



**TOWN AND COUNTRY PLANNING ACT 1990  
PLANNING AND COMPULSORY PURCHASE ACT 2004  
CALDERDALE DRAFT LOCAL PLAN – SITES CONSULTATION  
TO FEBRUARY 29 2016  
THE NATIONAL PLANNING POLICY FRAMEWORK 2012  
NATIONAL PLANNING PRACTICE GUIDANCE 2014**

**PLANNING SUBMISSIONS ON BEHALF OF P & J BOYLE & SON AND  
ENDORSED BY THE OLD EARTH PRIMARY SCHOOL IN SUPPORT  
OF THE CALDERDALE COUNCIL'S PROSPECTIVE RESIDENTIAL-  
EDUCATIONAL ALLOCATION OF LOCAL PLAN SITE REF LP0978  
(8.28 HA) AT LAND NORTH OF LOWER EDGE RD, WEST OF SHAW  
LANE, ELLAND HD6 3JN**



February 2016

**A Supporting Planning Statement by  
Walker Morris LLP**



**Mediation of Space-Making of Place**

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Appendix SS1 Preliminary Illustrative Masterplan Layout Feb 2016 by STEN Architecture

Front cover photograph – view westwards from the site towards the houses on Grasmere Drive

## Qualifications and Experience



### **Stephen Sadler BA Hons TP MRTPI**

Stephen is Head of Planning Consultancy at Walker Morris LLP Leeds, which is a commercial law practice governed by the SRA. He is responsible for advising on all aspects of UK Town and Country Planning and acts for a diverse range of commercial, charitable, public authority and private clients.

Stephen joined Walker Morris LLP from the Public Sector in 1995. He is a Chartered Town Planner and his specialist areas include strategy advice, expert opinion in contractual disputes, forensic development control and policy issues, applications and appeals evidence, project co-ordination, working reports and appraisals for development proposals, local authority and stakeholder liaison, planning obligations, advocacy and arbitration. His principal work is strategy focused and includes acting as a lead consultant in major development projects and direct liaison with primary stakeholders, communities and decision makers.

Before joining Walker Morris LLP, Stephen was a Planning Lecturer at Leeds Metropolitan University. He has also worked extensively in Local Government in Derbyshire and Leeds. He has over 30 years experience in the planning profession more particularly in planning policy formulation and development control.

Since joining Walker Morris LLP some 20 years ago, Stephen has provided expert planning advice for both public and private sector clients in connection with a range of UK planning and development matters. Many of those have involved promoting designated Green Belt sites for development through the Local Plan process, which is pertinent to this case.

# 1 INTRODUCTION

- 1.1 I have been engaged by P & J Boyle & Son ("the Landowners"), with the support of the Governors and Head Teacher of the Old Earth Primary School ("the School"), to indicate their full support of the Calderdale Council's Draft Local Plan Sites Consultation to end February 2016 ("the draft Local Plan"), insofar as it proposes land north of Lower Edge Rd and west of Shaw Lane, Elland (site ref LP0978 – the Site") to be allocated for residential development. For clarity the Landowners and the School are taking a collaborative approach and it is the position of the Landowners that they will reserve land for the School's much needed expansion such that the prospective allocation of the Site is sought for mixed development comprising educational and residential use with on site public open space, landscaping and access.
- 1.2 The three key advantages of the prospective development of the Site are the provision of a mixed housing development including affordable housing to meet the District's needs, the provision of required expansion space for the School to address the considerable pressures on its capacity and to allow it to meet the local community's increasing educational needs and thirdly to improve localised highway conditions, more particularly relating to on street parking on Lower Edge Rd outside of the School, with a comprehensive on site solution.
- 1.3 The Landowners and the School consider that for the purposes of planning the Site would support accessible and sustainable residential and educational development. It is considered that this would be a modest urban extension to the existing built-up area of Elland, potentially attractive in place-making terms and make an important contribution to the District's housing needs. Indeed, in many respects Shaw Lane already provides a firm and defensible boundary to the eastern extent of Elland here such that the Site already appears as urban fringe and capable of successful development without harm to the primary purposes of retaining land in the Green Belt.
- 1.4 It is envisaged that some 200 no. dwellings might be provided on the 8.3 hectare site as well as the land to increase the School to a three form entry facility etc subject to further detailed appraisal of opportunities and constraints and the progression of the Illustrative Masterplan. At a developable area of some 5.8ha approx some 200 dwellings would indicate a density range of approx 34 dph. A preliminary Masterplan, drawn up by my colleagues at STEN Architecture, is informative and provides a good basis for reviewing more detailed proposals for the Site.<sup>1</sup>
- 1.5 I refer to the following documents submitted as part of the current draft Local Plan submissions, which have been commissioned by the Landowners and indicate strong support for the Site's delivery in accordance with the Secretary of State's advice in the National Planning Policy Framework 2012 ("the Framework");
- 1.5.1 An Access Appraisal by Optima Highways and Transportation Consultancy Ltd (February 2016)
  - 1.5.2 A Landscape Appraisal by Barton-Howe Associates Ltd (February 2016)
  - 1.5.3 An Extended Phase 1 Habitat Survey by Barton-Howe (February 2016)
  - 1.5.4 A Phase 1 Environmental Assessment by CoDA Consulting Civic and Structural Engineers (February 2016)
  - 1.5.5 A Flooding and Drainage Assessment by CoDA (February 2016)

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<sup>1</sup> see preliminary Illustrative Masterplan layout by STEN Architecture at Appendix SS1

- 1.6 Perhaps I could make the following comments in recognition of the conclusions reached in the various reports;

**Access and Accessibility**

- 1.7 The Access Appraisal by Optima indicates that the Site is well located in accessibility and sustainability terms. There are options available for access by simple priority junctions off Lower Edge Rd and Shaw Lane, which also means that visibility sightlines can be capably accommodated to provide safe access and egress in accordance with the criteria in Manual for Streets and Manual for Streets 2. It is considered that trip generation from circa 200 no. dwellings and an extra form entry to the School can be safely accommodated here and on the local network (further work will be commissioned to assess local junction capacities etc but it is not thought likely that there will be specific constraints). As a consequence it is considered that the Site's status in transport terms should be given a positive indication for development as a suitably designed residential/educational scheme would not prejudice highway safety or accessibility and sustainability interests. Indeed, by providing on site parking for the School measures could be taken, including traffic regulation orders, to remove existing on street parking to Lower Edge Rd, which would be a betterment.

**Ecology**

- 1.8 The Extended Phase 1 Habitat Survey by Barton-Howe indicates that the dominant semi-improved species poor grassland habitat of the Site is of low nature conservation value. Some of the habitats offer potential foraging and or breeding opportunities for bats, badger, hedgehog and breeding birds but are of low to moderate value as they are relatively common. The hedgerows and field boundary trees offer foraging routes for bats and activity surveys can appropriately indicate if any roosts exist as part of the assessments going forward. The presence of routes and or roosts is not likely a constraint to development of the Site. It is considered that the Site's status in ecology terms should be reviewed positively for development as a suitably designed residential-educational scheme would not prejudice such interests.

**Landscape**

- 1.9 The Landscape Appraisal by Barton Howe considers the key components that constitute the local landscape, including an assessment of local landscape character, together with an analysis of the visual context of the prospective development site. The Appraisal concludes that the character of the Site is urban edge and that there is a discernible change in key landscape characteristics to the east of the Site and on the opposite side of Shaw Lane, characteristics and features that give rise to a more rural character. The Site has a degree of visual containment but also offers views which seek to create links with existing development around the Site (especially to the west and north). In Green Belt terms the development of the Site does not exhibit the characteristics pertaining to the five purposes of including land in the Green Belt.
- 1.10 As a consequence it is considered that the Site's status in landscape terms should be reviewed positively for development as a suitably informed and designed residential-educational scheme would not prejudice such interests.

**Flood Risk and Geo-Environmental Conditions**

- 1.11 The Flooding and Drainage Assessment by CoDA concludes that the Site is in EA Zone 1 with a very low risk of surface water flooding affecting the majority of the land. It is likely that a positive drainage system will be required to channel surface water at greenfield run off rates to existing watercourses. Foul drainage is likely to be discharged to Lower Edge Rd via an on site pumping station.

- 1.12 Given the possible presence of fill, former shallow coal workings and gas it is recommended that trial pit and rotary borehole investigation is carried out to provide further information on these matters. It is not anticipated that there will be significant constraints to development and piling may be needed in parts of the Site.
- 1.13 In Section 5 below I consider the case for the Landowners including a view on the value of the Site as Green Belt. I submit representations in this regard, which are predicated on the belief that the Site has none of the attributes required for the purposes of including land in the Green Belt pursuant to paragraph 80 of the Framework. I also repeat the recent and considered views of the respected and experienced practitioner, John Micklethwaite-Howe CLMI of Barton-Howe Associates Ltd (Landscape Architects – York), which strongly support my conclusions that the Site does not have the attributes of Green Belt land and is not required to remain open.
- 1.14 The Local Plan will necessary need to be drafted flexibly to accommodate the likely housing requirements for the District. Given the terms of the Framework I consider that the Site would be appropriately proposed as a prospective draft Local Plan residential-educational allocation and the strong eastern boundary of Shaw Lane might be employed as the inner Green Belt boundary in accordance with the exceptional circumstances test in paragraph 82 of the Framework.

## **2 THE SITE AND ITS SURROUNDINGS**

- 2.1 The Site slopes south to north, is some 8.3 ha in total and situated adjacent to the existing built-up area of Elland. It is rough grassland and bounded to the west and south by residential development. To the north is a railway line with the Lowfield Industrial Estate beyond. Access is available off Lower Edge Rd and Shaw Lane.
- 2.2 A more detailed description is provided in the Landscape Assessment by Barton-Howe Associates Ltd.

## **3 GOVERNMENT POLICY AND THE NATIONAL PLANNING POLICY FRAMEWORK**

- 3.1 The previous Coalition Government issued a number of statements that indicated the direction of travel with regards to national planning policy. In March 2011, a Ministerial Statement was published along with the Chancellor's/HM Treasury's "Plan for Growth". This outlined the Government's clear expectation that the answer to sustainable development and growth should wherever possible be 'yes'. One of the growth review measures set out in the Plan for Growth was specifically targeted at the planning system. Action no. 2 stated that 'the Government will introduce a powerful new presumption in favour of sustainable development, so that the default answer to development is "yes". This new statement was to be at the heart of the Government's new National Planning Policy Framework. The Framework was also to be 'inherently pro-growth' and the Draft Framework signalled that the Government wanted to see a significant increase in the supply of housing by providing at least a 20% increase over the usual 5 year supply figure (to ensure choice and competition in the market and boost the economy).
- 3.2 Following these publications, the Government's Chief Planner wrote to all LPA Chief Planning Officers drawing attention to this policy shift. Decision makers were advised that appropriate weight should be given to these statements in that they were an important part of Government policy.

- 3.3 On 15 June 2011, the Coalition Government released its "Presumption in Favour of Sustainable Development" Statement, which set out the Government's intentions with regards to future growth in the country. In terms of housing, the statement reads;

"Planning should help to deliver strong, vibrant and healthy communities, by providing an increased supply of housing to meet the needs of present and future generations; and by creating a good quality built environment, with accessible local services, that reflects community needs and supports well-being."

- 3.4 On 6 September 2012, the then Secretary of State for Communities and Local Government, the Rt Hon Eric Pickles MP, said that the Coalition Government's number one priority was to get the economy growing. A principal part of this will be delivered through housing delivery and a flexible approach to development. I include some selected paragraphs from his Ministerial Statement below;

In November, the Government published a comprehensive housing strategy and we have rapidly put in place measures set out in the strategy to support a thriving, active and stable housing market.

The need for new homes is acute, and supply remains constrained

To get more homes built - and more workshops, factories and offices - we need a planning system which works proactively to support the growth that this country needs.

The National Planning Policy Framework is a major step forward. It has been widely welcomed by business, and as a result of its positive influence we are already seeing accelerated plan-making and more positive decision-taking.

- 3.1 In November 2011 "Laying the Foundations – A Housing Strategy for England" was published by the Coalition followed by "Housing and Growth September 2012" and "Housing the Next Generation" January 2013, all of which very clearly signalled the direction of travel on national housing policy. The intention was to free up the housing market and to provide for an increased supply of homes at a time of increasing need. The approach was described as ambitious and radical with the twin aims of driving local economies and creating jobs and spreading the opportunities for home ownership. In 2014 Shelter/KPMG published "Building the Homes We Need", which was a comprehensive review of the inherent problems of under supply and affordability in the UK.

### **The National Planning Policy Framework March 2012**

- 3.2 The Government published the adopted version of the Framework in March 2012 and it has since formed the relevant policy guidance at the national level for plan making and the determination of all planning applications. The Framework is a material consideration which must be taken into account in all planning decisions.
- 3.3 The Framework is based around the core principle of creating sustainable development. It states at paragraph 6 that all of the policies in paragraphs 18 to 219 of the Framework taken as a whole constitute the Government's view of what sustainable development in England means in practice for the planning system.



- 3.4 There are three principal dimensions to sustainable development comprising economic, social and environmental roles. These are to be considered as mutually dependent and not in isolation.
- 3.5 As previously heralded in the draft version of the document there is now at the heart of the planning system a new presumption in favour of sustainable development. This is seen as the golden thread, which runs through both plan-making and decision-taking.
- 3.6 Paragraph 14 of the Framework identifies how this presumption is to be applied in making decisions on individual applications. The presumption underpins Section 38(6) of the PCPA 2004.
- 3.7 A set of 12 core land use planning principles are to underpin plan making and decision taking and these are stated at paragraph 17 of the Framework;
- Planning should be plan-led with a high degree of predictability and efficiency.
  - Planning should not simply be about scrutiny but should be a creative exercise leading to the enhancement and improvement of the places in which people live their lives.
  - Proactively drive and support sustainable economic development including the delivery of the homes which the country needs.
  - Always seek to secure high quality design and a good standard of amenity.
  - Take account of the different roles and character of areas.
  - Support the transition to a low carbon future.
  - Contribute to conserving and enhancing the natural environment.
  - Encourage the effective use of Brownfield land.
  - Conserve heritage assets in a manner appropriate to their significance.
  - Manage patterns of growth to make the fullest possible use of public transport, walking and cycling and focus significant development in locations which are or can be made sustainable.
  - Support local strategies to improve health, social and cultural well being.
- 3.8 Paragraphs 18 to 22 of the Framework set out the Government's commitment to building a strong and competitive economy. Planning should not act as an impediment to sustainable growth and significant weight is to be placed on the need to support economic growth. In this context lack of housing is identified as a potential barrier to investment.

### **Delivering a Wide Choice of High Quality Homes**

- 3.9 Paragraphs 47 to 55 provide the policy guidance for plan making and decision taking under the overall aim of significantly boosting the housing supply.
- 3.10 The requirement for a five year deliverable supply of sites is restated but with an additional requirement buffer of 5% to ensure choice and competition in the market for land. Where there has been a persistent under-delivery this buffer should be increased to 20%.
- 3.11 LPA's can now introduce a windfall allowance into the five year supply but need to have compelling evidence that such sites have consistently been available and will continue to provide a reliable source of supply. Any allowance is to be realistic and have



regard to the SHLAA, historic windfall delivery rates and expected future trends (paragraph 48).

- 3.12 A wide choice of high quality homes is to be delivered and opportunities for home ownership are to be widened by planning for a good mix of housing based on the needs of different groups and local demands.

#### **Promoting Healthy Communities**

- 3.13 The Government's approach envisages that the planning system has an important role to play in facilitating social interaction and creating healthy and inclusive communities. The objective is to create places which promote interaction between members of the community, safe and accessible environments containing clear and legible pedestrian routes and high quality public spaces which encourage the active and continual use of public areas.

- 3.14 At para 72 the Government says it attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. LPA's are advised to take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. LPA's are required to give great weight to the need to create, expand or alter schools and work with schools promoters to identify and resolve key planning issues before applications are submitted.

#### **Protecting Green Belt Land**

- 3.15 The Framework requires exceptional circumstances to be demonstrated to establish a Green Belt or alter its boundaries. In any event Green Belt land should serve the well known five purposes in para 80 of the Framework and be capable of being permanent. In para 84 LPA's are advised, when reviewing Green Belt boundaries, to take account of the need to promote sustainable patterns of development.

- 3.16 Para 85 says that when defining Green Belt boundaries LPA's should;

- ensure consistency with the Local Plan strategy for meeting identified requirements for sustainable development,
- not include land which it is unnecessary to keep permanently open,
- where necessary, identify in their plans areas of "safeguarded land" between the urban area and the Green Belt, in order to meet longer term development needs stretching well beyond the plan period,
- make clear that safeguarded land is not allocated at the present time
- satisfy themselves that Green Belt boundaries will not need to be altered at the end of the development plan period and,
- define boundaries clearly, using physical features that are readily recognisable and likely to be permanent

#### **Conserving and Enhancing the Natural Environment**

- 3.17 The planning system is to contribute to and enhance the natural and local environment by;

- Protecting and enhancing valued landscapes.
- Recognising the wider benefits of ecosystems services
- Minimising impacts on biodiversity and providing net gains in biodiversity where possible

### **Conserving and Enhancing the Historic Environment**

- 3.18 In para 126 LPA's are advised to set out in their Local Plans a positive strategy for the conservation and enjoyment of the historic environment. Heritage assets are to be conserved in a manner appropriate to their significance.

### **Plan Making**

- 3.19 In the section of the Framework on plan making (paragraphs 150 to 185) there is clear advice on developing a proportionate and up to date evidence base for housing delivery. Under the housing sub heading reference is made to the requirements for a SHMA and SHLAA. The SHLAA is to establish realistic assumptions about the availability, suitability and the likely economic viability of land to meet the identified housing need over the plan period.
- 3.20 Local Plans must be prepared with the objective of contributing to the achievement of sustainable development. They should be consistent with the principles and policies in the Framework, including the presumption in favour of sustainable development. They should be aspirational but realistic. Plans should be deliverable.
- 3.21 At para 156 the Framework says that LPA's should set out strategic priorities for their areas, which include the provision of community facilities such as schools.

### **Decision Taking**

- 3.22 The Framework says that LPA's should approach decision making positively to foster the principles of sustainable development and to look for solutions rather than problems. Decision takers at every level should seek to approve applications for sustainable development where possible. They are to work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area. Pre-application engagement is encouraged. In assessing and determining development proposals, LPA's are required to apply the presumption in favour of sustainable development.

### **National Planning Practice Guidance March 2014 ("the Practice Guidance")**

- 3.23 In March 2014 the Department for Communities and Local Government (DCLG) launched the Practice Guidance to supplement the Framework as a web-based resource. This was accompanied by a written Ministerial Statement, which includes a list of the previous planning practice guidance documents cancelled when this site was launched. The Practice Guidance was developed following the recommendations of an external review of national planning practice guidance.
- 3.24 The Practice Guidance provides more interpretation and advice regarding the methodology for assessing the 5 year deliverable housing supply pursuant to paragraph 47 of the Framework.

## **4 THE CALDERDALE DRAFT LOCAL PLAN – SITES CONSULTATION TO END FEBRUARY 2016**

- 4.1 The draft Local Plan proposes the Site as a residential allocation, which is supported and is consistent with the principles of sustainable development. For the purposes explained earlier the Landowners and the School are collaboratively seeking to deliver a mixed allocation in this case, which would benefit both housing and education needs and be compliant with the terms of the Framework.

## **5 THE CASE FOR THE LANDOWNERS**

- 5.1 Compositely, the suite of technical reports submitted to date evidence that there are likely to be no technical constraints to delivery of the Site for residential and educational use.
- 5.2 It is proposed to review and progress the preliminary and illustrative masterplan layout and scheme in consultation with the LPA and the retained project team on behalf of the Landowners and the School. This is a modest urban extension site with no significant constraints for development purposes and it is considered that an attractive scheme in place-making terms can be delivered. Given my comments below I support the LPA's prospective residential allocation of the Site via the draft Local Plan, which would also build in flexibility to a deliverable housing supply for the District, which I regard as necessary. Its benefits are strengthened by being able to provide the ability for the School to expand rather than being constrained. Such an opportunity should be welcomed and promoted in the public interest.
- 5.3 I have reviewed previous information submitted for the Site and have recently engaged, as part of this draft Local Plan consultation process, John Micklethwaite-Howe CMLI of the respected Landscape Architects, Barton-Howe Associates Ltd (York). The purpose of engaging Mr Micklethwaite-Howe, who is a very experienced practitioner, was to inter alia review the considerations of the contribution or otherwise that the Site makes to the five purposes of including land in the Green Belt as indicated in paragraph 80 of the Framework. I concur with his conclusions in this regard and do not think that the Site is required to check urban sprawl, to prevent neighbouring towns merging, to safeguard the countryside from encroachment, to preserve the setting and special character of historic towns and assist in urban regeneration.
- 5.4 As a consequence of the exceptional circumstances occasioned by the District's housing needs, a new inner Green Belt boundary along the east side of Shaw Lane would release the site for development and be consistent with the Secretary of State's policies in the Framework. Given that there are no known technical constraints to delivery, and a willing landowner and interested party, the circumstances point to the allocation being positively progressed through the Plan process in the public interest. Consequently, I invite the LPA and the local community to support it.

## **6 CONCLUSIONS**

- 6.1 This statement has considered the planning circumstances of the Site and supports the LPA's prospective allocation of it in the draft Local Plan site ref LP0978. It is considered that;
- development of the Site would have no adverse implications for landscape, ecology, highway safety and convenience and flood risk and would protect

and improve the visual amenities of the locality in this location and compliment and add variety to, rather than detract from, the character of the immediate and wider locality

- the Site's designation as a mixed residential-educational allocation would take the opportunity to design-in flexibility to the Local Plan in the context of the deliverability of the housing requirement for the District in the plan period and without any adverse consequences for the environment,
- the Site does not exhibit the relevant attributes of the five purposes of including land in the Green Belt,
- the Site's retention as Green Belt would be contrary to the terms of the Framework in that it is not necessary to keep this land permanently open and it would fail to take an important opportunity to support sustainable development,
- the Site's retention as Green Belt would be a lost opportunity to secure a modest urban extension for residential and much needed school expansion purposes, which would have no adverse implications in environmental, social and economic terms,
- the proposed new Green Belt boundary to the east of the Site along Shaw Lane would provide a permanent long term boundary, be consistent with seeking to meet existing and longer term development needs and justified by the exceptional circumstances test in the Framework due to the District's housing needs
- the residential and educational development of the Site is supported by the terms of the Framework and the presumption in favour of sustainable development,
- the residential and educational development of the site is deliverable and there are no known technical constraints, which might prevent the Site coming forward in the short to medium term. This provides the LPA with certainty as to housing and education provision,
- the Site would provide an early opportunity in the Plan period for the provision of a mix of good quality homes in an accessible and sustainable urban area,
- the Site would support a strong, vibrant and healthy community in Elland by providing an increased supply of good quality housing to meet the needs of present and future generations,
- development of the Site will protect the reasonable amenities of neighbouring householders and the local community and indeed highways conditions could be significantly improved

6.2 In the circumstances the LPA is supported in its prospective allocation of the Site as a sensible, accessible, sustainable and modest urban extension to Elland.

## **7 PROFESSIONAL DECLARATION**

- 7.1 I have prepared this brief statement in accordance with the guidance of my professional institution, the RTPI, and confirm that the views expressed are my true and professional opinions.

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**Stephen Sadler BA Hons MRTPI**

Head of Planning Consultancy  
Walker Morris LLP

February 2016