

Public Document Pack



**Service Director – Legal, Governance and
Commissioning**

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Wednesday 18 August 2021

Notice of Meeting

Dear Member

Strategic Planning Committee

The **Strategic Planning Committee** will meet in the **Council Chamber - Town Hall, Huddersfield** at **1.00 pm** on **Thursday 26 August 2021**.

This meeting will be webcast live and will be available to view via the Council's website.

The items which will be discussed are described in the agenda and there are reports attached which give more details.

A handwritten signature in black ink, appearing to read "Julie Muscroft".

Julie Muscroft

Service Director – Legal, Governance and Commissioning

Kirklees Council advocates openness and transparency as part of its democratic processes. Anyone wishing to record (film or audio) the public parts of the meeting should inform the Chair/Clerk of their intentions prior to the meeting.

The Strategic Planning Committee members are:-

Member

Councillor Steve Hall (Chair)
Councillor Carole Pattison
Councillor Mohan Sokhal
Councillor Donna Bellamy
Councillor Mark Thompson
Councillor Andrew Pinnock
Councillor Charles Greaves

When a Strategic Planning Committee member cannot be at the meeting another member can attend in their place from the list below:-

Substitutes Panel

Conservative

B Armer
A Gregg
V Lees-Hamilton
R Smith
D Hall
J Taylor

Green

K Allison
S Lee-Richards

Independent

T Lyons

Labour

M Akhtar
E Firth
M Kaushik
J Ramsay
S Ullah

Liberal Democrat

PA Davies
J Lawson
A Marchington
A Munro

Agenda

Reports or Explanatory Notes Attached

Pages

1: Membership of the Committee

To receive any apologies for absence, or details of substitutions to Committee membership.

2: Minutes of the Previous Meeting

1 - 4

To approve the Minutes of the meeting of the Committee held on 29 July 2021.

3: Declaration of Interests and Lobbying

5 - 6

Committee Members will advise (i) if there are any items on the Agenda upon which they have been lobbied and/or (ii) if there are any items on the Agenda in which they have a Disclosable Pecuniary Interest, which would prevent them from participating in any discussion or vote on an item, or any other interests.

4: Admission of the Public

Most agenda items will be considered in public session, however, it shall be advised whether the Committee will consider any matters in private, by virtue of the reports containing information which falls within a category of exempt information as contained at Schedule 12A of the Local Government Act 1972.

5: Public Question Time

The Committee will receive any public questions.

In accordance with:

- Council Procedure Rule 11 (3) questions regarding the merits of applications (or other matters) currently before the Council for determination of which the Council is under a duty to act quasi judicially shall not be answered.
 - Council Procedure Rule 11 (5), the period for the asking and answering of public questions shall not exceed 15 minutes and any person may ask no more than two questions.
-

6: Deputations/Petitions

The Committee will receive any petitions and hear any deputations from members of the public. A deputation is where up to five people can attend the meeting and make a presentation on some particular issue of concern. A member of the public can also hand in a petition at the meeting but that petition should relate to something on which the body has powers and responsibilities.

In accordance with Council Procedure Rule 10 (2), Members of the Public should provide at least 24 hours' notice of presenting a deputation.

7: Planning Applications

7 - 8

The Committee will consider the attached schedule of Planning Applications.

Please note that any members of the public who wish to speak at the meeting must register to speak by 5.00pm (for phone requests) or 11:59pm (for email requests) by no later than Monday 23 August 2021.

To pre-register, please email governance.planning@kirklees.gov.uk or phone Andrea Woodside on 01484 221000 (Extension 74993).

Members of the public may address the Committee virtually. Please provide a contact telephone number within the registration email.

Members of the public who wish to attend the meeting in person are also required to register by the deadline above. Measures will be in place to adhere to current COVID secure rules, including social distancing requirements. This will mean that places will be limited.

Please note that in accordance with the council's public speaking protocols at planning committee meetings verbal representations will be limited to three minutes.

An update, providing further information on applications on matters raised after the publication of the Agenda, will be added to the web Agenda prior to the meeting.

8: Planning Application - Application No: 2021/91544

9 - 34

Outline application for erection of health and research innovation campus comprising: Class F1(a)-education; Class E(e)-medical/healthservices; Class E(g)(i)-offices; Class E(g)(ii)-research/development of products/processes; multi storey car park; Class E(a)-display/retail of goods; Class E(b)-sale of food/drink;

Class E(d)-indoor sport/recreation/fitness at Southgate/Leeds Road, Huddersfield.

Ward affected: Dalton

Contact: Kate Mansell, Planning Services

Wards Affected: Dalton

9: Planning Application - Application No: 2020/90640 35 - 70

Formation of artificial grass pitch with associated features, including eight 15m high floodlights, fencing up to 4.5m, pedestrian circulation and access route, vehicular maintenance and emergency access with Springwood Road, erection of store, grass mounds, retaining structures and landscaping works at Holmfirth High School, Heys Road, Thongsbridge, Holmfirth.

Wards affected: Holme Valley South

Contact: Christopher Carroll, Planning Services

Wards Affected: Holme Valley South

10: Planning Application - Application No: 2017/93980 71 - 88

Erection of detached shed/store at Woodside Farm, Wakefield Road, Grange Moor, Huddersfield.

Ward affected: Kirkburton

Contact: Victor Grayson, Planning Services

Wards Affected: Kirkburton

11: Planning Application - Application No: 2021/92487 89 - 98

Erection of two temporary single storey modular classroom buildings at Taylor Hill Centre, Close Hill Lane, Newsome, Huddersfield.

Ward affected: Newsome

Contact: Tom Hunt, Planning Services

Wards Affected: Newsome

12: Planning Application - Application No: 2021/92122

99 - 112

Variation of Condition 1 (Plans) on previous permission 2019/94152 reserved matters application pursuant to application no 2018/90802 for development of 16,723 sq metres employment floor space together with associated internal roads, parking and landscaping in relation to the reserved matters of layout, scale, appearance and landscaping. Together with the discharge of conditions 3, 6, 13, 14, 15, 16, 19, 20, 21, 22, 23, 24, 25, 26, 28, 29, 32, 33 and 34 in so far as they relate to Phase 2 at land at Slipper Lane, Leeds Road, Mirfield.

Ward affected: Mirfield

Contact: Nick Hirst, Planning Services

Wards Affected: Mirfield

Planning Update

The update report on applications under consideration will be added to the web agenda prior to the meeting.

Contact Officer: Sheila Dykes

KIRKLEES COUNCIL

STRATEGIC PLANNING COMMITTEE

Thursday 29th July 2021

Present: Councillor Steve Hall (Chair)
Councillor Donna Bellamy
Councillor Charles Greaves
Councillor Carole Pattison
Councillor Mohan Sokhal
Councillor Anthony Smith

Apologies: Councillor Mark Thompson

1 Membership of the Committee

In accordance with Council Procedure Rule 35(8)(ii) Councillor Anthony Smith substituted for Councillor Andrew Pinnock.

Apologies were received from Councillor Mark Thompson.

2 Minutes of the Previous Meeting

The Minutes of the meeting of the Committee held on 1st July 2021 were agreed as a correct record.

3 Declaration of Interests and Lobbying

Councillor Steve Hall advised that he had been lobbied in relation to Application 2021/92086.

4 Admission of the Public

All items on the agenda were taken in public session.

5 Public Question Time

No questions were asked.

6 Deputations/Petitions

No deputations were received.

Councillor Steve Hall reported that he had received a petition, in relation to an application that was not on the agenda for this meeting, and that he would pass this to the Governance Team for processing.

7 Planning Application - Application No. 2018/93676

The Committee considered Application 2018/93676, relating to the infill of land and formation of access and turning facilities, temporary fence and restoration to agricultural use, on land to the north west of Hog Close Lane, Holmfirth.

Strategic Planning Committee - 29 July 2021

Under the provisions of Council Procedure Rule 37, the Committee received representations from Chris Ballam (Agent, in support).

Under the provisions of Council Procedure Rule 36 (3) the Committee received a representation from Councillor Donald Firth.

RESOLVED –

That consideration of the application be deferred to allow for further information to be provided in respect of:

- quantitative details (figures) of the amount of capacity available at each landfill site.
- quantitative details (figures) of benefits to agricultural production (increase in livestock or crop production) associated with the infill/restoration of the site.

A recorded vote was taken in accordance with Council Procedure Rule 42 (5) as follows;

For: Councillors Hall, Pattison, Smith and Sokhal (4 votes)

Against: Councillors Bellamy and Greaves (2 votes)

8 Planning Application - Application No. 2021/90119

The Committee considered Application 2021/90119 relating to the installation of a 30 metre high valmont slimline climbable monopole on a 6.6 x 6.6 x 1.4 metre depth concrete base with 6 antenna apertures at 330°/90°/210° and 4 proposed 600 dishes. RRU's, MHA's, active routers and BOB's to be fixed to headframe below antennas and associated ancillary works, at Focal Community Centre, New Hey Road, Huddersfield.

Under the provisions of Council Procedure Rule 37, the Committee received representations from Damien Hosker (Agent, in support).

RESOLVED –

That approval of the application and issue of the decision notice be delegated to the Head of Planning and Development in order to complete the list of conditions, including those contained within the Committee report, as set out below:

1. Development shall be begun within three years of the date of the permission.
2. Development to be in complete accordance with plans and specifications.
3. Netting shown on the drawings to be installed before monopole is brought into use.
4. Development to be implemented in full accordance with recommendations in the Arboricultural Impact Assessment.
5. The palisade fencing to have a dark green or dark brown colour finish.

A recorded vote was taken in accordance with Council Procedure Rule 42 (5) as follows;

For: Councillors Greaves, Hall, Pattison, Smith and Sokhal (5 votes)

Against: (0 votes)

Abstain: Councillor Bellamy

9 Position Statement - Application No. 2021/92086

The Committee was presented with a Position Statement in respect of Application 2021/92086 for the erection of 270 residential dwellings and associated infrastructure and access on land at Bradley Villa Farm, Bradley Road, Bradley, Huddersfield.

Under the provisions of Council Procedure Rule 36 (3) the Committee received a representation from Councillor James Homewood.

The Committee noted the contents of the report and made comments on the proposed development.

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KIRKLEES COUNCIL			
DECLARATION OF INTERESTS AND LOBBYING			
Strategic Planning Committee			
Name of Councillor			
Item in which you have an interest	Type of interest (eg a disclosable pecuniary interest or an "Other Interest")	Does the nature of the interest require you to withdraw from the meeting while the item in which you have an interest is under consideration? [Y/N]	Brief description of your interest

LOBBYING

Date	Application/Page No.	Lobbied By (Name of person)	Applicant	Objector	Supporter	Action taken / Advice given

Signed: Dated:

NOTES

Disclosable Pecuniary Interests

If you have any of the following pecuniary interests, they are your disclosable pecuniary interests under the new national rules. Any reference to spouse or civil partner includes any person with whom you are living as husband or wife, or as if they were your civil partner.

Any employment, office, trade, profession or vocation carried on for profit or gain, which you, or your spouse or civil partner, undertakes.

Any payment or provision of any other financial benefit (other than from your council or authority) made or provided within the relevant period in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses.

Any contract which is made between you, or your spouse or your civil partner (or a body in which you, or your spouse or your civil partner, has a beneficial interest) and your council or authority -

- under which goods or services are to be provided or works are to be executed; and
- which has not been fully discharged.

Any beneficial interest in land which you, or your spouse or your civil partner, have and which is within the area of your council or authority.

Any licence (alone or jointly with others) which you, or your spouse or your civil partner, holds to occupy land in the area of your council or authority for a month or longer.

Any tenancy where (to your knowledge) - the landlord is your council or authority; and the tenant is a body in which you, or your spouse or your civil partner, has a beneficial interest.

Any beneficial interest which you, or your spouse or your civil partner has in securities of a body where -

(a) that body (to your knowledge) has a place of business or land in the area of your council or authority; and
(b) either -

- the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
- if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, or your spouse or your civil partner, has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

Lobbying

If you are approached by any Member of the public in respect of an application on the agenda you must declare that you have been lobbied. A declaration of lobbying does not affect your ability to participate in the consideration or determination of the application.

In respect of the consideration of all the planning applications on this Agenda the following information applies:

PLANNING POLICY

The statutory development plan is the starting point in the consideration of planning applications for the development or use of land unless material considerations indicate otherwise (Section 38(6) Planning and Compulsory Purchase Act 2004).

The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

National Policy/ Guidelines

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 20th July 2021, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

REPRESENTATIONS

Cabinet agreed the Development Management Charter in July 2015. This sets out how people and organisations will be enabled and encouraged to be involved in the development management process relating to planning applications.

The applications have been publicised by way of press notice, site notice and neighbour letters (as appropriate) in accordance with the Development Management Charter and in full accordance with the requirements of regulation, statute and national guidance.

EQUALITY ISSUES

The Council has a general duty under section 149 Equality Act 2010 to have due regard to eliminating conduct that is prohibited by the Act, advancing equality of opportunity and fostering good relations between people who share a protected characteristic and people who do not share that characteristic. The relevant protected characteristics are:

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- religion or belief;
- sex;
- sexual orientation.

In the event that a specific development proposal has particular equality implications, the report will detail how the duty to have “due regard” to them has been discharged.

HUMAN RIGHTS

The Council has had regard to the Human Rights Act 1998, and in particular:-

- Article 8 - Right to respect for private and family life.
- Article 1 of the First Protocol - Right to peaceful enjoyment of property and possessions.

The Council considers that the recommendations within the reports are in accordance with the law, proportionate and both necessary to protect the rights and freedoms of others and in the public interest.

PLANNING CONDITIONS AND OBLIGATIONS

Paragraph 55 of The National Planning Policy Framework (NPPF) requires that Local Planning Authorities consider whether otherwise unacceptable development could be made acceptable through the use of planning condition or obligations.

The Community Infrastructure Levy Regulations 2010 stipulates that planning obligations (also known as section 106 agreements – of the Town and Country Planning Act 1990) should only be sought where they meet all of the following tests:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

The NPPF and further guidance in the PPGS launched on 6th March 2014 require that planning conditions should only be imposed where they meet a series of key tests; these are in summary:

1. necessary;
2. relevant to planning and;
3. to the development to be permitted;
4. enforceable;
5. precise and;
6. reasonable in all other respects

Recommendations made with respect to the applications brought before the Planning sub-committee have been made in accordance with the above requirements.

Report of the Head of Planning and Development

STRATEGIC PLANNING COMMITTEE

Date: 26-Aug-2021

Subject: Planning Application 2021/91544 Outline application for erection of health and research innovation campus comprising: Class F1(a)-education; Class E(e)-medical/healthservices; Class E(g)(i)-offices; Class E(g)(ii)-research/development of products/processes; multi storey car park; Class E(a)-display/retail of goods; Class E(b)-sale of food/drink; Class E(d)-indoor sport/recreation/fitness Southgate/Leeds Road, Huddersfield, HD1 1TW

APPLICANT

Tim Hosker, University of
Huddersfield

DATE VALID

24-Jun-2021

TARGET DATE

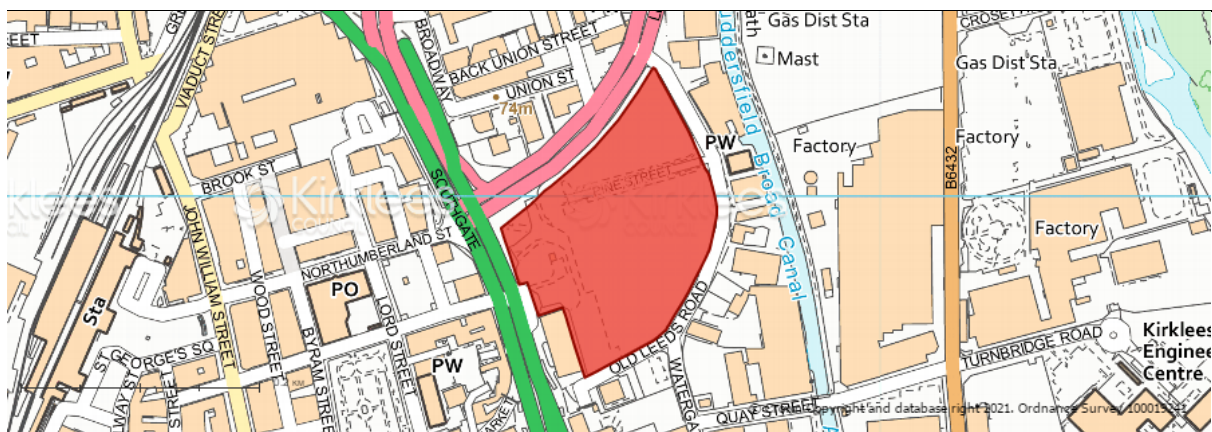
23-Sep-2021

EXTENSION EXPIRY DATE

Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

<http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf>

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral wards affected: Dalton

Ward Councillors consulted: Yes

Public or private: Public

RECOMMENDATION:

DELEGATE approval of the application and the issuing of the decision notice to the Head of Planning and Development in order to complete the list of conditions including those contained within this report and to secure a S106 agreement to cover the following matters:

- (1) Contribution of £10K to fund the removal of Traffic Regulation Orders within the site;
- (2) Contribution of £23K to provide a shelter and real-time information to the bus stop on Leeds Road.
- (3) Bio-diversity – Contribution (amount to be confirmed) towards off-site measures to achieve bio-diversity net gain in the event that it cannot be delivered on site.

1.0 INTRODUCTION:

- 1.1 In accordance with the Council's Scheme of Delegation, this application is brought to Committee on the grounds that it is a non-residential planning application where the site boundary exceeds 0.5 hectares.
- 1.2 This application is submitted on behalf of Huddersfield University. It seeks outline planning permission with all matters reserved for the development of a Health Innovation Campus. This would allow the University to deliver Higher Education degrees in the field of health and well-being.

2.0 SITE AND SURROUNDINGS:

- 2.1 The application site extends to an area of 2.67 hectares comprising the entire Southgate site. It is bounded by Southgate and Crown House, a 1970s office block, to the west, Leeds Road to the north and Old Leeds Road to the south and east. Formerly occupied by two 11 storey high-rise housing developments, a large sports centre, multi-storey car park and various other buildings, the site was cleared and re-graded by the Council in 2016. Part of the site has most recently been used as a temporary car park providing 166 spaces to accommodate parking displaced by the closure of the Market Hall car park.
- 2.2 The surrounding area is mixed in character. Opposite the site on Old Leeds Road, the buildings are principally in light industrial/business use within a variety of older Victorian mill buildings, as well as more recent 1970s business units. Opposite the site on Leeds Road is Harold Wilson Court, an 11-storey residential block.

- 2.3 Huddersfield Town Centre lies to the west, with Huddersfield Railway Station situated at a distance of approximately 450m from the site at the closest point. The station would be accessed via Northumberland Street and across Southgate. This route also provides a pedestrian connection via Leeds Road to John Smith's Stadium, which is situated approximately 0.5 miles to the east of the application site.
- 2.4 Within the Kirklees Local Plan (KLP) (2019) the site is designated within a Principal Town Centre Boundary (Huddersfield). It is a Mixed Use Allocation (MXS2- Land east of, Southgate, Huddersfield) within the KLP Allocations and Designations document (February 2019) for housing, employment and retail uses.

3.0 PROPOSAL:

- 3.1 This is an outline planning application for the redevelopment of the site to deliver a Health Innovation Campus for the University of Huddersfield. It is submitted with *all* matters reserved. It therefore seeks permission only for the principle of the site's development for this purpose.
- 3.2 The 'Reserved Matters' of (i) the appearance of the development, (ii) the means of access to and within the site, (iii) the scale of the development (including the length and height of each building), (iv) its layout, in terms of the position of buildings, routes and open spaces and the way they are laid out in relation to buildings and spaces outside the development and (v) the landscaping of the site would all be considered at a later date as part of a future Reserved Matters submission(s).
- 3.3 To support the consideration of the application, the applicant has set out a series of outline design principles within a Design and Access Statement that would guide the future Reserved Matters, including the following:
- (i) Use: The proposed development would provide a flagship Health Innovation Campus for the University of Huddersfield, allowing them to deliver new Higher Education degrees in the field of health and well-being;
 - (ii) Amount: It is intended that the development would deliver a total of 75,000m² of floor space, across several blocks of varying footprints and heights, the precise details of which would be determined at Reserved Matters stage;
 - (iii) Scale: Whilst acknowledging the context of the 11-storey Crown House and the previous 11-storey blocks that existed on the site, the Design and Access Statement indicates that buildings of around 8 storeys would likely be the highest on the site;
 - (iv) Layout: The site would be sub-divided into 7 key development plots. The first phase would comprise a landmark building of approximately 5000m² to be positioned adjacent to Crown House at the gateway to the site. It is envisaged that a multi-storey car park would be positioned to the rear of Crown House with the 5 remaining plots arranged around the north-eastern section of the site and separated by landscaping/public realm and accessible routes through;

- (v) Appearance: Phase 1 is currently the subject of an architectural design competition. The Design and Access Statement indicates that the materials and overall appearance of the development would seek to respond to the context of the surrounding area, as well as responding to the public realm and landscaped spaces they front onto within the site. The landmark building to the front might be approached using a slightly different palette of materials to reinforce its gateway location.
- (vi) Access: It is indicated that access to the MSCP would be taken from Old Leeds Road. There would be multiple pedestrian access points into the site.

These issues would all be assessed through the Reserved Matters process.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

- 4.1 There is an extensive planning history to the site, the most relevant of which is detailed below:

2020/91629: Temporary use of site as a car park for a period of 3 years.
Approved: 28 September 2020

2015/93322: Prior notification for demolition of buildings
Approved: 10 November 2015

2009/93675: Erection of replacement retail store (Class A1) with petrol filling station, car parking, landscaping and associated works.
Allowed on appeal: 7 February 2012 (expired)

5.0 HISTORY OF NEGOTIATIONS (including revisions to the scheme):

- 5.1 There have been no amendments sought in the course of the planning application. However, the applicant was asked to provide some indicative parameter/massing plans to indicate what 75,000m² of floorspace (and the 2000m² MSCP) on this site might look like. This was subsequently submitted for information only.

6.0 PLANNING POLICY:

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019) (KLP).

Kirklees Local Plan (2019):

- 6.2 The following policies are most relevant to the consideration of this application:

Policy LP9 Supporting skilled and flexible communities and workforce
Policy LP17 Huddersfield Town Centre
Policy LP24 Design
Policy LP21 Highways and Access
Policy LP28 Drainage
Policy LP30 Biodiversity and Geodiversity
Policy LP32 Landscape

Supplementary Planning Guidance / Documents / Guidance:

6.3 The most relevant SPG/SPD document and guidance are the following:

Huddersfield Blueprint SPD (May 2020)
Highway Design Guide (November 2019)
Biodiversity Net Gain Technical Advice Note (June 2021)

National Planning Guidance:

6.4 The following sections of the National Planning Policy Framework (NPPF) (July 2021) are most relevant to the consideration of this application:

Chapter 8: Promoting healthy and safe communities
Chapter 9: Promoting sustainable transport
Chapter 12: Achieving well designed places
Chapter 14: Meeting the challenge of climate change

Climate change

6.5 On 12/11/2019 the Council adopted a target for achieving “net zero” carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system, and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target, however it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications the council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda

7.0 PUBLIC/LOCAL RESPONSE:

7.1 The application was advertised by means of site notices and a press notice in the Huddersfield Examiner (9 July 2021) as a major application. It was also advertised by means of direct neighbour notification letters.

7.2 Two representations have been received. One anonymous representation is written in support of the application stating that ‘to have this type of University and campus is one of the best that could happen to all of us in Huddersfield. Huddersfield is thriving. Thank you for that’.

7.3 The second representation is submitted on behalf of the Kirklees Cycling Campaign. A summary of the observations made by KCC are set out below:

- a. This outline planning application needs to show more commitment to prioritising active travel. The existing take up of cycling by staff and students is remarkably low, in comparison to many other universities, and this application does not fill KCC with enthusiasm about this changing sufficiently.

- b. KCC welcome the proposal to increase the availability of (secure) cycle parking, which they see as a definite advantage. However, there is insufficient recognition of how the completed health campus would affect the patterns of movement to and from the town centre and campus.
- c. With larger numbers of people on campus, particularly in peak months, this development would generate more demand to cross the traffic flow on the Ring Road. KCC propose that improved crossing facilities, which safely meet the needs of both cyclists and pedestrians, are accepted as a condition of this development, with priority given to pedestrians and cyclists rather than motor vehicles. KCC believe this needs to be in place before the completion of the development.

Ward Members

- 7.4 Ward Members were consulted on the proposal by email dated 29th June 2021. No comments have been received.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

KC Highways: No objection in principle. Further details will be necessary at Reserved Matters stage.

Lead Local Flood Authority: Support the application subject to appropriately worded planning conditions.

Canal and River Trust: No comment.

The Coal Authority: The Coal Authority is satisfied with the conclusions of the Phase 2 Ground Investigation Report May 2021, informed by the site investigation works; that coal mining legacy issues are not significant within the application site and do not pose a risk to the proposed development. Accordingly, The Coal Authority does not object to the proposed development and no specific mitigation measures are required as part of this development proposal to address coal mining legacy issues.

8.2 Non-statutory:

KC Conservation and Design: In summary, the proposed Outline development at present lacks any real detail and is consequently is considered to be premature. The site layout plan reads as an island of potentially disconnected, large-scale uses, loosely defined only by indicative floor numbers and with an ambiguous landscape structure. This leads to concern that the resultant development could repeat the mistakes of the previous site coverage and creates uncertainty in terms of how the proposed complex will positively meet the fundamental development requirements of the Local Plan. Therefore, the current application submission is not sufficiently detailed to provide the necessary confidence that a high-quality scheme will be delivered and consequently does not meet the requirements of national or local planning policy. While the regeneration of this key site is welcomed, the application is considered to present too many key questions which cannot be answered by the current submission. Therefore, the applicants should be advised to progress

the site's baseline analysis in order to inform, shape and support the preferred development options, and express the submission in the context of a detailed, deliverable, phased Masterplan to establish the structure for the realisation of the proposed campus.

KC Trees: No objections to the outline proposal. The Reserved Matters would need to be supported by a detailed landscaping scheme to include a comprehensive tree planting scheme.

KC Environmental Health: No objections on the grounds of air quality, noise impact or ground conditions subject to the imposition of conditions.

KC Ecology: Awaited – this response will be included within the Committee update.

West Yorkshire Crime Prevention: No objections in principle. Further discussions to be held as the Reserved Matters progress.

9.0 MAIN ISSUES

- Principle of development;
- Reserved Matters – access, scale, appearance, layout and landscaping;
- Highways;
- Air Quality;
- Flood risk issues;
- Ground conditions;
- Bio-diversity;
- Impact on the living conditions of the adjoining occupiers;
- Heritage considerations;
- Climate Change;
- Other Matters;
- Response to representations.

10.0 APPRAISAL

Principle of development

- 10.1 This application is submitted by the University of Huddersfield and seeks outline planning permission with all matters reserved for the re-development of the site to deliver a Health Innovation Campus. It would comprise buildings within the following Use Classes:

Class F1 (a) - Education;

Class E (a) - Display/retail of goods

Class E (b) - Sale of food/drink

Class E (e) - Medical/health services;

Class E (g) (i) - Offices;

Class E (g) (ii) - Research/development of products/processes;

Class E (d) - Indoor sport/recreation/fitness

Sui-Generis - Multi storey car park

- 10.2 Within the KLP Allocations and Designations document (February 2019), the site is part of a Mixed Use Allocation - MXS2 - Land east of Southgate, Huddersfield. It is identified in principle for mixed use development comprising housing, employment and retail. It sets an indicative capacity of 46 dwellings, 4655m² of employment space and retail subject to other policies in the plan. The Local Plan allocation MXS2 identifies the following constraints:
- Air quality issues;
 - Site is within an Air Quality Management Area;
 - Site is close to listed buildings
 - Site is close to a Conservation Area
 - Site includes area of archaeological interest
 - Part/all of the site is within a High Risk Coal Referral Area
 - Sites connection to the wider town centre currently restricted by the ring road.
- 10.3 Policy LP65 of the Local Plan advises that planning permission will be expected to be granted if proposals accord with the development principles set out in the relevant site boxes, relevant development plan policies and as shown on the Policies Map.
- 10.4 The site also lies within the boundary of Huddersfield Town Centre. Policy LP17 of the Local Plan confirms that Huddersfield Town Centre will be the principal focus for high quality comparison retail goods within the district, supported by a range of leisure, tourism, office (including high quality grade A office space), and other main town centres uses. It will also provide high quality educational facilities as well as opportunities for town centre living.
- 10.5 Furthermore, within the Huddersfield Blueprint SPD, which is capable of being a material consideration in the determination of a planning application, the wider Southgate site is identified as providing an opportunity for major mixed use (potential residential/educational/ commercial use development with car parking). The SPD states that it is well located with good access to the town centre and links to wider road networks via the Huddersfield ring road, and is a key priority for redevelopment in the short to medium term (3-5 years). The Blueprint also recognises that the development of the Southgate site would have a considerable impact on the footfall of the Station Gateway.
- 10.6 In this case, the development of the site as part of the University's campus would result in the introduction of a range of uses. The definition of employment uses in the Local Plan is summarised in the table below, along with an assessment against the proposal. (Note: those listed within the Local Plan are based on the previous Use Classes Order (UCO) 1987 (as amended) which was updated on 1 September 2020 with the updated classes also listed below).

Employment Generating Uses as defined in the Kirklees Local Plan		
UCO 1987 (as amended)	UCO 2020	Proposed within this application
B1 (a) Offices (other than A2 professional and financial)	Class E(g)(i) Offices to carry out any operational or administrative functions	✓
B1 (b) Research and Development	Class E (g) (ii) - Research/development of products/processes;	✓
B1 (c) Light Industry	Class E(g)(iii) Industrial processes which can be carried out in a residential area without detriment to its amenity	✓
B2 General Industry	Use Class B2	✗
B8 Storage and Distribution	Use Class B8	✗
Enterprises which provide jobs, for example, retail, hotel, assembly and leisure and certain non-residential Sui Generis uses	Could include: Class F1(a) - Education; Class E (a) - Display/retail of goods Class E (b) - Sale of food/drink Class E (d) - Indoor sport/recreation/fitness Sui-Generic - Multi storey car park	✓

- 10.7 With the exception of the provision of medical health services, the uses proposed within the University campus would constitute employment generating functions. They would therefore be consistent with the employment and retail element of the mixed use allocation. Whilst no residential units are proposed, the provision of high quality educational facilities would be wholly compliant with the objectives for Huddersfield Town Centre set out within Policy LP17 and also with opportunities identified within the Blueprint. The provision of medical/health services is considered to be a broadly ancillary function to form part of the overall health campus and would not conflict with the wider objectives of either the Local Plan or the Blueprint.
- 10.8 For these reasons, the principle of developing the site as a University Campus is therefore considered to be consistent with the objectives of Policies LP17 and LP65 of the Kirklees Local Plan. It is therefore considered to be acceptable in principle.
- 10.9 It is recognised that the development of this site would result in the loss of the existing temporary car park, which was provided to compensate for the loss of town centre parking spaces at the Market Hall. The temporary car park secured planning permission for a period of three years, starting in September 2020. Whilst the future provision of car parking within the Town Centre would be a

matter for the Council, the applicant has nonetheless advised that it is likely that this car park would remain operational until May 2022. If it is required beyond that date, the applicant suggests that a further 12 months until May 2023 could be agreed subject to certain conditions. However, that will be a civil (legal) matter within the applicant and the Council.

Reserved Matters – access, scale, appearance, layout and landscaping

10.10 Reserved matters are those aspects of a proposed development which an applicant can choose not to submit details of within an outline planning application (i.e. they are 'reserved' for later determination). In this case, all matters are reserved, so access, scale, appearance, layout and landscaping do not form part of the consideration of this application. Nonetheless, the following information is provided to assist Members in their understanding of the proposal and to highlight issues that will require further consideration at Reserved Matters stage.

Access

10.11 'Access' is defined as the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network.

10.12 Under Article 5(3) of the Development Management Procedure Order 2015, an application for outline planning permission must indicate the area or areas where access points to the development will be situated, even if access has been reserved.

10.13 In this case, one vehicular means of access is shown from Old Leeds Road, which would serve the proposed MSCP, the location of which is indicated to the rear of Crown House. In principle, there is no objection to a means of access in this location but it will have to be subject to detailed assessment as part of a future Reserved Matters submission.

10.14 The Council's Highways Development Management (HDM) Officer notes that servicing details of the development will also need to be determined at a later date. Whilst this might give some cause for concern, as access/servicing and delivery details are fundamental to the proper planning of the building(s) /alignment proposed and access to the adjacent public highway, this can be managed through the appropriate imposition of planning conditions. In particular, it is intended that the applicant be required to prepare a Masterplan for the site as part of a subsequent Reserved Matters submission. This would include a consideration to the positioning and treatment of access and circulation routes and how these would fit into the surrounding access network.

10.15 Turning to pedestrian and cycle access, the recently revised NPPF is clear that applications for development should give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use. It should also address the needs of people with disabilities and reduced mobility in relation to all modes of transport. All developments that will generate significant amounts of movement should be required to provide a travel plan. This is consistent with Policy LP17 of the Local Plan, which clarifies that

proposals in Huddersfield Town Centre shall make them more attractive to pedestrian, cyclists and public transport users, and shall provide appropriate connections and enhancements to convenient pedestrian and cycling routes. Furthermore, the Huddersfield Town Centre Blueprint confirms that the development of the Southgate site must be cognisant of aspirations to reinforce a strong physical relationship to the Town Centre, and respond well to the intersection of Southgate and the A62. It is also expected that pedestrian routes through the site will improve the area's permeability to other destinations such as the stadium.

- 10.16 Whilst the indicative site layout does show pedestrian connections into the site from Leeds Road and Old Leeds Road, this issue would need to be properly addressed through the preparation of a Masterplan to support any future Reserved Matters stage. The Masterplan would need to demonstrate that an assessment of the impact of the scale of this proposal on patterns of movement to and from the town centre has been undertaken, including to the Railway and Bus Stations. At that time, consideration would also be given to whether any improvements would be required to crossing facilities that would meet the need of both pedestrians and cyclists. A condition pursuant to the provision of cycle parking and storage and shower facilities is also proposed to encourage travel by means other than the private car.
- 10.17 The HDM Officer also notes that there are multiple historic access points/footway crossovers adjacent to the site boundary on the development side of both Leeds Road and Old Leeds road. There are eight to nine along the development side/extent of Old Leeds Road alone as well as two fronting the site on Southgate. These will all require stopping up/the footway reinstating to an acceptable standard, which would also be secured via a planning condition. Additionally, within the site there are a number of streets that would be lost to the development, some of which still have traffic regulation orders on them. If none of this street pattern is to be utilised within the new development, these would need to be revoked as a matter of course at the applicant's cost.

Layout, Scale, Appearance and Landscaping

- 10.18 Policy LP24 of the Kirklees Local Plan advises that good design should be at the core of all proposals in the district. This reflects guidance within the National Planning Policy Framework, at Paragraph 126, which confirms that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Policy LP32 requires development proposals to take into account and seek to enhance the landscape character of the area.
- 10.19 Turning to the definition of the Reserved Matters, these are as follows:
- (i) Layout is defined as the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development.
 - (ii) Scale is the height, width and length of each building proposed within the development in relation to its surroundings;

- (iii) Appearance means the aspects of a building or place within the development which determine the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture.
- (iv) Landscaping is defined as the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes: (a) screening by fences, walls or other means; (b) the planting of trees, hedges, shrubs or grass; (c) the formation of banks, terraces or other earthworks; (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and (e) the provision of other amenity features.

10.20 As set out in the report above, being an outline planning application with all matters reserved, these elements of the scheme are not for consideration as part of this application. They are details that are set aside for future consideration as part of a Reserved Matters application, over which the Local Planning Authority would have full decision making control. Nonetheless, the Design and Access Statement establishes the following key parameters to guide any future RM submission:

Layout	<p>The site is sub-divided into 7 key development plots, The new Health & Wellbeing faculty would stand as the landmark building on Plot 01, with gateway visibility for those arriving both by train and by car. This is currently the subject of an architectural design competition.</p> <p>Routes of circulation are created between each of the plots, with a large area of public realm at the heart of the development and site-wide landscaping used to knit each of the buildings together into a cohesive site masterplan.</p> <p>The former Pine Street access into the site from the east sits over the majority of the utilities crossing the site. Thus this services route would be maintained and this section of the site utilised as a shared-surface landscaped circulation zone.</p> <p>To maximise the development potential of the site, the built mass of the site would follow the site boundaries with Leeds Road and Old Leeds Road. This would create a prominent street frontage for the site, and a strong built boundary to act as a buffer to sound and environmental pollution around it. Soft landscaping would be used along sections of the site boundary to form a transition zone between the busy roads and the development.</p> <p>The Phase 1 Health & Wellbeing building would sit back off the junction of Southgate and Leeds Road to both ensure visibility at the junction and acknowledge the Council's planned highway and landscaping improvement works in this location. This building would also create a focal point to the site to enhance wider site orientation and wayfinding.</p> <p>The masterplan would be designed to offer clear access points for those arriving at the site, utilising the design of the buildings and associated landscaping to provide easily recognisable points of entry into the site, and subsequently into the buildings themselves.</p>
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Scale	<p>With the site formerly home to the Ibbotson and Lonsbrough flats, two 11-storey residential blocks, there is precedent on the site for buildings of significant height. Crown House to the south-western corner of the site stands at 11-storeys in height, as does Harold Wilson Court at the opposite side of Leeds Road to the north of the site.</p> <p>Whilst delivery of the proposed 75,000m² of development on the site would require buildings of considerable scale and mass, the new buildings would be designed to relate to the surrounding context of the Southgate area to create strong integration of these new built forms with the character of the area and to ensure delivery of a successful overall masterplan scheme.</p> <p>Building heights would be varied across the site, generally lower towards the boundaries of Leeds Road and Old Leeds Road, and building up within the site. Buildings of around 8 storeys would likely be the highest. Stepped elevations could be used within the site to reduce the potential 'canyon' effect in the public realm areas as a result of having several tall buildings in close proximity.</p>
Appearance	<p>The materials and overall appearance of the development would seek to respond to the context of the surrounding area, as well as responding to the public realm and landscaped spaces they front onto the site.</p> <p>The Health & Wellbeing building on the focal corner of the site may be approached with a slightly different palette of materials to give it more visual prominence.</p> <p>Hard and robust materials would be used on the perimeter of the site to form a buffer with the roads and reflect the light industrial nature of the area, though more dynamic materials may be used within the site to create a greater sense of fluidity and activity in the public realm areas.</p>
Landscape	<p>The development would seek to introduce multiple areas of public realm, including a large area of public realm at the heart of the site to act as a unifying focal point for the site and to generate a sense of connectivity and community within the campus. Additional pockets of public realm would be woven through the development as part of the overall landscaping strategy.</p> <p>The indicative landscaping strategy is for the creation of distinct public realm spaces of differing characters, woven together with shared-surface hard landscaping, raised planting, trees and planted margins to the site perimeter to act as a green 'buffer' between the site and roads, and introduce some much needed green space to the area. The landscaping zones and their purpose will be influenced by future detailed building designs and be subject of subsequent reserved matters applications.</p>

- 10.21 It is acknowledged that the Council's Conservation and Design Officer has raised a number of concerns in relation to the outline proposal. As submitted, the application indicates a collection of seven large scale blocks of development totalling some 75,000m² of floor-space and including a 'landmark' on the west side of the site flanking the ring road, adjacent to the extant 10-storey Crown House, which lies outside of the development site. Further indicative massing drawings requested in the course of the application suggest that the buildings would range from 5 floors to the MSCP to up to 8 floors to other blocks.
- 10.22 Historically, this was a densely packed, mixed-use area directly connected to the station and canal and populated by the end of the C19th with back-to-back dwellings integrated with industrial yards and small-scale commercial premises. It was subject to comprehensive redevelopment in the post-WWII period, resulting in its complete clearance by the early-1950s and the subsequent redevelopment as a relatively insular site containing large-plate offices, a sports centre and commercial industrial sheds. It was then cleared again in 2015 and currently used as a car park. The Conservation and Design Officer recognises that this proposal would provide an opportunity to reintegrate the site with the diversity and vitality of the town centre by the development of a diverse academic and commercial campus. The prominence of the site and its proposed purpose as a University research campus would mean that the realisation of the development be character-defining for the town centre and would again have a significant influence on the appreciation of the townscape and character of the town centre and canal-side areas.
- 10.23 The Council's Conservation and Design Officer also notes that the scale and proportions of the indicative blocks and building heights all indicate large-plate building blocks fanned out eastwards across the site. The 'Masterplan' provides negligible detail, other than a collection of routes and vistas and the enclosure of the adjacent, 10-storey Crown House Tower-block. There is no apparent justification for the directional access onto Old Leeds Road, with the routes leading towards the private commercial yards, rather than having any apparent connection to the hinterland or peripheral connecting routes. Whilst the proposed scale of development and uses are welcomed, the importance of this site should demand the expression of a clear vision for the scheme as a whole, informed by a detailed Masterplan illustrating how the new island site would be integrated into the town centre. The Masterplan would need to address the requirements of Local Plan Policy LP5 and NPPF 127 to reveal how the development will establish a strong sense of place, sympathetic to local character and optimise the potential of the site as a new town centre quarter.
- 10.24 The design parameters for the site would also need to be clearly expressed in order to accommodate the massing of the development, the influence of the ring road and the relationship with Crown House. It would appear to be able to accommodate a 'landmark' scale block assuming that it was of an appropriate design quality in terms of its appearance. However, a clear purpose for the landmark would need to be established and the development of the site would need to demonstrably connect and complement its town centre context.
- 10.25 In determining the appropriate scale at Reserved Matters stage, due consideration would also have to be given to the relationship to adjoining properties with regard to overlooking and over-bearing issues, as well as any impacts upon daylight and sunlight. In particular, it is noted that Crown House has recently been granted prior approval under Class O of the General Permitted Development Order (GPDO) (England) 2015 (as amended) for

change of use from office (Class B1a) to 85 residential units (2021/92282), which would influence the appropriate scale for any building adjoining Crown House (including the MSCP).

10.26 Overall, the very nature of this application, being submitted in outline with all matters reserved, means that no details are provided of the layout, scale, appearance and landscaping of the proposed development. However, and whilst acknowledging the concerns expressed by the Council's Design and Conservation Officer, in addition to the standard condition for the submission of Reserved Matters, it is proposed to impose a detailed planning condition requesting the preparation of a Masterplan to be submitted as part of any subsequent reserved matters application and to be updated as necessary for each future phase of development. In respect of these Reserved Matters, the masterplan would need to address at least the following:

- Define a clear structural layout of the new development, establishing the permeability of the public realm and establishing a clear pattern of gateways and streets/pedestrian route lined with trees;
- Positively address the ring-road network, detailing the strategy for boundary treatments along and the enclosure of the site, particularly to address the level-change across the site, vehicular access points and the hierarchy of site roads and gateways.
- Illustrate the physical and visual connections to the site based on pedestrian desire routes into the site and across the town centre. The character of the routes should be evident from the landscape structure, emphasising the permeability of the complex and the managed public realm (to avoid being read as simply a managed, apparently inaccessible campus). This would also need to include a consideration of pedestrian routes through the site to improve the area's permeability to other destinations such as the stadium ;
- Focus external views from the town centre along Northumberland Street, ensuring that the specifications for the 'landmark building' (at indicative site 01) addresses the need to express the connections with the historic core;
- Consider key views/focal points from the surrounding area, including from the canal (a key pedestrian/cycle route) looking towards the Railway Station;
- Indicate how the proposed campus development would architecturally address the integration of Crown Buildings as a static component of the 'island' site;
- Illustrate how vistas of key site gateways and internal nodes will be addressed to demonstrate active frontages and over-looked/passively controlled pedestrian/access areas;
- Express the fundamental parameters for a coherent, contemporary architectural language defining the complex, necessary to establish its character as a distinctive component of Huddersfield town centre, establishing elevation rhythms, materiality, scale and the relationships to the setting of flanking local vernacular forms (i.e. the designated and non-designated heritage assets);
- Outline the service/operational requirements for the building blocks to be considered when determining whether façades of buildings are of sufficiently high-quality and function well, defining the public and private/service areas to maximise the permeability and vitality of the public realm.

- Establish how the structural landscaping will define the public realm, while compensating for the loss of tree groups
- Consider the opportunity to create tree-lined boundaries to Southgate, Leeds Road, and Old Leeds Road to define the edges of the campus site, with similarly expressed key gateways and access points.

10.27 In addition, a condition is recommended to require the submission of a Design Code as part of the first phase of Reserved Matters. This would establish the design principles for the site going forward. The NPPF defines a design code as a set of illustrated design requirements that provide specific, detailed parameters for the physical development of a site or area. The graphic and written components of the code should build upon a design vision, such as a masterplan or other design and development framework for a site or area. The Framework confirms that design codes can be used on a site-specific level and should ensure a framework for creating a sustainable and distinctive development with a consistent and high-quality standard of design.

10.28 Subject to the imposition of these conditions, Officers are satisfied that there is sufficient scope within the site to ensure that a scheme can be delivered that meets the Council's design aspirations established within Policies LP24 and LP32 and to also reflect guidance within the NPPF, including the need to provide maximum clarity about design expectations at an early stage. This will be managed through the assessment of future Reserved Matters submissions.

Highways

10.29 Policy LP21 of the Kirklees Local Plan advises that proposals shall demonstrate that they can accommodate sustainable modes of transport and be accessed effectively and safely by all users. It states that new development will normally be permitted where safe and suitable access to the site can be achieved for all people and where the residual cumulative impacts of development are not severe. This reflects guidance within the National Planning Policy Framework (the Framework), which states at Paragraph 108 that in assessing application for development, it should be ensured that there are appropriate opportunities to promote sustainable transport modes, safe and suitable access to the site can be achieved for all users and any significant impacts from the development on the transport network can be viably and appropriately mitigated. Paragraph 109 confirms that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Traffic Generation

10.30 Whilst access is a Reserved Matter, the applicant is indicating that the site would deliver up to 75,000m² of floor space to facilitate the health and well-being campus. Consequently, a Transport Statement has been submitted to support the application. On the basis that it is an outline planning permission with all matters reserved and the exact quantum of development has yet to be fixed, the Transport Statement is currently based upon the proposed parking level as the determination of the likely trip generation. This is currently established to be a 240 space multi storey car park to be provided somewhere on site.

- 10.31 Adopting a trip rate that was also utilised for the assessed of the current Council car park, the proposed traffic generation associated with 240 car parking spaces would comprise the following:

TIME PERIOD	TOTAL VEHICULAR TRIPS – 240 SPACES		
	Arrivals	Departures	Two-way
AM Peak 0800-0900	99	0	99
PM Peak 1700 - 1800	0	99	99

- 10.32 Assessed against the trip rate for the current temporary car park, which were calculated at 69 two way trips in the AM and PM peak, this proposal would result in an additional 30 two-way trips at each peak. The Council’s Highways Development Management Officer has concluded that in a town centre location such as this, it is not considered that 30 (2-way) vehicular movements (i.e. a vehicle arriving or departing every two minutes) would present a ‘severe’ impact on the local highway network/nearby junctions, being mindful of the existing high flows of traffic during those peak periods.

Travel by means other than the private car

- 10.33 The Transport Statement confirms that the location of the site provides future staff, students and visitors with opportunities to travel via alternative modes of transport and minimise trips by the private car.
- 10.34 In terms of public transport, it acknowledges that Huddersfield Town Centre has an excellent overall public transport provision with a wide range of bus and rail services available. There is a dense bus network throughout the town and surrounding areas with bus stops and frequent services operating on all the principle road corridors. The nearest bus stop is located on Leeds Road with several stops on Lord Street. The former stop on Leeds Road does not have a shelter and it is therefore proposed to secure funds for a bus shelter and real-time information screen to be secured through a Section 106 agreement. The bus station is also within walking distance at approximately 800m whilst Huddersfield railway station is located some 400m from the site. These transport hubs would be accessible by foot and, as set out above, the Masterplan would need to consider further the physical and visual connections to the site based on pedestrian desire routes into the site and across the town centre. This would be addressed at Reserved Matters stage.
- 10.35 Equally, the Transport Statement acknowledges that the site is accessible by bicycle and there are a number of existing cycle facilities/routes within close proximity of the site, including the Huddersfield Broad Canal to Aspley Marina (5 miles), Huddersfield Urban Canal Cruiser (9 miles), North Huddersfield Explorer (14.3 miles), The Mast and Castle Ride (31.5miles). There are also signed cycle routes on Old Leeds Road and a cycle lane along Leeds Road and advanced cycle stop line. The TS therefore recognises that cycling can be considered to be an attractive travel choice for staff and students at the site and this would be enhanced with extensive cycle parking that would be provided at the development. This would be secured by means of a planning condition.

10.36 The submission is also supported by a Travel Plan to identify a package of measures to greener, cleaner travel choices and reducing the reliance on the car. The Travel Plan identifies four key objectives:

- Promoting walking, cycling and public transport as the primary modes of travel;
- To deliver mode shift from car journeys to alternative modes including multi-occupancy vehicle trips;
- To reduce vehicle emissions through the take up of alternative transport modes and;
- To deliver education and promotion of walking and cycling as options for a healthier lifestyle.

Overarching targets would be set once baseline travel surveys have been carried out and accordingly, a further Travel Plan would be secured by condition.

10.37 Taking all the above matters into account, it is concluded that the proposal can be accessed effectively and safely by all users. Subject to securing an appropriate Masterplan at Reserved Matters stage, conditions to secure access details and the appropriate provision of cycle facilities, as well as the contribution to a bus shelter, the development would provide appropriate opportunities to promote sustainable transport modes by being located within walking distance of the town centre and connected to the bus and railway station. It can also deliver a safe and suitable access and the traffic generated by it can be appropriately accommodated on the transport network. It is therefore in accordance with KLP Policy LP21 and guidance within the Framework.

Air Quality

10.38 Policy LP51 of the KLP relates specifically to Air Quality and advises, amongst other matters, that development will be expected to demonstrate that it is not likely to result, directly or indirectly, in an increase in "air pollution that would have an unacceptable harm on the natural and built environment or to people. Where development introduces new receptors into Air Quality Management Areas, it must incorporate sustainable mitigation measures. This is reflected in other policies in the plan, which seek to ensure that current air quality is monitored and maintained, including LP22 (Parking), LP47 (Healthy, active and safe lifestyles) and LP20 (Sustainable travel) which encourages the use of low emission vehicles to improve areas with low levels of air quality.

10.39 This approach is also evident in guidance within the Framework, which states at Paragraph 174 that 'planning policies and decisions should contribute to and enhance the natural and local environment by: e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality'. It is further supported by guidance within the West Yorkshire Low Emissions Strategy (WYLES) (2019), which sets out the regions policies and principles on achieving and maintaining low emission rates.

- 10.40 In this case, the site is partially within a designated Air Quality Management Area (AQMA) (No.9). Consequently, an Air Quality Impact Assessment was submitted with the application to consider both the construction and operational phase. It focuses on the impact upon the Huddersfield Town Centre AQMA, which is closest to the site boundary. There are 11 monitoring stations within 1km of the site boundary, of which 6 are within the Huddersfield Town Centre AQMA.
- 10.41 During the construction phase, the AQIA considers that there is a medium to low risk of dust soiling impacts and a low to negligible risk of increases in particulate matter concentrations due to unmitigated construction activities. However, through good site practice and the implementation of suitable mitigation measures, the effect of dust and PM₁₀ (particulate matter) releases would be significantly reduced. The residual effects of dust and PM₁₀ generated by construction activities on air quality are therefore considered to be not significant. The residual effects of emissions to air from construction vehicles and plant on local air quality is also considered to be not significant.
- 10.42 During the operational phase, the AQIA concludes that changes in pollutant concentrations due to predicted traffic emissions associated with the development would be negligible. However, there were predicted exceedances of the annual mean objective for Nitrogen Dioxide (NO₂) at ground and first floor locations on the site boundary adjacent to Southgate/Leeds Road. The report recommends that highly sensitive uses be located on second floor level or above. In addition, it recommends that mechanical ventilation is installed in the rooms on the ground and first floors whose facades face onto Southgate/Leeds Road. To mitigate against the poor air quality, it advises that all windows and doors on the affected façade have a high level of air tightness, with cleaner air supplied to the affected rooms from inlets at the top of the proposed buildings located on the facades that face away from these busy roads.
- 10.43 In accordance with the WYLES – Technical Planning Guidance, a damage cost calculation has also been undertaken. This is to determine the amount (value) of mitigation required to offset the detrimental impact that the development will have on air quality. The calculation was undertaken in accordance with DEFRA guidance and provides a five-year exposure value to the sum of £16,683.13 for the proposed development. Measures to this value would need to be incorporated within the scheme and several mitigation measures are put forward within the AQIA such as the provision of subsidised or free ticketing or improved convenient and segregated cycle paths to link to the local cycle network. This would be secured by condition. Overall, the AQIA concludes that based on the assessment significance criteria, the residual effects of the proposed development are considered to be ‘not significant’ for all pollutants assessed.
- 10.44 The Council’s Air Quality Officer has considered the AQIA. The conclusions of the Assessment are accepted. For the construction phase, best practice mitigation measures as detailed in the AQIA would be expected, to be secured by condition, For the operational phase, the Air Quality Officer agrees with the conclusions of the assessment that the ground and first floor rooms of buildings, whose facades face onto Southgate /Leeds Road, would be subjected to high levels of NO₂ concentrations above the national air quality objective. They therefore concur with the recommendations that airtight doors and windows should be installed within these rooms and cleaner air supplied to them by means of mechanical ventilation. However, to safeguard the health of any future

users of the proposed development, it is also necessary for a condition regarding mechanical ventilation where windows have to be kept closed due to the poor air quality. Whilst the cost damage calculation is also accepted, it is highlighted that it must be spent on something that is to be provided in addition to what is normally provided at a development and also is not otherwise required, i.e. it cannot be used to fund EVCPs or footpaths as these would be expected as part of the development already and form a condition of this approval. Details of the cost damage measures will therefore be subject to a condition to be developed as the scheme evolves.

- 10.45 Overall, it is concluded that the proposal would therefore not have any significant effect on Air Quality. Subject to the imposition of any relevant conditions, it would therefore be compliant with KLP Policies LP20, LP22, LP47 and LP51 as well as guidance within the Framework.

Flood Risk

- 10.46 Policy LP27 of the Kirklees Local Plan relates to flood risk and principally where proposals require a Sequential Test. In this case, the application site lies within Flood Zone 1 with regard to flood risk and it is therefore at a low risk of flooding. There are no flooding issues in within the site and because it lies within Flood Zone 1, a Sequential Test is also not required.
- 10.47 To support the application, however, the applicant has submitted a Flood Risk Assessment & Drainage Strategy. It confirms that the previous development had a positively drained impermeable area of 19,800m³ with the majority of the drainage network remaining and the network still receives a contribution from this development. The proposed development would provide betterment on the existing site by providing a 50% reduction on the existing brownfield runoff rate. The development scheme would manage the surface water runoff rate and incorporate the 1:100 + 30% climate change scenario. It acknowledges that the whole scheme will require management and storage and a preliminary estimate based on 100% of the development being positively drained is that the development would require 830m³ of storage. The foul water network would be managed in a separate gravity system prior to connection into the Yorkshire Water combined sewer.
- 10.48 Kirklees Flood Management & Drainage as Lead Local Flood Authority (Statutory Consultee) have confirmed that they can support this application subject to appropriate conditions. These would include a detailed drainage scheme, details of overland flow routing, construction phase surface water management and details for the maintenance and management of surface water systems for the lifetime of the site. Given that the site would come under a single ownership, all these details (including management) can be secured by condition.
- 10.49 It is recognised that Yorkshire Water have highlighted the proximity of sewers of varying sizes that cross the site and the need for appropriate stand-off distances, which would be secured by condition. This would need to be considered in the development of the Masterplan and through the Reserved Matters submissions. Further consultation with Yorkshire Water would be undertaken at that stage.

10.50 On the basis of the above, it is considered that the proposal is acceptable with regard to drainage and flood risk. It is therefore in accordance with Policy LP27 of the KLP.

Ground Conditions

10.51 The site falls within a defined Development High Risk Area. There are therefore coal mining features and hazards that have been assessed in the course of the application. The Coal Authority records indicate that the site lies within an area of probable shallow mine workings that could be attributed to the coal seams inferred to outcrops within the site and surrounding area. For this reason, the application includes the submission of a Phase 1 and Phase 2 Ground Investigation Report and a Coal Mining Risk Assessment.

10.52 The Coal Authority conclude that based on the results of the intrusive site investigations to determine the presence of coal and or coal workings beneath the site, the report identifies no evidence of coal seams and / or workings within 30m below ground level of the site. The potential risk from shallow coal mining is therefore considered to be low and no remedial and / or mitigation measures have been identified. The Coal Authority confirm that no specific mitigation measures are required as part of this development proposal to address coal mining legacy issues.

10.53 The Council's Environmental Health Officer has considered the submitted contaminated land reports. The Phase 1 report is accepted and is considered to provide a suitable appraisal of the historical land uses and environmental setting. It concludes that there is a moderate risk to future users from potentially contaminated land, mine gases and spontaneous combustion associated with the coal mining legacy are also acceptable. With regard to the Phase 2 report, which details the findings from intrusive investigations undertaken in 2017, further information is required. This is principally with regard to gas monitoring, the risk from Carbon monoxide and Hydrogen Sulphide, which was detected during the gas monitoring at the northern portion of the site, as well as additional clarification about the wide range of groundwaters reported on-site and the effect of water ingress on the ground gas parameters studied. These details can be secured by condition(s) prior to works commencing to require a further Phase 2 Intrusive Site Investigation Report and a Remediation Strategy. Further conditions would require the implementation of the remediation strategy and a validation report to confirm that the remediation measures have been completed in accordance with the approved strategy. Subject to the imposition of these conditions, the proposal is considered acceptable with regard to ground conditions.

Bio-diversity

10.54 Policy LP30 of the KLP states that the Council will seek to enhance the biodiversity of Kirklees and development proposals will therefore be required to result in no significant loss or harm to biodiversity in Kirklees and to provide net biodiversity gains where opportunities exist. The Council have recently published a Biodiversity Net Gain Technical Advice Note to provide guidance on how Biodiversity Net Gain should be achieved by development within Kirklees in accordance with LP30.

- 10.55 In this case, the existing site is a vacant plot of land. A Preliminary Ecological Appraisal Report has been prepared to support the application. This identifies that in addition to the hard-surfaced car park, the majority of the site is covered by neutral grassland with scattered scrub growing over unmanaged areas that have been cleared for development. A section of the site has also been left with a hard-core covering, reducing the amount of vegetation cover. The northern boundary is marked by a line of trees, with a variety of species and ages present.
- 10.56 In consideration of Biodiversity Net Gain, the site is assessed as having a score of 5.68 Habitat Units. There would, however, be opportunities for ecological enhancements as part of the future development of the site. The Ecological Appraisal identifies the following:
- Creating diverse greenspace with native planting;
 - Improving the condition of the line of trees along the northern boundary by reducing the gaps between the canopies. This could be achieved by planting more native species;
 - Installing roosting, nesting or hibernation features for fauna;
 - Ensuring walls and fences are permeable so that fauna can pass through the site.
- 10.57 The Ecological Appraisal concludes that whilst the Net Gain calculation is not final at this stage, the site would need to achieve 6.248 units for a 10% net gain. This would need to be reviewed at Reserved Matters stage and subject to a planning condition. The intention would be to achieve on-site net gain and only if that is demonstrated to be unfeasible, a contribution for off-site net gain would then need to be secured through a Section 106 Legal Agreement. A Biodiversity Management Plan would also be required by condition. A response from the Council's Ecologist is awaited, which will be provided within the Committee Update. In principle, however, on this basis, the proposal is considered to comply with Policy LP30.

Impact on the living conditions of the adjoining occupiers

- 10.58 Policy LP24 of the Kirklees Local Plan advises at (b) that proposals should provide a high standard of amenity for future and neighbouring occupiers. This reflects guidance at Paragraph 130 of the Framework which advises that developments should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
- 10.59 On the grounds that this application is submitted in outline with all matters reserved, the impact on the living conditions of residents living around the site, including the potential residential occupation of Crown House as well as those opposite the site on Leeds Road, would principally be fully assessed at Reserved Matters stage.
- 10.60 The application was, however, supported by a Noise Impact Assessment, which focused upon the key noise sources that might have the potential to impact upon the proposed development. The Assessment concludes that the level of noise at worst-case boundaries can be mitigated to not cause an adverse impact. However, it recommends that a detailed Noise Impact Assessment should be undertaken at a later stage when information on the proposed internal layout is available to ensure all mitigation methods are appropriately specified. This would be secured by condition.

10.61 The Council's Environmental Health Officer has considered the Noise Impact Assessment and states that the methodology and findings of the report are accepted. However, a Noise Impact Assessment should still be undertaken at a later stage, as recommended, when information on the proposed internal layout and mechanical plant is available to ensure all mitigation methods are appropriately specified. A condition is also advised to seek details of any external lighting, details of how odours from cooking or food preparation would be dealt with and also, a condition relating to a Construction Environmental Management Plan (CEMP) in order to protect the amenity of those living or working nearby. Subject to the imposition of these conditions, it is considered that the proposal could satisfy the requirements of Policy LP24 (b) and guidance within the NPPF.

Heritage

10.62 Policy LP24 of the KLP advises that proposals should promote good design by ensuring, amongst other matters that the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape. Policy LP35 of the KLP relates more specifically to the historic environment where development proposals affect a designated heritage asset.

10.63 In this case, the application site does not lie within a designated Conservation Area nor does it include any Listed Buildings or other statutory heritage designations. There are, however, a number of Grade II Listed Buildings on the western side of Southgate, which is also the boundary of the Town Centre Conservation Area. In accordance with the statutory duties set out in Section 66(1) and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 respectively, the Council has a duty to consider the impact of a proposal on the special architectural and historic interest of any listed buildings affected, and their settings and to the desirability of preserving or enhancing the character or appearance of the Conservation Area. Given the outline nature of this application, this will be a consideration at Reserved Matters stage.

Sustainability and Climate Change

10.64 The Framework confirms at Paragraph 152 that the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure. At Paragraph 154, the NPPF confirms that new development should be planned for in ways that: a) avoid increased vulnerability to the range of impacts arising from climate change and help to reduce greenhouse gas emissions.

10.65 An assessment of the proposal's impact on climate change is limited at this stage, given that it is an outline application with all matters reserved. Energy efficiency would therefore be considered as part of the Reserved Matters. At Masterplan stage, it is envisaged that the environmental performance of place and buildings should be established, ensuring that they are read as exemplars and contribute to net zero targets. This would be secured by condition.

Response to Representations

10.66 A response to the representation submitted on behalf of the Kirklees Cycling Campaign is considered in the report and their concerns will be addressed through conditions and the Reserved Matters submissions, which would also be subject to further public consultation.

11.0 PLANNING OBLIGATIONS

11.1 Paragraph 56 of the NPPF confirms that planning obligations must only be sought where they meet all of the following: (i) Necessary to make the development acceptable in planning terms, (ii) Directly related to the development and (iii) Fairly and reasonably related in scale and kind to the development. In relation to this application, should planning permission be granted, Officers recommend that it should be subject to a Section 106 agreement to cover the following:

- Contribution of £10K to fund the removal of Traffic Regulation Orders within the site;
- Contribution of £23K to provide a shelter and real-time information to the bus stop on Leeds Road.
- Bio-diversity – Contribution (amount to be confirmed) towards off-site measures to achieve bio-diversity net gain in the event that it cannot be delivered on site

11.2 The contribution towards the removal of TROs within the site is necessary to make the development acceptable in highway terms. The sustainable travel contribution towards the bus stop would meet the objective of encouraging sustainable modes of travel required by Policy LP20.

11.3 The heads of terms in relation to biodiversity will ensure that the site meet its net gain requirements and to accord with the objectives of Policy LP30.

11.4 For these reasons, these contributions are necessary to make the development acceptable in planning terms, directly related to, and fairly and reasonably related in scale and kind to the development. The contributions therefore conform to guidance within the Framework.

12.0 CONCLUSION

12.1 This application seeks outline planning permission with all matters reserved for the development of a Health Innovation Campus. This would allow the University to deliver Higher Education degrees in the field of health and well-being.

12.2 As set out in the report above, the proposal is consistent with the objectives of Site Allocation MXS2. A full assessment of technical matters pursuant to the development of this site has also been carried out, including highways, air quality, drainage and biodiversity. These have all been satisfactorily addressed at this outline stage and can be appropriately conditioned. It has also been determined that the future submission of the Reserved Matters of access, layout, scale, appearance and landscaping are capable of delivering a high quality development that meets the Council's place making aspirations.

12.3 The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice. As detailed in this report, the application has been assessed against relevant policies in the development plan and other material considerations. For the reasons set out, it is considered to accord with the development plan when considered as a whole, having regard to material planning considerations. The proposal would therefore constitute sustainable development and accordingly, it is recommended for approval.

13.0 CONDITIONS (Summary list. Full wording of conditions including any amendments/additions to be delegated to the Head of Planning and Development)

1. Application for approval of the reserved matters for each phase – access, appearance, layout, landscaping and scale.
2. Development to begin not later than, whichever is the later of the following dates - the expiration of 2 years from the date of approval of the last reserved matters application for the first phase or before the expiration of 3 years from the date of this permission.
3. Details of the reserved matters for each phase before that phase commences.
4. Submission of a Phasing Plan.
5. Submission of a Masterplan to be submitted as part of any Reserved Matters for each phase. This will include a requirement to consider the pattern of movement and make provision within the development for travel by means other than the private car (e.g. to include for cycle provision).
6. Submission of a Design Code based upon the principles of the Masterplan.
7. Submission of a Construction Environment Management Plan for each phase.
8. Details of the highway access.
9. Details of the site layout (highways).
10. Details of all new retaining walls/building retaining walls adjacent to the highway.
11. Construction details for all new surface water attenuation pipes/manholes located within the proposed highway.
12. Details of a detailed design scheme for foul, surface water and land drainage.
13. Details of overland flow routing.
14. Details of temporary surface water drainage for the construction phase.
15. No building or other obstruction within the protected strips of the sewers that run across the site (unless diverted).
16. Site to be developed with separate systems for of drainage for foul and surface water.
17. Bio-diversity Management Plan (BEMP).
18. Landscape and Ecological Management Plan (LEMP).
19. Bio-diversity Net Gain Condition.
20. Details of Air Quality Mitigation Measures based on the cost damage calculation.
21. Details of mechanical ventilation.
22. EVCP for each phase.
23. Submission of a Phase 2 Intrusive Site Investigation Report.
24. Submission of a Remediation Strategy.
25. Implementation of a Remediation Strategy.

26. Submission of a Validation Report.
27. Details of Noise Mitigation Measures.
28. Restriction on noise from plant and equipment.
29. External lighting details.
30. Kitchen Extract system.
31. Cycle parking for each phase.
32. Travel Plan.
33. Submission of a Climate Change Statement for each phase to demonstrate how the development would incorporate measures to promote carbon reduction and enhance resilience to climate change.

Background Papers:

Application and history files:

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2021%2f91544>

Certificate of Ownership – Certificate B (Asset Management) signed on 12 April 2021.

Report of the Head of Planning and Development

STRATEGIC PLANNING COMMITTEE

Date: 26-Aug-2021

Subject: Planning Application 2020/90640 Formation of artificial grass pitch with associated features, including eight 15m high floodlights, fencing up to 4.5m, pedestrian circulation and access route, vehicular maintenance and emergency access with Springwood Road, erection of store, grass mounds, retaining structures and landscaping works Holmfirth High School, Heys Road, Thongsbridge, Holmfirth, HD9 7SE

APPLICANT

Malcolm Galloway,
Finance Manager,
Holmfirth High School

DATE VALID

27-Feb-2020

TARGET DATE

28-May-2020

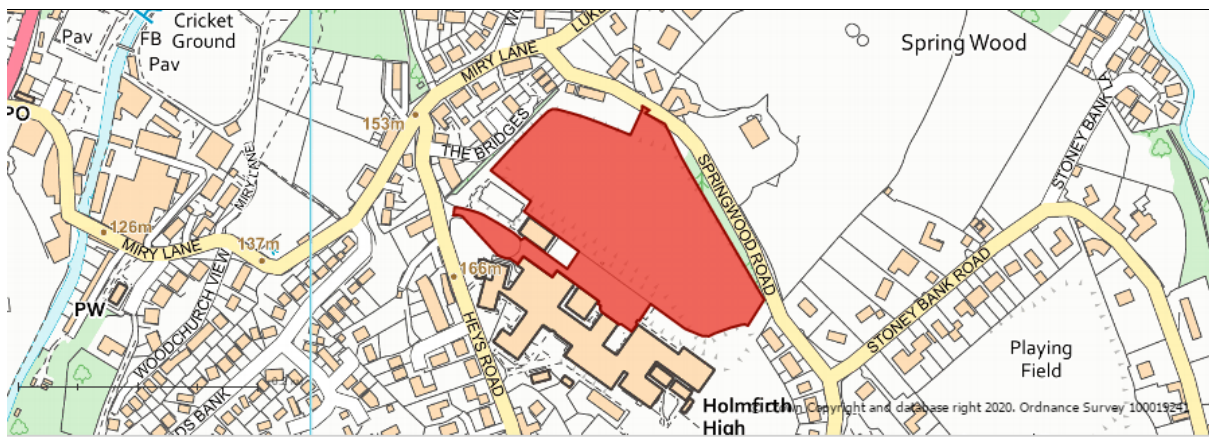
EXTENSION EXPIRY DATE

29-Jan-2021

Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

<http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf>

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral wards affected: Holme Valley South

Ward Councillors consulted: Yes

Public or private: Public

RECOMMENDATION:

DELEGATE approval of the application and the issuing of the decision notice to the Head of Strategic Investment in order to complete the list of conditions including those contained within this report.

1.0 INTRODUCTION:

- 1.1 This is a full planning application seeking the formation of artificial grass pitch with associated features, including eight 15m high floodlights, fencing up to 4.5m, pedestrian circulation and access route, vehicular maintenance and emergency access with Springwood Road, erection of store, grass mounds, retaining structures and landscaping works.
- 1.2 The application is brought to committee as it seeks non-residential development that has a site area in excess of 0.5ha, in accordance with the Council's delegation agreement.

2.0 SITE AND SURROUNDINGS:

- 2.1 Holmfirth High School is a secondary school with various connected buildings and structures first constructed in the 1960s, with associated playing fields, playgrounds and car parking. Holmfirth Community Sports Centre also forms part of Holmfirth High School and offers sports facilities available to the public at evenings and weekends. The main access to the School and Sports Centre are via Heys Road, although pedestrian access can be achieved to the site via north west adjacent to the Coop store.
- 2.2 The application site forms part of the Holmfirth High School planning grounds adjacent to Springwood Road, with the red line boundary consisting of grass playing fields, the school's car parking area and the access with Heys Road.
- 2.3 The site measures approximately 0.91 hectares and generally falls from south to north, with Holmfirth High School buildings defining the site's southern boundary at 165m AOD and Springwood Road to the north at 155m AOD. However, the playing fields are on a level plateau.
- 2.4 3-storey houses associated with 'The Bridges' constructed in the 2000's and set on lower ground at 155m AOD, form part of the site's western boundary.
- 2.5 Springwood Road consists of a Coop store and takeaway, which abut the playing fields, whilst a number of residential properties denotes its northern boundary. There are open views of the playing fields from Springwood Road

and a stone wall denotes its boundary, A number of mature trees also can be found on the playing field's north eastern boundary, set behind the wall. In addition, a number of dwelling houses can also be found further east of the site boundary at the Springwood Road.

3.0 PROPOSAL:

3.1 The application proposes to replace the majority of the grass playing field with the installation of an Artificial Grass Pitch (AGP) covering 0.742 hectares, with 106 metres in length by 70 metres in width field of play with pitch markings to accommodate a variety of sports pitches. The AGP would consist of a 3G artificial grass, partially in-filled with silica sand (for stability) and SBR (for performance), coloured grass green.

3.2 The proposal also includes:

- 4.50m high ball stop fencing and entrance gates, coloured RAL6005 Moss Green;
- 1.20m and 2.00m pitch barrier and entrance gates, coloured RAL6005 Moss Green;
- Eight 15.00m high sectional octagonal base-hinge steel masts finished galvanised (Z275) self-coloured, mounted with sixteen LED three-module luminaires finished raw aluminium;
- (2.529m high x 6.06m long x 2.44m wide) maintenance equipment store coloured RAL6005 Moss Green;
- 5.00m high level approach (clean access) and external steps with pedestrian handrails
- Vehicular maintenance and emergency access with Springwood Road
- Retaining structures
- Hard standing areas to be black/grey coloured porous asphalt surfacing for pedestrian access, circulation and goal post storage areas
- Soft landscaping works, including 1.2m high grass mounds

3.3 The site is to be used by pupils, local community groups and sports clubs.

3.4 The proposed hours of use are:

1st October – 31st March:

Monday - 09:00 to 20:00 hours

Tuesday - 09:00 to 21:00 hours

Wednesday - 09:00 to 21:00 hours

Thursday - 09:00 to 21:00 hours

Friday - 09:00 to 19:00 hours

Saturday - 09:00 to 17:00 hours

Sunday - 09:00 to 14:00 hours

Closed Bank Holidays

1st April - 30th September:

Monday to Friday - 09:00 to 20:00 hours

Saturday - 09:00 to 14:00 hours

Sunday - Closed

Closed Bank Holidays

With an additional 15 minutes to the proposed times above for the Artificial Grass Pitch to be locked up and for safe egress from the site, with the floodlights to be extinguished after this period.

- 3.5 Supporting information provides the following details regarding the purpose of the proposals: *“This proposal offers an ideal opportunity to introduce a ‘state-of-the-art’ Artificial Grass Pitch (AGP) to be enjoyed by students and local community sports clubs and groups visiting Holmfirth High School. The plan is to increase grassroots football development at the school and to encourage whole-life sport for young aspiring footballers via enhanced pathways into open-age football. The journey from mini-soccer to open-age football will be achieved via links between the school and local clubs made stronger with the proposed AGP; and via prearranged and structured community access. This will continue the school’s long history of providing facilities for its students and the local community, where there is significant demand for the facility within Holmfirth. The proposed AGP has the ability to enhance health and wellbeing (subject to a community use agreement) can be considered as beneficial material planning considerations.”*

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

- 4.1 Holmfirth High School has numerous planning permissions. These include new temporary school buildings, permanent extensions and general alterations. None are considered relevant for this proposal.

- 4.2 In terms of the surrounding area, the following planning permissions at land adjacent to Wooldale Co-operative Society, Springwood Road, Thongsbridge, Holmfirth, HD9 7SN are considered relevant to this proposal:

2017/90641 - Formation of carpark - Granted under Reg.3 General Regulations 1992 (03-Aug-2017)

2020/92122 - Formation of 21 space car park and boundary fence - Granted under Reg.3 General Regulations 1992 (18-Jan-2021)

5.0 HISTORY OF NEGOTIATIONS (including revisions to the scheme):

- 5.1 There has been no pre application enquiry in relation to this proposal.
- 5.2 During the course of the planning application, numerous discussions have taken place between officers and the applicant seeking additional information regarding the principle of development, biodiversity impacts and securing a net gain, drainage, flood risk, landscape and visual impacts, noise and floodlighting.
- 5.3 The proposal initially proposed hours of use of 09:00 – 22:00 Monday to Friday and 09:00 - 17:00 Saturday, Sunday and Bank Holidays, however, these were changed after concerns raised by officers and members of the public.

6.0 PLANNING POLICY:

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

Kirklees Local Plan (2019):

- 6.2 The site is an Urban Green Space (Reference: UG456) on the Local Plan Policies Map, named: "Sycamore Recreation Ground & Holmfirth High School, Thongsbridge"
- 6.3 The relevant policies for this proposal are:
- LP1 – Presumption in favour of sustainable development
 - LP2 – Place shaping
 - LP3 – Location of new development
 - LP21 – Highway safety and access
 - LP24 – Design
 - LP28 – Drainage
 - LP30 – Biodiversity and geodiversity
 - LP33 – Trees
 - LP47 – Healthy, active and safe lifestyles
 - LP49 – Educational and health care needs
 - LP50 – Sports and physical activity
 - LP52 – Protection and improvement of environmental quality
 - LP56 – Facilities for outdoor sport, outdoor recreation and cemeteries
 - LP61 – Urban green space

Supplementary Planning Guidance / Documents:

- 6.4 The following are Supplementary Planning Guidance / Documents relevant to the proposal:
- Kirklees Council Playing Pitch Strategy
 - Sport England Playing Fields Policy and Guidance Document (March 2018)
 - West Yorkshire Air Quality & Emissions Technical Planning Guidance (2014)
 - Highways Design Guide Supplementary Planning Document (October 2019)
 - Climate Change Guidance for Planning Applications (June 2021)
 - Biodiversity Net Gain Technical Advice Note (June 2021)
- 6.5 Sport England have also a number of relevant guidance documents:
- Planning For Sport Guidance: Guidance on how the planning system can help to provide opportunities for all to take part in sport and be physically active (June 2019).
 - Artificial Grass Pitch (AGP) Acoustics - Planning Implications; New Guidance for 2015
 - Artificial Sports Lighting; Updated guidance for 2012

Neighbourhood Development Plan

- 6.6 The Holme Valley Neighbourhood Development Plan has reached an advanced stage of preparation and the independent Examiner's Report has been received. Although the plan has yet to be subject to a referendum in the affected area, it is a material planning consideration in decision making and weight has been attributed in accordance with NPPF (July 2021) paragraph 48.).

- 6.7 The emerging Policy relevant to this application, following receipt of the independent Examiner’s Report which are to be put forward to referendum, including key considerations from these Policies, are:

Policy 1: Protecting and Enhancing the Landscape Character of Holme Valley
“Overall, proposals should aim to make a positive contribution to the quality of the natural environment”

Policy 2: Protecting and Enhancing the Built Character of the Holme Valley and Promoting High Quality Design

“Proposals should be designed to minimise harmful impacts on general amenity for present and future occupiers of land and buildings” and [proposals] “should protect and enhance local built character and distinctiveness and avoid any harm to heritage assets...”

Policy 3: Conserving and Enhancing Local Heritage Assets

“When designing development proposals for all local heritage assets (positive contributors and (once formally identified) non-designated heritage assets), owners and developers should have regard to conserving the significance of the asset and the components which positively contribute to its character or appreciation as a heritage asset.”

Policy 9: Protecting and Enhancing Local Community Facilities

“1. Proposals to create, expand or alter schools will be supported, particularly where the proposal will assist the retention of small community-based schools.”

Policy 11: Improving Transport, Accessibility and Local Infrastructure

“Traffic Management and Design; Accessibility and Infrastructure and Parking Provision and Standards”

Policy 12: Promoting Sustainability

“All new buildings should incorporate technologies which generate or source energy from renewable, low carbon sources”

Policy 13: Protecting Wildlife and Securing Biodiversity Net Gain

“All development proposals should demonstrate how biodiversity will be protected and enhanced”.

National Planning Guidance:

- 6.8 National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF), revised on 20th July 2021, and the Planning Practice Guidance Suite (PPGS), first launched 6th March 2014, together with Circulars, Ministerial Statements and associated technical guidance, such as the National Design Guide published October 2019.
- 6.9 The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.
- Chapter 2 – Achieving sustainable development
 - Chapter 4 – Decision-making
 - Chapter 8 – Promoting healthy and safe communities
 - Chapter 12 – Achieving well-designed places
 - Chapter 15 – Conserving and enhancing the natural environment

7.0 PUBLIC/LOCAL RESPONSE:

- 7.1 The planning application was advertised via six site notices posted on 18/03/2020, an advertisement in the local press dated 27/03/2020, and letters were sent to addresses adjacent to the application site. This is in line with the council's adopted Statement of Community Involvement.
- 7.2 A total of 47 letters of representation were received, and redacted versions are available online. Some representations provided several responses. The following is a summary of the points raised:

Letters of support (37no.):

- This facility will have a positive impact on the local community and the school, increasing social interaction for all ages and enhancing local amenities.
- There is already a massive shortage of these playing surfaces throughout Kirklees, so this would be a welcome and much needed facility (There is no equivalent facility in the Holme valley), nearest one over 20 minutes a drive away.
- There is significant growth in the Holme valley, new houses, more people, more council tax but with a limited and below standard access to sports and Leisure facilities. This area desperately needs this.
- The facility will enable the local community to play football and sports all year around no matter the weather.
- Top quality surface as the grass pitches in Holmfirth are generally of poor standard, many of which are overplayed and unusable for long periods in the winter months.
- This will encourage children and adults to take up a sport when something of this standard is within local reach
- Great facility for local clubs to access, such as Holmfirth Town youth teams.
- Holmfirth Town is a thriving football club and with the new facilities they will benefit greatly.
- Will help to expand the girls football teams.
- More football games will be able to be played, instead of cancelled games due to waterlogged existing pitches – large percentage cancelled.
- Supports the Holmfirth Town vision of 'sport for all.'
- Encourage children to access sports for years to come.
- It will benefit the children and the wider community's health and social wellbeing.
- It will support children to live a healthy lifestyle and promote exercise and outdoor play in all weather.
- This facility will help to tackle child obesity.
- As it is on the grounds of the high school and away from houses, I believe it will not affect the aesthetics of the surrounding area.
- It will bring much needed extra income for the Council and the school as it could be hired out to the local community, which could be reinvested into Holmfirth.
- It will help the school deliver the physical education curriculum.

- The design and site position looks well considered, and would certainly not cause any negative affect on the character of the area.

Letters of objections (8no.):

- Numerous references made to the Holme Valley Neighbourhood Plan and Kirklees Local Plan as to why the proposal is unacceptable.
- Children already kept up by the noise from the existing pitches and this will only add to this.
- Floodlights
- Additional traffic will park on nearby cul-de-sacs.
- Parking restrictions must be made on local roads to stop the overflow of cars in the provided car park.
- The value of my property will decrease.
- The neighbour representations do not appear to be from neighbours and appear to be orchestrated, if so there is no validation or governance to support these comments.
- Concerns regarding the management of the site outside of school hours and the quality of life of local residents is already affected by litter; cannabis smoking; parents leaving their engines running; unlit and dangerous car parking area; speeding vehicles performing doughnuts in the car park; children climbing over the barrier between the edge of the school field and The Bridges, which would be lethal.
- Concerns regarding the height, length and need for a 4.5m high perimeter fencing and if there is a need, could it be reduced to 1.8m high or 2.5m high max. to reduce its overbearing impact.
- Good CCTV and better signage would deter dog walkers from going onto the site at all and deter acts of vandalism thereby minimising the need for any fencing.
- Being open until 10pm Monday to Friday is too late on an evening. Sometime between 8.0 to 8.30 pm should be the latest and 3.30 to 4pm on Sundays. This is only fair and reasonable given the increase in noise and light to be expected from being open to all local clubs etc. At present there is no noise from this pitch on an evening, but we do hear shouting from the existing artificial pitch on an evening which is about 200 metres from us. The new pitch is only some 50 metres away from us. We believe that during the longer school holidays Easter and Summer etc the facility should be closed so we can all enjoy a break from the noise.
- The proposal particularly with the proposed mounds, together with the proposed car park, would cause rainwater overspill onto Springwood Road.
- The flood lights will be most unattractive and very significant during the daytime as well as the dark nights.
- Very substantial change and apart from the pitch itself, it is going to be most unattractive and much noisier outside school hours.
- Given the large number of elderly residents living in the properties close to the proposed development site, it seems unlikely they will be given a fair or proper opportunity to consider the proposal and lodge any comments due to 'lockdown.'
- The proposed car park at the Coop is too small for this proposal, unless yellow lines are painted on Springwood Road.
- The technical document for floodlighting is unclear as to whether or not my property will be affected.

- Noise from exercise classes which take place inside the school hall are intrusive at times. This is difficult to reconcile with claims made in the application, given that the proposed pitch is nearer my house than the school hall, and is outside. The proposed late closing time would make this worse.
- The trees planted about 20 years ago on the school side of Springwood Road must be preserved (and possibly augmented) to reduce noise and light problems.
- Management and supervision of the facility was not mentioned. This would be an issue because disruptive and anti-social behaviour by a minority would inevitably happen.
- Traffic in surrounding streets would increase making the need for traffic calming measures even more necessary.
- Concern about for the proposed running track/athletics facilities at Little Wembley – there are no parking facilities at this site and surrounding streets already suffer from double parking and related highway safety issues.
- Loud swearing coming from the pitch is a concern on evenings.
- Inevitable increase in traffic to an already very busy and noisy Springwood Road is very concerning. The ever increasing new build housing estates such as Redrow on Stoney Bank Lane have recently added to this.
- There should be traffic calming and parking restrictions on Springwood Road.
- Who is going to manage the proposed unlit and hidden from view car park outside the Coop.
- There is already significant noise during the evenings coming from the existing facilities.
- The increased level of traffic and road safety to an unreasonable hour - 10pm.
- The proposed location is situated in an elevated position and as such adding 4.5m fencing and 15m high floodlights is not suitable for this site.
- The natural views for residents of Holme Valley would be restricted by high fencing.
- The use of floodlights and potential high noise levels until 10pm in a densely populated area is unsuitable.
- Whilst 4.5m fencing appears high it is inevitable that a football will frequently be kicked over this fence onto Springwood Road.
- There are more appropriate locations for this proposed development away from housing.
- Stoney Bank Road already has significant parking from Little Wembley football games over and above safe levels.
- Is it suggested that parking is contained within the school grounds and does this consider night classes, no of spaces required and overflow parking?
- Lux and dB levels should be assessed indicating the impact on neighbouring properties.
- Access onto Springwood road is hazardous. This road which has been subject to recent safety reviews - pedestrian fatality, traffic calming measures, narrow pavements, high traffic levels.
- The proposed drainage does not take into consideration the existing situation where surface water frequently overwhelms the capacity of the school grounds and spurts from the school field boundary onto

Springwood Road – the road drainage is unable to cope and run-off through local properties.

- Light pollution will impact on trees, wildlife, views, users of footpaths and will spoil the natural enjoyment of the night sky for local residents.
- Unacceptable noise pollution levels during the day and at night for the front of neighbouring residential properties.
- Unacceptable level of traffic and parking on roads that are already overcrowded, historic road widths, bends, restricted views and impinging buildings. Together with a recent housing development at Stoney Bank Road and parking at the Coop will have an adverse impact on highway safety.
- Unacceptable local footpath access and provision to the site.
- In the fields adjacent to the school there is an abundance of wildlife that will be negatively affected by this proposal.
- Local Development Plan does not recognise a need for the lack of an AGP football pitch in the local area.
- If the AGP is required why does it have to be fenced off from the public and why does it need to be floodlit?
- Would it not be possible to invest in improving the current pitches and leaving them open to the public to use during the evening and at weekends?
- This development significantly reduce the Urban Green Space area replacing it with an area which does not have the same benefits.

7.3 In response to the consultation, the applicant submitted amended plans and/or additional documentation to address the concerns raised. Comments were invited from neighbours adjacent to the site and interested parties who had commented previously in a letter dated 14/12/2020. Public consultation ended on 07/01/2021.

7.4 10 letters of representation were received, and redacted versions are available online, majority of which raised concerns. The following is a summary of the points raised:

- Nothing appears to have changed and the objections have not been overcome.
- Numerous references made to the Holme Valley Neighbourhood Plan and Kirklees Local Plan as to why the proposal is unacceptable.
- There are more suitable pitches within the Holmfirth area for this type of proposal.
- The proposed artificial pitch would be suitable for football but not be suitable for other games such as hockey – it should be a multi games area.
- Adverse impact on residential amenity in terms of noise, traffic and flood lighting (lighting pollution/spillage), particularly at evenings and weekends.
- Adverse impact on highway safety due to narrow roads and lack of parking.
- I do not want to hear noise from the proposed pitch at any time after 8pm Monday to Saturday and 4pm on Sundays.
- The pitches should not be in use all year around. There should be 'rest periods' where no noise occurs from the pitch area for example during the Summer Holidays where residents are out in their gardens more often than not.
- The Coop car park will be full of football supporters so will be denied to the local residents.

- There are concerns about the noise impacts, some of which are unknowns, which could be life changing for residents.
- I could understand a grandiose scheme like this if Holmfirth High School was a Sports academy ,which is certainly is not.
- For the other School sports the students will have to cross dangerous narrow roads to get to the other sports site. This artificial pitch should have been built there.
- Concerns regarding the existing unsuitable street design and enclosure, highway capacity and safety issues for Springwood Road and Heys Road.
- The site and Springwood Road already suffers from flooding during heavy rainfall and the loss of a grass pitch will exacerbate this issue.
- Excessive height of the fencing and lighting poles provides a very hard aspect rather than an open green space which is calming and well used by local families and children to exercise on - it came onto its own during Covid lockdown this summer.
- No compensation for the loss of a green open space and its impact on wildlife.
- I would welcome a scaled down proposal. Less pitches with shorter opening hours /fences and lighting poles - with adequate parking.
- Councils have been urged to limit the impact of artificial lighting by the Campaign to Protect Rural England (CPRE).
- This light pollution will spoil the natural enjoyment of the night sky for all local residents.
- The erection of more lighting on raised ground at such height are certain to impact greatly on residents – what design considerations have been undertaken?
- Noise and light pollution will have an adverse impact on local wildlife (e.g. badgers, deer, buzzards, owls, foxes and bats) using dark habitat corridors.
- The sports court already in situ is constantly trespassed during hours out of service with little to no interference by the school or the facilities company managing the complex. What security considerations are in place for the new complex?
- The sport court already in use causes a nuisance sound when in use. The ball crashing against the fencing, the loud voices, music and accompanying vehicles. I expect a significant uplift in all these with any new facility.
- There is already inadequate parking and on-street parking issues for extra curricular activities at the school. There appears to be no excess vehicle activity due to the rise in use.
- There are already parking and traffic problems associated with Little Wembley, which this will worsen.
- If the intent was merely to improve the usability of the facility then this could be accomplished through improved drainage for the existing pitches on this site
- Whilst all this work is undertaken I would like the poor drainage on the land to the west of the pitch to be addressed.
- When it rains heavily the water literally forms a waterfall through the wall that forms the boundary between the school field and Springwood Road.
- Most of that water ends up in my garden as it does not reach the drain in the pavement due to the camber of the pavement.
- No evidence that the this proposal takes into account local knowledge of surface water already.
- Flood risk of the road and nearby residential properties, which is likely to worsen with climate change.

- The application incorrectly suggests that there is no such detriment, by focusing on the much more distant Holmfirth Road school boundary, this ignores the effect from other positions closer to the site – and in particular from the walkers’ route through the trees adjacent to Springwood Road.
- The 15m high flood lighting is out of character with the semi-rural populated area.
- The proposal to build fenced off AGP pitches on current Urban Green Space land will restrict community access to the land -it will not increase it.
- The proposal would see the majority of local users unable to access the running tracks and football pitches and grassland which are currently available to all free of charge outside of school usage – contrary to Sport England advice.
- If there is funding for an AGP available, and this is required, where is the stated requirement for it to be fenced off from the public and why does it need to be floodlit?
- Would it not be possible to invest in improving the current pitches and leaving them open to the public to use during the evening and at weekends?
- This development significantly reduces this UGS area replacing it with an area which does not have the same benefits.
- Statement and photographs included showing the drains on Springwood Rd flooding. Photos of the overflow sewage from the drain outside of numbers 44 and 46A

7.5 Holme Valley Parish Council support the proposal.

7.6 During the course of the planning application, ward members were consulted and provided the following responses.

Cllr Donald Firth: I don't think that all the residents that are classed as interested parties have been informed. I would like this plan brought to a Planning Committee, to give it an airing, Reason we are still waiting for the go ahead of the Car Park, which has been in obedience for the last 14 years

Cllr Nigel Patrick: Agree this facility would be of great benefit but would request if the following issues can be overcome:

1. There has been a surface water flood problem for some time, with run off from the playing fields affecting properties on Springwood Road. If that can be addressed that would be a positive.
2. Highways need to address parking on Springwood Road. I suggest there has to be a condition preventing parking on Springwood Road. Can you speak to Highways about this please?
3. Light and noise pollution must be addressed. There should be no need to operate as late as 22.00 is there?

Cllr Paul Davies: This looks like a great facility for both the school and the community. However we do need to make sure that we are satisfied that noise and light pollution will not be an issue for local residents and of course that on site car parking is adequate. I note that there are some very supportive comments on the planning page relevant to this application.

7.7 Negotiation has taken place between officers, third parties and the applicant team regarding the proposed hours of use of the AGP to address concerns regarding residential amenity. These hours are now agreed and are outlined in paragraph 3.4 of the report. As such, a further 7-day consultation period has taken place. The responses of this consultation shall be included within the planning update.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

KC Highways Development Management: No objection, subject to the imposition of conditions securing a Car Parking Management Plan, as well as details regarding construction access and highway structures.

KC Lead Local Flood Authority: No objection, subject to conditions that require a detailed finalised design scheme soakaway for an effective means of drainage of surface water on this site and its maintenance and management provisions.

Natural England: No objection.

Sport England: No objection and consider the proposal to meet exception 5 of its own playing fields policy. Request the imposition of a community use agreement planning condition.

8.2 Non-statutory:

Northern Gas Networks: No objection.

KC Conservation and Design: No objection. It is considered that the harm to the setting of Castle Hill by light pollution will be slight when viewed from within the local area, however the public benefits of providing high quality sports facilities at this school outweigh the harm.

KC Ecology: No objection, subject to the imposition of conditions for securing the necessary ecological measures, lighting design strategy for biodiversity, and securing the approved Landscape and Ecological Design Strategy.

KC Environmental Health: Objection due to adverse impact on residential amenity due to associated noise and flood lighting impacts.

KC Landscape: No objection subject to the imposition of planning conditions requiring detailed and appropriate landscaped measures.

KC Policy: No objection. The information supplied now provides evidence of use by both the school and local football community and how the proposed Artificial Grass Pitch will provide an increase in the number of pitches and playing pitch capacity in terms of quantity, which mitigates the loss of the existing pitches to meet the equivalent or better quantitative requirement in Local Plan policy LP61 (b). Impact in terms of noise, parking and the effect of floodlighting on nearby residents will also need to be carefully considered.

KC Sport & Physical Activity: No objection. The proposal will help to contribute to addressing the shortfall of this type of facility in Kirklees, subject to suitable arrangements being in place to ensure that no unnecessary or unintended disruption to local residents is demonstrated. Furthermore, a robust Community Use Agreement is in place so that this facility can be used outside of school times to support the community access is important.

KC Trees: No objection, subject to the imposition of condition securing the successful retention of the existing tree group adjacent to Springwood Road.

Sheffield Football Association: Preference for the AGP to be available for local sports teams training sessions that usually run until 9pm in the evenings. Preference for the AGP to also be available for local sports teams at weekends for morning and afternoon kick offs. Adult men kick off at 2 pm on Saturday, adult women kick off at 2 pm on Sunday. The local junior league can kick off between 9-4 on Sunday. If there are teams playing in girls football this could be either Saturday or Sunday morning.

West Yorkshire Police (Crime Prevention): No objection. Advice provided regarding site security.

Yorkshire Water: No objection as the surface water disposal is via soakaway system.

Yorkshire Wildlife Trust: No objection, subject to the imposition of planning conditions as suggested by KC Ecology.

9.0 MAIN ISSUES

- Principle of development
- Design and impact on visual amenity
- Impact on the historic environment
- Residential amenity
- Biodiversity, landscape and trees
- Highway issues
- Drainage and flood risk
- Climate change and sustainability
- Representations
- Other matters

10.0 APPRAISAL

Principle of development

- 10.1 Paragraph 7 of the National Planning Policy Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs. Paragraph 8 goes on to state that achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways and these include identifying and coordinating the provision of infrastructure (economic objective) and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural wellbeing (social objective).

- 10.2 Paragraph 11 of the National Planning Policy Framework states that development proposals should be determined in accordance with an up-to-date development plan without delay.
- 10.3 The application proposes the formation of an artificial grass pitch (AGP) on land used as playing fields both by the school and local football community. The application site is designated as urban green space in the Kirklees Local Plan being located within and forming part of Holmfirth High School (site reference UG456). Designation as urban green space is based on the site's educational use and important function for sport and recreation as evidence in the council's Playing Pitch Strategy (2015) (PPS), which recommended the protection of the pitches on-site to help reduce current shortfalls in pitch provision.
- 10.4 Local Plan Policy LP61 protects urban green space from development unless specific exceptions can be met. Officers consider that as the proposal will represent the replacement of a playing field with an ARP, this proposal represents replacement facilities which in principle would be acceptable in policy terms under Policy LP61(b). Officers consider that it has been demonstrated that the new artificial pitch is equivalent or better in quantity and quality terms to the pitch provision that would be lost.
- 10.5 The proposed AGP would result in the loss of functional grassed pitches used by the school and local community. However, the applicant has provided evidence showing that there is an opportunity for increased match-play usage, capacity and quantity. The applicant has explained that given the nature of the proposal the ARP is capable of withstanding more activity per week than a natural turf pitch. Supporting information illustrates the existing and future playing pitch layout on the main school playing field as well as their satellite playing field (known as Little Wembley). The current winter playing pitch arrangements are as follows:

Existing:

Main school playing field:

1no. 11v11 football pitch

1no. 9v9 mini soccer pitch

15no. training grids

1no. throwing area

2no. rounders pitches

Athletics track circuit and sprint track

Also 1 5x5 pitch to the SW of school buildings (i.e. not on main school field)

'Little Wembley':

2no. 11v11 football pitches

1no. 7v7 mini soccer pitch

1no. 15v15 rugby union pitch (or 1no. 13v13 rugby league pitch)

Total: 6no. formal match playing pitches

Proposed:

Main school playing field (designed to provide):

1no. 11v11 football pitch (AGP)

2no. 9v9 youth football pitches (AGP)

2no. 7v7 mini soccer pitches (AGP)

4no. 5v5 mini soccer pitches (AGP)

4no. training pitches / areas (AGP)
15no. training grids (grass)

'Little Wembley':

2no. 11v11 football pitches

1no. 9v9 mini soccer pitch

1no. 15v15 rugby union pitch (or 1no. 13v13 rugby league pitch)

Summer playing pitches (i.e. 1no. throwing area, 2no. rounders pitches, athletics track circuit and sprint track) will be relocated onto Little Wembley once the AGP is developed.

Total: 13no. formal match playing pitches

- 10.6 Local Plan policy LP47 established a general principle in favour of supporting healthy and active lifestyles. Various ways which this will be enabled by planning are listed. These include 'the improvement of the stock of playing pitches'. Policy LP50 states that *'the council will seek to protect, enhancement and support new and existing open spaces, outdoor and indoor sport and leisure facilities where appropriate, encouraging everyone in Kirklees to be as physically active as possible and promoting a healthier lifestyle for all.'*
- 10.7 Specific to education and health care needs, Policy LP49 identifies that *'proposals for new or enhanced education facilities will be permitted where; a. they will meet an identified deficiency in provision; b. the scale, range, quality and accessibility of education facilities are improved; c. they are well related to the catchment they are intended to serve to minimise the need to travel...'*. Officers consider that as the proposed AGP is appropriately located within the grounds of Holmfirth High School and within the settlement of Holmfirth of which it intends to serve. Its proposed location would enable its intended users and visitors within Holmfirth to walk and cycle. Furthermore, it is acknowledged that users and visitors will also be able to use the schools public transport facilities and bus stop facilities found on New Mill Road and Miry Lane. Therefore, the proposed location of the AGP would offer the opportunities for its users and visitors to use modes of sustainable travel.
- 10.8 KC Sport and Physical Activity have assessed the application and raise no objections, subject to the necessary conditions. They have explained that the artificial pitch will increase the capacity and capability of the school to deliver football and rugby both as part of their curriculum PE, and also for schools sports teams. Furthermore, there is a large, unmet demand for a pitch of this type in the Holmfirth area from community sports teams, with there being a recognised shortfall of 3G pitches across Kirklees, and specifically including in this area. These observations are reflected within the Kirklees Playing Pitch Strategy (PPS) (2015) where the grass pitches are recognised as being 'poor quality' and 'overplayed' with 'improvements required to help the current shortfall.' In addition, the site is within the Rural West area, where there are currently no AGPs and at the time of the PPS 2015 there was an identified shortfall of two 3G AGPs in the area. The PPS is being refreshed and will likely show an increased shortfall in 3G pitches in the area.
- 10.9 The Local Plan policies are consistent with the aims and objectives of NPPF, with paragraph 98 recognising that access to high quality open spaces and opportunities for sport and recreation is important for the health and well-being of communities. Paragraph 99 explains how existing open space, sport and recreational facilities should not be built unless the proposal meets one of a

number of exemptions. In this case, clause b is relevant: *“the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location.”* Sport England have assessed the proposal and do not raise any objections to this application when considering it against the relevant paragraphs of the NPPF and against its own Playing Fields Policy - ‘A Sporting Future for the Playing Fields of England,’ particularly Policy Exception E5.

- 10.10 Therefore, officers consider the principle of development is acceptable, subject to the necessary conditions seeking a formal community use agreement as requested by consultees. This condition would secure the use by local community clubs for match play and training. Community use would also bring sufficient benefits to the development of sport as to outweigh any detriment caused by the loss of the grass playing field.

Design and impact on visual amenity

- 10.11 Paragraph 24 of the National Design Guide: “Well-designed new development is integrated into its wider surroundings, physically, socially and visually. It is carefully sited and designed, and is demonstrably based on an understanding of the existing situation.” Chapter 12 of the NPPF and Policy LP24 of the Local Plan both seek development proposals that provide a high standard of amenity for future and neighbouring occupiers.

- 10.12 As detailed in sections 2 and 3 of this report the proposed AGP would be located on an area of open grass playing field to the north of the school with associated infrastructure and a maintenance access with Springwood Road. The proposals seek landscape reconfiguration to create the platform required for the playing pitch with much of the cut and fill spoil to be re-used on site in the form of banks and mounds.

- 10.13 As described in sections 2 and 3 of this report, the site is an open outdoor sports field, with a grass surface, which would be replaced by an enclosed artificial grass pitch (AGP) with associated infrastructure. The Design and Access Statement explains how the AGP has been designed in accordance with the Football Association (FA) technical requirements. In addition, it provides the following justification for the location for the proposed AGP:

- Convenient proximity to changing rooms, welfare accommodation, reception facilities, management and supervision offices
- Adequate onsite vehicular parking facilities, local public transport systems and green travel opportunities
- Avoidance of physical hazards (e.g. historical coal mining, UXO, utilities and services, adverse ground conditions, contaminated ground or landfill)
- Avoidance of unacceptable impacts to residential amenity (by noise, visual and artificial lighting) or the ability to introduce mitigation measures
- Avoidance of unacceptable impacts to any protected species, local biodiversity and ecology or the ability to introduce mitigation measures
- The ability to retain and adequate amount of grass playing pitches for curriculum and community sport requirements

- 10.14 The proposed AGP surface would still have a ‘grass green appearance’ and as such, would not itself affect the visual character of the area. However, the proposed enclosure and flood lighting of the AGP would have a greater visual effect on the immediate and wider area than the existing open grass sports playing field.

- 10.15 A number of residents have specifically raised concerns regarding the height of the proposed fencing and flood lighting masts. The proposed fencing would be an open, moss green mesh (securable via condition). While 4.5m in height, its appearance is not atypical for outdoor sporting, particularly on land around schools. The height would be needed to prevent the loss / runoff of balls or other sports equipment, with additional height provided due to the topography, woodland and proximity to the road; such fencing around a modern AGP is typical. The proposed eight flood lighting masts (finished galvanised (Z275) self-coloured, mounted with sixteen LED three-module luminaires finished raw aluminium) would also clearly be seen in the local area at a height of 15m. However, such a height is required to avoid unnecessary light spill and the design is again typical for a modern AGP, particularly those located in school grounds.
- 10.16 The proposed 4.5m high fencing and 15m high flood lighting masts associated with the AGP would be positioned over 50m to the nearest properties found on Springwood Road (to the north east and south east) and the Bridges (to the north west) as well as Heys Road (to the west). The AGP would benefit from being partially screened by a mature tree belt to the north east, within the school playing fields that runs along the Springwood Road. The landscape officer has recommended tree planting along Springwood Road to further mitigate any visual impact, which could be secured by planning condition. Also, proposed sculptured 1.2m high grass mounds (formed with soils generated from the AGP construction) to the north, south-east and north west would help to reduce the visual impact of the proposed AGP. Furthermore, the host building resides to the south, on a higher ground level: while not physically adjacent, when viewed from outside the site the proposed facilities will be clearly visually associated with, and subservient to, the host school.
- 10.17 Planning conditions are recommended to secure further landscaping details for the proposed vehicular maintenance and emergency access route as well as pedestrian circulation routes between the school and the AGP. This would ensure that a sensitive landscape and design for these routes are achieved.
- 10.18 The proposed enclosed and flood lit artificial grass pitch is considered to respond to the local topography and overall form, character and landscape setting of the immediate and wider area and the siting and design of the proposed scheme would not result in significant harm to the overall character and appearance of the area.
- 10.19 Subject to conditions, the proposed development would accord with paragraph 24 of the National Design Guide, Chapter 12 of the NPPF and Policy LP24 of the Local Plan, as well as Policy 2 of the emerging Holme Valley Neighbourhood Plan.

Impact on the historic environment

- 10.20 Sections 16 and 72 of the Planning (Listed Buildings & Conservation Areas) Act 1990 introduces a general duty in respect of listed buildings and conservation areas. Special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Policy PLP35 and NPPF Chapter 16 outline the principle of development and restrictions for development and the historic environment.

- 10.21 The nearest heritage assets include a number of grade II listed dwelling houses at Heys Road and the Wooldale conservation area is located further south. Given the site is located on lower ground to the north of the intervening school building it is not considered that the setting of these heritage assets would be harmed in the context of Local Plan Policy LP35 and NPPF Chapter 16.
- 10.22 KC Conservation and Design expressed concern that there would be an impact of light pollution from the 15m high floodlights on the setting and views of Castle Hill, particularly from New Mill Road. Policy LP35 requires the setting of Castle Hill to be preserved where appropriate and proposals which detrimentally impact on its setting will not be permitted. Although there is no reference to the impact on Castle Hill in the supporting information, the applicant proposes mitigation measures to reduce the impact on the surroundings, including directional lighting with integral louvres to reduce horizontal and vertical overspill, and a switch-off time in the evening. As such, officers consider that the harm to the setting of Castle Hill by light pollution will be slight when viewed from within the local area. However, it is considered that the public benefits of providing high quality sports facilities at this school outweigh the harm in accordance with Local Plan Policy LP35 and NPPF Chapter 16, as well as Policy 3 of the emerging Holme Valley Neighbourhood Plan.

Residential amenity

- 10.23 44, 46, 48, 50 and 52 Springwood Road would be adjacent to the AGP. 50 and 52 would not directly overlook the AGP and 'side onto' Springwood Road. 48 Springwood Road is a detached bungalow with a north east – south west orientation, surrounded by a high stone wall and gates, thus there would not be a direct relationship with the AGP. The front elevation of 44 Springwood Road would face the AGP but it is set back from the road and views of the field are restricted by intervening vegetation and high boundary wall. 46 Springwood Road does not front onto the road but would have a first floor habitable room window that would face the AGP. However, it is considered that an intervening distance of 50 metres to the AGP pitch, would ensure that there would not be an unacceptable impact of residential amenity in terms of overlooking, overshadowing and overdominance.
- 10.24 Dwelling houses found at The Bridges estate would also be adjacent to the AGP. The nearest dwellings 'side onto' The Bridges cul de sac. Majority of the dwellings are set on lower ground to the field, thus their direct relationship is restricted. Furthermore, it is considered that the installation of the grass mound, together with the intervening distance of over 50 metres to the AGP would ensure that there would not be an unacceptable impact on residential amenity in terms of overlooking, overshadowing and overdominance.
- 10.25 Dwelling houses can also be found to the south east at Springwood Road, the nearest is 27 Springwood Road. Again, it is considered that the installation of the grass mound, together with the intervening distance of 100 metres to the AGP would ensure that there would not be an unacceptable impact on residential amenity in terms of overlooking, overshadowing and overdominance.
- 10.26 It is noted that the site is part of an existing playing field used by the school. However, the proposed intensity of use and use by the wider community, outside school hours are key considerations in the determination of this type of proposal. Extensive negotiations have taken place with regards to potential

issues related to noise from raised voices and ball-strike sounds on fencing, as well as light spill and levels of illuminance from the proposed flood lighting.

- 10.27 With regards to noise, the supporting information explains how the noise from the pitch will be around 47dB LAeq (1 hour) (which is the equivalent noise level over a one-hour period, largely similar to an average level) at the façade of residential properties and considers that this would be acceptable because it is less than the 50dB criteria which the World Health Organisation (WHO) considers is where moderate annoyance can occur. From this, it also predicts that the noise from the use of the pitch will result in indoor noise levels of 32dB, with windows open which is less the 35dB criteria that the WHO considers is likely to result in interference in casual conversation. It also predicts that impact sounds from the pitch will be 51dB LA,max (which is the maximum level that occurs over a measurement period) from voices, 65dB from whistles and 57-61dB from ball impact sounds outdoors at the façade of residential properties and indoor will be 15dB lower. To assess the likely impact of this type of noise it refers to 45dB LAmax, which is generally accepted as being the indoor noise level that ideally should not be exceeded to avoid sleep disturbance and that during the daytime 50dB LAmax, is therefore likely to be acceptable indoors. The supporting information concludes that noise from voices and ball impact sounds would be unlikely to be a problem indoors at residential properties daytime or night-time and noise from whistles would not be a problem during daytime.
- 10.28 Environmental Health have explained that from their experience of investigation complaints about noise from sports pitches (including both Multi-Use Games Areas and Artificial Grass Pitches) are that the complaints are always about the high level, short duration noises arising from ball impacts, shouts (including offensive language) and also from referees' whistles. It is understood that the complaints are never about the equivalent noise level over a 15 minute or one hour period. The level of audibility of an offending noise is largely dependent on the ambient noise levels, in particular the background noise levels (LA90). Environmental Health have explained that from the information provided it seems clear that the noise from the pitch will be significantly above background sound levels, even more so later into the evening, and is therefore likely to be highly noticeable and therefore potentially have a significant likelihood to cause a loss of amenity to nearby residents.
- 10.29 The applicant initially proposed the following AGP hours of use for curriculum use and community access:
- 09:00 to 22:00 Monday to Friday (17:00 to 22:00 for community use)*
09:00 to 17:00 Saturday, Sunday and Bank Holidays (community use)*
*An additional 15 minutes requested for the AGP to be locked up and for safe egress from the site, with the floodlights to be extinguished
- 10.30 After negotiations with the concerned parties to address the above noise related issues, the following hours of use have now been agreed between the applicant, Development Management, Environmental Health and Sport England:

1st October – 31st March Proposed times:

Monday - 09:00 to 20:00 hours
Tuesday - 09:00 to 21:00 hours
Wednesday - 09:00 to 21:00 hours
Thursday - 09:00 to 21:00 hours
Friday - 09:00 to 19:00 hours
Saturday - 09:00 to 17:00 hours
Sunday - 09:00 to 14:00 hours
Closed Bank Holidays

1st April - 30th September Proposed times:

Monday to Friday - 09:00 to 20:00 hours
Saturday - 09:00 to 14:00 hours
Sunday - Closed
Closed Bank Holidays

- 10.31 Development Management consider that an additional 15 minutes to the proposed times in paragraph 10.30 for the AGP to be locked up and for safe egress from the site, with the floodlights to be extinguished after this period to be still acceptable, in terms of a compliance context position.
- 10.32 The proposed hours of use have sought to protect the amenity of local residents. Two 'hours of use' periods have been proposed that takes into consideration when the AGP is more likely to be used by the community (i.e. primarily in the winter months) and when residents are more likely to be enjoying their gardens and outdoor amenity spaces (i.e. in the summer months).
- 10.33 The proposal also proposed the illuminance of the AGP with 16 LED luminaires on eight 15m high columns. Supporting information explains how the design levels of illuminance for the pitch 120 / 200 lux are based on Football Association guidance, and reference is also made to BS EN 12193. The lighting proposals predict that the maintained average illuminance will range from 142 to 237 lux for the whole pitch and 221 lux for when half the pitch is lit, based on a maintenance factor of 0.9. The report indicates, from spillage at ground level and at 1.8m illuminance information, that the proposed lighting will cause illuminance levels of less than 1 lux at nearby residential premises except for 46 Springwood Rd where it predicts it will be 1.11 lux.
- 10.34 Environmental Health initially raised concerns that the Football Association guidance which has been used for the design levels of illuminance is intended for lighting installations for Clubs wishing to compete in FA competitions and in the National League System. The British Standard referred to in the submitted document (BS EN 12193 (2018) Light and Lighting - Sports Lighting) provides different guidance, recommending illuminance levels of 75 lux for a development of this type. However, after discussions with the lighting consultant and the submission of further information, Environmental Health withdrew their concerns. The primary reason being that the proposed use of the OptiVision LED floodlight with integral full cut off louvres (LO) for all of the floodlights would be considered to significantly reduce any light spillage that would have an adverse impact on residential and visual amenity.

- 10.35 Development Management acknowledge the Sheffield FA preference for longer hours to maximise the facility's community use, particularly at weekends. Development Management sympathise with this request but understand that any further increase in the proposed hours of use would attract an objection from Environmental Health. It is also noted that the proposed hours of use is also likely to affect the school's capability in achieving funding from external bodies such as the Football Foundation, who specified the initial hours of use in paragraph 10.29. However, the school believe that they have the necessary funds and capability to still run a sustainable AGP facility.
- 10.36 With regards to residential amenity, Environmental Health have raised no objections, subject to the necessary conditions for noise and lighting; Sport England have raised no objections subject to a community use agreement; and Highways Development Management have raised no objections subject to the necessary conditions for a car park management plan and construction access.
- 10.37 Development Management are of the opinion that the proposed increase in activity associated with the proposal, including traffic generated (discussed later on in the report) and noise generated from an increase in use of the sports facility can be appropriately managed with the imposition of the said planning conditions. As such, subject to the necessary planning conditions, officers consider that the proposal would not have an adverse impact on residential amenity in accordance with Local Plan Policies LP24 and LP52.

Biodiversity, landscape and trees

- 10.38 The site is currently a grass sports field that is denoted from Springwood Road and The Bridges by a stone wall. Mature trees can also be found adjacent to Springwood Road to the north east, none of which benefit from a tree preservation order. Topographical ground levels within the application site fall around 2m from South to North across the proposed AGP, plus a terraced embankment along the South Western edge of the proposed development area (approximately with 2-2.5m high) and then a further 2m embankment up to the school buildings level.
- 10.39 Supporting information shows that there will be regrading of the current land so that an AGP can be accommodated. The soils generated from the AGP construction process shall be used in the construction of three 1.2 metre high grass mounds that will surround the AGP. The grass mounds shall benefit from wildflower planting, whilst the areas (i.e. areas not associated with the AGP) that shall surround the mounds shall be amenity grassland. Scattered trees are inductively proposed along Springwood Road, 27 Springwood Road and next to The Bridges. Shrub planting is also indicatively proposed adjacent to Springwood Road and The Bridges.
- 10.40 Supporting ecological information accompanies the planning application, which considers there to be a low risk of any significant ecological impacts to protected habitats and species due to the development proposals. Supporting information provides a number of recommendations for biodiversity mitigation and enhancement. It also shows how a biodiversity net gain of 11.10% can be achieved as well as managed/monitored for a 30 year period. The Ecologist has reviewed the supporting information and raises no objections subject to conditions securing the necessary biodiversity mitigation and enhancement measures as well as securing the necessary biodiversity net gain. As such, the proposal would accord with Local Plan Policy LP30 and Policy 13 of the emerging Holme Valley Neighbourhood Plan.

- 10.41 An Arboricultural Impact Assessment supports the planning application and is considered by the Tree officer to be sufficient to determine that there should be no impacts to the group of trees along the site's boundary. The report also provides recommendations and details of tree protection fencing to ensure the retained trees can be protected. As such, the Tree officer has recommended that a condition be imposed securing these recommendations to ensure that the proposal is in accordance with Local Plan policies LP24 and LP33.
- 10.42 With respect to the emerging Holme Valley Neighbourhood Plan, particular consideration has been given to the landscape and visual impact of the development. The site falls within the Landscape Character Area (LCA) 4 River Holme Settled Valley Floor, and can be seen from other neighbouring Landscape Character Areas, such as the neighbouring Landscape Character Area 7 River Holme Wooded Valley. The applicant has provided an assessment of the proposal's worst-case impact from Thurstonland Bank Road which is within LCA 7 and from Springwood Road which is within LCA 4. In both cases, the proposal would be seen in context of the school, set on higher ground and the surrounding urban elements. It is considered that the proposed grass mounds, dark green equipment store, dark green mesh fencing, dark green artificial grass pitch and slim-line profile masts for flood lighting will all help to ensure that there is no unacceptable adverse impact on the surrounding landscape.
- 10.43 In terms of impact of the proposal at night, supporting information explains how a 15m mounting height was chosen for the floodlighting of the AGP. At this height, the light projected by all floodlights would result in a low vertical overspill and good uniformity onto the pitch surface to ensure that artificial lighting:
- Is directed fully downwards towards the playing pitch surface;
 - Avoids sky glow;
 - Achieves full cut-off as recommended by The British Astronomical Association's Campaign for Dark Skies
- 10.44 The supporting information also explains that by contrast, higher masts (say 18m high) would demand more intensive lighting to provide adequate results at ground level; whilst lower mast heights (say 12m high) would result in a higher aiming angle for every luminaire, resulting in increased overspill and glare projected onto adjacent land.
- 10.45 The Landscape officer has reviewed the application and raises no objection subject to a planning condition securing a robust landscape scheme that includes additional vegetation that further minimise visual impact. Therefore, officers consider that the proposal is in accordance and Local Plan Policies LP24 and LP32, as well as with Policy 1 of the emerging Holme Valley Neighbourhood Plan

Highway issues

- 10.46 Supporting information explains how the main vehicular and pedestrian access to Holmfirth High School is with Heys Road to the south west of the site. Vehicular parking areas around the school grounds closest to the proposed AGP provides approximately 133no. parking spaces.

- 10.47 No additional parking is proposed as part of this application and the proposed primary access arrangements remain unchanged. The proposed site plan shows the installation of a level approach (clean access) and external steps with pedestrian handrails. These features will ensure that the AGP can be used by people of all ages and abilities. A gated emergency access from Springwood Road is also proposed. This feature has been designed so that it could connect with the approved 21 space car park at Springwood Road (Reference: 2020/92122) if developed.
- 10.48 The development will not increase student numbers in itself and represents an enhancement to Holmfirth High School's existing sports provision. Therefore, through the school-day, there are not anticipated to be any material traffic movements attributed to the development.
- 10.49 The proposed community usage of the AGP (i.e. outside school hours) was forecasted to result in a maximum accumulation of 120no. vehicles parked onsite any one time within a one-hour period during weekend and weekday evening training (this was based on the hours of use initially proposed). As outside of school times, there would be additional demand for parking on site. However during these times the school's existing car parks would be in least demand. Officers are satisfied that the existing car parking on site is sufficient for the scale of the proposed development during these hours.
- 10.50 It has been forecasted that when the AGP is in operation, outside school hours that the maximum expected vehicle trip generation over the operational periods, will result in a maximum of 60no. vehicles arriving and 60no. vehicles departing (120no. two-way vehicle trips) per hour of operation (this was based on the hours of use initially proposed). Officers consider that the proposal would not harm the safe and efficient operation of the local road network. Additionally, officers consider that the proposed hours of operation at paragraph 10.30 will ensure that there is no adverse impact on residential amenity, in terms of the potential increase in the 'comings and goings' to the site outside school hours.
- 10.51 It is noted that representations have made reference to parking on Springwood Road. For the reasons above, officers are satisfied that the site has sufficient parking for the proposed development and for use by visitors. Highways Development Management have requested a planning condition for a car parking management plan, which should help to mitigate against such concern. Part of the details will be how the operators control the usage of the car parks and the flow of information to the users of the facility.
- 10.52 Highways Development Management have reviewed the planning application and have raised no objections subject to the imposition of planning conditions for a car parking management plan, construction traffic access details and details of any structural features adjacent to the highway. Therefore, officers consider the proposal to accord with Local Plan Policies LP21 and LP22, as well as with Policy 11 of the emerging Holme Valley Neighbourhood Plan.

Drainage and flood risk

- 10.53 The site is located within flood zone 1 and as such it has a low probability of flooding (Rivers and Sea). The site is also considered to be within an area of very low risk from surface water flooding.

- 10.54 Supporting information explains how the proposed development will replace part of an existing grassed playing field with the proposed new Artificial Grass Pitch (AGP). Recent ground investigations included tests within the natural gravelly sand of the Rough Rock deposits above the bedded rock. Conservative infiltration rates measured at $3.9\text{m/s} \times 10^{-5}$ indicate a reasonable rate and that natural granular deposits are permeable. On this basis, a local soak away is recommended as a means of stormwater disposal.
- 10.55 NPPF paragraph 160 explains how major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. Planning Practice Guidance paragraph 080 explains how the aim should be to discharge surface run off as high up the following hierarchy of drainage options as reasonably practicable:
1. into the ground (infiltration);
 2. to a surface water body;
 3. to a surface water sewer, highway drain, or another drainage system;
 4. to a combined sewer.
- 10.56 Supporting information explains how the proposed AGP would be of porous construction with attenuation proposed within the pitch subbase (lined) and the soakaway chamber to the north west of the AGP. Thus, this drainage proposal would accord with the drainage hierarchy. It is explained that this drainage strategy would be designed to ensure no above ground flooding occurs up to and including the 1 in 30-year event as a minimum, with an assessment to demonstrate that the flood risk off-site is not increased during the 1 in 100-year event plus an allowance for climate change.
- 10.57 This application represents a replacement land drainage and soakaway system. Further details were required by the LLFA to establish details of flooding reports in the immediate vicinity of the site and this has been proven to be at a different location and from different sources.
- 10.58 No objection, subject to conditions that require a detailed finalised design scheme soakaway for an effective means of drainage of surface water on this site and its maintenance and management provisions.

Climate change and sustainability

- 10.59 On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target, however it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.
- 10.60 Policy 12 of the emerging Holme Valley Neighbourhood Plan expects development to contribute to the use of renewable energy and sustainable and efficient designs.

- 10.61 The current application was submitted prior to the council's adoption of the Planning Applications Climate Change Guidance document and prior to the emerging Holme Valley Neighbourhood Plan requiring a Sustainability Statement.
- 10.62 The Design and Access Statement details how the proposal has considered the three dimensions of sustainability set out in NPPF paragraph 8 and Local Plan Policy LP1:
- *“Economic objective – providing a self-funding facility for use by community visitors to Holmfirth High School.*
 - *Social objective – providing a modern facility that will encourage physical activity and engagement with the benefits to health and wellbeing associated with this.*
 - *Environmental Role – ensuring that the existing natural environment is not harmed post development and the AGP is designed and implemented to conserve and reduce energy wastage wherever possible.”*
- 10.63 With respect to climate change, the supporting Design and Access Statement also explains that the AGP proposal would be appropriately flood resilient and resistant, with residual risks safely managed. It explains how the proposal would ensure that flood risk was not increased elsewhere and includes a sustainable drainage system. The proposed surface water drainage scheme associated with the AGP would be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.
- 10.64 The Design and Access Statement also explains how the floodlight design would use OptiVision LED technology, which meets the highest performance standards. It is claimed that this provides outstanding light quality, and ensures safety and visual comfort. The proposed OptiVision LED floodlights would offer new possibilities to reduce energy consumption and increase flexibility (instant start, programmable lighting levels) when used in conjunction with Philips advanced system controls and sensors. Therefore, the use of such technology would ensure that energy consumption would be appropriately minimised.
- 10.65 Measures would be necessary to encourage the use of sustainable modes of transport. The Design and Access Statement explains how Holmfirth High School would promote car sharing as well as a drop-off / collect system and the use of green travel methods including walking, cycling and the use of public transport modes whenever possible to all visitors. Adequate provision for cyclists (including cycle storage for users and visitors) and electric vehicle charging would be secured by condition, should planning permission be granted. A development at this site which was entirely reliant on residents travelling by private car is unlikely to be considered sustainable.
- 10.66 Therefore, officers consider that the necessary planning conditions to secure the above measures would mitigate the impact of the development on climate change and ensure that sustainable development is achieved.

Representations

- 10.67 As highlighted in section 7 of the report a total of 56 letters of representation were received of which 37 letters were of support. The following are a summary of the representations received who have raised objections and concerns with officer responses.

Principle

- Numerous references made to the Holme Valley Neighbourhood Plan and Kirklees Local Plan as to why the proposal is unacceptable.
- Local Development Plan does not recognise a need for the lack of an AGP football pitch in the local area.
- This development significantly reduce the Urban Green Space area replacing it with an area which does not have the same benefits.
- Numerous references made to the Holme Valley Neighbourhood Plan and Kirklees Local Plan as to why the proposal is unacceptable.
- I could understand a grandiose scheme like this if Holmfirth High School was a Sports academy, which is certainly is not.
- I would welcome a scaled down proposal. Less pitches with shorter opening hours /fences and lighting poles - with adequate parking.
- Would it not be possible to invest in improving the current pitches and leaving them open to the public to use during the evening and at weekends?
- There are more suitable pitches within the Holmfirth area for this type of proposal.
- There are more appropriate locations for this proposed development away from housing.
- The proposed artificial pitch would be suitable for football but not be suitable for other games such as hockey – it should be a multi games area
- This development significantly reduces this UGS area replacing it with an area which does not have the same benefits.

Officer response: There is an identified need for AGP's within the Kirklees district but there is no local strategy or allocation document for such facilities. It is not uncommon for AGPs to be installed within educational establishments due to their use by the school and the demand for its use by the local community, which they intend to serve. Although Officers are not aware of any more suitable sites that are both policy compliant and available, even if there were any alternative sites potentially available, this would not be a reason to withhold the granting of permission for what is a policy compliant and acceptable scheme.

The proposal has been developed in line with the council's Playing Pitch Strategy and in consultation with the relevant sporting organisations and who have raised no objections, including Sport England.

The planning application has been assessed on its own merits against the concerned policies of the Local Plan. Officers believe that the proposal is acceptable for the reasons set out in paragraph 10.1 to 10.10 of the committee report. Officers consider that the loss of a grass playing pitch resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable and sustainable location.

Visual amenity

- Concerns regarding the height, length and need for a 4.5m high perimeter fencing and if there is a need, could it be reduced to 1.8m high or 2.5m high max. to reduce its overbearing impact.

- Very substantial change and apart from the pitch itself, it is going to be most unattractive and much noisier outside school hours.
- The trees planted about 20 years ago on the school side of Springwood Road must be preserved (and possibly augmented) to reduce noise and light problems.
- The proposed location is situated in an elevated position and as such adding 4.5m fencing and 15m high floodlights is not suitable for this site.
- The natural views for residents of Holme Valley would be restricted by high fencing.
- If the AGP is required why does it have to be fenced off from the public and why does it need to be floodlit?
- Excessive height of the fencing and lighting poles provides a very hard aspect rather than an open green space which is calming and well used by local families and children to exercise on - it came onto its own during Covid lockdown this summer.
- The application incorrectly suggests that there is no such detriment, by focusing on the much more distant Holmfirth Road school boundary, this ignores the effect from other positions closer to the site – and in particular from the walkers' route through the trees adjacent to Springwood Road.
- The 15m high flood lighting is out of character with the semi-rural populated area.
- The proposal to build fenced off AGP pitches on current Urban Green Space land will restrict community access to the land -it will not increase it.
- The proposal would see the majority of local users unable to access the running tracks and football pitches and grassland which are currently available to all free of charge outside of school usage – contrary to Sport England advice.
- If there is funding for an AGP available, and this is required, where is the stated requirement for it to be fenced off from the public and why does it need to be floodlit?

Officer response: It should be noted that the site is a playing field for use by the school and other permitted community uses. It is not a public open space. The proposal has been designed in accordance with best practice design guidance notes published by The Football Association (FA) / Sport England. The provision of an AGP would improve the quality of the pitch and a community use agreement for the facility would align with the Playing Pitch Strategy recommendation for the site. As identified within the submitted Design and Access Statement the proposal would provide benefit to the school in undertaking sport and physical activity; enable community teams to train and play at the site; and will support Football Association (FA) programmes to be run at the site.

It is acknowledged that the proposed enclosed and flood lit artificial grass pitch would result in a change to the visual landscape amenity of the area. However, it is considered that the proposed physical works set within the context of the existing school site, which includes large buildings set on higher ground and tall trees along Springwood Road would ensure the facility did not 'look out of place.' Indeed, such a facility would be expected to be located at an education establishment. Additionally, given its high quality of construction, and the proposed landscaping measures (where existing trees would be supplemented not lost) would ensure that there would be no detrimental impact on visual landscape amenity.

Residential amenity concerns

- Floodlights
- The flood lights will be most unattractive and very significant during the daytime as well as the dark nights.
- The technical document for floodlighting is unclear as to whether or not my property will be affected.
- The use of floodlights and potential high noise levels until 10pm in a densely populated area is unsuitable.
- Lux and dB levels should be assessed indicating the impact on neighbouring properties.
- Light pollution will impact on trees, wildlife, views, users of footpaths and will spoil the natural enjoyment of the night sky for local residents.
- Councils have been urged to limit the impact of artificial lighting by the Campaign to Protect Rural England (CPRE).
- This light pollution will spoil the natural enjoyment of the night sky for all local residents.
- Adverse impact on residential amenity in terms of noise, traffic and flood lighting (lighting pollution/spillage), particularly at evenings and weekends.
- The erection of more lighting on raised ground at such height are certain to impact greatly on residents – what design considerations have been undertaken?
- Children already kept up by the noise from the existing pitches and this will only add to this. (unregulated to regulated)
- Being open until 10pm Monday to Friday is too late on an evening. Sometime between 8.0 to 8.30 pm should be the latest and 3.30 to 4pm on Sundays. This is only fair and reasonable given the increase in noise and light to be expected from being open to all local clubs etc. At present there is no noise from this pitch on an evening, but we do hear shouting from the existing artificial pitch on an evening which is about 200 metres from us. The new pitch is only some 50 metres away from us. We believe that during the longer school holidays Easter and Summer etc the facility should be closed so we can all enjoy a break from the noise.
- There is already significant noise during the evenings coming from the existing facilities.
- Noise from exercise classes which take place inside the school hall are intrusive at times. This is difficult to reconcile with claims made in the application, given that the proposed pitch is nearer my house than the school hall, and is outside. The proposed late closing time would make this worse.
- Unacceptable noise pollution levels during the day and at night for the front of neighbouring residential properties.
- I do not want to hear noise from the proposed pitch at any time after 8pm Monday to Saturday and 4pm on Sundays.
- The pitches should not be in use all year around. There should be 'rest periods' where no noise occurs from the pitch area for example during the Summer Holidays where residents are out in their gardens more often than not.
- There are concerns about the noise impacts, some of which are unknowns, which could be life changing for residents.
- The sport court already in use causes a nuisance sound when in use. The ball crashing against the fencing, the loud voices, music and accompanying vehicles. I expect a significant uplift in all these with any new facility.

Officer response: Residential amenity concerns were noted during the planning application process which resulted in extensive negotiations between officers and the applicant team on restricting the hours of use to resolve the concerns raised. It is considered that an acceptable floodlighting design has been proposed to ensure that there is no unnecessary light spill which would have an adverse impact on visual and residential amenity. Environmental Health do not object to the proposal subject to the necessary planning conditions.

Drainage/Flood risk

- The proposal particularly with the proposed mounds, together with the proposed car park, would cause rainwater overspill onto Springwood Road.
- The proposed drainage does not take into consideration the existing situation where surface water frequently overwhelms the capacity of the school grounds and spurts from the school field boundary onto Springwood Road – the road drainage is unable to cope and run-off through local properties.
- The site and Springwood Road already suffers from flooding during heavy rainfall and the loss of a grass pitch will exacerbate this issue.
- If the intent was merely to improve the usability of the facility then this could be accomplished through improved drainage for the existing pitches on this site
- Whilst all this work is undertaken I would like the poor drainage on the land to the west of the pitch to be addressed.
- When it rains heavily the water literally forms a waterfall through the wall that forms the boundary between the school field and Springwood Road.
- Most of that water ends up in my garden as it does not reach the drain in the pavement due to the camber of the pavement.
- No evidence that this proposal takes into account local knowledge of surface water already.
- Flood risk of the road and nearby residential properties, which is likely to worsen with climate change.

Officer response: Flood events raised by representations were investigated further by the Lead Local Flood Authority. The Environment Agency's 'Extent of flooding from surface water' map shows that the school buildings near to Heys Road and the playing field to the south east suffer from potential surface water flooding. The map also shows that Springwood Road as well as the concerned properties between nos. 1 to 44 Springwood Road also suffer from potential surface water flooding. It should be noted that it does not appear that these areas would be located within the red line boundary, particularly where the proposed AGP would be located. The necessary planning conditions would ensure that an appropriate drainage strategy was secured that provided a betterment in accordance with Local Plan policies LP27 and LP28.

The LLFA have explained that photographs showing a surcharging manhole would suggest that there is a strong possibility of a restriction of some description within the piped network causing a back-up of water. The LLFA has advised the concerned resident to contact Yorkshire Water to try and resolve this matter. The proposed drainage strategy does not propose to use the Yorkshire Water infrastructure and Yorkshire Water do not object to the proposal.

Antisocial behaviour

- Concerns regarding the management of the site outside of school hours and the quality of life of local residents is already affected by litter; cannabis smoking; parents leaving their engines running; unlit and dangerous car parking area; speeding vehicles performing doughnuts in the car park; children climbing over the barrier between the edge of the school field and The Bridges, which would be lethal.
- Good CCTV and better signage would deter dog walkers from going onto the site at all and deter acts of vandalism thereby minimising the need for any fencing.
- Management and supervision of the facility was not mentioned. This would be an issue because disruptive and anti-social behaviour by a minority would inevitably happen.
- Loud swearing coming from the pitch is a concern on evenings.
- Who is going to manage the proposed unlit and hidden from view car park outside the Coop.
- Whilst 4.5m fencing appears high it is inevitable that a football will frequently be kicked over this fence onto Springwood Road.
- The sports court already in situ is constantly trespassed during hours out of service with little to no interference by the school or the facilities company managing the complex. What security considerations are in place for the new complex?

Officer response: The Design and Access Statement explains how the management of the facility would be overseen by the school's management and administration teams. No evidence has been provided to suggest that the proposal, or indeed its use, would result in any unusual security or safety concerns. No objection has been received by the West Yorkshire Police Crime Prevention officer. The measures to reduce any likelihood of anti-social behaviour would be secured by appropriate planning conditions, particularly the management of the facility outside school hours.

The field is currently used as a sports pitch with no fencing. The AGP has been designed in accordance with the best practice design guidance notes published by The Football Association (FA) / Sport England, which seeks to provide secure facilities and reduce the likelihood of balls being kicked outside the perimeter.

Highway safety, traffic and parking

- Additional traffic will park on nearby cul-de-sacs.
- Parking restrictions must be made on local roads to stop the overflow of cars in the provided car park.
- Traffic in surrounding streets would increase making the need for traffic calming measures even more necessary.
- Concern about for the proposed running track/athletics facilities at Little Wembley – there are no parking facilities at this site and surrounding streets already suffer from double parking and related highway safety issues.
- Inevitable increase in traffic to an already very busy and noisy Springwood Road is very concerning. The ever increasing new build housing estates such as Redrow on Stoney Bank Lane have recently added to this.
- There should be traffic calming and parking restrictions on Springwood Road.

- The increased level of traffic and road safety to an unreasonable hour - 10pm.
- The proposed car park at the Coop is too small for this proposal, unless yellow lines are painted on Springwood Road.
- Stoney Bank Road already has significant parking from Little Wembley football games over and above safe levels.
- Is it suggested that parking is contained within the school grounds and does this consider night classes, no of spaces required and overflow parking?
- Access onto Springwood road is hazardous. This road which has been subject to recent safety reviews - pedestrian fatality, traffic calming measures, narrow pavements, high traffic levels.
- Unacceptable level of traffic and parking on roads that are already overcrowded, historic road widths, bends, restricted views and impinging buildings. Together with a recent housing development at Stoney Bank Road and parking at the Coop will have an adverse impact on highway safety.
- Unacceptable local footpath access and provision to the site.
- Adverse impact on highway safety due to narrow roads and lack of parking.
- The Coop car park will be full of football supporters so will be denied to the local residents.
- For the other School sports the students will have to cross dangerous narrow roads to get to the other sports site. This artificial pitch should have been built there.
- Concerns regarding the existing unsuitable street design and enclosure, highway capacity and safety issues for Springwood Road and Heys Road.
- There is already inadequate parking and on-street parking issues for extra curricular activities at the school. There appears to be no excess vehicle activity due to the rise in use.
- There are already parking and traffic problems associated with Little Wembley, which this will worsen.

Officer response: It is understood that access to the site would be via the school's existing access arrangement via Heys Road and not via Springwood Road. Officers consider that there is sufficient on-site parking for visitors to use, particularly outside school hours. A car park management plan would ensure that the necessary measures were implemented to encourage use of the existing car parking facilities. Other concerns are noted but officers do not believe that there would be such a significant impact from development on the transport network (in terms of capacity and congestion), or on highway safety to warrant a refusal.

It is acknowledged that the proposed changes to the nearby 'Little Wembley' sports field would potentially increase the number of school pupils using these pitches more frequently during the summer months for athletics and rounders. It is also acknowledged that there is a change from a 7 v 7 football pitch to a 9 v 9 football pitch. Officers do not consider that the proposed changes to the 'Little Wembley' sports field would be significant enough to result in an adverse impact on parking, highway safety, or traffic. Furthermore, the school could choose to carry out changes to the existing playing fields without the need for planning permission.

Wildlife concerns

- In the fields adjacent to the school there is an abundance of wildlife that will be negatively affected by this proposal.
- No compensation for the loss of a green open space and its impact on wildlife.
- Noise and light pollution will have an adverse impact on local wildlife (e.g. badgers, deer, buzzards, owls, foxes and bats) using dark habitat corridors.

Officer response: An Ecological Appraisal and Landscape and Ecological Design Strategy (which demonstrates how a biodiversity net gain can be achieved on site) has been carried out to the satisfaction of the Ecologist. Any planning permission would impose the necessary planning conditions to protect and enhance biodiversity on-site, including one which seeks a “lighting design strategy for biodiversity.”

Other concerns/observations

- The value of my property will decrease.

Officer response: This is not a material planning consideration.

- The neighbour representations do not appear to be from neighbours and appear to be orchestrated, if so there is no validation or governance to support these comments.

Officer response: Support for the AGP were made by persons who live at the following streets:

- Kistvaen Gardens Holmfirth
- Out Lane Holmfirth
- Sycamore Croft, Huddersfield
- Plover Road Huddersfield
- Colders Lane Holmfirth
- Daleside Avenue Holmfirth
- Birch Park Holmfirth
- Huddersfield Road, Holmfirth
- Gillroyd Lane, Huddersfield
- Cartworth Lane Holmfirth
- Dean Avenue Holmfirth
- Spring Lane Holmfirth
- Nields Road Huddersfield
- Blackthorn Drive Huddersfield
- South Street Huddersfield
- Cinder Hills Road Holmfirth
- Carr View Road Holmfirth
- Briestfield Road Wakefield
- Weavers Mill Way Holmfirth
- Briarfield Gardens Huddersfield
- Spring Lane Holmfirth
- Meadowcroft Holmfirth
- Calder Drive Huddersfield
- Paris Mews Holmfirth
- Weavers Mill Way Holmfirth
- Gregory Drive Huddersfield

- Fulneck Close Huddersfield
 - Moorcroft Drive Holmfirth
 - Colders Lane Holmfirth
 - Heys Gardens, Holmfirth
 - Lydgetts Holmfirth
 - Cliff Road Holmfirth
 - Cuckoo Lane Holmfirth
 - Town End Road Holmfirth
 - Sude Hill Holmfirth
 - South Street Holmfirth
 - Heys Road Holmfirth
- Given the large number of elderly residents living in the properties close to the proposed development site, it seems unlikely they will be given a fair or proper opportunity to consider the proposal and lodge any comments due to 'lockdown.'

Officer response: The necessary site notices were erected around the site and press notices were made. Neighbour notification letters were also sent to 67 properties around the site. Additional time for the receipt of consultation responses was also permitted. Therefore, the consultation process is in accordance with the council's Development Management Charter.

- Nothing appears to have changed and the objections have not been overcome.

Officer response: Observations noted.

Planning obligations

10.68 None required.

Other Matters

10.69 The planning application site falls within a Minerals Safeguarding area for Sandstone. It is considered that criterion b of Local Plan Policy LP38 applies for this type of surface development to be permitted as it is understood that there is an overriding need within the district for AGPs. An AGP at this location would improve the quality of sport facilities available in Holmfirth and encourage participation in sport and leisure activities, which in turn would bring much needed health benefits with opportunity to generally improve quality of life for people engaged to the project.

10.70 The West Yorkshire Police Crime Prevention officer has not raised any objections to the proposals.

10.71 A condition requiring a construction management plan (CMP) to mitigate the impact of construction activities on local residents is recommended.

11.0 CONCLUSION

11.1 The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice

- 11.2 The proposed development would enhance an existing school playing facility with an opportunity for greater usage throughout the year by school pupils and by community groups. It would also contribute towards the recognised shortfall of AGPs within the district. The proposal would encourage greater physical activity and engagement with associated the benefits to education as well as health and wellbeing. For these reasons, it is considered that it would clearly outweigh any loss of the existing grass playing field that is designated as Urban Green Space.
- 11.3 Officers consider that the proposed development would be of a design that would not have an adverse visual effect on landscape character. The proposed development includes sufficient surface water drainage mitigation and management. The effect of noise and light spillage with appropriate conditions would not be harmful on neighbouring amenity. Appropriate conditions would ensure that there is no adverse impact on biodiversity and that a sensitive landscape scheme is achieved that secures a biodiversity net gain. There would be adequate on-site parking provision to serve the proposed development and there would be no harmful effects on highway safety and capacity. The development would not lead to crime and disorder.
- 11.4 This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and it is, therefore, recommended for approval.

12.0 CONDITIONS (Summary list. Full wording of conditions including any amendments/additions to be delegated to the Head of Planning and Development)

1. Commencement of development within 3 years
2. Development should be undertaken in accordance with the plans
3. Community use agreement
4. Artificial Grass Pitch management plan
5. Submission of a site specific noise management plan
6. The perimeter fencing to the pitch shall be fixed to support posts with a neoprene (or similar) isolator to fully isolate the panels from the posts to eliminate unnecessary noise
7. The sports pitch hereby permitted shall not be used for any sports activities outside the agreed hours.
8. Before the installation of external artificial lighting commences, a lighting scheme shall be submitted to and approved in writing by the Local Planning Authority.
9. Scheme detailing the dedicated facilities that will be provided for charging electric vehicles and other ultra-low emission vehicles
10. Noisy construction, demolition and site clearance operations shall not take place outside the hours of: 0800 to 1900 Monday to Friday; 0800 to 1300 on Saturdays With no noisy activities on Sundays or Public Holidays
11. Ecological measures and/or works shall be carried out in accordance with the Ecological Appraisal
12. Submission of a "lighting design strategy for biodiversity" to show the levels of lighting to be installed on the site and to provide details of mitigative measures where any light spill onto the retained trees is anticipated
13. The development shall be carried out in accordance with the approved Landscape and Ecological Design Strategy

14. The development shall be completed in accordance with the advice and directions (recommendations) contained in the Arboricultural Impact Assessment
15. Details of all hard and soft landscaping measures, including circulation areas
16. Car Park Management Plan providing details of signing and markings to ensure customers are aware of the proposed parking provision, details of literature and advertising to be aimed at ensuring the use of the car park and details of the supervision and marshalling of the car park at peak times.
17. Proposed design and construction details for all new retaining walls adjacent to the existing highway including any modifications to the existing highway retaining wall on Springwood Road/ Heys Road
18. Submission of a Construction Environmental Management Plan
19. Details of cycle storage facilities
20. Detailed finalised design of the soakaway scheme
21. Details of the maintenance and management programme of the detailed soakaway scheme

Background Papers:

Application and history files.

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2020%2f90640>

Certificate of Ownership – Certificate B signed and Notice served on Kirklees Council.

Report of the Head of Planning and Development

STRATEGIC PLANNING COMMITTEE

Date: 26-Aug-2021

**Subject: Planning Application 2017/93980 Erection of detached shed/store
Woodside Farm, Wakefield Road, Grange Moor, Huddersfield, WF4 4DS**

APPLICANT

Mr & Mrs T McGrath, c/o
agent

DATE VALID

08-Dec-2017

TARGET DATE

09-Mar-2018

EXTENSION EXPIRY DATE

29-Jan-2021

Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

<http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf>

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral wards affected: Kirkburton

Ward Councillors consulted: Yes

Public or private: Public

RECOMMENDATION:

Refuse planning permission for the following reasons:

1. The proposed development is, by definition, inappropriate development in the green belt, and very special circumstances (which clearly outweigh this inappropriateness and other harm) have not been demonstrated. Furthermore, due to its scale, design, appearance and location, the proposed development would harm the openness and visual amenities of the site, its context and the green belt. The proposed development is therefore contrary to policies LP24, LP32 and LP54 of the Kirklees Local Plan and guidance in the National Planning Policy Framework.

2. In the absence of adequate supporting information relating to flood risk and drainage, it has not been demonstrated that those material considerations have appropriately informed the proposed development, nor that the proposed development does not pose unacceptable flood risk and risks to public safety. The proposed development is therefore contrary to policies LP27 and LP28 of the Kirklees Local Plan and guidance in the National Planning Policy Framework.

3. The proposed development, due to its proximity to the root protection areas and crowns of trees protected under Tree Protection Orders 18/16/t1 and 18/16/g1, would result in unacceptable harm to trees of significant amenity value. The proposed development is therefore contrary to policies LP24 and LP33 of the Kirklees Local Plan and guidance in the National Planning Policy Framework.

4. In the absence of supporting information relating to biodiversity, it has not been demonstrated that the proposed development would achieve a biodiversity net gain. The proposed development is therefore contrary to policy LP30 of the Kirklees Local Plan and guidance in the National Planning Policy Framework.

1.0 INTRODUCTION:

1.1 This is an application for full planning permission, for the erection of a detached shed/store.

1.2 The application is presented to the Strategic Planning Committee as it relates to a non-residential development at a site larger than 0.5 hectares in size.

2.0 SITE AND SURROUNDINGS:

2.1 The application site is 0.53 hectares in size (officer's measurement, based on submitted location plan), and accommodates a detached 2-storey farmhouse (with extensions), a detached shed, and a yard. The site is approximately 125-130m AOD and is relatively flat, with a slight downhill slope from west to east. Surrounding uses are agricultural and residential, and there are commercial uses further to the east, closer to the Grange Moor roundabout.

- 2.2 Four vehicular access points exist on Wakefield Road. A bus stop exists outside the application site. Public footpath KIR/102/20 runs along the site's west boundary.
- 2.3 Tree Preservation Orders (TPOs) 18/16/t1 and 18/16/g1 protect trees at the front of the site, adjacent to Wakefield Road. A Biodiversity Opportunity Zone (Pennine Foothills) and an SSSI Impact Risk Zone cover the site. Bats are present in the area. Woodland opposite the site is TPO-protected and forms part of the Wildlife Habitat Network.
- 2.4 The site is within the green belt and is not allocated for development in the Local Plan. An indicative section of the Core Walking and Cycling Network is illustrated in the Local Plan running past the site along Wakefield Road.
- 2.5 There are no listed buildings within or adjacent to the application site, and the site is not within a conservation area.

3.0 PROPOSAL:

- 3.1 The applicant seeks full planning permission for the erection of a detached shed/store annotated as "unit 3". This would have an L-shaped footprint, with a shorter wing running parallel to Wakefield Road, and a longer wing running along the site's eastern boundary. The building would have a floorspace of 1,106sqm.
- 3.2 Proposed materials include concrete panels, natural stone and Yorkshire boarding for the elevations, concrete or corrugated sheets for the roof, and UPVC windows and doors.
- 3.3 Internally, the building would be divided into a cow shed, a hay store, a further store, a Combined Heat and Power (CHP) room, a wood store and a tractor store.
- 3.4 A dry stone wall is referred to on the submitted application form, and this is illustrated at the front of the site (to a height of 1.2m) on the submitted drawings.
- 3.5 "Unit 2" (a separate cow shed previously intended as an extension to the site's existing barn ("unit 1"), and considered under application 2017/93981) is shown on the submitted drawings, but is not referred to on the submitted application form. An area of concrete hardstanding is also shown on the submitted drawings, but is not referred to on the submitted application form. For the avoidance of doubt, these proposals are not considered under this application.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

- 4.1 2017/93981 – Prior notification for erection of agricultural building ("unit 2") – on 29/12/2017 the council withheld approval of details of the works, stating:

"...under Part 6, the proposed development must be reasonably necessary for the purposes of agriculture for that unit. Following an assessment of the submitted information it is considered that there is insufficient evidence to demonstrate that the building is reasonably necessary for agriculture on that unit.

Furthermore the proposed building would exceed the permitted area for buildings and any other works carried out over the previous 2 years as described in paragraph D.1 (2) of Part 6 of the GPDO.

Under these circumstances development is not permitted under Schedule 2, Part 6, Class A of the Town & Country Planning (General Permitted Development) (England) Order 2015 (as amended)”.

- 4.2 2007/93834 – Planning permission refused 07/03/2008 for change of use from disused agricultural barn to B8 use (small storage of general items). A subsequent appeal (ref: APP/Z4718/A/08/2083782) was dismissed.
- 4.3 2007/92971 – Planning permission refused 03/09/2007 for change of use from disused agricultural barn to B8 use (small storage of general items).
- 4.4 2006/90894 – Planning permission refused 16/09/2010 for re-use and adaptation of existing barn to form one dwelling with detached double garage.
- 4.5 2006/93599 – Planning permission granted 27/10/2006 for re-use, adaptation and extension of existing barn to form one dwelling with detached double garage.
- 4.6 2005/94240 – Planning permission granted 08/12/2005 for change of use and alterations to part of barn to extend existing dwelling.
- 4.7 2005/92949 – Full planning permission granted 25/08/2005 for the erection of a detached double garage.
- 4.8 COMP/16/0094 – Alleged material change of use to a business. An Enforcement Notice (taking effect 12/01/2018) was issued, referring to “The material change of use from agriculture to a mixed use of agriculture and drainage engineer’s depot and an engineering operation to create a hard surface in the area hatched blue on the plan”. Subsequent appeals were dismissed on 11/07/2018, and the Enforcement Notice was upheld with variations.
- 4.9 COMP/13/0016 – Alleged material change of use to use for the repair of motor vehicles investigated and closed (no evidence of breach).

5.0 HISTORY OF NEGOTIATIONS (including revisions to the scheme):

- 5.1 During the life of the current application, five iterations of the proposals have been submitted, as follows:
 - 21/11/2017 – Drawings including site layout plan 16/C27/05 rev B, showing an L-shaped building, 1,106sqm in size (officer’s measurement).
 - 12/10/2018 – Drawings including site layout plan 16/C27/12 rev B, showing a C-shaped building.
 - 18/06/2020 – Drawing 16/C27/14 rev B (floor plan and elevations), showing a C-shaped building, annotated as being 1,662sqm in size.
 - 14/06/2021 – Scan of drawing 16/C27/09, hand amended with a red line around part of an L-shaped building, and annotated “amended red line for application”.

- 29/07/2021 – Photograph of a hand-amended floor plan with “THIS AREA” and “LOOSE AREA” annotations.
 - 12/08/2021 – Drawing 16/C27/114 rev C (floor plan and elevations), showing a building similar to that proposed on 18/06/2020 but without the northernmost wing, and annotated as being 1,326sqm in size. “Scheme 2 – Street Scene” drawing (16/C27/15 rev B), tree survey and Flood Risk Appraisal & Drainage Strategy Document also submitted.
- 5.2 No adequate location plan was submitted with the application. The only location plan submitted to date did not show a red line around all of the land upon which new buildings were proposed. This matter was raised with the applicant on 28/02/2018 and again on 30/07/2021, however no corrected location plan was submitted.
- 5.3 Of the above iterations, only the original submission received on 21/11/2017 was put to public consultation. The subsequent submissions were not put to public consultation as they were incomplete, unclear, and/or not accompanied by supporting information.
- 5.4 As only the original submission of 21/11/2017 was put to public consultation, and as the subsequent submissions illustrated materially different proposals (which the public could reasonably expect to be consulted on) and/or were unclear (which, it is reasonable to assume, the public may have had difficulty interpreting), it is considered that the council’s decision must be based on the applicant’s original submission. Any determination based on subsequent submissions that have not been put to public consultation may result in a third party’s interests being prejudiced.
- 5.5 The case officer met the applicant team on 15/03/2018 to discuss matters of concern.
- 5.6 In light of the personal circumstances of the applicant and the death of the applicant’s agent, officers allowed additional time for the resolution of matters during the life of the current application. However, progress has been slow, submissions have been incomplete and/or unacceptable, some of the submitted drawings are unusable, and aspects of the applicant’s proposals remain unclear. Almost four years on from the date of submission, it is considered appropriate to now determine the application.

6.0 PLANNING POLICY:

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27/02/2019).

Kirklees Local Plan (2019):

- 6.2 Relevant Local Plan policies are:

LP1 – Presumption in favour of sustainable development
 LP2 – Place shaping
 LP3 – Location of new development
 LP7 – Efficient and effective use of land and buildings

LP10 – Supporting the rural economy
LP20 – Sustainable travel
LP21 – Highways and access
LP22 – Parking
LP23 – Core walking and cycling network
LP24 – Design
LP26 – Renewable and low carbon energy
LP27 – Flood risk
LP28 – Drainage
LP30 – Biodiversity and geodiversity
LP32 – Landscape
LP33 – Trees
LP34 – Conserving and enhancing the water environment
LP51 – Protection and improvement of local air quality
LP52 – Protection and improvement of environmental quality
LP53 – Contaminated and unstable land
LP54 – Buildings for agriculture and forestry

Supplementary Planning Guidance / Documents:

6.3 Relevant guidance and documents are:

- West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance (2016)
- Kirklees Biodiversity Strategy and Biodiversity Action Plan (2007)
- Highway Design Guide SPD (2019)
- Waste Management Design Guide for New Developments (2020)
- Planning Applications Climate Change Guidance (2021)
- Biodiversity Net Gain Technical Advice Note (2021)

Climate change

6.4 The council approved Climate Emergency measures at its meeting of full Council on 16/01/2019, and the West Yorkshire Combined Authority has pledged that the Leeds City Region would reach net zero carbon emissions by 2038. A draft Carbon Emission Reduction Pathways Technical Report (July 2020, Element Energy), setting out how carbon reductions might be achieved, has been published by the West Yorkshire Combined Authority.

6.5 On 12/11/2019 the council adopted a target for achieving “net zero” carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system, and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target, however it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications the council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda. In June 2021 the council approved a Planning Applications Climate Change Guidance document.

National Planning Policy and Guidance:

6.6 The National Planning Policy Framework (2021) seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of the proposal. Relevant paragraphs/chapters are:

- Chapter 2 – Achieving sustainable development
- Chapter 4 – Decision-making
- Chapter 6 – Building a strong, competitive economy
- Chapter 9 – Promoting sustainable transport
- Chapter 11 – Making effective use of land
- Chapter 12 – Achieving well-designed places
- Chapter 13 – Protecting green belt land
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment
- Chapter 17 – Facilitating the sustainable use of materials.

6.7 Since March 2014 Planning Practice Guidance for England has been published online.

6.8 Relevant national guidance and documents:

- National Design Guide (2019)

7.0 PUBLIC/LOCAL RESPONSE:

7.1 The application has been advertised as a major development.

7.2 The application has been advertised via a site notice posted on 08/01/2018, an advertisement in the local press dated 29/12/2017, and letters delivered to addresses adjacent to the application site. This is in line with the council's adopted Statement of Community Involvement. The end date for publicity was 29/01/2018.

7.3 Two representations were received from occupants of neighbouring properties. The following is a summary of the points raised:

- Proposed development is out of proportion to the size of the farm. Existing barn and outbuildings are more than adequate for this smallholding.
- Proposed development would be used for applicant's drainage engineering business, and not for agriculture. Works have already been carried out in relation to drainage engineering business. Business has been transferred from Cleckheaton. Such industrial business should be run from an industrial estate. Site is also used for weddings. Applicants have carried out practically no farming.
- Query the need for so many work stations.
- Query whether so many vehicles need to be on site for emergency call-outs.
- Risk of the site becoming a larger industrial concern.

- Applicant should have acquired a more suitable industrial property.
- Harm to openness and character of green belt.
- Application for two dwellings in adjacent field was refused and dismissed at appeal due to impact on openness and character of green belt.
- No special circumstances would justify this green belt development.
- Site is very prominent.
- Proposed development would change rural character of the village. Nothing overtly industrial exists nearby.
- Noise and fumes from HGVs would harm neighbouring amenity. Noise already caused by revving HGV engines and weddings.
- HGVs have to pull out across both lanes of Wakefield Road.
- Permission should have been sought from the Office of Traffic Commissioner for the operation of HGVs from this site.
- No site notices posted or neighbour consultation letters posted.

7.4 Kirkburton Parish Council made no comment on the proposals.

7.5 Cllr Armer commented that he was not satisfied that the proposed building is for agricultural purposes.

7.6 Responses to the above comments are set out later in this report.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

8.2 KC Highways Development Management – No objection, subject to conditions. It is not considered that the existing parking demand would increase as a result of the proposal, with staff numbers to remain as existing. There are no refuse storage and collection arrangements indicated on the submission. Conditions recommended regarding surfacing and drainage of parking areas, and waste storage and access.

8.3 KC Lead Local Flood Authority – Objection. No consideration has been given for flood risk to or from the site. No drainage strategy or proposals have been submitted.

8.4 Non-statutory:

8.5 KC Ecology – No objection.

8.6 KC Environmental Health – There is a potential for noise disturbance resulting from the applicant's drainage engineering business and fuel deliveries to the proposed Combined Heat and Power (CHP) plant. Condition recommended regarding noise. CHP plant may require a permit under the Environmental Permitting (England and Wales) Regulations 2016, and would need to comply with the Clean Air Act 1993 and be capable of operating without producing smoke (as Kirklees is a Smoke Control Area).

8.7 KC Trees – Objection. Three protected trees on Wakefield Road are close enough to be protected by the proposals. No tree information has been submitted with the application. Proposed building appears to be within the root protection area and the crown of the protected trees, which is unacceptable. In addition, walls are shown extending from the existing gateway into the yard, within the root protection area of the protected trees – this is unacceptable due to the damage that would be caused to the rooting structures of the trees.

8.8 West Yorkshire Police Designing Out Crime Officer – No comment in relation to crime and disorder.

9.0 MAIN ISSUES

- Land use and principle of development in the green belt
- Sustainability and climate change
- Design
- Residential amenity and environmental health issues
- Highway and transportation issues
- Flood risk and drainage issues
- Trees and landscaping
- Ecological considerations
- Ground conditions
- Representations
- Other matters

10.0 APPRAISAL

Land use and principle of development in the green belt

- 10.1 Planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions.
- 10.2 Paragraph 149 of the NPPF states that the construction of new buildings should be regarded as inappropriate in the green belt. Exceptions to this include buildings for agriculture.
- 10.3 For the proposed development to be accepted as an exception under paragraph 149 of the NPPF, the applicant must demonstrate that the building is indeed “for agriculture”. If the development (or any part of it) is not intended for agricultural use, it would fail to qualify under paragraph 149, and must be deemed to be inappropriate in the green belt.
- 10.4 Of note, in the appeal decision of 19/11/2008 (ref: APP/Z4718/A/08/2083782) the appeal Inspector noted that “the appeal site is no longer part of a working farm”, however the applicant’s more recent submissions indicate that agricultural uses have resumed at the site.
- 10.5 The applicant’s proposed floor plan (drawing 16/C27/09) showed an L-shaped building (“unit 3”). Of note, the submitted application form described this as a “detached shed/store” with no reference to agricultural use. However, the submitted floor plan indicated that the largest element within unit 3 would be a cow shed, and that a hay store and a tractor store would also occupy significant floorspace. These are indeed agricultural uses.
- 10.6 Other parts of the floor plan, however, are annotated “CHP Unit Room”, “Store” and “Wood Store”. While it could be argued that these spaces were intended to accommodate uses ancillary to the main agricultural use of the building, the applicant’s Planning Support Statement advised: “The CHP plant has three purposes: firstly and primarily to provide power for the applicants house, farm

and business; secondly, to the existing businesses in the locality; and thirdly, any surplus into the national grid system". As the CHP Unit Room (which has internal dimensions of 17.05m by 9.4m, and would therefore comprise a significant part of the building) would accommodate plant serving other, external users and uses, it cannot be considered to be solely "for agriculture". Furthermore, due to the lack of information regarding the "Store" and "Wood Store", it cannot be ascertained that those parts of the proposed development are "for agriculture".

- 10.7 The applicant's application form states that 56.2sqm of office floorspace (B1(a) use, under the since-superseded use classes) would be created as part of the proposed development, however no such use is annotated on the submitted floor plan of unit 3.
- 10.8 To further inform an assessment of whether the proposed development is genuinely "for agriculture", the council commissioned the Agricultural Surveyor at Leeds City Council to provide advice. Officers requested advice on whether the proposed development was justified in relation to the size of the farm, given that – if the scale of development was excessive in relation to the operation – it could reasonably be concluded that part or all of the proposed development may not in fact be "for agriculture".
- 10.9 This assessment has proven difficult, due to the limited information initially submitted by the applicant, the applicant's changing business plan, and the lack of clarity as to what is in fact proposed at the application site.
- 10.10 The applicant's application form stated that – in relation to the proposed development – employee numbers would not increase from the current 13. At a meeting held on 15/03/2018 the applicant confirmed that, at the time, Woodside Farm comprised 14.5 acres and no livestock. The applicant intended to acquire a further 27 acres to the west of the farm.
- 10.11 On 02/11/2018 the applicant stated that additional land and livestock had been taken on. By 20/02/2020 the applicant had livestock, and on 12/06/2020 the applicant described the farming operation as comprising 13 acres of grazing land at Woodside Farm (with a further 16 acres rented at Northorpe, and potential access to another c.200 acres) and a small beef herd of 15 suckler cows with an intention to increase these through breeding each year. In terms of farm machinery, the applicant listed a tractor, slurry tanker and a mower with a forage harvester, chain harrows and a roller.
- 10.12 There then followed further submissions of information in late 2020 / early 2021. The applicant was also asked to consider phasing of the proposed development, to reflect the expansion plans for the farming operation. On 05/02/2021 the applicant submitted a Financial Viability Study and Business Plan which referred to a suckled beef operation involving the "intensive finishing of male cattle in straw yards on mainly cereals and bulk matter", with up to 180 cattle on site at any one time. The accompanying letter stated that this study and plan demonstrated that the building is required to accommodate the growth of the business and ensure it is viable, and that "the size of the building is suitable and is within the average of what is required for this scale of business".

10.13 While the submission of 05/02/2021 was of some use, it lacked detail, and did not clarify what was to happen to the existing unit 1 at the site. In response to these queries and others raised by the Agricultural Surveyor, the applicant submitted drawings on 14/06/2021 and 29/07/2021 which only served to generate confusion as to what was actually proposed by the applicant.

10.14 In light of those recent submissions being unclear, on 30/07/2021 the case officer asked the Agricultural Surveyor to provide comments on what were the most recent legible drawings (the submission of 18/06/2020, which showed a C-shaped building of 1,662sqm), notwithstanding the fact that the application is to be determined with reference to the applicant's original submission. The Agricultural Surveyor advised:

"As I understand it, the applicant is not submitting any information on the 216 acres of additional land and seeks to focus only on the 13 (or 9 currently quoted) acres they own at Woodside Farm, and is proposing a new beef fattening enterprise based on purchasing batches of approximately 12 young stock on a monthly basis and rearing them entirely indoors for sale over a rolling 15 month period.

As presented, the enterprise is based on a prospective "text book" model and I regret that the opportunity has not been taken to "test" the model with actual livestock, and provide actual figures; and possibly agree a phased building development. Instead, it appears that the intention is to develop all the buildings and one must hope the enterprise is successful and the buildings do not become redundant.

I am pleased to note the proposed inclusion/use of the existing agricultural building in the enterprise for machinery storage etc and presume that the "office" proposal has been abandoned.

Overall, there are three concerns, namely:-

- *this is a significant "leap" in investment in buildings in a prospective enterprise;*
- *that with only 13 (or 9 currently quoted) acres, there is not a reasonable underlying land holding to support the livestock in terms of producing feed, disposing of manures or turning livestock out – the applicant may put forward the 216 acres of other land they farmed, but in their submission they have specifically stated that the proposal must be viable on only 9 acres at Woodside Farm;*
- *that whilst this beef fattening regime is not uncommon, there is a significant risk that the availability of calves, price of calves, feed costs, market changes in demand or reduced prices for the finished livestock could undermine the viability/profitability of the enterprise and future agricultural use of the proposed buildings.*

These being said, I would accept that the buildings are of contemporary agricultural design and construction, the scale of buildings is appropriate for the proposed livestock numbers, and the intensive beef fattening enterprise is agricultural".

- 10.15 The first iteration of the proposed development was clearly not commensurate with the scale of the agricultural operation initially described by the applicant (namely, 13 secure acres and a herd of 15 cows).
- 10.16 It is accepted that the applicant's more recent, ambitious plan to grow the current farming operation (into one involving up to 180 cattle on site at any one time) is likely to require more indoor space than can be provided within an adapted and re-used unit 1, however there are outstanding concerns regarding that proposal. Firstly, the applicant's intention to expand existing activity into a much larger operation is not guaranteed to occur, and it would be premature to conclude that an agricultural building of 1,106sqm, 1,326sqm or 1,662sqm would be commensurate with the agricultural operation that would exist at this site in the future. The applicant doesn't appear to have given consideration to a phased development that would be implemented as and when the operation grows. Furthermore, although recent submissions suggest the applicant is willing to adapt and re-use unit 1 (this reducing the need for new buildings), it has not been explained to what extent this reduces the need for new floorspace.
- 10.17 The applicant's latest submission of 12/08/2021 included drawing 16/C27/114 rev C which showed a large building annotated as being 1,326sqm in size with internal areas annotated as "Open Hay Store", "Cattle Feeding Building" and "Store". This drawing was not accompanied by explanatory information that addressed the above concerns, and in any case it is not recommended that the council's decision be based on this late submission, as it has not been put to public consultation.
- 10.18 It remains the case that the applicant has not demonstrated that the proposed development is entirely "for agriculture". The proposed development cannot, therefore, be considered as an exception under paragraph 149 of the NPPF, and it must instead be regarded as inappropriate in the green belt. Paragraph 147 of the NPPF states that inappropriate development is, by definition, harmful to the green belt and should not be approved except in very special circumstances. Very special circumstances have not been demonstrated by the applicant (indeed, no attempt was made by the applicant to identify any), therefore paragraph 147 directs the council to refuse planning permission. The proposed development also fails to comply with part a of policy LP54 of the Local Plan.
- 10.19 The proposed development is significant in terms of its massing and visibility, and it would fail to preserve the openness of the green belt.
- 10.20 It is noted that policy LP10 of the Local Plan supports the development of the borough's rural economy, and the applicant's plans to expand the current farming operation at the site would be compliant with parts of this policy. However, the positive weight associated with policy LP10 does not override the requirements of the relevant green belt policies.

Sustainability and climate change

- 10.21 The current application was submitted prior to the council's adoption of the Planning Applications Climate Change Guidance document, and the applicant's submission documents do not explain how the proposed development would help to address or combat climate change effects. It is noted, however, that relevant Local Plan policies are nonetheless applicable.

- 10.22 The proposed development includes the provision of Combined Heat and Power (CHP) plant. Government guidance recognises CHP as a form of low carbon energy generation, noting that it is “a highly efficient process that captures and utilises the heat that is a by-product of the electricity generation process” and that:

“By generating heat and power simultaneously, CHP can reduce carbon emissions by up to 30% compared to the separate means of conventional generation via a boiler and power station.

The heat generated during this process is supplied to an appropriately matched heat demand that would otherwise be met by a conventional boiler. CHP systems are highly efficient, making use of the heat which would otherwise be wasted when generating electrical or mechanical power. This allows heat requirements to be met that would otherwise require additional fuel to be burnt”.

- 10.23 Notwithstanding the concerns detailed above regarding land use, the applicant’s CHP proposals could have attracted positive weight at least in relation to climate change policies and guidance. However, with little detail of the proposed facility provided by the applicant (including in relation to energy efficiency compared with alternative solutions, details of how energy would be distributed locally, details of fuel sources, and emissions and air quality), no further assessment of this aspect of the proposals can be made.

Design

- 10.24 Chapters 11, 12 and 13 of the NPPF, and Local Plan policies LP2, LP7, LP24 and LP54 are relevant to the proposed development in relation to design, as is the National Design Guide.
- 10.25 Woodside Farm occupies a prominent main road site, and is bordered by open countryside to the south. It therefore has a relatively high degree of sensitivity.
- 10.26 As noted above, the proposed development is significant in terms of its massing and visibility. The development would be visually prominent, particular given its 73m long east elevation. The development would involve a significant intrusion into previously-undeveloped land, it would fail to preserve the openness of the green belt, and it would additionally detract from its green belt setting.
- 10.27 Had the applicant demonstrated that a development of this size was appropriate development in the green belt, officers would have requested amendments to the proposals, to help the development minimise its visual impact. Amendments to materials (of note, the applicant initially proposed stone cladding to parts of the east and west elevations, but not to the elevation facing Wakefield Road) and to the site layout (to reduce the spread of massing, and to help screen activities and the existing unit 1) would have been discussed with the applicant, as would details of boundary treatments, landscaping and crime prevention measures.

Residential amenity and environmental health issues

- 10.28 Local Plan policy LP24 requires developments to provide a high standard of amenity for future and neighbouring occupiers, including by maintaining appropriate distances between buildings.
- 10.29 The proposed development, although significant in size, would be located far enough away from neighbouring residential properties to not significantly affect the outlook or natural light currently enjoyed by residents of those properties.
- 10.30 Regarding potential noise from the proposed development, KC Environmental Health identified a potential for noise disturbance resulting from the applicant's drainage engineering business and fuel deliveries to the proposed CHP plant. Had the application been recommended for approval, a condition relating to noise would have been recommended. This condition, however, would have been applied in relation to the agricultural and CHP uses, and not to the potential use of the site in relation to the applicant's drainage engineering business, as such a use is not proposed under this application.
- 10.31 KC Environmental Health did not raise concerns regarding odour, and the distance between the proposed development and the nearest residential properties is noted. Had the application been recommended for approval, a condition related to odour control would have been recommended.
- 10.32 Regarding air quality, KC Environmental Health noted that the proposed CHP plant may require a permit under the Environmental Permitting (England and Wales) Regulations 2016, and that it would need to comply with the Clean Air Act 1993 and be capable of operating without producing smoke, as Kirklees is a Smoke Control Area.

Highway and transportation issues

- 10.33 Local Plan policy LP21 requires development proposals to demonstrate that they can accommodate sustainable modes of transport and can be accessed effectively and safely by all users. The policy also states that new development will normally be permitted where safe and suitable access to the site can be achieved for all people, and where the residual cumulative impacts of development are not severe.
- 10.34 Paragraph 110 of the NPPF states that, in assessing applications for development, it should be ensured that appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, that safe and suitable access to the site can be achieved for all users, and that any significant impacts from the development on the transport network (in terms of capacity and congestion), or highway safety, can be cost-effectively mitigated to an acceptable degree. Paragraph 111 adds that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highways safety, or if the residual cumulative impacts on the road network would be severe.

- 10.35 Immediately outside the application site, Wakefield Road (the A642) is subject to a 50mph speed restriction, has a central strip of white diagonal markings separating the eastbound and westbound lanes, and has a footway on the north side of the carriageway (a grass verge exists on the south side). There are no yellow line markings outside the application site. The application site has four vehicular access points onto Wakefield Road. A bus stop exists outside the application site. Public footpath KIR/102/20 runs along the site's west boundary – this meets Wakefield Road via a stile at one of the site's vehicular access points.
- 10.36 The proposed development would be accessed via the existing vehicular access point (serving unit 1 and the farmyard), where a wide section of dropped kerb already exists. The applicant's drawing 16/C27/05 rev B indicates that visibility splays of 2.4m by 160m would be provided at this entrance. The same plan includes an annotation stating "Existing wall to be removed and reinstated with new 1.2m high stone wall", and illustrates a sliding gate set back from the site frontage.
- 10.37 The proposed development's access arrangements have not attracted an objection on highway safety grounds from Highway Development Management officers.
- 10.38 The applicant's application form stated that on-site parking provision would not change in relation to the proposed development. The applicant stated that there are five car parking spaces and three spaces for light goods vehicles / public carrier vehicles. Highway Development Management officers have raised no objection to the proposed (unchanged) parking arrangements, noting that the applicant has stated that employee numbers would not increase.
- 10.39 Had the proposed development been recommended for approval, conditions relating to surfacing and drainage of parking areas, and waste storage and access, would have been recommended.

Flood risk and drainage issues

- 10.40 The site is within Flood Zone 1, and an area susceptible to flooding exists to the west of the site. The site is approximately 125-130m AOD and is relatively flat, with a slight downhill slope from west to east. A culverted watercourse exists beneath the site, running eastwards away from the farmhouse.
- 10.41 No flood risk information or drainage proposals were initially submitted with the current application. This was raised as a concern with the applicant on 23/02/2018 (through the forwarding of the Lead Local Flood Authority's comments) and again at the meeting held on 15/03/2018. On 11/08/2021 the case officer advised the applicant that the application could not be supported while drainage matters remained unresolved.
- 10.42 On 12/08/2021 the applicant submitted a Flood Risk Appraisal & Drainage Strategy Document. This states "We could find no records of watercourses within the site" (contrary to council-held records), but adds "the client has confirmed they discovered the culvert and had a camera survey which confirmed it had been recently renewed". The document states that this culvert has been illustrated on the submitted drawings, however no clear drawing

(illustrating the culvert and how it would be accommodated and/or connected to) has been submitted. Regarding drainage proposals, the document states “We propose connecting the surface water drainage into the culvert, if this is not acceptable then we propose that a soakaway test is undertaken on the field to the South and the results reported back to the LLFA”. This proposal does not follow the Government’s drainage hierarchy, which prioritises infiltration where possible, and does not allow for disposal of surface water to a watercourse until infiltration has been explored and ruled out as an option. Furthermore, the applicant has not established whether the culverted watercourse is capable of taking on the surface water from the roof of a significant new building of 1,106sqm, nor have any details of attenuation been provided. The submitted document recognises its limitations, stating “A full Drainage Design should be carried out by a suitably qualified Drainage Engineer including attenuation tanks and hydrobreak” (sic).

- 10.43 As inadequate information relating to drainage has been provided, and as inadequate consideration has been given to flood risk to or from the site, it is considered that the proposed development fails to comply with policies LP27 and LP28 of the Local Plan.

Trees and landscaping

- 10.44 Tree Preservation Orders (TPOs) 18/16/t1 and 18/16/g1 protect trees at the front of the site, adjacent to Wakefield Road. The requirements of Local Plan policies LP24i and LP33 are relevant. The site’s existing trees certainly make a positive contribution towards public amenity, and to the distinctiveness of this specific location.
- 10.45 Initially, no tree-related information was submitted in support of the application. The application attracted an objection from KC Trees. In the applicant’s initial iteration of the proposals the new building appears to be within the root protection area and the crown of the protected trees, which is considered unacceptable. In addition, walls are shown extending from the existing gateway into the yard, within the root protection area of the protected trees – this is unacceptable due to the damage that would be caused to the rooting structures of the trees.
- 10.46 Concerns relating to trees were raised with applicant (including at the meeting held on 15/03/2018), however no further information was submitted until a tree survey was submitted on 12/08/2021. This relates only to three trees (whereas more trees exist at the front of the application site). The same submission included an amended plan (16/C27/15 rev B) which deleted the previously-proposed northernmost wing of the new building (and, therefore, would have less or no impact upon the root protection area and crown of the protected trees), but still illustrated proposals for a replacement stone wall, for which no supporting information (such as a method statement or tree protection proposals) was submitted.
- 10.47 As concerns relating to trees remain unresolved, and as the application is to be determined in relation to the applicant’s initial submission in any case, a reason for refusal relating to tree impacts is recommended.
- 10.48 The applicant has proposed no new landscaping as part of the proposed development. While landscaping details have, in the past, often been deferred for consideration at conditions stage, given the requirements for biodiversity

net gain that now apply, at least some detail should be provided in support of a major development as part of the applicant's explanation as to how net gain can be achieved on site, or partly achieved on-site along with off-site measures.

Ecological considerations

- 10.49 A Biodiversity Opportunity Zone (Pennine Foothills) and an SSSI Impact Risk Zone cover the site. Bats are present in the area. Woodland opposite the site is TPO-protected and forms part of the Wildlife Habitat Network.
- 10.50 The application was submitted prior to the approval of the council's Biodiversity Net Gain Technical Advice Note, however this is nonetheless a major development that is required to demonstrate a biodiversity net gain in compliance with Local Plan policy LP30. No information related to biodiversity has been submitted by the applicant, and in the absence of such information, compliance with LP30 has not been demonstrated and a reason for refusal on these grounds is recommended.

Ground conditions

- 10.51 According to council-held records, the site is not known to be contaminated, and the council's Environmental Health officers made no comment (and recommended no conditions) regarding contaminated land.
- 10.52 The part of the application site where development is proposed is within the Development Low Risk Area as defined by the Coal Authority, therefore no coal mining risk assessment needed to be submitted by the applicant, and consultation with the Coal Authority was not necessary. Had approval of planning permission been recommended, the applicant would have been referred to the Coal Authority's standing advice regarding coal mining legacies and risk.

Representations

- 10.53 Two representations were received from occupants of neighbouring properties. The comments raised have been addressed in this report.

Other planning matters

- 10.54 Although the submitted Planning Support Statement mentions the applicant's drainage engineering business, it does not state that the proposed unit 3 would be used to accommodate activity associated with that business, nor does it state that weddings or related activity would be accommodated within unit 3. Planning permission can be refused on the grounds that the proposed development is not "for agriculture", but not on the basis of speculation regarding a specific alternative activity that may take place therein. It is noted that Oranmore Environmental Services Ltd was put into liquidation in 2019.
- 10.54 Similarly, while the council's previous enforcement action at this site is noted, it cannot form the basis of a reason for refusal of planning permission for the proposed development.

11.0 CONCLUSION

- 11.1 The NPPF introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.
- 11.2 The proposed development has been assessed against relevant policies in the development plan and other material considerations. The proposed development does not accord with the development plan, and there are clear reasons for the refusal of planning permission in relation to green belt impacts, drainage, trees and biodiversity impacts.

Background Papers:

Application and history files

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2017%2f93980>

Certificate of Ownership – Certificate A signed

Report of the Head of Planning and Development

STRATEGIC PLANNING COMMITTEE

Date: 26-Aug-2021

Subject: Planning Application 2021/92487 Erection of two temporary single storey modular classroom buildings Taylor Hill Centre, Close Hill Lane, Newsome, Huddersfield, HD4 6LE

APPLICANT

Daniel Bedford, Kirklees
College

DATE VALID

18-Jun-2021

TARGET DATE

13-Aug-2021

EXTENSION EXPIRY DATE

31-Aug-2021

Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

<http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf>

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral wards affected: Newsome

Ward Councillors consulted: Yes

Public or private: Public

RECOMMENDATION:

DELEGATE approval of the application and the issuing of the decision notice to the Head of Planning and Development in order to complete the list of conditions including those contained within this report and consider the comments from the Coal Authority and Environmental Health.

1.0 INTRODUCTION:

- 1.1 Permission is sought for the siting of two temporary single storey modular classroom buildings.
- 1.2 The application is brought to Strategic Planning Committee in line with the council's Scheme of delegation as the proposal represents a departure from the development plan. The application site is situated on Urban Green Space of which LP61 Urban green space is relevant.

2.0 SITE AND SURROUNDINGS:

- 2.1 The application site relates to Taylor Hill Centre, which occupies a relatively large area serving the Kirklees College Taylor Hill Animal Centre. The school benefits from a complex of buildings, most of which vary in design and form. Adjacent to the proposed site is a two storey building with its main frontage facing onto a car park and is set back from the highway accessed through a private road. Pedestrian access can be taken from various points surrounding the site including a Public Right of Way HUD/199/10, however, vehicular access is taken from the southwest (Close Hill Lane).
- 2.2 The site is set within an educational setting, with the school and its grounds also being allocated as Urban Green Space on the Kirklees Local Plan.

3.0 PROPOSAL:

- 3.1 The proposal seeks full planning permission for the siting of two temporary single storey modular classroom buildings, to provide two additional classrooms for an already-established school.
- 3.2 The proposed two buildings would have an identical footprint of 9.9m in length x 6.6m in width and an overall height of 3.2m. Externally an area with steps and a path with ramps would also be included as part of this proposal, in order to provide levelled access into the classrooms. The steps would be 1.4m in width by 2.3m in length to the west elevation of one modular classroom. The path with ramps would be 1.1m in width by 18.4m in length to the north elevations of both modular classrooms.
- 3.3 Internally two new temporary classrooms would be provided that are required to support the teaching of the theory of animal and land based studies to post 16 year olds leaving the existing infrastructure for practical purposes.

3.4 The buildings would benefit from a flat roof design and would be constructed using horizontally laid composite panels in Goosewing Grey colour and to have a Kingspan KS1000 roof and plastisol coated steel flashings both in merlin grey colour. The fascias are intended to be Merlin Grey colour, windows would be of white uPVC double glazed top hung window units and external doors to be PPC Aluminium frame RAL 7031 Blue Grey glazed doors.

3.5 The proposed site of the development for two temporary modular buildings lies at the foot of a gradual slope rising southeast to Blue Bell Hill and Close Hill Lane at about 130m AOD. To its north/northwest is situated the Taylor Hill Centre, to the southwest it faces the car park, to the south the PROW footpath which in turn is separated by a 1.8m green palisade fence and further south woodlands.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

4.1 Various planning applications submitted at the school for extensions, alterations and landscaping works. The most relevant to this application are as follows:

- 93/04007 Erection of classroom unit – Granted
- 94/90351 Erection of 3 no. lighting poles to illuminate car park – Granted
- 98/90302 Erection of store for tractors and agricultural equipment – Granted
- 2002/94254 Erection of horticultural centre school of caring – Granted
- 2003/91859 Erection of wind turbine – Granted

5.0 HISTORY OF NEGOTIATIONS (including revisions to the scheme):

5.1 No amendments have been sought during the life of the application. A Coal Mining Risk Assessment (CMRA) was requested due to the site being located in a High Risk area and a CRMA has been submitted. A vehicle parking plan has also been request to set out the location of replacement motorcycle parking put one is yet to be provided.

6.0 PLANNING POLICY:

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27/02/2019).

6.2 The site is situated on Urban Green Space on the Kirklees Local Plan.

Kirklees Local Plan (2019):

6.3 The most relevant policies are:

- LP1 – Presumption in favour of sustainable development
- LP2 – Place shaping
- LP3 – Location of new development
- LP21 – Highways and access
- LP22 – Parking
- LP24 – Design
- LP47 – Healthy, active and safe lifestyles
- LP49 – Educational and health care needs

- LP50 – Sport and physical activity
- LP53 – Contaminated and unstable land

National Planning Guidance:

- 6.4 National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF), published 20/07/2021, the National Design Guide published 01/10/2019 and the Planning Practice Guidance Suite (PPGS), first launched 06/03/2014, together with Circulars, Ministerial Statements and associated technical guidance.
- 6.5 The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.
- Chapter 2 – Achieving sustainable development
 - Chapter 4 – Decision-making
 - Chapter 12 – Achieving well-designed places
 - Chapter 14 – Meeting the challenge of climate change, flooding and coastal changes
 - Chapter 15 – Conserving and enhancing the natural environment

Other Guidance

- 6.6 National Design Guide (2019)

7.0 PUBLIC/LOCAL RESPONSE:

- 7.1 The application has been advertised by site notice, neighbour notification letters and the press. The consultation period ended on 09/08/2021.
- 7.2 As a result of the above publicity, no representations have been received.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

- **The Coal Authority:** Comments awaited

8.2 Non-statutory:

- **KC Environmental Health:** Comments awaited.
- **KC PROW:** No objections to the proposal. Existing fence and footpath wall is to be retained so the PROW would not be impacted or obstructed.
- **KC Trees:** No objections. It was noted that the PROW footpath had been in use long enough compacting the ground to have had an impact on trees roots being able to grow in the direction and the construction of the Centre itself would have disturbed roots. Modular buildings unlikely to impact further.

9.0 MAIN ISSUES

- Principle of development
- Urban design issues
- Residential amenity
- Highway issues

- Other matters
- Representations

10.0 APPRAISAL

Principle of development

- 10.1 Planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 10.2 The site is designated as Urban Green Space (UGS) in the Kirklees Local Plan. Therefore, Policy LP61 (Urban green space) is central to the consideration of the proposed development. This policy states that development proposals which would result in the loss of UGS will only be permitted where:
- a) an assessment shows the open space is clearly no longer required to meet local needs for open space, sport or recreational facilities and does not make an important contribution in terms of visual amenity, landscape or biodiversity value;*
- 10.3 This local policy basis is consistent with paragraph 98 of NPPF, which recognises that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of local communities. Furthermore, within paragraph 99 of the NPPF, it is clear that existing open space, sport and recreational facilities should not be built on unless:
- a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements;*
- b) replacement open space, sport or recreation facilities which are equivalent or better in size and quality are provided elsewhere within an easily accessible location for existing and potential new users; or*
- c) the proposal is for an alternative open space, sport or recreation use that is needed to help address identified deficiencies and clearly outweighs the loss of the existing green space.*
- 10.4 In light of the above, no further information has been provided as to how the proposal would specifically address the criteria set out within Policy LP61 of the Kirklees Local Plan and Paragraph 97 of the NPPF. Therefore, it is noted that the proposal would result in a minor loss of an existing area of narrow green space within the school grounds adjacent to the PROW and not currently in use as a playing field. It is part tarmacked and lawned being of low visual amenity, landscape or biodiversity value which would meet paragraph a). When assessed against the additional criteria set out within Local Plan Policy LP61, the proposal does not provide replacement green space or for an alternative open space use. Whilst the loss of green space is not significant, it nevertheless represents a departure from the development plan. However, at the Local Plan Examination the Inspector indicated that development in connection with an existing use/community benefit in Urban Green Space may be considered as a material consideration.

- 10.5 Consideration will therefore need to be given to whether the circumstances of the proposed development constitute material considerations and what weight can be attached to those given the Urban Green Space allocation in the development plan.
- 10.6 In this instance, as two temporary modular classroom buildings the proposal would continue to facilitate the operation of the school and would enhance education provision by supporting the development of the established school use. Therefore, Policy LP49 of the Kirklees Local Plan is relevant, which states that proposals for new or enhanced educational facilities will be permitted where they (a) meet an identified deficiency in provision and (b) the scale, range, quality and accessibility of education facilities are improved. This policy coincides with paragraph 95 criteria (a) of the NPPF which states that Local Planning Authorities should attach great weight to the need to create, expand or alter schools through the decisions on applications.
- 10.7 Given the above, officers have considered the proposal to not have a detrimental impact on the existing sports and recreation facilities at the school or adverse visual impact, and therefore the educational benefits constitute a material planning consideration that outweighs the loss of urban green space. Thus, this material consideration justifies a departure from the Local Plan.
- 10.8 Having taken into account the above, it is considered that the proposal in principle would be acceptable, subject to there being no detrimental impact in relation to the other material planning considerations which are assessed in more detail below.

Loss of playing space

- 10.9 It has been acknowledged that the proposal would result in the loss of an existing part tarmacked and grassed area to the south of the main school building and hemmed in by the fenced PROW footpath. More specifically, the modular buildings would be 62.4sqm in size each and is to be development adjacent to the existing Taylor Hill Centre. As such, the proposal would fill in the remaining space between the building and the PROW.
- 10.10 Currently the site is partially used as fenced off grounds for its livestock and the proposal development would therefore not result in a material loss of the existing outdoor area for play.
- 10.11 As a result officers consider the proposal to accord with Policies LP47 and LP60 of the Kirklees Local Plan and the aims of Chapter 8 of the NPPF, in promoting healthy, active and safe lifestyles.

Urban design issues

- 10.12 General design considerations are set out in Policy LP24 of the Local Plan and Chapter 12 of the NPPF, which seek to secure good design in all developments by ensuring that they respect and enhance the character of the local area and protect amenity.
- 10.13 The applicant is seeking permission for two temporary educational modular buildings which would be ancillary to the main school. Nonetheless, the building would be located within the existing curtilage, as it would be adjacent to the existing main Centre and the PROW with woodland further south.

- 10.14 The building, as illustrated on the proposed plans, would be relatively small in size and scale when viewed against the backdrop of the main school buildings. The proposed two buildings would have an identical footprint of 9.9m in length x 6.6m in width and an overall height of 3.2m. The provision of two flat roof structures aligned in one row would help reduce some of the development's bulk and massing when viewed from the car park. Being parallel to the PROW, the single storey structures would add some bulk and massing closer to the PROW but viewing those set against the two storey Taylor Hill Centre would not cause detrimental impact on overbearing.
- 10.15 The new classrooms would be constructed from horizontally laid composite panels in in Goosewing Grey colour. Such materials are considered acceptable as they are in keeping with the existing host building in Grey. The fascias are also intended to be Merlin Grey with the proposed fenestration being constructed from white UPVC. The insertion of several windows to the short ends of the classrooms and not facing the PROW would allow natural light penetration into the classroom while affording privacy to its students. Therefore, given the buildings discreet location to the south of the main school buildings, in addition being single storey structures of similar material colour to its host building and its screening by extensive woodland to the south, it has been considered that there would be no material impact upon the visual amenity of the site or the surrounding townscape.
- 10.16 It is therefore considered that the proposal would accord with Policy LP24 of the Local Plan, the National Design Guide and Chapter 12 of the NPPF.

Residential Amenity

- 10.17 The impact of the proposal on the amenity of surrounding properties and future occupiers of the dwellings needs to be considered in relation to Policy LP24 of the Local Plan which seeks to *"provide a high standard of amenity for future and neighbouring occupiers; including maintaining appropriate distances between buildings."*
- 10.18 The nearest residential dwellings to the proposed development, are those located along Close Hill Road to the southwest. In this instance, it has been noted that the proposed modular classroom would be located circa 75m from the nearest residential dwelling, and would be located set back from the primary elevation of the existing building form. For these reasons, the proposal is not considered to have any material impact upon residential amenity in terms of overshadowing, overlooking, and overbearing.

Highway issues

- 10.19 Turning to highway safety, Policy LP21 of the Local Plan has been considered. The policy seeks to ensure that new developments have an acceptable impact on highway safety. The application has also been assessed by the Highways DM Officer.
- 10.20 The proposed buildings would be located on an area currently used for motorcycle parking and an area currently used for bicycle parking. The applicant has advised that the motorcycle parking underused and plan to relocate the bicycle parking. Provided both are to be relocated within an appropriate part of the site there is no objection to their reposition. However

details will be secured by condition prior to the building being brought into use. With regard to vehicle parking this would remain the same as existing which is considered to be acceptable

- 10.21 Subject to the condition set out above the proposal is considered to have an acceptable impact on highway safety and would accord with Policies LP21 and LP22 of the Local Plan and guidance in the highways design guide.

Other matters

Coal Mining Legacy

- 10.22 The site is located within a High Risk Coal area and a Coal Mining Risk Assessment (CMRA) has been provided and the Coal Authority have been consulted on the application.
- 10.23 The CMRA details that there may be presence of a mine entrance and section of underground tunnel in the vicinity of the proposed buildings, potentially being under the site of the temporary classroom building. Further intrusive investigation is recommended in the CMRA to ascertain the risk posed by the mining entrance.
- 10.24 The Coal Authority response is yet to be received and these will be reported once received, it may be necessary to condition instructive investigation be undertaken.

Climate change

- 10.25 On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan pre-dates the declaration of a climate emergency and the net zero carbon target, however it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.
- 10.26 It is considered that the proposed development would not have a significant negative impact in the context of the climate change emergency. The new temporary modular classrooms would be sufficiently robust structures for its intended use, but could be removed and reused relatively easily. Furthermore, such modular forms of building provide opportunities for efficiencies in terms of energy and material use during manufacture. The shielding of the building from northerly winds by existing woodlands, and the insertion of various windows in the western and eastern elevations, would also reduce the need for heating and artificial light, and would improve solar passive gain. No mechanical ventilation or air conditioning is proposed, and windows would be openable. While there would be no additional landscaping or planting as part of this application, the existing trees which line the curtilage of the school (and which positively contribute towards better air quality) would not be removed. In summary, it is considered that the scheme provides sufficient opportunity to meet the dimensions of sustainable development.

Representations

10.27 As a result of the above publicity, no representations have been received.

11.0 CONCLUSION

11.1 The application site is designated as an Urban Green Space in Local Plan and therefore proposed development would be contrary to Policy LP61. However, it is considered that there are material considerations which outweigh the development's harm and justify a departure from the Local Plan. These material considerations consist of a recognised need for improved educational facilities at the site, which accord with Policy LP49 of the KLP and Paragraph 95a) of The NPPF.

11.2 Furthermore, the NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice. In such circumstances it is considered that there are no adverse impacts of granting permission which would significantly and demonstrably outweigh the benefits when assessed against the policies in this framework taken as a whole, or that specific NPPF policies indicate development should be restricted. In such circumstances the application is recommended for approval.

12.0 CONDITIONS (Summary list. Full wording of conditions including any amendments/additions to be delegated to the Head of Planning and Development)

1. Three years to commence development.
2. Approved plans and documents.
3. Temporary permission for 5 years. The removal of the building (and land to be restored).
4. Details of replacement motorcycle and bicycle parking to be set out in plans.

Background Papers:

Application and history files.

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2021%2f92487>

Certificate of Ownership – Certificate A has been signed.

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Report of the Head of Planning and Development

STRATEGIC PLANNING COMMITTEE

Date: 26-Aug-2021

Subject: Planning Application 2021/92122 Variation of Condition 1 (Plans) on previous permission 2019/94152 reserved matters application pursuant to application no 2018/90802 for development of 16,723 sq metres employment floor space together with associated internal roads, parking and landscaping in relation to the reserved matters of layout, scale, appearance and landscaping. Together with the discharge of conditions 3, 6, 13, 14, 15, 16, 19, 20, 21, 22, 23, 24, 25, 26, 28, 29, 32, 33 and 34 in so far as they relate to Phase 2 Land at Slipper Lane, Leeds Road, Mirfield, WF14 0DE

APPLICANT

Gardner

DATE VALID

21-May-2021

TARGET DATE

20-Aug-2021

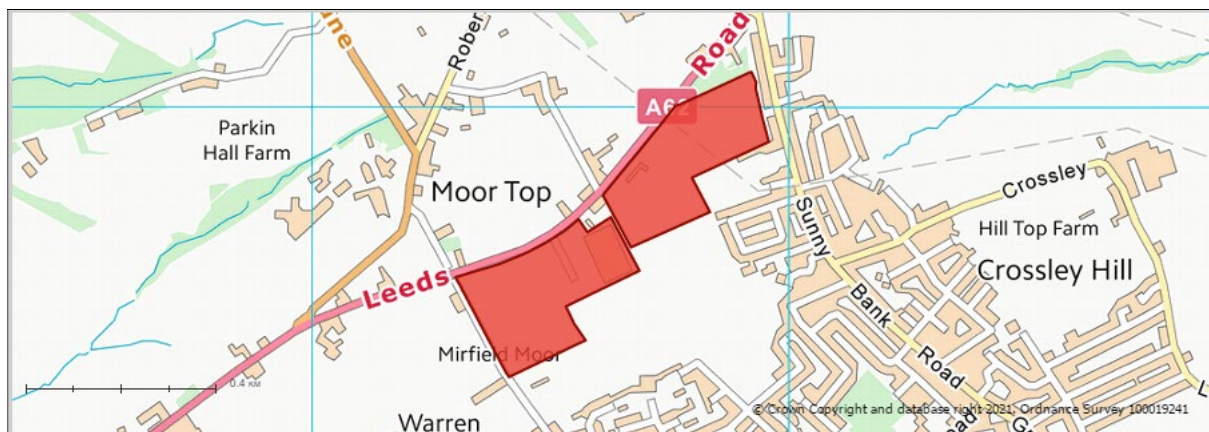
EXTENSION EXPIRY DATE

02-Sep-2021

Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

<http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf>

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral wards affected: Mirfield

Ward Councillors consulted: Yes

Public or private: Public

RECOMMENDATION

DELEGATE approval of the application and the issuing of the decision notice to the Head of Planning and Development to complete the list of conditions including those contained within this report.

1.0 INTRODUCTION

- 1.1 This application seeks to vary condition 1 (plans) on previous permission 2019/94152 for reserved matters application pursuant to application no 2018/90802 for development of 16,723sq metres employment floor space together with associated internal roads, parking and landscaping in relation to the reserved matters of layout, scale, appearance and landscaping.
- 1.2 The plan sought to be varied is the landscaping plan.
- 1.3 This application is brought to the Strategic Planning Committee as the level of public representation received in objection to the proposal is considered significant and because the original application to which this variation is sought was considered by the Strategic Planning Committee. This is in accordance with the Delegation Agreement. A committee request has also been made by Councillor Bolt.

2.0 SITE AND SURROUNDINGS

- 2.1 This application relates to the Moorpark 25 / Mirfield 25 site which is a mixed-use allocation in the Local Plan (MXS6). The whole allocation comprises 12.38ha of land on the northern fringe of Mirfield. The planning approval on this site is for both residential and industrial use and development has commenced on each. This application pertains to the industrial portion of the development only.
- 2.2 The site has a frontage onto Leeds Road (A62). Taylor Hall Lane, to the north-east, separates the site from the approved residential development. Slipper Lane, which hosts several dwellings, is to the west, with playing pitches and housing allocation (HS68) to the south.
- 2.3 Vehicle access to the site is taken from Leeds Road. One of the previously approved industrial units has been constructed and is in use. The remaining five units and their associated infrastructure are at varying stages of construction.

3.0 PROPOSAL

3.1 Permission is sought to vary condition 1 from 2019/94152, which is as follows:

1. The development hereby permitted shall be carried out in complete accordance with the with the plans and specification listed in this decision notice, except as may be specified in the conditions attached to the permission, which shall in all cases take precedence.

Reason: *For the avoidance of doubt and to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP21, LP22, LP24 and LP32 of the Kirklees Local Plan.*

3.2 The variation sought is to supersede the previous landscaping plan with a new version in the approved plans table.

3.3 The principal amendment sought relates to 2180sqm of land (across two pockets) on the west and north boundaries. It is proposed to substitute a shrub, 'whip', and 'standard' tree mixture with a shrub and 'whip' tree mixture in these areas.

3.4 'Standard' and 'whip' are arboricultural terms which define the form, age, and size of a tree. It does not pertain to species. A 'standard' tree has a single straight trunk, which is absent of lower branches, and has a minimum height of 1.8m. A 'whip' is an unbranched young tree seedling of approximately 0.5-1.0 m in height.

3.5 Within the 2180sqm of land the approved plans proposed approximately 74 standard trees of several species as well as circa 654 whips. The proposal seeks to replace this with no standard trees and circa 1800 whips¹, again of varied species. There would be no standards within this 2180, although standards remain proposed elsewhere within the site. In each case the trees would be planted alongside a shrub mixture.

3.6 Other changes include minor variations to the layout of trees along the south and east boundaries and within the site; these changes do not materially affect size or numbers of trees to be planted. Certain species have been changed. An area of hedgerow on the east boundary, which was removed, is shown to be re-planted in the proposed plans.

4.0 RELEVANT PLANNING HISTORY (including enforcement history)

4.1 Application Site

2014/90688: Outline application for erection of commercial floorspace (B1c, B2, B8) including details of engineering operations to form serviced employment plots and full application for the erection of 166 dwellings – S106 Outline Permission Granted

¹ Over time and due to management both standard or whip tree numbers would be expected to fall as the environment becomes established.

2018/90801: Reserved Matters application pursuant to outline permission 2014/90688 as varied by application 2018/90802 for erection of commercial floorspace (B1c, B2, B8) including details of engineering operations to form serviced employment plots and full application for the erection of 166 dwellings (INDUSTRIAL PART ONLY) – Reserved Matters approved

2018/90802: Removal of condition 31 (B8 floorspace) and variation of conditions 23 (Residential) (Road Safety Audits) and 30 (Industrial) (Road Safety Audits) on previous application 2014/90688 for outline application for erection of commercial floorspace (B1c, B2, B8) including details of engineering operations to form serviced employment plots and full application for the erection of 166 dwellings – S106 removal / modification of conditions

2018/93622: Reserved matters application pursuant to permission no 2018/90802 for removal of condition 31 (B8 floorspace) and variation of conditions 23 (Residential- Road Safety Audits) and 30 (Industrial-Road Safety Audits) on previous application 2014/90688 for outline application for erection of commercial floorspace (B1c, B2, B8) including details of engineering operations to form serviced employment plots – Reserved Matters approved

2019/90756: Variation of condition 2. (plans and specifications) on previous permission no. 2014/90688 for outline application for erection of commercial floorspace (B1c, B2, B8) including details of engineering operations to form serviced employment plots and full application for the erection of 166 dwellings – S106 removal / modification of conditions

2019/93224: Non-material amendment pursuant to permission no. 2018/93622 for reserved matters application pursuant to permission no 2018/90802 for removal of condition 31 (B8 floorspace) and variation of conditions 23 (Residential- Road Safety Audits) and 30 (Industrial-Road Safety Audits) on previous application 2014/90688 for outline application for erection of commercial floorspace (B1c, B2, B8) including details of engineering operations to form serviced employment plots – NMA Approved

2019/94152: Reserved matters application pursuant to application no 2018/90802 for development of 16,723 sq metres employment floor space together with associated internal roads, parking and landscaping in relation to the reserved matters of layout, scale, appearance and landscaping. Together with the discharge of conditions 3, 6, 13, 14, 15, 16, 19, 20, 21, 22, 23, 24, 25, 26, 28, 29, 32, 33 and 34 in so far as they relate to Phase 2 – NMA Approved

2019/93965: Non-material amendment to previous permission 2019/94152 for reserved matters application pursuant to application no 2018/90802 for development of 16,723sq metres employment floor space together with associated internal roads, parking, and landscaping in relation to the reserved matters of layout, scale, appearance and landscaping. Together with the discharge of conditions 3, 6, 13, 14, 15, 16, 19, 20, 21, 22, 23, 24, 25, 26, 28, 29, 32, 33 and 34 in so far as they relate to Phase 2 – NMA Approved

2020/93957: Discharge of condition 2 (materials) of previous permission 2019/94152 – DOC Approved

2020/93958: Discharge of condition 7 (drainage) of previous permission 2019/94152 – DOC Approved

2020/94101: Discharge condition 6 on previous permission 2019/94152 – DOC Approved

2021/91271: Non-material amendment to previous permission 2019/94152 for reserved matters application pursuant to application no 2018/90802 for development of 16,723sq metres employment floor space together with associated internal roads, parking, and landscaping in relation to the reserved matters of layout, scale, appearance and landscaping. Together with the discharge of conditions 3, 6, 13, 14, 15, 16, 19, 20, 21, 22, 23, 24, 25, 26, 28, 29, 32, 33 and 34 in so far as they relate to Phase 2 – NMA Approved

Note: Discharge of condition applications for 2019/94152 listed only.

Note: The above includes some permissions which relate partly or wholly to the adjacent residential development.

4.2 Surrounding Area

None.

4.3 Enforcement

Application site

COMP/16/0136: Major site monitoring – Ongoing

Note: This is a separate ongoing matter which is currently being monitored by the Council's Planning Compliance Team.

5.0 **HISTORY OF NEGOTIATIONS (including revisions to the scheme)**

5.1 The application initially sought to replace the originally approved standard trees with 'Hydro-seeded British Native wildflower and grass seed mix'; this did not include the planting of trees. The applicant stated that this was for health and safety purposes, as the planting and ongoing maintenance of the trees on the site's steep topography would not be feasible. This was disputed by officers and not considered to be acceptable as it would not achieve the purpose of the trees; to act as a visual screen.

5.2 Discussions took place between officers, K.C. Trees and the applicant. It was concluded that the use of whip trees, at a higher density, was an arboriculturally preferable solution.

6.0 **PLANNING POLICY**

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

6.2 The application site is part of land allocated for mixed use within the Local Plan (site allocation ref: MXS6). As set out within the Relevant Planning History section, the site has implemented permissions for part commercial and part residential development.

6.3 Relevant Local Plan policies are:

- **LP1** – Presumption in favour of sustainable development
- **LP2** – Place shaping
- **LP24** – Design
- **LP30** – Biodiversity and geodiversity
- **LP32** – Landscape
- **LP33** – Trees
- **LP51** – Protection and improvement of local air quality
- **LP52** – Protection and improvement of environmental quality

6.4 The following are relevant Supplementary Planning Documents or other guidance documents published by, or with, Kirklees Council:

Guidance documents

- Planning Applications Climate Change Guidance (2021)

National Planning Guidance

6.5 National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) 2021, published 20th July 2021, and the Planning Practice Guidance Suite (PPGS), first launched 6th March 2014, together with Circulars, Ministerial Statements and associated technical guidance. The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- **Chapter 2** – Achieving sustainable development
- **Chapter 4** – Decision-making
- **Chapter 12** – Achieving well-designed places
- **Chapter 14** – Meeting the challenge of climate change, flooding and coastal change
- **Chapter 15** – Conserving and enhancing the natural environment

6.6 Other relevant national guidance and documents:

- MHCLG: National Design Guide (2021)

Climate change

6.7 The Council approved Climate Emergency measures at its meeting of full Council on the 16th of January 2019, and the West Yorkshire Combined Authority has pledged that the Leeds City Region would reach net zero carbon emissions by 2038. A draft Carbon Emission Reduction Pathways Technical Report (July 2020, Element Energy), setting out how carbon reductions might be achieved, has been published by the West Yorkshire Combined Authority.

6.8 On the 12th of November 2019 the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system, and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target; however, it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the council would use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

7.0 PUBLIC/LOCAL RESPONSE

Public representation

7.1 The application has been advertised as a major development via site notices and through neighbour letters to properties bordering the site, along with being advertised within a local newspaper. This is in line with the Council's adopted Statement of Community Involvement. The end date for the original period of publicity was the 9th of July 2021. Following amendments to the proposal a second period of public representation has been undertaken via letters to neighbouring residents and interested parties.

7.2 The second period of publicity is not due to expire until the 18th of August. As such the period of publicity will expire on the day the committee agenda is to be published. Representations received to the initial periods of publicity, and those in response to the current publicity received at the date the report was compiled, are summarised below. These total 73 representations. Any further representations received on the final day of the representation period will be reported to members in the update.

- The original proposal for mature trees will eventually help screen the building and blend the site into the landscape.
- Wildflower meadow planting will not provide sufficient screening and will degrade over years.
- It is not reasonable or appropriate to design something, and then claim it is not safe to build it. This is a cost saving exercise. Developers should not be able to change approved plans.
- Mature trees prevent movement and stability issues on sloping sites and prevent flooding. They also benefit local ecology.
- Questions over what other options have been considered, such as higher retaining walls or tiered levels.
- Trees absorb carbon, limit other pollutants and produce oxygen. Through removing trees, these benefits will be lost.
- The commercial buildings are set on a high banking and are large, unattractive, and detrimental to the amenity of residents. The building causes overshadowing upon Slipper Lane and dwellings upon it. The development has affected local property values. Concerns over associated traffic to the buildings.
- Hedgerow has been removed which should not have been removed.
- The plans are unclear about the ratio of shrubs to trees to be planted.

- The applicant has already reduced the size of the buffer zone from that originally approved.

7.3 Local ward members were notified of the application. The site falls within Mirfield Ward. Cllr Martyn Bolt has expressed concerns and objection to the proposal, ultimately requesting a committee decision. Cllr Bolt raised the following matters.

- The applicant was aware of the steepness of the banking and therefore knew of these issues beforehand, when they initially proposed them. Standard trees could be planted on this site, in a safe way. Developers should be required to build their original permissions.
- The whip trees will not provide adequate screening compared to the standard trees, to the detriment of appearance and residents, or environmental benefits.

7.4 Mirfield Town Council: No comments received.

8.0 CONSULTATION RESPONSES

8.1 Statutory

The assessment of S73 (variation of condition) applications is limited to '*only the question of the conditions subject to which planning permission should be granted*'. Based on this criterion, and the nature of the variation sought, no statutory consultees have been identified.

8.2 Non-statutory

K.C. Ecology: No objection.

K.C. Trees: No objection.

9.0 MAIN ISSUES

- Variation of condition 1
- Previous conditions
- Representations

10.0 APPRAISAL

10.1 This application is made under S73 of the Town and Country Planning Act 1990, which allows for the 'Determination of applications to develop land without compliance with conditions previously attached'. In addition to removing conditions, S73 enables the varying of a condition's wording. The effect of a granted S73 application is the issuing of a fresh planning permission. Therefore, all previously imposed conditions should be retained, if they remain relevant: this will be considered in paragraphs 10.17 – 10.21. Conversely, the time limit for development to commence cannot be extended through S73, however in this case the original development has been commenced and completed.

10.2 The NPPF requires that decisions should '*ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme*'.

- 10.3 The starting point for a S73 application is the previously granted planning permission, which must carry significant material weight. However, consideration must first be given to whether any material changes in circumstances have taken place. This includes the policy and local context.
- 10.4 In terms of policy 2019/94152 was assessed against the Kirklees Local Plan (2019) and NPPF2019. The KLP remains the adopted local development plan. The National Planning Policy Framework (NPPF) was revised on 20 July 2021 and sets out the government's planning policies for England and how these are expected to be applied. This revised Framework replaces the previous National Planning Policy Framework published in March 2012, revised in July 2018 and updated in February 2019. The revisions will be considered where relevant.
- 10.5 For local context, no development within the local area is considered to materially affect the proposal comparative to the previous application's assessment.

Variation of condition 1

- 10.6 The landscape buffer zones purpose is to create an attractive environment and minimising harm to residential amenity, through screening the development.
- 10.7 The applicant has cited health and safety concerns with the planting, and then the ongoing maintenance, of 'standard' size trees in an area of 2180sqm of land where the land gradient is 1 in 3 or greater. They do not consider it to be possible due to the size of standards (minimum 1.8m) and planting them on land with gradients of 1 in 3 or greater. Therefore, they initially requested to remove tree planting and revert to a mixture without trees.
- 10.8 Officers accept that the areas are steep which would increase the difficulty for planting and managing the land. It is however disputed that the planting and subsequent maintenance would be impossible.
- 10.9 Notwithstanding the above, discussions took place between officers, K.C. Trees, and the applicant. An amended proposal was discussed to replace the 'standard' trees with a higher number of 'whip' trees in the 2180sqm of land. Putting aside the applicant's concerns over safety there are reasonable arboricultural grounds to support this change. K.C. Trees have provided the following assessment:

The latest proposed landscaping scheme has shifted from ornamental landscaping, solely using standard sized trees (1.5-2m in height), to now incorporating woodland type planting on the banking areas around the main structures using a native species mix.

Shifting to the woodland type planting design, while this uses younger trees (whips 60-80cm) at the planting stage, it does allow significantly more trees to be planted. Which over the long term will result in a better, denser, screen and higher wildlife value.

It is noted that substituting some of the original planned standard trees, for areas of woodland type planting, will give a reduced immediate visual impact. Although using this woodland mix, with younger trees, will produce a better long-term result and the younger trees will have better establishment rates, over the larger standard trees which can be prone to establishment difficulties.

To illustrate the difference in planting schemes and the significant increase in tree numbers provided across the site as a whole (not just the 2180sqm):

- The initial tree planting scheme proposed 153 standard size trees and 1218 whips across the site.*
- The proposed scheme includes 98 standard size trees, with 3,053 whips.*

On that basis there are no objections to the amended scheme, which over long term is likely to provide significantly higher value than the original ornamental type landscaping.

- 10.10 As noted by K.C. Trees it is accepted that there would be a reduced immediate visual impact through exchanging standards for whips. However, the originally approved standards were still young trees which would take many years to reach maturity and offer their maximum screening.
- 10.11 Interpreting growth speed is difficult due to various factors, such as ground composition and growing conditions. While it could take approximately 10 years for the proposed whips to reach a comparable size to the standard, when a standard is planted out its establishment rate is much slower. This is because it's been removed from ideal nursery growing conditions when its larger and therefore more sensitive, before being deposited 'in the real world' with adverse conditions. Comparatively, younger whips are expected to establish quicker and be more resilient in their environment.
- 10.12 K.C. Trees consider there to be too many variables to calculate when either the approved standards or proposed whips will reach maximum height. The largest size tree in the proposed species mix can take approx. 20-50 years to reach maturity. However, they do highlight that research have shown that whips can often get their quicker.
- 10.13 Comparing the practical effects, neither standard nor whip trees will have an immediate screening effect given their relative height to the industrial buildings. Officers consider the higher density of the whips would be more visually prominent and attractive than the immediate height of the standards. The whips would also provide a greater screening value which would only increase in time. In the medium to long term, the woodland appearance, as opposed to approved ornamental planting, and higher density of the proposed whip planting is considered acceptable.
- 10.14 From an ecological perspective there are no concerns over the proposed variation. While no assessment has been made over pollution absorption specific to the planting, anecdotally officers expect a higher number of trees to absorb more pollutants over their full lifetime.

- 10.15 On other variations sought elsewhere within the site. Certain plant species have been changed between the approved and proposed plans, following officer recommendation. This is due to changing guidance on invasive non-native species. The amended species mix is considered acceptable. Other changes are minor in nature and will not have a material impact.
- 10.16 Weighting the above considerations, officers are satisfied that the proposed variation, the use of a higher number of whips as opposed to fewer standard trees, will offer acceptable screening to the benefit of visual and residential amenity. The proposal is deemed to comply with the aims of LP24 and LP33 of the Kirklees Local Plan.

Previous conditions

- 10.17 As this is an application under S73 of TCPA 1990 it will in effect be a new permission. The Planning Practise Guidance confirms that for the purpose of clarity, decision notices for the grant of planning permission under section 73 should set out all the conditions imposed on the new permission, and restate the conditions imposed on earlier permissions that continue to have effect (Paragraph: 040 Reference ID: 21a-040-20190723).
- 10.18 Application 2019/94152 was granted with 7 conditions:
1. Development to be done in accordance with plans (sought to be varied)
 2. Material samples to be provided and used
 3. Parking areas to be provided and retained
 4. Prior to occupation of each unit a servicing plan is to be provided
 5. The landscaping scheme shall be completed and maintained
 6. Details of unit 4's elevations to be provided
 7. Drainage strategy to be implemented unless appropriate replacement strategy is approved.
- 10.19 Condition 1 is sought to be varied; however, the wording will not change. The associated plans table would be updated to supersede the approved landscaping strategy with that proposed.
- 10.20 All other conditions remain pertinent and are to be kept. As several have been previously discharged, a note relating to the previously submitted information remaining relevant is recommended for consistency.
- 10.21 Application 2019/94152 was not granted subject to a S106 agreement. Therefore, a S106 Deed of Variation is not required.

Representations

- 10.22 73 representations have been received to date. Several matters raised have been addressed within this report. The following are matters not previously directly addressed.
- It is not reasonable or appropriate to design something, and then claim it is not safe to build it. This is a cost saving exercise. Developers should not be able to change approved plans.

Response: The planning system allows for developers to amend their applications, subject to appropriate assessment, where the need arises.

- Mature trees prevent movement and stability issues on sloping sites and prevent flooding. They also benefit local ecology.
- Questions over what other options have been considered, such as higher retaining walls or tiered levels.

Response: Standard trees are not 'mature' trees, although they are accepted to be older and larger than whips. The tree planting was not designed to improve stability or prevent flooding, but for visual screening. Nonetheless, whips are not expected to prejudice any stability or flooding benefits which would have been offered by the standard trees. Officers are unaware of other options considered by the applicant.

- Trees absorb carbon, limit other pollutants and produce oxygen. Through removing trees, these benefits will be lost.

Response: Following amendments to the plans, the standards are to be replaced by whips – this comment was received when the standards were not to be replaced by any trees. The now proposed use of whips will not prejudice these benefits.

- The commercial buildings are set on a high banking and are large, unattractive, and detrimental to the amenity of residents. The building causes overshadowing upon Slipper Lane and dwellings upon it. The development has affected local property values. Concerns over associated traffic to the buildings.

Response: The screening of standards and whips has been assessed previously. Local property values are not material planning considerations. The proposed landscape changes are not expected to impact highway considerations.

- Hedgerow has been removed which should not have been removed.

Response: Replacement hedgerows are shown and have been planted on site. Their temporary removal (understood to be for access reasons) did not breach the planning conditions on the site.

- The plans are unclear about the ratio of shrubs to trees to be planted.

Response: This is denoted on the plans.

- The applicant has already reduced the size of the buffer zone from that originally approved.

Response: The size of the buffer zone approved as part of this application, including its original approval and subsequent variations, has not changed. Previous applications for the development of the site, which were never implemented and have since expired, did include larger buffer zones, which has led to confusion on this matter.

11.0 CONCLUSION

- 11.1 The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.
- 11.2 As a S73 application the principal consideration is the planning implications of the sought variation. While the whips are accepted to have a less immediate effect, in the medium to long term they will result in a greater screening effect. Considering this alongside the limited weight given to the applicant's concerns over safety of planting standard trees, on balance officers consider the proposed variation to be acceptable.
- 11.3 This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval, subject to the re-imposition of the previous conditions.

12.0 CONDITIONS (Summary list. Full wording of conditions including any amendments/additions to be delegated to the Head of Planning and Development)

1. Development to be done in accordance with plans (sought to be varied)
2. Material samples to be provided and used
3. Parking areas to be provided and retained
4. Prior to occupation of each unit a servicing plan is to be provided
5. The landscaping scheme shall be completed and maintained
6. Details of unit 4's elevations to be provided
7. Drainage strategy to be implemented unless appropriate replacement strategy is approved.

Note: Pertaining to the previously approved discharge of conditions associated with 2019/94152.

Background Papers

Application and history files

Available at:

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2021%2f92122>

Certificate of Ownership

Certificate A signed.

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