excessive noise is therefore most effectively dealt with under the Control of Pollution Act, and obstruction of the highway, or mud on roads, is best resolved by action under the Highways Acts. Planning controls may, however, assist in avoiding problems arising from construction work. These are most appropriately directed toward the location of contractors' compounds, and the provision of wheel washing facilities for vehicles using the site which will compliment the action taken under the Control of Pollution Act and the Highways Acts.

EP30 PLANNING PERMISSION FOR DEVELOPMENT PROPOSALS WHICH INVOLVE PROLONGED CONSTRUCTION WORK WILL NORMALLY BE SUBJECT TO CONDITIONS:

- i REQUIRING DETAILS OF THE LOCATION OF CONTRACTORS' COMPOUNDS TO BE AGREED BEFORE DEVELOPMENT COMMENCES WHERE DEVELOPMENT IS NEAR EXISTING NOISE SENSITIVE USES; AND**
- ii REQUIRING ON SITE WHEEL WASHING FACILITIES TO BE PROVIDED WHILST CONSTRUCTION WORK IS IN PROGRESS.**

UDP

KIRKLEES UNITARY DEVELOPMENT PLAN

6. MINERALS

- 6.1 STRATEGY
- 6.3 ACTIVE MINERAL SITES WITH PERMITTED RESERVES
- 6.4 AREAS FOR FUTURE MINERAL WORKING
 - 6.4 Gritstone
 - 6.5 Aggregates
 - 6.8 Secondary Aggregates
 - 6.9 Clays
 - 6.10 Coal
- 6.11 CRITERIA FOR ASSESSING MINERALS APPLICATIONS
- 6.14 PROTECTION OF MINERAL RESERVES

6. MINERALS

STRATEGY

- 6.1 The occurrence of minerals in Kirklees is a consequence of its carboniferous geology; successive outcrops of sandstone, gritstones, shales, mudstone and coal measures. Pipeclay, brickclay and dimension stone are quarried together with a small amount of sand and gravel. Pipeclay extraction in Kirklees is of national significance and the local dimension stone industry is of regional significance. All of the District east of Huddersfield lies within the exposed Yorkshire coalfield. Underground extraction of coal has ceased with the exception of a small private sector coal mine. There has been little opencast coal mining in the past decade but significant reserves of coal workable by both methods remain. The District is, in common with the rest of West Yorkshire, a net importer of aggregate minerals although the quantities consumed in Kirklees are relatively modest in the absence of large construction and development projects.
- 6.2 A steady supply of minerals is essential to meet the needs of society and underpin economic activity but mines and quarries can be considered as equivalent to heavy industry in the countryside and the environmental costs of mineral extraction can be high if the activity is not properly planned and controlled. Of particular concern is the need to protect local water resources from disruption and pollution. Considerable burdens may be imposed upon roads and other infrastructure, and amenity and landscape and other land uses may be adversely affected over very long periods of time. Consequently the need to extract the mineral has normally to be justified and planning permission for mineral working should not be granted unless the local environment and residential amenity can be adequately protected during extraction and restoration which should be to an appropriate after-use. Furthermore, although minerals can only be won where they are found, extensive and prolonged concentration of extraction and restoration operations in a particular locality can lead to intolerable injury to the amenity of local residents and to the environment. The assessment of new proposals which are part of a pattern of piecemeal working of a mineral reserve will need to take into account the cumulative environmental impact resulting from other previous or simultaneous extractive operations.

M1 PROPOSALS FOR MINERAL EXTRACTION, WHICH SHOULD INCLUDE MEASURES FOR RESTORATION AND AFTER-USE OF THE SITE, WILL BE CONSIDERED HAVING REGARD TO:

- i THE IMPACT ON THE ENVIRONMENT INCLUDING WATER RESOURCES AND BEST AND MOST VERSATILE AGRICULTURAL LAND;**
- ii THE IMPACT ON RESIDENTIAL AMENITY AND HIGHWAY SAFETY; AND**

Kirklees Unitary Development Plan, Written Statement

Policies struck through ceased to have effect from 28 September 2007 (having been "not saved" by the Secretary of State). An explanatory note is provided for each not saved policy.

iii THE NEEDS OF BUSINESS AND INDUSTRY.

ACTIVE MINERAL SITES WITH PERMITTED RESERVES

6.3 The following active mineral sites are likely to operate for some or all of the next 10 years and are indicated on the proposals map for information.

AMWi) Wellfield Quarry, Crosland Moor, Huddersfield

AMWii) Waterholes Quarry, Crosland Moor, Huddersfield

AMWiii) Moorfield Quarry, Crosland Moor, Huddersfield

AMWiv) Sandene Quarry, Crosland Moor, Huddersfield

AMWv) Honley Wood Quarry, Huddersfield

AMWvi) Appleton Quarry, Shepley

AMWvii) Sovereign Quarry, Shepley

AMWviii) Carr Hill Quarry, Shepley

AMWix) Whitegate Quarry, Cartworth Moor

AMWx) Hill House Edge Quarry, Cartworth Moor

AMWxi) [Site deleted]

AMWxii) Spa Green Quarry, Fenay Bridge, Huddersfield

AMWxiii) Laneside Quarry, Kirkheaton, Huddersfield

AMWxiv) Peace Wood Quarry, Shelley

AMWxv) Bromley Farm Quarry, Upper Cumberworth

AMWxvi) Lower Cumberworth Quarry

AMWxvii) Hen Perch Quarry, Scissett

AMWxviii) Hay Royds Colliery, Scissett

AMWxix) Laneside Quarry East, Kirkheaton, Huddersfield

AREAS FOR FUTURE MINERAL WORKING

Gritstone

- 6.4** The gritstone quarrying industry located on the Greenmoor, Rough Rock and White Rock strata produces dimensional building and walling stone, random walling, blockstone and sawn and hand-riven paving slabs. Physical characteristics such as colour, durability and consistency further differentiate the use to which these products can be put. The occurrence of stone suitable for these products depends on variable local geological conditions. Prospecting is difficult and therefore proven sources are particularly important. Substantial permitted reserves of gritstone for dimension stone extraction exist in the District. The release of 17.5 hectares containing White Rock at Crosland Moor, Huddersfield for extraction compensates for both the deletion of land formerly allocated at Thewlis Farm, Crosland Moor and now considered too close to the built-up edge of Huddersfield to work without undue injury to the amenities of local residents, and the exhaustion of permitted reserves of White Rock at Honley Wood, Meltham.

Aggregates

- 6.5** Kirklees is not well endowed with aggregate resources in quantity or quality. Some are produced as the bulky by-product of local dimension stone quarries and small pockets of glacial sand and gravel remain along the River Calder. Release of the latter for extraction during the next 10 years would be justified in principle in the light of the 1992 commentary of the Regional Aggregates Working Party. These sites may also offer significant opportunities for the development of water based recreation after-use unless this would prejudice their washland function.¹ The release of gritstone reserves suitable for aggregates use may become necessary during the next 10 years.
- 6.6** MPG6 requires Minerals Planning Authorities to maintain a landbank or stock of planning permissions for the winning and working of aggregates sufficient for at least 7 years extraction. The mechanism through which the landbank requirement is calculated is the Yorkshire and Humberside Regional Aggregates Working Party comprising industry and Minerals Planning Authorities' representatives who produce the Regional Commentary or assessment of demand and supply. The RAWP also produces sub-regional apportionment reports indicating the contributions to be made by constituent "local areas" to the regional provision of aggregates. The appropriate local area for Kirklees is West Yorkshire. Within West Yorkshire Leeds and Wakefield are the main producers of sand and gravel aggregates. Liaison between the 5 constituent West Yorkshire Minerals Planning Authorities is required, however, to ensure that West Yorkshire's contribution to the regional provision of aggregates in Yorkshire and Humberside is achieved.

¹ See policy R14

M1A THE COUNCIL, IN CONJUNCTION WITH THE OTHER WEST YORKSHIRE METROPOLITAN BOROUGH COUNCILS, WILL MAINTAIN A LANDBANK OF PERMITTED RESERVES OF AGGREGATES, AND ALSO MAINTAIN ITS CONTRIBUTION TO MEETING ITS SHARE OF THE AGGREGATES DEMAND IN THE REGION ON THE ADVICE OF THE YORKSHIRE AND HUMBERSIDE REGIONAL AGGREGATES WORKING PARTY, UNLESS EXCEPTIONAL CIRCUMSTANCES PREVAIL, IN ACCORDANCE WITH NATIONAL GUIDANCE CONTAINED IN MPG6.

- 6.7 The outcrop of Midgeley Gritstone inside the western boundaries of Kirklees at Marsden Moor and Scammonden continues through Calderdale into Bradford. It is presently worked at Clockface Quarry, Barkisland in Calderdale and crushed for manufacture locally for artificial stone. Clockface Quarry will be exhausted by approximately 1997 and therefore a replacement source will be required which the industry indicate must be on the Midgeley Gritstone outcrop.

Secondary Aggregates

- 6.8 In view of the growing demand for aggregates and the environmental sensitivity of establishing new workings there are likely to be considerable benefits if greater use is made of secondary aggregates such as colliery shale and recycled demolition waste. Former colliery spoil heaps and steam ash deposits are likely to be the only significant sources of secondary aggregates in Kirklees. Colliery spoil has occasionally been extracted for use as cover material on landfill sites.

Clays

- 6.9 The requirements of ceramic pipeware manufacture locally justify the release of 28.7 hectares of land at Ox Lee, Jackson Bridge for the extraction of Halifax Hard Bed Shales over the next 20 - 25 years.

Coal

- 6.10 The only deep coal mine which operates in the District has sufficient permitted reserves for the next 10 years. The energy industry's apparent intention to reduce its dependence upon coal as a fuel seems likely to result in a reduction even in the level of opencast coal mine production. In West Yorkshire opencast coal mining is concentrated in Leeds and Wakefield Districts. There has not been an operational opencast coal mine in Kirklees since 1984 perhaps because the local geology is more difficult and because of the extent of previous extraction in the exposed coalfield within Kirklees during the 1950's and 1960's. Unlike aggregates there is no national or regional guidance on the level of production required or where it should be met; MPG3 leaves that to market forces. For these reasons no allocations for opencast coal mining are considered necessary.

M2 PROVIDED THAT PROPOSALS ACCORD WITH POLICY M3 WORKING OF MINERALS WILL BE PERMITTED IN THE FOLLOWING LOCATIONS WHICH ARE SHOWN ON THE PROPOSALS MAP.

- i KIRKLEES LOCK, CLIFTON (8.5HA)**
- ii SANDS MILL, EARLSHEATON (4HA)**
- iii SHEPLEY BRIDGE, MIRFIELD (17HA)**
- iv FORGE LANE, RAVENSTHORPE (10.5HA)**
- v LAND AT CROSLAND MOOR, HUDDERSFIELD (17.5HA).**
- vi OX LEE, HEPWORTH (28HA)**
- vii [SITE REFERENCE NOT USED]**
- viii CARR HILL QUARRY, SHEPLEY (1.3HA)**

CRITERIA FOR ASSESSING MINERALS APPLICATIONS

- 6.11 Mineral extraction can cause noise, dust, vibration, heavy vehicle traffic with its implications for road safety and highway maintenance, change to ground water and drainage, injury to visual amenity, and damage to the landscape and nature conservation. In addition the subsequent beneficial use of the land could be impaired. In many cases planning conditions can provide the means of control to ensure the protection of the environment and local amenity during the life of mineral workings and their subsequent restoration to a beneficial after-use. Alternatively planning obligations agreed between the operator and the Council may be a more suitable means of achieving the necessary protection measures or securing a compensating environmental or public benefit. In some cases planning conditions and legal agreements may be insufficient to ensure a satisfactory scheme of operations or restoration because of technical problems, for example, in achieving progressive working and phased restoration of dimension stone quarries. In such circumstances a financial bond may be sought to cover the risk of an operator ceasing to trade before the completion of operations. MPG2 and MPG7 provide detailed guidance on the protection of local amenity and the restoration of mineral workings.
- 6.11a There is no a priori requirement for planning applications for mineral extraction to demonstrate the need for the mineral or the absence of a more suitable alternative site or source of supply. However, it is almost invariably the case that mineral extraction will give rise to some environmental harm, and in practice the issues of need and alternative

sources are usually relevant material planning considerations in the determination of such applications. Therefore when an environmental assessment is required it will usually be appropriate for the statement to include an appraisal of the main alternatives. In the case of energy minerals, the most relevant of which is opencast coal, it is implicit in paragraph 6 of MPG3 that energy market conditions, nationally and internationally, determine need and explicit that Minerals Planning Authorities in determining applications for the extraction of energy minerals may only take account of the need to protect the environment subject to the circumstances set out in paragraphs 62 to 64 of MPG3.

- 6.12 Exploration to prove mineral resources takes place from time to time. There is some potential in the Pennine area for the occurrence of oil and natural gas reserves and several seismic and borehole surveys have taken place. Exploratory surveys of this kind tend to be of limited duration with limited environmental impact and can often be carried out as permitted development under the terms of the General Permitted Development Order. However, where exploratory activity requires planning permission it will be appropriate to assess proposals against the criteria which apply to mineral extraction.

M3 PROPOSALS TO EXPLORE FOR OR TO EXTRACT MINERALS WILL BE PERMITTED PROVIDED THAT THEY WOULD NOT:

- i CAUSE UNACCEPTABLE DETRIMENT TO LANDSCAPE OR LOCAL VISUAL AMENITY DURING OR SUBSEQUENT TO EXTRACTION;**
- ii BE MATERIALLY DETRIMENTAL TO INTERESTS OF NATURE CONSERVATION, CULTURAL HERITAGE, GEOLOGICAL OR ARCHAEOLOGICAL IMPORTANCE;**
- iii CAUSE NUISANCE OR MATERIALLY SIGNIFICANT DISTURBANCE TO LOCAL RESIDENTS AS A CONSEQUENCE OF THE GENERATION OF DUST, NOISE OR VIBRATION BY SITE OPERATIONS OR ASSOCIATED TRANSPORT;**
- iv PREJUDICE HIGHWAY SAFETY THROUGH THE VOLUME OR NATURE OF VEHICLE MOVEMENTS GENERATED;**
- v RESULT IN POLLUTION OF WATER RESOURCES OR SOILS OR THE INTERRUPTION OF LAND DRAINAGE;**
- vi CAUSE MATERIALLY SIGNIFICANT PERMANENT CHANGE TO LOCAL RIGHTS OF WAY NETWORKS; OR**
- vii RESULT IN PERMANENT LOSS OF BEST AND MOST VERSATILE AGRICULTURAL LAND.**

APPLICATIONS TO EXTRACT MINERALS SHOULD BE ACCOMPANIED BY SUFFICIENT INFORMATION TO DEMONSTRATE THAT SUCH UNACCEPTABLE IMPACTS WOULD NOT RESULT OR COULD BE CONTROLLED AND TO DEMONSTRATE THE PRESENCE OF THE MINERAL. WHENEVER PROPOSALS, EXCEPT THOSE INVOLVING THE EXTRACTION OF ENERGY MINERALS, WOULD RESULT IN UNAVOIDABLE ADVERSE IMPACTS ON LOCAL AMENITY OR THE ENVIRONMENT, THEY SHOULD BE ACCOMPANIED BY INFORMATION TO DEMONSTRATE THE NEED TO EXTRACT THE MINERAL AS WELL AS THE ABSENCE OF MORE SUITABLE ALTERNATIVE SOURCES OF SUPPLY.

6.12a It is established Government policy that restoration and aftercare will be required to make mineral workings fit for beneficial after-use and environmentally acceptable. Detailed guidance on restoration and aftercare is given in MPG7 "The Reclamation of Mineral Workings".

M3A ~~PROPOSALS TO EXPLORE FOR OR EXTRACT MINERALS SHOULD, IN ADDITION TO SATISFYING THE REQUIREMENTS OF POLICY M3 ABOVE, ALSO PROVIDE FOR BENEFICIAL AFTER-USE OF THE SITE TO AGRICULTURE, FORESTRY OR AMENITY USE, HAVING REGARD TO ANY PROVISIONS OF THE PLAN WHICH APPLY TO THE SITE OR ITS SURROUNDINGS, BY INCLUDING ARRANGEMENTS FOR PROGRESSIVE WORKING, PHASED RESTORATION AND AFTERCARE.~~

Policy M3A was not saved because guidance on beneficial after-uses and restoration for mineral sites is set out in paragraph 19 of Minerals Policy Statement 1: Planning and Minerals (2006), as follows: ²

Restoration:

- take account of the opportunities for enhancing the overall quality of the environment and the wider benefits that sites may offer, including nature and geological conservation and increased public accessibility, which may be achieved by sensitive design and appropriate and timely restoration;*
- consider the opportunities that sites may offer for the development of new woodland areas and for providing networks of habitats;*

² 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.

Kirklees Unitary Development Plan, Written Statement

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- *in order to avoid the possibility of mineral working resulting in dereliction, ensure land is reclaimed at the earliest opportunity and that high quality restoration and aftercare of mineral sites takes place through the provision of guidance on suitable or preferred after-uses and reclamation standards, and the use of conditions and legal agreements, as appropriate;*
- *ensure proposals for restoration and aftercare of sites include details of appropriate phasing of progressive restoration, final landform and landscape and monitoring procedures;*
- *develop a strategy for inactive sites with planning permission for future working, which are considered unlikely to be reactivated in the foreseeable future;*
- *maintain or improve the Public Right of Way network around restored mineral sites as far as practicable;*
- *do not seek or require bonds or other financial guarantees to underpin planning conditions, except as set out in MPG710;*
- *where restoration of mineral workings is through landfill or to a wetland habitat, consult the owner or operator of civil and military aerodromes within 13km, in order to assess the likelihood of increasing the bird strike hazard;*
- *examine the merits of recycling mineral wastes for productive uses or using them for site restoration, in order to minimise the adverse impact that they could otherwise have on the landscape*

6.13 Waste deposits, whether restored or not, are a potential source of secondary aggregates or cover material for landfill sites. Extraction and removal of unrestored waste deposits would enable restoration and beneficial after-use to be secured. However, many waste deposits have been restored using derelict land grant and their reworking could only be justified where the material to be extracted is a substitute for natural aggregates or a suitable cover material for landfill sites and alternative unrestored waste deposits are not available.

M4 PROPOSALS TO EXTRACT MINERALS FROM FORMER WASTE DEPOSITS WILL BE SUBJECT TO POLICY M3. IN THE CASE OF RESTORED SITES ADDITIONAL CONSIDERATIONS WILL BE WHETHER THE MATERIAL TO BE EXTRACTED CAN BE CONSIDERED A SUBSTITUTE FOR NATURAL AGGREGATES OR A SUITABLE COVER MATERIAL FOR LANDFILL SITES, AND WHETHER AN ALTERNATIVE UNRESTORED SOURCE OF THE MATERIAL IS AVAILABLE LOCALLY.

PROTECTION OF MINERALS RESERVES

- 6.14 The local dimension stone industry based in particular on the Huddersfield Rough Rock reserves is of regional and perhaps national importance. The local ceramic pipeware manufacturing industry is of national importance. Brick manufacture provides local employment. All depend to a greater or lesser degree upon the continued availability of mineral reserves which need to be safeguarded for future use. Remaining resources of coal are likely only to be extracted by open cast mining. A large part of the District potentially contains coal reserves but the absence of information about the viability of extraction precludes safeguarding.
- 6.15 Whilst workable mineral reserves normally occur within the green belt, even the limited development acceptable under green belt policies could sterilise them or hinder extraction or the subsequent restoration of extraction sites using imported fill. New development need not necessarily take place directly on mineral reserves to have such an effect; new residential development immediately adjacent could sterilise a reserve. The identification of mineral reserves will in itself create no presumption that proposals for mineral extraction will be acceptable.

M5 SAFEGUARDED MINERAL RESERVES ARE INDICATED ON THE PROPOSALS MAP AS FOLLOWS:

- i HUDDERSFIELD ROUGH ROCK RESERVES AT CROSLAND MOOR**
- ii CUMBERWORTH THIN PIPECLAYS, NEAR SHELLEY**
- iii PIPECLAYS ASSOCIATED WITH THE PENISTONE FLAG SERIES OF THE LOWER COAL MEASURES, ADJACENT TO HEN PERCH QUARRY, DENBY DALE**
- iv ASHLAR AT ROCKINGSTONE, WHOLESTONE MOOR, HUDDERSFIELD**
- v PIPECLAYS AT LARGE DIAMETER PIPEWORKS, LOWER CUMBERWORTH**
- vi ASHLAR AT SOVEREIGN QUARRIES, CARR LANE, SHEPLEY**
- vii SANDSTONE AND PIPECLAYS AT APPLETON QUARRY, SHEPLEY**
- viii PIPECLAYS AT THE BROMLEYS (NORTH EAST), UPPER CUMBERWORTH**
- ix PIPECLAYS AT THE BROMLEYS (SOUTH WEST), UPPER CUMBERWORTH**

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x PIPECLAYS AT GREEN HOUSE FARM, SHELLEY

**DEVELOPMENT PROPOSALS LIKELY TO AFFECT THESE RESERVES
SUCH THAT FUTURE SURFACE EXTRACTION WOULD BE PREJUDICED
WILL NOT NORMALLY BE PERMITTED.**

UDP

KIRKLEES UNITARY DEVELOPMENT PLAN

7. WASTE DISPOSAL

7.0 STRATEGY

- 7.0a National Policy
- 7.0b Regional Planning Guidance
- 7.0c EC Framework Directive on Waste
- 7.0d West Yorkshire Waste Management Plan
- 7.0e Development Plans
- 7.1 Local Conditions

7.4 METHODS OF WASTE DISPOSAL

7.6 LANDFILL

- 7.7 Sites for Landfill
- 7.8 Land Raising
- 7.9 Criteria for Assessing Landfill Applications

7.16 TREATMENT, STORAGE AND TRANSFER OF WASTE

7.24 CRITERIA FOR ASSESSING APPLICATIONS FOR WASTE TRANSFER, RECYCLING AND HANDLING

7. WASTE DISPOSAL

STRATEGY

National Policy

7.0a Central government policy towards waste management is based upon the following general principles:

- i A hierarchy of:
 - waste reduction
 - re-use
 - recovery (including materials recycling, energy recovery and composting)
 - safe disposal.
- ii The 'proximity principle' under which waste should be disposed of (or otherwise managed) close to the point at which it is generated. The objective is to create a more responsible and hence sustainable approach to the generation of wastes and also limit the pollution from transport. Where waste has to be transported consideration should be given to use of rail or water transport if economically feasible.
- iii 'Regional self-sufficiency' whereby each region should expect to provide sufficient facilities to treat or dispose of all the waste it produces and development plans should reflect this need. Waste may be transported across regional boundaries when there are identified alternative facilities, in accordance with the proximity principle or for the treatment of specialised wastes.

The national waste strategy (1995) introduced two primary targets:

- to reduce the proportion of controlled waste going to landfill (currently 70%) to 60% by 2005;
- to recover 40% of municipal waste by 2005.

Other targets include:

- to compost 40% of all household waste by the year 2000;
- to increase the use of secondary aggregates from 30 to 50 million tonnes per annum.

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The national strategy also encourages incineration as a treatment for municipal waste and the recently introduced tax on landfill has reduced the cost advantage of landfill over incineration.

Regional Planning Guidance

- 7.0b Strategic Guidance for the Yorkshire and Humberside (RPG2 1989) region advises the constituent West Yorkshire District Councils to co-ordinate their policies for waste disposal with one another, having regard to the West Yorkshire Waste Management Plan (1990), and with relevant authorities within the Yorkshire and Humberside region.

EC Framework Directive on Waste

- 7.0c This Directive now enshrined in the Waste Management Licensing Regulations 1994 obliges plan making authorities (including local planning authorities) to draw up plans relating to:

- the type, quantity and origin of waste to be recovered or disposed of;
- general technical requirements;
- any special arrangements for particular wastes; and
- suitable disposal sites or installations.

The objectives for such plans are set out in Articles 3, 4 and 5 of the EC Directive and in general terms require: waste minimisation together with materials recycling and recovery; the protection of the environment and human health, including consideration of the impact of potentially polluting development on land use and local amenity; and the establishment of an integrated network of disposal installations to enable self-sufficiency at both the national and EC level and disposal by suitable means in accordance with the proximity principle.

West Yorkshire Waste Management Plan

- 7.0d The first three objectives in Article 3 of the EC Directive are addressed in the Waste Management Plan prepared by the West Yorkshire Waste Regulation Authority and adopted in March 1996. The plan provides the framework for strategic decisions on the minimisation, recovery and disposal of waste in West Yorkshire. It leaves the land use planning aspects of waste management to be addressed in unitary development plans. The plan indicates that the total waste arisings of controlled waste in West Yorkshire, ie, excluding waste from agriculture and mining and quarrying, amount to 5.8 million tonnes per annum. It exhorts householders, businesses, industry and all public bodies to examine and segregate their waste, to promote the minimisation, re-use and recycling of waste and to dispose of the remainder in an environmentally acceptable and sustainable way. It concludes that:

Kirklees Unitary Development Plan, Written Statement

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- landfill is likely to continue as the principal means for the disposal of West Yorkshire's waste until commercial considerations promote better or more appropriate options;
- nevertheless, incineration of waste with energy recovery in suitably located plants designed to meet new pollution control standards is an environmentally acceptable form of waste disposal;
- sufficient landfill capacity is currently available in West Yorkshire for the disposal of most waste requiring landfill but locational, operational and regulatory restrictions create imbalances within the county area;
- West Yorkshire will increasingly rely on landfill options for the disposal of household, industrial and commercial waste in landfill sites outside the county;
- the trend to fewer, more strategic facilities is likely to continue within and beyond West Yorkshire; consequently waste will increasingly have to be transported longer distances.

Development Plans

7.0e The final requirement in Article 7 of the EC Directive, the identification of suitable sites or installations and their land use and amenity implications, has primarily to be dealt with in development plans, including UDP's. The policies on waste to be included in UDP's are defined in the Town and Country Planning Act 1990 as modified by the Waste Management Licensing Regulations 1994 and their content is set out in paragraph 2.23 of PPG 23: Planning and Pollution Control as follows:

- identify existing sites with spare capacity for the disposal, storage and treatment of waste, and new sites;
- designate broad 'areas of search' for sites for recycling, treatment and disposal sufficient to meet the demand during the plan period;
- include land use, environmental and amenity criteria against which applications for waste transfer, storage, treatment or disposal can be considered.

In paragraph 2.22, PPG 23 indicates the need also to take account of the other proposals in the UDP for minerals extraction as mining can produce waste on a significant scale and quarries can provide landfill sites for other wastes.

Local Conditions

7.1 Circumstances in Kirklees differ in a number of respects from the situation described for the county as a whole in the West Yorkshire Waste Management Plan. Whilst Kirklees 18% share of the county's population might indicate total controlled waste arisings of approximately 950,000 tonnes per annum, this figure probably over-estimates

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construction, demolition and excavation waste arisings in the District. Municipal waste arisings in Kirklees were approximately 150,000 tonnes per annum in 1998. Almost all special waste arisings in West Yorkshire are generated by Zeneca in Huddersfield and are disposed of to a dedicated landfill at Bradley, which has capacity sufficient to last beyond the plan period. Until 1996 virtually all waste arisings in Kirklees and the balance of West Yorkshire's municipal waste were disposed of to major landfills within the District. All are now complete and there appear to be no remaining opportunities to develop replacement lined landfills in north Kirklees. Opportunities for landfill afforded by operational quarries in the south and west of the District are constrained to various degrees in terms of accessibility, suitable geology and timescales for voidspace availability. Nevertheless, waste backfill affords the most feasible means of achieving restoration and beneficial after-use of former quarries.

7.2 Through its waste disposal contract the Council proposes to refurbish the Huddersfield municipal waste incinerator for energy recovery and also to develop new facilities for waste transfer and recycling to serve north Kirklees and the rest of the District. The resultant capacity would be sufficient to deal with all municipal waste arisings in the District and would become available well before the end of the plan period. In the interim most controlled waste arisings in Kirklees will continue to be transferred for final disposal beyond the District's boundaries.

7.3 Most industrial, commercial, construction, demolition, excavation and "inert" wastes arising in the District were until recently absorbed by the network of large municipal landfills and few permissions were sought to develop smaller landfills for the specific disposal of such wastes. With the completion of available municipal landfills and the proposed substitution of incineration, energy recovery and more recycling as a solution for municipal waste disposal in the District, it may be necessary to permit suitable new landfills for the disposal of these other wastes in response to local needs and in accordance with the proximity principle.

WD1 LAND WILL BE MADE AVAILABLE FOR STORAGE AND TRANSFER, TREATMENT AND RECYCLING AND FINAL DISPOSAL OF WASTE IN LOCATIONS WHICH AVOID UNACCEPTABLE INJURY TO AMENITY, HARM TO THE ENVIRONMENT AND UNDUE BURDEN ON THE HIGHWAY INFRASTRUCTURE.

7.3a The Council will co-operate with the other planning authorities in West Yorkshire to evaluate landfill capacity in the context of the need identified in the West Yorkshire Waste Management Plan.

METHODS OF WASTE DISPOSAL

7.4 Both Strategic Guidance and the West Yorkshire Waste Management Plan indicate that landfill is likely to continue as the principal means of final waste disposal during the plan period. Even if 50% of recyclable waste arising in Kirklees is recycled, the total volume

of waste requiring disposal will only be reduced by approximately 8%. This is because 70% of total waste arisings are excavation and similar waste for which no means of disposal other than landfill can usually be found, although this might change if re-use of some of this material as secondary aggregates in place of newly won aggregate minerals becomes a commercial proposition. Nevertheless the role of incineration in the treatment of waste is likely to increase and may lead to a significant demand for new incinerators.

- 7.5 Landfill can provide significant benefits. It is frequently the only means whereby mineral extraction sites can be restored. It is also possible to extract the methane generated in landfill sites as a local source of energy which can replace fossil fuel based energy use.¹ The local clay geology in the east of the District is suitable for landfill. There is, however, no overriding reason for total reliance upon landfill for the final disposal of waste and alternative methods of waste treatment or reduction such as incineration and composting will be welcome if they comply with appropriate environmental and amenity safeguards.

WD2 ~~WHILST LANDFILL IS EXPECTED TO REMAIN THE PRINCIPAL MEANS FOR THE FINAL DISPOSAL OF WASTE DURING THE PLAN PERIOD, PROPOSALS INVOLVING WASTE TREATMENT OR WASTE REDUCTION WILL BE PERMITTED PROVIDED THAT RELEVANT CRITERIA IN POLICY WD7 CAN BE SATISFIED.~~

Policy WD2 was not saved as it is out-dated - the emphasis in the policy on landfill is inappropriate. Incineration has now become the principal means of waste disposal in Kirklees. The second part of Policy WD2 reiterates the advice in paragraph 3 of PPS10 Planning for Sustainable Waste Management (see below) and duplicates Policy WD7 which is retained.

Regional planning bodies and all planning authorities should, to the extent appropriate to their responsibilities, prepare and deliver planning strategies that:

– help deliver sustainable development through driving waste management up the waste hierarchy, addressing waste as a resource and looking to disposal as the last option, but one which must be adequately catered for

LANDFILL

- 7.6 The West Yorkshire Waste Management Plan (table 51) identifies potential new landfill capacity of 500,000 - 2,000,000 cubic metres in Kirklees over the plan period. However,

¹ See chapter 5, paragraphs 5.25 and 5.26

the availability of this capacity is subject to a high degree of uncertainty. Consequently it is likely that there will be insufficient available voidspace at least in some parts of the District to meet the local volumes of waste arising which can only be disposed of to landfill. It is therefore desirable that every opportunity which arises to develop new landfill capacity, particularly where it would conveniently meet the disposal requirements of a local waste collection area, should be favourably considered provided that environmental and amenity requirements can be met.

Sites for Landfill

- 7.7 Exhausted mineral workings and other derelict land are the most common source of potential landfill capacity and the waste disposal operations enable derelict and despoiled land to be recycled and brought into beneficial use again. Opencast coal workings may provide the opportunity for very large waste disposal facilities to be established in strategic locations and with the benefit of an existing means of access. However, issues of amenity have to be balanced against such opportunities and local circumstances may dictate that early restoration by other available means is preferable for such sites. A number of the landfill sites identified in local plans have remaining disposal capacity. It is appropriate to safeguard these sites (which are shown on the proposals map) for continued or future disposal operations.

~~**WD3 THE FOLLOWING SITES WILL BE SAFEGUARDED FOR
CONTINUED OR FUTURE USE FOR WASTE DISPOSAL:**~~

- ~~**i LOWER SPEN VALLEY, RAVENSTHORPE**~~
- ~~**ii HONLEY WOOD (NORTH SIDE)**~~
- ~~**iii BROMLEY FARM, UPPER CUMBERWORTH**~~
- ~~**iv LARGE DIAMETER PIPE WORKS, LOWER CUMBERWORTH**~~
- ~~**v CROSLAND MOOR QUARRIES**~~
- ~~**vi TAYLOR HALL LANE, MIRFIELD**~~
- ~~**vii ADJACENT TO HILLHOUSE SIDINGS, HUDDERSFIELD**~~
- ~~**viii DALTON BANK ROAD, HUDDERSFIELD**~~
- ~~**ix HEADFIELD ROAD, SAVILE TOWN, DEWSBURY**~~
- ~~**x BRADLEY PARK, HUDDERSFIELD**~~
- ~~**xi HOLLINS HEY, HAIGH HOUSE, HUDDERSFIELD**~~

~~xii — SOOTHILL BRICKWORKS, QUARRY LANE, BATLEY~~

~~xiii — FORMER THORNHILL QUARRY, RAVENSTHORPE, DEWSBURY~~

~~xiv — [SITE REFERENCE NOT USED]~~

~~xv — SPA GREEN QUARRY (EAST), FENAY BRIDGE~~

~~ALL MINERAL WORKINGS, OPENCAST COAL WORKINGS AND DERELICT LAND SHOULD BE INVESTIGATED TO ASSESS THEIR POTENTIAL AS SITES FOR THE DISPOSAL OF WASTE. ANY PROPOSAL FOR WASTE DISPOSAL ON SITES INVESTIGATED AND ON SAFEGUARDED SITES WILL BE SUBJECT TO POLICY WD5.~~

Policy WD3 was not saved as the majority of the safeguarded landfill sites have been completed. In the five remaining (uncompleted) sites, landfill operations have commenced and safeguarding would not serve any useful purpose. As landfill is no longer the preferred means of disposing of waste material there is no need to safeguard remaining mineral sites for the purpose of providing landfill capacity in the district.

Land Raising

- 7.8 Changed national policy reducing the safeguarding of lower grade agricultural land may result in proposals being brought forward to use low grade agricultural land for waste disposal by means of "land raising" or "contour-landfilling" schemes. As much of the agricultural land in Kirklees is grade 3B or 4 it is possible that proposals may come forward for the deposit of waste on such land. The use of agricultural land for waste disposal purposes may encounter more potential problems in terms of injury to local amenity and environmental pollution than would usually be the case with exhausted quarries or derelict land. The use of such land for landfill could prejudice the restoration of mineral sites or derelict land elsewhere which can often only be restored by the backfilling of waste material. In these circumstances it is clearly preferable to direct landfill to mineral sites and derelict land rather than accept land raising on agricultural land.

WD4 PROPOSALS FOR THE USE OF AGRICULTURAL LAND FOR THE DISPOSAL OF WASTE WILL NOT BE PERMITTED WHERE SUCH SCHEMES WOULD DIVERT WASTE INFILL FROM FORMER MINERAL WORKINGS AND DERELICT LAND AND THEREBY PREJUDICE THEIR EARLY RESTORATION. OTHERWISE SUCH PROPOSALS WILL BE CONSIDERED AGAINST POLICY WD5.

Criteria for Assessing Landfill Applications

- 7.9 Landfill has considerable potential to pollute ground water, contaminate land and cause injuries to the amenity such as litter, pests and unpleasant odours and give rise to hazards such as landfill gas which might migrate into adjacent land and constrain development and use of land.
- 7.10 In common with any facility for storing, treating or disposing of waste, to operate a landfill site requires not only planning permission but a Waste Management Licence from the Waste Regulation Authority. The Licence is concerned with the engineering and day to day management and operation of the landfill site needed to protect public health and the environment and to prevent pollution. Through its attached conditions the Waste Management Licence is the vehicle whereby a stringent array of Regulations about waste disposal have effect. Whilst a Waste Management Licence cannot be issued in the absence of a planning permission, it and not planning control is intended to be the primary means of preventing pollution resulting from waste disposal. Where the potential for harm from waste disposal proposals to man and the environment affects the use of land (eg by precluding the use of neighbouring land for a particular purpose or by making the use of that land inappropriate because of, say, the risk to an aquifer), then planning considerations and conditions attached to planning permissions for waste disposal may sometimes legitimately overlap with the concerns of the Waste Management Licence. Where the dividing line between planning and pollution control is not clear cut, close consultation between the planning and the waste pollution regulation authorities is required at all stages.
- 7.11 The location of waste disposal, treatment or transfer facilities, the appropriateness of the use of individual sites for waste disposal purposes and appropriateness of locating other land uses adjacent to such potentially polluting development and the after-use of completed landfills are planning matters.
- 7.12 Material planning considerations are how well the public interest is served by the use and development of land for waste disposal, the impact on the local road network of any change in traffic flows or the appropriateness of alternative modes of transportation such as rail or canal in the case of large sites, restoration to enable beneficial use of the site, prevention of nuisance such as noise and the impact upon amenity of, for example, potential visibility and unsightliness.
- 7.13 Stability, contamination and the need to maintain aftercare arrangements, often for a considerable period of time, to prevent pollution may severely constrain the after-use of former landfill sites. Sensitive land uses such as residential development may be particularly difficult, even impossible, to develop safely. Permissions for landfill should require restoration to forestry, amenity or agricultural after-uses. Other after-uses should require separate permissions after landfill operations are complete and ground conditions

and the potential constraints of the land on the proposed alternative after-use can be fully assessed.

- 7.14 Circumstances can arise whereby a particular locality or site which may, for example, possess the advantage of accessibility can become the focus of extensive and prolonged waste disposal activity. There is then likely to be a significant effect on local residents and local land uses. In these circumstances proposals which would extend or prolong landfill are likely to be unacceptable if any environmental benefit that might be obtained from the final restoration of the landfill site would be outweighed by the extent and duration of disruption to local amenity.

WD5 PROPOSALS FOR DISPOSAL OF WASTE TO LANDFILL WILL BE CONSIDERED HAVING REGARD TO:

- i PROVISION FOR THE PREVENTION OF NOISE NUISANCE OR INJURY TO VISUAL AMENITY;**
- ii THE MODE OF TRANSPORT UTILISED TO SERVE THE SITE;**
- iii PROVISION FOR VEHICLE ROUTING AND ACCESS ARRANGEMENTS;**
- iv CONSERVATION INTERESTS;**
- v ARRANGEMENTS FOR PHASED RESTORATION AND AFTERCARE SCHEMES APPROPRIATE TO AGRICULTURAL, FORESTRY OR AMENITY AFTER-USE LINKED TO A PERMITTED PERIOD OF OPERATION;**
- vi MEASURES INCLUDED IN THE SCHEME TO ELIMINATE ENVIRONMENTAL HAZARDS FROM LEACHATE AND GAS EMISSIONS;**
- vii ARRANGEMENTS FOR THE PROTECTION OF NATURAL RESOURCES SUCH AS GROUND WATER, RIVERS OR OTHER WATER BODIES;**
- viii THE EXTENT AND DURATION OF ANY PAST OR CURRENT LANDFILL ACTIVITY IN THE AREA; AND**
- ix THE NEED FOR LANDFILL CAPACITY FOR THE RELEVANT WASTE TYPES AT THE LOCATION PROPOSED.**

[PARAGRAPH 7.15 DELETED]

TREATMENT, STORAGE AND TRANSFER OF WASTE

- 7.16 Treatment of waste includes processes such as incineration, bulk reduction, recovery of useful materials and composting. The generation of energy from waste material is considered in the context of energy production from renewable resources in paragraphs 5.25 and 5.26.
- 7.17 A decision will have to be made shortly whether or not to refurbish the Huddersfield Incinerator. The principal constraint upon the life of the existing plant, which can process 65,000 tonnes of local authority collected waste per annum, is the need to comply with more stringent air emissions controls. Other considerations bearing upon the decision are: the likely increasing cost of disposal to landfill in future, as a result of the scarcity of sites, transportation costs and the introduction of more stringent environmental standards; the possibility of the cost of incineration decreasing if combined with conversion to energy schemes benefiting from discounted production costs through the Non Fossil Fuel Obligation introduced in the Electricity Act 1989; the possible taxing of disposal of waste to landfill; the possibility of EU directives limiting types of waste to be disposed of to landfill; and how waste minimisation and increased recycling may affect technical viability of incineration as a treatment of waste. Nevertheless it is estimated that an incinerator burning up to 130,000 tonnes of waste annually would be feasible and could be accommodated on the existing incinerator site in Huddersfield if the existing Civic Amenity Facility were relocated adjacent to Hillhouse sidings nearby.
- 7.18 Increased recycling in order to contribute to the government's national target of recycling 25% of household waste by the year 2000 together with the expected completion of all major landfill sites in north Kirklees by 1996 and the absence of obvious opportunities locally for replacement landfill capacity, require the identification of sites suitable for waste storage, treatment and reduction, and transfer, to serve the main urban areas. These sites will be able to accommodate waste treatment and materials recycling facilities which can deal with household and other waste arising. Treated waste can then be transferred to landfill sites within or outside the District.

WD6 SITES FOR WASTE TRANSFER, TREATMENT AND/OR REDUCTION ARE IDENTIFIED ON THE PROPOSALS MAP AT:

- i BRETTON STREET, DEWSBURY**
- ii VINE STREET, HUDDERSFIELD**
- iii HILLHOUSE SIDINGS, ALDER STREET, HUDDERSFIELD**

- 7.19 The Huddersfield Incinerator site is used as a transfer station for household waste collected from Huddersfield and the Colne Valley. Other waste transfer stations may be required locally for the collection of commercial, industrial and special wastes and for skip hire.

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- 7.20 Some 25% of household waste is brought by car and van to civic amenities sites. There are at present 6 such sites in Kirklees. The West Yorkshire Waste Management Plan (policy WDA9) aims to maintain a network of civic amenity sites to ensure a reasonable level of availability to all residents in West Yorkshire. In order to achieve this new sites may need to be established or existing sites left over on former landfill sites relocated to more accessible and environmentally acceptable locations. The sites need to remain open during hours convenient to local users without causing unacceptable environmental, amenity, traffic or other problems. The availability of such facilities reduces fly tipping and litter.
- 7.21 Scrapyard operations in the main constitute a marginal land use involving low running costs and low capital investment. Typically they have been established over many years, often in inappropriate locations and, in the majority of cases, without planning controls to protect local amenity. Scrap is stored in the open and often stacked because of lack of space so that adverse effects on visual amenity are increased. Crushing and shearing plant, shelters and offices, stores and customer parking areas may have been added and may cause noise, air pollution and traffic congestion. Vehicle dismantling itself can cause severe soil and ground water contamination.
- 7.22 Whilst control of pollution legislation provides some opportunity to reduce pollution caused by scrapyards, there is little scope for securing significant improvements through the use of planning powers. Recent legislation provides immunity from planning enforcement in respect of a site without planning permission if the site has been in operation for the previous ten years. Applications for planning permission to establish new scrapyards of the traditional type and which could be adequately controlled through the imposition of appropriate conditions are unlikely as there appear to be sufficient sites to meet current market conditions. The cost of compensation and the difficulty of obtaining suitable alternative sites make the relocation of unsuitably sited scrapyards very difficult even if the operator is willing to contemplate the disruption to his business.
- 7.23 During the next ten years manufacturers' schemes for recycling vehicles are likely to be introduced. This will have a major impact on the distribution, scale, operation and appearance of scrapyards as they adopt new modes of operation and vehicle recycling stations rather than semi-permanent storage areas. These changes will provide the opportunity for significant reductions in the adverse environmental impact and poor image of the present industry. Vehicle recycling stations should be purpose-built, with operations housed within a building, and as such should be capable of accommodation on land allocated for business and industry and within areas characterised by industrial premises. They can be considered essentially as waste transfer stations and therefore any proposal will be considered under the terms of policy WD7.

CRITERIA FOR ASSESSING APPLICATIONS FOR WASTE TRANSFER, RECYCLING AND HANDLING

- 7.24 Waste storage, treatment and transfer facilities can vary considerably in scale but all have the potential to cause significant environmental pollution and adversely affect local residential amenity. All generate significant traffic and need to be readily accessible. All have the potential to constrain subsequent development of the site for other land uses because of their potential to cause ground contamination. Therefore, detailed environmental and planning controls are necessary. Whilst extensive environmental and management controls are provided by the Control of Pollution Regulations and the waste licensing system, planning controls weigh the wider environmental and amenity issues. Ideally waste transfer facilities are best located on an industrial estate and away from residential areas but some flexibility is required to take account of local circumstances and differences in scale of operation. A restoration requirement upon cessation of use is justified on the basis that the polluter should pay.

WD7 PROPOSALS FOR THE USE OF LAND FOR THE RECEIPT, STORAGE, TREATMENT INCLUDING INCINERATION AND RECOVERY OF USEFUL MATERIALS AND TRANSFER OF WASTE INCLUDING THE USE OF LAND AS A SCRAPYARD WILL NORMALLY BE PERMITTED WHERE:

- i THE VISUAL IMPACT OF THE PROPOSALS DOES NOT CAUSE DETRIMENT TO RESIDENTIAL PROPERTIES AND THE QUALITY OF THE LANDSCAPE OR TOWNSCAPE SETTING;**
- ii PROVISION CAN BE MADE FOR THE SUPPRESSION OF NOISE, DUST, ODOUR, SMOKE AND FLUE GAS EMISSIONS FROM THE SITE SO THAT THE AMENITY OF OCCUPIERS OF ADJACENT PROPERTIES, IN PARTICULAR RESIDENTIAL PROPERTIES, IS PROTECTED;**
- iii CONTAMINATION OF LAND AND POLLUTION OF GROUNDWATER AND SURFACE WATER, ON AND OFF THE SITE, CAN BE PREVENTED;**
- iv ACCESS, VEHICLE MANOEUVRING AND CUSTOMER AND EMPLOYEE CAR PARKING ARRANGEMENTS CAN BE ACCOMMODATED WITHOUT PREJUDICE TO HIGHWAY SAFETY AND MAINTENANCE; AND**
- v SITES DO NOT ADJOIN LAND PERMITTED OR ALLOCATED FOR ANY USE WHICH WOULD BE ADVERSELY AFFECTED BY THE PROPOSED USE.**

UDP

KIRKLEES UNITARY DEVELOPMENT PLAN

8. TRANSPORT

8.0 STRATEGY

8.15 THE HIGHWAY NETWORK

8.15 Priorities for Improvements

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8. TRANSPORT

STRATEGY

- 8.1 The transport network has a vital role to play in the quality of life of the community, since it determines the ease with which people can move about the District and gain access to the range of facilities they wish to use. It is also important for the economic prosperity of the area, providing links by road and rail to the major towns and markets outside the District.
- 8.2 The dominant features of the highway network are the two motorways, the M62 passing through the northern part of the District and the M1 to the east. Although the Government announced plans in 1989 for the construction of a motorway link across Kirklees between the M1 and M62 these have now been abandoned.
- 8.3 Within the District a radial road pattern converges on Huddersfield, with a complex pattern of urban roads in the Heavy Woollen area. There are links to neighbouring towns to the north and east and extensive lengths of road serving rural areas to the south and south west.
- 8.4 The main element of the rail network is the trans-Pennine Leeds to Manchester line, giving connections to both East and West Coast main lines. Local lines to Barnsley and Wakefield provide further important links in the network, the latter providing an additional link to the Leeds-London Inter-City service at Westgate, Wakefield.
- 8.5 A waterway system runs through the Calder and Colne Valleys based on the Calder-Hebble Navigation and the Huddersfield Broad and Narrow Canals. The system is no longer used for commercial traffic although it is fully navigable to Aspley Basin, Huddersfield. A major restoration project is well advanced west of Aspley Basin on the Narrow Canal.
- 8.6 Increasing demands for road space have led to a major public debate on the problems of traffic congestion, the need for controls on the use of the private car and improvements to public transport, and the effects of pollution from exhaust gases and its contribution to global warming.
- 8.7 According to Department of Transport national statistics private transport use increased by 47% over the decade 1982 to 1992 whilst the number of bus journeys declined by 18% and train journeys increased by 18%. The number of cars rose from just over 2 million in 1951 to 20.1 million in 1992. By the year 2025 use of private cars is predicted to increase by between 64% and 99% with the number of cars increasing by between 52% and 69%.

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- 8.8 Locally growth in car ownership has matched or exceeded national figures and presently shows little sign of departing significantly from national trend patterns. The Passenger Transport Authority predicts a decline in bus patronage of about 1.7% per annum without improved funding. Rail transport is likely to increase by just under 1 % per annum, but rail services contribute less than 5% of the number of passenger journeys undertaken each year by public transport. Only 1% of journeys are made by cycle both during and outside the peak period. Little significant change is anticipated in its use without marked improvements to reduce conflict with other road users.
- 8.9 The Integrated Transport Study for Kirklees predicts significantly worse travel and environmental conditions in the future without a shift in policy to change travel practices. The results indicate that by 2012 there will be a 30% rise in the number of vehicles using the District's roads and a substantial reduction in the public transport share of peak hour trips, with severe congestion increasing and traffic speeds more than halving in the urban centres. As a consequence atmospheric pollution generated by traffic will increase by 22% giving rise to increases in the severity of respiratory problems such as childhood wheeze, asthma and bronchitis.
- 8.10 To combat these problems the Study recommends the adoption of an Integrated Transport Strategy with a series of core elements particularly designed to achieve a better and more comprehensive public transport system. The UDP reflects those core elements of the transport Strategy which have land use implications and are likely to be implemented during the plan period.
- 8.11 The basic transport priorities of the plan therefore involve firstly, developing an integrated approach to transport which takes account of the needs of all sections of society including disabled people and other vulnerable groups and those using the network as pedestrians and cyclists. Secondly, improving road safety and personal security, and reducing the effects of traffic on the environment caused by noise and air pollution. Thirdly, co-ordinating land use change with transport provision to ensure that development proposals are located so that work places, homes and community facilities are conveniently related to one another to minimise the need for long journeys and where they can be served by existing transport infrastructure, particularly public transport.

T1 PRIORITY WILL BE GIVEN TO:

- i SATISFYING THE NEEDS OF ALL SECTIONS OF THE COMMUNITY THROUGH AN EFFECTIVELY INTEGRATED TRANSPORT SYSTEM WITH EMPHASIS ON IMPROVING PUBLIC TRANSPORT AND ENCOURAGING A MODAL SHIFT AWAY FROM TRAVEL BY PRIVATE CAR;**
- ii PROMOTING A TRANSPORT NETWORK ON WHICH IT IS SAFE TO TRAVEL AND WHICH CAUSES MINIMAL DISTURBANCE THROUGH DANGER, NOISE AND AIR POLLUTION; AND**

iii CO-ORDINATING LAND USE CHANGE WITH TRANSPORT PROVISION SO AS TO MINIMISE THE NEED TO TRAVEL AND LOCATING NEW DEVELOPMENT WHERE IT CAN BEST BE SERVED BY PUBLIC TRANSPORT AND WHERE IT MINIMISES THE NEED FOR EXPANSION OF THE HIGHWAY NETWORK.

- 8.12 The promotion of an efficient public transport system will be fundamental to achieving this strategy. The 1991 Household Travel Survey (HETS) indicated that 7 in 10 of West Yorkshire's population did not have priority use of a car, consequently a high level of accessibility by public transport is essential if the travel needs of the whole community are to be satisfied. The Integrated Transport Study also makes it clear that public transport patronage will have to be increased to overcome congestion in urban areas and to reduce the environmental consequences of excessive use of private transport, since the alternative of more road building is not an appropriate option for satisfying the demand created by uninhibited traffic growth.
- 8.13 The Department of Transport has introduced greater flexibility in funding local roads and public transport through the "package approach". The new system will allow the switching of resources from road to public transport investment and provide a mechanism through which the policy approach supporting public transport can be achieved. The Council's bid for resources from government, the Transport Policies and Programmes will as a result cover both road and public transport provision as part of a comprehensive transport strategy. The Integrated Transport Strategy will assist significantly in future in presenting this bid.
- 8.14 The co-ordination of land use change with transport provision is a major consideration in the plan. All proposals for new development have, as far as possible, been located so that workplaces, homes and community facilities are conveniently related to one other, and where they can be accessed by public transport. The impact of development on the transport network has also been assessed to ensure that the network, either in its present form or with adaptations capable of being funded through the development, can accommodate the anticipated extra traffic generated.

THE HIGHWAY NETWORK

Priorities for Improvements

- 8.15 Central Government through the Department of Transport is responsible for trunk roads including the motorway system. The Council as the local highway authority is responsible for the improvement and maintenance of all the remaining road network and for the upkeep of footpaths, cycleways and bridleways. Each year the Council submits a bid, the Transport Policies and Programmes (TPP), seeking resources from Central Government for spending on a three year programme of highway schemes. This plan provides a statutory basis for schemes committed in the TPP and the framework to which future improvements will relate.

- 8.16 Highway improvements will assist in achieving the objectives set out in policy T1. Improvements to overcome identified accessibility problems will be introduced to help satisfy travel needs, with emphasis being given to improve access to public transport and particularly to assist the operation of bus services. The needs of industry and business to be easily accessed by its workforce, and to move goods efficiently will be taken into account to support regeneration. Road safety schemes are currently afforded high priority by the Council, and recent TPP settlements have supported additional spending on safety measures. Schemes will continue to be implemented which tackle the severest problems as identified by accident statistics, and provide the best value for money through accident reductions. Attention will also be given to improving environmental conditions, to reduce the problems associated with traffic, particularly heavy goods vehicles, using routes through sensitive areas.
- 8.17 It is recognised that conflict may arise in attempting to achieve these objectives and particularly in fully meeting the needs of improved accessibility where safety and environmental protection are significant issues. Conflict will be most severe in shopping centres and residential areas located on the strategic highway network.¹ In these instances improvements will need to be carefully designed to resolve the competing requirements, and it may even be necessary to consider the removal of traffic from sensitive areas by the introduction of by-pass schemes.

T2 HIGHWAY IMPROVEMENTS WILL BE DIRECTED TOWARDS:

- i IMPROVING THE WORST PROBLEMS OF PERSONAL ACCESSIBILITY WITH SPECIAL EMPHASIS ON IMPROVEMENTS WHICH ASSIST PUBLIC TRANSPORT PEDESTRIANS AND CYCLISTS;**
- ii MEETING THE REQUIREMENTS OF INDUSTRY AND BUSINESS AND IMPROVING THE QUALITY OF THE STRATEGIC NETWORK DEFINED IN POLICY T6;**
- iii IMPROVING ROAD SAFETY FOR ALL USERS; AND**
- iv IMPROVING ENVIRONMENTAL CONDITIONS.**

Personal Accessibility

- 8.18 In determining priorities for improved personal accessibility aims of the plan include encouraging a more energy efficient and less polluting pattern of travel and taking account of the needs of those who are disadvantaged in their ability to avail themselves of facilities. A large proportion of the population does not have priority use of a car, so a high level of accessibility by public transport is essential if a significant sector of the community is not to be disadvantaged. Highway improvements will therefore be directed

¹ See policy T6

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at alleviating problems which impede bus services and create better integration between bus and train services. The scope of walking and cycling to improve accessibility to facilities should not be underestimated either since a large proportion of all journeys is very short and improvements to create safe and convenient access on foot and by cycle will also constitute an important part of the Council's approach to improving personal accessibility. Such improvements can complement public transport facilities by providing attractive routes to reach public transport or to travel on from it to the final destinations. They may also be beneficial in their own right to link homes to work places, retail areas and social facilities. This approach is in line with government guidance and it will be important that highway improvements can show clear benefits in these terms when evaluated for submission for government funding.

[POLICY T3 DELETED]

- 8.19 Measures to give priority to buses over cars will be introduced and whilst road widening may sometimes be necessary to provide for the introduction of bus lanes or other arrangements for bus movement, increase in the capacity of roads for car travel will not be a priority consideration. Major road schemes already committed by the Council, many to support improved bus movement, are listed in policy T8, whilst initiatives to support public transport are considered more fully in paragraphs 8.35 to 8.37 and policies T11, 12 and 13.

Meeting the Needs of Business

- 8.20 The plan's strategy is concerned with strengthening and broadening the economic base of the district. Whilst attention to improvements in personal accessibility will help the economy by assisting customers and employees to access businesses the movement of goods may need to be assisted where difficulties are experienced which are holding back regeneration, hindering the operation of existing firms, or discouraging inward investment. Particular problems occur when out-dated infrastructure hinders the re-use and redevelopment of land and buildings in the older industrial areas and qualitative improvement of some highways in the Regeneration Area is therefore needed. There is also concern at the lack of appropriate highway infrastructure to access the motorway network, particularly the M1 and the M62 from the west of the district. Whilst attention to these deficiencies will need consideration, other modes of freight transport will provide an alternative to road where long distance haulage is involved. Port Wakefield provides a modern rail freight depot close to the M62 junction 31, which is an important facility for Kirklees' businesses. The priority to be given to improving the Strategic Highway Network referred to in policy T6 will help to ensure that reliable links to the M62 and the remainder of the trunk road network are in place.

Road Safety

- 8.21 Road safety measures will continue to be given a high priority. In recent years government support for these schemes has grown, and spending on safety improvements

and traffic calming measures has increased. Priority sites are identified through the analysis of data on accident records and on value for money criteria, which are related to the anticipated reduction in casualties. Persistent problems remain in certain parts of the

District, particularly in town centres and local shopping centres located on the main radial road network. Increasingly complex projects will need to be devised, including traffic calming to reduce the speed of vehicles and traffic management measures to reduce vehicle numbers, to resolve such problems.

~~**T4 ROAD SAFETY MEASURES WILL BE DIRECTED AT THE WORST ACCIDENT LOCATIONS WHERE IMPROVEMENTS CAN BE ANTICIPATED TO ACHIEVE A SIGNIFICANT REDUCTION IN CASUALTY NUMBERS. PARTICULAR ATTENTION WILL BE GIVEN TO IMPROVEMENTS IN THE MAIN TOWN CENTRES AND LOCAL SHOPPING CENTRES LOCATED ON MAIN ROADS.**~~

This policy was not saved because the Local Transport Plan provides the appropriate context for road safety improvements. See West Yorkshire Local Transport Plan 2006-2011 Part 2 Safer Road Strategy available at www.wyltp.com.²

Environment

- 8.22 Vehicle emissions and road traffic noise are best tackled by measures that persuade car users to travel by public transport and by the development of land use plans that minimise the need to travel. Measures in this plan should assist these aims, but it should be noted that the Kirklees Integrated Transport Study indicated that only the introduction of large scale restraint measures, such as road pricing, would have the desired effect of maintaining emissions at 1993 levels. Such measures may need to be considered in the future in the context of any national policy initiative.
- 8.23 To protect residential communities from the adverse environmental impact of through traffic and heavy goods vehicles traffic calming measures will be introduced, including street narrowing, street closures, road humps and parking controls to re-route non-essential traffic onto the strategic network. In introducing these measures priority will be given to two broad zones; firstly in Huddersfield around Milnsbridge and Paddock in an area which suffers from extensive 'rat-running' by drivers from the Colne Valley wishing to avoid the town centre en route to the M62; secondly over a large part of Dewsbury,

² 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.

Batley and Heckmondwike where the road hierarchy is poorly defined, with the aim of concentrating traffic onto main roads.

~~**T5 TRAFFIC CALMING MEASURES WILL BE INTRODUCED TO ALLEVIATE THE WORST ENVIRONMENTAL EFFECTS OF THROUGH TRAFFIC AND HEAVY GOODS VEHICLES. PRIORITY WILL BE GIVEN TO THE INTRODUCTION OF MEASURES IN THE FOLLOWING BROAD ZONES IDENTIFIED ON THE PROPOSALS MAP:**~~

~~**i BETWEEN THE A62 AND THE A640 IN HUDDERSFIELD; AND**~~

~~**ii THE AREA BOUNDED BY THE A62, B6117, A644 AND A652 IN NORTH KIRKLEES.**~~

This policy was not saved because it has been of no practical value. The concept of broad traffic calming zones relates to a Kirklees Transport Strategy which is now superseded.

8.24 Problems caused by heavy goods vehicles (HGV's) can be alleviated by specific measures under the terms of policy T5 such as the introduction of weight restrictions. Additionally the Council is responsible for vetting HGV operators' licences and can advise that these be withheld on environmental grounds where for example, there is likely to be an adverse impact from HGV's travelling through residential areas. The intention of the licence is also to ensure that sufficient capacity exists at the operating base for vehicle parking.

The Strategic Highway Network

8.25 A Strategic Highway Network has been defined for West Yorkshire by the five District Councils. The network defines highway links essential for fostering economic growth. The highest category of highway within the strategic network is Motorways and Trunk Roads for which the Secretary of State for Transport is the Highway Authority, and to which the Department of Transport's policies will apply. The Council will afford high priority to the maintenance and improvement of this network to promote the District for inward investment and to attract traffic away from roads in sensitive areas. The location of new development, particularly major new industrial development, will also be directed towards the strategic network where it can be most readily accommodated by the existing infrastructure.

~~**T6 TO ASSIST IN THE DETERMINATION OF LAND USE PROPOSALS AND THE ALLOCATION OF RESOURCES IN ACCORDANCE WITH POLICY T2, MAJOR ROADS IN THE DISTRICT ARE CATEGORISED IN ACCORDANCE WITH THEIR PRIMARY FUNCTION AS PART OF THE WEST YORKSHIRE STRATEGIC HIGHWAY NETWORK.**~~

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CATEGORY 1

ROADS WHICH CARRY INTER-REGIONAL TRAFFIC:

- i M62, THROUGHOUT THE DISTRICT***

CATEGORY 2

ROADS WHICH LINK MAJOR CENTRES AND WHICH CONNECT THESE CENTRES TO THE CATEGORY 1 ROADS:

- i M606 (BRADFORD) - M62 JUNCTION 26***
- ii A58 (HALIFAX) - M62 JUNCTION 26***
- iii A58 M62 - (LEEDS)**
- iv A652 DEWSBURY - BATLEY - (BRADFORD)**
- v A644 DEWSBURY - MIRFIELD - (M62 JUNCTION 25)**
- vi A638 M62 JUNCTION 26 - DEWSBURY - (M1 JUNCTION 40)**
- vii A653 DEWSBURY - (M62 JUNCTION 28) - (LEEDS)**
- viii A62 M62 JUNCTION 27 - HUDDERSFIELD RING ROAD – (OLDHAM)**
- ix A640 HUDDERSFIELD - M62 JUNCTION 23**
- x A641 HUDDERSFIELD - (BRADFORD)**
- xi A629 M62 JUNCTION 24 - HUDDERSFIELD - (SHEFFIELD)**
- xii A642 HUDDERSFIELD - (WAKEFIELD)**
- xiii A637 HUDDERSFIELD - (M1 JUNCTION 38)**

CATEGORY 3

ROADS WHICH LINK SECONDARY CENTRES TO THE MAJOR CENTRES AND TO THE CATEGORY 1 AND 2 NETWORK:

- i A6024 HUDDERSFIELD - HOLMFIRTH**

* Department of Transport Highway.

- ii **A635 (MANCHESTER) - HOLMFIRTH - A636 - (MI JUNCTION 39)**
- iii **B6128 A653 SHAW CROSS - A638 - (A642 - HORBURY)**
- iv **B6124 BATLEY - (A653)**

Highway Schemes

- 8.26 The government has announced proposals for improvements to the trunk road network in Kirklees. Three schemes were identified in the White Paper "Roads for Prosperity" and the subsequent paper "Trunk Roads England into the 1990's". Following consultation on these schemes by the Department of Transport, the major scheme, the M1 - M62 Link Road was formally abandoned on 19th October 1993 following substantial local opposition to the proposal. The Government publication 'Trunk Roads in England 1994 Review' has confirmed that the M62 widening Junction 21 - 24 is now classified as a longer term scheme and the M62(E)/M606 Link Road as a Priority 1 scheme.

~~**T7 THE FOLLOWING MOTORWAY IMPROVEMENTS, AS SHOWN ON THE PROPOSALS MAP, ARE PROGRAMMED BY THE DEPARTMENT OF TRANSPORT:**~~

- ~~i **M62 WIDENING JUNCTION 24 AINLEY TOP TO (JUNCTION 21 MILNROW ROCHDALE); AND**~~
- ~~ii **M62 - M606 DIRECT LINK.**~~

This policy was not saved because it does not reflect the current Highways Agency programme. See Highways Agency website www.highways.gov.uk for latest information.³

- 8.27 **M62 Widening.** Detailed plans have been published and the first round of public consultation took place in September and October 1993. The Council has objected to the proposals on the grounds that they are not justified in the context of an integrated approach to Trans-Pennine travel. Widening to 4 lanes in each direction is proposed within Kirklees with a combination of symmetrical and asymmetrical widening. Junction 23 at Outlane would also be largely reconstructed. Construction is programmed for near the end of the century.

³ 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.

M62 - M606 Direct Link. The Scheme is aimed at reducing congestion at M62 junction 26 Chain Bar by providing direct links from the M62 westbound carriageway to the M606 and from the M606 to the M62 eastbound. Scheme details have been published and the safeguarded line is identified on the proposals map. Construction is programmed for the late 1990's.

(Update to 1 March 1999. The M62 widening was withdrawn from the Trunk Road programme as announced by the Secretary of State for Transport on 26 November 1996. The M62-M606 link was downgraded from a priority 1 scheme to a scheme subject to further study and/or consideration by the regional planning conference in "A New Deal for Trunk Roads in England" July 1998).

- 8.28 Major new highway schemes are also planned by the Council to be implemented during the next ten years subject to the availability of resources. Some schemes are likely to require Transport Supplementary Grant approval by the Department of Transport. The schemes will generally achieve upgrading of the Strategic Highway Network, provide better links to that network, support public transport and improve safety and the environment in local communities.

~~**T8 — THE COUNCIL PROPOSES TO UNDERTAKE THE FOLLOWING MAJOR HIGHWAY SCHEMES IDENTIFIED ON THE PROPOSALS MAP:**~~

~~**i — A62 GELDERD ROAD, BIRSTALL, PHASE 2.**~~

~~**ii — GRANGE ROAD, BATLEY.***~~

~~**iii — A62/A652 JUNCTION, BIRSTALL.**~~

~~**iv — FIELD LANE LINK, BATLEY.**~~

~~**v — A62 RING ROAD, HUDDERSFIELD TOWN CENTRE PHASES 4 & 5.**~~

~~**va — A629 WAKEFIELD ROAD, HUDDERSFIELD.**~~

~~**vi — A62 LEEDS ROAD, HUDDERSFIELD.**~~

~~**vii — A62 MANCHESTER ROAD, LONGROYD BRIDGE, HUDDERSFIELD.**~~

~~**viii — [SCHEME DELETED].**~~

~~**ix — [SCHEME DELETED].**~~

~~**x — A642/A637 GRANGE MOOR CROSS ROADS.***~~

~~**xi — B6117 WALKLEY LANE/SPEN VALE STREET, HECKMONDWIKE.**~~

~~* Scheme completed prior to the adoption of the plan.~~

This policy was not saved because the list of improvements is now out of date. Schemes i to vi and x have now been implemented. Declared improvement lines for schemes vii and xi can be inspected at Highways and Transportation Service⁴ but these details are based on outdated assessments.

- 8.29 The lines shown on the proposals map are based on the best available information. Detailed re-alignment may be necessary as a result of further design work to establish the precise arrangements for construction.
- i **A62 Gelderd Road, Birstall.** The scheme involves carriageway widening nominally by 3.5 metres to provide 3 lanes, 2 for uphill traffic together with appropriate right turning arrangements, from 200 metres north of the A634/Nelson Street junction to Pheasant Drive.
 - ii **Grange Road, Batley.** The proposal is for the improvement and extension of Grange Road to provide a single carriageway road from Bradford Road, Batley, to Leeds Road, Shaw Cross, giving improved levels of accessibility between Batley and the motorway network. Compulsory purchase orders have been approved and construction is planned to commence in the near future.
 - iii **A62/A652 Junction, Birstall.** This junction suffers from severe congestion problems. A roundabout is proposed at this difficult six road intersection to ease congestion and improve safety.
 - iv **Field Lane Link, Batley.** A junction improvement at Field Lane/Bradford Road and a new junction linking Field Lane with Wellington Street are proposed. These will improve access to industrial premises along Field Lane and take some traffic away from the over-capacity Bradford Road/Hick Lane junction.
 - v **A62 Ring Road, Huddersfield Town Centre Phases 4 and 5.** See Town Centre Inset Plan paragraphs 15.54 - 15.56.
 - va **A629 Wakefield Road, Huddersfield.** See Town Centre Inset Plan and paragraphs 15.55A and 15.56.
 - vi **A62 Leeds Road, Huddersfield.** The length under consideration for improvement is from Hillhouse Lane to Cooper Bridge roundabout. The scheme

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consists of junction improvements, mainly by the introduction of traffic signals, and measures to assist buses.

- vii **A62 Manchester Road, Longroyd Bridge, Huddersfield.** Junction improvements are proposed to give improved safety and bus journey times on this main radial route into Huddersfield town centre.
 - x **A642/A637 Grange Moor Cross Roads.** This road junction has a very poor safety record and a roundabout will be provided to facilitate safer turning manoeuvres. Works are planned to start in the 1993/94 financial year.
 - xi **B6117 Walkley Lane/Spen Vale Street, Heckmondwike.** Direct access from Walkley Lane to the industrial area to the south will be provided allowing industrial traffic to avoid the difficult junction between Spen Vale Street and Station Lane. Further industrial development in the vicinity will also be facilitated.
- 8.30 Further major schemes may be needed to overcome developing problems or to assist specific area improvement initiatives, of the type promoted through City Challenge.
- 8.31 Programmes for minor highway improvements are not listed because they may need to be adjusted according to the availability of land and finance, to changes in traffic problems, and to opportunities arising in conjunction with new development. Schemes identified in the minor highway improvement programme will be consistent with the priorities identified in policy T2.
- 8.32 The Council maintains a number of highway improvement lines, safeguarding land from development which might otherwise prejudice the proposed improvement. In addition to any protected lines required for major schemes identified in Policy T8, there are a number of generally minor improvement lines identified to improve road safety through carriageway widening or realignment or footway provision, and these are likely to be implemented as funds become available possibly in conjunction with new development. However, four schemes, nos. 16, 30, 36 and 50, in policy T9 involve the safeguarding of road links to facilitate new development. Scheme no. 52 forms part of a proposal devised by Bradford Council in partnership with chemical manufacturers A. H. Marks to provide a route enabling heavy vehicles travelling to and from the works to avoid residential streets in the Wyke area. A line is safeguarded in the Bradford Unitary Development Plan, and appropriate safeguarding is required on a small portion of land within Kirklees to complete the link from the works to Whitehall Road.

~~T9 IMPROVEMENT LINES FOR HIGHWAY SCHEMES WILL BE PROTECTED AT:~~

~~COLNE VALLEY~~ Improvement Line

~~1. Upper Clough, Linthwaite~~ 215

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2. (Scheme deleted)	
3. Swallow Lane, Golcar	412
4. Causeway Side, Linthwaite	484
5. Hollin Hall Lane, Golcar	485
6. High Street, Scapegoat Hill	486
HOLME VALLEY/MELTHAM	Improvement Line
7. Upperthong Lane, Upperthong	2
8. Long Lane, Honley	6
9. B6107 New Road, Netherthong	176
10. Binns Lane, Holmfirth	376
11. Town End Road, Holmfirth	410
12. A635 Holmfirth Road River Bridge, New Mill	431
13. Broad Lane & Ashgrove Road, Holmfirth	455
14. Miry Lane/Springwood Lane, Thongsbridge	493
15. Totties Lane, Scholes	494
16. Colders Lane – Wessenden Head Link, Meltham	496
17. Kirkroyds Lane, Wooldale	497
DENBY DALE/KIRKBURTON	Improvement Line
18. Station Road/Highgate Lane, Lepton	120
19. Jenkyn Lane, Shepley	163
20. Quarry Lane, Lascelles Hall	167
21. B6433 Rowley Lane/Fields Road, Lepton	169
22. Elm Street, Skelmanthorpe	196
23. Common End Lane, Lepton	240
24. Lidget Lane, Skelmanthorpe	381
25. B6433 Rowley Lane/Highgate Lane, Lepton	396
26. B6116 Commercial Road, Skelmanthorpe	476
27. B6116 Huddersfield Rd/Cumberworth Rd, Skelmanthorpe	477
28. Abbey Road/Yew Tree Road, Shepley	479
29. The Knowle, Shepley	480
30. Storthes Hall Hospital Access Road, Kirkburton	522
HUDDERSFIELD	Improvement Line
31. Primrose Hill Road, Primrose Hill	100
32. Bradley Mills Road	115
33. Forest Road, Dalton	221
34. Jackroyd Lane/High Lane, Newsome	249

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35. New Laithe Hill, Newsome	304
36. A641 Bradford Road/Ash Brow Road, Sheepridge	310
37. Luck Lane, Marsh	316
38. Bankfoot Lane, Armitage Bridge	320
39. Church Street, Longwood	349
40. Dodlee Lane, Longwood	398
41. Hillhouse Lane	452
42. Kings Mill Lane	507
43. Grove Street/Benn Lane, Longwood	511
HEAVY WOOLLEN AREA	Improvement Line
44. B6125 Field Head Lane, Birstall	25
45. Nab Lane, Birstall	137
46. Low Road, Thomhill	292
47. Norristhorpe Lane & Station Road, Liversedge	391
48. Leeds Road/A638 Bradford Road, Liversedge	520
49. Bradford Road/Snelsins Lane, Cleckheaton	521
50. Thornhill Road/Huddersfield Road Link, Dewsbury	532
51. Thornhill Road/Forge Lane roundabouts, Dewsbury	533
52. A. H. Marks industrial access road, Whitehall Road, Scholes	
53. A62 Gelderd Road. Pheasant Drive to Spring Ram roundabout.	519

This policy was not saved because it provides unnecessary detail of minor improvement lines. The latest information on safeguarded lines is available from the Highways and Transportation Service.⁵

Highway and Accessibility Considerations in New Development

8.33 New development will not normally be acceptable if it will create or add significantly to safety or environmental problems on the existing highway network, or, it if does not make provision for appropriately designed new highways within the development. Development sites should be located where there is a choice of means of travel. It will be desirable for such sites to be close to good quality public transport provision but where this is not possible improvements in the level of provision will need to be included as

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required by policy T19. Development proposals in the plan have been examined to ensure that they do not have unacceptable effects on the highway network but in some instances off-site works may be needed to increase highway capacity or to overcome road safety or environmental problems. Where developments require off-site highway works, the Council will normally seek safeguards through planning agreements to ensure that such improvements are funded by the developer and implemented before the development is brought into use. Guidance on the design of new highways is provided in the Council's Highway Design Guide and Design Bulletin 32. Innovation will be possible in design, provided that the basic principles required by the Council are met, and the needs of service vehicles, public transport and emergency vehicles are also catered for. Highways designed appropriately will be adopted for future maintenance by the Council under the provisions of the Highways Acts.

T10 NEW DEVELOPMENT WILL NOT NORMALLY BE PERMITTED IF IT WILL CREATE OR MATERIALLY ADD TO HIGHWAY SAFETY OR ENVIRONMENTAL PROBLEMS OR, IN THE CASE OF DEVELOPMENT WHICH WILL ATTRACT OR GENERATE A SIGNIFICANT NUMBER OF JOURNEYS, IF IT CANNOT BE SERVED ADEQUATELY BY THE EXISTING HIGHWAY NETWORK AND BY PUBLIC TRANSPORT. PROPOSALS WILL BE EXPECTED TO INCORPORATE APPROPRIATE HIGHWAY INFRASTRUCTURE DESIGNED TO MEET RELEVANT SAFETY STANDARDS AND TO COMPLEMENT THE APPEARANCE OF THE DEVELOPMENT.

8.34 In the context of funding road improvements the Department of Transport has published guidelines on developer contributions to trunk road improvements. These can be found in "Control of Development Adjacent to Trunk Roads - Guidelines for the Highways Agency" July 1996.

Public Transport

8.35 The highway network has an important role to play in assisting public transport users. Its quality determines the ease with which bus operations can serve the area and the level of integration that can be achieved between the different modes of transport, particularly between private car use and buses and trains.

~~**T11 HIGHWAY IMPROVEMENTS AND TRAFFIC MANAGEMENT SCHEMES SHOULD HAVE REGARD TO PROVISION FOR PUBLIC TRANSPORT.**~~

This policy was not saved because the Local Transport Plan provides the appropriate test for highway improvements and traffic management schemes. See West Yorkshire Local Transport Plan 2006-2011 Part 2 Delivering Accessibility, Tackling Congestion and Effective Asset Management Strategies available at www.wyltp.com.

Planning Policy Guidance note 13: Transport also requires consideration of public transport in designing highway improvements, as follows:⁶

Public Transport

72. The likely availability and use of public transport is a very important ingredient in determining locational policies designed to reduce the need for travel by car. Within the context of the local transport plan, local authorities should work in partnership with public transport providers and operators, and use their planning and transport powers to improve public transport in ways which will reinforce the effectiveness of location policies in the development plan. The aim should be to establish a high quality, safe, secure and reliable network of routes, with good interchanges, which matches the pattern of travel demand in order to maximise the potential usage of public transport.*

*73. The Governments 10 Year Plan for Transport, together with the Transport Act 2000**, will help to establish greater public and private partnership, certainty and investment in public transport. This, in turn, will give greater confidence to those bringing forward major travel generating development to locate on central urban sites, in line with this guidance.*

74. In preparing their development plans and determining planning applications, local authorities, in conjunction with work on the local transport plan, should:

- 1. identify the key routes for bus improvements and priority measures, and the measures that will be taken;*
- 2. ensure, so far as is practicable, that traffic management measures do not impede the effectiveness of public transport services;*
- 3. explore the potential, and identify any proposals, for improving rail travel, in liaison with the SRA, including the reopening of rail lines, or creation of new stations on existing rail lines, light rail or guided bus routes (giving due consideration to the funding and value for money of such proposals);*
- 4. identify the potential for improved interchange between different transport services and between public transport and walking and cycling;*
- 5. negotiate for improvements to public transport as part of development proposals, in order to reduce the need to travel by car and the level of parking at such sites, and*

⁶ 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.

6. work with transport operators and other organisations to improve personal security across the whole journey.

The Guidance on Full Local Transport Plans provides advice on how local authorities should use their transport powers to improve public transport.

** The Transport Act 2000 requires each local transport authority to prepare a bus strategy, which is to form part of the local transport plan. The Act also provides for statutory bus quality partnerships and quality contracts.*

*** See: Personal Security Issues in Pedestrian Journeys DETR (May 1999).*

8.36 The Kirklees Integrated Transport Study places particular emphasis on attracting car users onto public transport to minimise the adverse effects of congestion and protect the quality of towns. Bus services account for around 95% of journeys by public transport in West Yorkshire and therefore the extent to which bus operations can be upgraded in terms of reliability and quality, as well as speed, will have an important bearing on the level of public transport use relative to the car. A key feature of the Integrated Transport Strategy is the designation of certain important bus corridors as Green Routes where high quality bus services will be introduced. Accordingly on these routes priority will be given to improved bus shelters to give safer, more comfortable waiting areas, improved passenger information, level access to buses, and to bus priority measures such as bus lanes.

~~**T12 MEASURES TO GIVE PRIORITY TO BUS MOVEMENT ON THE HIGHWAY NETWORK AND TO IMPROVE THE QUALITY AND RELIABILITY OF BUS SERVICES WILL BE INTRODUCED. PRIORITY WILL BE GIVEN TO IMPROVEMENTS ALONG THE GREEN ROUTES IDENTIFIED ON THE PROPOSALS MAP.**~~

This policy was not saved because the Local Transport Plan provides the appropriate test for prioritising measures to improve public transport – www.wyltp.com.

Planning Policy Guidance note 13: Transport also requires consideration of public transport improvements. (See PPG13 extract under deleted policy T11)

8.37 The establishment of park and ride facilities is another important recommendation in the Integrated Transport Strategy giving further encouragement for car users to transfer to public transport. The intention is for park and ride sites to be sought on 4 main Green Routes in Huddersfield (Leeds Road, Wakefield Road, New Hey Road and Bradford

Road) connected by frequent non-stop express buses to the town centre. Although these facilities may take some time to develop and become an established feature of travel behaviour, they do ultimately offer significant scope to reduce the growth in car usage and reduce congestion. Complementary restrictions on town centre parking and measures to manage road capacity are essential components in the effectiveness of the schemes and will be introduced at an early stage in conjunction with park and ride facilities.

T13 PARK AND RIDE FACILITIES WILL BE INTRODUCED IN CONJUNCTION WITH THE MEASURES TO SUPPORT BUS OPERATIONS WITHIN THE DESIGNATED GREEN ROUTES. SITES WILL BE IDENTIFIED FOR PARK AND RIDE FACILITIES IN THE LEEDS ROAD, WAKEFIELD ROAD, NEW HEY ROAD AND BRADFORD ROAD CORRIDORS OF HUDDERSFIELD.

Pedestrians and Cyclists

8.38 Pedestrians and cyclists largely share the highway network with motorised transport. Resources will be directed towards improvements for pedestrians and cyclists in line with the priorities identified in policy T2.

8.39 Walking is important for most trips, usually at the beginning or end of the journey, and therefore it is in everyone's interest that pedestrian safety and convenience is improved. Around 24% of all journeys in the peak hour are made on foot, the majority being within urban areas where the growth in traffic has made walking increasingly unpleasant. Particular efforts will be made to improve the urban pedestrian route network, aimed at persuading more people to walk as an alternative to using private transport. Measures will involve upgrading key routes which provide links to major facilities and the public transport network.

T14 THE SAFETY, CONVENIENCE AND ATTRACTIVENESS OF PEDESTRIAN ROUTES WILL BE IMPROVED AND NEW ROUTES CREATED. PRIORITY WILL BE GIVEN TO LINKED URBAN SCHEMES WHICH IMPROVE ACCESSIBILITY TO COMMUNITY FACILITIES AND PUBLIC TRANSPORT.

8.40 In common with the measures to make urban areas more pleasant and safe for pedestrians footway improvements will be undertaken and pedestrianisation schemes introduced in conjunction with appropriate traffic management and traffic calming provisions. Pedestrianisation will be pursued in a number of streets in Huddersfield town centre.⁷ Improvements will be promoted in Batley on Commercial Street, Lower Market Place, Branch Road and Upper Commercial Street, and in Holmfirth on Victoria Street and Hollowgate.

T15 IMPROVED PEDESTRIAN FACILITIES, INCLUDING PEDESTRIANISATION SCHEMES, SUPPORTED BY TRAFFIC MANAGEMENT ARRANGEMENTS WILL BE INTRODUCED TO IMPROVE PEDESTRIAN SAFETY AND

⁷ See policy TC30

**CONVENIENCE IN TOWN CENTRES AND LARGE LOCAL CENTRES.
PRIORITY WILL BE GIVEN TO THE INTRODUCTION OF SCHEMES IN
HUDDERSFIELD, BATLEY AND HOLMFIRTH.**

8.41 Where new developments are proposed arrangements for pedestrians will need to be considered at the initial planning stages. Pedestrian routes segregated from vehicles, giving direct access between homes, places of employment, community facilities and public transport will be encouraged. The design of routes will need to be consistent with the requirements of crime prevention.⁸ Existing informal footpaths represent 'desire lines' for pedestrians and will need to be taken into account in drawing up the pedestrian network and ensuring a satisfactory final scheme. Public rights of way will often form part of a wider network of amenity, as well as transport, value. Wherever possible new development should be designed around the existing line. Diversions may be acceptable where an alternative route of equivalent character can be devised. Estate roads will not in general be suitable for this purpose and should be avoided wherever possible.

T16 NEW DEVELOPMENT SHOULD MAKE PROVISION FOR SAFE, CONVENIENT AND PLEASANT PEDESTRIAN ROUTES, CONSISTENT WITH CRIME PREVENTION MEASURES OUTLINED IN POLICY BE23 AND WITH THE AIM OF PROVIDING ATTRACTIVE LINKS BETWEEN HOMES, PLACES OF EMPLOYMENT, COMMUNITY FACILITIES AND PUBLIC TRANSPORT. THE LINE OF EXISTING PUBLIC RIGHTS OF WAY WILL BE SAFEGUARDED EITHER BY INTEGRATION INTO THE OVERALL SCHEME OR BY DIVERSION WHERE AN ALTERNATIVE ROUTE WHICH MAINTAINS THE CHARACTER AND FUNCTION OF THE RIGHT OF WAY IS AVAILABLE.

8.42 Cycling is less significant in Kirklees than other modes of transport, and the use of cycles for essential trips, as opposed to their use as a recreational activity, is well below the national average. Measures will therefore be considered to encourage greater use of cycles, through the introduction of cycle lanes or other priority measures for cyclists in road improvement and traffic management schemes and the designation of safe routes and parking arrangements for cyclists in new developments.

T17 NEW DEVELOPMENT SCHEMES AND HIGHWAY IMPROVEMENTS SHOULD HAVE REGARD TO THE NEEDS OF CYCLISTS THROUGH THE PROVISION OF CYCLE TRACKS, CYCLE CROSSINGS ON MAIN ROADS, AND CYCLE PARKING FACILITIES.

8.43 The Council intends to provide a number of strategic cycle and pedestrian routes, either by the upgrading of existing routes or by the creation of new rights-of-way. The routes will provide important long distance links connecting major centres and provide a core network to which other new routes can be joined. As well as being important for essential trips the new links will also be of benefit for recreational purposes by providing

⁸ See policy BE23

safe and attractive routes which are easily accessible from the urban area. Signing and measures to facilitate the safety of users joining and leaving the routes via the existing highway network will be undertaken as part of the implementation of the schemes. Further provision for footpaths and cycle routes for recreational use is contained in chapter 14.

T18 STRATEGIC ROUTES FOR PEDESTRIANS AND CYCLISTS ARE IDENTIFIED ON THE PROPOSALS MAP AT:

- i HUDDERSFIELD TOWN CENTRE TO MIRFIELD VIA BRADLEY VIADUCT;**
- ii MIRFIELD TO CLECKHEATON THROUGH THE SPEN VALLEY;**
- iii DEWSBURY TOWN CENTRE TO KIRKLEES BOUNDARY - (OSSETT, WAKEFIELD);**
- iv DEWSBURY TO BATLEY;**
- v BATLEY TO HUDDERSFIELD ROAD, BIRSTALL ON THE WILTON LINEAR TRAIL;**
- vi Scheme deleted;**
- vii (not used);**
- viii SHOWCASE CINEMA, GELDERD ROAD TO OAKWELL COUNTRY PARK; AND**
- ix KIRKBURTON TO LEEDS ROAD, HUDDERSFIELD.**

Parking

- 8.44 Parking is an essential element in the overall strategy for transport and the provision made for car parking can have an important bearing on the use of the highway network. Control of the size, location and type of car parking may be used to help achieve an overall approach to transportation.
- 8.45 A certain level of off-street parking provision may be necessary if new developments are to avoid giving rise to indiscriminate on-street parking which would be detrimental to road safety, restrict the flow of traffic, or cause environmental problems. The level of provision to be sought will be based upon the Council's parking standards as set out in Appendix 2. These include advice on arrangements for service vehicles and cycles as well as for cars. In accordance with government policy the standards establish the maximum level of car parking generally allowable. Lower levels of provision will be appropriate where the proposed use can still operate effectively or the developer wishes

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to provide less spaces, unless there will be significant adverse consequences for road safety or traffic management.

- 8.45a The standards take account of differing levels of public transport accessibility. In the main centres, Huddersfield, Dewsbury, Batley, Heckmondwike, and Cleckheaton where accessibility to public transport is high, lower levels of car parking for staff will be necessary. This will encourage a shift away from use of the private car. Outside these town centres lower levels may also be appropriate where public transport accessibility is to a similar high standard and transport plans can be secured to increase the use of travel modes other than the private car. Such transport plans may provide improved public transport service frequencies, extra service destinations, encourage cycle use, or include other appropriate measures. These can be secured through Obligations under Section 106 of the Town and Country Planning Act.
- 8.45b In Huddersfield, Dewsbury, Batley, Heckmondwike and Cleckheaton, in line with government guidance on town centres, the parking provided in new developments should serve the centre as a whole and be managed in accordance with the arrangements as described in paragraph 8.46 and set out in policy T20. It is important to be able to exercise control over the use of parking to support the economic well being of the town. The provision of private spaces in individual developments would detract from this ability. Agreement will therefore need to be reached on the introduction of satisfactory management arrangements before planning permission will be granted for development. Such arrangements may also be appropriate in other smaller centres where the Council has or intends to provide parking to serve the centre
- 8.45c 'PPG13 A Guide to Better Practice ' has indicated the dangers of an unbalanced policy which seeks less parking in town centres but permits high levels of off-street parking in areas with poor levels of public transport accessibility, since this can lead to perverse investment decisions with developers selecting locations where more car parking can be included. Therefore standards outside town centres are not set at significantly higher levels and in areas where public transport accessibility is poor, proposals for development which will attract or generate a significant number of journeys should include arrangements for the improvement of public transport provision. Poor public transport accessibility is considered to exist in those areas, which are beyond a reasonable walking distance (around 400m.) of public transport provision with a service frequency of 4 or more services per hour daytime and 2 or more per hour evening. When planning applications are submitted for developments of a significant scale detailed assessments will be required of public transport services, and of access arrangements for pedestrians to those services, taking into account distance, gradients and the quality of pedestrian routes. Where the assessment shows that accessibility to public transport is poor, arrangements will need to be put in place to secure improvements, before planning permission will be granted.
- 8.45d The cycle parking standards are designed to promote cycling as a means of transport and reflect the minimum level of provision to be sought in new developments. The standards are broadly consistent with those introduced by neighbouring authorities

T19 THE PROVISION OF OFF-STREET PARKING WILL BE REQUIRED IN NEW DEVELOPMENTS IN ACCORDANCE WITH THE STANDARDS SET OUT IN APPENDIX 2. WHERE PARKING IS PROVIDED IN CONNECTION WITH NEW DEVELOPMENTS IN TOWN CENTRES ARRANGEMENTS SHOULD BE MADE TO ENSURE THAT IT IS AVAILABLE TO SERVE THE CENTRE AS A WHOLE AND MANAGED IN ACCORDANCE WITH POLICY T20. PROPOSALS FOR DEVELOPMENT WHICH WILL ATTRACT OR GENERATE A SIGNIFICANT NUMBER OF JOURNEYS AND WHICH ARE TO BE LOCATED WHERE ACCESSIBILITY TO PUBLIC TRANSPORT IS POOR SHOULD INCLUDE ARRANGEMENTS FOR THE IMPROVEMENT OF PUBLIC TRANSPORT PROVISION, IN ADDITION TO MEETING THE PARKING STANDARDS.

8.46 In town centres car parking provision is largely within public car parks together with some short stay on-street parking. Provision of car parking within town centres without regard to highway capacity can have serious implications by generating traffic movements, which cannot be accommodated by the highway network. Nevertheless if town centres are to compete effectively with out of centre developments they must remain attractive to people who arrive by car as well as by other modes of travel. In recognition of these issues priority will be given to the provision of shoppers' car parks close to the shopping core of town centres, catering for those whose journeys are generally outside peak periods, whilst car parking for commuters will be located on the periphery of town centres in locations easily accessed from the main roads leading to the town centre. In addition to this approach on the location of car parks, parking charges will be used as a means of deterring commuting by car. With this pattern of provision the needs for off-street car parking can be met whilst minimising pressure on the highway network at peak times.

T20 IN TOWN CENTRES CAR PARKING PROVISION WILL BE MANAGED TO DISCOURAGE LONG STAY USE. IT WILL ALSO BE MANAGED TO ENCOURAGE THE USE OF PARKING PROVISION CLOSE TO THE SHOPPING AREA FOR SHORT STAY PURPOSES AND TO DIRECT LONG STAY USE TO PARKING PROVISION ON THE PERIPHERY OF TOWN CENTRES, NORMALLY WHERE CONVENIENT ACCESS TO MAIN RADIAL ROUTES IS AVAILABLE. ADDITIONAL LONG STAY PARKING, ABOVE THAT REQUIRED BY NEW DEVELOPMENT IN ACCORDANCE WITH POLICY T19, WILL NOT BE PERMITTED.

8.47 In satisfying the requirements of policies T19 and T20 town centre developers will need to make provision for sufficient car parking spaces to satisfy the Council's standards on quantity, and also demonstrate that appropriate management arrangements will be in place when the development comes into operation. Where difficulties are experienced in making the relevant level of provision or in securing appropriate management arrangements in a development scheme, it may be possible to consider alternatives such as the provision of extra public car parking spaces in conjunction with the Council.

~~**T21 PROPOSALS FOR COMMERCIAL DEVELOPMENTS WHICH ARE UNABLE TO INCORPORATE SUFFICIENT CAR PARKING TO COMPLY WITH CAR PARKING STANDARDS SHOULD INCLUDE ARRANGEMENTS ENABLING PARKING PROVISION TO BE MADE BY THE COUNCIL ON AN APPROPRIATE ALTERNATIVE SITE NEARBY.**~~

This policy was not saved because it was not effective. Policy T19 establishes the context for decisions on planning applications in relation to car parking and the standards applicable. Policy T20 is appropriate as an additional consideration in town centres.

- 8.48 Additional public car parking spaces are planned by the Council, with priority being given to schemes in Huddersfield, Holmfirth and Batley. Proposals for Huddersfield are identified in chapter 15. Opportunities for additional provision in conjunction with new developments will be taken as they arise. The Kingsgate scheme in Huddersfield will realise over 1,100 spaces short stay spaces.

Motorway Service Areas (MSA's)

- 8.49 The Government is committed to improving the service offered to motorway users through an increase in the availability and choice of MSA's and requires that the need for MSA's be considered in development plans which should identify locations if appropriate.
- 8.50 The M62 through Kirklees is located entirely within the green belt and the general presumption against inappropriate development within the green belt is not overridden by Circular 23/92. However one of the material considerations which could justify an exception, would be the lack of signed MSA's within 15 miles of existing facilities.
- 8.51 Hartshead Moor Services provide facilities on the Kirklees section of the motorway and, these are situated approximately 11 miles from the western boundary of the District and less than 6 miles from the eastern boundary. Pressure could arise for a new MSA to the west of Hartshead where the next available service area at Birch, Oldham is 25 miles away. However, a location in Kirklees, even at the western extremity of the District, would be too close to Hartshead to present optimum operating conditions. Furthermore any site beyond a minimum distance of 10 miles from Hartshead would fall within, or have an effect on, an area of high landscape value, as defined on the proposals map. In these circumstances it is not considered appropriate to identify sites for MSA's in the plan.

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THE RAILWAY NETWORK

- 8.52 The railway network is a significant part of an integrated transport system. Local rail Services are operated between Huddersfield and Sheffield, Huddersfield and Leeds and Marsden, Huddersfield and Wakefield, paid for by the Passenger Transport Authority (PTA). Main line services between Leeds and Manchester stopping at Huddersfield and Dewsbury are the responsibility of British Rail.
- 8.53 Rail travel in West Yorkshire has increased substantially from the beginning of the last decade, and is expected to continue to increase. Fast and reliable rail travel can attract private car users onto public transport. The rail network also provides high capacity links to which other modes of transport can be connected through park and ride initiatives or transport interchanges. Through the PTA the Council has a direct role in supporting the funding of local services, and can also influence the activities of British Rail. The Council will continue to support rail services with a view to improving the quality and reliability of service and expanding the network where appropriate. This is consistent with the objectives identified in policy T1 and the approach advocated in the Integrated Transport Strategy.
- 8.54 The PTA has considered the possibility of introducing a Huddersfield Bradford rail service linking Brighouse and Halifax utilising a small section of non-operational railway line between Bradley Junction and Bradley Wood Junction situated within Kirklees. The service would provide a further important link in the West Yorkshire network.

~~**T22 THE DISUSED SECTION OF RAIL LINE BETWEEN BRADLEY JUNCTION AND BRADLEYWOOD JUNCTION, SHOWN ON THE PROPOSALS MAP, WILL BE SAFEGUARDED FROM DEVELOPMENT TO FACILITATE THE INTRODUCTION OF A HUDDERSFIELD-BRADFORD RAIL SERVICE VIA BRIGHOUSE AND HALIFAX.**~~

The policy was not saved because the proposed rail extension has now been implemented.

- 8.55 The disused railway lines which remain largely intact have potential for re-use for transport purposes. In addition to the proposals set out in policy T18 for pedestrians and cyclists a number of other uses have been examined. ICI has considered the feasibility of a rail link to its Huddersfield works utilising the disused Kirkburton branch line, and provision of this freight link remains as a possibility in the future. The disused Spen Valley line is likely to be utilised for services operating from the West Yorkshire Transport Museum, Bradford, whilst the Clayton West branch is in part used by a narrow gauge railway, operated as a tourist attraction, with prospects for its extension using the whole length of the branch line. Given the potential of disused railway lines for a range of transport uses, possibly including a future role for rail use, it is important that their re-use is not prevented by new development.

T23 DEVELOPMENT WHICH WOULD PREVENT THE RE-USE OF DISUSED RAILWAYS FOR TRANSPORT PURPOSES WILL NOT NORMALLY BE PERMITTED.

8.56 The PTA has pursued a policy of upgrading existing stations to improve the quality of passenger facilities and opening new stations to increase rail patronage. Improvements to existing stations have involved general upgrading and environmental measures, platform alterations, including improved access for the disabled, and the provision of facilities which assist integration with other modes of transport. New stations have been opened at Deighton, Slaithwaite, and Berry Brow in recent years, and further new stations are planned.

T24 PROPOSALS FOR THE ENHANCEMENT OF RAILWAY STATIONS, PARTICULARLY WHERE THESE ASSIST BETTER INTEGRATION OF RAIL TRANSPORT WITH OTHER MODES OF TRANSPORT WILL NORMALLY BE ACCEPTABLE. SITES FOR NEW STATIONS ARE IDENTIFIED ON THE PROPOSALS MAP AT:

- i RED DOLES, HUDDERSFIELD, FOR LOCAL NEEDS AND TO SERVE THE KIRKLEES STADIUM;**
- ii SCAR LANE, MILNSBRIDGE;**
- iii RAVENSTHORPE, INVOLVING THE RELOCATION OF THE EXISTING STATION SITE TO SERVE THE HUDDERSFIELD - WAKEFIELD LINE IN ADDITION TO THE HUDDERSFIELD - LEEDS LINE; AND**
- iv STATION ROAD, THORNHILL LEES.**

8.57 The opening of the Channel Tunnel will give a greater incentive for industries to move goods by rail, since there are expected to be advantages in using rail to access markets on the continent. This may encourage interest arising among local companies in the use of rail for freight. Where this can be achieved there should be environmental benefits arising from reduced HGV use of local roads.

8.58 Whilst encouragement will be given to the use of the rail network within Kirklees for the movement of freight, there are good road links to the planned Channel Tunnel freight terminal at Port Wakefield, Normanton. Existing businesses will therefore have ready access by road to the terminal where transshipment to rail will take place. The continued upgrading of the Strategic Highway Network will improve this advantageous position.

THE WATERWAY NETWORK

8.59 The waterway network no longer carries freight. The Calder and Hebble Navigation and the Huddersfield Broad Canal are maintained to navigable standards and continue to be

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used for recreational purposes. The Council has embarked on an ambitious restoration scheme for the Huddersfield Narrow Canal, intended to secure its eventual complete re-opening.

- 8.60 Canals and rivers are increasingly being recognised as offering recreational opportunities, and these will continue to be promoted in accordance with policies R18 and R19. Whilst recreational use of canals may be considered to be the primary function of canals they may still have a potential role for the movement of freight or even for use as a means of public transport subject to the protection of the natural water resource. In view of their existing and potential benefits to the community canals will be safeguarded to secure the retention of a comprehensive network. The use of canals for freight and public transport, where this is compatible with the upkeep and improved viability of canals, will also be supported.

T25 DEVELOPMENT PROPOSALS WHICH WOULD PREJUDICE POTENTIAL USE OF THE WATERWAY NETWORK FOR FREIGHT MOVEMENT OR PUBLIC TRANSPORT WILL NOT NORMALLY BE PERMITTED.

UDP

KIRKLEES UNITARY DEVELOPMENT PLAN

9. DERELICT AND NEGLECTED LAND

9.1 STRATEGY

9.5 RECLAMATION OF DERELICT LAND

9.12 IMPROVEMENT OF NEGLECTED LAND

9.17 SITE IMPROVEMENT THROUGH COMMUNITY ACTION

9. DERELICT AND NEGLECTED LAND

STRATEGY

- 9.1 Dereliction which is the legacy of past industrial and extractive activity causes severe environmental problems. Vacant sites left neglected and untidy also give a poor impression of the area. Together derelict and vacant land represent a waste of a vital resource which could otherwise help to relieve pressure for 'greenfield' sites to be developed for urban uses.
- 9.2 About 370 hectares of derelict land, that is land so damaged by industrial or other development that it is incapable of beneficial use without treatment, was recorded in the 1993 Derelict Land Survey. This represents a reduction in the scale of the problem since the last survey in 1988, when 480 hectares were identified. Analysis of the change between 1988 and 1993 shows that although 200 hectares of land were restored, about 50% by the Council with grant assistance and the remainder by waste disposal and revegetation, another 100 hectares became derelict largely as a result of the continuing decline of traditional industries. The Council has maintained an effective reclamation programme which over the period 1983 to 1993 has seen spending in excess of £6 million, but the persistence of the problem makes it clear that efforts will need to be continued if the spread of dereliction is to be contained.
- 9.3 Sites, which are left untidy and neglected, but are not strictly derelict by definition, are also prevalent in the District. The amount and distribution of neglected land is not recorded by the Council, but such sites are evident particularly in the urban area in association with derelict land, where poor environmental conditions inhibit investment. Land adjoining built-up areas, which is still potentially productive agricultural land, is not considered to be 'neglected'. Various initiatives over the years have secured improvements, especially the comprehensive schemes carried out by the Council to upgrade older housing and industrial areas. Government sponsored employment training schemes have also been utilised to fund landscaping works on neglected land, but these schemes are no longer operated.
- 9.4 The Council will continue its endeavours to bring about the re-use of derelict and neglected land as an essential part of its efforts to secure regeneration. To bring sites into full and effective use a range of initiatives will be required including continued reclamation of derelict land, environmental improvement of neglected sites and the co-ordination of development interests to encourage re-use, together with action to encourage land owners to keep neglected sites tidy. The provisions of the plan ensure that where possible derelict and neglected land will be utilised to meet the needs of the District for development and for open space.

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DL1 DERELICT AND NEGLECTED LAND WILL BE BROUGHT INTO BENEFICIAL USE TO ASSIST IN THE REGENERATION OF THE DISTRICT.

RECLAMATION OF DERELICT LAND

- 9.5 The Council receives 100% grant from central government to reclaim derelict land. Capital spending on reclamation schemes has been increased over the last decade from £250,000 in 1981/82 to just over £1 m in 1991/92, and the aim of the Council is to continue to utilise government grant wherever possible to implement reclamation schemes. Rolling Programme status was secured from the Department of the Environment in 1990/91 allowing the Council to compile three year programmes of action. This enables the Council to tackle the most extensive areas of dereliction in a comprehensive manner, gives assurance that funding will be available over a number of years, and enables longer term strategies to be developed to deal with dereliction.
- 9.6 The administration of derelict land grant will be transferred to the Urban Regeneration Agency in April 1994. This agency has the responsibility for introducing greater flexibility into the development of reclamation schemes and encouraging new approaches. It is probable that a more entrepreneurial style will be introduced whereby local authorities will need to show clearly how reclamation schemes give value for money when assessed against the strategic aims of the authority.
- 9.7 The Council determines priorities for reclamation by assessing the extent to which schemes will benefit the local economy, environment and community. Sites seriously detracting from the quality of the environment through visual intrusion or contamination are given priority with emphasis on those sites where re-use will bring benefits to areas beyond the immediate locality, for example, obtrusive sites in prominent locations or contaminated sites adversely affecting wildlife. Reclamation schemes which enable the implementation of proposals in the plan or support its general provisions will also be a priority. Some sites will be capable of built development once reclamation has taken place and it is important that these sites are brought forward quickly to allow new houses or industrial buildings to be built to meet particular needs. However, it is also important to create open spaces and woodlands where these are appropriate as part of a balanced approach, greening urban areas as well as bringing forward sites for development.
- 9.8 Action to reclaim derelict land will be concentrated within the Regeneration Area defined on the proposals map. This encompasses the Council's major urban regeneration projects associated with Batley City Challenge and initiatives within Huddersfield including the riverside strategy. Elsewhere priority will be given to reclamation schemes which contribute to regeneration in the South Pennine Rural Development Area which includes the upper Colne Valley.

DL2 PRIORITIES FOR THE RECLAMATION OF DERELICT LAND WILL BE DETERMINED HAVING REGARD TO THE EXTENT TO WHICH SCHEMES WILL:

- i IMPROVE THE VISUAL ENVIRONMENT OR DEAL WITH SERIOUS CONTAMINATION;**
- ii SECURE THE PROVISIONS OF THE PLAN; AND**
- iii REVITALISE AND REGENERATE AREAS, WITHIN THE REGENERATION AREA IDENTIFIED ON THE PROPOSALS MAP OR THE RURAL DEVELOPMENT AREA.**

9.9 All land within the District identified as derelict has been assessed and those sites proposed for reclamation are identified in policy DL3. The total area proposed for reclamation is 249 hectares which represents 80% of the land identified as justifying reclamation in the 1993 Derelict Land Survey. If the treatment of this amount of land is to be achieved over the next 10 years entirely through derelict land grant an increase in the grant funded reclamation programme will be necessary. However, experience suggests that other agencies may bring derelict sites back into use without grant support. It is also to be expected that further land will become derelict. The derelict land grant funded programme will therefore need to be sufficiently flexible to enable new sites to be introduced where they represent a serious problem or their restoration would enable significant benefits to be gained.

Figure DL1

Total amount of derelict land (hectares) by proposed use

Area	Hard-End Uses ¹	Soft-End Uses ²	Total
Colne Valley	0	9.6	9.6
Meltham	3.5	4.8	8.3
Holme Valley	4.0	8.5	12.5
Kirkburton/Denby Dale	7.2	19.8	27.0
Huddersfield	11.6	46.15	57.75
Mirfield	1.3	11.8	13.1
Dewsbury/Thornhill/Ravensthorpe	24.5	12.4	36.9
Batley	19.8	22.2	42.0
Heckmondwike	4.2	-	4.2
Liversedge	-	0.5	0.5

¹ **Hard End Uses** - include housing, industry, car parking and specific uses such as the Technology Centre, The Yorkshire Mining Museum and the Spen Valley Tramway.

Batley

² **Soft End Uses** – include tree and naturalised planting, public open space, recreation, footpaths, picnic sites, playing fields, cycleways, agriculture and Oakwell Country Park.

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Cleckheaton/Gomersal	28.4	9.2	37.6
Total			249.45

- 9.10 Approximately 80% of the sites identified for reclamation are within the main urban areas and will contribute significantly to regeneration initiatives. In the rural area the last remnants of the coal mining industry in the east of the District are proposed for restoration, and a number of schemes are included in the Rural Development Area with provision being made for the full restoration of the Huddersfield Narrow Canal. Sites will be restored for a range of uses, both 'hard uses' such as housing and industry and 'soft uses' such as parks and playing fields. Some 47 hectares will be reused for industry and 28 hectares for housing. Nearly 80 hectares will be restored for public open space and other formal recreation uses. The remaining sites are mainly proposed for tree planting and use for agriculture.
- 9.11 Overall the proposals for derelict land will provide 114 hectares of development land which represents 45% of the total amount of land proposed for reclamation. It is not considered feasible or desirable to propose a greater number of derelict sites for development for a number of reasons, mainly relating to their location, particularly where they are in the green belt, the nature of surrounding uses, road access, the degree of contamination and, not least, the need to provide open space and enhance the natural environment in many areas where dereliction is prevalent. Derelict sites not proposed for treatment are those considered to create the least problems in terms of visual impact or contamination. They tend to be in relatively remote locations and to exhibit evidence of revegetation. Revegetation constitutes a form of natural reclamation and when a certain stage has been reached treatment will no longer be necessary or desirable.

DL3 LAND IS IDENTIFIED FOR DERELICT LAND RECLAMATION IN THE FOLLOWING LOCATIONS WHICH ARE SHOWN ON THE PROPOSALS MAP.

Colne Valley			
Site No.	Address	Area (ha)	Proposed Use
DL 1.1	Crowthers Tip, Mount Road, Marsden	1.3	Tree Planting
DL 1.2	Railway Sidings, Marsden Goods Yard	3.0	Public Open Space/Car Parking
DL 1.3	Britannia Road, Milnsbridge	1.0	Tree Planting/Public Open Space
DL 1.4	Roydhouse Tip, Manchester Road, Linthwaite	3.2	Recreation/Tree Planting
DL 1.5	Manchester Road, Marsden	1.1	Picnic Site/Car Parking/Tree Planting
		9.6	

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Meltham			
Site No.	Address	Area (ha)	Proposed Use
DL 2.1	Dismantled Railway, Off Huddersfield Road, Meltham (Two lengths)	2.8	Footpath/Tree Planting
DL 2.2	Jubilee Quarries, Blackmoorfoot Reservoir, Meltham	2.0	Tree Planting/Picnic Site
DL 2.3	Brick Works, Mean Lane, Meltham	3.5	Housing (Site No. H2.6)
		8.3	

Holme Valley			
Site No.	Address	Area (ha)	Proposed Use
DL 3.1	Hade Edge Quarries, Hade Edge	2.2	Tree Planting/Naturalised Planting
DL 3.2	New Laithe Lane, Holmfirth.	0.4	Tree Planting/Naturalised Planting
DL 3.3	Woodhouse Lane, Cartworth	2.8	Tree Planting
DL 3.4	Miry Lane, Thongsbridge	0.4	Tree Planting & 1 dwelling
DL 3.5	Perseverance Mills, Woodhead Road, Holmfirth	2.8	Housing (Site No. H3.31)
DL 3.6	Long Ing Road, Hade Edge, (two sites)	1.7	Tree Planting/Naturalised Planting
DL 3.7	Dover Mills, Dover Road, Holmfirth.	0.8	Tree Planting & Housing by mill conversion
DL 3.8	Cartworth Bank Road, Cartworth Moor.	0.5	Tree Planting
DL 3.9	New Mill Road, Thongsbridge	0.9	Tree Planting/Public Open Space
		12.5	

Kirkburton Area			
Site No.	Address	Area (ha)	Proposed Use
DL 4.1	Caphouse Hope Pit, Wakefield Road, Flockton	3.4	Mining Museum
DL 4.2	Off Penistone Road, Lepton	1.1	Pedestrian/Cycle route/Tree Planting
DL 4.3	Off Penistone Road, Dogley, Kirkburton	3.5	Pedestrian/Cycle route/Tree Planting
		8.0	

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Denby Dale Area			
Site No.	Address	Area (ha)	Proposed Use
DL 5.1	Off Langley Lane, Upper Langley, Clayton West	1.3	Tree Planting
DL 5.2	Kiln Lane, Park Mill Tip, Clayton West	12.7	Tree Planting
DL 5.3	Park Mill Colliery, Clayton West	3.8	Business & Industry (Site No. B5.1)
DL 5.4	Park Mill Colliery Springwood Shaft, Clayton West	1.2	Tree Planting
		19.0	

Huddersfield Town Centre			
Site No.	Address	Area (ha)	Proposed Use
DL 6.1	Manchester Road (Haighs Mill)	1.2	Housing /Offices/Business & Industry (Site No. B6.2)
		1.2	

Huddersfield South			
Site No.	Address	Area (ha)	Proposed Use
DL 7.1	Tom Lane/Crosland Hill Road, Crosland Hill	0.6	Housing (Site No. H7.2)
DL 7.2	Deep Lane, Crosland Moor	3.9	Recreation
DL 7.3	Huddersfield Narrow Canal, Huddersfield to Slaithwaite ³	8.7	Recreation
		13.2	

Huddersfield North			
Site No.	Address	Area (ha)	Proposed Use
DL 8.1	Quarmby Clough, Longwood	4.1	Tree Planting/Public Open Space
DL 8.2	Fernlea Tip, Fernlea Road, Birchencliffe	3.7	Public Open Space
DL 8.3	Off Weatherhill Road/Briarlyn Road, Birchencliffe	0.5	Public Open Space
DL 8.4	(Site deleted)		
DL 8.5	Kilner Bank/Chapel Street, Moldgreen	0.85	Tree Planting

³ Site extends into Huddersfield Town Centre and Colne Valley.

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DL 8.6	Bradley Viaduct, Dalton Bank Road, Colne Bridge	1.4	Footpath/Cycleway
DL 8.7	St Andrews Road	1.1	Business & Industry after clearance
DL 8.8	Town Avenue/Bradley Mills Road	2.2	Public Open Space
DL 8.9	Hillhouse Sidings, Alder Street	7.6	Business & Industry (Site No. B8.5) /Waste Transfer Station
DL 8.10	Gledholt Sidings	1.3	Tree Planting/Public Open Space
DL 8.11	Spring Grove/Bow Street ⁴	1.3	Public Open Space/Education
DL 8.12	Abbey Road, Fartown	0.5	Housing (Site No. H8.30)
DL 8.13	Woodhouse, off Chestnut Street, Sheepridge	0.6	Education
DL 8.14	Blakeborough Valves, Bradley	2.4	Tree Planting
DL 8.15	Former Clay Pits, Kilner Bank	3.8	Tree Planting/Public Open Space
DL 8.16	Dalton Bank, Dalton	8.3	Tree Planting/Footpath/Cycleway
DL 8.17	Wood Lane, Battyeford	3.7	Tree Planting/Footpath/Cycleway
		43.35	

Mirfield			
Site No.	Address	Area (ha)	Proposed Use
DL 9.1	Gregory Springs, Hagg Lane, Thorpe, Mirfield	1.5	Tree Planting
DL 9.2	North of the railway off Hurst Lane, Lowlands, Mirfield	2.2	Tree Planting/ Cycleway
DL 9.3	Dismantled Railway, East of Tomroyds Farm, Mirfield	1.4	Footpath/Agriculture/Cycleway
DL 9.4	Dismantled Railway off Huddersfield Road, Battyeford.	0.5	Business & Industry/Tree Planting
DL 9.5	Huddersfield Road, Mirfield	0.7	Tree Planting
DL 9.6	South of railway, off Hurst Lane, Mirfield	3.5	Tree Planting
DL 9.7	Off Sunny Bank Walk, Mirfield.	0.8	Housing/Public open Space (Site No. H 9.10)
DL 9.8	Dismantled Railway, West of Tomroyds Farm, Mirfield.	2.0	Tree Planting
DL 9.9	Leeds Road, Mirfield Moor.	0.5	Tree Planting
		13.1	

⁴ Site extends into Huddersfield Town Centre.

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Dewsbury/Thornhill/Ravensthorpe			
Site No.	Address	Area (ha)	Proposed Use
DL 10.1	Dismantled Railway, Off Ridings Road, Dewsbury	4.2	Public Open Space/Tree Planting Cycleway
DL 10.2	Bretton Street Gas Works, Dewsbury	9.6	Business & Industry (Site No B10.14) /Waste Transfer Station
DL 10.3	(Site deleted)		
DL 10.4	Off Moorside End, Dewsbury Moor	0.4	Public Open Space
DL 10.5	Off Cardwell Terrace, Dewsbury	1.1	Business & Industry (Site No. B10.26) /Tree Planting
DL 10.6	Thornhill Power Station, Calder Rd	5.0	Business & Industry (Site No. B10.17)
DL 10.7	Off Lock Street, Savile Town	0.7	Tree Planting
DL 10.8	Dismantled railway, Off Headfield Road, Thornhill Lees	2.7	Tree Planting
DL 10.9	Off Slaithwaite Road, Thornhill Lees	0.6	Public Open Space
DL 10.10	Forge Lane, Thornhill Lees ⁵	7.6	Leisure/Housing/Business & Industry (Site No. B10.23)
DL 10.11	Off Nevins Road, Ravensthorpe	1.2	Housing (Site No. H10.1)
DL 10.12	Low Road, Dewsbury	0.5	Public Open Space
		36.9	

Batley			
Site No.	Address	Area (ha)	Proposed Use
DL 11.1	Dismantled railway, Oakwell Country Park, Birstall	2.0	Country Park / Cycleway
DL 11.2	Nab Lane, Birstall	3.6	Business & Industry (Site No. B11.4)
DL 11.3	(Site deleted)		
DL 11.4	Oakwell Smallpox Hospital. Owler Lane, Birstall	0.8	Tree Planting
DL 11.5	Bromley Road, Batley	2.8	Business & Industry by Clearance/ Housing (Site No. H11.23) / Tree Planting
DL 11.6	Grange Road Gasworks, Batley	0.6	Technology Centre
DL 11.7	Sewage Works, Savile Street, Batley	1.3	Public open space /Car Parking
DL 11.8	(Site deleted)		
DL 11.9	Oxford Terrace, Batley	1.0	Tree Planting
DL 11.10	Off Laurel Drive, Carlinghow, Batley	1.0	Public open space

⁵ Site benefits from planning permission for leisure use, but is also suitable for housing or industry.

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DL 11.11	Bradford Road branch line, Howley Street to Grange Road, Batley	1.8	Tree Planting / Cycleway
DL 11.12	Off Howard Street, Batley Carr, Batley	1.3	Tree Planting
DL 11.13	Grange Road Industrial Estate, Batley	4.5	Business & Industry (Site No. B11.15)
DL 11.14	Old Hall Road, Upper Batley	0.4	Tree Planting
DL 11.15	(Site deleted)		
DL 11.16	Former Gomersal Sewage Works, Nutter Lane, Oakwell	1.7	Country Park
DL 11.17	Bromley Street, Batley	2.8	Tree Planting / Public open space
DL 11.18	Warwick Road East, Batley	0.4	Public open space / Housing
DL 11.19	Howley Quarry Waste, Batley	0.8	Public open space / Tree Planting
DL 11.20	Lady Ann Road Quarry, Batley	0.8	Tree Planting
DL 11.21	Warwick Road West, Batley	3.9	Tree Planting / Housing / Recreation
DL 11.22	South of Batley RLFC, Batley	0.4	Car parking / Leisure
DL 11.23	Thomas Street, Batley	0.6	Tree Planting
DL 11.24	Blakeridge Mills, Batley	2.9	Business & Industry (Site No. B11.12)
DL 11.25	Lady Ann Road / Howley Street, Batley	1.4	Tree Planting / Housing (Site No. H11.22)
DL 11.26	Halifax Road, Batley	0.7	Business & Industry after clearance / Housing
DL 11.27	Spring Mills, Carlinghow Lane, Batley	0.6	Housing (Site No. H11.11)
DL 11.28	Benny Parr Close, Soothill, Batley	1.3	Housing (Site No. H11.2)
DL 11.29	Albion Mills, Bradford Road, Batley Carr	1.1	Business & Industry
DL 11.30	The Drive, Carlinghow, Batley	1.5	Housing (Site No. H11.12)
		42.0	

Heckmondwike			
Site No.	Address	Area (ha)	Proposed Use
DL 12.1	Heckmondwike Goods Yard	2.0	Business & Industry (Site No's B12. 1 & B12.2)
DL 12.2	Lobley Street	0.4	Housing (Site No. H12.10)
DL 12.3	Oil Terminal, Leeds Road	1.8	Housing (Site No. H12.9)
		4.2	

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Liversedge			
Site No.	Address	Area (ha)	Proposed Use
DL 13.1	Off Carr Lane	0.5	Agriculture
		0.5	

Cleckheaton/Gomersal			
Site No.	Address	Area (ha)	Proposed Use
DL 14.1	Off Moorside Rise, West End, Cleckheaton	0.7	Tree Planting
DL 14.2	Dismantled railway, Spen Bank, Cleckheaton to Walkley Bank, Heckmondwike	7.2	Footpath / Cycleway
DL 14.3	Westgate, Cleckheaton	5.2	Housing (Site No. H14.20) / Education
DL 14.4	Prospect Road, Cleckheaton	0.8	Public Open Space
DL 14.5	Cleckheaton Gasworks, Whitechapel Road, Cleckheaton	2.2	Business & Industry (Site No. B14.6).
DL 14.6	Off Spen Lane, Cleckheaton	0.5	Tree Planting/Footpath/Cycleway
DL 14.7	Dismantled railway, Low Moor to Thornhill Junction	21.0	Tramway
		37.6	
	Total Area	249.5	

IMPROVEMENT OF NEGLECTED LAND

- 9.12 The improvement of neglected land involves the use of a range of measures; there is no single mechanism for funding restoration equivalent to derelict land grant.
- 9.13 Some neglected sites may qualify for derelict land grant since the DoE makes provision within its grant regime to deal with a small number of such sites in this way. However, most sites are not eligible for grant and other means must be pursued.
- 9.14 The Council's budgets, particularly in the areas of housing renewal, industrial regeneration and nature conservation, can be utilised to bring about the improvement of neglected land and to encourage its re-use for worthwhile purposes. The Urban Programme has bolstered Council initiatives to improve neglected land with 75% grant assistance, but no new project approvals will be forthcoming as the programme is now being phased out. The Council will therefore increasingly need to consider the use of its own resources and other grant sources to fund the restoration of neglected land.

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9.15 A great deal of neglected land is awaiting development or redevelopment in parts of the District where there is little market interest. Concentrations occur in the inner urban areas which tend to be less attractive to private developers. The Council will assist the early development of these sites by providing information on site availability and promoting the disposal of Council owned sites. Assistance will also be given to interested parties to co-ordinate development and by the provision of development briefs for sites where complex problems exist.

9.16 In addition to these means of encouraging improvement, the Council is empowered to require landowners to tidy up land, and it can enter land and undertake works where owners do not comply with enforcement notices.

DL4 THE IMPROVEMENT AND REUSE OF NEGLECTED LAND WILL BE ASSISTED BY.

- i THE UTILISATION OF RESTORATION GRANTS WHERE AVAILABLE;**
- ii THE ENCOURAGEMENT OF APPROPRIATE DEVELOPMENT BY CO-ORDINATING DEVELOPMENT INTERESTS AND ESTABLISHING MEANS FOR OVERCOMING DEVELOPMENT PROBLEMS; AND**
- iii THE USE OF POWERS UNDER SECTION 215 OF THE TOWN AND COUNTRY PLANNING ACT 1990 TO REQUIRE LAND OWNERS TO REMEDY THE CONDITION OF LAND WHERE THE AMENITY OF THE AREA IS ADVERSELY AFFECTED.**

SITE IMPROVEMENT THROUGH COMMUNITY ACTION

9.17 The Council encourages community groups and local businesses to take an active interest in environmental improvement with special emphasis on the reclamation and improvement of derelict and neglected land.

9.18 The provision of practical or financial assistance to companies and other organisations with projects for tidying-up and achieving better use of land is sympathetically considered by the Council. Action by landowners to improve the appearance of industrial sites and premises and make effective use of neglected areas can be very valuable especially within the Regeneration Area. Some projects of this nature are eligible for grant assistance from the Council.

9.19 Voluntary groups already play an effective role in environmental works, particularly in nature conservation and tree planting initiatives, and this work is expected to continue. Financial assistance is likely to continue to be available to support the efforts of voluntary groups.

UDP

KIRKLEES UNITARY DEVELOPMENT PLAN

10. BUSINESS AND INDUSTRY

- 10.1 STRATEGY
- 10.10 LAND FOR BUSINESS AND INDUSTRY
- 10.24 PREMISES AND SITES WITH ESTABLISHED USE, OR LAST USED FOR BUSINESS AND INDUSTRY
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10. BUSINESS AND INDUSTRY

STRATEGY

- 10.1 Business and industry in Kirklees is based on traditional manufacturing activities, textiles, engineering and chemicals. In recent years there has been diversification as new industries have become established and the service sector has grown. Manufacturing now accounts for 38% of the employed workforce, still 15% above the national average.
- 10.2 The Council's objectives are to increase and diversify employment opportunities by strengthening and broadening the economic base. This involves providing for the needs of established firms and attracting new investment to the District. Many businesses are located along the traditional transport routes in the river valleys and a high proportion are still accommodated in 19th century buildings.

If they are to maintain their competitiveness they may need to redevelop their premises or to move to a better location. The trend away from multi-storey accommodation to single-storey means that to maintain existing levels of industrial employment larger areas of land are required. Sites with good motorway access are particularly attractive to businesses relocating within the District and also to potential inward investment. As the M62 does not follow a river valley it by-passes the traditional industrial areas. Consequently business development interest tends to be focused away from the areas which require regeneration. A key factor addressed in the plan is the balance between the provision of land for business and industry in the M62 corridor and on sites close to the traditional industrial areas.

- 10.3 It is important that the existing stock of business premises and sites should be sufficient to ensure that opportunities for business expansion and for the establishment of new businesses are not inhibited, and to avoid deflecting development pressure unnecessarily towards greenfield sites. Consequently proposals for changes from business and industry uses to other uses will need to be carefully evaluated to ensure that, if accepted, such proposals will contribute to economic or environmental regeneration and will not lead to an unsatisfied demand for business premises. It is also important to accommodate the extension of business premises unless there is no environmentally acceptable means by which this can be achieved.
- 10.4 Office-based businesses can offer new employment opportunities especially in areas previously dominated by manufacturing activity. In many town centres and older industrial areas there are opportunities for redevelopment to provide new office accommodation, and also buildings suitable for conversion to offices. Investment in redevelopment or conversion schemes can help to regenerate run down areas by stimulating new economic activity and bringing people back to them.
- 10.5 Many people already work from home and with the increasing availability of computer links and other technology many others may be able to do so. This may be beneficial in reducing journey to work congestion and in enabling people not currently able to go out to work to secure employment. However, safeguards are required to ensure that working

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from home does not cause detriment to the amenity of neighbours or to the residential character of the area.

10.6 The District has a varied potential for tourism which already makes a significant contribution to the local economy. The Council's policy is to promote tourism in order to help to diversify the economic base. However, the benefits of increased tourist activity have to be balanced against the potential environmental damage that might result to ensure that the qualities which attract tourists are not destroyed in the process. New tourist activity can be particularly valuable in rural areas by diversifying the local economy where agriculture is in decline and alternative employment opportunities are very limited.

10.7 Despite its decline agriculture is still a significant economic activity which gives rise to demands for new buildings and structures in the countryside. It is appropriate to accommodate such development where it can be justified in terms of agricultural operations provided also that the character of the countryside is not irreparably damaged.

B1 THE EMPLOYMENT NEEDS OF THE DISTRICT WILL BE MET BY:

- i PROVIDING LAND TO ACCOMMODATE THE REQUIREMENTS OF EXISTING KIRKLEES BUSINESSES AND THE ESTABLISHMENT OF NEW BUSINESSES;**
- ii MAINTAINING THE STOCK OF ESTABLISHED BUSINESS AND INDUSTRIAL PREMISES AND SITES, EXCEPT WHERE THIS WOULD LEAD TO ENVIRONMENTAL PROBLEMS OR WHERE THEY ARE UNSUITABLE FOR BUSINESS AND INDUSTRIAL USE OR THERE IS NO REALISTIC PROSPECT OF RE-USE OR REDEVELOPMENT FOR SUCH PURPOSES.**
- iii ACCOMMODATING THE EXTENSION OF BUSINESS PREMISES EXCEPT WHERE THERE WOULD BE ADVERSE ENVIRONMENTAL IMPACT;**
- iv PROVIDING FOR OFFICE USES TO BE ESTABLISHED PARTICULARLY IN TOWN CENTRES AND OLDER INDUSTRIAL AREAS;**
- v ACCOMMODATING WORKING FROM HOME;**
- vi PROMOTING TOURISM; AND**
- vii ACCOMMODATING AGRICULTURAL DEVELOPMENT AND DIVERSIFICATION OF THE RURAL ECONOMY.**

10.8 Business and industrial uses comprise classes B1-B8 of the 1987 Use Classes Order. Class B1 "business" comprises industry, research and development and office uses (excluding

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those falling within class A2) which can be carried out in a residential area. The 1987 Use Classes Order together with subsequent changes to the General Development Order (now incorporated in the General Permitted Development Order 1995) introduced a significant degree of interchangeability between office and industrial uses without the need to seek planning permission. Consequently distinctions used before 1987, particularly between industry and offices, are no longer a practical basis for the control of development.

- 10.9 While uses such as shopping, high street services and entertainment provide significant employment opportunities, business and industry are central to the economic prosperity of the District. Policies to sustain business and industry, and encourage their growth are likely, if successful, to lead to increases in employment opportunities and subsequently to generate job growth in other sectors such as shopping and high street services.

LAND FOR BUSINESS AND INDUSTRY

- 10.10 In order to provide opportunities for the accommodation of, existing Kirklees businesses wishing to relocate or expand and the establishment of new businesses, land is required in a range of locations and capable of meeting a variety of needs.

- 10.11 The scale and distribution of land allocations for business and industry identified on the proposals map are based on the following general requirements:

- i to provide opportunities for development in locations with ready access to the motorway to ensure that there is scope for the expansion or relocation of existing local businesses seeking improved access to the motorway network, and for inward investment, which is primarily attracted to motorway related sites, and to avoid increasing heavy goods vehicle movements through built-up areas;
- ii to provide development opportunities throughout the remainder of the District located as close as possible to established business areas to increase scope for the relocation of existing businesses;
- iii to provide specific opportunities for the creation of business parks incorporating low density development, restricted to B1 uses only in a high quality environment; this should encourage the establishment of types of business currently poorly represented in Kirklees and hence diversify employment opportunities; and
- iv to ensure that allocations are of sufficient size to enable a range of site requirements to be accommodated including those of large single users requiring capacity for later expansion.

- 10.12 In addition to these general requirements the selection of sites for allocation for business and industry has taken into account the following considerations:

- i the scale and distribution of undeveloped local plan allocations for industry and employment and of land which has the benefit of planning permission for

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employment purposes which are expected to come forward for development within the plan period. (Such allocations and planning permissions are regarded as commitments and are listed in the Employment Land Supply Review database for Kirklees),

- ii the need to relate allocations to existing settlement form and to existing and proposed infrastructure,
- iii the need to ensure that land is genuinely available for development, ie, free of ownership constraints or exceptional construction requirements, to encourage its take-up,
- iv the need to have full regard for environmental concerns, particularly the visual impact of development and its possible affects on nature conservation; and
- v the need to encourage shorter journeys to work and the use of public transport for such journeys.

10.13 As a result of balancing the requirements set out in paragraph 10.11 against the considerations listed in paragraph 10.12 the plan contains a relatively modest amount of new land allocations for business and industry when compared with proposed provision in the Leeds and Wakefield UDP's. This reflects the content of Strategic Guidance which states that in respect of land for industry topographical constraints coupled with the likely pattern of demand mean that more new land will need to be identified in the eastern part of West Yorkshire than in the West.

10.14 On the basis that land for business and industry is a relatively scarce resource in Kirklees, it will be appropriate to seek to ensure that job densities achieved through the development of the allocated land are as high as possible, particularly on the larger green field sites. Potentially the most extensive land users achieving the lowest job densities are storage and distribution, which fall into class B8. It is therefore proposed to preclude development for B8 use on those large allocations which have the greatest potential to attract investment intended to secure the future prosperity of established industrial companies in Kirklees or to accommodate new business. The exclusion of B8 uses from these sites should also ensure that there is scope for development drawing on established skills of the local workforce. Sites where B8 uses are to be precluded are identified in policy B2.

10.15 In order to provide business park development several new allocations will be reserved for the accommodation of B1 uses only. These sites are in attractive locations and should provide appropriate conditions for the establishment of business units in a high quality setting. (Sites for B1 use only are identified in policy B2).

10.16 The location of business uses not falling into use classes B1, B2 (general industry) and B8, which are usually "bad neighbour" uses requiring careful control, is considered in para 5.56. It will not be appropriate to permit such uses on sites restricted to B1 uses only or B1 and B2 uses only.

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B2 THE FOLLOWING SITES, WHICH ARE IDENTIFIED ON THE PROPOSALS MAP, ARE ALLOCATED FOR BUSINESS, GENERAL INDUSTRIAL AND STORAGE AND DISTRIBUTION USES (CLASSES B1, B2 AND B8) EXCEPT WHERE OTHERWISE SPECIFIED.

Site number	Address	Estimated Developable Area (hectares) (see footnote 1)
Colne Valley		
B1.1	Carrs Road, Marsden	1.0
B1.2	Spa Mills, Slaithwaite	0.6
B1.3	Coldwell Street, Linthwaite	1.1
B1.5	Britannia Road, Milnsbridge	0.6
B1.6	River Street, Milnsbridge	1.1
B1.7	Stafford Mills, Milnsbridge	1.7
		6.1
Meltham		
B2.1	Off Huddersfield Road, Meltham ⁽⁸⁾	0.5
B2.2	Bent Ley Farm, Meltham	0.5
B2.3	Off Bent Ley Road, Meltham	1.6
		2.6
Holme Valley		
B3.1	New Mill Road, Honley	3.1
B3.3	Huddersfield Road, Thongsbridge	1.2
B3.4	Bottoms Mill, Holmfirth	2.0
B3.5	New Mill Road, Brockholes	0.4
		6.7
Kirkburton		
B4.2	Abbey Road, Shelley	2.2
B4.3	Liley Lane/Wakefield Road, Grange Moor	9.4
		11.6
Denby Dale		
B5.1	Park Mill Colliery, Clayton West	3.8
B5.3	Station Site, Clayton West	2.2
B5.4	Station Site, Skelmanthorpe	5.1
B5.5	Bromley Works, Wood Lane, Denby Dale	4.0
		15.1

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Site number	Address	Estimated Developable Area (hectares) (see footnote 1)
Huddersfield Town Centre		
B6.1	St Andrews Road	1.3
B6.2	Priestroyd Mills, Firth St /Queen St South	0.4
		1.7
Huddersfield North		
B8.1	Crosland Road/Lindley Moor Road ^(6,9,10)	31.0
B8.2	New Hey Road, Oakes	0.6
B8.5	Hillhouse Sidings, Alder Street	7.6
B8.6	Red Doles Road West	1.8
B8.7	Red Doles South	1.0
B8.8	Red Doles North	0.8
B8.9	Old Fieldhouse Lane ⁽⁵⁾	5.7
B8.10	Leeds Road	0.6
B8.11	Ashgrove Road	0.6
B8.12	Colne Bridge Road West	2.3
B8.13	Station Road, Bradley	2.0
B8.14	Colne Bridge Road East ⁽⁵⁾	3.0
B8.15	Pennine Business Park, Bradley Road, Bradley (B1 uses only)	3.7
B8.16	Old Lane/Bradley Road, Bradley (B1 uses only)	10.5
		71.2
Mirfield		
B9.2	Slipper Lane ⁽⁶⁾ (B1/B2 uses only)	11.3
B9.3	Huddersfield Road	0.7
B9.4	Stearnard Lane	3.6
		15.6

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Site number	Address	Estimated Developable Area (hectares) (see footnote 1)
Dewsbury/Thornhill/Ravensthorpe		
B10.1	Owl Lane, Shaw Cross	24.3
B10.3	Syke Ing Mills, Earlsheaton	0.9
B10.4	Greaves Road, Dewsbury	0.5
B10.5	Low Street, Dewsbury	0.4
B10.6	Watergate Road, Dewsbury	0.5
B10.7	Mill Street West, Dewsbury	1.4
B10.8	Cannon Way, Dewsbury	0.5
B10.9	Calderbank Road, Dewsbury	2.5
B10.10	Thornhill Road, Dewsbury	4.6
B10.11	Calder Works, Thornhill Road	4.9
B10.12	Bretton Street/ Headfield Road, Dewsbury	1.0
B10.13	Bretton Street South, Dewsbury	0.6
B10.14	Bretton Street East, Dewsbury	9.3
B10.16	Forge Lane, Dewsbury	1.4
B10.17	Calder Road, Thornhill	5.0
B10.18	Calder Road, Ravensthorpe	0.5
B10.19	Ravensthorpe Industrial Estate East	2.0
B10.20	Ravensthorpe Industrial Estate West	0.6
B10.21	Low Mill Lane, Ravensthorpe	1.0
B10.22	Ravensthorpe Road, Ravensthorpe	0.7
B10.23	Kimberley Street, Thornhill	1.3
B10.24	Ravensthorpe Road, Dewsbury	0.5
B10.25	Forge Lane, Thornhill Lees	0.7
B10.26	Cardwell Terrace, Dewsbury	1.0
B10.28	Heckmondwike Road, Dewsbury Moor	2.7
		68.8
Batley/Birstall		
B11.1	Dark Lane North, Birstall ⁽⁶⁾	7.3
B11.2	Gelder Road, Birstall	3.6
B11.3	Pheasant Drive, Birstall ⁽⁶⁾	1.7
B11.4	Nab Lane, Birstall ⁽⁶⁾	3.6
B11.5	Dark Lane South, Birstall	0.8
B11.6	Raikes Lane, Birstall	0.6
B11.7	College Mills, Birstall	1.5
B11.10	Smithies Moor Lane, Birstall Smithies ⁽⁵⁾ (B1/B2 uses only)	5.2
B11.11	Bradford Road, Birstall Smithies	0.4
B11.12	Mayman Lane/Cemetery Road, Batley	1.5
B11.13	Former Sewage Works, Bradford Road, Batley	0.5
B11.14	Grange Road North West, Batley ⁽⁶⁾	0.4

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Site number	Address	Estimated Developable Area (hectares) (see footnote 1)
B11.15	Grange Road North East, Batley ⁽⁶⁾	5.3
B11.16	Grange Road South, Batley ⁽⁶⁾	4.0
B11.18	Pennine View, Birstall	0.5
B11.19	Nab Lane, Birstall	2.0
		38.9
<hr/>		
Heckmondwike		
B12.1	Railway Street	1.6
B12.2	Station Lane ⁽⁷⁾	0.4
B12.3	Spenn Vale Street	5.8
B12.4	Walkley Lane	1.6
		9.4
<hr/>		
Cleckheaton		
B14.3	Former Dye Works, Hunsworth	7.4
B14.4	Land at Scandinavia Mills, Moored ⁽⁶⁾	9.2
B14.5	Exchange Mills, Moored	3.6
B14.6	Gas Works, Whitechapel Road, Moored	2.6
B14.7	Bradford Road, Rawfolds South	1.5
B14.8	Bradford Road, Rawfolds North	1.1
B14.9	Swincliffe, Birkenshaw (B1 uses only)	5.8
		31.2
<hr/>		
		278.9
<hr/>		

Footnotes

- (1) Excluding areas within allocation boundaries required for buffer zones (see Policy B3) to protect visual and residential amenity. (The areas of land allocated on the proposals map are therefore larger than the estimated developable areas).
- (2) – (4) [Footnotes deleted]
- (5) Relocation of playing fields required in accordance with policy R7A.
- (6) In order to fully assess the traffic effect of the allocation, further detailed work (including, where appropriate, analysis of a traffic impact assessment) will need to be undertaken by the Highways Agency to ensure such traffic can be accommodated safely on the trunk road network. Where this is not possible, but could become so by remedial highway improvements, the Highways Agency will seek the attachment of appropriate planning conditions relating the commencement or occupancy of the development to the

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prior carrying out of such improvements. Where remedial works prove not to be feasible, or agreement as to their scale cannot be reached with the developer, the Highways Agency might have to direct refusal of the planning application or, if before the Secretary of State for the Environment, object to the proposal.

- (7) The development of the site should not only safeguard the disused railway line in accordance with policy T23, but also enable a station and car parking to be provided in the event of the railway coming back into operation.
- (8) Development is to make provision for road access across the site to enable the western part of the adjoining provisional open land (POL) to be accessed from Huddersfield Road.
- (9) The maximum acceptable proportion of B8 floorspace will be 20%.
- (10) The site shall be developed comprehensively with site H8.17.

10.17 The overall distribution of land allocated for business and industry and the use restrictions proposed are shown in figure B2.

Figure B2 Land for Business and Industry	Hectares (developable area)			
	B1 uses only	B1/2	B1/B2/B8	TOTAL
Heavy Woollen Area	5.8	16.5	141.1	163.4
Huddersfield and Colne Valley	10.5	27.3	41.2	79.0
Holmfirth/Meltham	-	-	9.3	9.3
Kirkburton/Denby Dale	-	-	26.7	26.7
TOTAL	16.3	43.8	218.3	278.4

10.18 In order to protect the amenity of occupiers of land neighbouring sites allocated for business and industry and to reduce the impact of industrial development on visual amenity, landscape and wildlife, parts of some allocated sites are designated as buffer zones. Buffer zones are not identified for any sites where planning permission has been granted nor small sites where normal design and environmental protection measures will be sought when planning applications are made. The intention of the buffer zone designation is to keep areas adjoining residential development and other sensitive land uses free of industrial buildings so that disturbance and visual impact are minimised.

10.19 The selection of buffer zones has taken into account not only the proximity of neighbouring housing and other sensitive uses but also the land form within the allocation

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and the presence of significant groups of trees. Some buffer zones will require no special treatment when development takes place within the allocation, but within others it will be appropriate to create screening through measures such as earth moulding or tree planting. Such measures will be secured by planning conditions or legal agreements.

- 10.20 The treatment of buffer zones will provide opportunities to enhance visual amenity, wildlife value and possibly local recreation opportunities. For example, site drainage arrangements may enable ponds to be created within buffer zones which together with planting could create a valuable natural habitat. It may also be possible to permit public access to the area; this would, however, have to be balanced against the need for security of business premises.
- 10.21 Some operational uses may be acceptable within buffer zones provided that they would not be detrimental to the amenity of occupiers of neighbouring land. Parking is likely to be acceptable where it can be effectively screened and kept at a sufficient distance from the site boundary to prevent disturbance to occupiers of adjoining land. While buffer zones are intended to be kept free of industrial buildings the construction of small buildings to accommodate facilities for the benefit of employees, for example, providing for childcare, or sporting activities with associated pitches, may not prejudice the function of buffer zones.

B3 BUFFER ZONES WITHIN AREAS ALLOCATED FOR BUSINESS AND INDUSTRY ARE IDENTIFIED ON THE PROPOSALS MAP. PROPOSALS FOR DEVELOPMENT WITHIN ALLOCATED AREAS SHOULD ENSURE THAT IDENTIFIED BUFFER ZONES ARE KEPT FREE OF INDUSTRIAL BUILDINGS AND SHOULD PROVIDE FOR TREE PLANTING OR OTHER MEANS OF SCREENING WITHIN THE BUFFER ZONE. DRAINAGE WORKS, CAR PARKING AND FACILITIES FOR EMPLOYEES WILL BE PERMITTED ONLY WHERE THE AMENITY OF OCCUPIERS OF NEIGHBOURING LAND AND THE VISUAL AMENITY OF THE SURROUNDING AREA WOULD NOT BE PREJUDICED. ALL PROPOSALS AFFECTING BUFFER ZONES SHOULD HAVE REGARD TO VISUAL AMENITY AND WILDLIFE CONSERVATION.

- 10.22 It is the Council's practice to prepare development briefs for important sites such as areas allocated for business and industry. Briefs are intended to provide the necessary guidance to ensure satisfactory development in accordance with the plan's policies. Where a brief is prepared development proposals will be expected to accord with terms of that brief.
- 10.23 It is inevitable that proposals for the development of business and industrial uses will come forward on sites other than those allocated in the plan. Such proposals will be evaluated against the terms of policy D2 unless they involve the extension of existing business premises in which case policy B5 will apply.

PREMISES AND SITES WITH ESTABLISHED USE, OR LAST USED, FOR BUSINESS AND INDUSTRY

- 10.24 Premises and sites accommodating industry, warehousing and a range of activities such as vehicle repairs, haulage and other services to industry, tend to be concentrated in the inner urban areas and along the river valleys, but there are also groups of such premises throughout the built-up area. Many of these premises are of 19th century origin, some having been adapted to accommodate new processes.
- 10.25 If business activity, and consequently employment levels, are to be sustained it is important that the stock of business premises is maintained at a level commensurate with likely demand. However, bearing in mind the predominance of older premises in the existing stock unsuited to many modern business requirements it is improbable that demand will ever reach a level which equates with the total volume of the current stock. In these circumstances it is not appropriate to resist all proposals to change the use of business premises or for their conversion or redevelopment for alternative uses. Some such proposals may contribute to economic regeneration simply because they will bring investment or new jobs to an area in decline. Others may facilitate the relocation of the business currently occupying the site and enable jobs provided by that business to be safeguarded or increased. However, it will be important that the new use proposed is compatible with surrounding uses. Some uses, for example, day nurseries, training or sports facilities or car parking, would benefit those resident or employed in the locality, but it may not always be appropriate to permit the establishment of new uses in locations adjoining established businesses. For example, the introduction of housing may mean that future investment to expand and intensify the use of adjacent business premises would be precluded because there would be unacceptable consequences for the neighbouring residents. In effect the housing use would turn the established business into a potential "bad neighbour".
- 10.26 The replacement of business and industrial uses by other uses may also contribute to environmental regeneration, for example, where the new use would have less adverse impact on local amenity, and particularly residential amenity, where there would be fewer heavy goods vehicle movements and therefore an improvement in local road safety; or where an alternative use would enable an industrial building of architectural or historic interest to be retained and brought into beneficial use.

B4 PROPOSALS INVOLVING THE CHANGE OF USE OF PREMISES AND SITES WITH ESTABLISHED USE, OR LAST USED, FOR BUSINESS AND INDUSTRY WILL BE CONSIDERED HAVING REGARD TO:

- i THE SUITABILITY OF THE LAND AND PREMISES FOR CONTINUED BUSINESS AND INDUSTRIAL USE;**
- ii THE AVAILABILITY OF BUSINESS AND INDUSTRIAL PREMISES OF EQUIVALENT QUALITY;**

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- iii **THE NUMBER OF JOBS LIKELY TO BE CREATED OR MAINTAINED;**
- iv **THE COMPATIBILITY OF THE PROPOSED USE WITH SURROUNDING USES;**
- v **THE EFFECT ON THE FUTURE OPERATIONAL FLEXIBILITY OF ANY NEIGHBOURING BUSINESSES:**
- vi **THE EFFECT ON ANY BUILDINGS OF ARCHITECTURAL OR HISTORIC INTEREST;**
- vii **THE EFFECT ON LOCAL AMENITY;**
- viii **THE EFFECT ON THE LOCAL HIGHWAY NETWORK; AND**
- ix **THE POTENTIAL FOR THE SITE TO BE SERVED BY RAIL OR WATER FOR THE TRANSPORT OF FREIGHT.**

10.27 Many industrial areas exhibit severe environmental problems associated with obsolete and unused buildings, cleared sites, lack of space for heavy goods vehicles to manoeuvre, load and unload, lack of parking and disturbance to residents of neighbouring housing. These areas are included within the Regeneration Areas defined on the proposals map, with a view to directing resources for environmental improvements to them. Resources will be made available to secure the rehabilitation of buildings, the improvement of roads and access arrangements, the provision of parking and other improvements such as landscaping in order to upgrade such areas and encourage further investment which should secure existing employment and provide additional jobs.

EXTENSIONS TO BUSINESS PREMISES

10.28 As the requirements of businesses change or their activities grow the need to extend their premises can arise. It is desirable to accommodate such extensions in the expectation that employment levels will be safeguarded or possibly increased as a result. However, such extensions may give rise to disturbance for the occupiers of neighbouring property or to adverse visual impact, and may also have adverse implications for highway safety. In such cases a balance will need to be struck between the benefits of accommodating the expanded business operation and adverse consequences for amenity and safety.

B5 PROPOSALS FOR THE EXTENSION OF BUSINESS PREMISES WILL BE PERMITTED PROVIDED THE AMENITY OF OCCUPIERS OF NEIGHBOURING PROPERTIES, VISUAL AMENITY AND HIGHWAY SAFETY ARE SAFEGUARDED.

OFFICES

10.29 As noted in para 10.8, B1 uses include offices except those which fall into Class A2. Office development is therefore by definition permissible on land allocated for business uses unless exceptional circumstances can be demonstrated which justify restricting the scope of B1 uses to research and development and industrial processes only, thereby excluding office use. This course of action might be successfully defended in large business centres where offices might be expected effectively to drive out industry to the detriment of local employment diversity. However, there is no evidence that such problems are likely to occur in Kirklees and therefore the plan does not propose restrictions on the scope of B1 uses.

10.30 The changes to the General Development Order (now General Permitted Development Order), which followed the introduction of the B1 use class, mean that B1 uses can generally be established in existing industrial premises without the need for planning permission. However, any resulting alterations to buildings may require permission. There has been considerable market interest in creating office accommodation by conversion of older industrial buildings of notable quality together with sympathetic redevelopment in areas with an identifiable industrial heritage in many cities and towns in the UK. Such conversions and redevelopment have potential to stimulate the regeneration of older industrial areas. It is therefore appropriate to encourage the establishment of B1 uses in older industrial areas, and particularly in areas close to town centres which are likely to benefit from the additional trade and economic activity generated nearby.

B6 PROPOSALS FOR THE CONVERSION OF BUILDINGS AND REDEVELOPMENT IN OLDER INDUSTRIAL AREAS TO ACCOMMODATE CLASS B1 USES WILL NORMALLY BE PERMITTED.

10.31 Office uses have traditionally been encouraged in town centres and local centres because they are accessible and contain a stock of office accommodation and range of uses providing services to office users. Town and local centres remain attractive locations for many firms and organisations requiring office accommodation. Office use is the most appropriate use for many town centre buildings and especially upper floors. Where buildings are not capable of conversion sympathetic redevelopment will be appropriate. However, the intrusion of B1 uses into shopping frontages would disrupt the continuity of shopping and service uses associated with shopping activity, to the detriment of convenience and amenity. Only if there is clear evidence of a lack of demand for shopping for service premises will it be appropriate to consider permitting the establishment of B1 uses within a shopping frontage.

~~**B7 WITHIN TOWN AND LOCAL CENTRES THE ESTABLISHMENT OF CLASS B1 USES WILL BE PERMITTED EXCEPT WHERE THE CONTINUITY OF SHOPPING FRONTAGES WOULD BE INTERRUPTED.**~~

This policy was not saved because the issues it refers to are covered in UDP Policy S11 and Planning Policy Statement 6: Planning for Town Centres, the relevant text of which follows:¹

ASSESSING PROPOSED DEVELOPMENTS

- 3.3 *The key considerations for identifying sites for allocation in development plan documents, as set out in Chapter 2, apply equally to the assessment of planning applications. This Chapter sets out only the additional detail relevant to the consideration of planning applications, and should be read in conjunction with Chapter 2.*
- 3.4 *In the context of development control and subject to the policies set out below, local planning authorities should require applicants to demonstrate:*
- a) *the need for development (paragraphs 3.8–3.11);*
 - b) *that the development is of an appropriate scale (paragraph 3.12);*
 - c) *that there are no more central sites for the development (paragraphs 3.13–3.19);*
 - d) *that there are no unacceptable impacts on existing centres (paragraphs 3.20–3.23); and*
 - e) *that locations are accessible (paragraphs 3.24–3.27).*
- 3.5 *Subject to the policies set out below, local planning authorities should assess planning applications on the basis of the above key considerations and the evidence presented. As a general rule, the development should satisfy all these considerations. In making their decision, local planning authorities should also consider relevant local issues and other material considerations.*
- 3.6 *In considering planning applications for the development of sites proposed to be allocated in an emerging development plan document, or for the development on unallocated sites within a proposed extension to a primary shopping area or town centre in such a document, the weight to be attached to the proposal will depend on the stage the development plan document has reached. Where an adopted development plan document allocates no new sites for development local planning authorities and applicants should take a positive attitude towards early engagement to discuss if any sites exist which may be suitable, viable or available, having regard to this policy statement.*
- 3.7 *The level of detail and type of evidence and analysis required to address the key considerations should be proportionate to the scale and nature of the proposal.*

¹ 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.

a) Assessing the Need for Development

3.8 *It is not necessary to demonstrate the need for retail proposals within the primary shopping area or for other main town centre uses located within the town centre.*

3.9 *Need must be demonstrated for any application for a main town centre use which would be in an edge-of-centre or out-of-centre location and which is not in accordance with an up to-date development plan document strategy. Specific considerations in assessing need for retail and leisure development are set out below.*

i) Quantitative Need

3.10 *A needs assessment prepared in support of a planning application should, wherever possible, be based on the assessment carried out for the development plan document, updated as required, and in the case of retail development should relate directly to the class of goods to be sold from the development ('business-based' cases will not be appropriate). The need for additional floorspace should normally be assessed no more than five years ahead, as sites in the centre may become available within that period. Assessing need beyond this time period might pre-empt future options for investment in centres, except where large town centre schemes are proposed and where a longer time period may be appropriate to allow for site assembly. The catchment area that is used to assess future need should be realistic and well related to the size and function of the proposed development and take account of competing centres.*

ii) Qualitative Need

3.11 *In addition to considering the quantitative need for additional retail or leisure floorspace, local planning authorities should consider whether there are qualitative considerations, as described in Chapter 2, that might provide additional justification for the development.*

b) Securing the Appropriate Scale of Development

3.12 *An indicative upper limit for the scale of a development (usually defined in terms of gross floorspace) which is likely to be acceptable in particular centres for different facilities may be set out in development plan documents. Where this is not the case, or where a development plan document is out-of-date, the factors to be considered in determining the appropriate scale of development in a centre are those set out in paragraphs 2.41–2.43.*

c) Applying the Sequential Approach to Site Selection

3.13 *The sequential approach to site selection should be applied to all development proposals for sites that are not in an existing centre nor allocated in an up-to-date*

development plan document (see also paragraph 3.29). The relevant centres in which to search for sites will depend on the overall strategy set out in the development plan, the nature and scale of the development and the catchment that the development seeks to serve.

- 3.14 *In selecting sites, all options in the centre should be thoroughly assessed before less central sites are considered. The order for site assessment is set out in paragraph 2.44.*
- 3.15 *In applying the sequential approach, and considering alternative sites, developers and operators should be able to demonstrate that in seeking to find a site in or on the edge of existing centres they have been flexible about their proposed business model in terms of the following planning considerations:*
- *the scale of their development;*
 - *the format of their development;*
 - *car parking provision; and*
 - *the scope for disaggregation (see paragraphs 3.17–3.18).*
- 3.16 *The purpose of this exercise is to explore the possibility of enabling the development to fit onto more central sites by reducing the footprint of the proposal. In seeking to demonstrate flexibility under Paragraph 3.15 above, developers and operators should consider, in terms of scale: reducing the floorspace of the development; in terms of format: more innovative site layouts and store configurations such as multi-storey developments with smaller footprints; and, in terms of car parking: reduced or reconfigured car parking areas. However, local planning authorities should be realistic in considering whether sites are suitable, viable and available (see paragraph 3.19). Local planning authorities should take into account any genuine difficulties, which the applicant can demonstrate are likely to occur in operating the applicant's business model from the sequentially preferable site, in terms of scale, format, car parking provision and the scope for disaggregation, such as where a retailer would be required to provide a significantly reduced range of products. However, it will not be sufficient for an applicant to claim merely that the class of goods proposed to be sold cannot be sold from the town centre.*
- 3.17 *As part of this exercise it is important to explore whether specific parts of a development could be operated from separate, sequentially preferable, sites. For retail and leisure proposals in edge-of-centre or out-of-centre locations which comprise a group of retail and/or leisure units, such as a retail park, leisure park or shopping centre, the applicant should consider the degree to which the constituent units within the proposal could be accommodated on more centrally-located sites in accordance with the objectives and policies in this policy statement.*
- 3.18 *A single retailer or leisure operator should not be expected to split their proposed development into separate sites where flexibility in terms of scale, format, car parking provision and the scope for disaggregation has been demonstrated. It is*

not the intention of this policy to seek the arbitrary sub-division of proposals. Rather it is to ensure that consideration is given as to whether there are elements which could reasonably and successfully be located on a separate sequentially preferable site or sites. Paragraphs 3.17 and 3.18 do not apply to uses other than retail and leisure proposals.

3.19 Where it is argued that otherwise sequentially-preferable sites are not appropriate for the particular development proposed, applicants should provide clear evidence to demonstrate why such sites are not practicable alternatives in terms of:

- Availability: the sites are unavailable now and are unlikely to become available for development within a reasonable period of time (determined on the merits of a particular case). Where such sites become available unexpectedly after receipt of the application the local planning authority should take this into account in their assessment of the application; and*
- Suitability: with due regard to the requirements to demonstrate flexibility (paragraphs 3.15–3.18), the sites are not suitable for the type of development proposed; and*
- Viability: the development would not be viable on these sites.*

d) Assessing Impact

3.20 Impact assessments should be undertaken for any application for a main town centre use which would be in an edge-of-centre or out-of-centre location and which is not in accordance with an up-to-date development plan strategy. Where a significant development in a centre, not in accordance with the development plan strategy, would substantially increase the attraction of the centre and could have an impact on other centres, the impact on other centres will also need to be assessed.

3.21 In assessing sites, local planning authorities should consider the impact of the proposal on the vitality and viability of existing centres within the catchment area of the proposed development, including the likely cumulative effect of recent permissions, developments under construction and completed developments. The identification of need does not necessarily indicate that there will be no negative impact.

3.22 In particular, local planning authorities should consider the impact of the development on the centre or centres likely to be affected, taking account of:

- the extent to which the development would put at risk the spatial planning strategy for the area and the strategy for a particular centre or network of centres, or alter its role in the hierarchy of centres;*
- the likely effect on future public or private sector investment needed to*

safeguard the vitality and viability of the centre or centres;

- *the likely impact of the proposed development on trade/turnover and on the vitality and viability of existing centres within the catchment area of the proposed development and, where applicable, on the rural economy (an example of a positive impact might be if development results in clawback expenditure from the surrounding area);*
- *changes to the range of services provided by centres that could be affected;*
- *likely impact on the number of vacant properties in the primary shopping area;*
- *potential changes to the quality, attractiveness, physical condition and character of the centre or centres and to its role in the economic and social life of the community; and*
- *the implications of proposed leisure and entertainment uses for the evening and night-time economy of the centre (see also paragraph 2.24).*

3.23 *The level of detail and type of evidence and analysis required should be proportionate to the scale and nature of the proposal. Impact assessments which address the issues in Paragraph 3.22 above should be provided for all retail and leisure developments over 2,500 square metres gross floorspace, but they may occasionally be necessary for smaller developments, such as those likely to have a significant impact on smaller centres, depending on the relative size and nature of the development in relation to the centre.*

e) Ensuring Locations are Accessible

3.24 *In considering proposed new developments, local planning authorities should consider:*

i) The need for accessibility by a choice of means of transport

3.25 *Developments should be accessible by a choice of means of transport, including public transport, walking, cycling, and the car (taking full account of customers' likely travel patterns). In determining whether developments are or will become genuinely accessible, local authorities should assess the distance of proposed developments from existing or proposed public transport facilities (bus or railway stations and interchanges). Account should also be taken of the frequency and capacity of services, and whether access is easy, safe and convenient for pedestrians, cyclists and disabled people. Distances should be measured as actual walking distance rather than as a straight line.*

3.26 *Local planning authorities should assess the extent to which retail, leisure and office developers have tailored their approach to meet the Government's objectives as set out in Planning Policy Guidance Note 13: Transport (PPG13). For example through the preparation of accessibility analyses, transport assessments, travel plans and the promotion of opportunities to reduce car journeys through home delivery services, and contributions to improve access,*

traffic management and parking.

ii) The impact on car use, traffic and congestion

3.27 In assessing new developments, local planning authorities should consider:

- whether the proposal would have an impact on the overall distance travelled by car; and*
- the effect on local traffic levels and congestion, after public transport and traffic management measures have been secured.*

Consider Local Issues and Material Considerations

3.28 As set out in Chapter 2, above, material considerations to be taken into account in assessing planning applications may include:

- physical regeneration;*
- employment¹⁵;*
- economic growth; and*
- social inclusion.*

Extensions to Existing Development

3.29 Applications for the extension of existing development in edge-of-centre and out-of-centre locations may raise specific issues. The impact on existing town centres of the proposed extension should be given particular weight, especially if new and additional classes of goods or services for sale are proposed. In addition, where establishing need is concerned, local planning authorities should establish that the evidence presented on the need for further floorspace relates specifically to the class of goods proposed to be sold. The sequential approach is only a relevant consideration in relation to extensions where the gross floor space of the proposed extension exceeds 200 square metres. This policy relates to development which creates additional floorspace, including proposals for internal alterations where planning permission is required, and applies to individual units or stores which may or may not be part of a retail park, mixed use development or shopping centre.

Ancillary Uses

3.30 Shops may be proposed as an ancillary element to other forms of development (for example, petrol filling stations, motorway service areas, airport terminals, industrial/employment areas, railway stations, sports stadia or other leisure, tourist and recreational facilities). Local planning authorities should ensure that in such cases the retail element is limited in scale and genuinely ancillary to the main development, and should seek to control this through the use of conditions (see paragraphs 3.31–3.32). Whether a shop is ancillary will be a matter of judgement for the decision maker and will depend on factors such as the scale of development involved, the range of goods sold, and the proportion of turnover from goods sold which are not directly related to the main use. Where the retail

element is not considered to be ancillary, it should be subject to the policies set out in this statement, particularly where the development would adversely affect the viability and vitality of a local centre, whether in an urban or a rural area.

Using Conditions Effectively

3.31 Local planning authorities should consider using planning conditions to ensure that the character of a development cannot subsequently be changed to create a form of development that the local planning authority would originally have refused. When appropriate, conditions should be used to:

- prevent developments from being sub-divided into a large number of smaller shops or units;*
- ensure that ancillary elements remain ancillary to the main development;*
- limit any internal alterations to increase the amount of gross floorspace by specifying the maximum floorspace permitted (including for example through the addition of mezzanine floors); and*
- limit the range of goods sold, and to control the mix of convenience and comparison goods.*

3.32 Conditions can also be used by local authorities in seeking to resolve issues relating to the impact of the development on traffic and the amenity of neighbouring residents, such as the timing of the delivery of goods to shops. In considering restrictions on deliveries, local authorities should take account of all relevant factors, including impact on congestion, especially in peak periods. In considering how to mitigate night-time noise, local authorities should consider alternatives to a complete ban, such as embodying codes of practice into planning agreements relating to the number of vehicles and noise standards.

10.32 There is a well established trend for the incursion of B1 uses, almost entirely office uses, into some residential areas through the conversion of large houses, especially those with large gardens, and other buildings such as schools. Pressure for such changes of use is especially likely where residential areas containing large houses of some architectural quality adjoin town centres or principal roads. This is perhaps the main area of office market interest in Kirklees and there are likely to be economic gains if the trend continues, not only in terms of job gains but also in terms of diversification of the economic base.

10.33 While B1 uses are by definition acceptable within residential areas in terms of specific amenity considerations, alterations to buildings and their surroundings which may be required to accommodate the office use (for example, to provide adequate parking facilities) and the changes in vehicle and pedestrian activity likely to result from the change of use, may be such as to prejudice visual amenity and the established character of the area. This will be of particular concern within conservation areas and where listed buildings are involved.² As older, larger houses tend to be expensive to maintain it is

² See also policy H14

important to promote confidence that the visual amenity and character of the areas in which they are situated will not be adversely affected by changes of use. Such confidence will encourage the upkeep and maintenance of houses for continued residential occupation. However, it should also be recognised that a proposal for office use which would lead to a high standard of building refurbishment and incorporate unobtrusive parking areas and access arrangements could also contribute to that confidence. Environmental considerations of this nature also need to be weighed against the economic benefits arising from office conversion noted in paragraph 10.32.

- 10.34 The change of use to offices of larger houses capable of conversion, or already converted, to provide smaller, cheaper units of residential accommodation, is likely to be undesirable where there is a demonstrable shortage of affordable housing. However, where a residential property is in a poor state of repair, has been vacant for a long period, or has been on the market for a considerable period without attracting a reasonable offer, this consideration can be set aside because there will be little prospect of maintaining residential use.

~~**B8 PROPOSALS FOR THE CHANGE OF USE OF PROPERTY IN RESIDENTIAL AREAS TO CLASS B1 USES WILL BE CONSIDERED HAVING REGARD TO:**~~

- ~~**i THE IMPACT ON VISUAL AMENITY OF PARKING AND ACCESS ARRANGEMENTS AND ALTERATIONS TO BUILDINGS. PROPOSALS AFFECTING LISTED BUILDINGS OR BUILDINGS IN CONSERVATION AREAS SHOULD RESPECT THE CHARACTER AND SETTING OF THE BUILDING;**~~
- ~~**ii THE EFFECT OF THE PROPOSED USE ON THE AMENITY OF LOCAL RESIDENTS AND THE ESTABLISHED RESIDENTIAL CHARACTER OF THE SURROUNDING AREA; AND**~~
- ~~**iii THE CONSEQUENCES OF ANY PROPOSED LOSS OF RESIDENTIAL ACCOMMODATION FOR THE LOCAL AVAILABILITY OF AFFORDABLE HOUSING.**~~

This policy was not saved because the issues it refers to are covered in UDP Policies D2 (chapter 2) and BE1 and BE5 (chapter 4).

- 10.35 Where a change of use to B1 use is permitted in residential areas there may be subsequent proposals to extend the property to accommodate increased activity. Such proposals will be considered under the terms of policy B5. It will be important that any such extensions are in harmony with the host building in terms of scale and proportion and do not give rise to detriment to the amenity of neighbouring residential property.

[POLICY B9 DELETED]

- 10.36 Specific areas where change of use to B1 use will be acceptable are identified for Huddersfield town centre.³

WORKING FROM HOME

- 10.37 Many small scale businesses and some types of job are based in the home which is used as the "office", business address and base for any vehicle used for the business or job. Business premises are not needed and the activity involved is such that there is not likely to be any detriment to neighbours.
- 10.38 Home based businesses provide valuable employment opportunities. However it is important that any proposals to establish home based businesses will not introduce activity which will exceed what can be tolerated in a residential area.

~~**B10 PROPOSALS TO USE PART OF A DWELLING, OR A BUILDING ANCILLARY TO A DWELLING, FOR BUSINESS PURPOSES WILL BE PERMITTED PROVIDED THAT:**~~

- ~~i THE RESIDENTIAL USE WILL REMAIN THE MAIN USE OF THE PROPERTY;~~
- ~~ii THERE WILL BE NO DETRIMENT TO THE AMENITY OF ADJACENT DWELLINGS OR TO HIGHWAY SAFETY FROM THE PARKING OF VEHICLES OR THE COLLECTION OR DELIVERY OF MATERIALS;~~
- ~~iii THERE WILL BE NO OPERATION OF NOISY MACHINERY OR OUTSIDE WORKING OR STORAGE; AND~~
- ~~iv THE RESIDENTIAL APPEARANCE OF THE PROPERTY IS RETAINED.~~

This policy was not saved because the issues it refers to are covered in UDP Policies D2 (chapter 2) and BE1 and BE5 (chapter 4).

- 10.39 Unless there is some certainty about how a home based business will operate it will be appropriate initially to grant planning permission for a temporary period only so that the nature of the use can be assessed normally one year, unless the Council can be satisfied that a longer period, or a full time permission can be justified. Where a proposal is to enable an individual to pursue a business based on a particular profession or skill, it may be inappropriate to allow a subsequent occupier to continue the business and a personal planning permission may be justified.
- 10.40 A potential home-based business is the control of private hire vehicles. As most private hire business is likely to be carried out during unsocial hours specific additional

³ See policy TC10

restrictions on this activity are necessary to protect residential amenity. (See Policies EP13 – EP14 and paragraphs 5.33 – 5.35 on Telecommunication Equipment in Domestic Situations).

B11 PROPOSALS TO USE PART OF A DWELLING AS A BASE FOR A PRIVATE HIRE VEHICLE WILL NORMALLY BE PERMITTED PROVIDED THAT:

- i NO MORE THAN ONE VEHICLE WILL BE OPERATED FROM THE PREMISES;**
- ii ANY RADIO EQUIPMENT REQUIRED IS NOT DETRIMENTAL TO THE AMENITY OF ADJACENT DWELLINGS; AND**
- iii HIRERS WILL NOT BE PERMITTED TO CALL OR WAIT AT THE PREMISES.**

10.41 Childminding is a widespread home-based business. In many cases, planning permission will not be required, provided that the use does not detract from the character or use of the house as a dwelling. Childminding complying with the Department of Health's standard recommend ratios would be unlikely to require planning permission, provided that the use employs only one person. Where two or more childminders work from the same premises, the number of children who may be registered there could result in a material change of use occurring which would require planning permission. In cases, this will be acceptable, but conditions may be required to ensure that the use does not detract from the amenity of any adjacent occupiers.

B12 WHERE PLANNING PERMISSION IS REQUIRED PROPOSALS FOR THE USE OF RESIDENTIAL PREMISES FOR THE PURPOSE OF CHILDMINDING WILL BE CONSIDERED TAKING INTO ACCOUNT:

- i THE EFFECT ON THE RESIDENTIAL CHARACTER OF THE PREMISES, AND ON ANY ADJACENT PROPERTY;**
- ii THE PROVISION OF FACILITIES WITHIN THE SITE FOR CHILDREN'S PLAY, WHICH SHOULD NOT BE DETRIMENTAL TO THE AMENITY OF ADJACENT DWELLINGS; AND**
- iii THE ADEQUACY OF CAR PARKING FACILITIES WITHIN THE SITE, AND THE IMPACT OF THE PROPOSAL ON THE LOCAL HIGHWAY NETWORK IN RESPECT OF INCREASED TRAFFIC GENERATION AND SHORT TERM ON STREET CAR PARKING.**

TOURISM

10.42 Tourism is a significant element in the local economy and it can make a positive contribution to regeneration. To take advantage of the benefits, that tourism can bring facilities are needed in Kirklees which complement provision in surrounding areas and

encourage visitors to stay overnight in the District. This has to be balanced against the often competing requirements of local residents and the likelihood of environmental damage if visitors are attracted in excessive numbers.

~~**B13 PROPOSALS FOR NEW TOURIST FACILITIES WILL BE CONSIDERED HAVING REGARD TO THEIR IMPACT ON RESIDENTIAL AND VISUAL AMENITY, WILDLIFE AND HIGHWAY SAFETY.**~~

This policy was not saved because it conflicts with national policy in PPS7, the relevant text of which is as follows: ⁴

PPS7 (paragraphs 35 - 36)

Tourist and visitor facilities

35. *The provision of essential facilities for tourist visitors is vital for the development of the tourism industry in rural areas. Local planning authorities should:*
- (i) plan for and support the provision of general tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres. Where new or additional facilities are required, these should normally be provided in, or close to, service centres or villages;*
- (ii) allow appropriate facilities needed to enhance visitors' enjoyment, and/or improve the financial viability, of a particular countryside feature or attraction, providing they will not detract from the attractiveness or importance of the feature, or the surrounding countryside.*
36. *Wherever possible, tourist and visitor facilities should be housed in existing or replacement buildings, particularly where they are located outside existing settlements. Facilities requiring new buildings in the countryside may be justified where the required facilities are needed in conjunction with a particular countryside attraction; they meet the criteria in paragraph 35(ii); and there are no suitable existing buildings or developed sites available for re-use.*

10.43 The scale of the tourist industry is largely influenced by the scale of provision of overnight accommodation. Bedspaces in Kirklees hotels increased by 95% between 1984 and 1990. Enquiries about site availability indicate that there is a continuing demand for

⁴ 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.

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the provision of major hotels (with over 50 bedrooms). These hotels serve business travellers as well as tourists. The requirements of the business traveller largely determine the location of demand for major hotels. The main requirement is proximity to motorways and principal roads. Town centres and local centres, where hotel development would assist regeneration, may be of interest to hotel operators.

10.44 Major hotels frequently provide facilities for conferences as do the Council, the University and other organisations with appropriate premises. Conferences are important in attracting visitors to the District and the provision of new conference facilities should increase numbers of visitors and thereby increase hotel occupancy and expenditure in the local economy. Similar considerations apply to the location of major hotels and purpose built conference facilities.

B14 PROPOSALS FOR MAJOR HOTELS AND CONFERENCE FACILITIES WILL NORMALLY BE PERMITTED:

- i IN TOWN CENTRES AND LOCAL CENTRES;**
- ii ON LAND ALLOCATED FOR BUSINESS AND INDUSTRY;**
- iii WITHIN ESTABLISHED BUSINESS AREAS; AND**
- iv IN OTHER LOCATIONS ACCESSIBLE FROM THE STRATEGIC HIGHWAY NETWORK, BUT NOT WITHIN GREEN BELT, URBAN GREENSPACE OR PROVISIONAL OPEN LAND.**

PROVIDED THAT THE AMENITY OF OCCUPIERS OF ADJOINING LAND, VISUAL AMENITY AND HIGHWAY SAFETY CAN BE SAFEGUARDED.

10.45 Small hotels and guest houses make a significant contribution to tourist activity and an increase in such accommodation will help to increase overnight stays. Proposals to establish small hotels and guest houses are likely to vary in location and nature and each case will need to be judged on its merits. However, all proposals will need to be satisfactory in terms of their likely effect on highway safety and residential amenity and their visual impact.

~~**B15 PROPOSALS TO ESTABLISH SMALL HOTELS AND GUEST HOUSES WILL BE CONSIDERED HAVING REGARD TO THEIR IMPACT ON HIGHWAY SAFETY AND RESIDENTIAL AND VISUAL AMENITY.**~~

This policy was not saved because it adds little to standard Development Control considerations.

10.46 Overnight accommodation is also provided at touring caravan and tent sites which are usually located in attractive countryside. Further provision for caravanning and camping will help to increase tourist activity. It will be appropriate to give such proposals

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favourable consideration provided they are located and designed in such a way as to accommodate highway safety requirements, to minimise visual intrusion and to avoid significant impact on residential amenity. However, proposals for sites in the green belt will be considered in terms of green belt policy and particularly the need to maintain its open character.

~~**B16 PROPOSALS FOR TOURING CARAVAN AND TENT SITES WILL BE CONSIDERED HAVING REGARD TO THEIR IMPACT ON HIGHWAY SAFETY, AND RESIDENTIAL AND VISUAL AMENITY.**~~

This policy was not saved because it adds little to standard Development Control considerations:

AGRICULTURE

- 10.47 Agriculture is a significant land use in Kirklees but most farming is marginal. Only 15% of all farms are larger than 40 hectares and many of the smaller farms are operated on a part time basis. Agricultural land quality tends to be poor with 60% in grades 4 and 5 (the lowest categories). Although farming provides employment for only a small proportion of the District's workforce, the retention of agricultural activity is important. It maintains job opportunities in the more rural parts of the District, underpins the smaller village communities and prevents visual decay in the landscape which tends to arise when farming practices are reduced or abandoned.
- 10.48 Almost all farmland in Kirklees is within the green belt where there is a presumption against development. However, agriculture is an appropriate use in the green belt and therefore development for agriculture purposes should generally be acceptable. In some cases it does not require planning permission. The changing character of farming is bringing about changes in the nature of the buildings required. As farms are sub-divided and increasingly used for part-time farming there is a tendency for more buildings to be required, in particular for livestock accommodation. The desirability of accommodating the needs of agriculture has to be tempered by consideration of the consequences for the landscape.
- 10.49 It is likely that planning permission will be required for most agricultural buildings of any significance on holdings of less than 5 hectares. However, dwellings will always need permission regardless of the size of the holding. Wherever possible, the reuse of existing buildings will be preferable to the erection of new ones.
- 10.50 Some agricultural development, whilst 'permitted' by the General Permitted Development Order, has to be submitted to the Council so that a decision may be taken as to whether the details of the proposal should receive full consideration. Where this is the case appropriate policies will apply.
- 10.51 In order to minimise its impact on the countryside, new development should be located close to existing buildings or, in the case of dwellings, on the edge of any adjacent

settlement. Exceptions may be made in the interests of good farming practice, but only where landscape consideration can be satisfied.

~~**B17 NEW AGRICULTURAL BUILDINGS SHOULD BE LOCATED WITHIN OR CLOSE TO AN EXISTING GROUP OF AGRICULTURAL BUILDINGS OR, IN THE CASE OF A DWELLING, WITHIN CLOSE PROXIMITY TO ANY EXISTING DWELLINGS. DEVELOPMENT ON ISOLATED SITES WILL BE ACCEPTABLE IF THERE ARE DEMONSTRABLE OPERATIONAL REASONS FOR THE CHOICE OF LOCATION AND THERE IS NO DETRIMENTAL EFFECT ON THE LANDSCAPE.**~~

This policy was not saved because the issues it refers to are covered in national policy in PPS7. The majority of the countryside in Kirklees is defined as being within the green belt and therefore the content of PPG2 should also apply. The most relevant sections are set out as follows: ⁵

PPG2 (paragraphs 3.4-3.5, & 3.7-3.9)

New buildings

3.4 *The construction of new buildings inside a Green Belt is inappropriate unless it is for the following purposes:*

- *agriculture and forestry (unless permitted development rights have been withdrawn – see paragraph D2 of Annex D);*
- *essential facilities for outdoor sport and outdoor recreation, for cemeteries, and for other uses of land which preserve the openness of the Green Belt and which do not conflict with the purposes of including land in it (see paragraph 3.5 below);*
- *limited extension, alteration or replacement of existing dwellings (subject to paragraph 3.6 below);*
- *limited infilling in existing villages (under the circumstances described in the box following paragraph 2.11), and limited affordable housing for local community needs under development plan policies according with PPG3 (see Annex E, and the box following paragraph 2.11); or*
- *limited infilling or redevelopment of major existing developed sites identified in adopted local plans, which meets the criteria in paragraph C3 or C4 of Annex C1.*

⁵ 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.

3.5 *Essential facilities (see second indent of paragraph 3.4) should be genuinely required for uses of land which preserve the openness of the Green Belt and do not conflict with the purposes of including land in it. Possible examples of such facilities include small changing rooms or unobtrusive spectator accommodation for outdoor sport, or small stables for outdoor sport and outdoor recreation.*

Re-use of buildings

3.7 *With suitable safeguards, the re-use of buildings should not prejudice the openness of Green Belts, since the buildings are already there. It can help to secure the continuing stewardship of land, especially by assisting farmers in diversifying their enterprises, and may contribute to the objectives for the use of land in Green Belts. The alternative to re-use may be a building that is left vacant and prone to vandalism and dereliction.*

3.8 *The re-use of buildings inside a Green Belt is not inappropriate development providing:*

(a) it does not have a materially greater impact than the present use on the openness of the Green Belt and the purposes of including land in it;

(b) strict control is exercised over the extension of re-used buildings, and over any associated uses of land surrounding the building which might conflict with the openness of the Green Belt and the purposes of including land in it (e.g. because they involve extensive external storage, or extensive hardstanding, car parking, boundary walling or fencing);

(c) the buildings are of permanent and substantial construction, and are capable of conversion without major or complete reconstruction; and

(d) the form, bulk and general design of the buildings are in keeping with their surroundings.

(Conversion proposals may be more acceptable if they respect local building styles and materials, though the use of equivalent natural materials that are not local should not be ruled out).

3.9 *If a proposal for the re-use of a building in the Green Belt does not meet the criteria in paragraph 3.8, or there are other specific and convincing planning reasons for refusal (for example on environmental or traffic grounds), the local planning authority should not reject the proposal without considering whether, by imposing reasonable conditions, any objections could be overcome. It should not normally be necessary to consider whether the building is no longer needed for its present agricultural or other purposes³. Evidence that the building is not redundant in its present use is not by itself sufficient grounds for refusing permission for a proposed new use.*

Annex D

Re-Use Of Buildings - Additional Advice

Agricultural buildings

- D1** *It is important to discourage abuse of permitted development rights. Local planning authorities should examine particularly carefully applications for re-use made within four years of the substantial completion of agricultural buildings erected under the General Development Order. This should alert them to the possibility that, when it was substantially completed, the building was in breach of planning control because there was no genuine agricultural justification.*
- D2** *When granting permission for the use of agricultural buildings for non-agricultural purposes, local planning authorities should consider whether proliferation of farm buildings constructed under permitted development rights could have a seriously detrimental effect on the openness of the Green Belt. If so, they should consider whether it would be reasonable to attach a condition withdrawing these rights for new farm buildings in respect of that particular agricultural unit or holding. Such a condition should be used with great care, and must fairly and reasonably relate to the proposed development. While a restriction on additions to a particular group of farm buildings without specific permission might be reasonable, a restriction which sought to cover the whole of a large holding in connection with the re-use of a single building might well be unreasonable. Authorities should, where appropriate, include in their local plans a policy indicating the factors that they would take into account. If permitted development rights have been withdrawn, very special circumstances would need to be established for a new agricultural building to be permitted.*

Listed buildings

D4 *If a building is listed, listed building consent may be needed for its conversion as well as planning permission (see PPG15).*

PPS7 (paragraphs 17-21 & 30-31)

Re-use of buildings in the countryside

- 17.** *The Government's policy is to support the re-use of appropriately located and suitably constructed existing buildings in the countryside where this would meet sustainable development objectives. Re-use for economic development purposes will usually be preferable, but residential conversions may be more appropriate in some locations, and for some types of building. Planning authorities should therefore set out in LDDs their policy criteria for permitting the conversion and re-use of buildings in the countryside for economic, residential and any other purposes, including mixed uses.*
- These criteria should take account of:*
- the potential impact on the countryside and landscapes and wildlife;*
 - specific local economic and social needs and opportunities;*

- *settlement patterns and accessibility to service centres, markets and housing;*
- *the suitability of different types of buildings, and of different scales, for re-use;*
- *the need to preserve, or the desirability of preserving, buildings of historic or architectural importance or interest, or which otherwise contribute to local character.*

- 18.** *Local planning authorities should be particularly supportive of the re-use of existing buildings that are adjacent or closely related to country towns and villages, for economic or community uses, or to provide housing in accordance with the policies in PPG3, and subject to the policies in paragraph 7 of this PPS in relation to the retention of local services.*

Replacement of buildings in the countryside

- 19.** *The Government is also supportive of the replacement of suitably located, existing buildings of permanent design and construction in the countryside for economic development purposes. The replacement of buildings should be favoured where this would result in a more acceptable and sustainable development than might be achieved through conversion, for example, where the replacement building would bring about an environmental improvement in terms of the impact of the development on its surroundings and the landscape. Local planning authorities should set out in their LDDs the criteria they will apply to the replacement of countryside buildings. These should take account of the considerations set out in paragraph 17 that apply to the conversion and reuse for economic purposes of existing buildings in the countryside. Authorities should also set out the circumstances where replacement would not be acceptable and clarify the permissible scale of replacement buildings.*
- 20.** *The replacement of non-residential buildings with residential development in the countryside should be treated as new housing development in accordance with the policies in PPG3 and, where appropriate, paragraph 10 of this PPS.*

Nationally designated areas

- 21.** *Nationally designated areas comprising National Parks, the Broads, the New Forest Heritage Area and Areas of Outstanding Natural Beauty (AONB), have been confirmed by the Government as having the highest status of protection in relation to landscape and scenic beauty. The conservation of the natural beauty of the landscape and countryside should therefore be given great weight in planning policies and development control decisions in these areas. The conservation of wildlife and the cultural heritage are important considerations in all these areas. They are a specific purpose for National Parks, where they should also be given great weight in planning policies and development control decisions. As well as reflecting these priorities, planning policies in LDDs and where appropriate, RSS, should also support suitably located and designed development necessary to facilitate the economic and social well-being of these designated areas and their communities, including the provision of adequate*

housing to meet identified local needs.

Farm diversification

(The research report, The Implementation of National Planning Policy Guidance (PPG7) in Relation to the Diversification of Farm Businesses, published in October 2001 by the former DTLR and now available from the Office of the Deputy Prime Minister, sets out a number of recommendations for local planning authorities, and contains some examples of 'good practice'.)

- 30.** *Recognising that diversification into non-agricultural activities is vital to the continuing viability of many farm enterprises, local planning authorities should:*
- (i) set out in their LDDs the criteria to be applied to planning applications for farm diversification projects;*
 - (ii) be supportive of well-conceived farm diversification schemes for business purposes that contribute to sustainable development objectives and help to sustain the agricultural enterprise, and are consistent in their scale with their rural location. This applies equally to farm diversification schemes around the fringes of urban areas; and*
 - (iii) where relevant, give favourable consideration to proposals for diversification in Green Belts where the development preserves the openness of the Green Belt and does not conflict with the purposes of including land within it. (Where farm diversification proposals in the Green Belt would result in inappropriate development in terms of PPG2, any wider benefits of the diversification may contribute to the 'very special circumstances' required by PPG2 for a development to be granted planning permission).*
- 31.** *A supportive approach to farm diversification should not result in excessive expansion and encroachment of building development into the countryside. Planning authorities should:*
- (i) encourage the re-use or replacement of existing buildings where feasible, having regard to paragraphs 17-21; and*
 - (ii) have regard to the amenity of any nearby residents or other rural businesses that may be adversely affected by new types of on-farm development.*

10.52 The impact of new buildings in the countryside can be reduced by careful siting, design and use of materials. New buildings will therefore need to be designed to reflect the appearance of existing traditional buildings. The quality of the landscape will also be a material consideration. Development proposed within areas of high landscape value will be expected to incorporate sensitive design and materials specifications.⁶

⁶ See policy NE8

~~B18 PROPOSALS FOR AGRICULTURAL BUILDINGS OR DWELLINGS, OR EXTENSION TO THEM SHOULD:~~

- ~~i REFLECT THE SCALE, DESIGN AND CONSTRUCTION MATERIALS OF ANY ADJACENT BUILDINGS;~~
- ~~ii NOT DETRACT FROM THE LANDSCAPE CHARACTER OF THE AREA; AND~~
- ~~iii BE OF A HIGH STANDARD OF DESIGN AND MATERIALS OF CONSTRUCTION IN AREAS OF HIGH LANDSCAPE VALUE.~~

This policy was not saved because the issues it refers to are covered in PPG2 and PPS7, the relevant text of which follows: ⁷

PPG2 (paragraphs 3.4-3.6 & 3.8)

New buildings

- 3.4** *The construction of new buildings inside a Green Belt is inappropriate unless it is for the following purposes:*
- agriculture and forestry (unless permitted development rights have been withdrawn - see paragraph D2 of Annex D);*
 - essential facilities for outdoor sport and outdoor recreation, for cemeteries, and for other uses of land which preserve the openness of the Green Belt and which do not conflict with the purposes of including land in it (see paragraph 3.5 below);*
 - limited extension, alteration or replacement of existing dwellings (subject to paragraph 3.6 below);*
 - limited infilling in existing villages (under the circumstances described in the box following paragraph 2.11), and limited affordable housing for local community needs under development plan policies according with PPG3 (see Annex E, and the box following paragraph 2.11); or*
 - limited infilling or redevelopment of major existing developed sites identified in adopted local plans, which meets the criteria in paragraph C3 or C4 of Annex C1 (1 See also the transitional provision of paragraph C14 regarding redundant hospital sites and paragraph C17 regarding higher and further education establishments not identified in adopted local plans).*
- 3.5** *Essential facilities (see second indent of paragraph 3.4) should be genuinely required for uses of land which preserve the openness of the Green Belt and do not conflict with the purposes of including land in it. Possible examples of such*

⁷ 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.

facilities include small changing rooms or unobtrusive spectator accommodation for outdoor sport, or small stables for outdoor sport and outdoor recreation.

3.6 *Provided that it does not result in disproportionate additions over and above the size of the **original** building, the extension or alteration of dwellings is not inappropriate in Green Belts. The replacement of existing dwellings need not be inappropriate, providing the new dwelling is not materially larger than the dwelling it replaces. Development plans should make clear the approach local planning authorities will take, including the circumstances (if any) under which replacement dwellings are acceptable.*

3.8 *The re-use of buildings inside a Green Belt is not inappropriate development providing:*

(a) it does not have a materially greater impact than the present use on the openness of the Green Belt and the purposes of including land in it;

(b) strict control is exercised over the extension of re-used buildings, and over any associated uses of land surrounding the building which might conflict with the openness of the Green Belt and the purposes of including land in it (e.g. because they involve extensive external storage, or extensive hardstanding, car parking, boundary walling or fencing);

(c) the buildings are of permanent and substantial construction, and are capable of conversion without major or complete reconstruction; and

(d) the form, bulk and general design of the buildings are in keeping with their surroundings². (Conversion proposals may be more acceptable if they respect local building styles and materials, though the use of equivalent natural materials that are not local should not be ruled out).

² *If a planning application is submitted for the re-use of a building which the local planning authority considers has a significant adverse effect on the landscape in terms of visual amenity, it may be appropriate in connection with any proposed structural changes to impose conditions to secure an improvement in the external appearance of the building.*

PPS7 (paragraphs 1 & 12)

1. *(vi) All development in rural areas should be well designed and inclusive, in keeping and scale with its location, and sensitive to the character of the countryside and local distinctiveness.*

Design and the character of rural settlements

12. *Many country towns and villages are of considerable historic and architectural value, or make an important contribution to local countryside character. Planning authorities should ensure that development respects and, where possible, enhances these particular qualities. It should also contribute to a sense of local identity and regional diversity and be of an appropriate design and scale for its*

location, having regard to the policies on design contained in PPS1 and supported in By Design2. Planning authorities should take a positive approach to innovative, high-quality contemporary designs that are sensitive to their immediate setting and help to make country towns and villages better places for people to live and work.

- 10.53 Proposals for new agricultural buildings or extensions within conservation areas or affecting listed buildings or their settings will be considered under policies BE2 and 3 and BE5- 10 as appropriate. Where permission is required for structures such as silos close to a listed building, or within a conservation area, these are only likely to be acceptable if they can be sited unobtrusively or effectively screened.
- 10.54 There is a presumption against the development of new dwellings in the green belt but exceptions can be made where a dwelling is a long-term requirement of a sustainable agricultural business. However, the onus to justify why planning permission should be granted is placed on the applicant.

~~**B19 APPLICATIONS FOR NEW DWELLINGS FOR AGRICULTURAL WORKERS WILL BE CONSIDERED WITH SPECIAL REGARD TO:**~~

- ~~i THE FUNCTIONAL NEED FOR ADDITIONAL PERSONNEL TO BE READILY AVAILABLE AT MOST TIMES;~~
- ~~ii THE AVAILABILITY OF EXISTING DWELLINGS ON THE HOLDING OR IN THE LOCALITY, OR EXISTING BUILDINGS WHICH COULD REASONABLY BE CONVERTED TO PROVIDE APPROPRIATE ACCOMMODATION; AND~~
- ~~iii THE NECESSITY TO LOCATE THE DWELLING ON THE HOLDING, AND THE AVAILABILITY OF ACCOMMODATION OR SUITABLE BUILDING LAND IN NEARBY SETTLEMENTS.~~

This policy was not saved because the issues it refers to are covered in PPG2 and PPS7, the relevant text of which follows: ⁸

PPG2

- 3.4** *The construction of new buildings inside a Green Belt is inappropriate unless it is for the following purposes:*
- agriculture and forestry (unless permitted development rights have been

⁸ 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.

withdrawn – see paragraph D2 of Annex D);

- essential facilities for outdoor sport and outdoor recreation, for cemeteries, and for other uses of land which preserve the openness of the Green Belt and which do not conflict with the purposes of including land in it (see paragraph 3.5 below);

- limited extension, alteration or replacement of existing dwellings (subject to paragraph 3.6 below);

- limited infilling in existing villages (under the circumstances described in the box following paragraph 2.11), and limited affordable housing for local community needs under development plan policies according with PPG3 (see Annex E, and the box following paragraph 2.11); or

- limited infilling or redevelopment of major existing developed sites identified in adopted local plans, which meets the criteria in paragraph C3 or C4 of Annex C1

PPS7

10. *Isolated new houses in the countryside will require special justification for planning permission to be granted. Where the special justification for an isolated new house relates to the essential need for a worker to live permanently at or near their place of work in the countryside, planning authorities should follow the advice in **Annex A** to this PPS.*

PPS7 - Annex A AGRICULTURAL, FORESTRY AND OTHER OCCUPATIONAL DWELLINGS

1. *Paragraph 10 of PPS7 makes clear that isolated new houses in the countryside require special justification for planning permission to be granted. One of the few circumstances in which isolated residential development may be justified is when accommodation is required to enable agricultural, forestry and certain other full-time workers to live at, or in the immediate vicinity of, their place of work. It will often be as convenient and more sustainable for such workers to live in nearby towns or villages, or suitable existing dwellings, so avoiding new and potentially intrusive development in the countryside. However, there will be some cases where the nature and demands of the work concerned make it essential for one or more people engaged in the enterprise to live at, or very close to, the site of their work. Whether this is essential in any particular case will depend on the needs of the enterprise concerned and not on the personal preferences or circumstances of any of the individuals involved.*
2. *It is essential that all applications for planning permission for new occupational dwellings in the countryside are scrutinised thoroughly with the aim of detecting attempts to abuse (e.g. through speculative proposals) the concession that the planning system makes for such dwellings. In particular, it will be important to establish whether the stated intentions to engage in farming, forestry or any other rural-based enterprise, are genuine, are reasonably likely to materialise and are capable of being sustained for a reasonable period of time. It will also be*

important to establish that the needs of the intended enterprise require one or more of the people engaged in it to live nearby.

Permanent agricultural dwellings

3. *New permanent dwellings should only be allowed to support existing agricultural activities on well-established agricultural units, providing:*
 - (i) there is a clearly established existing functional need (see paragraph 4 below);*
 - (ii) the need relates to a full-time worker, or one who is primarily employed in agriculture and does not relate to a part-time requirement;*
 - (iii) the unit and the agricultural activity concerned have been established for at least three years, have been profitable for at least one of them, are currently financially sound, and have a clear prospect of remaining so (see paragraph 8 below);*
 - (iv) the functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned; and*
 - (v) other planning requirements, e.g. in relation to access, or impact on the countryside, are satisfied.*
4. *A functional test is necessary to establish whether it is essential for the proper functioning of the enterprise for one or more workers to be readily available at most times. Such a requirement might arise, for example, if workers are needed to be on hand day and night:*
 - (i) in case animals or agricultural processes require essential care at short notice;*
 - (ii) to deal quickly with emergencies that could otherwise cause serious loss of crops or products, for example, by frost damage or the failure of automatic systems.*
5. *In cases where the local planning authority is particularly concerned about possible abuse, it should investigate the history of the holding to establish the recent pattern of use of land and buildings and whether, for example, any dwellings, or buildings suitable for conversion to dwellings, have recently been sold separately from the farmland concerned. Such a sale could constitute evidence of lack of agricultural need.*
6. *The protection of livestock from theft or injury by intruders may contribute on animal welfare grounds to the need for a new agricultural dwelling, although it will not by itself be sufficient to justify one. Requirements arising from food processing, as opposed to agriculture, cannot be used to justify an agricultural dwelling. Nor can agricultural needs justify the provision of isolated new dwellings as retirement homes for farmers.*

Kirklees Unitary Development Plan, Written Statement

Policies struck through ceased to have effect from 28 September 2007 (having been "not saved" by the Secretary of State). An explanatory note is provided for each not saved policy.

7. *If a functional requirement is established, it will then be necessary to consider the number of workers needed to meet it, for which the scale and nature of the enterprise will be relevant.*
8. *New permanent accommodation cannot be justified on agricultural grounds unless the farming enterprise is economically viable. A financial test is necessary for this purpose, and to provide evidence of the size of dwelling which the unit can sustain. In applying this test (see paragraph 3(iii) above), authorities should take a realistic approach to the level of profitability, taking account of the nature of the enterprise concerned. Some enterprises which aim to operate broadly on a subsistence basis, but which nonetheless provide wider benefits (e.g. in managing attractive landscapes or wildlife habitats), can be sustained on relatively low financial returns.*
9. *Agricultural dwellings should be of a size commensurate with the established functional requirement. Dwellings that are unusually large in relation to the agricultural needs of the unit, or unusually expensive to construct in relation to the income it can sustain in the long-term, should not be permitted. It is the requirements of the enterprise, rather than those of the owner or occupier, that are relevant in determining the size of dwelling that is appropriate to a particular holding.*
10. *Local planning authorities may wish to consider making planning permissions subject to conditions removing some of the permitted development rights under part 1 of the Town and Country Planning (General Permitted Development) Order 1995 for development within the curtilage of a dwelling house. For example, proposed extensions could result in a dwelling whose size exceeded what could be justified by the functional requirement, and affect the continued viability of maintaining the property for its intended use, given the income that the agricultural unit can sustain. However, it will always be preferable for such conditions to restrict the use of specific permitted development rights rather than to be drafted in terms which withdraw all those in a Class (see paragraphs 86-90 of the Annex to DOE Circular 11/95).*
11. *Agricultural dwellings should be sited so as to meet the identified functional need and to be well-related to existing farm buildings, or other dwellings.*

Temporary agricultural dwellings

12. *If a new dwelling is essential to support a new farming activity, whether on a newly-created agricultural unit or an established one, it should normally, for the first three years, be provided by a caravan, a wooden structure which can be easily dismantled, or other temporary accommodation. It should satisfy the following criteria:*
 - (i) *clear evidence of a firm intention and ability to develop the enterprise concerned (significant investment in new farm buildings is often a good indication*

- of intentions);*
- (ii) functional need (see paragraph 4 of this Annex);*
- (iii) clear evidence that the proposed enterprise has been planned on a sound financial basis;*
- (iv) the functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned; and*
- (v) other normal planning requirements, e.g. on siting and access, are satisfied.*

13. *If permission for temporary accommodation is granted, permission for a permanent dwelling should not subsequently be given unless the criteria in paragraph 3 above are met. The planning authority should make clear the period for which the temporary permission is granted, the fact that the temporary dwelling will have to be removed, and the requirements that will have to be met if a permanent permission is to be granted. Authorities should not normally grant successive extensions to a temporary permission over a period of more than three years, nor should they normally give temporary permissions in locations where they would not permit a permanent dwelling.*

Forestry dwellings

14. *Local planning authorities should apply the same criteria to applications for forestry dwellings as to those for agricultural dwellings. The other principles in the advice on agricultural dwellings are equally relevant to forestry dwellings. Under conventional methods of forestry management, which can involve the use of a peripatetic workforce, new forestry dwellings may not always be justified, except perhaps to service intensive nursery production of trees.*

Other occupational dwellings

15. *There may also be instances where special justification exists for new isolated dwellings associated with other rural based enterprises. In these cases, the enterprise itself, including any development necessary for the operation of the enterprise, must be acceptable in planning terms and permitted in that rural location, regardless of the consideration of any proposed associated dwelling. Local planning authorities should apply the same stringent levels of assessment to applications for such new occupational dwellings as they apply to applications for agricultural and forestry workers' dwellings. They should therefore apply the same criteria and principles in paragraphs 3-13 of this Annex, in a manner and to the extent that they are relevant to the nature of the enterprise concerned.*

Occupancy conditions

16. *Where the need to provide accommodation to enable farm, forestry or other workers to live at or near their place of work has been accepted as providing the special justification required for new, isolated residential development in the countryside, it will be necessary to ensure that the dwellings are kept available for meeting this need for as long as it exists. For this purpose planning*

permission should be made subject to appropriate occupancy conditions. DOE Circular 11/95 gives further advice and provides model occupancy conditions for agricultural dwellings and for other staff accommodation.

17. *Changes in the scale and character of farming and forestry may affect the longer-term requirement for dwellings for which permission has been granted subject to an agricultural or forestry occupancy condition. Such dwellings, and others in the countryside with an occupancy condition attached, should not be kept vacant, nor should their present occupants be unnecessarily obliged to remain in occupation simply by virtue of planning conditions restricting occupancy which have outlived their usefulness. Local planning authorities should set out in LDDs their policy approach to the retention or removal of agricultural and, where relevant, forestry and other forms of occupancy conditions. These policies should be based on an up to date assessment of the demand for farm (or other occupational) dwellings in the area, bearing in mind that it is the need for a dwelling for someone solely, mainly or last working in agriculture or forestry in an area as a whole, and not just on the particular holding, that is relevant in the case of farm or forestry workers' dwellings.*

Information and appraisals

18. *Planning authorities should be able to determine most applications for occupational dwellings in the countryside, including cases involving the imposition or removal of occupancy conditions, on the basis of their experience and the information provided by the applicant and any other interested parties. If this is not the case, agricultural or other consultants may be able to give a technical appraisal. This should be confined to a factual statement of the agricultural, or other business considerations involved and an evaluation of the specific points on which advice is sought; no recommendation for or against the application should be made.*

10.55 Several factors will need to be assessed to determine whether an agricultural business is likely to be sustainable. Not all of these factors will be planning matters. However, without clear evidence that the business requiring the dwelling is likely to be successful over the long term there will be insufficient justification for the granting of planning permission. It is likely that an independent analysis including a financial test of the long term sustainability of the business for which the proposed dwelling is required, supporting the need for an additional dwelling, would provide an adequate basis in most circumstances to justify the principle of an additional dwelling.

10.56 In the case of a proposed business, it is reasonable that initially only a temporary planning permission should be granted for residential accommodation. This will allow the enterprise to be developed but will not give rise to a permanent dwelling in the green belt in advance of the establishment of the business requiring it. Only planning permission for a mobile home will be appropriate, until it can be shown that a sustainable

long-term business has been established. Where the proposal is located within the green belt, policy D8 will apply.

~~**B20 WHERE IT CAN BE CLEARLY SHOWN THAT RESIDENTIAL ACCOMMODATION IS REQUIRED TO ESTABLISH AN AGRICULTURAL BUSINESS, AND WHERE THERE WOULD BE NO OTHER JUSTIFICATION FOR SUCH ACCOMMODATION, CONSIDERATION WILL BE GIVEN ONLY TO THE GRANT OF PLANNING PERMISSION FOR THE SITING OF A MOBILE HOME FOR A MAXIMUM OF THREE YEARS. THE SITUATION WOULD BE REASSESSED DURING OR AT THE END OF THIS PERIOD TO DETERMINE THE FUTURE SUSTAINABILITY OF THE BUSINESS, AND WHETHER JUSTIFICATION EXISTED FOR THE GRANTING OF PLANNING PERMISSION FOR A PERMANENT DWELLING ON THE SITE.**~~

This policy was not saved because the issues it refers to are covered in PPG2 and PPS7, the relevant text of which follows: ⁹

PPG2

- 3.4** *The construction of new buildings inside a Green Belt is inappropriate unless it is for the following purposes:*
- *agriculture and forestry (unless permitted development rights have been withdrawn – see paragraph D2 of Annex D);*
 - *essential facilities for outdoor sport and outdoor recreation, for cemeteries, and for other uses of land which preserve the openness of the Green Belt and which do not conflict with the purposes of including land in it (see paragraph 3.5 below);*
 - *limited extension, alteration or replacement of existing dwellings (subject to paragraph 3.6 below);*
 - *limited infilling in existing villages (under the circumstances described in the box following paragraph 2.11), and limited affordable housing for local community needs under development plan policies according with PPG3 (see Annex E, and the box following paragraph 2.11); or*
 - *limited infilling or redevelopment of major existing developed sites identified in adopted local plans, which meets the criteria in paragraph C3 or C4 of Annex C1.*

PPS7

10. *Isolated new houses in the countryside will require special justification for planning permission to be granted. Where the special justification for an isolated*

⁹ 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.

*new house relates to the essential need for a worker to live permanently at or near their place of work in the countryside, planning authorities should follow the advice in **Annex A** to this PPS.*

PPS7 - Annex A
AGRICULTURAL, FORESTRY AND OTHER
OCCUPATIONAL DWELLINGS

1. *Paragraph 10 of PPS7 makes clear that isolated new houses in the countryside require special justification for planning permission to be granted. One of the few circumstances in which isolated residential development may be justified is when accommodation is required to enable agricultural, forestry and certain other full-time workers to live at, or in the immediate vicinity of, their place of work. It will often be as convenient and more sustainable for such workers to live in nearby towns or villages, or suitable existing dwellings, so avoiding new and potentially intrusive development in the countryside. However, there will be some cases where the nature and demands of the work concerned make it essential for one or more people engaged in the enterprise to live at, or very close to, the site of their work. Whether this is essential in any particular case will depend on the needs of the enterprise concerned and not on the personal preferences or circumstances of any of the individuals involved.*
2. *It is essential that all applications for planning permission for new occupational dwellings in the countryside are scrutinised thoroughly with the aim of detecting attempts to abuse (e.g. through speculative proposals) the concession that the planning system makes for such dwellings. In particular, it will be important to establish whether the stated intentions to engage in farming, forestry or any other rural-based enterprise, are genuine, are reasonably likely to materialise and are capable of being sustained for a reasonable period of time. It will also be important to establish that the needs of the intended enterprise require one or more of the people engaged in it to live nearby.*

Permanent agricultural dwellings

3. *New permanent dwellings should only be allowed to support existing agricultural activities on well-established agricultural units, providing:*
 - (i) there is a clearly established existing functional need (see paragraph 4 below);*
 - (ii) the need relates to a full-time worker, or one who is primarily employed in agriculture and does not relate to a part-time requirement;*
 - (iii) the unit and the agricultural activity concerned have been established for at least three years, have been profitable for at least one of them, are currently financially sound, and have a clear prospect of remaining so (see paragraph 8 below);*
 - (iv) the functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned; and*

Kirklees Unitary Development Plan, Written Statement

Policies struck through ceased to have effect from 28 September 2007 (having been "not saved" by the Secretary of State). An explanatory note is provided for each not saved policy.

(v) other planning requirements, e.g. in relation to access, or impact on the countryside, are satisfied.

4. *A functional test is necessary to establish whether it is essential for the proper functioning of the enterprise for one or more workers to be readily available at most times. Such a requirement might arise, for example, if workers are needed to be on hand day and night:*

(i) in case animals or agricultural processes require essential care at short notice;

(ii) to deal quickly with emergencies that could otherwise cause serious loss of crops or products, for example, by frost damage or the failure of automatic systems.

5. *In cases where the local planning authority is particularly concerned about possible abuse, it should investigate the history of the holding to establish the recent pattern of use of land and buildings and whether, for example, any dwellings, or buildings suitable for conversion to dwellings, have recently been sold separately from the farmland concerned. Such a sale could constitute evidence of lack of agricultural need.*

6. *The protection of livestock from theft or injury by intruders may contribute on animal welfare grounds to the need for a new agricultural dwelling, although it will not by itself be sufficient to justify one. Requirements arising from food processing, as opposed to agriculture, cannot be used to justify an agricultural dwelling. Nor can agricultural needs justify the provision of isolated new dwellings as retirement homes for farmers.*

7. *If a functional requirement is established, it will then be necessary to consider the number of workers needed to meet it, for which the scale and nature of the enterprise will be relevant.*

8. *New permanent accommodation cannot be justified on agricultural grounds unless the farming enterprise is economically viable. A financial test is necessary for this purpose, and to provide evidence of the size of dwelling which the unit can sustain. In applying this test (see paragraph 3(iii) above), authorities should take a realistic approach to the level of profitability, taking account of the nature of the enterprise concerned. Some enterprises which aim to operate broadly on a subsistence basis, but which nonetheless provide wider benefits (e.g. in managing attractive landscapes or wildlife habitats), can be sustained on relatively low financial returns.*

9. *Agricultural dwellings should be of a size commensurate with the established functional requirement. Dwellings that are unusually large in relation to the agricultural needs of the unit, or unusually expensive to construct in relation to the income it can sustain in the long-term, should not be permitted. It is the*

requirements of the enterprise, rather than those of the owner or occupier, that are relevant in determining the size of dwelling that is appropriate to a particular holding.

10. *Local planning authorities may wish to consider making planning permissions subject to conditions removing some of the permitted development rights under part 1 of the Town and Country Planning (General Permitted Development) Order 1995 for development within the curtilage of a dwelling house. For example, proposed extensions could result in a dwelling whose size exceeded what could be justified by the functional requirement, and affect the continued viability of maintaining the property for its intended use, given the income that the agricultural unit can sustain. However, it will always be preferable for such conditions to restrict the use of specific permitted development rights rather than to be drafted in terms which withdraw all those in a Class (see paragraphs 86-90 of the Annex to DOE Circular 11/95).*
11. *Agricultural dwellings should be sited so as to meet the identified functional need and to be well-related to existing farm buildings, or other dwellings.*

Temporary agricultural dwellings

12. *If a new dwelling is essential to support a new farming activity, whether on a newly-created agricultural unit or an established one, it should normally, for the first three years, be provided by a caravan, a wooden structure which can be easily dismantled, or other temporary accommodation. It should satisfy the following criteria:*
 - (i) clear evidence of a firm intention and ability to develop the enterprise concerned (significant investment in new farm buildings is often a good indication of intentions);*
 - (ii) functional need (see paragraph 4 of this Annex);*
 - (iii) clear evidence that the proposed enterprise has been planned on a sound financial basis;*
 - (iv) the functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned; and*
 - (v) other normal planning requirements, e.g. on siting and access, are satisfied.*
13. *If permission for temporary accommodation is granted, permission for a permanent dwelling should not subsequently be given unless the criteria in paragraph 3 above are met. The planning authority should make clear the period for which the temporary permission is granted, the fact that the temporary dwelling will have to be removed, and the requirements that will have to be met if a permanent permission is to be granted. Authorities should not normally grant successive extensions to a temporary permission over a period of more than three years, nor should they normally give temporary permissions in locations where they would not permit a permanent dwelling.*

Forestry dwellings

14. *Local planning authorities should apply the same criteria to applications for forestry dwellings as to those for agricultural dwellings. The other principles in the advice on agricultural dwellings are equally relevant to forestry dwellings. Under conventional methods of forestry management, which can involve the use of a peripatetic workforce, new forestry dwellings may not always be justified, except perhaps to service intensive nursery production of trees.*

Other occupational dwellings

15. *There may also be instances where special justification exists for new isolated dwellings associated with other rural based enterprises. In these cases, the enterprise itself, including any development necessary for the operation of the enterprise, must be acceptable in planning terms and permitted in that rural location, regardless of the consideration of any proposed associated dwelling. Local planning authorities should apply the same stringent levels of assessment to applications for such new occupational dwellings as they apply to applications for agricultural and forestry workers' dwellings. They should therefore apply the same criteria and principles in paragraphs 3-13 of this Annex, in a manner and to the extent that they are relevant to the nature of the enterprise concerned.*

Occupancy conditions

16. *Where the need to provide accommodation to enable farm, forestry or other workers to live at or near their place of work has been accepted as providing the special justification required for new, isolated residential development in the countryside, it will be necessary to ensure that the dwellings are kept available for meeting this need for as long as it exists. For this purpose planning permission should be made subject to appropriate occupancy conditions. DOE Circular 11/95 gives further advice and provides model occupancy conditions for agricultural dwellings and for other staff accommodation.*
17. *Changes in the scale and character of farming and forestry may affect the longer-term requirement for dwellings for which permission has been granted subject to an agricultural or forestry occupancy condition. Such dwellings, and others in the countryside with an occupancy condition attached, should not be kept vacant, nor should their present occupants be unnecessarily obliged to remain in occupation simply by virtue of planning conditions restricting occupancy which have outlived their usefulness. Local planning authorities should set out in LDDs their policy approach to the retention or removal of agricultural and, where relevant, forestry and other forms of occupancy conditions. These policies should be based on an up to date assessment of the demand for farm (or other occupational) dwellings in the area, bearing in mind that it is the need for a dwelling for someone solely, mainly or last working in agriculture or forestry in an area as a whole, and not just on the particular holding, that is relevant in the case of farm or forestry workers' dwellings.*

Information and appraisals

18. *Planning authorities should be able to determine most applications for occupational dwellings in the countryside, including cases involving the imposition or removal of occupancy conditions, on the basis of their experience and the information provided by the applicant and any other interested parties. If this is not the case, agricultural or other consultants may be able to give a technical appraisal. This should be confined to a factual statement of the agricultural, or other business considerations involved and an evaluation of the specific points on which advice is sought; no recommendation for or against the application should be made.*

10.57 Whilst good design and construction materials will be necessary for new agricultural workers' dwellings, special regard will need to be paid to the size and quality of the proposed accommodation to ensure that it relates realistically to the agricultural needs of the unit. Proposals for dwellings which are unusually large in relation to the agricultural needs of the holding, or unusually expensive to construct in relation to the likely long term income of the unit, will not normally be permitted.

~~**B21 PLANNING APPLICATIONS FOR NEW AGRICULTURAL DWELLINGS WILL BE DETERMINED HAVING REGARD TO THE SIZE AND STANDARD OF THE DWELLING, WHICH SHOULD BE COMMENSURATE WITH THE ESTABLISHED FUNCTIONAL REQUIREMENT OF THE HOLDING.**~~

This policy was not saved because the issues it refers to are covered in PPG2 and PPS7, the relevant text of which follows: ¹⁰

PPG2

- 3.4** *The construction of new buildings inside a Green Belt is inappropriate unless it is for the following purposes:*
- *agriculture and forestry (unless permitted development rights have been withdrawn – see paragraph D2 of Annex D);*
 - *essential facilities for outdoor sport and outdoor recreation, for cemeteries, and for other uses of land which preserve the openness of the Green Belt and which do not conflict with the purposes of including land in it (see paragraph 3.5 below);*
 - *limited extension, alteration or replacement of existing dwellings (subject to paragraph 3.6 below);*

¹⁰ 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.

- limited infilling in existing villages (under the circumstances described in the box following paragraph 2.11), and limited affordable housing for local community needs under development plan policies according with PPG3 (see Annex E, and the box following paragraph 2.11); or
- limited infilling or redevelopment of major existing developed sites identified in adopted local plans, which meets the criteria in paragraph C3 or C4 of Annex C1.

PPS7 – Annex A

9. *Agricultural dwellings should be of a size commensurate with the established functional requirement. Dwellings that are unusually large in relation to the agricultural needs of the unit, or unusually expensive to construct in relation to the income it can sustain in the long-term, should not be permitted. It is the requirements of the enterprise, rather than those of the owner or occupier, that are relevant in determining the size of dwelling that is appropriate to a particular holding.*

- 10.58 It is reasonable to ensure that both the proposed dwelling and any existing dwellings within the holding are retained for agricultural occupancy and that there will be no future sub-division of the holding. This will prevent further demand for dwellings in the green belt either because an existing dwelling has ceased to be available for an agricultural worker or because separate businesses have been created each with a need for residential accommodation. This will be achieved by the use of occupancy conditions, or, where appropriate, by legal agreement between the Council and the applicant.

~~**B22 PLANNING PERMISSION FOR NEW AGRICULTURAL DWELLINGS WILL BE GRANTED SUBJECT TO A CONDITION WHICH REQUIRES THE OCCUPANCY OF THE DWELLING TO BE IN CONNECTION WITH AGRICULTURE. THE CONDITION MAY BE EXTENDED TO OTHER DWELLINGS ON THE HOLDING UNDER THE CONTROL OF THE APPLICANT IF THEY ARE NOT ALREADY SUBJECT TO SUCH RESTRICTION.**~~

This policy was not saved because the issues it refers to are covered in PPG2 and PPS7, the relevant text of which follows: ¹¹

PPG2

- 3.4** *The construction of new buildings inside a Green Belt is inappropriate unless it is for the following purposes:*

¹¹ 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.

- *agriculture and forestry (unless permitted development rights have been withdrawn – see paragraph D2 of Annex D);*
- *essential facilities for outdoor sport and outdoor recreation, for cemeteries, and for other uses of land which preserve the openness of the Green Belt and which do not conflict with the purposes of including land in it (see paragraph 3.5 below);*
- *limited extension, alteration or replacement of existing dwellings (subject to paragraph 3.6 below);*
- *limited infilling in existing villages (under the circumstances described in the box following paragraph 2.11), and limited affordable housing for local community needs under development plan policies according with PPG3 (see Annex E, and the box following paragraph 2.11); or*
- *limited infilling or redevelopment of major existing developed sites identified in adopted local plans, which meets the criteria in paragraph C3 or C4 of Annex C1.*

PPS7 – Annex A
Occupancy conditions

16. *Where the need to provide accommodation to enable farm, forestry or other workers to live at or near their place of work has been accepted as providing the special justification required for new, isolated residential development in the countryside, it will be necessary to ensure that the dwellings are kept available for meeting this need for as long as it exists. For this purpose planning permission should be made subject to appropriate occupancy conditions. DOE Circular 11/95 gives further advice and provides model occupancy conditions for agricultural dwellings and for other staff accommodation.*
17. *Changes in the scale and character of farming and forestry may affect the longer-term requirement for dwellings for which permission has been granted subject to an agricultural or forestry occupancy condition. Such dwellings, and others in the countryside with an occupancy condition attached, should not be kept vacant, nor should their present occupants be unnecessarily obliged to remain in occupation simply by virtue of planning conditions restricting occupancy which have outlived their usefulness. Local planning authorities should set out in LDDs their policy approach to the retention or removal of agricultural and, where relevant, forestry and other forms of occupancy conditions. These policies should be based on an up to date assessment of the demand for farm (or other occupational) dwellings in the area, bearing in mind that it is the need for a dwelling for someone solely, mainly or last working in agriculture or forestry in an area as a whole, and not just on the particular holding, that is relevant in the case of farm or forestry workers' dwellings.*

DIVERSIFICATION OF THE RURAL ECONOMY

- 10.59 Agricultural incomes and employment have declined and alternative local employment opportunities tend to be very limited. Diversification from agriculture, involving the incorporation of new enterprises alongside or in place of agricultural businesses and providing substitute employment opportunities and possibly also resulting in an increase in available jobs, is therefore a desirable process. Government policy (in PPG7) is to encourage this process but within the green belt, which covers virtually all the agricultural land in Kirklees, it must be constrained by the need to control development strictly.
- 10.60 It will be preferable that any development proposed in connection with diversification is contained within existing buildings, particularly reusing agricultural buildings. Only if such re-use of existing buildings cannot be achieved will it be acceptable to increase the built accommodation which should be achieved by extensions to existing buildings. If the existing farm buildings are located within small settlements a new building may be accepted if its location would satisfy the terms under which infill can be permitted.¹²
- 10.61 In view of the need to maintain the open character of the green belt and safeguard, and where possible enhance, visual amenity it will be important that development proposed to secure diversification can be accommodated without detriment to existing character and visual amenity. Where proposals could secure improvements to environmental quality there will be a benefit which will weigh in their favour.

~~**B23 PROPOSALS INVOLVING DEVELOPMENT INTENDED TO ACCOMMODATE NEW BUSINESS USES WITHIN EXISTING FARM HOLDINGS WILL BE CONSIDERED HAVING REGARD TO:**~~

- ~~**i THE SITING AND SCALE OF ANY BUILDING EXTENSIONS OR NEW BUILDINGS;**~~
- ~~**ii THE IMPACT ON THE CHARACTER OF THE SURROUNDING AREA;**~~
- ~~**iii THE EFFECT ON VISUAL AND RESIDENTIAL AMENITY; AND**~~
- ~~**iv HIGHWAY SAFETY.**~~

¹² See policies D11 – D13

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This policy was not saved because the issues it refers to are covered in PPS7, the relevant text of which follows: ¹³

These criteria should take account of:

- the potential impact on the countryside and landscapes and wildlife;*
- specific local economic and social needs and opportunities;*
- settlement patterns and accessibility to service centres, markets and housing;*
- the suitability of different types of buildings, and of different scales, for re-use;*
- the need to preserve, or the desirability of preserving, buildings of historic or architectural importance or interest, or which otherwise contribute to local character.*

Local planning authorities should be particularly supportive of the re-use of existing buildings that are adjacent or closely related to country towns and villages, for economic or community uses, or to provide housing in accordance with the policies in PPG3, and subject to the policies in paragraph 7 of this PPS in relation to the retention of local services.

¹³ 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.

UDP

KIRKLEES UNITARY DEVELOPMENT PLAN

11. HOUSING

11.1 STRATEGY

11.9 EXISTING HOUSING

11.11 Housing Regeneration

11.15 Conversion of Residential Property to Other Uses

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11.59 RESIDENTIAL HOMES FOR THE ELDERLY

11.60 Locations within Residential Areas

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11.65 PROVISION OF OPEN SPACE FOR NEW HOUSING

11. HOUSING

STRATEGY

- 11.1 Kirklees has a population of some 381,500 people comprising around 152,000 separate households. Although the number of people in the District is expected to stay about the same over the period of the UDP, the number of households is expected to increase to around 157,000 by 2001 rising to 159,000 by 2006. The housing strategy of the UDP aims to ensure that everybody who wishes to live in Kirklees can do so, and that people are not prevented from setting up home by the lack of a full range of house types.
- 11.2 The Council plays a wide role in the provision of housing. As well as being a major supplier of rented housing, it promotes innovation by other providers through partnership and joint working. A 'Joint Statement of Intent' was issued in 1992 between the Council and local Housing Associations setting out goals for action, including working together to secure the maximum contribution of Housing Associations in meeting serious housing need. Housing Associations have a major role to play, currently providing about 300 units per year in Kirklees. The Council also provides and allocates land, takes action against poor housing and develops area improvement strategies. This plan is concerned with all those aspects of housing policy that affect the use of land and the condition of the existing housing stock.
- 11.3 The provision of new housing and the maintenance and improvement of the existing dwelling stock not only secures sufficient housing for existing residents, but also helps to promote the District as a place in which to live and invest. The improvement of run-down stock in inner urban areas can revitalise those areas, creating a more pleasant environment in which to live. The more that housing needs can be met through the existing stock, the less pressure is placed on open spaces in towns and on the countryside to provide land on which to build new houses.
- 11.4 The existing stock of houses in the District is a valuable resource and the promotion of the maintenance of that stock is an important objective of the plan. Although many people live in well maintained houses in pleasant residential environments, much of the stock is ageing and disrepair is widespread. Poor quality stock is often associated with a poor quality environment and comprehensive measures are required if significant improvements to the houses and to the wider social and economic base of inner-urban areas are to be achieved.
- 11.5 Not all housing requirements can be met through existing dwellings. As the number of households increases, largely because of the increasing numbers of single and elderly people forming separate households, the plan needs to ensure that there is sufficient land available to meet the demand for a range of new housing types in the most suitable locations.
- 11.6 As well as ensuring that there are sufficient dwellings available to meet general housing demand, the plan seeks to make provision for housing that is affordable to those least able to compete in the housing market. At 1st April 1992 19,228 people were on the Council

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house waiting list and in the 12 months to April 1993, 8,000 applications were made to the Council for housing. The Council had a duty to secure housing for 1,521 of those who applied. High house prices and the decline in the rented housing sector, coupled with the loss of Council houses through the right-to-buy legislation, have made securing a home difficult for many people.

- 11.7 Different types of accommodation have different locational requirements and the plan seeks to ensure that houses in multiple occupation and residential homes are established in the most suitable areas. Ensuring the provision of accommodation for disabled people is also important and the provision of dwellings built specifically for disabled people is required, where appropriate, on large housing developments.
- 11.8 Good design in housing development benefits both residents and the community as a whole. Guidance intended to promote a high standard of design in residential areas without preventing innovation is provided in chapter 4.

H1 THE HOUSING NEEDS OF THE DISTRICT WILL BE MET BY:

- i IMPROVING EXISTING HOUSING PARTICULARLY THROUGH THE DESIGNATION OF RENEWAL AREAS AND AREAS FOR HOUSING IMPROVEMENT;**
- ii PROVIDING LAND TO MEET THE REQUIREMENT FOR A RANGE OF HOUSE TYPES BY ALLOCATING SITES OF VARIOUS SIZES AND IN DIFFERENT TYPES OF LOCATIONS HAVING REGARD TO LOCAL PATTERNS OF DEMAND;**
- iii THE PROVISION OF HOUSES AFFORDABLE TO THOSE LEAST ABLE TO COMPETE IN THE HOUSING MARKET; AND**
- v APPLYING APPROPRIATE PLANNING STANDARDS FOR HOUSES IN MULTI-OCCUPATION AND RESIDENTIAL HOMES FOR THE ELDERLY.**

EXISTING HOUSING

- 11.9 The quality of housing for the majority of the residents of Kirklees depends on the maintenance, repair and improvement of the existing stock. The greatest contribution to this process will come from individual householders making improvements to their own homes. Guidance on extensions to dwellings is provided in the plan.¹ Retention of the existing housing stock will need to be supported by efforts to improve it and to encourage owners to invest in adequate maintenance to prevent properties from falling into a state of disrepair. Deteriorating houses are indicative of declining social, economic and

¹ See policies BE13 – BE15

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environmental conditions. In these circumstances existing residents are less likely to maintain properties and potential investors are less likely to invest. The more confidence is reduced, the worse conditions can become. Those remaining in these areas are also less likely to have the means available to carry out adequate maintenance. In order to tackle this problem, the Local Government and Housing Act 1989 introduced a system of renovation grants which are payable to individual householders subject to the condition of the property and the status of the applicant. In conjunction with planning powers, renovation grants will, where appropriate, be used to support and enable action by residents to improve housing conditions.

- 11.10 The Council is directly responsible for managing approximately 20% of the dwelling stock. Most of the dwellings are adequate in terms of facilities and structure but regular programmes of maintenance and upgrading are required. Improvements are also required to the external environment. The Council will continue to maintain and improve the Council owned dwelling stock to counter deterioration and bring dwellings up to modern standards as resources allow. Priority will be given to housing within the Regeneration Areas identified on the proposals map.

Housing Regeneration

- 11.11 Throughout Kirklees there is evidence of disrepair in the housing stock and many people still live in unmodernised properties lacking basic facilities. Some 35,000 dwellings have been identified as requiring work to repair structural defects, eliminate damp, renew wiring or replace old plumbing. The costs of maintenance also tend to increase with the age of the property and about 40% of the dwellings in the District were built before 1919. Areas of older housing can also suffer from a poor residential environment, such as unmade front and back access roads, overgrown open spaces and a lack of local shops and community facilities. Such circumstances deter local investment and consequently reduce potential local job opportunities. Council initiatives to tackle these problems through the declaration of Housing Action Areas and General Improvement Areas have brought about significant improvements but much remains to be done. The Local Government and Housing Act 1989 empowers the Council to designate Renewal Areas, within which comprehensive measures can be undertaken to achieve urban regeneration, aimed at increasing confidence and stimulating investment in an area.

H2 WITHIN THE REGENERATION AREAS IDENTIFIED ON THE PROPOSALS MAP, ONE OR MORE RENEWAL AREAS WILL BE DECLARED WHERE COMPREHENSIVE MEASURES WILL BE UNDERTAKEN TO:

- i REDUCE THE NUMBER OF UNFIT PROPERTIES;**
- ii IMPROVE THE RESIDENTIAL ENVIRONMENT;**
- iii PROMOTE THE RETENTION AND ENHANCEMENT OF COMMUNITY SERVICES; AND**
- iv STIMULATE INVESTMENT.**

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- 11.12 South West Huddersfield, North East Huddersfield, South Dewsbury and Batley have been identified as areas where Renewal Areas may be declared. The Council will designate Renewal Areas when adequate resources are available to enable the required 10 year renewal programme to be carried out.
- 11.13 Within Renewal Areas a reduction in the number of unfit dwellings will be achieved largely through the refurbishment of existing properties, but clearance of unfit dwellings may also be necessary where refurbishment cannot be achieved economically. Occasionally, the clearance of fit properties may also be necessary to allow a site to be comprehensively redeveloped. Where clearance is necessary an outline scheme for the future use of the site will be prepared in advance and every effort made to implement that scheme as quickly as possible. Where the creation of open space rather than redevelopment is envisaged permanent landscaping will be carried out. If the implementation of any new building scheme does not seem likely for some time, temporary landscaping of the site will be carried out immediately, to ensure that the surrounding area is not blighted by the presence of degraded land. These considerations will apply to clearance schemes both inside and outside Renewal Areas.
- 11.14 Outside the Regeneration Areas, areas of older housing have been identified where repair and refurbishment at an early stage could prevent more serious repairs having to be carried out in the future. Any resources available for the improvement of the housing stock and residential environment outside the Regeneration Areas will be directed to Areas for Housing Improvement identified on the proposals map. The timing and nature of the improvements will depend on the availability of financial resources.

~~**H3 — OUTSIDE THE REGENERATION AREAS MEASURES TO IMPROVE THE DWELLING STOCK AND RESIDENTIAL ENVIRONMENT WILL BE DIRECTED TO THE AREAS FOR HOUSING IMPROVEMENT SHOWN ON THE PROPOSALS MAP, AS RESOURCES PERMIT.**~~

~~**i — HIGH STREET, CLECKHEATON**~~

~~**ii — WESTGATE, CLECKHEATON**~~

~~**iii — LAVERHILLS, HIGHTOWN**~~

~~**iv — WINDY BANK, HIGHTOWN**~~

~~**v — GELDERD ROAD, BIRSTALL**~~

~~**vi — FIELDHEAD, BIRSTALL**~~

~~**vii — OLD BANK ROAD, DEWSBURY**~~

~~**viii — THORN ROAD/THORN AVENUE, OVERTHORPE**~~

~~**ix — NEW HEY ROAD, LINDLEY**~~

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~~x — HALL CROSS ROAD, LOWERHOUSES~~

~~xi — FANNY MOOR LANE, LONGLEY~~

~~xii — WESTGATE, ALMONDBURY~~

~~xiii — KAYE LANE, COWLERSLEY~~

~~xiv — COWLERSLEY LANE, COWLERSLEY~~

~~xv — MANCHESTER ROAD, LINTHWAITE~~

~~xvi — HILL TOP, SLAITHWAITE~~

~~xvii — BANKS ROAD, SLAITHWAITE~~

~~xviii — MANCHESTER ROAD, SLAITHWAITE~~

~~xix — GRANGE AVENUE, MARSDEN~~

~~xx — BANK BOTTOM, MARSDEN~~

~~xxi — MOUNT ROAD, MARSDEN~~

Housing Improvement Areas are now superseded and the priorities identified are no longer relevant.

Conversion of Residential Property to Other Uses

11.15 Pressure to change the use of residential properties may arise, particularly adjacent to shopping centres and commercial areas. This may represent an undesirable loss of residential accommodation, removing useful stock, potentially increasing pressure for new development on greenfield sites and changing the residential character of the area.

H4 PROPOSALS TO CHANGE THE USE OF RESIDENTIAL PROPERTIES WILL NOT NORMALLY BE PERMITTED UNLESS:

- i THE AREA IN WHICH THE PROPERTY IS LOCATED HAS CHANGED TO SUCH AN EXTENT THAT THE PROPERTY IS NO LONGER SUITABLE FOR RESIDENTIAL USE;**
- ii THE PROPERTY IS REQUIRED FOR A COMMUNITY USE;**

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- iii **THE PROPERTY HAS BEEN IDENTIFIED ON THE HUDDERSFIELD TOWN CENTRE INSET PLAN PROPOSALS MAP FOR AN ALTERNATIVE USE;**
- iv **THE PROPOSAL IS IN ACCORDANCE WITH POLICY B8 OR POLICY BI5.**

The Expansion of Huddersfield University

- 11.16 In the academic year 1992/93 there were 10,855 enrolled students attending Huddersfield University. The University plans to increase the number of students to around 14,400 by September 1996, an increase of 33%.
- 11.17 Full time students usually require accommodation in Huddersfield. The University currently has about 1,000 bedspaces available in halls of residence and there are proposals to provide a further 1,500 bedspaces at Storthes Hall and 172 at Kings Mill Lane/Maple Street in Huddersfield. Other forms of student accommodation typically include private accommodation in houses in multiple occupation (HMOs), flats, bedsits and rooms in private houses.
- 11.18 Houses occupied by students tend to be concentrated in areas within reasonable walking distance of the main University campus. These houses are often inadequately maintained and a proliferation of such properties could have a detrimental impact on the overall condition of the housing stock in some areas. Extra demand from students could also displace people who would otherwise live in this type of accommodation exacerbating the problems of homelessness. Increasing numbers of mature students could also make additional demands on the stock of more expensive rented accommodation in the District.
- 11.19 In these circumstances the application of policy H4 which seeks to retain housing stock, and policy HI5 relating to the creation and retention of HMOs will be particularly important as means of safeguarding and extending the stock of properties available for student accommodation, where this is compatible with local amenity.

NEW HOUSING

Amount of New Housing

- 11.20 The amount of new housing land required in Kirklees over the plan period is determined by demographic and economic trends. Strategic Guidance for West Yorkshire established a basic requirement for 14,300 additional dwellings in Kirklees between 1986 and 2001. Information which has become available since Strategic Guidance was prepared, including the 1989 based household projections prepared by OPCS (now ONS, The Office for National Statistics) and Regional Planning Guidance Note 12 for Yorkshire and Humberside, indicate that the number of additional dwellings required could be higher than the Strategic Guidance estimate. This results from a likely increase

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in the rate of growth of household numbers and a revised population count from the 1991 census.

11.21 RPG12 sets out the housing requirement for Kirklees for the years 1991 to 2006 as an annual completion rate of 1,100 dwellings, necessitating a total housing provision of 16,500 dwellings for the period 1991 to 2006. The plan's base date is 1993, so taking account of housing completions between 1991 and 1993, the requirement for the remaining thirteen years is 13,960 dwellings (rounded to 14,000).

~~H5 PROVISION IS MADE FOR THE CONSTRUCTION OF 14,000 DWELLINGS.~~

This policy was not saved because the figure for dwelling provision has been superseded by the revised requirement set out in the Regional Spatial Strategy for Yorkshire and Humber to 2016, based on a selective review of RPG12 (published December 2004).²

Regional Spatial Strategy for Yorkshire and the Humber to 2016 based on selective review of RPG12 (extract);

Policy H1

Distribution of additional housing

a) Development plans should include appropriate policies and proposals so as to achieve the annual average additions to the housing stock set out in Table H1 over the period 1998-2016.

b) The regional target for the proportion of housing development taking place on previously developed land and through conversions of existing buildings is 60% over the period 1998-2016. Provisional targets for each strategic planning area are set out in Table H1. These targets should be reviewed in the course of preparing development plans in the light of up-to-date and comprehensive studies of urban potential conducted in accordance with regionally agreed standards.

Strategic Planning Area	Annual Average	Provisional Target
Barnsley	810	49%
Doncaster	735	70%
Rotherham	800	68%
Sheffield	770	80%
South Yorkshire	3,115	67%

² 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.

Kirklees Unitary Development Plan, Written Statement

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Bradford	1,390	57%
Calderdale	450	74%
Kirklees	1,310	65%
Leeds	1,930	66%
Wakefield	950	61%
West Yorkshire	6,030	63%
York/North Yorks	2,500	53%
Hull/East Riding	2,240	50%
N/NE Lincs	880	56%
Humber	3,120	52%
Y&H Region	14,765	60%

DISTRIBUTION OF HOUSING

6.18 *The distribution of additional housing within the region is a key component of the spatial strategy and is informed by the factors set out in para 6.12. Policy H1 and Table H1 deal with the distribution and the linked issue of targets for provision on previously developed land and through conversions of existing buildings.*

6.19 *The housing figures are expressed as annual averages to provide benchmarks for annual monitoring. It is recognised, however, that annual rates may vary in some parts of the region over time and these are described in paragraphs 6.24-6.26 below. These rates of provision will be kept under review, and adjustments will be made if appropriate though a review of RSS.*

6.20 *The factors listed in para 6.12 are the basis for the proposed housing distribution in the region. How these relate to the sub-regions is discussed below. Issues of particular significance that have affected the distribution across the region are: -*

- maximising the use of urban potential everywhere (based on estimates provided by the Regional Assembly - see paragraph 6.27)*
- ensuring an appropriate relationship between the location of housing and employment*

6.21 *There is a considerable amount of land allocated in existing development plans, not all of which would necessarily accord with the regional spatial strategy. The distribution of housing proposed in Table H1 has not therefore been dictated by the location of existing allocations, and it will be necessary to review those in accordance with Policy P3.*

11.22 National policy on the provision of land for housing contained in PPG3 indicates that local authorities should aim to ensure the availability of a five year supply of housing land judged against the general scale of development provided for in the plan. The five year supply should consist of sites realistically capable of development within 5 years. The five year supply will be based on five thirteenths of 13,960, ie 5,369 dwellings.

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- 11.23 Population and household formation trends and dwelling completions will be monitored and land availability regularly reviewed to ensure that a sufficient supply of land is maintained to meet demand for new dwellings and encourage regeneration.

Sites for New Housing

- 11.24 Within the main urban areas centred on Huddersfield, Dewsbury and Batley, opportunities for new housing provision result largely from redevelopment. Any significant reduction of the relatively limited amount of open land within these urban areas would be detrimental to their character and to residential amenity, opportunities for recreation and remaining wildlife habitats. There is scope for further land allocations at the edge of the urban areas but this should not be at an unacceptable cost to the environment, nor in locations too distant from community facilities. The main rural areas are in the south and west of the District and contain many villages of varying size. Each of these settlements has a unique character and the potential for new housing varies. New development would be a positive benefit to some settlements but inappropriate in others.

- 11.25 A wide range of potential housing sites have been identified from a comprehensive study of undeveloped land (excluding land shown as green belt in local plans) and potential redevelopment sites. Individual sites have been evaluated against a range of criteria which reflect the aims and objectives of the plan, and the most suitable have been selected as housing allocations: The criteria are as follows:

- i the need to have full regard for environmental concerns and to relate allocations to existing settlements and to existing and proposed infrastructure;
- ii the need to ensure that the land is genuinely available for development, ie free from ownership constraints or exceptional construction requirements;
- iii the accessibility of the site to work, leisure and shopping areas and the availability of public transport for such journeys; and
- iv the need to avoid excessive concentrations of housing land in certain areas while ensuring that the distribution of sites relates to where people want to live.

H6 THE FOLLOWING SITES ARE ALLOCATED FOR HOUSING: (ONLY SITES OF 0.4HA AND ABOVE ARE ALLOCATED ON THE PROPOSALS MAP).

NB The estimated dwelling capacity is no more than a guide to the number of dwellings that could be built.

Colne Valley			
Site No.	Address	Area (ha)	Estimated dwelling capacity
H1.1	Ready Carr Mills, Marsden	1.5	50
H1.2	Hawthorne Road/Meal Hill Lane, Slaithwaite	3.8	93
H1.3	Gordon Street, Slaithwaite	0.7	15

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H1.4	Banks Road, Slaithwaite	1.8	42
H1.5	Waingate, Linthwaite	0.9	19
H1.6	Pennine Gardens, Linthwaite	0.6	21
H1.7	Crosland Park/Royd House Lane, Linthwaite	6.5	148
H1.8	New Street, Golcar	0.9	28
H1.10	Hollin Hall Lane, Golcar	0.6	12
H1.13	Beech Avenue, Golcar	1.8	46
H1.14	Botham Hall Road, Milnsbridge	1	25
H1.16	Windsor Road, Cowlersley	2.3	27
H1.17	Manchester Road/Queens Road West	1.7	40
		24.1	566

Meltham			
H2.1	Kistvaen Gardens	0.6	14
H2.2	Helme Lane	1	18
H2.3	Mill Moor Road (North) ⁽¹⁾	1	25
H2.4	Mill Moor Road (South) ⁽³⁾	0.4	10
H2.5	Heather Road/Wessenden Head Road	2.2	34
H2.6	Mean Lane	3.5	69
H2.7	Acre Lane	0.9	15
H2.9	Sefton Lane	0.4	26
H2.10	Coal Road	1.3	2
H2.11	Sunny Bank Mills, Red Lane ⁽⁶⁾	1.8	23
H2.12	Colders Lane/Wessenden Head Road ⁽¹⁴⁾	1.1	27
		14.2	263

Holme Valley			
Site No.	Address	Area (ha)	Estimated dwelling capacity
H3.1	Grasscroft Road/Scotgate Road, Honley	5.3	123
H3.2	Long Lane, Honley	2.7	59
H3.4	Station Road, Honley	0.6	17
H3.6	Smithy Place Mills, New Mill Road, Brockholes	1.6	39
H3.12	Off New Mill Road, Wooldale	1.1	27
H3.13	Lydgate Drive, Kirkroyds Estate, Holmfirth	0.6	21
H3.14	Pell Lane/Wooldale Road, Wooldale	0.5	6
H3.15	New Mill Road, Holmfirth	0.7	2
H3.16	New Mill Road, Holmfirth	2.7	30
H3.17	Bankhouse Lane, Holmfirth	0.6	14
H3.18	Summervale, Holmfirth	1.2	18

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H3.21	Woodhead Road, Hinchcliffe Mill	2.4	30
H3.22	Arndale Grove, Cinderhills, Holmfirth	0.5	12
H3.23	Cross Lane, Windmill View, Scholes	0.6	17
H3.25	Wickleden Gate, Scholes	1	22
H3.26	Off Butt Lane, Hepworth	0.4	10
H3.27	Mount View Road/Carr View Road, Hepworth (15)	1	23
H3.28	Dunford Road/Penistone Road, Hade Edge	2	67
H3.29	Dunford Road, Hade Edge	1.1	25
H3.30	Off Upper Meadows, Upperthong	0.6	12
H3.31	Perseverance Mills, Woodhead Road, Holmfirth	2.8	80
H3.32	Westcroft/Scotgate Road, Honley (16)	0.6	12
H3.33	Ash Grove Road, Upperthong	0.7	13
		31.3	679

Kirkburton Area

H4.1	Woodlands Road, Lepton	2.1	57
H4.2	Rowley Lane, Lepton	0.8	10
H4.3	Dumb Steeple, Grange Moor (4)	3.4	75
H4.4	Butts Road, Farnley Tyas	0.4	9
H4.6	Marsh Hall Lane, Thurstonland	0.4	6
H4.7	Derwin Avenue, Stocksmoor	1.1	13
H4.8	Stocks Drive/Jenkyn Lane, Shepley	0.8	21
H4.10	Abbey Rd North/Yew Tree Rd, Shepley	0.6	16
H4.11	Abbey Drive, Shepley	0.9	18
H4.12	Off Westerley Lane, Shelley	13	260
H4.13	Far Bank, Shelley	0.5	4
H4.14	Barnsley Road, Flockton	3.1	40
		27.1	529

Denby Dale Area

H5.1	Wentworth Avenue, Emley	0.7	15
H5.3	Cumberworth Road, Skelmanthorpe	0.7	15
H5.4	Off Radcliffe Street, Skelmanthorpe	0.8	16
H5.5	Off Commercial Road, Skelmanthorpe	1.8	39
H5.9	Miller Hill Bank, Denby Dale	0.4	4
H5.10	Barnsley Road, Scissett	1.8	27
H5.11	Sunnymead, Clayton West (5)	2.6	65
H5.12	Dukewood Road, Clayton West	0.6	9
H5.13	Ings Mill Avenue, Clayton West	0.8	16
H5.15	Dearnside Mills, Denby Dale	1.3	50
H5.16	Wood Lane, Denby Dale	0.8	25
		12.3	281

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Huddersfield Town Centre			
H6.1	The Headlands, Highfields	2.4	50
H6.2	Between Manchester Road & River Colne	1.4	73
H6.3	Snow Island/Kings Mill Lane	1.2	55
H6.4	Maple Street	0.4	25
		5.4	203

Huddersfield South			
H7.1	Tom Lane, Crosland Moor	1.3	33
H7.2	Tom Lane, Crosland Moor	0.6	16
H7.3	Hob Lane, Crosland Moor	0.9	25
H7.4	Off Sunningdale Road, Crosland Moor	0.8	32
H7.5	Adjacent 7A Dryclough Road, Crosland Moor	0.7	18
H7.6	Moor End Road, Lockwood	2.3	60
H7.8	Moor Park Avenue, Beaumont Park	0.5	10
H7.9	Bourne View Road, Netherton	1.3	16
H7.11	Coppice Drive, Netherton	1.2	30
H7.12	Plantation Drive, Newsome	2.3	50
H7.13	Jacobs Row, Lockwood	1.1	20
H7.14	Croftlands, Newsome	1	30
H7.18	Whitehead Lane/Wood Terrace, Lockwood	0.7	25
H7.19	Whitehead Lane, Primrose Hill	0.5	16
H7.21	Somerset Road/Dog Kennel Bank	1.9	50
H7.22	Benomley Road, Almondbury	0.8	13
H7.23	Longcroft, Almondbury	3.9	75
H7.24	Northgate, Almondbury	1.7	32
H7.25	Bancroft Avenue/Almondbury Bank	0.6	16
H7.26	Holme Avenue, Dalton	0.6	26
H7.27	Bank End Lane, Dalton	1.1	20
H7.28	Greenhead Lane, Oaklands, Dalton	2.5	36
H7.30	Kings Mill Lane, Aspley	0.4	42
		28.7	691

Huddersfield North			
H8.1	Off Springwood Hall Gardens, Springwood	0.5	9
H8.2	Heaton Road, Paddock	1.1	29
H8.3	Trinity Street/Mountjoy Road	0.4	30
H8.5	Adjacent Ellerslie, Blacker Road, Edgerton	0.5	20
H8.6	Murray Road/Queens Road, Edgerton	0.4	24
H8.7	Deveron Grove, Edgerton (9)	2.6	55
H8.8	Reinwood	10.2	100
H8.9	Quarmby Road, Quarmby	0.4	6

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H8.10	Dale Street, Longwood	0.8	10
H8.11	Church Street/Thornhill Road, Longwood	0.4	16
H8.12	Grove Street, Longwood	0.5	4
H8.13	Grove Street, Longwood	0.7	28
H8.14	Holly Bank Farm, Quarmby	0.8	12
H8.15	Greenfield Avenue, Oakes	0.8	15
H8.16	Raw Nook Road, Salendine Nook	1	30
H8.17	Weatherhill Rd/Cowrakes Rd, Lindley (1), (8)	10.5	250
H8.18	Low Hills, Lindley	1.5	20
H8.19	Fern Lea Road, Lindley	0.8	26
H8.20	Birchencliffe Hill Road, Lindley	0.8	10
H8.21	Adjacent Briarcourt, Edgerton	0.6	6
H8.22	Holly Bank School, Holly Bank Road	0.5	16
H8.23	Norwood Park, Birkby	0.8	10
H8.24	Princewood Estate, Birkby Road, Birkby	7.7	143
H8.25	Off Croft Gardens, Birkby	1.3	19
H8.26	Birkby Hall Road, Birkby	1.5	25
H8.27	Ganton Way, Cowcliffe	1.6	29
H8.30	Abbey Road, Fartown	0.5	18
H8.33	Ashbrow Road, Sheepridge	5.1	127
H8.34	Fixby Road, Fixby	1.6	9
H8.35	Bradley Wood Hospital, Bradley	1.2	26
H8.37	Crawthorne Crescent, Deighton	0.8	20
H8.38	Cherry Nook Road, Deighton	0.6	16
H8.39	North of Bradley Road, Bradley (7)	10	200
H8.40	Lodge Farm, Bradley	2.2	40
H8.42	Dalton Fold Rd/Brownroyd Avenue, Dalton	0.4	10
H8.44	Dalton Mills, Dalton Green Lane	0.5	15
H8.45	Crossley Lane, Dalton (5)	2.7	67
H8.48	New Road, Kirkheaton	1.1	27
H8.49	Between Southlands & New Rd, Kirkheaton	0.7	10
H8.50	Easingwood Lane, Kirkheaton	0.5	10
H8.51	Moorside Road, Kirkheaton	0.9	24
H8.52	Heaton Moor Road, Kirkheaton	1.2	22
H8.53	Glebe Street, Marsh	0.6	24
H8.54	Long Hill Road/Greave Close, Brackenhall	0.5	12
H8.55	Grove Street, Longwood	0.5	15
H8.56	Land off Vicarage Road, Longwood	1.2	45
H8.57	Benn Lane, Longwood	0.5	12
H8.58	Westhill Nurseries, Trinity St/Park Drive	0.7	12
H8.59	Off Laund Road, Lindley	1.3	20
H8.60	Adjacent Baptist Church, New Hey Road	0.7	20
		89.2	1,743

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Mirfield			
Site No.	Address	Area (ha)	Estimated dwelling capacity
H9.1	Jackroyd Lane, Upper Hopton	0.4	4
H9.2	Chadwick Hall Farm, Lower Hopton	0.7	12
H9.3	Off Hopton Lane, Mirfield	5.2	105
H9.4	Granny Lane, Lower Hopton	0.5	2
H9.5	Trinity Street, Mirfield	1.4	35
H9.6	Priory Way/Kenilworth Close, Mirfield	0.6	14
H9.7	Lady Heton Drive, Mirfield	1	29
H9.9	Taylor Hall Lane, Mirfield	0.4	4
H9.10	Old Bank Road, Mirfield	1.5	10
H9.11	Lee Green, Mirfield	0.8	24
H9.12	Wellhouse Lane, Mirfield (10)	1.4	25
H9.14	Flash Lane, Mirfield	2.2	56
H9.15	Pinfold Lane, Mirfield	0.5	6
H9.16	Pinfold Lane/Blakehall Drive, Mirfield	0.9	15
		17.5	341

Dewsbury/Thornhill/Ravensthorpe			
H10.1	Nevins Road, Ravensthorpe	1.2	80
H10.2	Northstead, Ravensthorpe	1.8	45
H10.3	Sackville Street, Ravensthorpe	6.7	190
H10.4	Commercial Road, Ravensthorpe	1.4	35
H10.5	Ravensthorpe Road, Thornhill Lees	13.1	328
H10.6	Low Road, Thornhill Edge	0.7	15
H10.7	Low Road, Thornhill Edge	1.3	22
H10.9	Lees Hall Road, Thornhill Lees	1.3	30
H10.11	Victoria Drive, Thornhill Lees	0.7	18
H10.12	Off Thornhill Street, Savile Town	1.3	32
H10.13	Thornhill Road, Dewsbury	8.5	150
H10.14	Heckmondwike Road, Dewsbury	1	25
H10.15	Low Road, Dewsbury Moor	0.4	11
H10.16	Heckmondwike Road, Dewsbury Moor	2.4	83
H10.17	Oxford Road, Dewsbury	0.9	22
H10.18	Dewsbury Hospital, Moorlands Road	7.1	120
H10.19	Headlands Lane/Town Street, Earlsheaton	2.2	73
H10.20	Providence Street, Earlsheaton	0.7	20
H10.21	Providence Street, Earlsheaton	0.5	8
H10.22	Princess Street, Chickenley	1.7	48
H10.23	Wakefield Crescent, Earlsheaton	0.4	4
H10.24	Leeds Road/Ann Street, Dewsbury	1.4	45
H10.25	Crackenedge Lane, Dewsbury	0.5	13

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H10.26	Leeds Road/Sugar Lane, Dewsbury	0.4	20
H10.27	Crown Flatt, Dewsbury	2.1	63
H10.29	Land at 26 Whitley Road, Thornhill	0.5	8
H10.30	Adjacent Fir Cottage, Huddersfield Road, Dewsbury	0.4	4
H10.31	Healds Road, Dewsbury	1.5	37
H10.33	Savile Road, Dewsbury	0.7	16
H10.34	Cliffe Street, Dewsbury	0.6	20
		63.4	1,585

Batley			
H11.1	Lower Soothill, Batley (8)	21.5	400
H11.2	Broomsdale Road, Soothill	1.8	36
H11.5	Thorncliffe Road, Batley	0.8	20
H11.6	Halifax Road, Staincliffe	0.5	14
H11.7	Common Road/Halifax Road, Staincliffe	0.6	15
H11.8	Adjacent 101 Halifax Road, Staincliffe	0.5	8
H11.9	Common Road, Staincliffe	0.5	9
H11.10	White Lee Road, Batley (11)	1.7	45
H11.11	Carlinghow Lane/The Drive, Batley	0.6	29
H11.12	The Drive, Carlinghow, Batley	1.5	20
H11.13	Cross Bank, Batley	2.9	40
H11.14	Carlinghow Hill, Batley	1.4	36
H11.15	Laurel Grove, Birstall Smithies	0.6	15
H11.16	Windmill Lane, Birstall	4.4	109
H11.18	High Street, Birstall (12)	2.2	45
H11.20	Belle Vue Street, Batley	0.6	24
H11.21	Broomsdale Road, Batley	0.8	20
H11.22	Lady Ann Road, Soothill	4	100
H11.23	Bromley Road, Batley	1.3	35
H11.24	Wyvern Close, Batley	0.8	25
		49	1,045

Heckmondwike			
H12.1	Little Green Lane, Heckmondwike	1.4	48
H12.2	New North Road, Lower Popeley	2.9	88
H12.3	Dale Lane, Heckmondwike	0.5	10
H12.4	Fairfield Road, Heckmondwike	2.4	70
H12.5	Longfield Mills, Chapel Lane, Heckmondwike	0.7	18
H12.6	Off Clarkson Avenue, Heckmondwike	0.4	10
H12.7	Heights Lane, Heckmondwike	0.8	31
H12.8	Robin Lane/Kilpin Hill, Heckmondwike	0.7	31
H12.9	Liversedge Oil Terminal	1.8	45

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H12.10	Brooklyn Works, Lobley Street, Heckmondwike	0.4	30
		12	381

Liversedge			
H13.2	Field Hurst, Liversedge Hall Lane	0.4	5
H13.3	Huddersfield Road, Liversedge	1.4	28
H13.5	Halifax Road, Liversedge	0.7	9
H13.6	Halifax Road, Hightown	0.4	11
H13.7	Miry Lane, Hightown	1.7	42
		4.6	95

Cleckheaton/Gomersal			
H14.1	Broomfield Mills/Shaw Street, Cleckheaton	2.2	43
H14.2	Rear of 1096 Halifax Road, Hartshead	0.4	48
H14.3	Scholes Lane, Scholes	1.3	15
H14.6	Pyenot Gardens, Cleckheaton (17)	2.8	62
H14.7	St Peg Lane, Cleckheaton	1	26
H14.8	Valley Road, Cleckheaton	0.4	6
H14.11	Shirley Avenue, Gomersal	0.8	27
H14.14	Croft Street, Birkenshaw	0.8	58
H14.15	Crosses Works, Hunsworth Lane, East Bierley	0.8	14
H14.16	Balme Mill, Balme Road, Cleckheaton	0.8	10
H14.17	Bradford Road, Birkenshaw	0.8	20
H14.18	Dewsbury Road, Gomersal	3.7	92
H14.19	Kenmore Drive, Cleckheaton (13)	1.7	43
H14.20	Westgate, Cleckheaton (7)	5.2	130
H14.21	Albert Mills, Scholes	0.7	18
H14.22	Prospect Lane, Birkenshaw	0.7	7
		24.1	619

TOTAL		402.9	9021
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FOOTNOTES

- (1) Open space provision required by policy H18 to be made on adjoining Urban Greenspace. The site shall be developed comprehensively together with site B8.1
- (2) Off-site improvements to be carried out to junction of Westgate and Station Street. Adjacent green corridor to be safeguarded and enhanced.

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- (3) Off-site improvements to be carried out to junction of Westgate and Station Street.
- (4) Allocation includes land required as buffer around listed building. The development of the site can only proceed in conjunction with, or after, the development of the adjacent allocation B4.3.
- (5) Allocation includes area to be protected from development on riverside frontage.
- (6) Scheme involves both new build dwellings and conversion of buildings to dwellings. The area relates to the total area of the site, but the dwelling capacity relates to the new build element only.
- (7) Site shown on the proposals map includes land for a school.
- (8) In order to fully assess the traffic effect of the allocation, further detailed work (including, where appropriate, analysis of a traffic impact assessment) will need to be undertaken by the Highways Agency to ensure such traffic can be accommodated safely on the trunk road network. Where this is not possible, but could become so by remedial highway improvements, the Highways Agency will seek the attachment of appropriate planning conditions relating the commencement or occupancy of the development to the prior carrying out of such improvements. Where remedial works prove not to be feasible, or agreement as to their scale cannot be reached with the developer, the Highways Agency might have to direct refusal of the planning application or, if before the Secretary of State for the Environment, object to the proposal.
- (9) A development brief is to be prepared, including requirements for access, footpaths, open space and the protection of trees.
- (10) Allocation includes land required as a buffer adjacent to a listed building. Replacement of existing sport and recreation facilities will be a prerequisite to development.
- (11) Development to incorporate a link road between the north and south parts of the site; this may necessitate incursion into the adjoining urban greenspace. A landscaped strip to be incorporated along the eastern boundary of the site.
- (12) The Raikes Lane frontage to be protected from development other than the provision of access to the site.
- (13) Housing development is subject to the site not being required as an alternative school site to that listed under policy C3 at Westgate, Cleckheaton.
- (14) The internal road layout to provide a through road link between Colders Lane and Wessenden Head Road to be completed prior to the occupation of dwellings.
- (15) The development of the site should include a high quality landscaped edge on the southern boundary, accommodated either within the site or between the site boundary and public footpath no. 140.

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(16) 20% or thereabouts of the site area to be made available for recreation, in addition to the provision of open space required under policy H18.

(17) A development exclusion zone will apply along the eastern boundary of the site.

11.26 In recent years, the average density of development in Kirklees on sites over 0.4 ha has been approximately 20 dwellings per hectare. This has been caused largely by past trends towards building larger, usually detached dwellings which resulted in relatively low average densities. Moves towards building smaller and affordable units, encouraged by policies in this plan, should have the effect of increasing average densities. The density of development on the sites allocated in policy H6 will depend on the particular characteristics of the site, open space requirements and the market conditions prevailing at the time of development. The dwelling capacity indicated in the schedule of allocations is only intended to be an estimate of the capacity of the site and should not be taken to be either the maximum or the minimum number of dwellings that could be built.

11.27 The land allocated in policy H6 includes some sites which are not expected to be developed before 2001 because a known constraint makes their earlier development unlikely. These sites are excluded from the stock of land referred to in policy H5 but have been allocated because, despite the constraints, they are considered suitable for development for housing purposes. Details of all potential housing sites in Kirklees are shown on the Council's record of development land, the Land Supply Review.

Small Sites

11.28 Sites under 0.4 ha are not allocated on the proposals map. However, at 1/4/93 such sites with a total capacity of 2707 dwellings were identified as likely to contribute to the overall supply by 2006. These sites are shown on the Land Supply Review. An allowance is made for development on small sites when calculating the 5 year housing land supply.

Windfall Sites

11.29 It is anticipated that new dwellings will be built on sites not allocated for housing purposes as planning permissions are granted through the operation of policy D2. Between 1993 and 2001 these windfall sites are expected to contribute 1992 dwellings to the supply, with a further 1187 contributing to the supply between 2001 and 2006. These figures take into account the likely reduction of windfall sites coming forward each year as obvious development sites are used up and as policies in the plan designed to protect open spaces take effect.

The Composition of the Housing Supply

11.30 The composition of the housing supply provided for in the plan is as follows:

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Estimated dwelling capacity of sites allocated for housing of 0.4ha and over	8474
Dwelling capacity of sites below 0.4ha identified at 1/4/93	2707
Allowance for dwellings on windfall sites	3179
Total estimated supply of dwellings	14360

The estimated dwelling capacity of sites allocated for housing in the table above (8474) differs from the total estimated capacity in policy H6 (9021) because the estimate of the dwelling capacity excludes sites identified by the Joint Housing Land Study as possibly not coming forward before 2006 because they have a low development potential.

Range of House Types

11.31 As outlined in paragraph 11.26, new housing developments have tended to be built at relatively low densities, as private developers have concentrated on providing new houses in the middle and upper price ranges. This has led to a shortage of new housing at the cheaper end of the market, leaving people such as first time buyers more and more dependent on the existing housing stock. Government guidance in PPG3 recognises the need for a mix and balance of house types and sizes to cater for the full range of housing needs. The Council will, therefore, seek the provision of a mix of house types to satisfy a range of needs, including housing for people who have no alternative to low cost accommodation, particularly in larger developments.

~~**H7 — HOUSING PROPOSALS SHOULD INCORPORATE A MIX OF HOUSE TYPES AND SIZES APPROPRIATE TO THE NEEDS OF THE LOCALITY, TAKING INTO ACCOUNT MARKETING CONSIDERATIONS, PARTICULARLY WHERE THE DEVELOPMENT IS ON A SUBSTANTIAL SCALE.**~~

This policy was not saved because the issues it refers to are now covered in PPS3 Housing, paragraphs 20-24, as follows: ³

Planning Policy Statement 3 Housing (extract):

20. Key characteristics of a mixed community are a variety of housing, particularly in terms of tenure and price and a mix of different households such as families with children, single person households and older people.

³ 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.

21. Regional Spatial Strategies should set out the region's approach to achieving a good mix of housing. Local Planning Authorities should plan for a mix of housing on the basis of the different types of households that are likely to require housing over the plan period. This will include having particular regard to:

- Current and future demographic trends and profiles.*
- The accommodation requirements of specific groups, in particular, families with children, older and disabled people.*
- The diverse range of requirements across the area, including the need to accommodate Gypsies and Travellers.*

22. Based upon the findings of the Strategic Housing Market Assessment and other local evidence, Local Planning Authorities should set out in Local Development Documents:

- The likely overall proportions of households that require market or affordable housing, for example, x% market housing and y% affordable housing.*
- The likely profile of household types requiring market housing eg multi-person, including families and children (x%), single persons (y%), couples (z%).*
- The size and type of affordable housing required.*

23. Developers should bring forward proposals for market housing which reflect demand and the profile of households requiring market housing, in order to sustain mixed communities. Proposals for affordable housing should reflect the size and type of affordable housing required.

24. In planning at site level, Local Planning Authorities should ensure that the proposed mix of housing on large strategic sites reflects the proportions of households that require market or affordable housing and achieves a mix of households as well as a mix of tenure and price. For smaller sites, the mix of housing should contribute to the creation of mixed communities having regard to the proportions of households that require market or affordable housing and the existing mix of housing in the locality.

Development Briefs

11.32 Development briefs provide guidance on how the Council wishes to see an allocated site developed and indicate requirements which will need to be satisfied before planning permission will be granted. They are appropriate for sites where there may be a need to ensure comprehensive development, where it is considered that specific requirements are appropriate, such as highway improvements or the type of housing provided, or where particular development problems are known. Where Council land is to be sold for housing developments, development briefs, if necessary supported by an indication of any planning conditions which the Council intends to impose, will make clear to intending developers the development issues associated with the site and how it should be developed to achieve the Council's requirements. Development briefs should also indicate characteristics of the site that will affect the design, such as steep slopes or watercourses, features of the site which it is desirable to retain, such as trees or footpaths,

and specify elements required as part of the development, such as areas of open space and landscaping. Where a development brief has been prepared for a site, development will be expected to conform to the terms of the brief.

Conversion to Residential Use

11.33 Proposals for the change of use of buildings to residential use can provide a useful additional source of accommodation, especially where affordable units are included. Factors to be considered in determining planning applications will include the likely effect on the character of the area as well as any physical changes to the building resulting from the conversion, especially where the proposal affects a listed building or is within a conservation area.⁴

H8 THE CHANGE OF USE OF BUILDINGS TO RESIDENTIAL USE WILL NORMALLY BE PERMITTED SUBJECT TO EMPLOYMENT, ENVIRONMENTAL, AMENITY AND TRAFFIC CONSIDERATIONS.

Living Over the Shop

11.34 The upper floors of shop premises are often underused. In many cases these upper floors could be converted to residential use, thereby making a useful contribution to the overall housing stock. An increase in the number of people living in town centres could increase the vitality of the centre, particularly in the evening and help to deter crime. Use of the upper floors of shops could also contribute to the maintenance and improvement of town centre buildings and historic buildings in particular could benefit. The main constraints to living over shops are associated with difficulties in providing a separate access, fire escapes, other necessary safety measures and car parking. However, in many cases it should be possible to find a design solution.

H9 PROPOSALS FOR THE RESIDENTIAL USE OF THE UPPER FLOORS OF SHOP PREMISES WILL BE CONSIDERED HAVING REGARD TO:

- i ARRANGEMENTS FOR ACCESS AND CAR PARKING; AND**
- ii THE EFFECT ON THE VISUAL CHARACTER AND QUALITY OF THE BUILDING.**

AFFORDABLE HOUSING

The Provision of Affordable Housing

11.35 The provision of affordable housing to meet a community's needs is a material planning consideration, which may properly be taken into account in formulating development plan policies. Government guidance (PPG3) also indicates that local planning authorities

⁴ For the re-use of buildings in the green belt see policy D12

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may indicate an overall target for the provision of affordable housing when there is a demonstrable shortage.

Affordable Housing Needs

- 11.36 Affordable housing can be defined as housing provided for those whose incomes generally deny them the opportunity to purchase a house on the open market. In addition to housing to rent, low cost housing for sale and residential mobile homes may constitute affordable housing.
- 11.37 Analysis of income levels and house prices undertaken in the council's Housing Strategy indicates the gap that now exists for many wage earners between what they can afford to pay to buy a house and the cost of a mortgage. Kirklees is generally an area of poor pay levels and around 55,000 households, 38% of the total, have economically inactive heads, with around 38,500 of these being retired head of households.
- 11.38 For those persons unable to buy on the open market rented accommodation, either from the Council or housing associations (HAs), has provided for those in greatest need. Private rented accommodation is not usually an option for priority groups because of cost and the limited supply. The stock of public sector rented accommodation has been substantially reduced by the introduction of 'right to buy' and since 1985 4,600 council houses have been sold thereby depleting the supply of affordable rented accommodation. During this same period limitations on the public sector borrowing requirement have prevented the Council from building replacement dwellings, and HA building rates have fallen well below the rate of loss of rented accommodation.
- 11.39 The Council now faces severe pressures in having to deal effectively with homelessness and in providing satisfactory housing for those in greatest need. Over 8,000 applications were made for housing in the 12 months up to April 1993. During this period the Council accepted responsibility for housing 1,274 homeless persons with a further 700 accepted as homeless but not accepted as having a priority for rehousing.
- 11.40 Assessment of the need for affordable homes undertaken in the preparation of the Council's Housing Strategy and the 'Housing Association Development Strategy' indicates a need for 3,800 additional units of affordable accommodation within the next 5 years and 6,900 over 10 years. Quantification of the need is based on the council's housing waiting lists, which are updated at regular intervals. Analysis of this information, supplemented by homelessness data, empirical information from the 16 local authority housing management teams in Kirklees, and updated socio-economic profiles from the 1991 Census of Population, has been undertaken to give a prioritised list of area needs according to household type and this shows that most management areas in the District have high priority needs for affordable housing of one form or another. The information will be used as a basis for directing future provision in accordance with the needs of the community.
- 11.41 To meet the need for affordable homes the Council will continue to support the work of HAs and seek to maintain and increase the funding levels of the Housing Corporation

which grant aids HA schemes in the District. HA building rates have increased in recent years and they presently contribute about 300 dwellings per annum. The Council has also initiated partnerships with the private sector, and with a combination of gifted land and cross subsidy a number of schemes are underway to provide affordable rented accommodation and low cost home ownership. These initiatives are expected to contribute about 140 units per annum over the next 5 years.

- 11.42 Despite these efforts there is likely to be a shortfall in affordable housing provision to meet the identified need. Even taking an optimistic view of HA building rates there is likely to be a shortfall of 1,200 to 1,600 units in the first 5 years of the plan. The identified shortfall provides the necessary evidence to indicate that it is appropriate for the Council to negotiate for the provision of affordable housing within new development proposals. The level of need is too high to be used as a target figure, because it is not reasonably achievable through private sector housing developments. However, a contribution towards the shortfall can be expected where the circumstances, with regard to the suitability of the location of the site and the economics of development, suggest that affordable housing should be included.

H10 THE PROVISION OF AFFORDABLE HOUSING WILL BE A MATERIAL CONSIDERATION WHEN PLANNING APPLICATIONS ARE CONSIDERED. THE COUNCIL WILL NEGOTIATE WITH DEVELOPERS FOR THE INCLUSION OF AN ELEMENT OF AFFORDABLE HOUSING WHERE THE LACK OF AFFORDABLE HOUSING HAS BEEN DEMONSTRATED. THE EXTENT AND NATURE OF AFFORDABLE HOUSING PROVISION WILL HAVE REGARD TO:

- i EVIDENCE OF LOCAL NEED;**
- ii THE SIZE OF THE SITE AND ITS SUITABILITY IN TERMS OF ACCESS TO LOCAL SERVICES AND FACILITIES AND THE AVAILABILITY OF PUBLIC TRANSPORT;**
- iii THE VIABILITY OF THE OVERALL DEVELOPMENT; AND**
- iv THE DEGREE TO WHICH A MIX OF DWELLING SIZES AND TYPES IS PROVIDED.**

- 11.43 Making appropriate provision for affordable homes should be considered by developers at an early stage in the development process, although it may not be until the detailed planning stage that the precise numbers, house types and layout arrangements are fully agreed. The Council will expect to reach agreement on the appropriate level of provision to reflect local needs through negotiation. Where negotiation is unsuccessful the government has indicated that it may be appropriate to withhold planning permission where inadequate consideration has been given by developers to the inclusion of affordable homes.

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- 11.44 It is recognised that the provision of affordable dwellings in a development scheme will have implications for the scheme's viability and that developers will need to be clear about likely requirements at the outset of negotiations. The Council will prepare supplementary planning guidance to provide appropriate advice to assist with negotiations. The scale above which developments are likely to be capable of supporting the provision of affordable units is included in government advice.
- 11.45 A range of means may be used by developers, including HAs, and the private sector building for sale, so as to provide housing at an affordable price, such as discounted land value and cross subsidy. The Council will also be sympathetic in dealing with design and planning considerations in planning applications which achieve reductions in unit development costs, to the benefit of the provision of affordable housing. It may for instance be possible to maximise the number of dwellings on a site, by careful attention to layout and design, without compromising standards of privacy and open space. Additionally where it can be demonstrated that car ownership levels will be lower than normal a reduced standard of off-street car parking will be acceptable. Partnerships between private developers and HAs may often be appropriate using housing association grant (HAG) to subsidise dwelling costs. However, within the overall scheme, the HAG contribution should be considered as extra subsidy enabling the supply of units to be increased or their price to be reduced since the policy objective is to secure extra funding of affordable housing provision and not simply a redistribution of HAG.

Affordable Housing as an Exception to Policies of Restraint

- 11.46 In view of the importance of the provision of affordable housing to the community appropriate provision within development proposals will be a material factor to be weighed in their favour. In situations where it can be clearly demonstrated that there is a local need for affordable housing consideration will be given to the granting of planning permissions which meet this need on sites which would not otherwise be released for housing development. Such schemes may be appropriate for instance in the exceptional circumstances outlined in policy D3 for development within urban greenspace. However, in all these situations, the provision of affordable housing will not be an overriding factor but a consideration to be weighed against all other relevant matters including environmental issues.
- 11.47 Special consideration will be given to the granting of exceptional permissions in rural settlements where the limited supply of housing land may create problems for the provision of affordable homes for local people. In the green belt PPG2 indicates that it may not be inappropriate to provide limited affordable housing to meet local community needs. Generally such development should only be considered in settlements remote from the urban area where it can clearly be demonstrated that there is no alternative site, which is not within the green belt, and provided that the development relates satisfactorily to the form of the settlement which it is serving. The term 'limited affordable housing' is not defined in PPG2 but this will usually be no more than 2 or 3 dwellings related to a small settlement. Larger settlements are likely to contain a range of housing where affordable housing can reasonably be expected to become available.

11.48 Rural affordable housing can be important for retaining key workers in rural settlements and also for people with strong local connections who have social reasons for living within a particular settlement. In seeking to provide housing for these groups evidence will be required of genuine local need usually supported by town or parish council assessments. The Rural Trust's guide gives valuable advice on undertaking local assessments.

H11 IN EXCEPTIONAL CIRCUMSTANCES PLANNING PERMISSION MAY BE GRANTED FOR PROPOSALS WHICH MAKE PROVISION FOR AFFORDABLE HOUSING TO SATISFY A CLEAR LOCAL REQUIREMENT WHERE HOUSING DEVELOPMENT WOULD NOT OTHERWISE BE PERMITTED, PROVIDED THAT ENVIRONMENTAL AND HIGHWAY CONSIDERATIONS CAN BE SATISFIED. IN THE GREEN BELT SITES MUST BE SMALL-SCALE AND WITHIN OR ADJOINING EXISTING VILLAGES WHERE IT IS DEMONSTRATED THAT THERE IS NO SUITABLE ALTERNATIVE SITE OUTSIDE THE GREEN BELT.

Arrangements for Securing Affordability

11.49 Where affordable housing is to be provided secure arrangements will be needed to ensure that those houses go to the people for which they were intended and that the arrangements will last in the longer term through successive changes of ownership and occupation. One common approach will be for an agreement to be arranged with a HA or approved housing trust to undertake future management arrangements. Where a body of this kind, established to meet social housing needs and with the necessary experience to allocate housing to those in need, is contracted by legal agreement to control the affordable housing, it will not usually be necessary for the Council to retain a long term interest in occupancy. However, if no such arrangements can be put in place conditions and legal agreements will be the most suitable way forward to maintain the long- term availability of the dwellings, at affordable prices, to those in need. Housing built for sale which is agreed will meet affordable housing objectives i.e. low-cost market housing, will not need to be covered by these arrangements.

H12 PRIOR TO THE GRANT OF PLANNING PERMISSION FOR DEVELOPMENT PROPOSALS INCORPORATING AFFORDABLE HOUSING TO MEET LOCAL NEEDS, ARRANGEMENTS WILL NEED TO HAVE BEEN MADE TO ENSURE THAT SUCH HOUSING WILL REMAIN AVAILABLE FOR ALL TIME FOR LOCAL RESIDENTS IN PROVEN HOUSING NEED WHO CANNOT AFFORD A HOUSE ON THE OPEN MARKET.

HOUSING FOR DISABLED PEOPLE

11.50 Within the housing stock, the provision of housing to standards suitable for those with mobility difficulties and houses designed to allow full wheelchair access is rarely adequate. Planning control can make a limited but necessary contribution to improving this situation. The Council can seek to ensure that proposals for residential development,

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including change of use, contain an adequate provision of housing for those with restricted mobility,

- 11.51 It is desirable that people with disabilities should be able to live in dwellings which are readily adaptable to their needs at minimum cost. This is most easily achieved in new dwellings designed for the purpose, and housing built to mobility standard need cost no more to construct than ordinary housing and includes features such as wide entrances, level thresholds and a staircase suitable for the possible future installation of a stair lift or a second hand rail. Houses built to these standards should be provided across the full range of house types and sizes.
- 11.52 Houses designed to full wheelchair standard generally need above average space standards designed to allow for wheelchair manoeuvre throughout the house. These houses tend to be on one level only. A proportion of new build housing should therefore be designed to full wheelchair standard, and as it would be most appropriate to include this as part of a varied mixture of housing types, provision will only be expected on larger developments. Appropriate sites will normally be located close to shops and public transport, and ideally will be reasonably level sites.

~~**H13 PROVISION SHOULD BE MADE IN HOUSING DEVELOPMENTS FOR THE NEEDS OF PEOPLE WHOSE MOBILITY IS IMPAIRED. ON SITES OF ONE HECTARE OR MORE THE COUNCIL WILL NEGOTIATE A PROPORTION OF HOUSING ACCESSIBLE TO PEOPLE WITH DISABILITIES ON SUITABLE SITES WHERE THERE IS CLEAR EVIDENCE OF LOCAL NEED.**~~

This policy was not saved as it is now considered redundant. New housing development must meet the requirements of the Building Regulations – compliance with which ensures that the needs of those with impaired mobility are taken account of.

- 11.53 The provision of housing designed to wheelchair access standard to be provided on development schemes of one hectare or more would normally be expected to be 10%, subject to local needs. This will be an important consideration in any negotiation, and will need to be locally assessed. This is because the existing stock is inadequate to meet the needs of those with restricted mobility, which is estimated to be about 7.5% of the population. The provision of housing designed to mobility standard should be a consideration in all housing schemes.

FACILITIES FOR GYPSIES

- 11.54 Any site selected to accommodate gypsies whether it is a site provided by the Council or subject to a privately submitted planning application, should have easy vehicular access from a properly surfaced road, a water supply to hand and reasonable access to schools, shops and essential services. A remote location would not be suitable for use by gypsies and close proximity to residential areas is to be avoided.

~~**H14 PROPOSALS FOR THE USE OF LAND FOR GYPSY CARAVANS WILL BE CONSIDERED HAVING REGARD TO:**~~

~~**i ACCESS TO A SURFACED ROAD;**~~

~~**ii AVAILABILITY OF A WATER SUPPLY;**~~

~~**iii ACCESS TO SCHOOLS, SHOPS AND ESSENTIAL SERVICES; AND**~~

~~**iv THE PREVAILING NUMBERS AND DISTRIBUTION OF GYPSY CARAVANS WITHIN THE DISTRICT.**~~

This policy is not saved because it does not comply with the latest Government guidance which is set out in Circular 01/2006: Planning for Gypsy and Traveller Caravan Sites. This requires that the accommodation needs of Gypsies and Travellers should be considered when determining an application for a site alongside other issues including sustainability and the likely impact on the surrounding area. The full considerations are set out in the Circular.⁵

HOUSES IN MULTIPLE OCCUPATION

11.55 Houses in Multiple Occupation (HMOs) are single dwellings occupied by two or more people living separately. They provide accommodation not only for students and other single people on low incomes, but also for more affluent people who move frequently or only require temporary accommodation.

11.56 The creation of an HMO usually brings about an intensification of use which may require alterations to the building, such as the installation of a fire escape. It can also increase car parking around the site, make increased demands on the capacity of the surrounding highway network and can often lead to the neglect of external decoration and garden areas. Any physical alterations carried out should respect the character of the property and its surroundings and this is especially important when the building is listed or is within a conservation area. HMOs may also introduce habitable rooms such as living rooms adjacent to bedrooms or other habitable rooms of adjacent property which can lead to noise disturbance. Any of these consequences could result in an unacceptable adverse impact on local amenity and the character of the surrounding area.

⁵ 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.

11.57 The benefits of increasing accommodation for single people through the creation of HMOs have therefore to be balanced against any likely detriment to the character and amenity of the surrounding area.

H15 PROPOSALS FOR THE CONVERSION OF PROPERTIES TO HOUSES IN MULTIPLE OCCUPATION WILL BE CONSIDERED TAKING INTO ACCOUNT:

- i THE EFFECT ON THE AMENITY OR CHARACTER OF THE SURROUNDING AREA;**
- ii THE EXTENT TO WHICH ANY PHYSICAL ALTERATIONS TO THE BUILDING AFFECT THE CHARACTER OR APPEARANCE OF THE BUILDING OR ITS SURROUNDINGS;**
- iii PROVISION TO PROTECT THE AMENITY OF ANY ADJOINING PROPERTIES THROUGH NOISE REDUCTION MEASURES; AND**
- iv THE CAPACITY OF THE SURROUNDING HIGHWAY NETWORK TO ACCOMMODATE ANY INCREASED VEHICLE MOVEMENTS OR ON STREET CAR PARKING WHICH MAY RESULT.**

WHERE ON-STREET PARKING WOULD BE DETRIMENTAL TO HIGHWAY SAFETY, CAR PARKING FACILITIES WITHIN THE SITE WILL NORMALLY BE REQUIRED.

11.58 HMOs are an important source of accommodation for single people. The number of single person households is increasing faster than any other type of household and therefore HMOs have an increasingly significant role to play in meeting housing needs and their creation and retention is desirable in principle. Any proposals to convert successfully operating HMOs to other uses will be determined in the context of policy H4

RESIDENTIAL HOMES FOR THE ELDERLY

11.59 There is a continuing need in the District for residential care homes and nursing homes, where care is provided on the premises for people who, because of their age, need assistance with their daily lives. There is also a need for sheltered accommodation, where people can live independently but with varying degrees of care provided.

Locations within Residential Areas

11.60 Such premises are an appropriate use within residential areas, provided that the building and its surroundings are suitable for the provision of long term residential care. Locations close to and convenient for facilities such as local shops, post offices and chemists may be particularly suitable. Large detached premises with a reasonable amount of garden space are the most appropriate types of property for such a use. Whilst the provision of private open space is a requirement of such homes, this should not be

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prejudicial to the privacy of adjoining residents. Screening will be required where this is considered necessary to protect the amenity of adjacent residents, or to prevent the overlooking of adjoining private land.

11.61 Vehicular access and the circulation of vehicles within the grounds of the premises have also to be taken into consideration. It is acknowledged that this particular use generates low levels of traffic and requires only limited parking facilities and this is reflected in the Council's car parking standards. Nevertheless, the ability of the property and the highway network to accommodate anticipated traffic movements will be taken into account.

11.62 Alterations, either internal or external, proposed to any premises to be used as a residential home should be kept to a minimum and should not detract from its residential character. Special regard will be given to listed buildings and buildings within conservation areas, including any structures within the grounds such as outbuildings and boundary walls, to ensure that any alterations necessary are in keeping with the character of the building and its surroundings.

H16 PROPOSALS RELATING TO RESIDENTIAL HOMES FOR THE ELDERLY WILL BE DETERMINED HAVING REGARD TO:

- i THE EFFECT OF THE PROPOSAL ON THE CHARACTER OF THE AREA, AND ON ANY ADJACENT RESIDENTS;**
- ii THE PROVISION OF OPEN SPACE WITHIN THE SITE FOR THE USE OF RESIDENTS;**
- iii THE SATISFACTORY PROVISION OF SAFE ACCESS, PARKING AND CIRCULATION FACILITIES FOR VEHICLES; AND**
- iv THE EFFECT OF ANY PHYSICAL ALTERATIONS ON THE CHARACTER AND APPEARANCE OF THE PREMISES.**

Locations outside Residential Areas

11.63 The use of properties as residential homes for the elderly will not normally be acceptable outside existing residential areas. Exceptions may be made if a residential home is proposed in an area allocated for development, or if the proposal relates to the conversion of a substantial property standing in its own grounds where the proposal would contribute to the retention of the premises, subject to the considerations in policy H16.

~~**H17 RESIDENTIAL HOMES FOR THE ELDERLY WILL BE PERMITTED IN RESIDENTIAL AREAS AND HOUSING ALLOCATIONS, IN CONVERSIONS OF LARGE PREMISES STANDING IN THEIR OWN EXTENSIVE GROUNDS, AND IN OR ON THE EDGE OF TOWN AND LOCAL CENTRES WHERE A GOOD ENVIRONMENT AND CONVENIENT ACCESS TO FACILITIES CAN BE PROVIDED.**~~

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This policy was not saved as it conflicts with Policy H16. Deleted Policy H17 gives a clear commitment to allowing residential homes for the elderly in particular locations without regard for other considerations such as character and amenity, contrary to Saved policy H16.

Saved Policy H16 sets out how proposals for residential care homes for the elderly will be determined.

Future Use Restrictions

11.64 Class C2 of the Town and Country Planning (Use Classes) Order 1987 groups residential homes for the elderly with hospitals, residential schools, colleges and training centres. Therefore, planning permission is not normally required for the change of use of a residential home to any of these other uses. In granting planning permission for a residential home the Council may consider that, in the interests of protecting the character of the area or the amenity of neighbouring residential properties, any subsequent change of use should be subject to planning permission. In these circumstances an appropriate condition will be attached to the planning permission.

PROVISION OF OPEN SPACE FOR NEW HOUSING

- 11.65 The provision of public open space in association with the development of new housing is important, both in terms of meeting the demands for local recreation opportunities generated by the new residents and creating an attractive site layout. The open space secured in this way is an important supplement to the existing stock of public open space.
- 11.66 The appropriate scale and nature of the public open space to be provided in association with housing development will depend mainly on the size of the development, the type of dwelling proposed and site factors such as the location of sloping areas, the presence of protected trees, access arrangements and drainage requirements. Space for children's play is likely to be appropriate in most cases unless, for example, development is primarily of one or two bedroom properties or is low density with relatively large gardens, in which cases planted areas possibly with seating may be more appropriate. In the case of large developments the additional provision of kick-about areas or even full size sports pitches may be justifiable.
- 11.67 As a guideline the Council's normal requirement for open space provision associated with housing developments is 30 sq. m. per dwelling on sites in excess of 0.4 hectares. The site size threshold is necessitated because on smaller sites the space requirement indicated would be likely to be too small to fulfil any practical functions. However, on sites of less than 0.4 hectares the provision of open space will be encouraged where the characteristics of the site, for example, the presence within the site boundary of an area which cannot be developed, provide an opportunity to create an amenity of value to residents.

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- 11.68 There may be opportunities in some cases to provide readily accessible open space outside the boundary of a proposed housing development, for example, by setting out adjoining land as a play area or through the upgrading of an existing area of public open space in the vicinity.
- 11.69 Where a new area of open space is to be created the Council will be prepared to take over its maintenance on condition that the area is laid out to its specifications and that a commuted sum or bond is provided. Arrangements will also include the lodging of a bond by the developer to ensure that the open space can be provided in the event of the developer ceasing to trade before completion of site works.
- 11.70 The design of areas of open space needs to be treated as an integral part of a site layout and linked with requirements for achieving adequate space about buildings, landscaping and tree planting and crime prevention.⁶ Design of play areas should ensure as far as possible that there is natural surveillance to minimise risks to children at play and also to discourage the congregation of older children which might create a nuisance to the residents of adjacent properties.
- 11.71 Allocated housing sites of 0.4 hectares or above are shown on the proposals map and policy H18 will apply to all proposals for development on these sites or any housing proposal elsewhere involving a site in excess of 0.4 hectares.

H18 PROPOSALS FOR HOUSING DEVELOPMENT ON SITES OF MORE THAN 0.4 HECTARES WILL NORMALLY BE REQUIRED TO INCLUDE MEASURES WITHIN THE SITE FOR THE PROVISION OF PUBLIC OPEN SPACE AT A MINIMUM RATE OF 30 SQ.M. PER DWELLING. THE PRECISE LOCATION, NATURE AND EXTENT OF THIS PROVISION WILL BE DETERMINED BY REFERENCE TO:

- i THE SIZE OF THE SITE AND NUMBER AND TYPE OF DWELLINGS PROPOSED:**
- ii THE PHYSICAL CHARACTERISTICS OF THE SITE AND THE REQUIREMENTS FOR ACCESS AND DRAINAGE.**

OFF-SITE PROVISION TO THE SAME MINIMUM STANDARD OR IMPROVEMENTS TO ESTABLISHED PUBLIC OPEN SPACE WILL BE ACCEPTABLE AS AN ALTERNATIVE WHERE THERE IS LAND WITH POTENTIAL AS PUBLIC OPEN SPACE OR ESTABLISHED PUBLIC OPEN SPACE READILY ACCESSIBLE TO THE SITE.

⁶ See policies BE12, NE10 and BE23

UDP

KIRKLEES UNITARY DEVELOPMENT PLAN

12. COMMUNITY FACILITIES

- 12.1 STRATEGY
- 12.3 SPECIAL COMMUNITY NEEDS
- 12.4 EDUCATION NEEDS
- 12.9 PLACES OF WORSHIP
 - 12.9 General
 - 12.10 Mosques and Madressahs
- 12.20 CHILD CARE FACILITIES
 - 12.20 Day Nurseries
 - 12.24 Employment Related Childcare
 - 12.26 Childcare for Visitors to Facilities
- 12.27 PROVISION OF PUBLIC TOILETS

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.**

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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.¹

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

¹ 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 day², 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

² 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.

UDP

KIRKLEES UNITARY DEVELOPMENT PLAN

13. SHOPPING AND SERVICE USES

13.1 STRATEGY

13.6 SHOPPING CENTRES

13.7 Town Centres

13.14 Local Centres

13.21 LARGE NEW STORES

13.24 RETAIL USES OUTSIDE CENTRES

13.25 Local Shops

13.28 Builders' Merchants

13.30 Mill Shops

13.31 Farm Shops

13.32 Garden Centres

13.33 Retailing Associated with Petrol Filling Stations

13.34 SERVICE, ENTERTAINMENT AND LEISURE USES

13.34 Service Uses

13.35 Entertainment and Leisure

13.38 Hot Food Take Aways

13.39 Taxi Booking Offices

13. SHOPPING AND SERVICE USES

STRATEGY

- 13.1 In recent years there have been many changes in the nature and location of retailing. This has led to new retail development throughout the country. In Kirklees the scale of new development has not been as great as it has in many areas. However there are a number of outstanding development proposals, most notably in Huddersfield town centre. Further changes in retail provision can be expected in response to population change and changes in levels of affluence and mobility.
- 13.2 The plan provides a framework for the location of new shopping development and indicates the action required to ensure good quality shopping for all residents of Kirklees. It also provides a framework for other uses typically located in and around shopping centres¹.
- 13.3 Kirklees has a wide range of shopping provision serving the needs of local residents and visitors to the District. Shopping centres of different sizes have different functions with larger centres usually having a wider choice of goods and services. Within West Yorkshire, Leeds city centre is the main retail and commercial centre. Huddersfield town centre, the principal centre of Kirklees, provides a wide range of choice and specialisation due to its large catchment population. A secondary level of service is provided by the town centres of Dewsbury, Heckmondwike, Batley and Cleckheaton. A local level of service is provided by local centres and individual local shops. Several supermarkets have been developed or are proposed outside existing shopping centres to meet the needs of particular parts of the District which could not be met within existing centres. The larger centres also provide a full range of services such as banks, building societies, pubs and cafes.
- 13.4 Variety and activity are essential elements which contribute to the vitality and viability of shopping centres. The presence of facilities other than shops and services, particularly entertainment and cultural, help to reinforce the attraction of centres. Therefore, while the retail function should continue to be the primary activity, the expansion or introduction of entertainment and cultural facilities is likely to strengthen centres and should be encouraged.
- 13.5 The established shopping centres are accessible to large numbers of people, particularly by public transport and on foot. Whilst widely accessible provision, based on existing centres, should be maintained, the role of individual centres may change as a response to retail trends and population movement. It is also important to improve the environment to provide pleasant conditions for shoppers and encourage new investment in shopping centres.¹

¹ See policies BE16 – BE18

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S1 TOWN CENTRES AND LOCAL CENTRES WILL REMAIN THE FOCUS OF SHOPPING, COMMERCIAL, CULTURAL AND SOCIAL ACTIVITY AND PRIORITY LOCATIONS FOR ENVIRONMENTAL IMPROVEMENT.

SHOPPING CENTRES

13.6 The hierarchy of shopping centres in Kirklees is as follows:

Level	Centre	Net Retail Floorspacing (m²)
Principal Town Centre	Huddersfield	64,830
Town Centres	Dewsbury	35,000
	Heckmondwike	13,640
	Batley	10,970
	Cleckheaton	7,370
Large Local Centres	Mirfield	5,610
	Holmfirth	4,090
	Aspley	3,120
	Milnsbridge	2,650
	Marsh	2,530
	Honley	2,040
	Ravensthorpe	1,880
	Birstall	1,800
	Meltham	1,420
	Moldgreen	1,360
	Crosland Moor	1,350
	Waterloo	1,250
	Slaithwaite	1,190
	Birkby	1,190
	Lindley	1,130
	Lockwood	1,060
Marsden	1,040	
Skelmanthorpe	1,020	
Almondbury	1,010	
Fartown Bar	990	
Kirkburton	840	

These are shown on the proposals map.

Source: 1987 Shopping Survey, Kirklees MC

Town Centres

- 13.7 Huddersfield is the third largest shopping centre in West Yorkshire with approximately 65,000 sq m of net retail floorspace, two-thirds of which is given over to comparison shopping. The centre makes a major contribution through its shopping and other facilities to the quality of life in Huddersfield and the surrounding area; and by virtue of this sub-regional role attracts office and other service employment which brings economic benefits to the District. Competition from larger shopping centres outside Kirklees can draw trade from Huddersfield. If the town centre is to retain its status it will be necessary to enhance its range of specialist and other comparison shopping and cultural and recreational facilities and to secure environmental and transport improvements. In recognition of the importance of Huddersfield town centre as a shopping centre, detailed policies are set out in chapter 15, paragraphs 15.3 - 15.9.
- 13.8 The centres of Dewsbury, Batley, Heckmondwike and Cleckheaton fulfil a distinctive role as smaller town centres. Whilst there are considerable differences in terms of size and number of facilities and services represented in each of the town centres, they all provide a range of convenience and comparison shopping that is not available elsewhere in Kirklees except in Huddersfield town centre. They contain more than one supermarket and a number of large retail units, including multiple chain store representation, and attract shoppers by public transport. Opportunities exist for qualitative improvement in all four centres.

S2 ~~PROPOSALS FOR NEW SHOPPING IN TOWN CENTRES WILL NORMALLY BE PERMITTED PROVIDED THAT THE DEVELOPMENT WOULD NOT HARM THE VITALITY AND VIABILITY OF OTHER SHOPPING CENTRES.~~

This policy was not saved because the issues it refers to are covered in Planning Policy Statement 6: Planning for Town Centres, the relevant text of which follows:²

ASSESSING PROPOSED DEVELOPMENTS

- 3.3 *The key considerations for identifying sites for allocation in development plan documents, as set out in Chapter 2, apply equally to the assessment of planning applications. This Chapter sets out only the additional detail relevant to the consideration of planning applications, and should be read in conjunction with Chapter 2.*

² 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.

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- 3.4 *In the context of development control and subject to the policies set out below, local planning authorities should require applicants to demonstrate:*
- a) *the need for development (paragraphs 3.8–3.11);*
 - b) *that the development is of an appropriate scale (paragraph 3.12);*
 - c) *that there are no more central sites for the development (paragraphs 3.13–3.19);*
 - d) *that there are no unacceptable impacts on existing centres (paragraphs 3.20–3.23); and*
 - e) *that locations are accessible (paragraphs 3.24–3.27).*

3.5 *Subject to the policies set out below, local planning authorities should assess planning applications on the basis of the above key considerations and the evidence presented. As a general rule, the development should satisfy all these considerations. In making their decision, local planning authorities should also consider relevant local issues and other material considerations.*

3.6 *In considering planning applications for the development of sites proposed to be allocated in an emerging development plan document, or for the development on unallocated sites within a proposed extension to a primary shopping area or town centre in such a document, the weight to be attached to the proposal will depend on the stage the development plan document has reached. Where an adopted development plan document allocates no new sites for development local planning authorities and applicants should take a positive attitude towards early engagement to discuss if any sites exist which may be suitable, viable or available, having regard to this policy statement.*

3.7 *The level of detail and type of evidence and analysis required to address the key considerations should be proportionate to the scale and nature of the proposal.*

a) Assessing the Need for Development

3.8 *It is not necessary to demonstrate the need for retail proposals within the primary shopping area or for other main town centre uses located within the town centre.*

3.9 *Need must be demonstrated for any application for a main town centre use which would be in an edge-of-centre or out-of-centre location and which is not in accordance with an upto-date development plan document strategy. Specific considerations in assessing need for retail and leisure development are set out below.*

i) Quantitative Need

3.10 *A needs assessment prepared in support of a planning application should, wherever possible, be based on the assessment carried out for the development plan document, updated as required, and in the case of retail development should relate directly to the class of goods to be sold from the development*

(‘business-based’ cases will not be appropriate). The need for additional floorspace should normally be assessed no more than five years ahead, as sites in the centre may become available within that period. Assessing need beyond this time period might pre-empt future options for investment in centres, except where large town centre schemes are proposed and where a longer time period may be appropriate to allow for site assembly. The catchment area that is used to assess future need should be realistic and well related to the size and function of the proposed development and take account of competing centres.

ii) Qualitative Need

- 3.11 *In addition to considering the quantitative need for additional retail or leisure floorspace, local planning authorities should consider whether there are qualitative considerations, as described in Chapter 2, that might provide additional justification for the development.*

b) Securing the Appropriate Scale of Development

- 3.12 *An indicative upper limit for the scale of a development (usually defined in terms of gross floorspace) which is likely to be acceptable in particular centres for different facilities may be set out in development plan documents. Where this is not the case, or where a development plan document is out-of-date, the factors to be considered in determining the appropriate scale of development in a centre are those set out in paragraphs 2.41–2.43.*

c) Applying the Sequential Approach to Site Selection

- 3.13 *The sequential approach to site selection should be applied to all development proposals for sites that are not in an existing centre nor allocated in an up-to-date development plan document (see also paragraph 3.29). The relevant centres in which to search for sites will depend on the overall strategy set out in the development plan, the nature and scale of the development and the catchment that the development seeks to serve.*
- 3.14 *In selecting sites, all options in the centre should be thoroughly assessed before less central sites are considered. The order for site assessment is set out in paragraph 2.44.*
- 3.15 *In applying the sequential approach, and considering alternative sites, developers and operators should be able to demonstrate that in seeking to find a site in or on the edge of existing centres they have been flexible about their proposed business model in terms of the following planning considerations:*
- *the scale of their development;*
 - *the format of their development;*
 - *car parking provision; and*
 - *the scope for disaggregation (see paragraphs 3.17–3.18).*

- 3.16 *The purpose of this exercise is to explore the possibility of enabling the development to fit onto more central sites by reducing the footprint of the proposal. In seeking to demonstrate flexibility under Paragraph 3.15 above, developers and operators should consider, in terms of scale: reducing the floorspace of the development; in terms of format: more innovative site layouts and store configurations such as multi-storey developments with smaller footprints; and, in terms of car parking: reduced or reconfigured car parking areas. However, local planning authorities should be realistic in considering whether sites are suitable, viable and available (see paragraph 3.19). Local planning authorities should take into account any genuine difficulties, which the applicant can demonstrate are likely to occur in operating the applicant's business model from the sequentially preferable site, in terms of scale, format, car parking provision and the scope for disaggregation, such as where a retailer would be required to provide a significantly reduced range of products. However, it will not be sufficient for an applicant to claim merely that the class of goods proposed to be sold cannot be sold from the town centre.*
- 3.17 *As part of this exercise it is important to explore whether specific parts of a development could be operated from separate, sequentially preferable, sites. For retail and leisure proposals in edge-of-centre or out-of-centre locations which comprise a group of retail and/or leisure units, such as a retail park, leisure park or shopping centre, the applicant should consider the degree to which the constituent units within the proposal could be accommodated on more centrally-located sites in accordance with the objectives and policies in this policy statement.*
- 3.18 *A single retailer or leisure operator should not be expected to split their proposed development into separate sites where flexibility in terms of scale, format, car parking provision and the scope for disaggregation has been demonstrated. It is not the intention of this policy to seek the arbitrary sub-division of proposals. Rather it is to ensure that consideration is given as to whether there are elements which could reasonably and successfully be located on a separate sequentially preferable site or sites. Paragraphs 3.17 and 3.18 do not apply to uses other than retail and leisure proposals.*
- 3.19 *Where it is argued that otherwise sequentially-preferable sites are not appropriate for the particular development proposed, applicants should provide clear evidence to demonstrate why such sites are not practicable alternatives in terms of:*
- *Availability: the sites are unavailable now and are unlikely to become available for development within a reasonable period of time (determined on the merits of a particular case). Where such sites become available unexpectedly after receipt of the application the local planning authority should take this into account in their assessment of the application; and*

- *Suitability: with due regard to the requirements to demonstrate flexibility (paragraphs 3.15–3.18), the sites are not suitable for the type of development proposed; and*
- *Viability: the development would not be viable on these sites.*

d) Assessing Impact

3.20 *Impact assessments should be undertaken for any application for a main town centre use which would be in an edge-of-centre or out-of-centre location and which is not in accordance with an up-to-date development plan strategy. Where a significant development in a centre, not in accordance with the development plan strategy, would substantially increase the attraction of the centre and could have an impact on other centres, the impact on other centres will also need to be assessed.*

3.21 *In assessing sites, local planning authorities should consider the impact of the proposal on the vitality and viability of existing centres within the catchment area of the proposed development, including the likely cumulative effect of recent permissions, developments under construction and completed developments. The identification of need does not necessarily indicate that there will be no negative impact.*

3.22 *In particular, local planning authorities should consider the impact of the development on the centre or centres likely to be affected, taking account of:*

- *the extent to which the development would put at risk the spatial planning strategy for the area and the strategy for a particular centre or network of centres, or alter its role in the hierarchy of centres;*
- *the likely effect on future public or private sector investment needed to safeguard the vitality and viability of the centre or centres;*
- *the likely impact of the proposed development on trade/turnover and on the vitality and viability of existing centres within the catchment area of the proposed development and, where applicable, on the rural economy (an example of a positive impact might be if development results in clawback expenditure from the surrounding area);*
- *changes to the range of services provided by centres that could be affected;*
- *likely impact on the number of vacant properties in the primary shopping area;*
- *potential changes to the quality, attractiveness, physical condition and character of the centre or centres and to its role in the economic and social life of the community; and*
- *the implications of proposed leisure and entertainment uses for the evening and night-time economy of the centre (see also paragraph 2.24).*

3.23 *The level of detail and type of evidence and analysis required should be proportionate to the scale and nature of the proposal. Impact assessments which address the issues in Paragraph 3.22 above should be provided for all retail and leisure developments over 2,500 square metres gross floorspace, but they may occasionally be necessary for smaller developments, such as those likely to have a significant impact on smaller centres, depending on the relative size and nature of the development in relation to the centre.*

e) Ensuring Locations are Accessible

3.24 *In considering proposed new developments, local planning authorities should consider:*

i) The need for accessibility by a choice of means of transport

3.25 *Developments should be accessible by a choice of means of transport, including public transport, walking, cycling, and the car (taking full account of customers' likely travel patterns). In determining whether developments are or will become genuinely accessible, local authorities should assess the distance of proposed developments from existing or proposed public transport facilities (bus or railway stations and interchanges). Account should also be taken of the frequency and capacity of services, and whether access is easy, safe and convenient for pedestrians, cyclists and disabled people. Distances should be measured as actual walking distance rather than as a straight line.*

3.26 *Local planning authorities should assess the extent to which retail, leisure and office developers have tailored their approach to meet the Government's objectives as set out in Planning Policy Guidance Note 13: Transport (PPG13). For example through the preparation of accessibility analyses, transport assessments, travel plans and the promotion of opportunities to reduce car journeys through home delivery services, and contributions to improve access, traffic management and parking.*

ii) The impact on car use, traffic and congestion

3.27 *In assessing new developments, local planning authorities should consider:*

- whether the proposal would have an impact on the overall distance travelled by car; and*
- the effect on local traffic levels and congestion, after public transport and traffic management measures have been secured.*

Consider Local Issues and Material Considerations

3.28 *As set out in Chapter 2, above, material considerations to be taken into account in assessing planning applications may include:*

- *physical regeneration;*
- *employment¹⁵;*
- *economic growth; and*
- *social inclusion.*

Extensions to Existing Development

3.29 *Applications for the extension of existing development in edge-of-centre and out-of-centre locations may raise specific issues. The impact on existing town centres of the proposed extension should be given particular weight, especially if new and additional classes of goods or services for sale are proposed. In addition, where establishing need is concerned, local planning authorities should establish that the evidence presented on the need for further floorspace relates specifically to the class of goods proposed to be sold. The sequential approach is only a relevant consideration in relation to extensions where the gross floor space of the proposed extension exceeds 200 square metres. This policy relates to development which creates additional floorspace, including proposals for internal alterations where planning permission is required, and applies to individual units or stores which may or may not be part of a retail park, mixed use development or shopping centre.*

Ancillary Uses

3.30 *Shops may be proposed as an ancillary element to other forms of development (for example, petrol filling stations, motorway service areas, airport terminals, industrial/employment areas, railway stations, sports stadia or other leisure, tourist and recreational facilities). Local planning authorities should ensure that in such cases the retail element is limited in scale and genuinely ancillary to the main development, and should seek to control this through the use of conditions (see paragraphs 3.31–3.32). Whether a shop is ancillary will be a matter of judgement for the decision maker and will depend on factors such as the scale of development involved, the range of goods sold, and the proportion of turnover from goods sold which are not directly related to the main use. Where the retail element is not considered to be ancillary, it should be subject to the policies set out in this statement, particularly where the development would adversely affect the viability and vitality of a local centre, whether in an urban or a rural area.*

Using Conditions Effectively

3.31 *Local planning authorities should consider using planning conditions to ensure that the character of a development cannot subsequently be changed to create a form of development that the local planning authority would originally have refused. When appropriate, conditions should be used to:*

- *prevent developments from being sub-divided into a large number of smaller shops or units;*
- *ensure that ancillary elements remain ancillary to the main development;*

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- *limit any internal alterations to increase the amount of gross floorspace by specifying the maximum floorspace permitted (including for example through the addition of mezzanine floors); and*
- *limit the range of goods sold, and to control the mix of convenience and comparison goods.*

3.32 *Conditions can also be used by local authorities in seeking to resolve issues relating to the impact of the development on traffic and the amenity of neighbouring residents, such as the timing of the delivery of goods to shops. In considering restrictions on deliveries, local authorities should take account of all relevant factors, including impact on congestion, especially in peak periods. In considering how to mitigate night-time noise, local authorities should consider alternatives to a complete ban, such as embodying codes of practice into planning agreements relating to the number of vehicles and noise standards.*

13.9 The Council will assist the maintenance and improvement of the quality of shopping provision in town centres through its role as highways authority and, when resources are available, by environmental improvements. In appropriate cases, such as the Kingsgate development in Huddersfield, the Council will act in partnership with the private sector to improve shopping provision. The Council will continue to manage, and, where appropriate, will improve the market provision in Huddersfield, Dewsbury, Batley, Heckmondwike and Cleckheaton. Further improvements are to be undertaken at Dewsbury market in order to complete a comprehensive up-grading of its appearance and facilities, and in Batley town centre consideration will be given to the relocation of the market.

13.10 Opportunities exist to improve the range and quality of shopping facilities in Dewsbury and Batley town centres and further opportunities may arise.

13.11 In Dewsbury town centre there are opportunities for shopping development at:

South Street/Daisy Hill: A small site that could be developed to provide small unit accommodation fronting Daisy Hill;

Halifax Road/Branch Road/Wellington Road East: A refurbishment scheme that retains the main features and character of the existing buildings will be appropriate;

Northgate/Corporation Street/Foundry Street: The site adjoins the prime shopping core. New development should encompass the refurbishment of the Kingsway and Queensway arcades to provide suitably sized accommodation for smaller specialist retailers, together with restaurant and associated uses. Within the area bounded by Daisy Hill/Union Street/Croft Street/Dewsbury Ring Road new uses, including shopping, will be encouraged in order to promote investment which will safeguard its character. This area forms part of the town centre conservation area and comprises multi-storey mill buildings which are unsuited to modern industrial requirements. Many buildings have

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become wholly or partly vacant and have access problems. Despite these difficulties they have potential for continued use, and a flexible approach will be taken in order to achieve this.

13.12 In Batley town centre there are opportunities for shopping development at:

Henrietta Street/Upper Commercial Street: The site could be developed to provide small unit accommodation. Part of the site is currently used as a car park. The Council will require the relocation of displaced car parking to an appropriate alternative site nearby;

Branch Road: Part of the site has the benefit of planning permission for shops with offices;

Branch Road/St James Street: A site adjoining the prime shopping core. A mix of shop and service units with restaurants and other entertainment uses would be appropriate involving new build and refurbishment.

13.13 The old commercial quarter of Batley town centre comprises a mixture of multi-storey mills, selling houses and warehouses which are unsuited to modern industrial requirements and are vacant or under-used. It will be appropriate to give favourable consideration to proposals for new uses, including shopping, which offer the opportunity to conserve these buildings and maintain the character of the area.

Local Centres

13.14 At the level below the 5 town centres there are 21 large local centres which provide a large proportion of the convenience goods shopping floorspace in Kirklees. These centres also contain a range of comparison goods shops and a range of services. A further 50 small local centres predominantly selling convenience goods have been identified. These small local shopping centres range from those serving individual settlements through suburban parades and purpose-built developments associated with large housing schemes, to small neighbourhood parades of 3 or 4 shops. Many of the centres fulfil an important role as the focus of local communities where shopping, commercial and social activities are located.

13.15 As a result of increased mobility and changes in the nature of retailing, some of the local centres have lost trade in recent years to the town centres and new out-of-town stores, both inside and outside Kirklees. Nevertheless, these centres continue to provide an essential focus for convenience goods shopping and other services.

13.16 It is important that the needs for everyday goods and services are met locally for convenience and to reduce the need to travel. This is best achieved by supporting the retention and improvement of local shopping centres. Substantial rationalisation or expansion of these centres is unlikely to be required, although it may be appropriate for

small to medium size supermarkets to be developed within or close to local centres, in order to meet any localised shortfall in convenience shopping.

~~**S3 DEVELOPMENT PROPOSALS WITHIN LOCAL SHOPPING CENTRES WILL BE CONSIDERED HAVING REGARD TO:**~~

~~**i THE SHOPPING NEEDS OF THE LOCALITY;**~~

~~**ii THE EFFECT ON THE QUALITY OF THE SHOPPING ENVIRONMENT; AND**~~

~~**iii THE EFFECT ON LOCAL ACCESSIBILITY TO THE CENTRE.**~~

This policy was not saved because the issues it refers to are covered in UDP Policies BE16, BE17, BE18, BE19 and in Planning Policy Statement 6: Planning for Town Centres, paragraphs 3.3 – 3.32 which are set out following policy S2 above.

13.17 The shopping environment can be improved by including environmental enhancement in new shopping developments and by direct Council action. Enhancements such as renewed paving, increased planting and improved street lighting contribute to a centre's attractiveness which could otherwise be undermined.

13.18 Interests in developing new local shopping facilities is most likely in local centres in the more prosperous areas of Kirklees and where there is population growth. Such developments will be appropriate unless the effects on other shops in the centre, or the impact on other shopping facilities in the locality, are likely to prejudice their continued viability.

13.19 The policies on non-retail uses in centres are relevant both to centres under pressure for new development and centres in decline.³ It may be appropriate to introduce new uses into declining centres to improve the viability and vitality of the centre and sustain the remaining units in retail use.

13.20 Maintaining and improving accessibility to local shopping centres will require action to support public transport through the Public Transport Authority and traffic management and car parking measures.

LARGE NEW STORES

13.21 Changes in the nature of retailing in response to, and resulting from, economic and social change have led to proposals for the development of large new stores both within and

³ See policies S11 – S15

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outside existing centres for the sale of both food and non food goods. New forms of retailing of a scale which widens choice for the consumer without seriously threatening the viability and vitality of existing shopping centres can be accommodated, however proposals for retail development over 2,500m² gross floorspace will need to be supported by evidence on the likely change in travel patterns and any significant environmental impacts.

13.21a The preferred location for such development will be firstly within existing town and large local shopping centres because they are the focus of both public and private transport, and secondly on the edge of centres. However, in the event of existing town or large local centres being physically incapable of accommodating major retail development proposals, other locations may be acceptable subject to consideration of the effect on existing shopping provision and on the site and its surroundings. This accords with the 'sequential test' for selecting sites for new retail development as set out in PPG6. The impact of out of centre proposals on established shopping centres will need to be assessed having regard to any adverse impact on those centres already evident or likely to arise from recently completed retail development or schemes with planning permission. The loss of land clearly required for industry and incursions into the open countryside will be inappropriate. These safeguards will ensure that the viability of established shopping centres is not undermined, that the sites proposed are suitable for retail development and that the proposed development will improve the range and availability of shopping facilities.

S4 PROPOSALS FOR LARGE STORES WILL BE CONSIDERED HAVING REGARD TO:

i THE LIKELY EFFECT ON THE VIABILITY AND VITALITY OF ANY EXISTING TOWN OR LARGE LOCAL CENTRE;

ii THE BENEFIT TO THE QUALITY AND RANGE OF SHOPPING PROVISION OR FROM MEETING AN IDENTIFIED QUANTITATIVE DEFICIENCY;

iii THE ACCESSIBILITY OF THE PROPOSED STORE TO THOSE WITHOUT PRIVATE TRANSPORT;

iv THE EFFECT ON HIGHWAY SAFETY AND LOCAL AMENITY;

AND IN THE CASE OF PROPOSED DEVELOPMENTS LOCATED OUTSIDE EXISTING TOWN AND LOCAL SHOPPING CENTRES:

v WHETHER SUITABLE SITES CAPABLE OF MEETING ANY IDENTIFIED NEED FOR NEW RETAIL DEVELOPMENT ARE LIKELY TO BE AVAILABLE WITHIN, AND FOR OUT OF CENTRE SCHEMES, ON THE EDGE OF, ESTABLISHED TOWN OR LARGE LOCAL SHOPPING CENTRES;

- vi **WHETHER THEY WOULD PREJUDICE OTHER PROPOSALS IN THE PLAN, PARTICULARLY PROVISION FOR THE PROTECTION OF OPEN LAND;**
- vii **THE EFFECT OF OUT-OF-CENTRE DEVELOPMENTS ON TRAVEL PATTERNS AND CAR USE.**

13.22 Where a future change in operations could be prejudicial to the viability and vitality of an existing shopping centre, it may be necessary to restrict the range of goods sold or the subdivision of retail warehouses by a planning condition.

13.23 Two sites which are suitable for the development of large stores, separate from existing centres, have been identified at Penistone Road, Huddersfield, and Gelderd Road, Birstall. These sites meet the criteria in policy S4. (Both developments were completed by 1 March 1999).

[POLICY S5 DELETED]

RETAIL USES OUTSIDE CENTRES

13.24 In certain circumstances, it is appropriate for retail activities to be located outside shopping centres. The circumstances under which large new stores will be acceptable in locations outside centres are set out in policy S4. Other retail uses which may be located outside centres include local shops and retailing ancillary to other uses such as mills and farms.

Local Shops

13.25 Local shops within walking distance are important in catering for immediate day to day needs. Accordingly existing local shops should be retained if at all possible, especially post offices and chemists which are particularly important to local communities. It is likely that in areas accommodating ethnic minority groups there will be local shopping patterns reflecting specific cultural activities and requirements for specialist goods and services.

13.26 Land allocated for housing development is generally close to existing shopping facilities but in the case of large developments it may be appropriate to incorporate new provision to meet the new needs. It may be appropriate in some instances to allow for small or medium size supermarkets if there is shortfall in convenience shopping provision in the locality.

~~S6 PROPOSALS TO PROVIDE LOCAL SHOPS WILL BE CONSIDERED HAVING REGARD TO:~~

- ~~i THE LOCATION, NATURE AND SCALE OF ESTABLISHED LOCAL SHOPPING FACILITIES;~~

~~ii — POPULATION CHANGE IN THE LOCALITY;~~

~~iii — THE EFFECT ON VISUAL AND RESIDENTIAL AMENITY; AND~~

~~iv — THE EFFECT ON HIGHWAY SAFETY.~~

This policy was not saved because the issues it refers to are covered in UDP Policies BE1, BE2, BE16, T10 and Planning Policy Statement 6: Planning for Town Centres, paragraphs 2.55 – 2.64 which follow ⁴ and in paragraphs 3.3 – 3.32 which are set out following policy S2 above.

Providing for local shopping and other services

- 2.55 *A network of local centres in an authority's area is essential to provide easily accessible shopping to meet people's day-to-day needs and should be the focus for investment in more accessible local services, such as health centres and other small scale community facilities. The mix of uses in local centres should be carefully managed.*
- 2.56 *Deprived areas often have poor access to local shops and services. To tackle this problem, local authorities should work with the local community and retailers to identify opportunities to remedy any deficiencies in local provision. This is likely to be best achieved through strengthening existing centres or, where appropriate, proposing new local centres.*
- 2.57 *Larger centres have in the past been the focus for much development and investment, but local planning authorities should consider whether a more balanced network of centres should be developed within their area. In particular, they should strengthen local centres by seeking to ensure that there is a range of facilities in local centres, consistent with the scale and function of the centre, to meet people's day-to-day needs, particularly in deprived areas.*
- 2.58 *The need for local shops and services is equally important within urban and rural areas. Local authorities should, where appropriate, seek to protect existing facilities which provide for people's day-to-day needs and seek to remedy deficiencies in local shopping and other facilities to help address social exclusion. Using development plan documents, or where considered appropriate, other*

⁴ 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.

local strategies 13, local authorities should take a positive approach to strengthening local centres and planning for local shops and services by working with stakeholders, including the private sector and the community. This should include:

- *assessing where deficiencies exist in the provision of local convenience shopping and other facilities which serve people's day-to-day needs and identifying opportunities to remedy any deficiencies in provision;*
- *involving the local community and retailers; and*
- *working with the private sector to seek to ensure that the identified need for new facilities will be delivered.*

2.59 Guidance on preparing strategies for smaller centres will be published separately. In seeking to improve access to local shopping and other services, local planning authorities are also encouraged to work with local transport authorities in producing accessibility strategies for their area. Guidance is published in Accessibility Planning Guidance (DfT, 2004).

Rural Centres

2.60 Market towns and villages should be the main service centres in rural areas, providing a range of facilities, shops and services at a scale appropriate to the needs and size of their catchment areas. They should provide a focus for economic development and rural-based industries, including markets for locally-produced food and other products, and for tourism. However, the health and vitality of many of these towns has declined in recent years, and many more are vulnerable to changing economic and lifestyle patterns.

2.61 The Government is committed to helping market towns manage the process of change, encourage necessary regeneration and strengthen their role as vital rural service centres. Local planning authorities should adopt policies that recognise this role and support development which enhances the vitality and viability of market towns and other rural service centres. Local planning authorities should be aware of the extent of the rural population which is dependent on a particular centre or facility, such as a village shop, and seek to protect existing facilities and promote new ones accordingly (see paragraphs 2.55 to 2.58 regarding the provision and protection of local facilities).

2.62 In planning for village shops and services, local planning authorities should adopt policies which:

- *ensure that the importance of shops and services to the local community is taken into account in assessing proposals which would result in their loss or change of use; and*
- *respond positively to proposals for the conversion and extension of shops which are designed to improve their viability.*

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2.63 *Farm shops can also meet a demand for local produce in a sustainable way and can contribute to the rural economy. Care should however be taken to ensure that they do not adversely affect easily accessible convenience shopping available to the local community.*

2.64 *Planning Policy Statement 7: Sustainable Development in Rural Areas (PPS7) sets out the Government's policy on development in rural areas.*

13.27 It is anticipated that new local shops will be required at Shelley, Bradley, Fixby, Cowcliffe, Soothill and Ravensthorpe Road, Thornhill Lees to serve the major new housing development proposals in these locations. New local shops and services are required in the Birkby/ Grimescar Valley area partly to serve new housing in the area and to compensate for the closure of the superstore in Norwood Road. This can best be achieved by a comprehensive residential redevelopment of the former superstore to include local shopping facilities and services at the western end of the site.

Builders' Merchants

13.28 Builders' merchants, which are usually located in industrial areas, supplying materials to the building trade may also seek to establish retail sales. There is a legitimate role for builders' merchants in retailing bulky goods not generally available from shopping centres or retail warehouses. However, an extension into more general retailing from such premises will not normally be appropriate as this could undermine existing shopping centres.

S7 RETAIL SALES TO THE PUBLIC FROM BUILDERS' MERCHANTS PREMISES WILL NORMALLY BE PERMITTED PROVIDED THAT THEY ARE RESTRICTED TO BULKY MATERIALS TYPICALLY SUPPLIED TO THE BUILDING TRADE AND THAT RETAILING REMAINS AN ANCILLARY ACTIVITY.

13.29 The types of goods appropriate for sale from builders' merchants includes bricks, aggregates and timber and exclude domestic electrical appliances, furniture and floor coverings. It will not normally be appropriate for more than 10% of the area of the businesses to be utilised for retail sales.

Mill Shops

13.30 Mill (or factory) shops are outlets enabling manufacturers to sell directly to the public from manufacturing premises and are a popular form of retailing in West Yorkshire. Proposals for mill or factory shops are likely to be acceptable where the goods sold are restricted to those primarily produced on the premises to avoid cumulative adverse effects on existing shopping centres and on the general strategy of the plan. The retail operation will also need to be on a small scale relative to the floorspace available for production in the premises, such that retailing, will clearly be ancillary to production. In addition, such

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proposals will be considered in terms of their likely impact on neighbouring shopping centres. It will also be important that they do not give rise to parking problems, congestion or safety problems on local roads or disturbance to the occupiers of neighbouring property. If proposals are effectively for the change of use of mill or factory premises to retailing, they will be considered in the context of policies S2, S3, S4 or S6 depending on their location and size.

[POLICY S8 DELETED]

S8A RETAILING OF GOODS FROM MILL OR FACTORY PREMISES WILL BE PERMITTED IF:

- i THE GOODS SOLD ARE PRODUCED OR MANUFACTURED BY THE SELLING COMPANY AND ARE PRIMARILY PRODUCED ON THE PREMISES;**
- ii THE AREA DEVOTED TO SALES IS SMALL RELATIVE TO THE PRODUCTION OR MANUFACTURING FLOORSPACE;**
- iii THE VITALITY AND VIABILITY OF NEIGHBOURING TOWN OR LOCAL CENTRES WOULD NOT BE HARMED; AND**
- iv NO DETRIMENT WOULD BE CAUSED TO HIGHWAY SAFETY OR LOCAL AMENITY.**

Farm Shops

13.31 Retailing from farms usually involves the use of farm buildings and land, often on a seasonal or temporary basis, for the sale of the farm's produce. While such retailing is likely to be acceptable unless there would be detriment to local amenity or highway safety, it is important that farm shops do not become general retail outlets and therefore the goods sold will need to be restricted primarily to those produced on the farm. Proposals for farm shops in the green belt will also be considered in the context of policies D8, D11 and D12 as appropriate.

S8B PROPOSALS FOR FARM SHOPS WILL NORMALLY BE PERMITTED IF:

- i THE GOODS SOLD WILL BE SUBSTANTIALLY THOSE PRODUCED ON THE FARM; AND**
- ii NO DETRIMENT WOULD BE CAUSED TO LOCAL AMENITY OR HIGHWAY SAFETY.**

Garden Centres

13.32 Garden centres are horticultural establishments concerned primarily with the retailing of plants, trees and horticultural accessories. There is a significant demand for garden centres. They tend to be established within or on the edge of urban areas where there is space for car parking and large display areas. Proposals for new or extensions to garden centres should be accessible by public transport as with all other proposals for retail development.

~~**S9 PROPOSALS FOR NEW GARDEN CENTRES OR EXTENSIONS TO GARDEN CENTRES WILL BE CONSIDERED HAVING REGARD TO:**~~

~~**i THE EFFECT ON VISUAL AND RESIDENTIAL AMENITY;**~~

~~**ii HIGHWAY SAFETY; AND**~~

~~**iii THE LEVEL OF ACCESSIBILITY BY PUBLIC TRANSPORT;**~~

~~**AND IN THE CASE OF PROPOSALS IN THE GREEN BELT POLICY D8 WILL APPLY TO NEW GARDEN CENTRES; POLICY D11 TO EXTENSIONS AND POLICY D12 TO THE RE-USE OF BUILDINGS AS GARDEN CENTRES.**~~

This policy was not saved because the issues it refers to are covered in UDP Policies BE1, BE2, T10, D8, D11, D12 and Planning Policy Statement 6: Planning for Town Centres, paragraphs 3.3 – 3.32 which are set out following policy S2 above.⁵

Retailing Associated with Petrol Filling Stations

13.33 There are generally two types of retailing associated with petrol filling stations, sales related to vehicles and sales of other general goods. Both types of sales will normally be acceptable if the sales area is on a small scale relative to the petrol filling station so that it is not likely to attract specific shopping trips. It is important to safeguard against the establishment of shops on a scale which could undermine existing shopping centres. Proposals for large scale retail operations associated with petrol filling stations will be considered as a normal shopping proposal.

~~**S10 RETAIL SALES, IN ADDITION TO FUELS AND LUBRICANTS, FROM PETROL FILLING STATIONS WILL BE PERMITTED PROVIDED THAT THE**~~

⁵ 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.

~~SALES AREA IS ON A SMALL SCALE RELATIVE TO THE SIZE OF THE PETROL FILLING STATION.~~

This policy was not saved because the issues it refers to are covered in Planning Policy Statement 6: Planning for Town Centres, the relevant text of which follows: ⁶

Ancillary Uses

3.30 *Shops may be proposed as an ancillary element to other forms of development (for example, petrol filling stations, motorway service areas, airport terminals, industrial/employment areas, railway stations, sports stadia or other leisure, tourist and recreational facilities). Local planning authorities should ensure that in such cases the retail element is limited in scale and genuinely ancillary to the main development, and should seek to control this through the use of conditions (see paragraphs 3.31–3.32). Whether a shop is ancillary will be a matter of judgement for the decision maker and will depend on factors such as the scale of development involved, the range of goods sold, and the proportion of turnover from goods sold which are not directly related to the main use. Where the retail element is not considered to be ancillary, it should be subject to the policies set out in this statement, particularly where the development would adversely affect the viability and vitality of a local centre, whether in an urban or a rural area.*

SERVICE, ENTERTAINMENT AND LEISURE USES

Service Uses

13.34 The presence of service uses can add to the vitality of shopping centres, increasing the number of people using the centre and contributing to its prosperity. Service uses considered to be appropriate to a shopping centre include estate agents, banks, building societies, restaurants, cafes, hot food take aways, licensed betting offices, bistros, pubs and wine bars, employment agencies and amusement centres. However, an excessive concentration of these uses on major shopping streets can fragment the centre by displacing shops and causing breaks in shopping frontages. The effect is to make the centre less attractive to shoppers. It is therefore important to strike a balance between maintaining and strengthening the retail core of the centre and encouraging the establishment of appropriate service uses. The application of a shopping frontage policy provides a means of achieving this balance.

⁶ 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.

S11 SERVICE USES WILL NORMALLY BE PERMITTED IN TOWN AND LARGE LOCAL CENTRES EXCEPT WITHIN PRIMARY SHOPPING FRONTAGES AS DEFINED ON THE PROPOSALS MAP. WITHIN THESE FRONTAGES, THE CHANGE OF USE OF GROUND FLOOR PREMISES OR PARTS THEREOF TO NON SHOPPING USES WILL ONLY BE PERMITTED WHERE:

- i THE NON SHOPPING USE OFFERS A SERVICE APPROPRIATE TO A SHOPPING CENTRE; AND**
- ii NOT MORE THAN 33% OF THE FRONTAGE WOULD BE IN NON SHOPPING USE IF THE DEVELOPMENT WERE CARRIED OUT.**

Entertainment and Leisure

13.35 In addition to the provision of shopping facilities and associated services, many shopping centres also provide a range of leisure and entertainment facilities which by their presence add to the attraction of the centre. The nature of these facilities varies widely and each proposal needs to be considered in the context of its likely impact on its surroundings. A location within or on the edge of a shopping centre will be most appropriate as these are the most accessible locations, and possible disturbance to residential amenity should be minimised. However, other locations may be acceptable to enable specific needs to be met or suitable premises, such as disused listed buildings, to be utilised. Entertainment and leisure facilities will not be appropriate within primary shopping frontages.

~~**S12 PROPOSALS FOR ENTERTAINMENT AND LEISURE USES SHOULD NORMALLY BE LOCATED WITHIN OR ON THE EDGE OF TOWN AND LARGE LOCAL CENTRES, AND SHOULD HAVE REGARD TO THE REQUIREMENTS OF PRIMARY SHOPPING FRONTAGE POLICY. PROPOSALS FOR SUCH USES ELSEWHERE WILL BE CONSIDERED HAVING REGARD TO:**~~

- ~~**i WHETHER IT WOULD MEET A NEED THAT COULD NOT REASONABLY BE MET IN AN EXISTING TOWN OR LARGE LOCAL CENTRE;**~~
- ~~**ii WHETHER IT WOULD RETAIN IN USE LISTED BUILDINGS OR OTHER BUILDINGS OF CHARACTER WHICH ARE NO LONGER SUITABLE FOR THEIR ORIGINAL PURPOSE;**~~
- ~~**iii THE EFFECT ON LOCAL AMENITY AND HIGHWAY SAFETY; AND**~~
- ~~**iv THE LEVEL OF ACCESSIBILITY BY PUBLIC TRANSPORT.**~~

This policy was not saved because the issues it refers to are covered in UDP Policies BE1, BE2, S11, T10, and Planning Policy Statement

6: Planning for Town Centres, paragraphs 3.3 – 3.32 which are set out following policy S2 above.

- 13.36 Amusement premises, containing slot machines and video games, raise further planning considerations. The two categories of amusement premises are amusement centres and amusement arcades. These are different in that amusement centres contain gambling machines and require an operating licence from the local authority, whereas amusement arcades contain amusement only machines such as video games and are often noisy and generally have later opening hours. In recent years there has been pressure to allow the development of amusement premises, and this is likely to continue. Amusement arcades are more likely to have a detrimental impact on their surroundings because of noise and disturbance than amusement centres, which can be located more satisfactorily in shopping centres.

~~**S13 PROPOSALS FOR AMUSEMENT PREMISES WILL NORMALLY BE PERMITTED WITHIN TOWN AND LARGE LOCAL CENTRES, OR IN AREAS OF MIXED COMMERCIAL DEVELOPMENT EXCEPT:**~~

~~**i WHERE THEY ARE PROPOSED WITHIN PRIMARY SHOPPING FRONTAGES; AND**~~

~~**ii WHERE THERE WOULD BE DETRIMENT TO THE AMENITY OF OCCUPIERS OF NEARBY PREMISES.**~~

This policy was not saved because the issues it refers to are covered in UDP Policies BE1, BE2, S11, and Planning Policy Statement 6: Planning for Town Centres, paragraphs 3.3 – 3.32 which are set out following policy S2 above.

- 13.37 When planning permissions are granted for amusement premises conditions will be included requiring the maintenance of a window display in keeping with adjacent premises so that the appearance of the street is not disrupted.

Hot Food Take Aways

- 13.38 There is increasing demand for premises for hot food take aways. Operators seek new outlets in locations accessible to a wide catchment area and prefer locations in local shopping centres, or on major roads. The most suitable locations are separate from dwellings, to minimise nuisance, visible to passing trade, and with provision for short-term car parking. These requirements are most likely to be met within or on the fringe of shopping centres. However, where a proposal would adversely effect the mix and balance of retail outlets in the centre it would be inappropriate. Proposals should not prejudice highway safety or residential or visual amenity.

S14 PROPOSALS FOR HOT FOOD TAKE AWAY SHOPS WILL BE CONSIDERED HAVING REGARD TO:

i PROVISION FOR CAR PARKING FOR CUSTOMERS AND STAFF;

ii THE EFFECT ON HIGHWAY SAFETY;

iii THE EFFECT ON RESIDENTIAL AMENITY;

iv THE VISUAL IMPACT OF ANY ALTERATIONS PROPOSED;

AND, IF THE PROPOSAL IS LOCATED WITHIN A TOWN OR LOCAL CENTRE;

v THE EFFECT ON THE RETAIL MIX OR BALANCE OF THE CENTRE.

Taxi Booking Offices

13.39 Taxi businesses are a major source of employment in Kirklees, providing about 1200 jobs. Less than a third of all taxis are Hackney Carriages, able to operate from a taxi rank or ply for hire. All others operate under private hire licences. Both types of taxi operations usually require a base from which the vehicles are controlled, usually by radio. Some operators will also require a waiting room for clients who wish to be picked up from the base. The main planning considerations in respect of taxi offices relate to the proximity of proposed offices to houses, the availability of off-street parking for the vehicles operated and the suitability of the local highway network to accommodate the traffic movements generated.

13.40 Taxi operators will require locations for their booking offices close to their likely customers. It is reasonable therefore to allow such uses close to town centres large local centres or out of town leisure facilities, provided that there would be no conflict with any residential use arising from late night or early morning taxi operation. Unless an operator specifically indicates that restricted hours are acceptable, applications will be considered on the basis of a 24-hour use.

13.41 At off-peak times, there is a tendency for drivers to congregate at the base. Therefore, off-street parking to an appropriate standard will be required unless the applicant can demonstrate why a reduction in this standard will be acceptable. In order that the appropriate amount of car parking is provided and retained, any planning permission will include conditions to ensure that the numbers of vehicles operating from the premises do not increase without a commensurate increase in parking provision.⁷

⁷ See chapter 10, paragraphs 10.39 and 10.40 and policy B11 for guidance on the use of residential premises as a base for private hire vehicles

S15 PLANNING APPLICATIONS FOR THE USE OF PREMISES FOR THE CONTROL AND ADMINISTRATION OF HACKNEY CARRIAGES OR PRIVATE HIRE VEHICLES WILL BE CONSIDERED TAKING INTO ACCOUNT:

- i THE PROXIMITY OF THE SITE TO A TOWN CENTRE, LOCAL CENTRE, OR MAJOR LEISURE FACILITY;**
- ii THE EFFECT ON ANY PREMISES WITHIN THE VICINITY OF THE SITE WHICH ARE USED PRIMARILY FOR RESIDENTIAL PURPOSES;**
- iii THE ABILITY OF THE LOCAL HIGHWAY NETWORK TO ACCOMMODATE THE ADDITIONAL TRAFFIC GENERATED;**
- iv THE AVAILABILITY OF OFF-STREET PARKING PROVISION WITHIN CLOSE PROXIMITY TO THE SITE FOR ALL VEHICLES TO BE OPERATED FROM THE BASE.**

UDP

KIRKLEES UNITARY DEVELOPMENT PLAN

14. RECREATION

- 14.1 STRATEGY
- 14.4 CULTURAL FACILITIES
- 14.8 SWIMMING POOLS AND SPORTS CENTRES
- 14.9 SPORTS STADIA
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- 14.45 WATER SPORTS
- 14.47 GOLF COURSES
- 14.50 GOLF DRIVING RANGES
- 14.51 MOTOR, AIR AND OTHER SPECIALISED OUTDOOR SPORTS
- 14.52 CANALS AND RIVERS
- 14.57 SPECIAL SITES
 - 14.58 Tunnel End, Marsden
 - 14.59 Castle Hill, Huddersfield

14. RECREATION

STRATEGY

- 14.1 Recreation involves a wide variety of activities pursued in leisure time and as diverse as taking short strolls in a local park, participating in specialised sports such as hang gliding, watching football and attending plays, concerts and exhibitions. Facilities for recreation are also diverse, ranging from theatres and art galleries and sports stadia and sports centres to countryside footpaths and mill dams.
- 14.2 Leisure time available to the individual and the variety of recreational pursuits are both likely to continue to increase. It is therefore desirable that opportunities for leisure and recreation are expanded. However, the provision of new recreational facilities should reflect as far as possible the needs of the public and be in locations accessible to all sectors of the community. It will also be important that the recreational benefits which they bring are not outweighed by environmental costs arising from the impact of the development or the intensity of the activity accommodated, which will be borne by the population at large.

R1 PROPOSALS FOR THE DEVELOPMENT OF NEW RECREATIONAL FACILITIES SHOULD TAKE ACCOUNT OF:

- i THE NEED TO BE ACCESSIBLE TO ALL SECTORS OF THE COMMUNITY; AND**
 - ii THE EFFECT ON THE LOCAL ENVIRONMENT.**
- 14.3 Any proposals to provide specialist sports facilities which are likely to be of District-wide or regional significance will be fully discussed with the Sports Council to ensure that they are of a type and scale and appropriately located to meet identifiable requirements.

CULTURAL FACILITIES

- 14.4 Residents of Kirklees have to travel outside the District to pursue many cultural interests. Any new facilities which increase the scope for cultural activity within Kirklees are therefore to be welcomed. Kirklees has several strong cultural traditions, particularly music in Huddersfield and literary connections in the Batley area. Facilities which draw upon these traditions and help to satisfy the interest stimulated are likely to be particularly appropriate.
- 14.5 The development of facilities in locations within or close to town centres will provide opportunities for access by public transport and also for the use of town centre car parking facilities, particularly for evening visits. However it must be recognised that a new facility related to a particular cultural tradition may require a specific location associated with that tradition and could not be located successfully elsewhere.

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- 14.6 The preference for town centre locations for cultural facilities is also supported by the benefit which will accrue to town centre vitality and trade from the establishment of new attractions bringing more and different visitors. Activities taking place in the evenings and at weekends are likely to be particularly beneficial in bringing life to the town centre and perhaps encouraging other people to venture there after normal shopping hours.
- 14.7 Cultural facilities are likely to be prestigious and focal points for relatively large numbers of visitors. It is important therefore that developments are of a high standard of design and relate well to their surroundings. Many town centres and their fringes contain large unused or under-used buildings, such as civic buildings, warehouses and mills, of historic, architectural or townscape value. Proposals to provide cultural facilities by adaptation of such buildings will not only establish a beneficial use but may also stimulate interest in further building conversion in the area leading to wider regeneration.

~~**R2 DEVELOPMENT PROPOSALS INVOLVING CULTURAL FACILITIES WILL NORMALLY BE PERMITTED IN LOCATIONS WITHIN, OR READILY ACCESSIBLE FROM TOWN CENTRES, AND ALSO IN LOCATIONS WITH HISTORICAL OR CULTURAL ASSOCIATIONS. PROPOSED DEVELOPMENTS SHOULD BE OF A HIGH STANDARD OF DESIGN AND WELL RELATED TO THEIR SURROUNDINGS.**~~

This policy was not saved because proposals for cultural facilities are covered in PPS6 and design issues relevant to all developments are set out in UDP policy BE1.

The relevant text of PPS6 for cultural facilities in town centres is as follows: ¹

Planning Policy Statement 6: Planning for Town Centres

The Government's Objectives

1.3 The Government's key objective for town centres is to promote their vitality and viability by:

- *planning for the growth and development of existing centres; and*
- *promoting and enhancing existing centres, by focusing development in such centres and encouraging a wide range of services in a good environment, accessible to all.*

¹ 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.

Positive Planning for Town Centres: A Plan-Led Approach

2.1 In order to deliver the Government's objective of promoting vital and viable town centres, development should be focused in existing centres in order to strengthen and, where appropriate, regenerate them. Regional planning bodies and local planning authorities should:

- *actively promote growth and manage change in town centres;*
- *define a network and a hierarchy of centres each performing their appropriate role to meet the needs of their catchments; and adopt a proactive, plan-led approach to planning for town centres, through regional and local planning.*

For locations other than town centres, the following paragraphs of PPS6 are relevant: ²

ASSESSING PROPOSED DEVELOPMENTS

3.3 The key considerations for identifying sites for allocation in development plan documents, as set out in Chapter 2, apply equally to the assessment of planning applications. This Chapter sets out only the additional detail relevant to the consideration of planning applications, and should be read in conjunction with Chapter 2.

3.4 In the context of development control and subject to the policies set out below, local planning authorities should require applicants to demonstrate:

- a) the need for development (paragraphs 3.8–3.11);*
- b) that the development is of an appropriate scale (paragraph 3.12);*
- c) that there are no more central sites for the development (paragraphs 3.13–3.19);*
- d) that there are no unacceptable impacts on existing centres (paragraphs 3.20–3.23); and*
- e) that locations are accessible (paragraphs 3.24–3.27).*

3.5 Subject to the policies set out below, local planning authorities should assess planning applications on the basis of the above key considerations and the evidence presented. As a general rule, the development should satisfy all these considerations. In making their

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decision, local planning authorities should also consider relevant local issues and other material considerations.

a) Assessing the Need for Development

3.8 *It is not necessary to demonstrate the need for retail proposals within the primary shopping area or for other main town centre uses located within the town centre.*

3.9 *Need must be demonstrated for any application for a main town centre use which would be in an edge-of-centre or out-of-centre location and which is not in accordance with an up to-date development plan document strategy. Specific considerations in assessing need for retail and leisure development are set out below.*

i) Quantitative Need

3.10 *A needs assessment prepared in support of a planning application should, wherever possible, be based on the assessment carried out for the development plan document, updated as required, and in the case of retail development should relate directly to the class of goods to be sold from the development ('business-based' cases will not be appropriate). The need for additional floorspace should normally be assessed no more than five years ahead, as sites in the centre may become available within that period. Assessing need beyond this time period might pre-empt future options for investment in centres, except where large town centre schemes are proposed and where a longer time period may be appropriate to allow for site assembly. The catchment area that is used to assess future need should be realistic and well related to the size and function of the proposed development and take account of competing centres.*

ii) Qualitative Need

3.11 *In addition to considering the quantitative need for additional retail or leisure floorspace, local planning authorities should consider whether there are qualitative considerations, as described in Chapter 2, that might provide additional justification for the development.*

b) Securing the Appropriate Scale of Development

3.12 *An indicative upper limit for the scale of a development (usually defined in terms of gross floorspace) which is likely to be acceptable in particular centres for different facilities may be set out in development plan documents. Where this is not the case, or where a development plan document is out-of-date, the factors to be considered in determining the*

appropriate scale of development in a centre are those set out in paragraphs 2.41–2.43.

c) Applying the Sequential Approach to Site Selection

- 3.13 *The sequential approach to site selection should be applied to all development proposals for sites that are not in an existing centre nor allocated in an up-to-date development plan document (see also paragraph 3.29). The relevant centres in which to search for sites will depend on the overall strategy set out in the development plan, the nature and scale of the development and the catchment that the development seeks to serve.*
- 3.14 *In selecting sites, all options in the centre should be thoroughly assessed before less central sites are considered. The order for site assessment is set out in paragraph 2.44.*
- 3.15 *In applying the sequential approach, and considering alternative sites, developers and operators should be able to demonstrate that in seeking to find a site in or on the edge of existing centres they have been flexible about their proposed business model in terms of the following planning considerations:*
- *the scale of their development;*
 - *the format of their development;*
 - *car parking provision; and*
 - *the scope for disaggregation (see paragraphs 3.17–3.18).*
- 3.16 *The purpose of this exercise is to explore the possibility of enabling the development to fit onto more central sites by reducing the footprint of the proposal. In seeking to demonstrate flexibility under Paragraph 3.15 above, developers and operators should consider, in terms of scale: reducing the floorspace of the development; in terms of format: more innovative site layouts and store configurations such as multi-storey developments with smaller footprints; and, in terms of car parking: reduced or reconfigured car parking areas. However, local planning authorities should be realistic in considering whether sites are suitable, viable and available (see paragraph 3.19). Local planning authorities should take into account any genuine difficulties, which the applicant can demonstrate are likely to occur in operating the applicant's business model from the sequentially preferable site, in terms of scale, format, car parking provision and the scope for disaggregation, such as where a retailer would be required to provide a significantly reduced range of products. However, it will not be sufficient for an applicant to claim merely that the class of goods proposed to be sold cannot be sold from the town centre.*

3.17 As part of this exercise it is important to explore whether specific parts of a development could be operated from separate, sequentially preferable, sites. For retail and leisure proposals in edge-of-centre or out-of-centre locations which comprise a group of retail and/or leisure units, such as a retail park, leisure park or shopping centre, the applicant should consider the degree to which the constituent units within the proposal could be accommodated on more centrally-located sites in accordance with the objectives and policies in this policy statement.

3.18 A single retailer or leisure operator should not be expected to split their proposed development into separate sites where flexibility in terms of scale, format, car parking provision and the scope for disaggregation has been demonstrated. It is not the intention of this policy to seek the arbitrary sub-division of proposals. Rather it is to ensure that consideration is given as to whether there are elements which could reasonably and successfully be located on a separate sequentially preferable site or sites. Paragraphs 3.17 and 3.18 do not apply to uses other than retail and leisure proposals.

3.19 Where it is argued that otherwise sequentially-preferable sites are not appropriate for the particular development proposed, applicants should provide clear evidence to demonstrate why such sites are not practicable alternatives in terms of:

- Availability: the sites are unavailable now and are unlikely to become available for development within a reasonable period of time (determined on the merits of a particular case). Where such sites become available unexpectedly after receipt of the application the local planning authority should take this into account in their assessment of the application; and*
- Suitability: with due regard to the requirements to demonstrate flexibility (paragraphs 3.15–3.18), the sites are not suitable for the type of development proposed; and*
- Viability: the development would not be viable on these sites.*

d) Assessing Impact

3.20 Impact assessments should be undertaken for any application for a main town centre use which would be in an edge-of-centre or out-of-centre location and which is not in accordance with an up-to-date development plan strategy. Where a significant development in a centre, not in accordance with the development plan strategy, would substantially increase the attraction of the centre and could have an impact on other centres, the impact on other centres will also need to be assessed.

3.21 *In assessing sites, local planning authorities should consider the impact of the proposal on the vitality and viability of existing centres within the catchment area of the proposed development, including the likely cumulative effect of recent permissions, developments under construction and completed developments. The identification of need does not necessarily indicate that there will be no negative impact.*

3.22 *In particular, local planning authorities should consider the impact of the development on the centre or centres likely to be affected, taking account of:*

- *the extent to which the development would put at risk the spatial planning strategy for the area and the strategy for a particular centre or network of centres, or alter its role in the hierarchy of centres;*
- *the likely effect on future public or private sector investment needed to safeguard the vitality and viability of the centre or centres;*
- *the likely impact of the proposed development on trade/turnover and on the vitality and viability of existing centres within the catchment area of the proposed development and, where applicable, on the rural economy (an example of a positive impact might be if development results in clawback expenditure from the surrounding area);*
- *changes to the range of services provided by centres that could be affected;*
- *likely impact on the number of vacant properties in the primary shopping area;*
- *potential changes to the quality, attractiveness, physical condition and character of the centre or centres and to its role in the economic and social life of the community; and*
- *the implications of proposed leisure and entertainment uses for the evening and night-time economy of the centre (see also paragraph 2.24).*

3.23 *The level of detail and type of evidence and analysis required should be proportionate to the scale and nature of the proposal. Impact assessments which address the issues in Paragraph 3.22 above should be provided for all retail and leisure developments over 2,500 square metres gross floorspace, but they may occasionally be necessary for smaller developments, such as those likely to have a significant impact on smaller centres, depending on the relative size and nature of the development in relation to the centre.*

e) Ensuring Locations are Accessible

3.24 *In considering proposed new developments, local planning authorities should consider:*

i) The need for accessibility by a choice of means of transport

3.25 *Developments should be accessible by a choice of means of transport, including public transport, walking, cycling, and the car (taking full account of customers' likely travel patterns). In determining whether developments are or will become genuinely accessible, local authorities should assess the distance of proposed developments from existing or proposed public transport facilities (bus or railway stations and interchanges). Account should also be taken of the frequency and capacity of services, and whether access is easy, safe and convenient for pedestrians, cyclists and disabled people. Distances should be measured as actual walking distance rather than as a straight line.*

3.26 *Local planning authorities should assess the extent to which retail, leisure and office developers have tailored their approach to meet the Government's objectives as set out in Planning Policy Guidance Note 13: Transport (PPG13). For example through the preparation of accessibility analyses, transport assessments, travel plans and the promotion of opportunities to reduce car journeys through home delivery services, and contributions to improve access, traffic management and parking.*

ii) The impact on car use, traffic and congestion

3.27 *In assessing new developments, local planning authorities should consider:*

- whether the proposal would have an impact on the overall distance travelled by car; and*
- the effect on local traffic levels and congestion, after public transport and traffic management measures have been secured.*

SWIMMING POOLS AND SPORTS CENTRES

14.8 Swimming pools and sports centres accommodating a variety of indoor facilities ranging from badminton courts to go-karting circuits, provide opportunities for participation in many different sporting activities including specialist activities not generally catered for. Several sports centres of varying sizes and ranges of facilities are provided in Kirklees. Further provision would increase opportunities for sporting activity and encourage more people to participate. Opportunities to secure new or improved facilities may arise when major development is proposed and the Council will support such initiatives provided

that the resource implications are acceptable. In order to encourage use, facilities should be located where there is good accessibility by public transport. Accordingly locations within, or on the edge of, town and local centres will be most appropriate. Redundant buildings may provide suitable opportunities for conversion to accommodate sporting activities.

- 14.8a Guidance on locations for various types of sport and recreation facilities will be formulated, following assessment of the need and opportunities for such facilities in different parts of the District. This guidance will be included in the plan when it is reviewed.

~~**R3 DEVELOPMENT PROPOSALS INVOLVING THE PROVISION OF SWIMMING POOLS AND SPORTS CENTRES SHOULD BE LOCATED WHERE THERE IS GOOD ACCESS BY PUBLIC TRANSPORT; THIS WILL NORMALLY BE WITHIN, OR ON THE EDGE OF TOWN AND LOCAL CENTRES.**~~

Policy R3 was not saved because the principle of locating new recreational facilities in accessible locations is covered in UDP policy R1 and additional factors to be taken into account are set out in PPS6 paragraphs 3.3 -3.27 which follow policy R2 above, and in PPG17 as follows:³

Planning Policy Guidance 17: Planning for Open Space, Sport and Recreation

Planning for New Open Space and Sports and Recreational Facilities

General Principles

20. *In identifying where to locate new areas of open space, sports and recreational facilities, local authorities should:*
- i. promote accessibility by walking, cycling and public transport, and ensure that facilities are accessible for people with disabilities;*
 - ii. locate more intensive recreational uses in sites where they can contribute to town centre vitality and viability;*
 - iii. avoid any significant loss of amenity to residents, neighbouring*

³ 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.

uses or biodiversity;

iv. improve the quality of the public realm through good design;

v. look to provide areas of open space in commercial and industrial areas;

vi. add to and enhance the range and quality of existing facilities;

vii. carefully consider security and personal safety, especially for children;

viii. meet the regeneration needs of areas, using brownfield in preference to greenfield sites;

ix. consider the scope for using any surplus land for open space, sport or recreational use, weighing this against alternative uses;

x. assess the impact of new facilities on social inclusion; and

xi. consider the recreational needs of visitors and tourists.

In addition to these general principles, paragraphs 21-32 below apply in respect of specific types of facilities or areas.

Mixed-use Sport, Recreation and Leisure Facilities

21 *Many sporting and recreational facilities will be similar in their land use characteristics to some forms of leisure - by making intensive use of land and attracting a large number of visits. Indeed, some will be mixed with significant elements of entertainment, retail or leisure uses and will function for many hours of the day. Planning permission for such developments should only be granted where they are to be located in highly accessible locations in or adjacent to town centres, or in district or neighbourhood centres. Planning permission should not be granted for a location outside such a town centre if the resulting development would undermine the centre. Sites in central locations should be allocated where there is a high level of demand for such mixed use facilities. The guidance in PPG6 explains the principles that should be applied to the location of town centre uses.*

Local Facilities

23 *Local authorities should ensure that provision is made for local sports and recreational facilities (either through an increase in the number of facilities or through improvements to existing facilities) where planning permission is granted for new developments (especially housing). Planning obligations (see paragraph 33 below) should be used where appropriate to seek increased provision of open spaces and local sports and recreational facilities, and the enhancement of*

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existing facilities. Where local facilities will attract people from a wider catchment, especially in urban areas, planning permission should not be granted unless they are located where they will be well served by public transport.

SPORTS STADIA

- 14.9 As a result of legislation increasing safety requirements at sports stadia and the Government's objective to achieve all seated accommodation at football league grounds by 1999, both soccer and rugby football clubs are considering stadium redevelopment or relocation. Redevelopment may well be impractical because of the nature of the existing site and surroundings, particularly where the stadium is hemmed in by housing and access can only be achieved through residential streets. In such circumstances relocation is likely to be the only means of providing a stadium which meets safety requirements and which can be provided with such ancillary accommodation and parking as is required to ensure commercial viability.
- 14.10 Government guidance (in PPG 17), asks local planning authorities to give sympathetic consideration to development proposals designed to provide all seated accommodation at football grounds. In Kirklees, where rugby league is an equivalent spectator sport, it is clearly reasonable to extend such consideration to proposals involving the local rugby league clubs.
- 14.11 Consideration of proposals for the development or relocation of sports stadia will involve reference to a range of factors and the Council will need to be satisfied that there will be overall benefits from proposals put forward.
- 14.12 Matters of particular concern, which arise from the potential numbers of spectators and the large scale of the structures required, will be the impact on residential areas, both adjacent to the proposed site and through which traffic to the stadium will need to pass; potential conflict with neighbouring land uses; the impact on visual amenity, particularly if the site is on the periphery of the built-up area; and the adequacy of access by both private and public transport. It will also be important that there are potential benefits to public safety through better arrangements for crowd control. Other community benefit will arise if there will be opportunities for use of the proposed facilities by amateur sports clubs and the public at large.
- 14.13 It will also be important to take into account how well the site relates to the traditional catchment area of support for the club (or clubs) involved. A further concern will be whether any other uses proposed in association with the stadium are acceptable in terms of other policies in the plan. For example, many proposed schemes for new stadia incorporate substantial retail facilities. While a limited amount of retail floor space might well be considered appropriate, facilities which are clearly equivalent to free-standing shopping centres may be considered contrary to the plan's shopping policies.

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14.14 A stadium proposal which makes use of derelict or degraded land or land affected by mineral workings will clearly be favourably considered because it would return such land to beneficial use. However, because of the scale of stadium developments, they are unlikely to be acceptable in the green belt where there is a presumption against most development and particularly development of a large scale which would be prejudicial to maintaining an open character.

R4 PROPOSALS FOR THE DEVELOPMENT OR RELOCATION OF SPORTS STADIA WILL BE CONSIDERED HAVING REGARD TO:

- i THE IMPACT ON RESIDENTIAL AMENITY;**
- ii CONFLICT WITH NEIGHBOURING LAND USES;**
- iii VISUAL IMPACT;**
- iv THE CAPACITY OF THE LOCAL HIGHWAY NETWORK, PARKING ARRANGEMENTS AND ACCESS BY PUBLIC TRANSPORT;**
- v IMPROVEMENTS TO PUBLIC SAFETY;**
- vi THE PROVISION OF ASSOCIATED SPORTS FACILITIES BRINGING BENEFIT TO THE COMMUNITY;**
- vii THE TRADITIONAL CATCHMENT AREA OF SUPPORT FOR THE CLUB(S) CONCERNED; AND**
- viii THE ACCEPTABILITY OF ANY OTHER USES PROPOSED IN ASSOCIATION WITH THE STADIUM IN TERMS OF OTHER POLICIES IN THE PLAN.**

14.15 Planning permission has been granted for the development of the new Kirklees Stadium to accommodate both Huddersfield Town Football Club and Huddersfield Rugby League Football Club at Bradley Mills Road, Huddersfield. Also, planning permission has been granted for a new stadium to accommodate Dewsbury Rugby League Football Club at Owl Lane, Shaw Cross, Dewsbury. These sites are shown on the proposals map.

~~**R5 LAND IS ALLOCATED AT BRADLEY MILLS ROAD, HUDDERSFIELD AND AT OWL LANE, SHAW CROSS, DEWSBURY FOR NEW STADIA.**~~

Policy R5 has been deleted because the schemes have now been implemented.

PUBLIC OPEN SPACE AND PRIVATE PLAYING FIELDS

- 14.16 The existing stock of public open space provides both for the playing of organised games and for informal recreation. It comprises primarily public parks, playing fields (including tennis courts and bowling greens) and children's play areas; there are also significant areas of woodland. Areas of public open space in excess of 0.4 hectares and not located in the green belt are designated as urban greenspace.
- 14.17 The National Playing Fields Association's (NPFA) recommended minimum standard for outdoor playing space is widely recognised and long established. The following table provides a breakdown of the NPFA standard:

FIGURE RI - NPFA STANDARDS

Minimum provision for outdoor playing space:
2.43 hectares per thousand population.
Depending on the population profile of the locality this should be met by an aggregation of space within the following ranges:
Facilities for youth and adult use (such as pitches, greens, courts and running tracks):
1.6 - 1.8 hectares per thousand population
Facilities for children's use:
Outdoor equipped playgrounds:
0.2 - 0.3 hectares per thousand population
Casual or informal playspace within housing areas:
0.4 - 0.5 hectares per thousand population
Equipped playgrounds for children's use should be within 5 minutes distance or 400 metres of home.

(Source: The National Playing Fields Association Six Acre Standard, 1992).

- 14.18 A 1991 study of playing field and play area provision (which also took into account private sports grounds) showed that in the main urban areas of Kirklees total provision for youth and adult use approached the standard recommended by the NPFA, but provision for children's play fell well short of the Association's standard. Playing space is also unevenly distributed with most wards having significantly less playing space than the NPFA standard; in the case of facilities for youth and adult use a high level of provision in a handful of wards raises total provision close to the NPFA standard. This uneven distribution is significant because the community gains more benefit from public open space when it is readily accessible.
- 14.19 This NPFA based analysis does not take into account the distribution of population by age, socio-economic group or ethnicity. These are all factors which determine more specifically the nature of local deficiencies. For example, the provision of sports pitches is of less value in areas where the population is predominantly elderly. In general, it is

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likely that public open space deficiencies will be particularly significant within the regeneration areas where there are many disadvantaged residents who will be least able to travel to other areas where facilities are available. Local standards of open space provision for formal and informal sport and recreation will therefore be formulated drawing on the NPFA standards, an assessment of need and local factors. In the interim the Council will seek to improve the provision of public open space especially within areas where there is an under-provision measured against NPFA standards, and where there are many disadvantaged residents.

14.20 The provision of public open space can be improved by creating new areas or improving established areas to enable greater use to be made of them. It may also be possible to arrange for sports clubs or the general public to use school playing facilities.

14.21 Measures to enable greater public enjoyment of areas of urban greenspace and of green corridors will be particularly appropriate provided that this will not be prejudicial to the other functions of these designated areas, particularly as wildlife habitats.

14.22 Where proposals are made for development which will give rise to a need for public open space, it will be necessary to include measures to meet this need. Such measures include providing new areas of open space either on site or on land elsewhere but related to the development site, or providing a financial contribution to the improvement of established facilities in accordance with the Council's programme of improvement works.

R6 WHEN DEVELOPMENT IS PROPOSED WHICH GIVES RISE TO A NEED FOR PUBLIC OPEN SPACE, MEASURES SHOULD BE INCLUDED TO ENSURE THAT THIS NEED CAN BE SATISFIED BY ESTABLISHING NEW AREAS OF PUBLIC OPEN SPACE, EITHER ON SITE OR IN A READILY ACCESSIBLE LOCATION, OR BY UPGRADING EXISTING PUBLIC OPEN SPACE. IN THE CASE OF HOUSING DEVELOPMENT POLICY H18 WILL APPLY.

14.23 In view of the importance of maintaining reasonable standards of provision of public open space, and given that there are deficiencies in provision in many areas, it will not normally be appropriate for existing areas of public open space to be developed. However, where the Council can be satisfied that appropriate alternative open space provision will be made which will not be to the disadvantage of current users, and that local amenity and wildlife will not be prejudiced by the proposed development, planning permission may be granted.

[POLICY R7 DELETED]

14.24 Private playing fields include football, rugby and cricket pitches and tennis courts and bowling greens. Although not normally available for public use, these private clubs do provide a community benefit because they meet some of the demand for sports facilities. They may also benefit local amenity and wildlife by providing green spaces within built-up areas. Consequently it will not normally be appropriate to permit the development or change of use of private playing fields unless a proposal includes the provision of

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equivalent playing facilities elsewhere. However, where the Council can be satisfied that reasonable efforts have been made to dispose of a site as a sports facility and no organisation is willing to acquire it for sports purposes, planning permission may be granted. All proposals will also be considered with regard to their likely impact on visual and residential amenity and on established wildlife, and will be expected to incorporate reasonable measures to safeguard amenity and wildlife. In some cases development may not be acceptable because adequate safeguards cannot be provided.

R7A PROPOSALS TO DEVELOP PUBLIC OPEN SPACE, PRIVATE PLAYING FIELDS OR LAND LAST USED AS PRIVATE PLAYING FIELDS WILL NOT BE PERMITTED UNLESS:

- i REPLACEMENT PROVISION OF EQUIVALENT COMMUNITY BENEFIT IS MADE; OR**
- ii ONLY THE REDEVELOPMENT OF A SMALL PART OF THE SITE IS INVOLVED AND THIS PROVIDES THE BEST MEANS OF RETAINING AND ENHANCING SPORT AND RECREATION FACILITIES; OR**
- iii IT IS DEMONSTRATED THAT THE SITE WILL NOT BE REQUIRED IN THE LONGER TERM FOR COMMUNITY SPORT, RECREATION OR AMENITY USE.**

ALL PROPOSALS SHOULD MAKE PROVISION FOR THE SAFEGUARDING OF VISUAL AND RESIDENTIAL AMENITY AND ESTABLISHED WILDLIFE.

[POLICY R8 DELETED]

ALLOTMENTS

- 14.25 The cultivation of allotments is a popular and long established pastime and allotment produce can be a significant benefit to those on low incomes. Proposals for development on allotments, unless involving the provision of replacement allotments, will only be acceptable if the Council can be satisfied that there is no unmet local demand for allotments. All proposals will also be assessed in terms of their impact on the character of the surrounding area and on established wildlife, and development will only be permitted where visual and residential amenity and established wildlife can be adequately safeguarded. These factors are important because allotments tend to be in short supply relative to potential demand and this demand can only be met successfully by local provision, and they are often located within residential areas where they constitute one of the few remaining areas of undeveloped land and therefore have particular amenity value and value for local wildlife.

R9 PROPOSALS INVOLVING DEVELOPMENT ON ALLOTMENTS, OR LAND LAST USED AS ALLOTMENTS, WILL NOT BE PERMITTED UNLESS REPLACEMENT ALLOTMENTS OF EQUIVALENT COMMUNITY BENEFIT

ARE PROVIDED OR IT CAN BE DEMONSTRATED THAT THERE IS NO UNSATISFIED LOCAL DEMAND FOR ALLOTMENTS. ALL PROPOSALS SHOULD MAKE PROVISION FOR THE SAFEGUARDING OF VISUAL AND RESIDENTIAL AMENITY AND ESTABLISHED WILDLIFE.

- 14.26 Where replacement allotments are provided, the Council will seek to ensure that the new site is turned, serviced and laid out in preparation for the next growing season.

COUNTRYSIDE RECREATION

- 14.27 The countryside in Kirklees provides a vital recreation resource for many residents. However, for those who do not live close to the countryside, do not have the use of a car and have a relatively low disposable income only those parts of the countryside accessible by public transport are likely to have any value for recreation. Hence the importance of maintaining adequate public open space within large urban areas.
- 14.28 Most countryside recreation involves informal activities such as walking or horse riding or cycling through the countryside and visiting attractive places such as picnic sites, woodlands, reservoirs and historic buildings. Within Kirklees, the Huddersfield Narrow Canal (especially the Tunnel End Visitor Centre), Castle Hill and Oakwell Hall and Country Park are particularly significant destinations. In addition the countryside provides opportunities for a range of outdoor sports many of which by their nature cannot be accommodated within urban areas; for example, sailing, hang gliding, motor sports and shooting. Comparatively there are about seven participants in informal activities in the countryside for every one participant in an outdoor sport.
- 14.29 Most of those using the countryside in Kirklees for recreational pursuits are likely to be local residents or to live in areas bordering Kirklees. However, some will be tourists mainly attracted to the areas fringing the Peak District National Park as a result of a growing awareness of the qualities of the South Pennines.
- 14.30 All countryside in Kirklees falls within the green belt with the exception of a limited number of relatively small areas on the edge of urban areas. Consequently, most proposals to accommodate informal recreation and outdoor sports within the countryside are likely to be located within the green belt and will therefore need to be considered in the context of green belt policies.⁴ In seeking to increase opportunities for sport and recreation within the countryside, it is clearly appropriate to seek locations accessible to those without the use of a car. It will also be important that any development such as car parks, toilet facilities and information points, and public access itself, do not harm the inherent visual qualities and character of the area or the interests of wildlife and established rural land uses.
- 14.31 The following policies set out how the Council proposes to encourage and control countryside recreation. However, the extent of provision of new and improved facilities

⁴ See policy D10.

for informal recreation and outdoor sports will depend on the availability of resources. Therefore the Council will continue to seek funding from sources such as the Countryside Agency, Sports Council and other public agencies and from groups and organisations promoting particular recreational activities.

~~**R10 INFORMAL RECREATION AND OUTDOOR SPORTS ARE APPROPRIATE COUNTRYSIDE ACTIVITIES AND DEVELOPMENT PROPOSALS SUPPORTING THESE ACTIVITIES WILL NORMALLY BE PERMITTED, PROVIDED THAT THERE WILL BE NO SIGNIFICANT DETRIMENT TO THE VISUAL QUALITY AND CHARACTER OF THE SURROUNDING AREA OR TO WILDLIFE AND ESTABLISHED RURAL LAND USES. PROPOSALS SHOULD BE READILY SERVED BY PUBLIC TRANSPORT.**~~

Policy R10 was not saved because the principle of the location and impact of new recreational facilities is covered in UDP policy R1.

14.32 In order to increase recreation opportunities at Oakwell Hall Country Park land has been identified for extensions both to the north-east and south-west of the park.

~~**R11 LAND FOR EXTENSIONS TO OAKWELL HALL COUNTRY PARK IS IDENTIFIED ON THE PROPOSALS MAP.**~~

Policy R11 has been deleted because the schemes have now been implemented.

14.33 A further opportunity to increase opportunities for informal recreation and outdoor sport will arise when waste disposal operations in the Lower Spen Valley are completed and the site restored. The Heavy Woollen District Local Plan proposed that the site should be developed as a park with playing fields. This proposal remains appropriate especially given the lack of opportunities for informal recreation and facilities for outdoor sport in surrounding areas, particularly Ravensthorpe.

R12 LAND IN THE LOWER SPEN VALLEY IS IDENTIFIED ON THE PROPOSALS MAP TO BE DEVELOPED AS A COUNTRY PARK, PROVIDING BOTH FOR INFORMAL RECREATION AND OUTDOOR SPORT, ON COMPLETION OF WASTE DISPOSAL OPERATIONS AND SUBSEQUENT RESTORATION.

Rights of Way and Public Access Areas

14.34 The countryside in Kirklees contains a network of public rights of way for pedestrians and horse and cycle riders. There are also areas to which the public has the right of access on foot. The rights of way network, footpaths and bridleways, together with access areas, provide a valuable recreation resource enabling people to gain access to, and enjoy, the countryside. Rights of way include walled lanes, packhorse trails, and ancient highways, which are historic features in their own right. Rights of way have statutory protection under highway and planning legislation. Their maintenance and

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signing and the possible addition of new links to improve recreation opportunities, particularly providing off-road access routes from urban areas into the countryside, are issues of concern to the Council. The provision of additional public access areas would also improve opportunities for recreation.

- 14.35 Where development proposals affect a public right of way leading into, or within, the countryside it will be important that provision is made to accommodate the right of way within the development in order to avoid inconvenience to users. Some proposals will provide opportunities to create new links in the footpath and bridleway network or areas of public access and this will be encouraged.

R13 IN CONSIDERING DEVELOPMENT PROPOSALS ACCOUNT WILL BE TAKEN OF THE POTENTIAL FOR NEW LINKS IN THE PUBLIC RIGHT OF WAY NETWORK AND OF OPPORTUNITIES FOR INCREASED ENJOYMENT OF THE COUNTRYSIDE. DEVELOPMENT PROPOSALS WHICH WOULD AFFECT A PUBLIC RIGHT OF WAY OR PUBLIC ACCESS AREA OR WHICH INVOLVE THE CREATION OF A PUBLIC RIGHT OF WAY OR PUBLIC ACCESS AREA SHOULD ALSO TAKE ACCOUNT OF:

- i THE CONVENIENCE OF USERS OF THE RIGHT OF WAY OR ACCESS AREA; AND**
- ii THE PROVISION OF FACILITIES FOR PEOPLE WITH DISABILITIES.**

Footpaths

- 14.36 About one-fifth of visitors to the countryside use footpaths; the average distance which they walk is between 3 and 8 kilometres. Those routes starting and finishing on the edge of the built-up areas or at visitor centres such as Tunnel End, Marsden, or at bus stops or railway stations are particularly valuable in enabling people to make full use of the potential offered by countryside footpaths without needing recourse to a private car.
- 14.37 There are significant numbers of people who prefer walks of a longer distance than the average 3-8km. The needs of such walkers are served by middle distance routes (as opposed to nationally recognised long distance footpaths such as the Pennine Way). The existing Colne and Holme Valley circular walks are examples, while the Kirklees Way enables in its entirety a 115-km circuit to be made of the periphery of Kirklees. The attraction of such routes is increased if they link features of interest, such as visitor centres and viewpoints, and provide access to the most attractive areas of countryside. For the convenience of walkers it is also important that routes are linked across District boundaries. In this respect the Council supports the role and aims of the Standing Conference of South Pennine Authorities (SCOSPA) in its efforts to co-ordinate and promote the development and use of recreational footpaths throughout the Pennines. In addition there are co-operative arrangements with neighbouring authorities, the Peak District National Park Authority, and Yorkshire Water to ensure that there is a series of well maintained and waymarked routes to promote enjoyment of the countryside.

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- 14.38 The one long distance footpath which passes through Kirklees, the Pennine Way, serves both as a long distance route and for shorter walks and has become degraded as a result of erosion. Management and access measures to relieve pressure on the Pennine Way, but which will also protect the fragile environment through which it passes, are under investigation by Kirklees, Calderdale and Bradford Councils.

Bridleways

- 14.39 There is a growing interest in the keeping and riding of horses. The existing bridleway network in Kirklees is fragmented and as a result horse riding frequently takes place on public roads, and also illegally on footpaths, bringing problems of safety, and on fragile moorland leading to erosion problems. The linking of existing bridleways to create a continuous network and circular routes will not only increase opportunities for riding but also reduce problems of conflict with walkers and road traffic and of erosion damage.
- 14.40 The Countryside Agency has proposed the creation of a long distance Pennine bridleway from Derbyshire to Northumberland. This will pass close to Kirklees at the head of the Colne Valley and is likely to be a very popular route. It will therefore be necessary to ensure that there are appropriate links to it from existing bridleways in the District. A new bridleway has recently been opened along the Longdendale Valley within the Peak District National Park. This may eventually form part of a longer route between Hull and Liverpool. It may therefore be desirable to consider extending the existing bridleway network to link up with this route.
- 14.41 The Standing Conference of South Pennine Authorities has commissioned a study of bridleways and packhorse routes in the Pennines. The study's aim is to secure increased opportunities for horse riding by means of a number of linked, well maintained and waymarked short and middle distance routes.

Cycle Routes

- 14.42 Cycling is an increasingly popular recreational activity. Cyclists have a legal right to use bridleways as well as the public highway but there are potential conflicts with other users. Under the Cycle Track Act 1984 rights of access for cycles can be established which are neither bridleways or roads. It is therefore possible to create routes for cyclists where potential conflict can be avoided. These routes do not necessarily require surfacing as crossing rough terrain provides much of the enjoyment for many recreational cyclists. It will however be important to avoid establishing cycle routes through areas where vegetation could be damaged or surface erosion caused by the passage of cyclists.

Access Routes

- 14.43 In addition to the footpath and bridleway network there are areas of open countryside where people have a right of access on foot. The most important of these is Marsden Moor, which is owned and managed by the National Trust. The Council will need to give consideration to the creation of access routes to enable walkers to reach existing access areas and areas of casual recreation both within and outside the District. Such routes will

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need to take due account of the interests of wildlife and the fragility of the landscape including potential problems of peat erosion.

Access to the Countryside for those with Special Needs

- 14.44 In pursuit of its equal opportunities objectives, the Council is committed to securing opportunities for those with special needs to enjoy access to the countryside for recreation. Facilities enabling the visually handicapped to use the canal towpath between Marsden and Tunnel End constitute one example of how this can be achieved. Opportunities exist elsewhere, particularly where there are flat paths, such as canal towpaths, or definable routes with gentle gradients, such as disused railways. In making provision for wheelchairs and pavement scooters suitable alternative barriers will be required to accommodate that use while deterring users, such as motorcyclists, who could cause hazards or inconvenience for pedestrians.

WATER SPORTS

- 14.45 Water sports including fishing are major pastimes. Water areas in Kirklees are limited primarily to reservoirs and mill dams. While many mill dams and some reservoirs are available for fishing, sailing is confined to three reservoirs, including Scammonden which is also used for scuba diving. The rivers provide opportunities for canoeing. There are no facilities for motorised water sports in Kirklees.
- 14.46 It is unlikely that any reservoirs will be built in Kirklees and therefore opportunities to create significant new water areas will probably be confined to locations where the extraction of sand and gravel takes place. Should such extraction be permitted it will be appropriate to ensure that any water areas created are retained. Where practical it will be desirable for them to be used for water sports. However, in some circumstances such activities may not be appropriate in which case the water areas should be retained to help to extend the range of wildlife habitats.

~~**R14 PROPOSALS FOR MINERAL EXTRACTION WHICH WILL ENABLE NEW WATER AREAS TO BE CREATED SHOULD INCORPORATE SUCH MEASURES IN RESTORATION SCHEMES.**~~

Policy R14 has been deleted because it is not appropriate to require the whole of sites to be restored to water areas.

GOLF COURSES

- 14.47 Golf courses provide opportunities for recreation in the countryside. However, their appearance as a pattern of carefully tended fairways and manicured greens can appear incongruous in the landscape. It will therefore be important that any new courses or course extensions are designed to incorporate planting and land forms which are in harmony with the established landscape character and bring improvement to the landscape. They should also safeguard and enhance existing wildlife value. It will

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clearly be advantageous should a proposal bring about the restoration of derelict or degraded land, not only because it will provide a beneficial use of the land but also, through planting and course design, bring visual improvement and benefit to wildlife. Conversely, proposals involving the use of the best and most versatile agricultural land (grades 1,2 and 3a) will not normally be allowed, given that it is seldom practicable to return golf courses to best quality agricultural use.⁵ As golf courses generate a significant demand for water the possible effects on water abstraction will need to be taken into account and the Environment Agency will be consulted on golf course proposals.

14.48 Golf is a sport which involves potential hazard to walkers and passers-by in the vicinity, and therefore new courses and extensions will need in their design to avoid prejudicing the safety of people using established rights of way and access areas in the locality.

14.49 The establishment or extension of a golf course may be seen as an opportunity to develop additional facilities beyond those required by golfers and for the maintenance of the course, taking advantage of an attractive setting and potential custom from golfers. However, new buildings to provide facilities such as hotels and conference and indoor

leisure centres will not be acceptable in association with golf course development unless they accord with other policies in the plan.

R15 PROPOSALS FOR THE CREATION OF NEW GOLF COURSES OR THE EXTENSION OF EXISTING COURSES WILL BE CONSIDERED TAKING INTO ACCOUNT THEIR EFFECTS ON:

- i VISUAL QUALITY AND THE CHARACTER OF THE LOCAL LANDSCAPE;**
- ii LOCAL WILDLIFE;**
- iii ENJOYMENT OF EXISTING RIGHTS OF WAY AND ACCESS AREAS;**
- iv AGRICULTURAL LAND QUALITY; AND**
- v HIGHWAY SAFETY.**

ANY NEW BUILDINGS SHOULD NOT EXCEED WHAT IS REASONABLY REQUIRED FOR PLAYING GOLF AND MAINTAINING THE COURSE, UNLESS ADDITIONAL PROVISION ACCORDS WITH THE TERMS OF OTHER POLICIES IN THE PLAN.

GOLF DRIVING RANGES

⁵ See policy EP2

14.50 Interest in providing golf driving ranges has increased in recent years as a result of growing participation in the sport. Proposals normally involve driving sheds (which can be two storey), an administrative block including changing rooms, floodlighting, high fencing and parking facilities. As a result, driving ranges have a significant visual impact. They are therefore unlikely to be appropriate in open countryside but may be acceptable if located in association with a golf course or other major recreation facility, where screening can be provided by trees and land form and facilities such as changing rooms and parking areas can be integrated. Any proposal to establish a driving range will need to demonstrate that residential amenity, landscape quality and wildlife interests will be safeguarded.

R16 PROPOSALS FOR GOLF DRIVING RANGES WILL BE CONSIDERED TAKING INTO ACCOUNT THE IMPACT ON:

- i THE AMENITY OF ANY ADJOINING RESIDENTIAL PROPERTY;**
- ii VISUAL QUALITY AND THE CHARACTER OF THE LOCAL LANDSCAPE;**
- iii LOCAL WILDLIFE; AND**
- iv HIGHWAY SAFETY.**

MOTOR, AIR AND OTHER SPECIALISED OUTDOOR SPORTS

14.51 There are only limited opportunities in Kirklees for motor sports and for flying and hang gliding and there is little evidence of other specialised outdoor sports taking place. Interest in these activities and particularly in relatively new pursuits such as war games, may increase and development proposals may be forthcoming. Some are likely only to involve small-scale activity, others may require extensive land areas and generate considerable noise and disturbance. In order to safeguard environmental interests it will be appropriate to evaluate all proposals against the criteria set out in policy D10.

~~**R17 PROPOSALS FOR DEVELOPMENT FOR MOTOR, AIR OR OTHER SPECIALISED OUTDOOR SPORTS WILL BE CONSIDERED AGAINST THE CRITERIA SET OUT IN POLICY D10.**~~

Policy R17 was not saved because the criteria against which such developments will be considered are set out in UDP policy D10.

CANALS AND RIVERS

14.52 Canals and rivers are increasingly being recognised as an important resource for recreation and they have significant potential for increasing the attractiveness of Kirklees as a tourist destination. At present, the waterways are not used to the full and there are

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many opportunities to make more of this resource.⁶ In particular, the full restoration to navigation of the Huddersfield Narrow Canal will provide an important link to the north-west waterways and open up a trans-Pennine route with the unique attraction of the 3.5 mile long Standedge Tunnel. As this is a long term project, it is important that existing waterways are protected to ensure the complete success of the venture. Similarly, as the objective of improving access to riversides is pursued, new development should not detract from any potential recreational value the rivers may possess.

- 14.53 Where canals and rivers are identified as SSI's or wildlife corridors, development proposals will also be subject to the terms of policy NE3 or policy NE5 as appropriate.
- 14.54 Walking beside canals and rivers is a popular pastime. The provision of increased access to the waterside would create important new recreation opportunities. This may be achievable when development is proposed adjacent to waterways, but account should be taken of the likelihood of trespass on surrounding land and measures included in schemes to minimise this eventuality.
- 14.55 Canal towpaths and riverside footpaths can be effective links in middle distance and circular footpath routes. Such routes based on the Huddersfield Narrow Canal, are also likely to be valuable in relieving visitor pressure in the vicinity of the canal itself. Canal towpaths are level and wide and are therefore well suited for use by those who are less mobile such as the elderly and disabled. The Council will, therefore, seek to establish middle distance and circular footpath routes incorporating canal and riverside footpaths, and to provide facilities which will improve access to canal towpaths by the elderly and disabled people. Wherever possible, development schemes adjacent to canals or rivers should incorporate these facilities.
- 14.55a The Environment Agency has a programme of preparation of river catchment management plans and one has been produced for the River Calder. Any proposal for riverside development should take account of the provisions of the relevant river catchment management plan and, if necessary, clarification of the plan's provisions should be sought from the agency at an early stage in the formulation of the proposal.

R18 PROPOSALS FOR DEVELOPMENT ADJACENT TO CANALS AND RIVERS SHOULD TAKE ACCOUNT OF:

- i THE CHARACTER OF THE WATERSIDE ENVIRONMENT;**
- ii THE EXISTING OR PROPOSED RECREATIONAL USE OF THE CANAL OR RIVER;**
- iii THE ECOLOGICAL AND HERITAGE VALUE OF THE SITE AND ITS SURROUNDINGS; AND**

⁶ See policy T25

iv OPPORTUNITIES TO IMPROVE PUBLIC ACCESS TO THE CANAL OR RIVERSIDE INCLUDING ACCESS BY DISABLED PEOPLE.

14.56 In respect of the Huddersfield Narrow Canal, the Council is pursuing a policy which aims to secure the eventual complete restoration to navigation of this unique waterway, in co-operation with the British Waterways, the Huddersfield Canal Society and Oldham and Tameside Councils. Over 85% of the canal's 7½ mile length within Kirklees has been restored to navigation. The completion of the restoration works, and the re-opening of Standedge Tunnel, is now a probability because of the decision of the Department of the Environment to make Derelict Land Grant available for the remaining works. Consequently, any development proposal which is considered to prejudice the aim of full restoration of the canal will not be acceptable.

~~**R19 DEVELOPMENT PROPOSALS WHICH INCLUDE ANY SECTION OF THE CHANNEL OF THE HUDDERSFIELD NARROW CANAL, INCLUDING INFILLED SECTIONS, WILL BE CONSIDERED TAKING INTO ACCOUNT THE EFFECT THE DEVELOPMENT WOULD HAVE ON THE RESTORATION OF NAVIGATION THROUGH THE SITE.**~~

Policy R19 was not saved because the restoration of the canal is now complete.

SPECIAL SITES

14.57 Two sites in the District have significant potential for recreation but because of their particular historic significance merit special consideration.

Tunnel End, Marsden

14.58 Tunnel End at Marsden is already a popular visitor destination attracting more than 30,000 people each year to the Council operated canal and countryside centre. There is substantial potential to create a more significant recreation attraction at Marsden centred on Tunnel End. In order for this to be successful, any development should not prejudice the attractiveness of the area, or prevent the long term provision of viable facilities for visitors. Areas associated with Tunnel End which may have future potential for the provision of visitor facilities include the former goods yard in Marsden, and the disused canal reservoir at Tunnel End. The canal warehouse, also at Tunnel End, has significant potential as a visitor centre, complementing the existing canal and countryside centre located in the former tunnel end keepers cottages.⁷

⁷ See Policy B13

R20 DEVELOPMENT PROPOSALS WITHIN THE VICINITY OF TUNNEL END, MARSDEN WILL BE CONSIDERED HAVING REGARD TO THE POTENTIAL OF THE AREA AS A MAJOR VISITOR ATTRACTION.

Castle Hill, Huddersfield

14.59 Castle Hill, on the south-eastern edge of Huddersfield, is a prominent feature attracting visitors who can enjoy the extensive views over Huddersfield and the surrounding countryside and investigate the remaining evidence of the Iron Age fort and mediaeval castle which occupied the hill top which is a scheduled Ancient Monument.⁸ Although Castle Hill attracts many thousands of visitors, information about the earthworks and Victorian tower which now surmounts them is not available on the site, and car parking facilities are inadequate. There is also significant erosion affecting some of the ramparts. If the recreational and educational potential of the site is to be fully realised and conserved a comprehensive programme of improvement works to the site and its surroundings and provision of interpretation facilities are required, drawing on any grant aid which may be available especially from English Heritage and the Countryside Agency.

R21 PROPOSALS FOR DEVELOPMENT WITHIN THE BOUNDARY OF CASTLE HILL, AS SHOWN ON THE PROPOSALS MAP, SHOULD HAVE REGARD TO:

- i THE STATUS OF THE HILL AS AN ANCIENT MONUMENT;**
- ii THE SIGNIFICANCE OF THE HILL AS A LANDSCAPE FEATURE;**
- iii THE EFFECT ON THE LOCAL ROAD NETWORK AND PEDESTRIAN MOVEMENT ON THE HILL; AND**
- iv THE RECREATION AND EDUCATIONAL POTENTIAL OF THE SITE.**

⁸ See policies BE9 and BE10



KIRKLEES UNITARY DEVELOPMENT PLAN

15. HUDDERSFIELD TOWN CENTRE

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15. HUDDERSFIELD TOWN CENTRE

STRATEGY

- 15.1 Huddersfield town centre is the principal town centre of Kirklees and the issues involved in its future development are complex. Therefore detailed proposals have been prepared for the town centre. The policies in the rest of the plan will apply to the town centre where appropriate.
- 15.2 The proposals in this section seek to regenerate the town centre, by promoting improvements to existing facilities and enabling new development. The town centre plays an important role in the provision of shopping, leisure and education facilities. Many people work there and for some it is also a place to live. It is an important focus for public transport services and the highway network. The environment of the town centre affects all those who use it, therefore it is important to ensure high quality in all improvement and development schemes.

TC1 THE ROLE OF HUDDERSFIELD TOWN CENTRE WILL BE ENHANCED BY:

- i IMPROVING THE RANGE, QUALITY AND QUANTITY OF SHOPPING PROVISION;**
- ii INCREASING THE AMOUNT OF HOUSING BY CONVERSION OF PROPERTIES AND NEW BUILDING;**
- iii ENCOURAGING ADDITIONAL EMPLOYMENT OPPORTUNITIES;**
- iv PROVIDING LEISURE AND RECREATION FACILITIES;**
- v IMPROVING THE QUALITY OF THE BUILT ENVIRONMENT AND OPEN SPACES;**
- vi SUPPORTING THE EXPANSION OF THE UNIVERSITY AND TECHNICAL COLLEGE;**
- vii MANAGING PRIVATE AND PUBLIC TRANSPORT TO IMPROVE ACCESS AND SAFETY;**
- viii EXTENDING THE PEDESTRIANISATION OF SHOPPING STREETS AND REDUCING TOWN CENTRE TRAFFIC; AND**
- ix ENABLING DEVELOPMENT OPPORTUNITIES.**

SHOPPING

Development in the Main Shopping Area

- 15.3 The key to a successful and dynamic town centre is the range and quality of its shopping. The first priority will therefore be to strengthen town centre shopping within the ring road by encouraging new development and refurbishment in order to increase the range and quality of shops available, and to create a more attractive shopping environment. These measures will assist in the economic and environmental regeneration of the town centre, the creation of new job opportunities and the attraction to Huddersfield of spending that is currently going to other competing shopping centres in West Yorkshire.
- 15.4 The main shopping area includes all recognised shopping streets within the ring road and has scope for the re-use of existing buildings, redevelopment and refurbishment, improvement and extension of existing premises. Within this general area, 5 specific sites have been identified for new shopping provision. There is unlikely to be scope for significant expansion of shopping floorspace in the town centre beyond that identified in Policy TC2. There will however be opportunities for additional small scale and specialist provision.

~~**TC2 PROPOSALS FOR NEW AND IMPROVED SHOPPING FACILITIES WILL BE PERMITTED WITHIN THE MAIN SHOPPING AREA IDENTIFIED ON THE PROPOSALS MAP. THE FOLLOWING SITES, SHOWN ON THE PROPOSALS MAP, PROVIDE THE MAJOR OPPORTUNITIES FOR NEW SHOPPING DEVELOPMENTS:**~~

~~**i KINGSGATE**~~

~~**ii NEW STREET/MARKET STREET**~~

~~**iii ALFRED STREET/PRINCESS STREET**~~

~~**iv NEW STREET/VICTORIA LANE**~~

~~**v VICTORIA LANE**~~

~~**OUTSIDE THE MAIN SHOPPING AREA SHOPPING PROPOSALS WILL NOT NORMALLY BE PERMITTED WHERE THEY WOULD PREJUDICE THE PROSPECT OF ACHIEVING THE DEVELOPMENT OF NEW SHOPPING FACILITIES ON THE SITES LISTED ABOVE.**~~

Policy TC2 was not saved because some of the sites identified have been developed and the issues it refers to are covered in Planning

Policy Statement 6: Planning for Town Centres, the relevant text of which follows: ¹

ASSESSING PROPOSED DEVELOPMENTS

- 3.3 *The key considerations for identifying sites for allocation in development plan documents, as set out in Chapter 2, apply equally to the assessment of planning applications. This Chapter sets out only the additional detail relevant to the consideration of planning applications, and should be read in conjunction with Chapter 2.*
- 3.4 *In the context of development control and subject to the policies set out below, local planning authorities should require applicants to demonstrate:*
- a) *the need for development (paragraphs 3.8–3.11);*
 - b) *that the development is of an appropriate scale (paragraph 3.12);*
 - c) *that there are no more central sites for the development (paragraphs 3.13–3.19);*
 - d) *that there are no unacceptable impacts on existing centres (paragraphs 3.20–3.23); and*
 - e) *that locations are accessible (paragraphs 3.24–3.27).*
- 3.5 *Subject to the policies set out below, local planning authorities should assess planning applications on the basis of the above key considerations and the evidence presented. As a general rule, the development should satisfy all these considerations. In making their decision, local planning authorities should also consider relevant local issues and other material considerations.*
- 3.6 *In considering planning applications for the development of sites proposed to be allocated in an emerging development plan document, or for the development on unallocated sites within a proposed extension to a primary shopping area or town centre in such a document, the weight to be attached to the proposal will depend on the stage the development plan document has reached. Where an adopted development plan document allocates no new sites for development local planning authorities and applicants should take a positive attitude towards early engagement to discuss if any sites exist which may be suitable, viable or available, having regard to this policy statement.*
- 3.7 *The level of detail and type of evidence and analysis required to address the key considerations should be proportionate to the scale and nature of the proposal.*

¹ 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.

a) Assessing the Need for Development

3.8 *It is not necessary to demonstrate the need for retail proposals within the primary shopping area or for other main town centre uses located within the town centre.*

3.9 *Need must be demonstrated for any application for a main town centre use which would be in an edge-of-centre or out-of-centre location and which is not in accordance with an upto-date development plan document strategy. Specific considerations in assessing need for retail and leisure development are set out below.*

i) Quantitative Need

3.10 *A needs assessment prepared in support of a planning application should, wherever possible, be based on the assessment carried out for the development plan document, updated as required, and in the case of retail development should relate directly to the class of goods to be sold from the development ('business-based' cases will not be appropriate). The need for additional floorspace should normally be assessed no more than five years ahead, as sites in the centre may become available within that period. Assessing need beyond this time period might pre-empt future options for investment in centres, except where large town centre schemes are proposed and where a longer time period may be appropriate to allow for site assembly. The catchment area that is used to assess future need should be realistic and well related to the size and function of the proposed development and take account of competing centres.*

ii) Qualitative Need

3.11 *In addition to considering the quantitative need for additional retail or leisure floorspace, local planning authorities should consider whether there are qualitative considerations, as described in Chapter 2, that might provide additional justification for the development.*

b) Securing the Appropriate Scale of Development

3.12 *An indicative upper limit for the scale of a development (usually defined in terms of gross floorspace) which is likely to be acceptable in particular centres for different facilities may be set out in development plan documents. Where this is not the case, or where a development plan document is out-of-date, the factors to be considered in determining the appropriate scale of development in a centre are those set out in paragraphs 2.41–2.43.*

c) Applying the Sequential Approach to Site Selection

3.13 *The sequential approach to site selection should be applied to all development*

proposals for sites that are not in an existing centre nor allocated in an up-to-date development plan document (see also paragraph 3.29). The relevant centres in which to search for sites will depend on the overall strategy set out in the development plan, the nature and scale of the development and the catchment that the development seeks to serve.

- 3.14 *In selecting sites, all options in the centre should be thoroughly assessed before less central sites are considered. The order for site assessment is set out in paragraph 2.44.*
- 3.15 *In applying the sequential approach, and considering alternative sites, developers and operators should be able to demonstrate that in seeking to find a site in or on the edge of existing centres they have been flexible about their proposed business model in terms of the following planning considerations:*
- *the scale of their development;*
 - *the format of their development;*
 - *car parking provision; and*
 - *the scope for disaggregation (see paragraphs 3.17–3.18).*
- 3.16 *The purpose of this exercise is to explore the possibility of enabling the development to fit onto more central sites by reducing the footprint of the proposal. In seeking to demonstrate flexibility under Paragraph 3.15 above, developers and operators should consider, in terms of scale: reducing the floorspace of the development; in terms of format: more innovative site layouts and store configurations such as multi-storey developments with smaller footprints; and, in terms of car parking: reduced or reconfigured car parking areas. However, local planning authorities should be realistic in considering whether sites are suitable, viable and available (see paragraph 3.19). Local planning authorities should take into account any genuine difficulties, which the applicant can demonstrate are likely to occur in operating the applicant's business model from the sequentially preferable site, in terms of scale, format, car parking provision and the scope for disaggregation, such as where a retailer would be required to provide a significantly reduced range of products. However, it will not be sufficient for an applicant to claim merely that the class of goods proposed to be sold cannot be sold from the town centre.*
- 3.17 *As part of this exercise it is important to explore whether specific parts of a development could be operated from separate, sequentially preferable, sites. For retail and leisure proposals in edge-of-centre or out-of-centre locations which comprise a group of retail and/or leisure units, such as a retail park, leisure park or shopping centre, the applicant should consider the degree to which the constituent units within the proposal could be accommodated on more centrally-located sites in accordance with the objectives and policies in this policy statement.*

3.18 A single retailer or leisure operator should not be expected to split their proposed development into separate sites where flexibility in terms of scale, format, car parking provision and the scope for disaggregation has been demonstrated. It is not the intention of this policy to seek the arbitrary sub-division of proposals. Rather it is to ensure that consideration is given as to whether there are elements which could reasonably and successfully be located on a separate sequentially preferable site or sites. Paragraphs 3.17 and 3.18 do not apply to uses other than retail and leisure proposals.

3.19 Where it is argued that otherwise sequentially-preferable sites are not appropriate for the particular development proposed, applicants should provide clear evidence to demonstrate why such sites are not practicable alternatives in terms of:

- Availability: the sites are unavailable now and are unlikely to become available for development within a reasonable period of time (determined on the merits of a particular case). Where such sites become available unexpectedly after receipt of the application the local planning authority should take this into account in their assessment of the application; and*
- Suitability: with due regard to the requirements to demonstrate flexibility (paragraphs 3.15–3.18), the sites are not suitable for the type of development proposed; and*
- Viability: the development would not be viable on these sites.*

d) Assessing Impact

3.20 Impact assessments should be undertaken for any application for a main town centre use which would be in an edge-of-centre or out-of-centre location and which is not in accordance with an up-to-date development plan strategy. Where a significant development in a centre, not in accordance with the development plan strategy, would substantially increase the attraction of the centre and could have an impact on other centres, the impact on other centres will also need to be assessed.

3.21 In assessing sites, local planning authorities should consider the impact of the proposal on the vitality and viability of existing centres within the catchment area of the proposed development, including the likely cumulative effect of recent permissions, developments under construction and completed developments. The identification of need does not necessarily indicate that there will be no negative impact.

3.22 In particular, local planning authorities should consider the impact of the development on the centre or centres likely to be affected, taking account of:

- *the extent to which the development would put at risk the spatial planning strategy for the area and the strategy for a particular centre or network of centres, or alter its role in the hierarchy of centres;*
- *the likely effect on future public or private sector investment needed to safeguard the vitality and viability of the centre or centres;*
- *the likely impact of the proposed development on trade/turnover and on the vitality and viability of existing centres within the catchment area of the proposed development and, where applicable, on the rural economy (an example of a positive impact might be if development results in clawback expenditure from the surrounding area);*
- *changes to the range of services provided by centres that could be affected;*
- *likely impact on the number of vacant properties in the primary shopping area;*
- *potential changes to the quality, attractiveness, physical condition and character of the centre or centres and to its role in the economic and social life of the community; and*
- *the implications of proposed leisure and entertainment uses for the evening and night-time economy of the centre (see also paragraph 2.24).*

3.23 *The level of detail and type of evidence and analysis required should be proportionate to the scale and nature of the proposal. Impact assessments which address the issues in Paragraph 3.22 above should be provided for all retail and leisure developments over 2,500 square metres gross floorspace, but they may occasionally be necessary for smaller developments, such as those likely to have a significant impact on smaller centres, depending on the relative size and nature of the development in relation to the centre.*

e) Ensuring Locations are Accessible

3.24 *In considering proposed new developments, local planning authorities should consider:*

i) The need for accessibility by a choice of means of transport

3.25 *Developments should be accessible by a choice of means of transport, including public transport, walking, cycling, and the car (taking full account of customers' likely travel patterns). In determining whether developments are or will become genuinely accessible, local authorities should assess the distance of proposed developments from existing or proposed public transport facilities (bus or railway stations and interchanges). Account should also be taken of the frequency and capacity of services, and whether access is easy, safe and convenient for pedestrians, cyclists and disabled people. Distances should be measured as actual walking distance rather than as a straight line.*

3.26 *Local planning authorities should assess the extent to which retail, leisure and office developers have tailored their approach to meet the Government's objectives as set out in Planning Policy Guidance Note 13: Transport (PPG13). For example through the preparation of accessibility analyses, transport assessments, travel plans and the promotion of opportunities to reduce car journeys through home delivery services, and contributions to improve access, traffic management and parking.*

ii) The impact on car use, traffic and congestion

3.27 *In assessing new developments, local planning authorities should consider:*

- whether the proposal would have an impact on the overall distance travelled by car; and*
- the effect on local traffic levels and congestion, after public transport and traffic management measures have been secured.*

Consider Local Issues and Material Considerations

3.28 *As set out in Chapter 2, above, material considerations to be taken into account in assessing planning applications may include:*

- physical regeneration;*
- employment¹⁵;*
- economic growth; and*
- social inclusion.*

Extensions to Existing Development

3.29 *Applications for the extension of existing development in edge-of-centre and out-of-centre locations may raise specific issues. The impact on existing town centres of the proposed extension should be given particular weight, especially if new and additional classes of goods or services for sale are proposed. In addition, where establishing need is concerned, local planning authorities should establish that the evidence presented on the need for further floorspace relates specifically to the class of goods proposed to be sold. The sequential approach is only a relevant consideration in relation to extensions where the gross floor space of the proposed extension exceeds 200 square metres. This policy relates to development which creates additional floorspace, including proposals for internal alterations where planning permission is required, and applies to individual units or stores which may or may not be part of a retail park, mixed use development or shopping centre.*

Ancillary Uses

3.30 *Shops may be proposed as an ancillary element to other forms of development (for example, petrol filling stations, motorway service areas, airport terminals,*

industrial/employment areas, railway stations, sports stadia or other leisure, tourist and recreational facilities). Local planning authorities should ensure that in such cases the retail element is limited in scale and genuinely ancillary to the main development, and should seek to control this through the use of conditions (see paragraphs 3.31–3.32). Whether a shop is ancillary will be a matter of judgement for the decision maker and will depend on factors such as the scale of development involved, the range of goods sold, and the proportion of turnover from goods sold which are not directly related to the main use. Where the retail element is not considered to be ancillary, it should be subject to the policies set out in this statement, particularly where the development would adversely affect the viability and vitality of a local centre, whether in an urban or a rural area.

Using Conditions Effectively

3.31 *Local planning authorities should consider using planning conditions to ensure that the character of a development cannot subsequently be changed to create a form of development that the local planning authority would originally have refused. When appropriate, conditions should be used to:*

- *prevent developments from being sub-divided into a large number of smaller shops or units;*
- *ensure that ancillary elements remain ancillary to the main development;*
- *limit any internal alterations to increase the amount of gross floorspace by specifying the maximum floorspace permitted (including for example through the addition of mezzanine floors); and*
- *limit the range of goods sold, and to control the mix of convenience and comparison goods.*

3.32 *Conditions can also be used by local authorities in seeking to resolve issues relating to the impact of the development on traffic and the amenity of neighbouring residents, such as the timing of the delivery of goods to shops. In considering restrictions on deliveries, local authorities should take account of all relevant factors, including impact on congestion, especially in peak periods. In considering how to mitigate night-time noise, local authorities should consider alternatives to a complete ban, such as embodying codes of practice into planning agreements relating to the number of vehicles and noise standards.*

15.5 The five major sites referred to in policy TC2 are described below:-

Kingsgate The redevelopment of this area will provide a significant improvement to the range and quality of shops in the town centre, within an attractive shopping environment. The approved redevelopment scheme will provide 22,600 sq.m of retail floorspace with parking for over 1,100 cars. King Street and its yards (Goldthorpe, Wormalds Top and Hammond Yards) are to be refurbished to provide speciality shops and wine bars, bistros

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and craft workshops. The integration of the Kingsgate scheme with the core of the shopping area will need to be achieved. In this respect a network of pedestrian routes will need to be established and the opportunity to link the scheme with the existing Packhorse and Princess Alexandra Walk Centres will be investigated.

New Street/Market Street Planning permission has been granted for a scheme involving refurbishment and selective demolition and redevelopment to provide an extended pedestrian arcade comprising a mix of small-scale speciality shops and services, and a food court with offices above.

Alfred Street/Princess Street The opportunity exists to provide a retail development based around the existing Co-op department store. Any redevelopment scheme for this site will be required to provide a link with the covered market and an expanded multi-storey car park.

New Street/Victoria Lane Planning permission has been granted for a scheme involving refurbishment and selective demolition and redevelopment to provide a quality pedestrian arcade comprising a mix of speciality shops and services.

Victoria Lane The opportunity exists to build new shop units to the rear and possibly to the side of the library over the service yard. This may include the possibility of a mixed scheme of retail and an extension to the art gallery. Any scheme will need to retain the grassed open space of the Piazza. Servicing should be from the underground network.

- 15.6 In 1992 a large supermarket with a 600 space car park was constructed at Southgate/Wakefield Road adjacent to the ring road. A pedestrian access across Southgate to link the supermarket with the Kingsgate scheme has been provided, and a canalside walkway will be established linking Quay Street and Aspley Place.

Pedestrians Arcades and Yards

- 15.7 The many courtyards, walkways and alleys in Huddersfield town centre, remnants of the historic street pattern, are attractive townscape features. They generally present a small scale and sheltered environment well liked by shoppers. The provision of specialist shops and services, cafes, restaurants, wine bars, bistros and craft workshops would be appropriate in these yard locations, provided that development and refurbishment is of a scale, layout and design that is sympathetic to neighbouring yard buildings. A range of environmental improvements will be introduced as resources allow.

TC3 PROPOSALS WHICH WOULD PREJUDICE THE RETENTION AND REFURBISHMENT OF THE PEDESTRIAN ARCADES AND YARDS DEFINED ON THE PROPOSALS MAP WILL NOT NORMALLY BE PERMITTED. THE PROVISION OF SPECIALIST SHOPS AND SERVICES, CAFES AND CRAFT WORKSHOPS WILL BE PERMITTED, PROVIDED THAT REFURBISHMENT

AND DEVELOPMENT SCHEMES ARE OF A SCALE AND DESIGN THAT IS SYMPATHETIC TO NEIGHBOURING YARD BUILDINGS.

Service Uses

- 15.8 In recent years there has been steady and continuous growth in the number and type of service uses occupying premises in Huddersfield town centre. These uses, such as restaurants, building societies, estate agents and hot food takeaways, can contribute to increasing the range and variety of facilities in a centre, thus improving its vitality and attractiveness to shoppers. However, an undue concentration of these uses on major shopping streets can be detrimental to the viability of the centre for comparison shopping as shopping frontages become more fragmented and the centre as a whole less compact. It is therefore important to strike a balance between maintaining and strengthening the retail core of the centre and encouraging the establishment of appropriate service uses. The application of policy S11 provides the means of striking this balance. Appropriate service uses include estate agents, banks, building societies, restaurants, hot food takeaways, cafes, amusement centres, employment agencies, pubs, wine bars, bistros, licensed betting offices.

[POLICY TC4 DELETED]

- 15.9 In recognition of the legitimate role of service uses in the town centre, a number of secondary frontages are identified in locations of high pedestrian flow, where the change of use of ground floor shopping premises to appropriate non-shopping uses will be favourably considered.

~~**TC5 WITHIN SECONDARY SHOPPING FRONTAGES IDENTIFIED ON THE PROPOSALS MAP, APPLICATIONS FOR CHANGE OF USE TO NON SHOPPING USES WILL NORMALLY BE PERMITTED.**~~

This policy was not saved because the issues it refers to are covered in Planning Policy Statement 6: Planning for Town Centres, the relevant text of which is set out following policy TC2 above.

HOUSING

New Residential Development

- 15.10 The attraction of the town centre as a place to live has increased in recent years as the general environment has improved and as more people perceive the advantages in terms of accessibility to the services and facilities which the town centre can offer. Residential development within the town centre can also help to bring life and vitality back to the main shopping area outside normal shop and office hours. The Council therefore proposes to increase the number of dwellings within and in close proximity to the town

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centre to cater for the growing demand particularly from students and single persons.

Policy H6 allocates four sites for housing within the town centre at:

H6.1 The Headlands, Highfields	2.4ha
H6.2 Land between Manchester Road and the River Colne	1.4ha ⁽¹⁾
H6.3 Snow Island, Kings Mill Lane	1.2ha ⁽¹⁾
H6.4 Maple Street	0.4ha ⁽¹⁾

⁽¹⁾ See also policy TC37

15.11 These sites provide major opportunities for residential development close to the town centre. Additionally, there are several smaller sites within the plan area that could be developed to provide a range of housing accommodation. However, as these sites are smaller than 0.4ha they are not shown on the proposals map, but they are identified in the Council's annually updated Land Supply Review.

15.12 Snow Island in Kings Mill Lane is of particular significance. The site contains industrial buildings and the current occupants will have to be satisfactorily relocated before any development can proceed. Nevertheless, the extensive tree cover, waterside location and excellent accessibility to the town centre are assets which a developer could employ to provide a high quality housing scheme. A footbridge across the river will be required to provide access to and from the town centre via Firth Street.²

Conversion to Residential Use

15.13 The change of use of existing buildings, especially upper floors, is potentially a source of new housing units, utilising redundant office or warehouse accommodation which might be difficult to re-use for commercial purposes. Residential use would secure the retention and maintenance of listed buildings and enhance the quality of the environment, particularly within the heritage area, north of Kirkgate and Westgate, where the under-use of buildings is most marked. However, the conversion of upper floors to residential use with ground floors used for shopping or other purposes can pose particular problems because of fire escape and other building regulation requirements. Where schemes can meet these regulations they will be supported by the Council.³ In addition there are several redundant multi-storey mill premises and canal warehouses within the canal and river corridor that have potential for conversion to residential use. A number of these are of special architectural or historic interest.

~~**TC6 THE REFURBISHMENT AND CONVERSION TO RESIDENTIAL USE OF REDUNDANT MULTI-STOREY MILL PREMISES AND CANAL WAREHOUSES WITHIN THE RIVERSIDE AREA AND UPPER FLOORS OF**~~

² See paragraph 15.37 and policy TC18

³ See chapter 11 paragraph 11.34 and policy H9

~~PREMISES WITHIN THE HERITAGE AREA WILL NORMALLY BE PERMITTED.~~

This policy was not saved because the issues it refers to are covered in Planning Policy Statement 3: Housing, the relevant text of which follows: ⁴

Paragraph 38...

- *Options for accommodating new housing growth (or renewal of existing housing stock), taking into account opportunities for, and constraints on, development. Options may include, for example, re-use of vacant and derelict sites or industrial and commercial sites for providing housing as part of mixed-use town centre development, additional housing in established residential areas, large scale redevelopment and re-design of existing areas, expansion of existing settlements through urban extensions and creation of new freestanding settlements.*

15.14 Policy TC3 encourages the provision of specialist shops and services, cafes, restaurants, wine bars, bistros and craft workshops within the pedestrian arcades and yards identified on the proposals map. Development and refurbishment schemes may provide the opportunity of securing residential accommodation in upper floors that would otherwise remain vacant. Where schemes can be devised which meet safety requirements, these will be supported by the Council. However the provision of new housing units must not prejudice the intention of policy TC3.

~~TC7 THE PROVISION OF RESIDENTIAL ACCOMMODATION IN UPPER FLOORS OF THE PEDESTRIAN ARCADES AND YARDS WILL NORMALLY BE PERMITTED PROVIDED THAT INDIVIDUAL PROPOSALS DO NOT PREJUDICE THE IMPLEMENTATION OF DEVELOPMENT OPPORTUNITIES WHICH ARE IN ACCORDANCE WITH POLICY TC3.~~

This policy was not saved because the issues it refers to are covered in UDP Policy TC3 and Planning Policy Statement 3: Housing, paragraph 38, which is set out following policy TC6 above.

⁴ 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.

Car Parking for Residential Development

- 15.15 The density of development in the town centre makes it difficult for schemes involving refurbishment and conversion for housing purposes to comply with the Council's requirements for off-street car parking provision. The lack of land available for this purpose can dissuade developers from pursuing a scheme which would otherwise be acceptable. A flexible approach to the imposition of car parking standards ⁵ will be necessary if otherwise acceptable proposals are not to be prejudiced. Notwithstanding this, there will be situations where the nature and scale of surrounding town centre activities, or the type of traffic management scheme in operation, preclude the relaxation of the Council's car parking standards in the interests of safety and the free flow of traffic.

BUSINESS AND INDUSTRY

Class B1 Business Uses

- 15.16 Within Huddersfield the predominant B1 use is offices rather than research and development or light industry. The town centre accounts for 40% of the total office floorspace within Kirklees. There are over 300 offices within the ring road totalling some 60,000 sq m. Much of this office accommodation is located in buildings constructed before 1918 (78% of office units and 50% of floorspace), and therefore may not meet the requirements of modern office users. Since the early 1970s, new office building in the town centre has largely been confined to small-scale refurbishment of upper floors to accommodate local demand. However, the attractiveness of office development in Huddersfield has increased in recent years with growth in office rental values in line with regional and national trends. This should increase the economic viability of schemes, which have previously failed to progress because of unfavourable local market conditions.
- 15.17 Given the diverse types of office and other B1 uses, their locational requirements will differ. There is scope to increase the range of opportunities for accommodating B1 uses both within and on the periphery of the town centre and for new build and refurbishment. Sites have been identified which are suitable for major developments for B1 uses.

TC8 SITES SUITABLE FOR CLASS B1 USES ⁶ ARE SHOWN ON THE PROPOSALS MAP AT:

i	NEW NORTH PARADE	0.8 HECTARES
ii	LORD STREET	0.4 HECTARES

⁵ See appendix 2

⁶ See also policy TC37

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iii LORD STREET/NORTHUMBERLAND STREET 0.5 HECTARES

- 15.18 At New North Parade the listed warehouse has planning permission for the conversion to offices with access taken from Fitzwilliam Street. Lord Street has two sites with potential for development. Opportunities for redevelopment on site TC8 (ii) are confined largely to the Lord Street frontage, and the backland area of the site. A scheme involving the refurbishment of existing buildings fronting Beast Market, the Ring Road and Tomlinsons Yard could potentially provide attractive small unit accommodation. Site TC8 (iii) adjacent to the open market, has greater opportunity for redevelopment, although the Council will require the retention of the listed 'Friendly and Trades' Building which fronts Northumberland Street in any scheme. Cultural Industries in Kirklees (C.I.K.) have established a media centre on part of the site, involving a mix of redevelopment and refurbishment.
- 15.19 Off -street car parking will be required to serve new development and to replace facilities displaced by the development of sites TC8 (ii) and (iii). If this cannot be provided on site, the Council will require a contribution from the developer to up-grade the Pine Street car park on the other side of the ring road to make up for the shortfall.
- 15.20 There is considerable potential for new and improved accommodation for B1 uses within existing buildings in the town centre, particularly in the heritage area to the north of Westgate and Kirkgate. Refurbishment of these upper floors could provide attractive accommodation to a high standard. Such a scheme has already been successfully carried out in John William Street. However, with the freedom provided by the General Permitted Development Order to establish B1 uses in industrial premises, without the need for planning permission, there may be a case for financial assistance from public funds to enable refurbishment schemes to be undertaken in non-industrial premises. The Council will support applications from public funds for refurbishment schemes in the heritage area.

~~**TC9 WITHIN THE RING ROAD, THE REFURBISHMENT AND CONVERSION OF PREMISES TO CLASS B1 OR A2 USE WILL BE PERMITTED, EXCEPT WHERE PROPOSALS INVOLVE GROUND FLOOR PREMISES WITHIN PRIMARY OR SECONDARY FRONTAGES IDENTIFIED ON THE PROPOSALS MAP, IN WHICH CASE THEY WILL BE SUBJECT TO POLICIES S11 AND TC5.**~~

This policy was not saved because the issues it refers to are covered in UDP Policy S11 and Planning Policy Statement 6: Planning for Town Centres, the relevant text of which is set out following policy TC2 above.

- 15.21 Outside the ring road, particularly to the west of the town centre, there is pressure for the conversion of residential properties to offices, which could prejudice the amenity of the

remaining residents. The New North Road/Fitzwilliam Street area has proved particularly attractive for those wanting small-scale office premises. Designating this as an area where B1 uses will be acceptable should reduce pressure on other areas and assist in sustaining the residential character of the remaining parts of Springwood and Highfields. Individual proposals will need to satisfy criteria relating to the availability of off-street car parking, the effects of traffic generation and general environmental considerations.

TC10 CONVERSION OF RESIDENTIAL PROPERTIES TO CLASS B1 USES WILL NOT NORMALLY BE PERMITTED IN THE AREA BETWEEN THE RING ROAD AND THE INSET PLAN BOUNDARY, EXCEPT IN THE FOLLOWING AREAS:

- i GREENHEAD ROAD/TRINITY STREET;**
- ii NEW NORTH ROAD/FITZWILLIAM STREET;**

IN THESE AREAS, WHICH ARE IDENTIFIED ON THE PROPOSALS MAP, PROPOSALS SHOULD NOT PREJUDICE LOCAL AMENITY AND HIGHWAY SAFETY.

15.22 Opportunities exist to provide accommodation for B1 uses in the older industrial areas to the east and south of the town centre, within the riverside area. Planning permission is not generally required to change the use of an industrial building to B1 use. The encouragement of B1 uses within the older industrial area adjoining the ring road would stimulate regeneration and benefit the town centre by generating additional trade and economic activity and possibly relieve parking problems.

~~**TC11 PROPOSALS TO PROVIDE ACCOMMODATION FOR B1 USE WITHIN THE OLDER INDUSTRIAL AREAS ADJOINING THE RING ROAD WILL NORMALLY BE PERMITTED.**~~

This policy was not saved because the issues it refers to are covered in Planning Policy Statement 6: Planning for Town Centres, the relevant text of which is set out following policy TC2 above.

Industry and Warehousing

15.23 The town centre includes an area of industrial and commercial uses broadly to the east and south of the ring road. Manufacturing industry and specifically textiles has formed the basis of economic activity in this area since the Industrial Revolution, when many of the multi-storey stone mill buildings were constructed. However, the textiles and manufacturing industries have been in decline for many years. Their contraction has seen many mill closures, a significant increase in industrial floorspace for sale or rent, and the

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demolition of industrial buildings. The latter can be beneficial where the cleared sites are capable of accommodating modern industrial development, as many of the older multi-storey mills are not suitable for use by modern industry. In the Firth Street area in particular, large parts of mills are unused or underused.

15.24 In 1990 the Council adopted the 'Riverside Strategy' to revive private sector confidence and encourage construction activity in this area. It seeks to bring about economic and environmental regeneration through the assembly and promotion of development sites, land reclamation, stone cleaning, tree planting and landscaping, restoring the Huddersfield Narrow Canal and highway and car parking improvements. The initiative is proving successful, stimulating the renovation of buildings and other improvements within the riverside area.

15.25 The area outside the ring road between St John's Road and Manchester Road is dominated by industrial and commercial users, and is part of a wider industrial area extending beyond the inset plan boundary to the north-east and south. The presence of a number of vacant sites and derelict, vacant and underused buildings gives considerable opportunities for industrial and warehousing development which would help to increase employment. However, a number of sites and buildings are equally suitable for other uses which can also create employment opportunities. The close proximity of the town centre and the university will, for example, introduce opportunities for office, housing and leisure developments. Policy TC11 applies in this area and Class B1 development will therefore also be acceptable. Elsewhere in the town centre new industrial and warehousing use would not be appropriate as it would be likely to prejudice other proposals in the plan. However, where existing businesses require extensions exceptions will be justified, provided that the environmental consequences are satisfactory.

TC12 PROPOSALS FOR THE DEVELOPMENT OF INDUSTRY AND WAREHOUSING OUTSIDE THE RING ROAD BETWEEN ST JOHNS ROAD AND MANCHESTER ROAD TO THE SOUTH AND EAST OF THE TOWN CENTRE WILL NORMALLY BE PERMITTED. OUTSIDE THIS AREA INDUSTRIAL AND WAREHOUSE DEVELOPMENT WILL NOT NORMALLY BE PERMITTED EXCEPT IN THE CASE OF PROPOSALS FOR THE EXTENSION OF EXISTING PREMISES WHERE THIS WOULD NOT BE SERIOUSLY DETRIMENTAL TO THE AMENITY OF THE AREA OR PREJUDICE HIGHWAY SAFETY.

LEISURE AND RECREATION

The Need for New Facilities

15.26 There are a number of important and well used facilities for leisure and recreation in the town centre, and these complement the shopping facilities as a visitor attraction. Further shopping development will attract more visitors and encourage greater use of

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entertainment facilities. Improved facilities will generate additional jobs and enhance the image of the town centre as an attractive place to visit.

- 15.27 The anticipated growth of the town centre in terms of the quantity and quality of its shopping needs to be complemented by improvements in the centre's leisure and recreation facilities. The private sector will be encouraged to provide facilities wherever feasible and local community and other voluntary sector initiatives will be supported.

Kirklees Theatre

- 15.28 The Kirklees Theatre Trust which was established to promote the development of a modern theatre within Huddersfield, is currently converting the former Methodist Mission in Queen Street to a 420 seat theatre. Work also involves the provision of a smaller studio theatre, meeting rooms, a bar and restaurant. The theatre and adjoining square will be linked to the King Street redevelopment scheme, and to the historic yards off King Street by a network of high quality pedestrian routes. The site for the new theatre is identified on the proposals map.

Museum/Heritage Centre

- 15.29 The town centre currently has no museum. The Huddersfield area is served by the Tolson Museum of Local History at Ravensknowle Park, Moldgreen. Industrial museums and heritage centres have been developed in many towns and cities. In Huddersfield it would be particularly appropriate for a heritage centre to incorporate a musical theme based on the strong local musical traditions. An appropriate location for such a development would be within or on the periphery of the town centre.

~~**TC13 THE AREA WITHIN AND IMMEDIATELY ADJOINING THE RING ROAD WILL BE AN AREA OF SEARCH FOR THE ESTABLISHMENT OF A MUSEUM OR HERITAGE CENTRE.**~~

This policy was not saved because the proposal for a museum or heritage centre has been superseded. Guidance on the location of such a facility is provided in Planning Policy Statement 6: Planning for Town Centres, the relevant text of which is set out following policy TC2 above.

Hotels

- 15.30 Huddersfield is recognised as a centre for business tourism and is jointly promoted by the Council and the Yorkshire and Humberside Tourist Board. Whilst there is a number of hotels within the town centre, further hotel accommodation would enable the tourist, business traveller and conference markets to be expanded.

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- 15.31 The conversion of existing buildings within the heritage area, particularly utilising redundant upper floors and warehouse accommodation may be the most appropriate way of providing additional hotel accommodation within the town centre. Hotel development would assist regeneration by the retention and maintenance of listed buildings, the refurbishment of vacant properties and environmental enhancement. This is particularly important within the heritage area which has an attractive Victorian character and contains many fine listed buildings, but lacks the life and vitality which would come from the use and occupation of buildings outside normal shop and office hours.

~~**TC14 THE REFURBISHMENT AND CONVERSION OF PREMISES WITHIN THE HERITAGE AREA TO PROVIDE HOTEL ACCOMMODATION WILL NORMALLY BE PERMITTED UNLESS PROPOSALS INVOLVE GROUND FLOOR SHOPPING PREMISES SUBJECT TO POLICY TC5.**~~

This policy was not saved because the relevant considerations relating to the development of hotels are covered in Planning Policy Statement 6: Planning for Town Centres, the relevant text of which is set out following policy TC2 above.

Aspley Basin and Chapel Hill

- 15.32 The Aspley Basin and Chapel Hill areas are two important waterside locations at prominent 'gateways' into the town centre. The presence of the river and canal, and the many fine listed buildings dating from the Industrial Revolution create attractive opportunities for the development of leisure and recreation activities. Such uses can contribute to regeneration by creating employment, re-using buildings and sites unsuitable for modern industry and improving the environment.
- 15.33 It is important that leisure and recreation uses proposed for the Aspley Basin and Chapel Hill areas should complement the range of services and facilities provided in the town centre as these areas are close enough to help to relieve development pressures and alleviate traffic and parking problems there. It is the Council's intention to undertake a range of improvements along the principal pedestrian routes that link the town centre with the Chapel Hill and Aspley Basin areas. By improving pedestrian routes, these links can be reinforced and greater pedestrian use can be encouraged.⁷

~~**TC15 WITHIN THE 'GATEWAY' AREAS DEFINED ON THE PROPOSALS MAP AT ASPLEY BASIN AND CHAPEL HILL THE DEVELOPMENT OF LEISURE AND RECREATION ACTIVITIES INCLUDING PUBS, WINE BARS, CLUBS, RESTAURANTS AND HOTELS WILL NORMALLY BE PERMITTED.**~~

⁷ See policy TC24

This policy was not saved because the relevant considerations relating to the development of these uses are covered Planning Policy Statement 6: Planning for Town Centres, the relevant text of which is set out following policy TC2 above.

- 15.34 Sites at St Thomas Road, Fem Street East and Castlegate represent the major opportunities for leisure and recreation development within and close to the Chapel Hill and Aspley Basin areas. Development of these sites would provide a focus for regeneration. The St Thomas Road site in particular provides a major opportunity for comprehensive redevelopment and refurbishment which would facilitate the restoration of the listed Folly Hall Mill.

~~**TC16 SITES SUITABLE FOR LEISURE DEVELOPMENTS⁸ ARE SHOWN ON THE PROPOSALS MAP AT:**~~

i	ST THOMAS ROAD	2.2 HA
ii	FERN STREET EAST	0.1 HA
iii	CASTLEGATE	0.4 HA

This policy was not saved because proposals in these locations will need to be determined in the context of Planning Policy Statement 6: Planning for Town Centres, the relevant text of which is set out following policy TC2 above.

Huddersfield Narrow Canal and Riverside

- 15.35 The plan seeks to utilise the environmental, recreational and educational potential of the waterways as a positive feature of the town. The Huddersfield Narrow Canal in particular has more than local significance because of its historical importance as a trans-Pennines canal with the longest tunnel on the network. It is an important element in the developing tourist potential of the Huddersfield area. Considerable progress has been made towards full restoration of the Narrow Canal but three blocked sections remain within the town centre, at Bates, Queen Street, Sellars, Chapel Hill, and the former Haigh's Mill, Manchester Road. Restoration through the town centre, linking the canal to the cruising network at Aspley Basin will create a major new leisure facility and provide a focus for tourism within the town centre, encourage water based visits, and enhance the development potential of adjacent sites. Some canalside development has already taken place and other such schemes providing for a range of appropriate uses will be supported.

⁸ See also policy TC37

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15.36 A network of pedestrian walkways between the canal and the river, together with environmental improvements will improve access to the area. A waterside walkway is proposed from Aspley Basin to Manchester Road, running in part along the north bank of the River Colne. Other pedestrian walkways are planned as shown on the proposals map. Development proposals on the line of the proposed walkways will be expected to make provision for a pedestrian right of way. The Council will propose Footpath Creation Orders as individual sections are completed and connected to points of public access. Pedestrian access between the canal and river and the town centre will also require significant improvements.

TC17 DEVELOPMENT AND REDEVELOPMENT SCHEMES SHOULD MAKE PROVISION FOR WALKWAYS AS SHOWN ON THE PROPOSALS MAP.

15.37 Policy TC17 includes proposals to establish a network of footpaths within the riverside area of Huddersfield town centre. This will link with a footpath through Longley Park, connecting Huddersfield University student residences at Ashenhurst to Kings Mill Lane. The provision of a direct pedestrian link utilising this route into the town centre through the university campus, can only be achieved by the provision of a footbridge across the River Colne. Without this facility, pedestrians and cyclists would have no alternative but to cross the river on one of the existing road bridges at either Wakefield Road or Kings Bridge Road, adding distance to the journey and losing the advantage of a traffic free route. The Council has therefore identified a crossing point for the footbridge at a location immediately to the south of Larchfield Mills, and has taken measures to safeguard from development an area of land on the Firth Street frontage to accommodate its construction. The footbridge will need to be provided in conjunction with the development of Snow Island.

15.38 A footbridge will also be required across the Huddersfield Broad Canal in order to provide a segregated pedestrian route linking St Andrews Road with the Kingsgate shopping scheme, Policy TC2(i). The Council will take measures to safeguard from development a sufficient area of land either side of the canal to accommodate its construction. The footbridge will be provided in conjunction with the development on the St Andrews Road site.

TC18 FOOTBRIDGES WILL BE REQUIRED ACROSS THE RIVER COLNE, LINKING SNOW ISLAND WITH FIRTH STREET, AND ACROSS THE HUDDERSFIELD BROAD CANAL LINKING ST ANDREWS ROAD TO THE KINGSGATE SCHEME, THROUGH THE SOUTHGATE/WAKFFIELD ROAD SUPERMARKET SITE.

ENVIRONMENT

Environmental Quality

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- 15.39 A high quality environment is essential if the full potential of the town centre for attracting visitors and new investment is to be realised. It is therefore important that the centre is perceived as a pleasant place in which to work, live and shop.
- 15.40 The town centre has many qualities which it is desirable to retain. Of particular value is the centre's historic core or 'Heritage Area'. This is located in the northern part of the town centre and comprises mainly Victorian buildings largely unaltered except for modern shop fronts, and is generally of a very high townscape quality. It is this high townscape value and the area's homogeneity in terms of Victorian architecture and design that led to its designation as the Heritage Area. The Council is concerned to safeguard areas of high townscape quality such as the Heritage Area. Design principles are proposed which will require new development to make a positive contribution to the street scene by enhancing good qualities and by eliminating or reducing the impact of negative qualities. Other aspects such as open space provision and building height are also important factors in townscape terms. It is equally important that small-scale changes such as alterations, extensions and shop fronts are not allowed to damage the character of individual buildings on the street scene. The following policies are intended to provide specific guidance on aspects of design in Huddersfield town centre in the general context provided by chapter 4.

Buildings of Character

- 15.41 It is important that individual buildings of character and groups of buildings that make a contribution to townscape quality are retained. Demolition proposals affecting such buildings within the town centre conservation area would not be appropriate. Demolition will only be considered if developers are able to satisfy the Council that existing buildings are incapable of conversion or rehabilitation. Policy BE7 on proposals involving demolition or partial demolition in a conservation area applies in the town centre conservation area as in all other conservation areas.

[POLICY TC19 DELETED]

- 15.42 The Council will expect that all refurbishment and alterations to buildings of character are undertaken in a way that allows for the retention of those architectural features which form an essential part of the building's design. Chimney stacks, balconies, cornices, pediments and parapets can all contribute to the character and appearance of a building. Certain features may become functionally redundant following refurbishment but this will not be regarded as justification for their removal. It is particularly important to ensure a good standard of shop front design. Policies on shop front design are included in chapter 4.⁹

⁹ See policies BE16 – BE18

TC20 IN ANY SCHEME INVOLVING THE REFURBISHMENT AND ALTERATION OF A TOWN CENTRE BUILDING, ALL ARCHITECTURAL FEATURES WHICH CONTRIBUTE TO THE CHARACTER OF THE BUILDING AND ITS TOWN CENTRE SETTING SHOULD BE RETAINED. THIS MAY INVOLVE THE RETENTION OF FEATURES THAT ARE FUNCTIONALLY REDUNDANT.

New Development

15.43 New development should enhance the distinctive character of the town centre. The townscape of the northern part of Huddersfield centre, consisting mainly of Victorian buildings largely unaltered except for modern shop fronts, is generally of a high quality. This is recognised by the substantial number of listed buildings and the conservation area designation which now includes virtually all of the 19th Century buildings within the ring road. The use of traditional materials and design will complement the area's Victorian heritage. There is however, room for modern innovative design. The best of contemporary architectural designs can positively contribute to the townscape.

~~**TC21 ALL NEW BUILDINGS WITHIN AND ADJOINING THE HERITAGE AREA SHOULD COMPLEMENT THE DISTINCTIVE CHARACTER OF THE TOWN CENTRE, BE OF A HIGH STANDARD OF DESIGN AND EXTERNAL APPEARANCE, AND BE SENSITIVE TO THE ARCHITECTURAL AND TOWNSCAPE ASPECTS OF THEIR SETTING.**~~

Policy TC21 was not saved because the principle of design and location of new developments within conservation areas is covered in UDP policies BE1 and BE5

15.44 New development should respect the scale and massing of surrounding buildings, and safeguard attractive views across the town. This may require a restriction on building height within the principal shopping streets, arcades and walkways where pedestrian or human scale is an important feature, and within areas of attractive townscape value (for example, the heritage area). Nevertheless, opportunities may exist for the creative design of buildings of greater height which can enhance the character of the area by terminating views which make little or no contribution to the attractiveness of the centre, or by creating additional focal points that can complement the important local landmarks at St George's Square and St Peter's Church.

TC22 THE SCALE AND MASSING OF NEW DEVELOPMENT SHOULD HAVE REGARD TO THE CHARACTER OF THE TOWN CENTRE AND GENERAL VIEWS ACROSS THE TOWN.

Improvement of Pedestrian Routes

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- 15.45 The Council proposes to undertake improvements to the environmental quality of the town centre and its approaches. The areas identified for priority works involving floorscape enhancement and related amenity treatment, are located along the key pedestrian routes that run through the town centre. Streetscape improvements will be co-ordinated with refinements to the town centre traffic management system and the programme for pedestrianisation.
- 15.46 It is important to foster a perception of greater public safety in the town centre. The introduction of housing and leisure uses will go some way towards creating well used streets and providing natural surveillance outside normal shop and office hours. Improvements in lighting to discourage anti-social behaviour will be included wherever possible in the areas identified in policy TC23.

~~TC23 ENVIRONMENTAL IMPROVEMENTS WILL BE UNDERTAKEN ALONG THE KEY PEDESTRIAN ROUTES AS SHOWN ON THE PROPOSALS MAP AT:~~

- ~~i — ST GEORGE'S SQUARE~~
- ~~ii — ST PETER'S GARDENS~~
- ~~iii — UPPERHEAD ROW AND MACAULAY STREET~~
- ~~iv — KING STREET~~
- ~~v — CROSS CHURCH STREET~~
- ~~vi — QUEEN STREET~~
- ~~vii — QUEEN'S SQUARE~~
- ~~viii — NEW STREET PEDESTRIAN PRECINCT~~
- ~~ix — MARKET PLACE~~
- ~~x — VICTORIA LANE~~
- ~~xi — THE PIAZZA AND SHAMBLES~~
- ~~xii — JUNCTION OF KING STREET AND NEW STREET~~

Policy TC23 was not saved because it simply lists a number of proposals, most of which have been implemented.

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15.47 It is the Council's intention to undertake a range of improvements along the principal pedestrian routes that link the town centre with the Chapel Hill and Aspley Basin areas.¹⁰ Improvements will involve landscaping and tree planting, footpath and car parking improvements, the provision of street furniture and signposting, improved lighting and pedestrian crossing facilities on the ring road. The works will encourage greater pedestrian use, and strengthen the links between the town centre and its principle gateways.

TC24 THE PRINCIPAL PEDESTRIAN LINKS BETWEEN THE TOWN CENTRE AND CHAPEL HILL AND ASPLEY BASIN, AS SHOWN ON THE PROPOSALS MAP, WILL BE IMPROVED BY MEANS OF ENVIRONMENTAL IMPROVEMENTS, LANDSCAPING, FOOTPATH AND CAR PARKING IMPROVEMENTS, THE PROVISION OF STREET FURNITURE AND SIGN POSTING.

EDUCATION

University of Huddersfield

15.48 The main campus of the University of Huddersfield occupies a site between the ring road and the River Colne. Student numbers have increased steadily in recent years, and the University proposes to increase student enrolment to 14,400 by September 1996. This would represent an 64% increase over the number of students who registered for the 1990/1991 academic year. In order to accommodate growth of this scale, additional teaching facilities and student lodgings will need to be provided both within and close to the existing Queensgate campus. The university is also developing new services to local industry and these are creating further space requirements. The Council recognises the importance of the university to the town, and will assist its expansion programme.

~~**TC25 THE PROVISION OF ADDITIONAL TEACHING FACILITIES AND STUDENT ACCOMMODATION CLOSE TO THE UNIVERSITY'S TOWN CENTRE CAMPUS WILL NORMALLY BE PERMITTED PROVIDED THAT PROPOSALS HAVE REGARD TO THE CHARACTER OF THE AREA AND HIGHWAY SAFETY.**~~

Policy TC25 was not saved because the considerations it refers to are covered in UDP policy D2.

15.49 The former Larchfield Mill adjoining the Huddersfield Narrow Canal at Firth Street is to be refurbished to provide additional teaching and support facilities. The first phase, due for completion in April 1994, involves refurbishment of the West Mill to provide accommodation for the Mathematics and Computing Department.

¹⁰ See also policy TC15

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~~TC26 LARCHFIELD MILLS, FIRTH STREET, IS IDENTIFIED ON THE PROPOSALS MAP FOR TEACHING FACILITIES AS PART OF THE UNIVERSITY'S EXPANSION PROGRAMME.~~

Policy TC26 has been deleted because the scheme has now been implemented.

Huddersfield Technical College and Greenhead College

- 15.50 Both Huddersfield Technical College and Greenhead College are expanding their provision of education and training courses. Each college has experienced a steady growth of student numbers in recent years and this is likely to continue. Expansion in student numbers will create space requirements, and the Technical College is pursuing opportunities to accommodate these requirements both through the conversion of existing buildings and new development.
- 15.51 The allotment gardens to the south of the Highfields playing fields are close to the main campus of the Technical College and provide an opportunity for limited new build to provide additional teaching facilities, provided that displaced allotment tenants can be offered alternative facilities. Alternatively, the site could provide much needed off-street car parking for use by staff and students, alleviating pressure on the existing public facilities at Springwood and on residential streets in the vicinity of the campus and local annexes.
- 15.52 A site at Portland Street, part occupied by a warehouse and part vacant offers a further opportunity for development associated with the Technical College. Planning permission has been granted for a children' day nursery to be provided on the site.

~~TC27 LAND AT HIGHFIELDS AND PORTLAND STREET IS IDENTIFIED ON THE PROPOSALS MAP FOR EDUCATION PURPOSES.~~

Spring Grove Primary School

- 15.53 Land is required for the provision of playing fields in close proximity to Spring Grove Primary School, and large enough to satisfy Department for Education standards on playing field provision. Land to the west of Bow Street, which is owned by the Council, is suitable for use as a playing field. It is currently occupied by a number of small scale commercial uses. The proposed playing field development with associated landscaping, will considerably improve the environment and amenity of nearby residents. The proposal will necessitate the diversion of the Springwood public footpath.

~~TC28 A SITE TO THE WEST OF BOW STREET IS IDENTIFIED AS SHOWN ON THE PROPOSALS MAP FOR SCHOOL PLAYING FIELDS FOR SPRING GROVE PRIMARY SCHOOL.~~

Policy TC28 has been deleted because the scheme has now been implemented.

TRANSPORT

Highway Improvements

- 15.54 The ring road encircling the main part of the town centre was completed in 1973 and various local improvements have been made since that date. However, measures taken to reduce the level of traffic in the town centre have increased traffic on the ring road. Coupled with the predicted increase in traffic levels over the next 10 years this means that further improvements are required to the ring road in order to increase its capacity.
- 15.55 The ring road suffers from problems of inadequate capacity, poor geometry, too many turning movements and lack of suitable pedestrian facilities. There are accident problems on some lengths with pedestrian accidents at a high level on both Queensgate and Southgate. The effects of committed developments and general traffic growth will clearly increase these problems. Phased improvements are therefore being undertaken that will improve pedestrian facilities and increase capacity. These improvements will also allow for the removal of non-essential traffic from the town centre onto the ring road, and enable environmental improvements and traffic management measures to be carried out.
- 15.55a Improvements are also proposed at Wakefield Road on the section between Moldgreen and the Ring Road. This scheme will include bus priority measures to complement those already in place along Wakefield Road to the east of Moldgreen. Junction improvements are also to be included along with accident remedial measures and improved pedestrian and cycle facilities.

~~**TC29 HIGHWAY IMPROVEMENTS WILL BE UNDERTAKEN AT THE FOLLOWING LOCATIONS WHICH ARE SHOWN ON THE PROPOSALS MAP:**~~

~~**i QUEENSGATE**~~

~~**ii QUEENSGATE/SHOREHEAD/SOUTHGATE**~~

~~**iii CASTLEGATE/NORTHGATE/LOWER FITZWILLIAM STREET**~~

~~**iv WAKEFIELD ROAD**~~

Policy TC29 was not saved because it simply lists a number of proposals, most of which have been implemented.

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15.56 The improvements provide for:-

- i lane improvements to Queensgate and ancillary works;
- ii junction and lane improvements at Southgate, Queensgate and Lord Street, including the possible provision of a footbridge over Southgate;
- iii junction and lane improvements at Castlegate, Northgate and Lower Fitzwilliam Street; and
- iv improvements to Wakefield Road at its junctions with Firth Street and Somerset Road.

Measures recently undertaken as part of the phased ring road improvements include widening of the Shorehead Roundabout and realignment of approach roads and improvements to Castlegate and the junction between Chapel Hill and the Castlegate slip road.

Pedestrianisation

15.57 Traffic management schemes introduced to discourage unnecessary traffic from the centre have been partially successful, allowing some of the busy shopping streets in the centre to be wholly or partly pedestrianised. Although limited in scope, the pedestrianisation schemes have had substantial benefits. Further pedestrianisation schemes are therefore proposed in order to create a more attractive and pedestrian friendly shopping environment and improved highway safety. Access for disabled people and for essential service vehicles will be incorporated in these schemes, together with arrangements for taxis where appropriate.

~~**TC30 THE FOLLOWING STREETS WILL BE PEDESTRIANISED WHILST STILL ALLOWING FOR LIMITED ACCESS TO ACCOMMODATE DISABLED PARKING AND SERVICE VEHICLES:**~~

~~**i NEW STREET (BETWEEN HIGH STREET AND KING STREET)**~~

~~**ii CROSS CHURCH STREET**~~

~~**iii VICTORIA LANE**~~

~~**iv MARKET PLACE**~~

~~**v KING STREET**~~

~~**vi ST GEORGE'S SQUARE**~~

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~~vii — QUEEN STREET (BETWEEN KING STREET AND QUEENS SQUARE)~~

~~viii — CHURCH STREET~~

Policy TC30 was not saved because it simply lists a number of proposals, most of which have been implemented.

15.58 Pedestrianisation of the streets identified in policy TC30 will provide two parallel south-north pedestrian routes linking the retail development proposals identified in policy TC2, with existing retail attractions within the shopping core; the indoor market, the Piazza and the Packhorse Centre. The Council will be prepared to restrict the use of the main pedestrian dominated streets by service vehicles at peak shopping hours and will determine the level of bus penetration into the pedestrianised areas that can reasonably be allowed without hazard to shoppers.

15.59 The creation of a network of pedestrian routes will make the town centre more attractive, safer and more convenient for pedestrians. The existing pedestrian network will be improved by footway widening and provision of safe road crossing points. Refinements to the town centre traffic management system, involving the removal of unnecessary traffic, the reduction of pedestrian/vehicular conflict and the improvement of access to car parks will complement the pedestrianisation works. The object is to establish a core area of pedestrian domination, related to the main shopping area and linking to the heritage area.

~~TC31 — THE FOLLOWING STREETS WILL BE THE SUBJECT OF FOOTWAY WIDENING AND OTHER IMPROVEMENTS:~~

~~i — RAILWAY STREET~~

~~ii — RAMSDEN STREET~~

~~iii — PRINCESS STREET~~

~~iv — BYRAM STREET~~

~~v — JOHN WILLIAM STREET~~

Policy TC31 was not saved because it simply lists a number of proposals, most of which have been implemented.

15.60 Although the town centre streets listed in policy TC31 form part of the main pedestrian network, they are essential for servicing and vehicular circulation and therefore footway

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and other improvements will need to reflect this. The programming of improvement works will be related to the phasing of the ring road improvements, and the time scale for the development of the sites identified in policy TC2. Improvements involving drop crossings, footway widening, bus laybys and new pelican crossings have already been undertaken in Westgate, Halfmoon Street, High Street, Cloth Hall Street, Peel Street and New Street.

- 15.61 Where large developments outside the ring road will generate major pedestrian flows across it, (for example Shorehead Supermarket) a segregated pedestrian route linking into the basic network will be sought. However, in some locations where a segregated pedestrian route is impractical or would be environmentally unacceptable, signal controlled crossings may be the appropriate solution.

TC32 MAJOR NEW DEVELOPMENTS OUTSIDE THE RING ROAD SHOULD INCORPORATE PEDESTRIAN LINKS CONNECTING WITH THE TOWN CENTRE PEDESTRIAN NETWORK.

Servicing

- 15.62 It is essential that there is an efficient means of servicing town centre shops and other businesses whilst minimising the adverse effects of the incursion of large vehicles. There are several underground servicing arrangements, especially under the Shambles/Piazza area. New developments will be expected to make use of the existing underground servicing system where possible. As proposals for redevelopment are made, the Council will seek to reduce the number of properties requiring direct service access from a major shopping street and encourage the provision of separate service arrangements. Following pedestrianisation of those streets identified in policy TC30, the Council will be prepared to restrict their use by service vehicles at peak shopping hours. This limitation on service access may encourage retailers to consider the feasibility of extending the underground servicing arrangements, where there are no limitations on hours of use.

TC33 WITHIN THE SHOPPING AREA, DEVELOPMENT PROPOSALS SHOULD PROVIDE FOR SEPARATE SERVICING ARRANGEMENTS, LINKING INTO UNDERGROUND FACILITIES WHERE POSSIBLE.

Car parking

- 15.63 The attractiveness of the town centre for shopping, leisure and entertainment, and other activities depends upon maintaining a high level of accessibility by different modes. Increased car parking for shoppers will result from the implementation of the Kingsgate development and from optimising the use of existing spaces close to the shopping core. This can be achieved by the selective application of a range of car parking charges and regulations which discriminate between short stay and long stay parking.

15.64 The Council will give priority to the use of on street parking spaces and of car parks located within and adjoining the shopping centre for short stay parking. Increased commuting by car would be inconsistent with the transport strategy to encourage a modal shift to public transport so that there will be no general increase in long stay car parking. Car parking provision in Huddersfield Town Centre will be made in accordance with policy T20 which only allows new long stay parking provision required by new development. Car parks will be managed to deter the use of car parks close to prime shopping locations for long stay parking by workers employed in the town centre, and to attract shoppers whose short stay car parking pattern gives rise to a rapid turnover. Car parking charges and regulations will be set to optimise the use of available spaces both within and outside the ring road.

[POLICY TC34 DELETED]

15.65 There is a lack of long stay parking convenient to Huddersfield Station. A new long stay car park is proposed on the site of the railway goods yard. The goods yard is still in operational use, currently for the storage of footbridges. The Council will seek the release of the land for long stay car parking purposes with access from Fitzwilliam Street. The management of the car park will be expected to favour transfer to rail and a legal agreement to this effect may be sought. However, the major opportunity for additional car parking provision arises from the proposed redevelopment of King Street, where multi-storey parking for over 1,100 cars will be provided on a short stay basis.

TC35 LAND AT FITZWILLIAM STREET IS IDENTIFIED ON THE PROPOSALS MAP AS A CAR PARK .¹¹

15.66 There is a need to surface, drain and landscape unsurfaced car parks, and where opportunities exist, undertake improvements to existing surfaced car parks so that car parking capacity can be maximised. Work of this nature has recently been undertaken at the two Springwood car parks, and at the Cambridge Road and Colne Road car parks.

~~**TC36 THE FOLLOWING CAR PARKS IDENTIFIED ON THE PROPOSALS MAP WILL BE IMPROVED AS RESOURCES ALLOW:**~~

- ~~**i MILFORD STREET CAR PARK;**~~
- ~~**ii BATH STREET CAR PARK.**~~

Policy TC36 was not saved because it simply lists a number of proposals.

¹¹ See also policy TC37

Kirklees Unitary Development Plan, Written Statement

Policies struck through ceased to have effect from 28 September 2007 (having been "not saved" by the Secretary of State). An explanatory note is provided for each not saved policy.

- 15.67 There is only limited car parking provision on the campus of Huddersfield University. The introduction of waiting restrictions on Firth Street and a residents-only car parking scheme in the residential area at Aspley has removed much of the overspill car parking that used to occur on nearby streets. Consequently, disturbance to local residents and disruption to the operation of local businesses caused by on-street car parking has been reduced. However, the demand for car parking has merely been displaced by the introduction of these measures. The Council will therefore assist the University to identify suitable sites for the provision of off-street car parking near to the campus.

OPPORTUNITY SITES

- 15.68 Huddersfield town centre is a major business and employment centre. The policies and proposals contained in the plan seek to emphasise this role and make provision where practicable for office, industrial, shopping, housing and leisure development. The older industrial area which borders the town centre provides opportunities for new development either through demolition of vacant industrial buildings or refurbishment and conversion. Whilst the Council will continue to encourage industrial and warehousing development within this older industrial area¹², there are sites and buildings which are equally suitable for other uses. Sites with identifiable opportunities for a range of uses are listed in policy TC37. They have good accessibility and their close proximity to the town centre and the University are likely to enhance their attraction as sites for offices, housing or leisure development. "Opportunity sites" other than those listed in policy TC37 may come forward; proposals for such sites will be considered on their merits within the context of the policies and proposals in the plan.
- 15.69 The encouragement of a mix of uses recognises that there is limited prospect for the re-use of all land and buildings within the older industrial area for industrial or warehousing purposes because the requirements of modern industry cannot be easily satisfied there. As office uses can generally be established in industrial premises without the need for planning permission, it is preferable to direct interest in providing office accommodation to locations where it will assist regeneration. The presence of waterways is likely to reinforce the attractiveness of the area for a range of new uses.

¹² See policy TC12

Kirklees Unitary Development Plan, Written Statement

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TC37 DEVELOPMENT PROPOSALS INVOLVING ONE OR MORE OF THE SPECIFIED USES ON THE FOLLOWING SITES WILL NORMALLY BE PERMITTED:

SITE	PREFERRED USE	OTHER ACCEPTABLE USES
TC16 (i) St Thomas Road	Leisure	Industry/Warehousing/Class B1/ Housing/Education
TC16 (ii) Fern Street East	Leisure	Industry/Warehousing/Class B1
TC16 (iii) Castlegate	Leisure	Class B1/Housing/Car Parking/ Retailing
H6.2 Land between Manchester Road & River Colne	Housing	Industry/Warehousing/Class B1/ Retailing/Leisure
H6.3 Snow Island, Kings Mill Lane	Housing	Industry/Warehousing/Leisure/ Class B1/Education
H6.4 Maple Street	Housing	Industry/Warehousing/Class B1/ Leisure/Education/Car Parking
TC8 (i) New North Parade	Class B1	Leisure/Car Parking/Housing/ Education/Retailing
TC8 (ii) Lord Street	Class B1	Leisure/Housing/Retailing/ Education
TC8 (iii) Lord Street/ Northumberland Street	Class B1	Housing/Leisure/Retailing/ Education
B6.1 St Andrews Road	Class B1	Industry/Warehousing/Leisure/ Retailing
B6.2 Priestroyd Mills, Firth Street/Queen Street South	Class B1	Industry/Warehousing/Housing/ Education
TC35 Fitzwilliam Street	Car Parking	Class B1/Leisure/Education/ Retailing

UDP

KIRKLEES UNITARY DEVELOPMENT PLAN

16. MONITORING AND REVIEW

16.1 INTRODUCTION

16.2 The Purpose of Monitoring

16.3 The Monitoring Process

16.4 Annual Monitoring Statement

16.5 Review of the Plan

16. MONITORING AND REVIEW

Introduction

- 16.1 The Council is required to monitor the matters which may be expected to affect development or planning in Kirklees and review the plan on a regular basis. Policies and proposals in the plan have been expressed in a form which will facilitate monitoring and review. This section indicates the framework for measuring progress in the implementation of the plan and identifying when the plan should be reviewed.

The Purpose of Monitoring

- 16.2 There will be a constant need to monitor changes affecting the plan in order to:

- assess the scale and pace of implementation of the plan;
- provide a basis for action programmes to implement the plan;
- identify trends in the factors affecting development and provide updated forecasts;
- assess the continued relevance of the policies in relation to changing circumstances;
- inform the public and developers of changes in Kirklees;
- identify when the plan should be reviewed.

The Monitoring Process

- 16.3 The Council will monitor the effectiveness of the policies in the plan. Particular attention will be given to examining those issues identified by the general policies in part I of the plan:

- the scale and pace of regeneration, as indicated by the strength of the economic base, improvements to the infrastructure, and the extent and quality of employment opportunities;
- the extent to which new development reduces the need to travel;
- the quality of design of new development;
- the success of action to reduce poverty and promote a flourishing community, particularly in the most deprived areas;
- the effect of changes in land use on equality of opportunity.

The Council will monitor trends and developments in the use of land by assessing:

- the take up and availability of development land;
- the scale and location of derelict land and the after-use of reclaimed land;
- planning decisions and the take up of planning permissions;
- trends in population, household formation and employment;

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- housing need and demand;
- changes in retail and office floorspace;
- changes in the transport network and its usage;
- changes to the natural environment;
- the loss of agricultural land and its quality.

Annual Monitoring Statement

- 16.4 The Council will prepare a statement on an annual basis to report the results of the monitoring process.

Review of the Plan

- 16.5 The Council may prepare proposals to alter or replace the existing plan, or prepare a new plan at any time. The plan will be reviewed regularly to take account of changed local circumstances and changes in national policy guidance. While there are no hard and fast rules on how often a plan should be reviewed the Secretary of State for the Environment expects plans to be reviewed at least once every five years.

UDP

KIRKLEES UNITARY DEVELOPMENT PLAN

APPENDICES

- 1 CONSERVATION AREAS
- 2 PARKING STANDARDS
- 3 STATEMENTS OF NATIONAL PLANNING POLICY
- 4 GLOSSARY
- 5 INDEX

CONSERVATION AREAS

CHARACTER ASSESSMENT

Almondbury

Large stone built historic village of mediaeval origin, now part of the Huddersfield urban area. Mainly aligned along central shopping streets, and dominated by All Hallows Church. Buildings are largely nineteenth century, but some, including parts of the Church and the historic Grammar School, are considerably older.

Armitage Bridge

Large but compact nineteenth century stone built mill complex, includes former mill owner's home, workers' housing and church, with mill ponds and river, open spaces and mature trees.

Batley Market Place

Small Conservation Area provides a strong civic and commercial historic focus for the town. Substantial ornate stone built Victorian and Edwardian buildings around the stone paved Market Place with plainer retail premises in adjacent streets, some with original shop fronts. All Saints Church dates from the thirteenth century, and has a tranquil Churchyard which, together with the Memorial Gardens, provides a contrast to the bustle of the town.

Batley Station Road

An area with a strong commercial/industrial character, focussed on a major road junction at the edge of the town centre, and on the imposing Gothic and Italianate stone built warehouses along Station Road itself where a close relationship between the street and building lines prevails. The character of the remainder of the Conservation Area is mixed, with mills of historical significance in the development of the town based on wool textiles, small shops etc some with original joinery, and terraced housing.

Birkby

A mainly nineteenth century residential suburb of Huddersfield, but includes older buildings and a large mill complex together with a Victorian cemetery and public park. The stone terraced properties have a leafy aspect to the streets with uniform stone boundary walls and gateways contributing to the street scene.

Birstall Market Place

The buildings around Birstall Market Place are mainly nineteenth century, small in scale and built of local stone. Most of the buildings are in retail use but there are also some dwellings and service uses.

The Market Place itself is an uneven triangular shape with highways enclosing the central stone sett paved area. A Statue of Joseph Priestly has formed the focal point since 1912.

Butterley

Small rural hamlet comprising two L-shaped blocks of houses dating from eighteenth or early nineteenth century. Includes new housing development.

Dewsbury Town Centre

Busy commercial and shopping town centre with a large proportion of Victorian buildings including Market Hall, shopping arcades, railway station, an impressive warehouse quarter and civic cultural buildings. Stone built and some original shop fronts remain.

East Bierley

Small historic village core centred on large open green. Largely of stone built residential character.

Edgerton

Large residential suburb of Huddersfield characterised by mature planting in association with stone built nineteenth century villas generally in extensive grounds with gate piers and boundary walls being significant features.

Farnley Tyas

Stone built village in country setting. Has an identifiable core with public house, church and school, together with numerous farm groups and cottages.

Fulstone

Small hilltop village retaining the appearance of a farming settlement where stone buildings are largely traditional and unspoilt. Dry stone walls dividing fields into strips probably date from the Graveship of Holme Enclosure Act of 1828.

Golcar

Large closely knit hillside village of picturesque quality. Steep slopes, steps, and narrow lanes with homogeneous vernacular stone architecture and stone retaining and boundary walls.

Gomersal

A loosely knit linear settlement of large imposing houses and public buildings in a mature landscape. These include the seventeenth century Pollard Hall, Red House and Peel House, together with a more closely grouped arrangement of smaller property around small squares at the junctions of Oxford Road, Moor Lane, Knowles Lane and Queen Street. Mainly stone built but with exceptions notably the brick built Red House.

Greenhead Park/New North Road

Victorian terraces and villas surrounding a large contemporary public park with an impressive war memorial. Trinity Street and New North Road are important radial routes into Huddersfield, lined by mainly ashlar stone faced terraced and detached dwellings, and public buildings including the prominent Holy Trinity Church. Also includes Highfields, an earlier area of mainly nineteenth century or older housing of considerable charm.

Hartshead Moor Top

Small settlement comprising stone built terraced dwellings clustered at a road junction in an open setting, with a few larger dwellings in spacious grounds along the road to Scholes.

Helme

Compact hamlet of mainly eighteenth and nineteenth century stone weavers cottages and farm buildings in a rural setting, in which trees are an important element. Vicarage and listed church.

Hepworth

Mainly eighteenth and nineteenth century upland village of linear form with weavers cottages and farm groups in small folds of development. Tightly knit and stone built with impressive glimpses of countryside beyond.

Highburton

Large village in semi-rural setting. Limited shopping and community facilities with groups of stone vernacular cottages and terraces climbing the hillside.

High Flatts

Tiny delightful and hidden country settlement consisting of stone houses and farm buildings around Quaker meeting house with small stone setted square.

Hinchcliffe Mill

Small valley settlement centred around two textile mills. Mainly linear grouping of mostly stone built weavers cottages and terraces along Woodhead Road with attractive mill ponds.

Holme

Isolated upland settlement on the edge of moorland. Original stone farm groups and cottages mainly of eighteenth or nineteenth century. Large area of stone setts at junction of Meal Hill Road and Woodhead Road. Main part of village is within the Peak District National Park.

Holmfirth Town Centre

Market and mill town of distinctive character at the confluence of the Rivers Holme and Ribble. Close knit development of terraced houses on the steep hillsides overlook and

enclose the mainly Victorian town centre with prominent Georgian Church and larger villas on the edge of the town. Almost all stone built. Small well maintained park (former graveyard) by river in town centre, and hillside Victorian Park contrast with the tightly built hillside terraces and the formality of Victoria Street. Narrow alleys and roads to rear of church where traditional stone setts remain.

Holmfirth, Underbank

Continuation of development on steep hillside from Holmfirth Town Centre. Stone built closely knit terraced houses stacked one above the other linked by narrow roads, paths and stone retaining walls.

Honley

Large Conservation Area divided into three historic areas. Magdale is a wooded valley with a mill pond and stone built roadside cottages. The small hillside town of Honley itself, centred on the Parish Church, with narrow streets and folds including the setted Church Street, dominates the area, and is closely associated with the steep sided valley, mills and terrace houses along Thirstin Road.

Hope Pit, Flockton

First opened in 1832, Hope Pit is important from both a mining history point of view and as a good example of industrial archeology with buildings and structures dating from different periods over a span of approximately 120 years.

Huddersfield Town Centre

Major shopping and administrative area which includes St George's Square, an outstanding public square of national importance substantially renovated in 1991/92. The Grade I listed railway station forms the dominant element in the square. Other fine Grade II buildings in commercial uses front onto the square. Ashlar stone, stone setts and flags dominate. The Town Centre contains many other fine and prominent ashlar stone built Victorian public and commercial buildings especially in the northern part in a regular historic street pattern including arcades, together with older properties in the various yards and folds, and on the part Georgian Queen Street. Significant public spaces include the Market Place and St Peter's Gardens, the former graveyard, alongside the Parish Church. A large area given over to railway uses includes a massive brick built listed warehouse. Modern buildings in the town centre are of varied quality.

Kirkburton

Conservation Area divided into two parts: a large predominantly linear older village core, and a detached area around Springfield Mill and the former Springfield House. The village is formed mainly of groups of nineteenth century terraced cottages and shops in a wooded valley setting and culminated in the prominent ancient Parish Church. Almost all stone built.

Little Gomerall

Small closely knit late eighteenth century textile settlement, predominantly stone built, characterised by narrow lanes and walls giving a strong sense of enclosure. Contains important early buildings and is centred around a triangular open area.

Longwood

Traditional stone built village with valley bottom textile mills, mill owners houses and cottages linked by stone setted street to terraced cottages on hillside.

Marsden

Clustered stone built mainly nineteenth century mill town centred in valley between major transport routes (canal, railway and former turnpike road), but with earlier buildings. Small shopping centre and dominant Mechanics Institute on Peel Street. River and riverbank development connects town centre to open space with stocks and impressive Parish Church in mature planted graveyard.

Marsden Tunnel End

Small settlement with industrial archaeological features associated with canal and railway, including portals of Standedge tunnels, within superb enclosed Pennine valley setting.

Meltham

A small stone built town, the centre being located around Market Place, which is mainly nineteenth century in origin and contains or is close to the majority of shopping, commercial and civic buildings and the Parish Church.

Netherthong/Deanhouse

Stone built Pennine hill villages of mainly eighteenth and nineteenth century cottages set in intricate squares and narrow streets, separated by the steep sided Deanbrook Valley.

Netherton (Corn Bank)

Three small groups of late eighteenth or early nineteenth century stone built dwellings and farm buildings in a hillside setting at Hill Top, Bank End and Netherton Fold. Later large nineteenth century houses in spacious grounds between Netherton Fold and Hill Top. Views of Honley Wood and open countryside.

Northfields

Late nineteenth century residential suburb of Dewsbury with many fine Victorian villas and terrace houses grouped along tree lined streets. Spire of St Marks Church is a focal point.

Oldfield

Small weaving and farming hamlet surrounded by fields with dry stone boundary walls. Some built mainly in late eighteenth or early nineteenth century and relatively unspoilt. Isolated group of cottages at Upper Oldfield separated from the main settlement by fields where weavers houses and farm buildings intermingle around unmade tracks.

Quarmby Fold

Late eighteenth century/early nineteenth century stone built elevated hamlet clustered around sixteenth century Quarmby Hall, now part of Huddersfield. Bank Farm survives giving rural character to north west of area.

Scholes

Stone built village centre around Towngate, the village green and St Philip and St James' Church with a landmark spire. Mainly nineteenth century cottages but some earlier buildings.

Shepley

Large dispersed village with shopping and commercial facilities. Retains attractive groups of cottages, but interspersed with modern development. Trees and boundary walls important, particularly around St Paul's Church and Cliffe House. Victorian and later terraces and school to east of main Penistone Road (A629) which bisects the village.

Skelmanthorpe

Conservation Area in two parts at the east and west ends of the centre of this large former mining and mill village. Shopping, business and community facilities along Commercial Road which has stone frontages and brick sides/rears and is mainly nineteenth century. Narrow streets off Commercial Road have roadside stone cottages and older property.

Slaithwaite

Nineteenth century stone built mill town with significant earlier buildings. Key buildings are St James' Church, the Manor House and the dominating textile mills concentrated with cottages along Bridge Street close to the river and canal. Carr Lane and Britannia Road mainly retail. Terraced housing on higher land adjacent to the prominent railway viaduct. Canal route through town largely infilled and landscaped, or car park.

South Crosland

Scattered stone farm and cottage groups dating from late eighteenth and nineteenth centuries in a rural setting where dry stone walls are important.

Springwood

Mainly ashlar faced mid nineteenth century terraced urban residential development of a generally formal layout. Widespread listing of buildings. Hard landscaping important,

including Spring Street resurfaced in stone. Iron railings to front areas. Includes Princess Royal Hospital.

Thornhill

Predominately open parkland of Thornhill Rectory Park, and churchyard with extensive views over Calder Valley. Numerous seventeenth century buildings, fragments of mediaeval moated hall, seventeenth century Thornhill Hall (former seat of Saville family), church dating back to fifteenth century. Church Lane bounded by high wall and trees of park. Roadside cottages along Combs Road. Distinctive local stone.

Thunderbridge

Small linear village in a wooded valley comprising of stone built eighteenth century cottages and public house adjacent to the village street. Two large villas and, at Grange, a farm and cottages.

Thurstonland

A fine example of an upland mainly farming village dating from the late seventeenth century, although mainly late eighteenth or nineteenth century with attractive folds of stone built agricultural buildings and cottages. Newer houses, church with prominent spire, vicarage and school added in nineteenth century.

Totties

Hill top weaving and agricultural hamlet in a country setting dating from the seventeenth century. Stone terraced cottages, 3 storey weavers cottages and barns grouped around road junction with Totties Hall (1684) a prominent feature.

Upper Batley

Area of mixed and open character on edge of town. Large stone built Victorian villas in mature grounds alongside older cottages.

Upper Cumberworth

Very small agricultural group centred on Church. School and Balk Farm with prominent barns. Trees an important element in this stone built group.

Upper Denby

Largely stone built country settlement of farm groups and terraced houses dating from the mid eighteenth and nineteenth centuries. Prominent church, treed churchyard and school at edge of village.

Upper Hopton

Although now within a large village, the stone built Conservation Area has retained a rural identity in a compact and attractive grouping including the sixteenth century half timbered

Hopton Hall, and St John's Church (1846) with a focal point tower. The buildings of Hopton Hall Farm, walls and trees give a sense of enclosure to Hopton Hall Lane. Mature trees abound, particularly in the churchyard and the grounds of the Hall.

Upperthong

Tight knit enclosed hill top weaving and agricultural village. All in stone, mainly nineteenth century. Encroached on by spread of suburban Holmfirth but village core centred on Towngate and yards off it remains largely unspoilt, and village relates closely to adjacent countryside.

Wellhouse

Early nineteenth century hillside weaving settlement tightly clustered on hillside. All in stone, mainly residential in character.

Wilshaw

Rural village where the majority of properties date from the mid Victorian period some built as a result of the philanthropy of Joseph Hirst (1805-1874). No village centre as such. The Conservation Area consists of 3 building groups, and a Church in an attractive wooded setting.

Wooldale

Former agricultural and weaving village on hillside. Conservation Area divided into two parts – the attractive group of mainly eighteenth century weaver cottages at Town End, and the larger area of the village itself, where some buildings are as early as the seventeenth century. Pell Croft and the Friends Meeting House are especially attractive on Pell Lane. All stone. Recreation area in centre of village forms an attractive green space surrounded by trees.

The standards establish the maximum level of car parking generally allowable. Lower levels of provision will be appropriate where the proposed use can still operate effectively or the developer wishes to provide less spaces, unless there will be significant adverse consequences for road safety or traffic management.

Standards relate to gross floor area except where otherwise specified.

USE CLASS A1: SHOPS		
1 Customer parking	1 space per:	
Town centre and neighbourhood shops (up to 150 sq. m. approx.)	30 sq. m.	
Supermarkets: < 5,000 sq. m.	12 sq. m.	
> 5,000 sq. m.	15 sq. m.	
Large comparison shops (non-food retail stores)	15 sq. m.	
DIY stores	20 sq. m.	
Garden centres	25 sq. m.	
2 Staff parking	1 space per: 100 sq. m.	In town centres this standard will be replaced by the operational minimum requirement
3 Service vehicle parking	1 space per:	
< 5,000 sq. m.	500 sq. m.	
5,000 – 10,000 sq. m.	750 sq. m.	
> 10,000 sq. m.	1,000 sq. m.	
4 Cycle parking	1 space plus 1 per 500 sq. m.	
USE CLASS A2: FINANCIAL AND PROFESSIONAL SERVICES		
1 Customer parking	1 space per: 15 sq. m.	
2 Staff parking	1 space per: 30 sq. m.	In town centres this standard will be replaced by the operational minimum requirement
3 Cycle parking	1 space plus 1 per 300 sq. m.	
USE CLASS A3: FOOD AND DRINK		
1 Customer parking	1 space per: 4 sq. m.	(of public floor area)
But in areas with poor accessibility to public transport	2 sq. m.	(of public floor area)

The standards establish the maximum level of car parking generally allowable. Lower levels of provision will be appropriate where the proposed use can still operate effectively or the developer wishes to provide less spaces, unless there will be significant adverse consequences for road safety or traffic management.

Standards relate to gross floor area except where otherwise specified.

2 Staff parking	1 space per: 3 staff	In town centres this standard will be replaced by the operational minimum requirement
3 Cycle parking	1 space per 40 sq. m.	(of public floor area)
USE CLASS B1: BUSINESS		
1 Car parking	1 space per:	
a) Offices		
i) in town centres and locations with good public transport accessibility	minimum operational requirement	
ii) in locations with medium public transport accessibility	25 sq. m.	
iii) in locations with poor public transport accessibility	20 sq. m.	
b) Light industry (where buildings are designed for industrial purposes)	See class B2	
2 Cycle parking	1 space per: 300 sq. m.	
USE CLASS B2: INDUSTRY		
1 Car parking	1 space per:	
i) in town centres and locations with good public transport accessibility	Minimum operational requirement	
ii) in locations with medium public transport accessibility	50 sq. m.	
iii) in locations with poor public transport accessibility	40 sq. m.	
2 Service vehicle parking	1 space per: 500 sq. m.	
3 Cycle parking	1 space per: 500 sq. m.	

The standards establish the maximum level of car parking generally allowable. Lower levels of provision will be appropriate where the proposed use can still operate effectively or the developer wishes to provide less spaces, unless there will be significant adverse consequences for road safety or traffic management.

Standards relate to gross floor area except where otherwise specified.

CLASS B8: STORAGE AND DISTRIBUTION		
1 Car parking Warehouses or similar	1 space per : 150 sq. m.	Plus provision in accordance with class B1 for any office accommodation
2 Service vehicle parking	1 space per: 500 sq. m.	
3 Cycle parking	1 space per: 2,000 sq. m.	
USE CLASS C1: HOTELS, MOTELS AND GUEST HOUSES		
1 Guest parking	1 space per: bedroom	Other facilities will be subject to relevant standards, e.g. for restaurant see class A3
2 Staff parking	1 space per: 3 staff	In town centres this standard will be replaced by the operational minimum requirement
3 Cycle parking	1 space per: 15 bedrooms	
USE CLASS C2: RESIDENTIAL INSTITUTIONS		
A) Hospitals 1 Outpatient/visitor parking 2 Staff parking 3 Cycle parking	1 space per: 2 beds 3 staff plus 1 per doctor 40 beds	In town centres this standard will be replaced by the operational minimum requirement

The standards establish the maximum level of car parking generally allowable. Lower levels of provision will be appropriate where the proposed use can still operate effectively or the developer wishes to provide less spaces, unless there will be significant adverse consequences for road safety or traffic management.

Standards relate to gross floor area except where otherwise specified.

B) Nursing/residential homes	1 space per:	
1 Resident/visitor parking	6 beds	In town centres this standard will be replaced by the operational minimum requirement
2 Staff parking	3 staff	
3 Cycle parking	10 staff	
USE CLASS C3: RESIDENTIAL		
1 Resident parking	spaces per unit:	
Houses <140 sq. m.	2	Conversions in town centres, e.g. above shops, should provide parking at the operational minimum level.
Houses >140 sq. m.	3	
Affordable housing		Development served by informal roads should include 1 space for visitor parking per 4 units.
Houses <110 sq. m.	1	
Houses >110 sq. m.	2	
Flats		
Bedsits	0.5	
1 bedroom	1	
2 bedroom or > 70 sq. m.	1.5	
Sheltered housing	0.25 plus 1 per resident staff	
2 Cycle parking	spaces per unit:	
	1	
USE CLASS D1: NON-RESIDENTIAL INSTITUTIONS		
A) Education		
1 Visitor parking	1 space per:	Space for parents to drop off and collect children and for school buses will be required.
Day nurseries/playgroups Schools	6 children classroom or 30 students	
Colleges of Further Education	4 full time students plus 1 per 3 part time	Shared use of school facilities may give rise to the need for additional parking provision

The standards establish the maximum level of car parking generally allowable. Lower levels of provision will be appropriate where the proposed use can still operate effectively or the developer wishes to provide less spaces, unless there will be significant adverse consequences for road safety or traffic management.

Standards relate to gross floor area except where otherwise specified.

2 Staff parking	1 space per: 3 staff	In town centres this standard will be replaced by the operational minimum requirement
3 Cycle parking	1 space per: 20 students	
B) Medical – doctors, dentists, vets etc		
1 Visitor parking	4 spaces per: consulting room	
2 Staff parking	1 space per: doctor or equivalent plus 1 per 3 other staff	In town centres this standard will be replaced by the operational minimum requirement
3 Cycle parking	1 space per: 10 staff	
C) Public halls, community centres, places of worship		
1 Visitor parking	1 space per: 5 seats or per 25 sq. m.	
2 Staff parking	1 space per: 3 staff	In town centres this standard will be replaced by the operational minimum requirement
3 Cycle parking	1 space per: 40 sq. m.	
USE CLASS D2: LEISURE AND ASSEMBLY		
A) Cinemas, concert halls (including theatres) and sports arenas		
1 Visitor (audience) parking	1 space per: 4 seats	

PARKING STANDARDS

APPENDIX 2

The standards establish the maximum level of car parking generally allowable. Lower levels of provision will be appropriate where the proposed use can still operate effectively or the developer wishes to provide less spaces, unless there will be significant adverse consequences for road safety or traffic management.

Standards relate to gross floor area except where otherwise specified.

2 Staff parking (1)	1 space per: 3 staff	(1) In town centres the standards for staff parking will be replaced by the operational minimum requirement
3 Cycle parking	1 space per: 100 seats	
B) Dance halls/discotheques	1 space per:	
1 Visitor parking	10 sq. m.	
2 Staff parking (1)	1 space per: 3 staff	
3 Cycle parking	Not normally required	
C) Leisure centres, bowling alleys	1 space per:	
1 Visitor parking	2 patrons	
2 Staff parking (1)	1 space per: 3 staff	
3 Cycle parking	1 space per: 40 sq. m.	

Statements of National Planning Policy

These are available on the Communities & Local Government website at:

<http://www.communities.gov.uk/planningandbuilding/planning/planningpolicyguidance/planningpolicystatements/planningpolicystatements/>

GLOSSARY

Accessibility

The ease with which facilities of any kind can be reached by people wishing to use them. Refers not only to means of transport but also to other factors such as physical arrangements for entry to a building, availability of support services such as day care and hours of opening or operation.

Aggregates

Bulk materials used in the construction industry for making concrete, road surfacing, mortar etc. and in constructing foundations and embankments. See also Mineral Planning Guidance (MPG) 6.

Agricultural Land

The Ministry of Agriculture, Fisheries and Food classifies agricultural land into 5 grades, the 'Agricultural Land Classification', depending on the suitability of the land for agricultural purposes. The grades are defined as:

Grade 1: excellent – land with no or very minor limitations to agricultural use;

Grade 2: very good – land with minor limitations;

Grade 3a: good- land capable of consistently producing moderate to high yields;

Grade 3b: moderate – land capable of producing moderate yields of a narrow range of crops;

Grade 4: poor- land with severe limitations, mainly suited to grass;

Grade 5: very poor – very severe limitations, usually restricted to permanent pasture or rough grazing.

Area of High Landscape Value

Areas identified as having a relatively high incidence of features which make a positive contribution to landscape quality.

Article 4 Direction

The means by which a local planning authority, subject to the consent of the Secretary of State for the Environment, can restrict rights of permitted development normally granted under the terms of the General Permitted Development Order 1995.

Backfilling

The disposal of waste materials in an area of mineral working in order to achieve the restoration of the site to original ground level.

Blight

Deterioration of land or property through lack of investment. May be caused by major planning or transport proposals that will affect the land or property sometime in the future.

British Waterways

Statutory body which manages and maintains inland waterways.

Business Parks

Sites accommodating buildings suitable for light industry, office and research uses (which fall within use Class B1) distinguished by a high standard of design, low density of development and extensive landscaping.

Building of Local Significance

One which by virtue of its age or connection with local history or culture merits protection and is included on a list of such buildings compiled by the Council.

Charter for Wildlife

'Blueprint' contained in the Kirklees Charter for the Environment which proposes action to create and maintain a healthy environment within Kirklees.

City Challenge

Grant aid from the Government to fund action by partnerships involving local authorities and the private sector to regenerate specific areas of urban deprivation.

Comparison Goods Shopping

Non-food goods such as clothes and furniture for which people are likely to 'shop around' before making a purchase.

Conservation Area

An area of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance, and within which are specific controls over development and the felling of trees. Conservation areas are designated under section 69 of the Town and Country Planning Act 1990.

Control of Advertisements Regulations

Planning regulations governing the display of all outdoor advertising.

Convenience Goods Shopping

Goods purchased on a regular basis, primarily food and drink, also including items such as newspapers, magazines and cleaning materials.

Countryside Agency

A new statutory body (established 1st April 1999), incorporating the work of the Countryside Commission, whose remit is to conserve and enhance the countryside, promote social

equality and economic opportunity in the countryside and to promote the countryside as a national asset.

Curtilage

The definable area around a building within which land and structures associated with the building are contained.

dB(A)

Measurement of the loudness of sounds.

Deemed Consent Permission

Permission automatically granted by the Control of Advertisements Regulations to display certain types and sizes of adverts.

Degraded Land

Any land in a neglected condition associated with mineral working, industrial or other development.

Department of Transport Design Bulletin No.32

Department of Transport and Department of the Environment guidance on the main considerations to be taken into account in the design of residential road and footpath layouts.

Derelict Land

Land so damaged by industrial or other development that it is incapable of beneficial use without treatment.

Desire Lines

Routes preferred by pedestrians, often a consideration in determining the most appropriate location for new footpaths.

Despoiled Land

Land directly affected by active mineral working which will ultimately become derelict if restoration is not carried out.

Development

The carrying out of building, engineering, mining or other operations in, on, over or under the land or the making of any material change of use of any building or other land.

Development Brief

A document outlining factors to be taken into account in the development of a specific piece of land.

Development Plans

Written statements and maps usually on an Ordnance Survey base, setting out policies and proposals for the development and other use of land. These include Unitary Development Plans, Structure Plans, Local Plans and Town Maps.

Discontinuance Action

A requirement to remove advertisements under the Control of Advertisements Regulations.

Disposable Income

The amount of money available to spend on consumer goods once essential bills have been met.

Environmentally Sensitive Area (ESA)

A defined area where grants are available through MAFF to pursue agricultural practises sympathetic to the local environment.

Ecological Advisory Service

A Consultancy unit (re-named West Yorkshire Ecology in 1999) which provides advice on ecological matters to the 5 West Yorkshire Metropolitan Councils.

Ecological Strategy for Kirklees

A study commissioned by Kirklees Council and grant aided by the Countryside Commission, which reviewed the management of land and water from an ecological viewpoint and made recommendations for improvements.

Enforcement Notice

Notice served by the Council when a breach of planning control has occurred. Failure to comply with the notice is an offence.

English Heritage

An organisation that provides advice to local authorities and other interested parties on matters relating to listed buildings, conservation areas and heritage.

English Nature

Formerly the Nature Conservancy Council, a national body funded by the Government to establish and maintain national nature reserves and SSSIs and provide information and advice on nature conservation.

Environmental Impact Assessment

A detailed assessment of how a proposal will affect its environment, required in some cases by statute, to accompany a major planning application.

Estate Action

The improvement of rundown public housing estates through the refurbishment of dwellings and external areas, better management and the promotion of a greater diversification of tenure.

Flow Balancing

System of regulating peaks of waterflow within water courses to prevent flooding.

Footpath Creation Order

A legal measure to provide a pedestrian right of way over land.

Forestry Authority

Government appointed body responsible for regulating public and private forestry plantations and managing state owned forests.

General Permitted Development Order

Order made by the Government which sets out various requirements in the consideration of planning applications and which grants permission for certain types of minor development.

Green Corridors

Links between, and including, areas of semi-natural wildlife habitats within urban areas which also have value or potential value as means of providing for human movement, visual amenity, local climatic regulation or the amelioration of pollution.

Greenfield Site

Land which has never been built on.

Heavy Woollen Area

Area within Kirklees centred on Batley, Dewsbury and the Spenn Valley, historically connected with the production of heavy woollen goods.

Highway Improvement Lines

Lines defining the extent of land to be protected from any development which would prevent the construction of a planned highway improvement. The lines are usually shown on an Ordnance Survey map base.

Highway Network

See Transport Network

Houses in Multiple Occupation (HMOs)

Single dwellings, usually a house, occupied by two or more people living separately.

Housing Association

Non-profit making organisation registered with the Housing Corporation whose purpose is to construct, improve and manage dwellings for sale and rent.

Huddersfield Canal Society

Voluntary body formed to restore and promote the use of the Huddersfield Narrow Canal.

Infill

Development of vacant plots in an otherwise built up area or frontage.

Informal recreation

Walking, picnicking or impromptu games not requiring marked out pitches or other facilities.

Infrastructure

Basic facilities necessary if land is to be developed, such as roads, electricity supply, water supply and sewers.

Integrated Transport System

The co-ordination of different modes of transport to enable them to work effectively. Provisions to assist integration may include car parks located close to railway stations and bus stops to encourage car drivers to use public transport, and linked rail and bus passenger timetables.

Integrated Transport Study

A comprehensive study of transport issues and an evaluation of the alternative strategies that could be taken. Kirklees Council commissioned an ITS in September 1992. This was approved as a basis for consultation in August 1993.

Land Raising

The operation of a landfill site which involves the deposition of waste above natural ground level to produce significantly altered contours over a wide area of land.

Land Supply Review

The Council's record of land available for development, consisting of a series of 1:10,000 scale maps and accompanying site details updated annually.

Landfill Gas

The gas produced during the breakdown of biodegradable wastes in a landfill site, consisting mainly of methane and carbon dioxide.

Landfill Site

Site where waste is tipped to fill a hole or raise the surface level of land.

Landscaping

Treatment of a site by the planting of trees and shrubs, which may include earthworks and screening using walls and fences or the laying out of gardens. Soft landscaping primarily involves the use of plants. Hard landscaping primarily relates to paving, walls, fences etc.

Large Stores

Shops with a gross floorspace of over 2,000 m²

Leachate

The liquid which percolates through a landfill site and in the process becomes contaminated with dissolved substances.

Legal Agreement

Usually made under Section 106 of the Town and Country Planning Act 1990, whereby an applicant enters into a legally binding obligation to undertake certain works, or fulfil a requirement laid down by the Council, in connection with a planning application.

Listed Building

A building and any other object within its curtilage contained in a list of buildings of special architectural or historic interest prepared by the Secretary of State for the Environment under Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

MAFF

Ministry of Agriculture Fisheries and Food. Government department responsible for formulating and administering domestic policy for agriculture, horticulture, food and fishing.

Management Agreements

Provision made under the Wildlife and Countryside Act 1981 whereby a local planning authority can enter into an agreement with landowners for the purpose of conserving or enhancing the land's natural beauty or amenity and limiting the uses to which land can be put.

Massing

The arrangement, volume and bulk of buildings.

Material Planning Considerations.

Factors to be taken into account when determining planning applications which must fairly and reasonably relate to the application being considered, such as access, landscaping, appearance and the impact of the proposal on the neighbourhood.

Mineral (including aggregate mineral and secondary aggregate)

Any substance of a kind ordinarily worked for removal by underground or surface working except peat cut for purposes other than for a sale.

Minerals Planning Guidance Notes (MPGs)

Publications setting out government policies on different aspects of minerals planning.

National Playing Fields Association (NPFA)

National voluntary body which campaigns for the provision of playing fields, public open space and play grounds.

Natural Surveillance

The overlooking of areas such as children's play space and car parks which by virtue of their location are easily seen by the people in nearby properties, thereby reducing the risk of crime.

Neglected Land

Uncared for land within the built up area requiring cosmetic environmental improvements.

Net Retail Floorspace

Retail sales area available for use by customers excluding stairwells, toilets etc.

Notation

System of representing allocated land or land subject to particular policies on the proposals map.

Package Approach

An integrated transport approach to producing Transport Policies and Programmes bids to government, now supported by the Department of Transport, which give flexibility in funding all aspects of transport provision including public transport.

Park and Ride

A system of car parks linked to main town centres by fast, frequent and direct public transport.

Passenger Transport Authority

The body responsible for determining overall policy and financing for non-commercial bus services such as those operating in the evening, early mornings and Sundays, and some rural services and local rail services.

Permitted Development

Minor building and other operations which are automatically granted permission under the provisions of the Town and Country Planning General Permitted Development Order, without the need for a planning application.

Planning Obligations

See Legal Agreements.

Planning Policy Guidance Notes (PPGs)

Government guidance for local planning authorities on general and specific aspects of planning policy which they must have regard to when formulating their policies.

Proposals Map

An Ordnance Survey based map showing areas and locations where the Unitary Development Plan policies and proposals for the development and other use of land apply.

Public Open Space

Open space such as recreation grounds, playing fields and playgrounds, available for public use and normally owned by the Council.

Reasoned Justification

Statement of explanation of policies and proposals contained in the Unitary Development Plan.

Renewable Resources

Energy sources such as wind, wave and solar power which are not finite.

Restoration Bond

A legal agreement between the local planning authority and a mineral operator which guarantees that a sum of money will be available to pay for the restoration of a mineral working site in the event of the mineral operator defaulting on the restoration requirements of the planning permission.

Rounding Off

Development which does not result in any further incursion of an existing settlement into the surrounding countryside.

Secondary Aggregates

By-products of mining and industrial processes, for example colliery waste, blast furnace slag, power station ash, china clay sand and slate waste which are suitable for use as aggregates. (MPG6)

Site of Scientific Interest (SSI)

Site of nature conservation value of countywide significance.

Site of Special Scientific Interest (SSSI)

Site of nature conservation value of national significance.

Site of Wildlife Significance (SWS)

Site of nature conservation value identified by local conservation groups, significant in its contribution to the range and diversity of wildlife in Kirklees.

Scheduled Ancient Monuments

Buildings or remains contained in a list compiled by English Heritage under the Ancient Monuments and Archaeological Areas Act 1979, which by virtue of age, rarity or condition merit protection.

Service Uses

Financial and professional services such as estate agents, banks and building societies, together with restaurants, cafes, hot food takeaways, pubs, wine bars, amusement centres etc.

Sheltered Accommodation

Specially designed housing with a resident warden where a degree of care and/or supervision is provided for the occupants.

Shopping Core

The main concentration of retail and service uses in a town or other settlement.

Sites and Monuments Record

County record maintained by the West Yorkshire Archaeology Service of sites and buildings registered as being of archaeological, historic and conservation importance.

Special Protection Area

An area containing an assemblage of breeding populations of rare birds at a level of European significance, designated under E C Directive 79/409.

Specialist Shops and Services

Small independent shops typically selling a selective or narrow range of goods such as antiques, paintings or books and including outlets such as delicatessens and services such as watch repairers and furniture restorers.

Sports Council

An independent body which promotes the knowledge and practise of sport and recreation.

Standing Conference of South Pennine Authorities

A regional organisation through which local authorities and other bodies work in partnership to improve and promote facilities for informal recreation, conservation and tourism in the South Pennines.

Statutory Development Plan

A development plan which has been prepared under powers conferred on the local planning authority by legislation.

Strategic Guidance

The Secretary of State for the Environment's guidance on the preparation of Unitary Development Plans which local planning authorities must take into account.

Sustainable Development

Forms of development, transport and land use which limit damage to the environment especially through pollution or waste production, to levels manageable over the long term so

that future generations will be able to enjoy at least as good a quality of life as present generations.

Town Maps

See Development Plans

Townscape

The appearance and relationship of buildings and other structures within the urban environment.

Traffic Calming

Methods of slowing down traffic, usually in residential areas or shopping centres such as 'road humps' or road narrowing.

Transport Interchange

A facility designed to assist travellers to switch conveniently between different transport modes, particularly bus and rail.

Traffic Management

Methods of reducing the flow of traffic or controlling the routes taken by traffic through minor changes to road design, alterations to junctions and signalling or the introduction of one way streets.

Transport Network

The whole network of structures required for transport which can be divided into the rail network eg. railway lines, siding and stations; highway network eg. roads, footpaths and cycleways; waterways network eg. canals, rivers used for navigation, wharves and marinas; and airports.

Transport Supplementary Grant (TSG)

Government grant paid to the local highway authority normally at a rate of 50% of the total cost of qualifying schemes such as major highway improvements, highway safety measures and bridge strengthening.

Tree Preservation Order (TPO)

Made under the Town and Country Planning Act to protect individual trees or groups of trees from unauthorised felling, topping or lopping.

Urban Greenspace

Areas of open land within or immediately adjoining built up areas identified as being particularly valuable for amenity, recreation or wildlife.

Urban Open Land

Undeveloped land within or immediately adjoining built up areas (but not including green belt) which is not allocated for development. Includes unused land, land which has never been developed and open spaces formed by bowling greens, tennis courts, allotments, recreation grounds etc.

Use Classes Order

The Town and Country Planning (Use Classes) Order 1987 places uses of land and buildings into different categories. Planning permission is generally required for changes of use between classes but not within a class.

Voidspace

The capacity of a landfill site to accommodate waste.

Washland

Low lying land along water courses that is liable to flood in times of excess river flows. Its function is to regulate the flow to prevent the flooding of roads and properties.

Waste Arisings

Waste generated by, or associated with, a particular process over a specified period of time.

West Riding County Development Plan

See Development Plans

West Yorkshire Archaeology Service

A body which provides the five Metropolitan District Councils and other clients with expert advice on sites of archaeological importance.

West Yorkshire Structure Plan

See Development Plans

West Yorkshire Waste Management Plan

Required by section 50 of the Environmental Protection Act 1979 to provide a framework to enable strategic decisions to be taken for the minimisation, recovery or disposal of waste arising in West Yorkshire, having due regard to safeguarding the environment. Produced by the former West Yorkshire Waste Regulation Authority, now superseded by the requirements and arrangements of the Environment Act 1995.

West Yorkshire Waste Regulation Authority

The regulatory agency responsible for ensuring that controlled waste is managed and disposed of in accordance with the requirements of the Waste Management Regulations to avoid harm to the environment or pollution of groundwater. Now the Environment Agency.

Windfall Site

A site granted planning permission for residential development which has not previously been identified for development.

Wildlife Corridor

Routes allowing the movement and dispersal of flora and fauna within the countryside.

Wind Turbine

Tower mounted electricity generator powered by wind.

	Policy or paragraph number	Chapter
Access to the countryside by people with special needs	14.44	Chapter 14
Advertisements	5.44	Chapter 5
Advertisements: listed buildings and conservation areas	EP26	Chapter 5
Advertisements: outdoor	5.49	Chapter 5
Advertisements: residential areas	EP21	Chapter 5
Advertisements: small scale	EP24	Chapter 5
Affordable housing	H10/11/12	Chapter 11
Agricultural buildings: dwellings or extensions	B18	Chapter 10
Agricultural buildings: new	B17	Chapter 10
Agricultural land: development generally	EP2	Chapter 5
See also: agriculture	10.47	Chapter 10
and: use of agricultural land for waste disposal	WD4	Chapter 7
Agricultural workers dwellings (including temporary permissions and mobile homes)	B19/20/21/22	Chapter 10
Agriculture: generally	10.47	Chapter 10
Allotments	R9	Chapter 14
Amusement premises	S13	Chapter 13
Archaeological sites: class I and II	BE9	Chapter 4
Archaeological sites: class I, II and III	BE10	Chapter 4
Area of High Landscape Value	NE8	Chapter 3
Areas for housing improvement	H3	Chapter 11
Aspley Basin	TC15	Chapter 15
see also: pedestrian links	TC24	Chapter 15
B1 offices: change of use in residential areas	B8	Chapter 10
B1 offices: conversion to	B6	Chapter 10
B1 offices: establishment	B7	Chapter 10
Bridleways	14.39-14.41	Chapter 14
Buffer zones	B3	Chapter 10
Builders' merchants	S7	Chapter 13
Buildings of character	15.41	Chapter 15
See also: demolition in conservation areas	BE7	Chapter 4
Buildings of local significance	4.14	Chapter 4
Built environment generally	BE1	Part 1 and chapter 4
Bus movement	T12	Chapter 8
Business and industry generally	B1	Part 1 and chapter 10
Business and industry: land for	B2	Chapter 10
Business premises: extensions	B5	Chapter 10
See also: extensions in the green belt	D11	Chapter 2
Canals and rivers	R18	Chapter 14
Car parking for residential development within Huddersfield town centre	15.15	Chapter 15
Car parking: commercial developments	T21	Chapter 8

	Policy or paragraph number	Chapter
Car parking: identified sites in Huddersfield town centre	TC36	Chapter 15
See also: town centre buildings	TC20	Chapter 15
Car parking: off street	T19	Chapter 8
Car parking: town centres	T20	Chapter 8
See also: Huddersfield town centre	TC36	Chapter 15
Car parking: use by people with disabilities	BE22	Chapter 4
Caravan storage	EP19	Chapter 5
See also: caravan touring and tent sites	B16	Chapter 10
Castle Hill	R21	Chapter 14
Change of use from residential	H4	Chapter 11
Change of use to residential	H8	Chapter 11
Chapel Hill	TC15	Chapter 15
see also: pedestrian links	TC24	Chapter 15
Child care facilities	12.20	Chapter 12
Childcare: employment related	C11	Chapter 12
Childminding	B12	Chapter 10
See also: day nurseries and creches	C8-C12	Chapter 12
Community facilities	C1	Part 1 and Chapter 12
Community facilities: outside centres	C2	Chapter 12
Composition of the housing supply	11.30	Chapter 11
Conference facilities	B14	Chapter 10
Conservation areas: demolition	BE7	Chapter 4
See also: demolition, buildings of character	15.41	Chapter 15
Conservation areas: generally	BE5	Chapter 4
Conservation areas: hard landscaping	BE8	Chapter 4
Conservation areas: infill	BE6	Chapter 4
Conservation areas: permitted development rights and deemed consent rights	4.20	Chapter 4
Construction work	EP30	Chapter 5
Contaminated/unstable land: part 1 policy	G6	Part 1
Conversion to B1 uses in older industrial areas in Huddersfield	TC11	Chapter 15
Conversion to B1 uses in specified areas in Huddersfield	TC10	Chapter 15
Conversion to B1/A2 use within Huddersfield ring road	TC9	Chapter 15
See also: primary shopping frontages	S11	Chapter 13
and: secondary shopping frontages	TC5	Chapter 15
Conversion to residential use: arcades and yards	TC7	Chapter 15
See also: pedestrian arcades and yards	TC3	Chapter 15
and: living over the shop	H9	Chapter 11
Conversion to residential use: redundant mills and canal warehouses (Riverside Area)	TC6	Chapter 15
See also: conversion to residential use	H8	Chapter 11

	Policy or paragraph number	Chapter
Countryside recreation (including informal recreation and outdoor sports)	R10	Chapter 14
See also: outdoor sports and recreation in the green belt	D10	Chapter 2
Creches	C12	Chapter 12
Crime prevention	BE23	Chapter 4
See also: pedestrian routes (crime prevention)	T16	Chapter 8
Cultural facilities	R2	Chapter 14
Culverting and canalisation	EP3a	Chapter 5
Cycle routes	14.42	Chapter 14
See also: cycle tracks and strategic routes	T17/T18	Chapter 8
Cyclists: cycle tracks, crossing and parking facilities	T17	Chapter 8
Day nurseries	C8/9/10	Chapter 12
See also: childminding	B12	Chapter 10
Demolition: buildings of character	15.41	Chapter 15
Demolition: conservation areas	BE7	Chapter 4
Demolition: listed buildings	BE4	Chapter 4
Derelict land generally	DL1	Part 1 and chapter 9
Derelict land: reclamation priorities	DL2	Chapter 9
Derelict land: reclamation sites	DL3	Chapter 9
Derelict land; site improvement through community action	9.17-9.19	Chapter 9
Design quality	4.4-4.10	Chapter 4
Design	G4	Part 1
Development briefs	11.32	Chapter 11
Development framework	D1	Part 1 and chapter 2
Disabilities: car parking	BE22	Chapter 4
Disabilities: provision for people with	1.14a	Part 1
Disabilities: use of open space	BE21	Chapter 4
Disabled access: generally	BE20	Chapter 4
See also: housing for disabled people	H13	Chapter 11
and: access to the countryside by people with special needs	14.44	Chapter 14
Disabled people: housing for	H13	Chapter 11
Discontinuance action	5.53	Chapter 5
Disused railways: re-use	T23	Chapter 8
Dormer extensions	BE15	Chapter 4
Driving ranges		
see golf driving ranges	R16	Chapter 14
Ecological landscaping	EP11	Chapter 5
See also: landscaping schemes	NE10	Chapter 3
and: development generally	BE2	Chapter 4
Education services	12.4	Chapter 12
Energy efficient site development	EP10	Chapter 5
Energy production from renewable resources	5.10-5.13	Chapter 5

	Policy or paragraph number	Chapter
Entertainment and leisure	S12	Chapter 13
Environmental Impact Assessments	1.20	Part 1
Environmental protection	EP1	Part 1 and chapter 5
Equality of opportunity	G5	Part 1
Extensions to gardens in the green belt	D14	Chapter 2
Extensions: business premises	B5	Chapter 10
Extensions: dormers	BE15	Chapter 4
Extensions: generally	BE13	Chapter 4
See also: extensions in the green belt	D11	Chapter 2
Extensions: terraces etc	BE14	Chapter 4
Factory shops see mill/factory shops	S8a	Chapter 13
Farm diversification	B23	Chapter 10
See also: extensions in the green belt	D11	Chapter 2
and: re-use of buildings in the green belt	D12	Chapter 2
and: infill in the green belt	D13	Chapter 2
Farm shops	S8b	Chapter 13
Fitzwilliam Street car park	TC35	Chapter 15
Footbridges	TC18	Chapter 15
Footpaths	14.36-14.38	Chapter 14
Footway widening in Huddersfield town centre	TC31	Chapter 15
Freight movement	8.57/8	Chapter 8
Garden centres	S9	Chapter 13
Garden centres: definition of	13.32	Chapter 13
Gateway: Aspley Basin and Chapel Hill	TC15	Chapter 15
See also: pedestrian links	TC24	Chapter 15
Golf courses	R15	Chapter 14
Golf driving ranges	R16	Chapter 14
Grant aid for landscape conservation	3.23-3.25	Chapter 3
Green belt: extensions	D11	Chapter 2
Green belt: garden extensions	D14	Chapter 2
Green belt: generally	D8	Chapter 2
Green belt: infill	D13	Chapter 2
Green belt: removal of permitted development rights	D12a	Chapter 2
Green belt: re-use of buildings	D12	Chapter 2
Green belt; outdoor sport and recreation see also: countryside recreation	D10 R10	Chapter 2 Chapter 14
Green corridor	D6	Chapter 2
Green corridor gap	D7	Chapter 2
Greenhead College	15.50-15.52 and TC27	Chapter 15
Groundwater protection	5.2a	Chapter 5
Guest houses see hotels and guest houses	B15	Chapter 10
Gypsies: facilities for	H14	Chapter 11

	Policy or paragraph number	Chapter
Hazardous industry	EP27	Chapter 5
Hazardous sites: proximity of new development	EP28	Chapter 5
Heritage Area: adjoining new development	TC21	Chapter 15
Heritage Centre see museum/heritage centre	TC13	Chapter 15
Highway improvements	T2	Chapter 8
Highway improvements in Huddersfield town centre	TC29	Chapter 15
See also: road improvement lines	T9	Chapter 8
Highway network: new development	T10	Chapter 8
Highway schemes: major	T8	Chapter 8
Hot food take-aways	S14	Chapter 13
Hotel accommodation within the Huddersfield Heritage area	TC14	Chapter 15
Hotels and conference facilities	B14	Chapter 10
Hotels and guest houses	B15	Chapter 10
Houses in multiple occupation	H15	Chapter 11
Housing generally	H1	Part 1 and Chapter 11
Housing development within Huddersfield town centre	15.10	Chapter 15
See also: opportunity sites	TC37	Chapter 15
Housing requirement	H5	Chapter 11
Housing sites	H6	Chapter 11
Huddersfield Broad Canal	15.38	Chapter 15
See also: footbridges	TC18	Chapter 15
Huddersfield Narrow Canal	R19	Chapter 14
See also: canal restoration	15.35	Chapter 15
Huddersfield Technical College	15.50-15.52 and TC27	Chapter 15
Huddersfield town centre	TC1	Chapter 15
Huddersfield University	TC25/26	Chapter 15
See also: Expansion of Huddersfield University	11.16-11.19	Chapter 11
Improvement lines see road improvement lines see also: highway improvements in Huddersfield town centre	T9 TC29	Chapter 8 Chapter 15
Improvements to shopping facilities in Dewsbury and Batley	13.10-13.13	Chapter 13
Industrial land and buildings: change of use	B4	Chapter 10
Industry and warehousing in Huddersfield	TC12	Chapter 15
Infill: conservation areas	BE6	Chapter 4
Infill: within the green belt	D13	Chapter 2
Kirklees Councils' Vision Statement	1.6	Part 1
Kirklees Theatre	15.28	Chapter 15
Land drainage	NE7	Chapter 3
Landfill	7.6	Chapter 7

	Policy or paragraph number	Chapter
Landfill sites	WD3	Chapter 7
Landscape conservation: grant aid	3.23-3.25	Chapter 3
Landscaping schemes	NE10	Chapter 3
See also: new development	BE2	Chapter 4
and: ecological landscaping	EP11	Chapter 5
Large new stores	S4	Chapter 13
Leisure development: suitable sites in Huddersfield town centre	TC16	Chapter 15
See also: opportunity sites	TC37	Chapter 15
Listed buildings and conservation areas: advertisements	EP26	Chapter 5
Listed buildings and conservation areas: telecommunications equipment	EP18	Chapter 5
Listed buildings: demolition	BE4	Chapter 4
Listed buildings: generally	BE3	Chapter 4
Living over the shop	H9	Chapter 11
See also: arcades and yards	TC7	Chapter 15
Local centres: shopping	S3	Chapter 13
Local nature reserves	3.8	Chapter 3
Local shops	S6	Chapter 13
Lower Spen Valley	R12	Chapter 14
Marsden Moor Access Route	14.43	Chapter 14
Materials: use of stone	BE11	Chapter 4
Mill/factory shops	S8a	Chapter 13
Minerals reserves: aggregates land bank	M1a	Chapter 6
Minerals generally	M1	Part 1 and chapter 6
Minerals: active sites with permitted reserves	6.3	Chapter 6
Minerals: aggregates	6.5	Chapter 6
See also: water sports	R14	Chapter 14
Minerals: clays	6.9	Chapter 6
Minerals: coal	6.10	Chapter 6
Minerals: criteria for assessing applications	6.11-6.12	Chapter 6
Minerals: exploration and extraction	M3	Chapter 6
Minerals: extraction from former waste deposits	M4	Chapter 6
Minerals: gritstone	6.4	Chapter 6
Minerals: restoration and aftercare	M3a	Chapter 6
Minerals: safeguarded reserves	M5	Chapter 6
Minerals: secondary aggregates	6.8	Chapter 6
Minerals: working of	M2	Chapter 6
Mobile homes (affordable housing)	11.36	Chapter 11
Mosques and Madressahs	C5/6/7	Chapter 12
Motorway improvements	T7	Chapter 8
Motorway service areas	8.49-8.51	Chapter 8
Museum/heritage centre	TC13	Chapter 15
National context	1.2	Part 1
National Playing Fields Association Standards	14.17-14.23	Chapter 14

	Policy or paragraph number	Chapter
Natural environment	NE1	Part 1 and chapter 3
Nature conservation	3.3	Chapter 3
Neglected land	DL4	Chapter 9
New development in Huddersfield town centre	TC22	Chapter 15
New development outside Huddersfield ring road: pedestrian links	TC32	Chapter 15
New development: generally	BE2	Chapter 4
Noise levels	EP6	Chapter 5
Noise sensitive development	EP4	Chapter 5
Noise: transport	EP5	Chapter 5
Oakwell Hall Country Park	R11	Chapter 14
Offices	10.29	Chapter 10
Opportunity sites See also: new residential development in Huddersfield town centre	TC37 15.10	Chapter 15 Chapter 15
Outdoor advertising	5.49	Chapter 5
Outdoor sport: countryside recreation	R10	Chapter 14
Outdoor sport: green belt	D10	Chapter 2
Outdoor sports: specialised motor/air	R17	Chapter 14
Overhead power lines	EP12	Chapter 5
Park and Ride	T13	Chapter 8
Peak District National Park See also: special status of PDNP and: environmentally sensitive areas	NE8a 1.5a 5.39a	Chapter 10 Part 1 Chapter 5
Pedestrian arcades and yards	TC3	Chapter 15
Pedestrian links: Huddersfield town centre to Chapel Hill and Aspley Basin See also: Gateway	TC24 TC15	Chapter 15 Chapter 15
Pedestrian routes See also: pedestrian routes	BE19 T14	Chapter 4 Chapter 8
Pedestrian routes: crime prevention See also: crime prevention	T16 BE23	Chapter 8 Chapter 4
Pedestrian routes: environmental improvements See also: pedestrian routes	TC23 T14-T16	Chapter 15 Chapter 8
Pedestrianisation See also: pedestrianisation in Huddersfield town centre	T15 TC30	Chapter 8 Chapter 15
Pedestrians and cyclists: strategic routes	T18	Chapter 8
Pennine Way	14.38	Chapter 14
Permitted development rights and deemed consent rights: conservation areas	4.20	Chapter 4
Permitted development rights: removal in the green belt	D12a	Chapter 2
Petrol stations: retail sales from	S10	Chapter 13
Places of worship	12.9	Chapter 12
Planning applications	1.17-1.20	Part 1

	Policy or paragraph number	Chapter
Planning obligations	1.21	Part 1
Poster panels	EP23	Chapter 5
Power generation from waste material	5.24-5.26	Chapter 5
Primary shopping frontages	S11	Chapter 13
Private hire vehicles	B11	Chapter 10
See also: taxi booking offices/hackney carriages	S15	Chapter 13
Private playing fields/public open space	R7a	Chapter 14
Provisional open land	D5	Chapter 2
Public art	4.3b	Chapter 4
Public open space	R6	Chapter 14
See also: provision of public open space in new housing development	H18	Chapter 11
Public rights of way	R13	Chapter 14
Public toilets	C13	Chapter 12
Public transport	T11	Chapter 8
Public/private open space; use by people with disabilities	BE21	Chapter 4
Radio masts (amateur)	EP14	Chapter 5
Radio, television and communications masts (commercial)	EP17	Chapter 5
Rail service: Bradley/Bradley Wood junction	T22	Chapter 8
Railway network	8.52	Chapter 8
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Range of house types	H7	Chapter 11
Recreation: new facilities	R1	Part 1 and chapter 14
Recreation generally	R1	Part 1 and chapter 14
Recycling see waste transfer, treatment, recycling and handling	WD7	Chapter 6
Regeneration	1.13	Part 1
Regeneration: part 1 policy	G1	Part 1
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Schools: new	C3	Chapter 12
Scrapyards see waste transfer, treatment, recycling and handling	WD7	Chapter 6
Secondary shopping frontages: within Huddersfield town centre	TC5	Chapter 15
Security shutters	BE18	Chapter 4
Servicing the Huddersfield town centre shopping area	TC33	Chapter 15
Shop fronts	BE16	Chapter 4
Shop fronts: listed buildings/conservation areas	BE17	Chapter 4
Shopping and service uses generally See also: shopping environment	S1 BE16-BE18	Part 1 and chapter 13 Chapter 4
Shopping facilities within Huddersfield town centre	TC2	Chapter 15
Shopping hierarchy	13.6	Chapter 13
Shopping: local centres	S3	Chapter 13
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Signs: business premises	EP20	Chapter 5
Signs: directional	EP25	Chapter 5
Signs: projecting	EP22	Chapter 5
Site of Scientific Interest (SSI)	NE3	Chapter 3
Site of Special Scientific Interest (SSSI)	NE2	Chapter 3
Site of wildlife significance	NE4	Chapter 3
Sites and Monuments Record	4.21	Chapter 4
Sites for office development in Huddersfield town centre See also: offices	TC8 10.29 and B6-B8	Chapter 15 Chapter 10
and: opportunity sites	TC37	Chapter 15
Solar energy	EP9	Chapter 5
Space around dwellings	BE12	Chapter 4
Special community needs	12.3	Chapter 12
Special industry	EP29	Chapter 5
Special Protection Area	NE2a	Chapter 3
Sports centres see swimming pools and sports centres	R3	Chapter 14
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Spring Grove Primary School	TC28	Chapter 15
Storthes Hall University Site	D15	Chapter 2
Strategic highway network	8.25	Chapter 8
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West Yorkshire Waste Management Plan	7.0d, 7.6, 7.20	Chapter 7
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