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

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Wednesday 13 October 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 21 October 2021**.

(A coach will depart the Town Hall, at 9:45 a.m. to undertake site visits. The consideration of planning applications will commence at 1.00 pm in the Council Chamber, Town Hall.)

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', on a light-colored background.

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 Donna Bellamy
Councillor Charles Greaves
Councillor Carole Pattison
Councillor Andrew Pinnock
Councillor Mohan Sokhal
Councillor Mark Thompson

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 - 6

To approve the Minutes of the meeting of the Committee held on 23rd September 2021.

3: Declaration of Interests and Lobbying

7 - 8

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.
-

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: Site Visit - Application No. 2021/91508

Application for the demolition of part of former college buildings and erection of police station, including conversion of Oldroyd Building and erection of new buildings comprising police custody suite, associated support services buildings, decked and surface car parking, vehicle access point, boundary treatments and landscaping - Kirklees College, Halifax Road, Dewsbury.

(Estimated time of arrival at site: 10:15 a.m.)

Contact Officer: Kate Mansell, Planning Services

Ward(s) affected: Dewsbury East

8: Site Visit - Application No. 2021/92801

Application for the erection of 284 dwellings with associated works and access from Hunsworth Lane and Kilroyd Drive - Land at Merchants Field Farm, off Hunsworth Lane, Cleckheaton.

(Estimated time of arrival at site: 10:50 a.m.)

Contact Officer: Adam Walker, Planning Services

Ward(s) affected: Cleckheaton

9: Planning Applications

9 - 10

The Planning 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 18th October 2021**.

To pre-register, please email governance.planning@kirklees.gov.uk or phone **Sheila Dykes or Andrea Woodside** on 01484 221000 (Extension 73896 or 74995).

Members of the public are able address the Committee virtually. Please include in your email the telephone number that you intend to use when addressing the Committee. You will receive details on how to speak at the meeting in your acknowledgement 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.

10: Planning Application - Application No. 2021/91508

11 - 48

Application for the demolition of part of former college buildings and erection of police station, including conversion of Oldroyd Building and erection of new buildings comprising police custody suite, associated support services buildings, decked and surface car parking, vehicle access point, boundary treatments and landscaping - Kirklees College, Halifax Road, Dewsbury.

Contact Officer: Kate Mansell, Planning Services

Ward(s) affected: Dewsbury East

11: Planning Application - Application No. 2020/90640 49 - 96

Application for the formation of an 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.

Contact Officer: Christopher Carroll, Planning Services

Ward(s) affected: Holme Valley South

12: Planning Application - Application No. 2021/92945 97 - 114

Application for the demolition of existing buildings and erection of day care facility, centre of excellence and demonstration bungalow, formation of associated parking and landscaping, alterations to pedestrian access and formation of new pedestrian access to Knowl Park from Crowlees Road - Knowl Park House, Crowlees Road, Mirfield.

Contact Officer: Nick Hirst, Planning Services

Ward(s) affected: Mirfield

13: Planning Application - Application No. 2021/91172 115 - 132

Application for change of use from former petrol filling station, car and van repairs/part sales and car sales pitch to hot food take-away (sui generis) - Crown Motors, Waterloo Road, Waterloo, Huddersfield.

Contact Officer: William Simcock, Planning Services

Ward(s) affected: Dalton

14: Planning Application - Application No. 2021/92465 133 - 144

Application for change of use from agricultural land to private dog exercise facility - Land south of Chain Road, Slaithwaite, Huddersfield.

Contact Officer: Katie Chew, Planning Services

Ward(s) affected: Colne Valley

15: Position Statement - Application No. 2021/92801

145 -
166

Application for the erection of 284 dwellings with associated works and access from Hunsworth Lane and Kilroyd Drive - Land at Merchants Field Farm, off Hunsworth Lane, Cleckheaton.

Contact Officer: Adam Walker, Planning Services

Ward(s) affected: Cleckheaton

Planning Update

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

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Contact Officer: Sheila Dykes

KIRKLEES COUNCIL

STRATEGIC PLANNING COMMITTEE

Thursday 23rd September 2021

Present: Councillor Steve Hall (Chair)
Councillor Donna Bellamy
Councillor Charles Greaves
Councillor Carole Pattison
Councillor Andrew Pinnock
Councillor Jackie Ramsay
Councillor Mark Thompson

Apologies: Councillor Mohan Sokhal

1 Membership of the Committee

Councillor Jackie Ramsey substituted for Councillor Mohan Sokhal.

2 Minutes of the Previous Meeting

The minutes of the meeting of the Committee held on 26th August 2021 were agreed as a correct record.

3 Declaration of Interests and Lobbying

Councillor Bellamy advised that she had been lobbied in relation to Application 2021/91571.

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.

7 Site Visit - Application No. 92488

Site visit undertaken.

8 Site Visit- Application No. 91571

Site visit undertaken.

9 Planning Application - Application No. 2021/92488

The Committee considered Application 2021/92488 relating to the erection of a clinical building to accommodate a new accident and emergency department, associated vehicular access, car and cycle parking spaces, plant and landscaping at Huddersfield Royal Infirmary, Acre Street, Lindley, Huddersfield.

Strategic Planning Committee - 23 September 2021

Under the provisions of Council Procedure Rule 37, the Committee received representations from Anna Basford and Mark Staniland (on behalf of the applicant).

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 report and the update, as set out below:

1. Three years to commence development
2. Development to be carried out in accordance with the approved plans and specifications
3. Material samples to be provided
4. Development done in accordance with Arboricultural Method Statement
5. Notwithstanding submitted plans, landscaping with tree replanting to be submitted, alongside planting management and maintenance for planting.
6. Implementation of the agreed noise mitigation measures
7. Limitation of noise from fixed plant and equipment
8. Provision of a construction environmental management plan (CEMP)
9. Car parking management plan
10. Construction Management Plan (CMP)
11. Assistance call point to be provided.
12. Cycle facilities shown to be provided.
13. Full technical details on foul, surface water and land drainage to be provided.
14. Management and maintenance of drainage infrastructure
15. Details of temporary surface water drainage arrangements during construction
16. Clarification on electric vehicle charging point type and provision
17. Remediation and validation reports to be undertaken
18. Strategy for securing minimum 10% ecological net gain alongside management and maintenance
19. No removal of vegetation within bird breeding season without survey
20. Installation of the external lighting, as detailed in the external lighting strategy document,

together with additional conditions in respect of the height of the wall between the drop off zone and the entrance; and the assessment of the potential for the re-location of the trees that are to be removed.

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

For: Councillors Bellamy, Greaves, Hall, Pattison, Pinnock, Ramsey and Thompson (7 votes)

10 **Planning Application - Application No. 2021/91571**

The Committee considered Application 2021/91571 relating to the erection of residential development of 125 dwellings (revised layout) on land to the south of The Lodge and north of Church Lane, Linthwaite, Huddersfield.

Strategic Planning Committee - 23 September 2021

Under the provisions of Council Procedure Rule 37, the Committee received representations from Ben Stirling, Barry Heap and Dave Edwards (in objection) and Stephen Hughes (on behalf of the applicant).

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 report, as set out below:

1. Three years to commence development
2. Development to be carried out in accordance with the approved plans and specifications
3. Submission of a Construction (Environmental) Management Plan
4. Submission of details of temporary drainage measures
5. Submission of details of temporary waste collection and storage (should development be phased, and/or dwellings become occupied prior to completion of the development)
6. Provision of site entrance and visibility splays prior to works commencing
7. Submission of details relating to internal adoptable roads and crossings
8. Cycle parking provision to be provided within the site
9. Provision of electric vehicle charging points (one charging point per dwelling with dedicated parking)
10. Implementation of air quality mitigation measures
11. Implementation of sound insulation measures, including additional requirements relating to units 27 to 32 and 36 to 46
12. Submission of ventilation scheme in relation to noise
13. Provision of waste storage and collection
14. Submission of details of attenuation basin
15. Submission of full details of flood routing
16. Submission of an Intrusive Site Investigation Report (Phase II Report)
17. Submission of Remediation Strategy
18. Implementation of Remediation Strategy
19. Submission of Validation Report
20. Submission of details of crime prevention measures
21. Submission of details of electricity substation
22. Submission of details of external materials
23. Submission of details of boundary treatments (including details of 2m high boundary treatment to the curtilage of unit 1, in accordance with Sport England's request)
24. Submission of details of how public access to land at the site's south corner would be restricted, in accordance with Sport England's request
25. Submission of details of external lighting
26. Submission of details of paths parallel to Church Lane
27. Submission of full details of open space and playspace
28. Submission of full landscaping details, including details of tree planting, and details of covenants regarding street tree retention
29. Biodiversity enhancement and net gain
30. Submission and implementation of an Ecological Design Strategy
31. Removal of permitted development rights,

Strategic Planning Committee - 23 September 2021

together with an additional condition in respect of the increase in floor space of the five non-compliant units, so that all meet the National Design Space Standards, without moving closer to existing adjacent dwellings,

and subject to the inclusion of a requirement for consultation with local residents within the Construction (Environmental) Management Plan,

and to secure a Section 106 agreement to cover the following matters:

1. Affordable housing – 125 affordable housing units to be provided in perpetuity.
2. Open space – Off-site contribution of £173,180 required to address shortfalls in specific open space typologies.
3. Education – £424,606 contribution required.
4. Undeveloped land – No ransom scenario to be created.
5. Sustainable transport – Measures to encourage the use of sustainable modes of transport, including a £63,938 financial contribution, implementation of a Travel Plan and £10,000 towards Travel Plan monitoring.
6. Management – The establishment of a management company for the management and maintenance of any land not within private curtilages or adopted by other parties, and of infrastructure (including surface water drainage until formally adopted by the statutory undertaker).
7. Biodiversity – Contribution (amount to be confirmed) towards off-site measures to achieve biodiversity net gain.
8. Traffic Regulation Order – Funding of TRO relating to parking restrictions outside Church Lane site entrance, and provision of double yellow lines.

In the circumstances where the Section 106 agreement has not been completed within three months of the date of the Committee's resolution then the Head of Planning and Development shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the mitigation and benefits that would have been secured; if so, the Head of Planning and Development be authorised to determine the application and impose appropriate reasons for refusal under delegated powers.

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

For: Councillors Hall, Pattison, Pinnock and Ramsey (4 votes)

Against: Councillors Bellamy and Thompson (2 votes)

Abstain: Councillor Greaves

11 **Planning Application - Application No. 2021/90980**

Application for the partial demolition and change of use of the existing public house to offices, redevelopment of the public house car park, erection of new storage units/workshop and associated alterations (within a Conservation Area) at Pennine Industrial Equipment Ltd, Manorcroft Works, Commercial Road, Skelmanthorpe, Huddersfield.

Under the provisions of Council Procedure Rule 37, the Committee received a representation from Paul Matthews (Agent).

Strategic Planning Committee - 23 September 2021

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 and the planning update, as set out below:

1. In accordance with the approved plans
2. Development to begin within 3 years
3. The works to former pub to be complete before occupation of new units
4. Building 8, as per the submitted site plan, is to be of a B8 use only
5. Prior to construction beginning, a noise report to be submitted
6. Hours of operation for buildings 5, 6, 7 and 8 to be 0730-1800 Monday to Saturday, 0800-1300 Sundays and Bank Holidays
7. Areas surfaced and drained accordingly
8. Before occupation of the development, the former pub access is to be closed permanently
9. Construction working hours to be 07.30 to 18.30 hours Mondays to Fridays, 08.00 to 13.00 hours Saturdays, with no noisy activities on Sundays or Public Holidays
10. Before groundworks commence, the Submission of a Phase 1 Preliminary Risk Assessment Report is required
11. If applicable after condition 11, the submission of a Phase 2 Intrusive Site Investigation Report
12. If applicable after condition 12, the submission of Remediation Strategy
13. Implementation of the Remediation Strategy
14. Submission of a Validation Report
15. Electric Vehicle Charging Point for at least 10% of non-residential parking spaces
16. Drainage details to be submitted prior to groundworks commencing
17. Carried out in accordance with submitted tree information
18. Trees to be removed out of nesting season (outside of February until August)
19. Bird nesting boxes as shown on plans to be provided prior to occupation of the new buildings
20. Details of the native hedgerow as shown on the proposed site plan, including details of species mix, height and maintenance provisions to ensure the hedgerow is beneficial in terms of its value to biodiversity and visual amenity, shall be submitted and approved prior to work commencing on the superstructure. This shall include a maintenance schedule.
21. New units to be used ancillary to the existing site and not to be rented out or sold separately.

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

For: Councillors Bellamy, Greaves, Hall, Pattison, Pinnock, Ramsey and Thompson (7 votes)

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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: 21-Oct-2021

Subject: Planning Application 2021/91508 Demolition of part of former college buildings and erection of police station, including conversion of Oldroyd Building and erection of new buildings comprising police custody suite, associated support services buildings, decked and surface car parking, vehicle access point, boundary treatments and landscaping Kirklees College, Halifax Road, Dewsbury, WF13 2AS

APPLICANT

Lee Sidebottom, West
Yorkshire Police

DATE VALID

12-Apr-2021

TARGET DATE

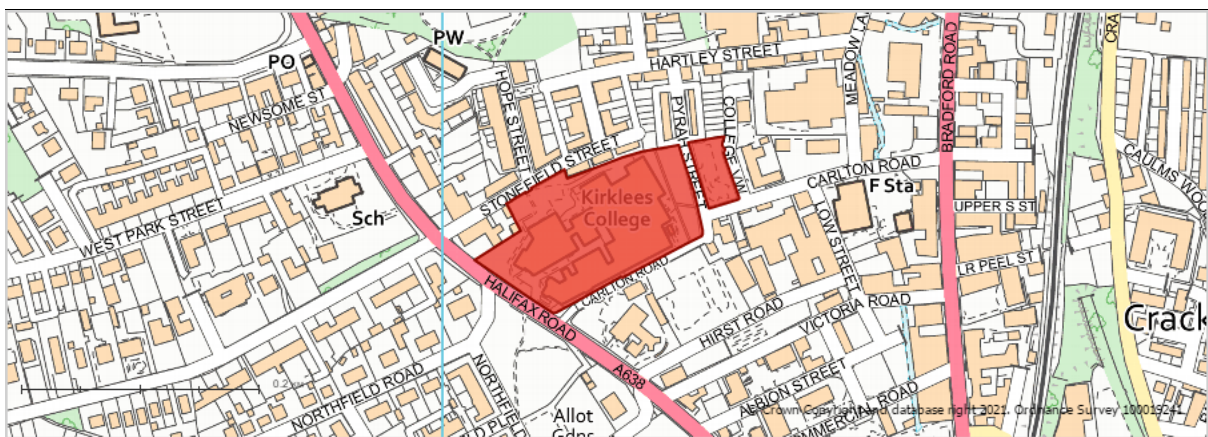
12-Jul-2021

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: Dewsbury East

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.

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 West Yorkshire Police (WY Police) for the demolition of part of the former Kirklees College buildings and the construction of a new District Headquarters. The proposal underpins the applicant's strategic estate strategy to enable them to deliver a response service across the area.

2.0 SITE AND SURROUNDINGS:

- 2.1 The proposed site, presently occupied by the former Kirklees College facility, extends to 1.7 hectares. It is bounded by Halifax Road to the west, Carlton Road to the south, Stonefield Street to the north and Pyrah Street to the east. It is in a prominent location on a main arterial route in and out of Dewsbury, approximately 0.5 miles north of Dewsbury Town Centre. Kirklees College previously accommodated 100 staff and 1,200 students on this site. It has since relocated to Dewsbury Town Centre.
- 2.2 In its entirety, the existing College buildings extend to 18,929m². The majority of these were constructed in the 1960/70s but it also includes the Oldroyd Building, built in 1889 and used as the Dewsbury and District Technical School of Art and Science. An existing surface car park on Pyrah Street is also within the red line boundary.
- 2.3 Pedestrian access to the site is currently from Halifax Road and Carlton Road. Vehicular access is provided from Stonefield Street to a surface car park to the north of the existing buildings. There is a further restricted access route to Carlton Road.
- 2.4 Topographically, the site slopes steeply from west to east. In terms of landscaping, there are existing self-seeded trees and scrubland to the rear of the site at Pyrah Street. There are also several large trees in the corner of the site's frontage, adjacent to the bus stop on Halifax Road.

2.5 The surrounding area is mixed. To the north and east, it is principally residential, typically characterised by stone terraces along Stonefield Street and red brick terraces on Pyrah Street. There are further residential properties on Carlton Road. Opposite the site on Halifax Road is a small park, with further houses beyond. Non-residential uses include the Ilaahi Masjid Mosque on Hope Street, also accessed from Halifax Road via Stonefield Street and the Dewsbury Masonic Hall on the corner of Stonefield Street and Halifax Road.

2.6 The site is unallocated in the Kirklees Local Plan. The Oldroyd Building lies within the Northfields Conservation Area, which also adjoins its northern boundary. To the south of the site, on the opposite side of Carlton Road, is the Grade II Listed former Dewsbury Infirmary, an impressive stone building constructed in Gothic Revival style and now occupied for residential use.

3.0 PROPOSAL:

3.1 This is a full planning application that seeks extensive site clearance and demolition across the former Kirklees College site, the retention, extension and conversion of the Oldroyd Building and the construction of facilities to provide a new Police Station that would constitute a District HQ. It would constitute a sui-generic use (i.e. it would fall outside any specific planning Use Class).

3.2 The Police Station would accommodate a range of functions. It would provide a public reception area, interview spaces, and a 30 cell custody suite as well as the refurbishment of the Oldroyd Building to provide office based and operational staff for WY Police. It would result in 15,429m² of floorspace of which 9,222m² would comprise office and ancillary space. This would be a reduction of 3499m² compared to the existing site. The scheme also includes the provision of a split decked multi-storey car park with 208 spaces and a total of 282 spaces across the site.

3.3 There are four main elements to the proposed development:

- The retention of the majority of the Oldroyd Building on the corner of Halifax Road and Carlton Road. This would be converted principally into office accommodation. To support the occupancy and uses within the Oldroyd Building, a new 5 storey core has been designed to adjoin the eastern gable aligned to the central corridor of the Oldroyd Building. Each floor would then have access to a new stair, lift, WCs, meeting rooms and breakout space for staff. It is proposed that the core would be constructed in brick with large areas of glazing. Along the southern elevation, the facade is designed to step back to respect to the Oldroyd Building. The connection is proposed in curtain walling to provide a bridge between the old and new structures.
- A custody suite within the central part of the site to accommodate 30 cells. This would be a double height building to be constructed in brick. The expansive brickwork elevations would be broken down with areas of recessed brickwork to provide detail and visual relief. A new glazed atrium is proposed between the northern façade of the Oldroyd Building and the southern façade of the custody building.

- A single storey ‘front of house’ building that would provide a public entrance and reception area to the Station, with access from Halifax Road. It would be set behind the existing bay of the Oldroyd Building to give the latter prominence. It would be a single storey extension, with pitched zinc screening to the roof to conceal external plant. It would connect to the atrium on Level 03. The public realm would provide new level access to the visitor reception.
- A multi-storey car park (MSCP) to the rear of the site. The MSCP would provide 208 spaces (200 car and 8 motorcycle) over three levels of which 55 would be designated for operational vehicle use and the remainder for staff use. This would be accessible from both Stonefield Street and Carlton Road. Further surface parking for 33 car would be provided in the existing surface car park on the eastern side of Pyrah Street and 11 spaces will be provided within the site on the western side of Pyrah Street. An additional 14 surface spaces would be provided via the Carlton Road access and 16 spaces located within the site accessed from Stonefield Street. This would provide a total of 282 spaces across the site. A small visitor parking area providing 3 spaces would be accessible directly from Halifax Road.
- Access would be from Carlton Road and Stonefield Street. The north eastern boundary wall of the car park would be of solid brick construction, to mitigate boundary fire spread and any noise and pollution impact to the adjacent properties. To reduce the visual impact of the wall, appropriate landscaping and trees are proposed to screen the development. Tall vegetation and trees are also shown to the embankment off Pyrah Street to provide a green edge to the site. Existing surface parking located off Pyrah Street would be retained to accommodate 33 vehicular spaces for staff use.

3.4 The development would result in approximately 614 full time equivalent employees with a maximum occupancy of 296 staff on a weekday. It would operate 24 hours a day with four shift patterns as well as non-shift workers.

3.5 Vehicular access into the site is proposed from both Stonefield Street and Carlton Road comprising the following:

- Two access points would be provided onto Stonefield Street. The western junction would allow for both entry and exit with an eastern junction providing an exit only. Both junctions would allow exit by a left turn only onto Stonefield Street and access would be by right turn only from Stonefield Street. This entrance would be primarily for deliveries, waste collection, some operational vehicles serving the custody suite and 16 staff vehicle bays. The application states that this access would accommodate less than 30% of the total vehicle movements across the site (185 movements over the 24 hour period with a maximum of 26 peak hour vehicle movements in the evening (17:00 to 18:00) and a 24 vehicle movements in the morning peak (08:00 to 09:00).
- An access onto Carlton Road would support the remainder (70%) of operational and staff vehicles equating to circa 431 daily vehicle movements.

- An additional small visitor parking area providing 3 spaces accessed directly from Halifax Road via a left in / left out junction arrangement.

3.6 It is anticipated that should planning permission be granted, the Police Station would open in 2024.

3.7 The applicant has advised that the Kirklees College site was selected after a lengthy four-year search that extended to 34 sites. These were variously located across the District and included existing vacant plots and buildings. Key considerations in the search included location, security, deliverability, affordability, accessibility and functionality. Ultimately, other sites were discounted for a variety of reasons. In some cases, offers were not accepted. In other circumstances, the sites/buildings were discounted due to the costs associated with refurbishment vs the long-term limitations of existing buildings. It was ultimately decided that a new District Headquarters represented the best value approach and the application site was deemed to be the most favourable to meet the applicant's (and District's) needs.

4.0 RELEVANT PLANNING HISTORY:

4.1 This application was the subject of a pre-application enquiry (2020/20364), which was presented to the Strategic Planning Committee on 31st March 2021. Members made a number of comments including the following:

- General support for the proposal albeit some concern expressed about its location out of the town centre;
- A recognition that materials would be important to respect the historic context;
- It was noted that a high standard of design would be key and the pre-application was considered to be promising, particularly with regard to the retention of the Oldroyd Building;
- It is not a town centre location but rather, sited up a reasonably steep hill, which raised a concern about public accessibility;
- Members advised that they would encourage development to a high environmental standard;
- It was noted that the development would open up the site, which would be a positive attribute of the development.

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

5.1 There have been a number of amendments to the scheme and further information requested in the course of the application including the following:

- Introduction of a set-back to the MSCP at the upper level to protect the living conditions of adjoining occupiers on Stonefield Street;
- Submission of a sunlight and daylight report to assess the impact of the proposal on the living conditions of adjoining occupiers;
- Clarity in respect of the impact of the proposal on on-street car parking on Stonefield Street and a consideration of alternative options;
- Further assessment of the Stonefield Street/Halifax Road junction;
- Further review of highway proposals and visibility of the Stonefield Street junction;
- A parking survey of Stonefield Street and surrounding roads;
- A further review of parking provision for the occupant;
- Detailed discussions in respect of materials.

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 LP21 Highways and Access
Policy LP24 Design
Policy LP28 Drainage
Policy LP30 Biodiversity and Geodiversity
Policy LP32 Landscape
Policy LP33 Trees
Policy LP48 Community facilities and services

Supplementary Planning Guidance / Documents / Guidance:

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

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 Dewsbury Reporter Series (13th May 2021) as a major application. It was also advertised by means of direct neighbour notification letters.
- 7.2 A total of 19 representations were received in response to the initial consultation. Whilst a number supported the idea of the Police Station, they objected to the proposal overall. A further consultation of interested parties and those who had responded to the original application was undertaken on 3 August 2021 in response to the amended proposal and additional highway justification. A further 4 objections were received, bringing the total to 23. In addition, a petition has been received signed by 113 residents of Stonefield Street, Hope Street and surrounding streets (including Oxford Street, Lidgate Close, Hartley Street, Cemet Terrace, Halifax Road, Northfield Road, Lidgate Gardens and Moorlands Avenue. The petition strongly objects to the proposal due to the use of Stonefield Street and extra entrances. It states that this would dramatically impact on residents' daily lives causing major inconvenience and havoc with car parking, increased noise, increased air pollution and problematic traffic congestion. It insists that the plans are reconsidered and make better use of Carlton Road.
- 7.3 The following is a summary of the representations received. These can be viewed in full at:
<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2021%2f91508>

Highways

- Substantive amount of traffic that will arise from the existing plans, this is due to there being inadequate entry and exit options creating obstacles in nearby streets, resulting in blockage and merging.
- The area is already congested due to the parents taking their kids to school in the morning and afternoon and also, kids going to mosque in the evening.
- Stonefield Street joining on to Halifax Road is a blind junction and if you go towards Hartley Street, it is narrow and congested with parking car.
- Creating the entrance onto Stonefield Street would cause severe traffic issues especially at certain times of the day. By also creating 2 gates, this would diminish the parking spaces available on the street.
- Parking areas currently designated on Stonefield Street will have to be removed to accommodate the new access. The surrounding areas that include Hope Street and Tolson Street has parking issues currently so the loss of parking on Stonefield Street will leave residents with no parking.
- Access onto Halifax Rd via Stonefield Street is precarious at the best of times. One of the major concerns relates to peak times; morning school run and school finishing – this junction is extremely busy with most of the traffic feeding onto Oxford Rd to access the two high schools. Coupled with cars leaving after dropping off learners to gain access onto Halifax Rd. This is repeated in the morning and after school finishes.

- A mosque is situated towards the bottom end of Hope Street. The mosque is used between 1700 – 1900 Mon to Fri and Sat morning between 0900 – 1100 for young children who attend classes. Parents are dropping and collecting their children from around 1645 to 17:05 and then collecting from 1850 onwards. These times are extremely busy with traffic backing on Stonefield Street often up to the Hope Street junction trying to access Halifax Road.
- The Mosque traffic - every weekday to the school at the bottom of Hope Street, upwards of 200 children and their parents attend yet in the research these car visits are not reflected in the projected traffic flow. The research also underestimates the impact of school traffic in respect of the two schools at Oxford road;
- The current plan would create major traffic bottlenecks as the applicant is ignoring what makes the road busy on an average day, which surely is not favourable to the proposed station;
- St Johns Lodge – This is often used on an evening and parking by patrons. They are predominantly blue badge holders who park on the double yellowed areas on Stonefield Street. This is always a health and safety concern when it clashes with the mosque traffic.
- Creating the extra entrances to service the police station on Stonefield Street has been poorly considered, with no real consultation with the local residents except for the a single online meeting. The current plans should be refused and a request for new plans with better use of Carlton Rd to serve emergency vehicles.
- Lot of cars having access to the car park bring noise, pollution, disturbance and unnecessary traffic;
- Extra parking on Stonefield Street could increase if the double yellow lines are removed from 3 Stonefield Street upwards heading towards Halifax Rd junction;
- The design of the entrance and the exit will mean the possible loss in the privilege of residential car spaces;
- Entrance should be on the main road, Carlton road or Pyrah Street, which are much better suited.
- The entry/exit points in Stonefield Street will lead to a very dangerous situation with many small children and parents using the route to come and go from the Mosque / Madrasah. At best the people and traffic flow will cause obstructions to the police Entry/Exit points and at worst it will cause accident and harm to pedestrians or motorists due to the nature of the narrow street/road and volume of people/traffic.
- Stonefield St and surrounding areas are currently 'permit holders only' zones and despite this residents struggle to find parking some days. Therefore, the proposal to remove the current access gate in favour of 2 access gates is concerning as residents will lose their designated parking spaces.

- During school / work times the Stonefield St / Halifax Rd junction is extremely busy due to 2 high schools being situated on Oxford Road. There is also a Mosque (Ilaahi Masjid) and St Johns Lodge located in the vicinity which would be directly impacted by an increase in traffic;
- Existing parking issues / access on narrow roads navigating around parked cars / queuing traffic to get onto Halifax Road or get onto Stonefield Street would be compounded with the introduction of even more vehicles to a quiet area;
- A comparison was made regarding college vehicles accessing the building via Stonefield Street on the consultation. However, College vehicles were small cars in small numbers for short duration's throughout the day, with increasingly reduced numbers after 4pm. Not transport trucks, not vans, not 24/7 and not such a large number of vehicles that require an unsightly multi storey car park to be built;
- The local mosque is accessed 5 times a day and weekends. There is an increase in traffic during these times and parents will park on Stonefield Street at drop off/ pick up times, as vehicles are parked on both sides in Hope Street making it very difficult for people to get in and out. Young children from surrounding areas will be crossing Stonefield Street again the increase in vehicles will make this very dangerous;
- Many accidents from Tolson Street to Stonefield St and Hope Street onto Stonefield Street, as the council has never put clear road markings and drivers pull out without waiting.
- There are no public car parks in our area and residents don't need more vehicles coming in and out of their neighbourhood. They already struggle for parking and value their green spaces and don't want any more car parks being built either.
- The reliability of the parking surveys were questioned with a suggestion that those surveying were not around for the entire period.
- The parking surveys may indicate parking available during the day. This is expected when people are at work. However, the issue is when householders return home from work.
- It is chaos at the Stonefield Street/Halifax Road junction when people attend the Masonic Hall due to parking on double-yellow lines. The surveys have not taken account of this.

Living conditions

- Overlooking issues
- Noise pollution from sirens;
- Noise and disturbance from using Stonefield Street to residents – as this will be a 24/7 site considerable disturbance is likely, again this would be removed if Carlton Rd was to be used.

- The sunlight will be blocked due to the high rise buildings as well as leading to a loss of privacy from being overlooked.
- Creating multi-storey parking will block direct sunlight and limit privacy;
- The police station will bring an array of people to our residential area, who ordinarily would have no need to come to the area. No plans to ensure the safety and protection for residents and our property. How will the right to privacy and freedom of movement be guaranteed;
- Residents green spaces, open views and quiet neighbourhood. The increase in access 24/7 for the police station from Stonefield Street would bring an unacceptable level of noise and air pollution impacting the health and wellbeing of residents. It seems no consideration on the severity of the impact on residents' way of life has been made in this application.
- It will impact on the value of properties especially being located so close to a site open 24/7 (N.B. It has been established in case law that the impact of a proposal on the value of residential properties is not a material planning consideration).
- Concern about the safety of children who go to the mosque nearby;

Construction matters

- Noise pollution arising from construction activities
- Odour and debris associated with construction.
- Demolition will cause significant disturbance include an increased amount of vehicles and trucks.

Design

- The college building has open views onto the hill and these should be preserved if any new builds are introduced

Support

- A resident has written in to state that the scheme represents a fantastic investment for the Northfield Conservation area, using the beautiful Victorian Buildings for a long term project. It is a brilliant way of guaranteeing their future use. Having a Police Station in this area will help bring crime down and give the area a sense of security.
- Happy to have such a prestigious centre on the doorstep but object to certain specifics of the proposed plan

Ward Members

7.4 Ward Members were consulted on the proposal by email. No formal comments have been received at the time of writing the report.

7.5 The applicant also undertook their own public consultation prior to the submission of this planning application. The Statement of Community Involvement (SCI) submitted with the planning application confirmed that the public consultation began on 3rd March 2021 with a press release by the applicant. A letter and email drop was carried out on 3rd March 2021 to the local community, whereby a total of 250 residences and businesses in close proximity to the site were contacted. The letter included a brief overview of the proposals and details of how to access the public consultation documents on the virtual exhibition website. The SCI confirm that 848 people visited the virtual exhibition over 30 days, with 1.2k views of the page in total. A question and answer session was also held.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

KC Highways: In response to the original submission in May 2021, Highways Development Management (HDM) raised some concerns about the access into the site from Halifax Road and the re-positioning of the bus shelter and bus/taxi stop. HDM were also concerned that based upon the travel planning approach, which might not be achieved at the peak occupancy level, there would be just 14 spaces available to accommodate any shortfall in staff parking demand. It was requested that the traffic generation comparison assessment and parking assessment should be based on modal surveys of existing staff. An assessment of the likely visitor parking was also requested.

Further information was subsequently provided by the applicant in July 2021, including an operational assessment of the Stonefield Street/Halifax Road junction, an updated Transport Assessment and a Technical Note on the parking implications on Stonefield Street. In their second response, received on 11 August 2021, HDM, Highway Safety and Highway Design confirmed that the revised proposals along Halifax Road, including a carriageway build out at the Stonefield Street/Halifax Road junction and a proposed bus stop relocation would be acceptable. However, Highways continued to raise concerns about parking provision and requested a further parking assessment and a survey of residents parking on Stonefield Street. A further measurement of the Stonefield Street junction was also requested. Following receipt and consideration of this additional information, HDM confirm that they do not object to the proposal subject to conditions. Their response is detailed in the highways section below.

Lead Local Flood Authority: Do not object subject to conditions to secure detailed drainage design.

8.2 Non-statutory:

KC Conservation and Design: Conservation and Design have no concerns about the proposed development on heritage and design grounds, subject to identifying suitable alternative facing materials to replace the originally proposed buff coloured Weinerburger Marziele bricks and reconsideration of, or further justification for, the alterations to the Carlton Road boundary treatments. On balance the proposed development would preserve the setting of the Northfields Conservation Area, it would lead to a moderate enhancement in the vicinity of Halifax Road but slight harm in the vicinity of Carlton Road and Stonefield Street. It would also cause slight harm to the setting of the Former Dewsbury Infirmary when viewed from Carlton Road. However, this harm should be weighed against the public benefits of the proposed development.

KC Trees: There are no objections to the principle of the development. The proposal retains the valuable trees on the Halifax Road frontage and provides significant opportunities to improve the landscape and tree scape on the site. However, an Arboricultural method statement is required to show how the retained trees will be protected during the construction phase. This will be secured via a pre-commencement condition. More specific detail about landscaping proposals are also required, which can be secured by condition.

KC Environmental Health (KCEH): KCEH agree with the approach and methodology of the air quality assessment subject to a condition that includes a requirement for a fully costed mitigation plan detailing the proposed low emission mitigation measures. A condition requiring electric vehicle charging points would also be necessary. With regard to contaminated land, a Phase II report is required, which can be secured by condition. With regard to noise, the findings of the Noise Assessment are accepted subject to conditions for the implementation of the agreed noise mitigation measures.

KC Ecology: In the initial consultation, further bat surveys were requested in the optimal period (up to the end of August), which were subsequently undertaken. Guidance was provided with regard to the proposed location of the bat and bird boxes, which were originally proposed on newly planted trees that may not be able to support these kinds of faunal boxes until they reach a later stage of maturity. A Bio-diversity Net Gain calculation was also sought in order to demonstrate that BNG could be achieved, which was subsequently provided. In response, the Council's Ecologist has confirmed that the submitted information is now broadly acceptable. It would be necessary for the management plan to include a work schedule for 30 years and to identify the management company responsible but this can be appropriately conditioned.

Yorkshire Water: No objection subject to conditions.

West Yorkshire Crime Prevention Officer: Undertaken direct liaison with the applicant.

9.0 MAIN ISSUES

- Principle of development;
- Highways;
- Design, Landscape and Heritage (including demolition);
- Impact on the living conditions of the adjoining occupiers;
- Air Quality;
- Flood risk issues;
- Ground conditions;
- Bio-diversity;
- Climate Change;
- Other Matters;
- Response to representations.

10.0 APPRAISAL

Principle of development

- 10.1 This application is submitted by West Yorkshire Police (WY Police) and seeks full planning permission for the construction of a new Police Station. This would represent a sui-generic use (i.e. outside of any use class).
- 10.2 Within the KLP Allocations and Designations document (February 2019), the site is unallocated. As such, it is not designated for any specific use and this application is therefore considered on its individual merits.
- 10.3 The re-development of the College for this purpose would, however, result in the re-use of a vacant Brownfield site. As such, there is no objection in principle to the proposal in land-use terms, subject to a full and detailed assessment against all other relevant policies in the Kirklees Local Plan. This is set out in the report below.

Highways

- 10.4 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.
- 10.5 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.

Means of access into the site

- 10.6 From Stonefield Street, there would be two vehicular access points. The western junction would allow for both entry and exit with an eastern junction providing an exit only. Having two points of access would be necessary to ensure the security of the Police Station. Any unauthorised vehicle arriving at the station would need to be turned away safely, for the safety of both members of the police and the public. At the primary entrance/exit, the barriers would be inset from Stonefield Street to prevent reversing onto the highway. Furthermore, in the event that an authorised vehicle(s) was behind an unauthorised vehicle(s), two access points would give the latter an alternative exit route prior to the secondary secure boundary, which would be at the entrance of the decked car park. For security reasons, the applicant has advised that they would not be able to allow unauthorised/un-vetted vehicles unfettered access through the site to exit from Carlton Road. The provision of two access points would require a modification to the existing parking bays on Stonefield Street (via an amendment to the existing TRO), which is considered in detail in the report below.

- 10.7 The waste store and delivery drop off facility would also be located off Stonefield Street so that deliveries and waste vehicles could enter the first secure zone only and these vehicles could then turn left, leaving the site through the "exit only" barrier. The decked car park would have restrictions in terms of height, weight and fire safety that would not allow these larger vehicles access. This is a key reason why the waste store is located between the entrance and exit and exit only on Stonefield Street. As set out in the report above, the Stonefield Street accesses would accommodate no more than 30% of the total vehicle movements across the site.
- 10.8 The access onto Carlton Road would support the remaining (70%) of vehicle movements into the site, comprising both operational and staff vehicles. It is proposed that the current operation of Carlton Road would change from two-way at its junction with Halifax Road to one-way westwards and two-way eastwards. This would require an amendment to the existing traffic regulation orders controlling the operation of Carlton Road.
- 10.9 Car parking for the proposal would principally be provided in the form of a decked car park, which would be located on the eastern part of the site. It would provide 208 spaces over three levels of which 55 would be designated for operational vehicle use and the remainder for staff use. This would be accessible from both Stonefield Street and Carlton Road. Further surface parking for 33 cars would be provided at Pyrah Street. An additional 14 surface spaces would be provided via the Carlton Road access and 16 spaces located within the site accessed from Stonefield Street. This would provide a total of 282 spaces across the site. A small visitor parking area providing 3 spaces would be accessible directly from Halifax Road. This would require the relocation of the existing bus stop.

Traffic Generation

- 10.10 In understanding traffic generation, the Transport Assessment clarifies that the site would generally operate on the basis of the following shift patterns:
- Morning – arrive at 06:30 and leave 16:00
 - Non- shift workers arrive at 08:00 and leave between 17:00 and 18:00
 - Day shift – arrive at 07:30 and leave at 16:00
 - Afternoon 1- arrive at 12:30 and leave at 23:00
 - Afternoon 2 – arrive at 15:30 and leave at 00:00
 - Evening – arrive at 17:30 and leave at 03:00
 - Night shift – arrive at 21:30 and leave at 07:00
- 10.11 Due to the nature of the operation at the Police Station and the intended shifts, the travel patterns would be complex. The following table sets out the maximum predicted daily breakdown of staff movements, operational movements and deliveries as provided by the Police. This assumes single car occupancy and makes no allowance for travel by alternative modes. It would therefore represent the 'worst-case scenario':

Time	Details	Staff in	Staff out
06:30	NPT (Neighbourhood Policing Team) Patrol, Custody and day shift staff begin arriving for the morning shift	107	0
07:00	Night shift Patrol and Custody staff start to leave sit	0	17
07:30	Staff from CID and Safeguarding departments begin arriving for the day shift	116	0
08:00-12:00	Non shift workers with various start times begin arriving on site	36	0
12:30	Safeguarding staff begin arriving at site for their afternoon shift	32	0
13:00	No movement of note	0	0
13:30	Additional Partners begin arriving on site	5	0
14:00	Maximum Occupancy reached	0	0
14:30	NPT (Neighbourhood Policing Team) staff begin arriving for the afternoon shift	11	0
15:00	Non shift workers with various finish times begin leaving the site	0	25
15:30	Patrol, Custody, CID and other Safeguarding staff begin to arrive on site for the afternoon shift.	31	0
16:00	Morning shift staff from Patrol, NPT, Custody, CID and Safeguarding departments begin to leave the site	0	127
17:00	Non shift workers continue leaving the site	0	81
17:30	Patrol staff start arriving on site for their evening shift	4	0
18:00	Non shift workers continue leaving site	0	6
19:00-20:00	No change	0	0
21:00	Part of the afternoons Safeguarding team begin to leave the sit	0	12
21:30	Patrol and custody staff start arriving on site for the night shift	29	0
22:00	Partners begin to leave the site	0	5
23:00	Safeguarding staff from afternoon shift begin to leave the site	0	12
00:00	NPT, Custody and remainder of Safeguarding staff from afternoon shift begin to leave the site	0	82
01:00-02:00	No Change	0	0
03:00	Patrol staff from on evening shift begin leaving the site	0	4
04:00-06:00	No Change	0	0
Total		371	371

Table 1: Predicted daily staff movements (no allowance for sustainable travel)

10.12 In addition, there would be operational vehicle movements across the site. Table 2 below sets out the predicted daily operational movements per gate entrance.

Trip Description	Stonefield St Entrance	Carlton Road Entrance
Marked Patrol Vehicles	0	38
Marked NPT Vehicles	0	19
Plain Vehicles	0	52
Arrested journeys	24	0
Other visits	4	4
Vans	6	0
Detainee Transfer	2	0
Other	0	2
Total	36	115

Table 2: Daily operational movements per gate entrance

10.13 The Transport Assessment also sets out the likely split of staff between the different access and parking locations. To account for the sustainable shift in staff travel (considered further below), a figure of 55% has been used in these traffic generation figures. 55% is considered to represent the upper limit of staff that would be allowed to park on site. For completeness, the staff figures with no adjustment for sustainable travel are also provided below for information.

Trip	Stonefield St	Carlton Rd	Pyrah St	Total
Staff (base on 55% on-site parking)	55	114	35	204
Staff (no adjustment)	100	207	64	371

Table 3: Split of staff between access points

10.14 The Stonefield Street entrances would be primarily for various deliveries, waste collection, some operational vehicles and 16 staff vehicle bays, totalling less than 30% of the total vehicle movements across the site. This would equate to no more than 185 movements over the 24 hour period with a maximum of 26 evening peak hour vehicle movements (17:00 to 18:00) and a smaller 24 morning peak hour vehicle movements (08:00 to 09:00). The remainder would be from Carlton Road. As above, this would represent the worst-case scenario.

10.15 Turning to traffic generation figures that take into account the intended sustainable shift in staff travel, a figure of 55% has been used in the traffic generation figures (taking into account sustainable travel) set out in Table 4 below:

Time	Arrivals	Departures	Two-way
00:00-01:00	2	47	49
01:00-02:00	2	2	4
02:00-03:00	2	2	4
03:00-04:00	2	4	6
04:00-05:00	1	1	2
05:00-06:00	1	1	2
06:00-07:00	60	1	61
07:00-08:00	67	11	78
08:00-09:00	26	7	33
09:00-10:00	3	3	6
10:00-11:00	7	7	14
11:00-12:00	6	6	12
12:00-13:00	23	5	28
13:00-14:00	8	5	13
14:00-15:00	12	6	18
15:00-16:00	23	20	43
16:00-17:00	9	79	88
17:00-18:00	9	52	61
18:00-19:00	7	10	17
19:00-20:00	6	6	12
20:00-21:00	4	4	8
21:00-22:00	20	11	31
22:00-23:00	6	9	15
23:00-24:00	3	10	13
TOTAL	308	308	616

Table 4: Overall traffic generation figures

10.16 These results indicate that the peak period for the Police Station would be between 07:00 and 08:00 in the morning and between 16:00 and 17:00 in the evening. This presents a different peak period to the previous College and would also be outside the background peak of Halifax Road and the surrounding area. A more traditional peak time period of between 08:00 and 09:00 and 17:00 to 18:00 would be expected for Halifax Road.

10.17 The Transport Assessment also includes a comparison to the change in potential traffic generated between the proposed development and the previous College operation:

Time	Arrivals	Departures	Two-way
00:00-01:00	+2	+47	+49
01:00-02:00	+2	+2	+4
02:00-03:00	+2	+2	+4
03:00-04:00	+2	+4	+6
04:00-05:00	+1	+1	+2
05:00-06:00	+1	+1	+2
06:00-07:00	+60	+1	+61
07:00-08:00	+40	-4	+36
08:00-09:00	-64	-9	-72
09:00-10:00	-44	-18	-62
10:00-11:00	-6	-3	-10
11:00-12:00	-10	-16	-26
12:00-13:00	0	-16	-16
13:00-14:00	-8	-12	-20
14:00-15:00	-13	-24	-37
15:00-16:00	0	-4	-3
16:00-17:00	-15	+21	+5
17:00-18:00	-34	+4	-30
18:00-19:00	-8	-16	-23
19:00-20:00	+2	-7	-5
20:00-21:00	+4	-26	-22
21:00-22:00	+19	-6	+12
22:00-23:00	+6	+9	+15
23:00-24:00	+3	+10	+13
TOTAL	-59	-59	-117

Table 5: Trip Generation Net Change

This table shows that whilst the Police Station would clearly generate different travel patterns to the previous College site in terms of hours of use, the development would also result in an overall decrease of 72 two-way vehicle trips in the morning peak (08:00-09:00), a decrease of 30 vehicles in the evening peak (17:00-18:00) and, overall, a daily two-way decrease of up to 117 vehicle trips across the day.

Junction Assessments

10.18 The TA concludes that the impact of development-related traffic would represent a net decrease in traffic during the likely AM and PM periods and throughout the day compared to the previous college use. As such, it was not considered necessary to undertake operational junction analysis of the development proposals. However, the Council's HDM Team, nonetheless, requested an operational analysis of the Stonefield Street/Halifax Road junction to take into account the use of Stonefield Street by residents and the effect of existing visitors to the Mosque (Ilaahi Masjid) on Hope Street. This was subsequently provided by the applicant.

- 10.19 The analysis included a traffic survey undertaken on Thursday 17th June 2021 between the hours of 07:00 -10:00, 13:00–14:00 and 15:00–19:00. Weekday AM and PM periods are generally selected for consideration as background traffic. The analysis incorporated a growth factor to the expected opening date of 2024, as well as a future assessment design year of 2029. In each scenario, the assessment concluded that the junction would operate within capacity as a result of this development.
- 10.20 The operational assessment results demonstrate that with the addition of the development traffic in the opening year, the Stonefield Street/Halifax Road junction would operate within capacity. The primary impact would appear to be on the Oxford Road junction opposite. It would result in a maximum RFC value of 0.74 on Oxford Road in the AM peak; the RFC is the Ratio of Flow to capacity and provides a basis for assessing capacity. A corresponding queue of 2.6 PCUs was noted on the Oxford Road approach; a PCU is a vehicle unit used to assess highway capacity, with one car being a single unit. It is expected that this might increase to 3.4 PCUs by 2029, with a maximum RFC of 0.80. However, the applicant determines that the junction would still be within capacity. The applicant was subsequently asked to provide further modelling information in this regard, which does also indicate that there could be a delay on Oxford Road of over 80 seconds with a short queue. Nevertheless, whilst acknowledging the delay to Oxford Road, it is considered that it would not constitute a severe delay as per the test within the NPPF. Moreover, there is no reasonable mitigation. Traffic signals would not be appropriate in this location because the delays would be to the side junctions. As the delay to Oxford Road would not be considered severe, keeping traffic moving on the main road (Halifax Road) remains the priority.
- 10.21 The TA also includes a review of collision data in and around the site for a 5-year period up to December 2020. A total of 5 collisions were recorded in this 5-year period. Of these, 4 were recorded as slight and 1 as serious with no fatalities. One collision involved a pedestrian and the remaining were vehicles. One location on Halifax Road within the frontage of the site was identified as a position where two collisions occurred (close to the frontage of the Oldroyd Building). However, the data identifies that they occurred two years apart. On this basis, it is not considered that the collisions can be linked or present a common contributory factor. The TA therefore concludes that the surrounding network is appropriate and safe for all road users, whilst still being able to fulfil its role as a key traffic distributor within the local area. This is accepted by HDM.

Management of parking for staff

- 10.22 WY Police support a sustainable approach to the development, which encourages alternative and sustainable modes of transport to manage peak period travel. WY Police advise that they have experience of operating a permit system at their Headquarters in Wakefield. This ensures that those with a permit are able to park on site without delay. Those staff without a permit therefore know in advance that they would have to make alternative provision and can plan an alternative mode of transport or parking arrangements. Any permit system would be tailored to address peak times whilst maximising the facility out of normal office hours i.e. 17:00 – 07:00, and at weekends. Confirmation of the permit system would be secured by condition through a parking management plan.

10.23 In the course of the planning application, WY Police have also reviewed how staff will work moving forward. The TA originally identified that staff travel would be split 55% of staff parking on site under the controls of the proposed permit parking system above and 45% travelling by alternative and sustainable modes. Of this 45%, 10% would be home working, 15% would use sustainable travel and 20% would be likely to use private car travel and parking elsewhere. However, Officers raised concerns about this 20% of staff that would park elsewhere.

10.24 Subsequently, WY Police, in line with many employers during the Covid pandemic, have undertaken a review of homeworking practices. WY Police initiated 'Agile/Homeworking' to the Force in 2018/19, which was predominately aimed at management and non-uniformed officers and staff. However, the onset of the pandemic has changed and accelerated the requirement for homeworking. It is now anticipated that 26% of staff would be predominantly homeworking, which is significantly higher than the 10% originally promoted. In practical terms, staff with homeworking capability may not work from home 100% of the time but rather, going into the office 1 day per week. Accordingly, it is considered that 4 days of the week represents the typical agile working week arrangement.

10.25 Nevertheless, the increased level of staff homeworking would consequently decrease the number of staff travelling to work either by sustainable modes or by private car and parking elsewhere. Considering the overall 45% split of staff as detailed previously and taking account of the 26% staff who would now be homeworking, this results in the remainder of staff (19%) either travelling by sustainable modes or private car and parking elsewhere. In terms of actual staff numbers, this is summarised below:

Mode of Travel	Originally proposed split	Split now proposed	Staff numbers based on split now proposed
Home working	10%	26%	96
Sustainable Travel	15%	8%	30
Travel by private car and parking off-site	20%	11%	41
Staff parking on-site	55%	55%	204
TOTAL	100%	100%	371

Table 5: Travel Split

10.26 It is relevant to note that the results presented in Table 5 indicate that 41 staff could potentially drive and park elsewhere. However, no allowance has been made for staff who may car share and therefore, the assessment represents a worst-case scenario.

10.27 Furthermore, the applicant has undertaken a detailed survey of public car parking areas (including on-street parking) within 800m of the site (approximately a 10 minute walk). The survey excluded permit parking bays, restricted parking areas (double yellow lines), Lidl and the railway station east car park. It identified a total of 993 spaces. The survey was undertaken on three separate days – Monday 23rd August between 1pm and 3pm, Monday 6th

September between 1pm and 3pm and Friday 10th September between 8am and 10am. Car parking provision of less than 2 hours was excluded as it would not support staff needs. However, the survey identified at least the following availability in nearby car parks:

Car Park Location	Number of spaces	Available spaces from 1pm on Monday 23 rd August	Available spaces from 1pm on Monday 6 th September	Available spaces from 8am on Friday 10 th September
Wellington Road Car Park	56	31	44	54
Train Station Car Park (west)	210	65	70	185
Commercial Road Car Park	39	31	12	35
Cliffe Street Car Park	415	234 (capacity reduced for Covid testing)	394	255 (capacity reduced for Covid testing)

Table 6: Car park capacity locally.

10.28 The survey did also consider on-street car parking within the vicinity on roads such as West Park Street, Birkdale Road, Lidgate Lane, Mill Road and Victoria Road and found extensive capacity. HDM have considered the survey and note that even within the car park and streets that lie within 400m of the site, including Hirst Road, Victoria Road, Albion Street, Mill Road, Birkdale Road and the Commercial Street car park, there was on average 98 spaces available, which would be more than sufficient to accommodate staff that may choose to drive within the parameters set out above.

Sustainable Travel

10.29 In addition, it is advised that a Travel Plan would form a key part of the implementation strategy going forward to encourage staff to travel by means other than the private car and further reduce those staff driving to the site. The Framework Travel Plan submitted with the application identifies a package of measures to promote greener, cleaner travel choices and reduce the reliance on the car. It 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.

10.30 Overarching targets would be set once baseline travel surveys have been carried out following first occupation of the premises. It is therefore recommended that a further Travel Plan be secured by condition. To be effective, this would be expected to include the following:

- The appointment and funding of a Travel Plan Coordinator to be responsible for the management and maintenance of the travel plan;
- The overall outcomes to be achieved by the travel plan; the performance indicators and targets;
- Details of the travel planning requirements for future occupiers; the process for the monitoring and review of targets and measures;
- The measures to be implemented, such as the provision of parking controls and management and contributions towards other measures such as car and cycle clubs;
- A monitoring and review programme, detailing the survey methods to be used and who is responsible for funding the surveys, undertaking and reporting results;
- Any sanctions where the targets and indicators are not being met, and how and when they should be applied (such as more active or different marketing of sustainable transport modes or additional traffic management measures).

10.31 In terms of accessibility to other modes of transport, Dewsbury Railway Station is located approximately 720m walking distance from the site. This is within the maximum walking distance of 800m recommended within the Chartered Institution of Highways and Transport ('CIHT') published the guidance document 'Planning for Walking' (2015). Dewsbury provides services to both Leeds and Manchester.

10.32 The site would also be accessible by bus with a bus stop in front of it and within 100m on the other side of the road. These are also within the recommended walking distance in the CIHT document above. This bus stop provides a regular connection between Dewsbury and Bradford with a 15 minute frequency during the day and 30 minutes in the evening (Monday-Friday) with a 30 minute frequency service during the day on Saturdays and Sundays and hourly during weekend evenings. These routes would also provide a connection to Dewsbury Bus Station, which would offer a wider range of services.

10.33 In terms of cycle provision, the proposal would include cycle parking in line with Kirklees Council standards. This sets out a requirement of 1 space per 300m², meaning that a total of 30 staff cycle spaces would be provided. Additional visitor cycle parking in the form of 10 covered spaces would be located within the visitor car park accessed via Halifax Road. The site is therefore appropriately accessible by means other than the private car.

Impact on on-street car parking within the vicinity of the site

10.34 One of the key issues in the assessment of the highway impact of the proposal has been the effect on Stonefield Street and immediately adjoining streets, both in terms of traffic generation (considered above) and the impact on on-street parking provision. This has been a particular concern for local residents, as reflected in the public representations to the application. It is a matter that has been discussed at length with the applicant and it resulted in the submission of a specific Residents Permit Parking Technical Note.

10.35 The Technical Note recognises that on-street resident permit parking is a feature of Stonefield Street and the adjoining roads surrounding the site. It operates between 8am and 8pm Monday to Friday. To facilitate the new access points (including their width), a total length of 44m of permit parking would need to be removed from Stonefield Street.

10.36 In the first instance, the applicant was been asked to provide further evidence that alternative solutions have been considered that would not result in a loss of parking bay spaces on Stonefield Street. This has included a consideration as to whether the number/width of access points onto Stonefield Street could be reduced or existing bays on Stonefield Street could be extended to eliminate unauthorised parking with a potential subsequent effect on highway safety. In response, the applicant has confirmed as follows:

- As set out at Paragraph 10.6, having 2 points of access onto Stonefield Street would be necessary to ensure the security of the Police Station. The waste store and delivery drop off facility would also be located off Stonefield Street. This would enable deliveries and waste vehicles to enter the first secure zone only. These vehicles drop off goods and pick up waste including skips (drivers of these vehicles are unvetted) and these vehicles can then turn left leaving the site through the "exit only" barrier. The decked car park has restrictions in terms of height, weight and fire safety that would not allow these larger vehicles access. This is a key reason why the waste store is located between the entrance and exit and exit only on Stonefield Street;
- Substantial vehicle turning modelling work has been undertaken to test and determine the access design. A turning head within the boundary of the site could not be accommodated for the size and functionality of vehicles required to enter/exit at this location;
- The applicant would also be unable to create an off-set on Stonefield Street to effectively allow a recessed bay into the site to retain on-street parking. The effect of the offset would reduce the internal area to a point where the internal road could not be accommodated. A similar modelling exercise was undertaken on Carlton Road to determine whether this route could be a suitable alternative for service vehicles. However, due to the gradient of the highway and the necessary access ramp, such vehicles cannot access the site from this location;
- In terms of extending the existing parking bays on Stonefield Street, the applicant has tracked vehicles in and out of the proposed entrances on Stonefield St and this has identified the areas where they can locate spaces (on the north side of Stonefield Street opposite and between the entrances). The applicant cannot locate spaces between the junction with Halifax Road and the new entrances due to safety/visibility issues. For the same reason, on-street spaces cannot be located between the entrance and exit points on Stonefield Street. This limits the opportunity to provide replacement spaces.

10.37 Based upon the specific site constraints identified by WY Police for them to operate the site safely and effectively, it is therefore accepted that to facilitate the new access points, the 44m of permit parking would need to be removed from Stonefield Street. This is equivalent to approximately 7 vehicle spaces (based upon a 6 metre length per space, which is the general length

requirement of parallel parking bays. However, a length of 23m would be replaced on Stonefield Street (equivalent to 3-4 spaces). So that is a loss of 3-4 spaces on Stonefield Street as a whole. An additional 24m (approximately 4 spaces) would be provided on Pyrah Street. There would therefore be a net increase of at least 1 parking space within the vicinity of the site, albeit in a modified location(s).

10.38 Furthermore, following concerns raised by Officers regarding the loss of these spaces, the applicant was requested to undertake a parking survey of Stonefield Street to understand the current use of resident parking permits and the availability of spaces within the area. The surveys were undertaken on the 7th (Tuesday) and 10th (Friday) of September 2021 during the hours of 07:00 and 19:30 and included the following streets:

- Stonefield Street
- Hope Street
- Tolson Street
- Hartley Street
- Pyrah Street

Taken together, and whilst spaces are not individually numbered or marked, the number of spaces counted within the parking survey was 118 spaces. The parking survey identified the number of bays that had a vehicle parked either with or without a permit every 30 minutes across the survey period.

10.39 The results of the survey are broadly summarised below:

Street	Available Parking Bay Spaces		Maximum Occupancy
	Tuesday 7 th September	Friday 10 th September	
Stonefield Street	5 all day	3 all day	69% - Tuesday 0700
Hope Street	0 all day 5 bays between 0700 and 1300	0 all day Four of the five bays were free during the hours of 07:00 to 12:30	82% - Friday at 13:30 hours.
Tolson Street	2 all day The majority of bays full between 07:00 and 10:00 and 16:30 19:30. During the period 08:00 to 17:30 three bays were available	4 parking bays available all day. The majority of bays were full between 07:00 and 10:00 with bays available for periods in the afternoon.	56% - Tuesday and Friday between 0700 and 0800
Hartley Street	9 all day	3 all day	58% - Friday between 1900 and 1930
Pyrah Street	6 all day	3 all day	57% - Tuesday and Friday between 07:00 and 08:00.

Table 7: Summary of parking survey results.

- 10.40 Overall, the survey revealed that on the Tuesday, altogether on the surrounding streets, there was an average of 23 parking bay spaces available with 13 spaces available during the Friday survey. On Stonefield Street specifically, the proposal would displace approximately 3-4 parking bays from Stonefield Street resulting in a total provision of approximately 26 bays. The results of the parking survey indicate that on average, a total of 25 parking bays in Stonefield Street were in use all day.
- 10.41 This would suggest that the alterations to the parking arrangements could accommodate the current demand for parking on Stonefield Street even without the additional provision of spaces on Pyrah Street. HDM have considered the parking survey and it is agreed that it demonstrates that the revised parking proposals can accommodate the parking demands along Stonefield Street with further parking available across the streets surveyed.
- 10.42 Furthermore, a parking permit does not guarantee a resident that a parking space will always be available outside their property. Unfortunately, there is no right to on-street parking adjacent to a residents' house. Therefore, having regard to the NPPF, this proposal is not considered to constitute either an unacceptable impact on highway safety nor would the residual cumulative impacts on the road network be severe. As such, these matters could not be substantiated as a reason for refusing this application.

Highway Summary

- 10.43 Taking all these matters into account, it is concluded that the proposal can be accessed effectively and safely by all users. Subject to conditions to secure access details, the appropriate provision of cycle facilities and a comprehensive Travel Plan, the development would also provide appropriate opportunities to promote sustainable transport. It can 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.

Design and Heritage Impact (including demolition)

- 10.44 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. With regard to landscape, Policy LP32 advises that proposals should be designed to take into account and seek to enhance the landscape character of the area whilst Policy LP33 advises, amongst other matters, that proposals should normally retain any valuable or important trees where they make a contribution to public amenity, the distinctiveness of a specific location or contribute to the environment. Where tree loss is deemed to be acceptable, developers will be required to submit a detailed mitigation scheme. Finally, Policy LP35 of the KLP relates more specifically to the historic environment where development proposals affect a designated heritage asset.
- 10.45 In this case, part of the application site (The Oldroyd Building) lies within a designated Conservation Area (CA) - Northfields. It also lies within the setting of a Grade II Listed Building at the former Dewsbury Infirmary, now known as Boothroyds. 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.

- 10.46 Furthermore, the NPPF confirms that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 202 of the Framework states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 10.47 In considering the character of the CA, Northfields is a late nineteenth century residential suburb of Dewsbury. It has many fine Victorian villas and terrace houses grouped along tree lined streets. It also contains a number of prominent public and former public buildings including St Marks Church, the former Dewsbury Infirmary, the former Wheelwright Grammar School and the former Dewsbury and District Technical School (Kirklees College), the latter being the subject of this application. The Oldroyd Building within the application site is the only part of the College campus within the CA. The building presents a relatively restrained neo-Gothic style. It is understood that it suffered significant fire in the 1980's leading to major refurbishment work, which was completed in 1990. This included construction of a new steel framed roof with the provision of accommodation in the roof space.
- 10.48 The proposed re-development of the site would result in the demolition of the buildings outside of the CA and early 20th Century additions to the rear of the Oldroyd Building. Their demolition constitutes development such that it forms part of the consideration of this application. These buildings are reasonably significant in scale, extending up to 5 floors at the front and within the site. Their removal will therefore open up the site and represent a reduced massing overall. Furthermore, these buildings are not deemed to be of any particular architectural merit and do not warrant consideration as undesignated heritage assets. Their loss is therefore not of concern on heritage grounds.
- 10.49 The retention of the Oldroyd Building is welcomed. It is acknowledged that it can be challenging to find new uses for such institutional buildings and this is considered to be a significant public benefit of the proposal. This would also preserve the setting of the former Dewsbury Infirmary when viewed from Halifax Road and the open space to the west. Aspects of its re-use, in terms of the details of replacement windows will be secured by condition. Details of the treatment of the existing main entrance to the Oldroyd Building, having regard to the iron gates and internal stained glass door feature, also require further consideration and details will be required by condition.
- 10.50 The practical re-use of the Oldroyd Building does require the construction of a new core attached to the eastern façade but set back from the frontage to ensure that the Oldroyd Building remains dominant. In scale and appearance, the core would essentially be 5 storeys. It is intended that it would be constructed in brick to provide a contrast to the stone. The use of recessed brick patterns, deep reveals and varied interventions of glazing and metal

panels would add depth and detail to the façade without competing with the Oldroyd elevation. In principle, the introduction of a core extension and the use of contemporary materials to and reflect its form as a modern addition is acceptable.

- 10.51 At this stage, the actual brick material is to be agreed. The applicant had originally selected a light Weinberger Marziale brick, which was chosen for its textures and varied tone and to create a subtle distinction between old and new by contrasting with the Oldroyd Building rather than trying to replicate or blend into the existing stonework. Officers considered that this brick would be too light. Such a style of buff brick is not characteristic to Dewsbury, being an area in which red brick and stone predominate. Whilst there is no objection in principle to brick, in order to differentiate the modern extension from the original stone form, a final selection of materials has not been made. This is partly a consequence of current supply chain issues affecting the availability of bricks. It is therefore proposed to attach a condition requesting samples of materials to be submitted prior to any works commencing on site. These would need to be viewed on site in the context of the Oldroyd Building and this would provide an appropriate mechanism to control and inform the materials to be used.
- 10.52 In addition to the core, a new reception and custody building would be constructed. The reception area would be single storey and set behind the prominent bay window of the Oldroyd Building. It would be constructed in a combination of brick and cladding with generous areas of glazing to create a contemporary finish. The custody block would be of double height, also constructed in brickwork and glazing. It would sit to the rear of the reception area and consequently, the Oldroyd Building would remain the dominant element within the complex of buildings when viewed from Halifax Road. Due to their recessed position and lesser scale in relation to the Oldroyd Building, the use of a Crest Kingston Gault brick (or similar subject to supply issues) on these two elements of the scheme, which complements the colour of the Oldroyd Building's stonework, is considered acceptable in principle. This would be complemented by a bronzed coloured rooftop plant enclosure.
- 10.53 The final element of the design is the MSCP. This would be multi-level and broadly constructed in a steel frame with the exception of a solid brick wall to the north-facing wall of the car park to provide a solid separation for fire safety purposes to the rear of the residential properties on Stonefield Street. This would also be subject to a condition to secure final details of materials. In terms of its scale, the scheme has been revised in the course of the planning application to further inset the wall of the car park from the boundary of the site. Whilst this is in close proximity, the car park is of a similar scale to the existing buildings on site.
- 10.54 The proposal would also require the construction of a robust boundary line. The boundary wall along Halifax Road would be retained without alteration. The wall along Carlton Road would be broadly retained but would need to be topped with a fence to an appropriate standard. Details of the boundary treatment are ongoing to secure a solution that addresses the requirements of the occupier but is sympathetic to both the CA and the Listed Building opposite. It is proposed that the castellated wall fronting Stonefield Street would also be removed and replaced with a secure fence line to 2.4m in height. Notwithstanding the proposed plans, it is considered that a condition is necessary to secure final details of the boundary treatment before any development commences.

- 10.55 Additionally, the application is supported by a landscape scheme and an Arboricultural Method Statement to ensure good practice in the protection of retained trees during the development. The landscape scheme indicates the retention of the mature trees at the front of the site along Halifax Road, to be retained through measures set out in the AMS. This would be supplemented with additional planting whilst the existing wall planters to the front of the Oldroyd Building would also be retained.
- 10.56 It is also proposed that a landscaped area would be introduced between the rear of houses on Stonefield Street and the access road into the MSCP. Whilst the group of trees on the corner of Carlton Road and Pyrah Street and to the rear of the parking area on Pyrah Street are identified for removal, further planting would be provided to the rear of the site fronting Pyrah Street. A detailed landscape scheme would be required by condition. The Council's Tree Officer has no objections to the principle of the development in this regard. It is noted that the proposal retains the valuable trees on the Halifax Road frontage and provides significant opportunities to improve the landscape and tree scape on the site, subject to appropriate conditions.
- 10.57 Furthermore, the Council's Conservation Officer concludes that on balance the setting of the Northfields Conservation Area would be preserved. Slight harm would be caused to the setting of the Grade II Former Dewsbury Infirmary along Carlton Road. However, its prominence within the townscape of Halifax Road would not be adversely affected by the proposals. The impact of the development on the townscape of Stonefield Street had to be carefully considered due to the scale and massing of the car park but it is considered that landscaping would mitigate that impact to a degree and the wall of the car park has subsequently been recessed in any event. Overall, it is therefore considered that the harm of the proposed development on surrounding heritage assets would be less than substantial.
- 10.58 Having regard to Paragraph 202 of the Framework, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing an optimum viable use. In this case, it is considered that substantial weight can be given to the public heritage benefit of securing a viable long-term use for the Oldroyd Building as a key unlisted building within the Northfields Conservation Area. It is also considered that moderate weight can be given to the enhancement to the setting of the CA arising from the demolition of the late 20th century Kirklees College buildings and the improved landscaping to the Halifax Road frontage. The proposed development would also provide a new police station meeting the operational needs of the WY Police, which is a significant public benefit. The public benefits would therefore outweigh the less than substantial harm.
- 10.59 For these reasons, the proposed scale and appearance of the development is considered to promote good design. Its form, scale, layout and landscaping would also sufficiently respect and enhance the character of the townscape and heritage assets. It is therefore considered to comply with the objectives of Policies LP24, LP32, LP33 and LP35 and guidance within the NPPF.

Impact on the living conditions of the adjoining occupiers

- 10.60 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.
- 10.61 In terms of the scale and massing of the development, the impact of the proposal on the living conditions of neighbouring occupiers with regard to loss of daylight and sunlight has been carefully considered as part of the application. A range of sections have been provided through the development to take into account existing adjoining properties and a Daylight and Sunlight Assessment Report has also been provided based upon the revised scheme. This Assessment has been undertaken in accordance with guidance and methodologies provided by the Building Research Establishment (BRE) Digest BR 209 "Site layout planning for daylight and sunlight – A Guide to good practice. This is recognised as an industry standard (BR209).
- 10.62 The most significant impact is identified to be the effect of the proposal on existing residents at 8-24 Stonefield Street and 16 Pyrah Street, which adjoin the northern boundary. There will be extensive earthworks across the site, including areas of cut and fill to level out parts of the site to the rear of properties on Stonefield Street. In terms of the direct relationship of the scheme to the rear elevation of the Stonefield Street houses, the sections in relation to the updated scheme identify the following approximate distances to the MSCP:
- 8-10 Stonefield Street – the nearest structures are 14-15 metres from the rear elevations;
 - 16 Stonefield Street – in excess of 12 metres from the rear elevation
 - 20-24 Stonefield Street – the MSCP as originally proposed was between 7-9 metres from the rear elevation of these houses. The upper level of the car park has now been recessed to create a distance of between 15-16 metres.

These distances are considered sufficient to ensure that the proposal would not be unduly overbearing on these properties taking into account the existing scale and position of buildings within the site.

- 10.63 The Daylight and Sunlight Assessment Report uses the Average Daylight Factor to quantify daylight levels and the Vertical Sky Component (VSC), which is the amount of skylight falling on a vertical wall or window. In effect, if the VSC is less than 0.8 times its former value, occupants of the existing building would notice a reduction in the amount of daylight. In this case, with regard to daylight, the performance guidelines relate to dwelling rooms where daylight access is considered to be important. These areas include living rooms, kitchens and bedrooms. The report concludes that although the proposed development would have some effect on the daylight levels of the surrounding buildings' windows, all windows assessed still achieve the recommendations for daylight established within BR209 as they are all over the 0.8 threshold.

- 10.64 With regard to sunlight, BRE guidance states that sunlight provision to living rooms and conservatories is of greatest importance compared with that to bedrooms and kitchens. In this case, the proposed development does have some effect on the sunlight levels of windows to surrounding buildings windows but with the exception of one property, they achieve the BR 209 recommendations for sunlight. There are only two windows to the rear of 16 Pyrah Street that do not meet the BR 209 recommendations with the proposed development in place in winter. One of these is considered to serve a bedroom, which does not have a sunlight requirement under BR209. The other is assessed to serve a dining room or living area, which does have a requirement for sunlight according to BR 209. However, the results show that the BRE recommended hours of sunlight are almost met and due to the fact the existing value for winter is already relatively low, it is considered that any change may not be very noticeable in this instance. On balance, taking into account the existing volume of development on site, the impact of the new development on the daylight and sunlight of existing properties is considered to be acceptable.
- 10.65 It is acknowledged that there are also residential properties within the Boothroyds building. However, the development lies to the north so there would be no expectation of sunlight to these windows.
- 10.66 In terms of privacy, the closest apartment block within the Boothroyds building fronts Carlton Road on the back edge of pavement. This would look towards the extension to the Oldroyd Building. However, because this would be a core facility with stairs and lifts etc. rather than office accommodation, there would be no direct overlooking for any sustained period. The relationship is therefore considered acceptable in this instance. For residents on Stonefield Street, they would principally be looking towards either the custody block, which has limited openings or the wall to the multi-storey car park, which would also largely be blank. As such, it is considered that there would be no undue loss of privacy to these existing residents.
- 10.67 The noise impact of the proposal on the living conditions of existing occupiers has also been fully considered through the submission of a Transport and Car Noise Assessment (NA). This concludes that the most significant noise source affecting the site is the A638 (Halifax Road), but traffic flows on the wider road network are also part of the noise environment. It considers the noise impact with regard to the nearest noise sensitive receptors (the residential properties adjoining the site) that levels to the southern and north eastern facades would be elevated but still fall within the relevant standards. Mechanical plant has also been assessment and mitigation is recommended such as the installation of quieter units and the use of barriers. The latter has been designed into the building. Based upon these mitigation measures, it is concluded that the development would have a low impact on noise pollution. These measures will be confirmed by the use of an appropriate planning condition.
- 10.68 In addition, with regard to any potential disturbance caused by emergency vehicles accessing and egressing the site, the applicant has advised that they have a clear 'blue light strategy'. It is stated that Police Officers are subject to strict training and protocols in the use of lights and sirens only when they are necessary. Furthermore, the majority of emergency deployments requiring such use would be undertaken when the cars would be away from the police station. Whilst the applicant could not state that sirens would never be used when leaving the station, it is very unlikely to be a regular occurrence. Taking

all these matters into account, it is concluded that the proposed development would achieve a sufficiently high standard of amenity for neighbouring occupiers in accordance with Policy LP24 and guidance within the NPPF.

Air Quality

- 10.69 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.
- 10.70 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 (2019), which sets out the regions policies and principles on achieving and maintaining low emission rates.
- 10.71 The application was supported by the submission of an Air Quality Assessment (AQA). The report assesses the impact the development will have on future air quality during the construction and operational phases. Nitrogen dioxides (NO_x) and particulate matter (PM₁₀) were modelled using recognised techniques including ADMS- Roads air dispersion model and other techniques detailed in The Design Manual for Roads and Bridges (DMRB) and Local Air Quality Management Technical Guidance (LAQM. TG16). Modelling was undertaken using a baseline year of 2019 with a future year of 2024 representing the opening year of the proposed development.
- 10.72 During the construction phase, the AQA recognises the risk of dust, arising particularly from demolition and earthworks. The dust emission magnitudes and sensitivity of the surrounding area are combined to determine the risk of dust impacts. It concludes that there is the potential for dust to be generated during the demolition/ construction phase. However, these can be controlled with best practice mitigation measures, including undertaking daily on-site and off-site inspection, where receptors (including roads) are nearby, to monitor dust, erect solid screens or barriers around dust activities and keep site fencing and/or barriers and scaffolding clean using wet methods. Additionally, it would be ensured that cutting, grinding or sawing equipment is fitted or used in conjunction with suitable dust suppression techniques and an adequate water supply is retained on the site for effective dust/particulate matter mitigation (using recycled water where possible). Environmental Health consider that by implementing the mitigation measures listed, these will effectively reduce the impact of nuisance dust affecting the amenity of adjacent receptors to the development site.

- 10.73 During the operational phase, the main impact would be Nitrogen Dioxide (NO₂) and Particulate Matter (PM₁₀) pollutant concentrations arising from traffic flows. The AQA concludes that this would be below the national air quality objectives. This was based on the current and future traffic flows. A comparison exercise between the previous college and the proposed development identified a net decrease in AM and PM peak periods traffic flows and an overall daily decrease in two-way traffic of up to 117 vehicle trips. The report therefore concludes that the development would have negligible impact on the amenity of existing and future sensitive receptors.
- 10.74 Environmental Health advise that whilst they agree with the approach and methodology of the air quality assessment, they have assessed the application in accordance with the West Yorkshire Low Emissions Strategy (WYLES) - Technical Planning Guidance in which the development would be classed as Major. This is because is within 20m of (A638) Halifax Road which has an Annual Average Daily Traffic (AADT) flow of > 10,000. Therefore, as a major proposal in terms of air quality, a damage cost calculation is required, to be submitted based on the latest DEFRA damage cost toolkit. This would be secured through a condition to include details of mitigation measures to that value. The type of mitigations within the Low Emissions Strategy include the development of car clubs, use of pooled low emission vehicles, shuttle services to public transport interchanges. Electric Vehicle Charging Points would also be required by condition.
- 10.75 Subject to the imposition of these conditions, it is considered that the proposal would comply with the objectives of Policy LP51 of the KLP as well as LP22 (Parking), LP47 (Healthy, active and safe lifestyles) and LP20 (Sustainable travel). It would therefore be acceptable in this regard.

Flood Risk

- 10.76 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 not required. Policy LP28 of the KLP confirms the presumption that Sustainable Drainage Systems (SuDS) will be used.
- 10.77 To support the application, the applicant has therefore submitted a Drainage Strategy and Flood Risk Assessment. It confirms that the proposed development seeks to demolish most of the existing college buildings (apart from the Oldroyd Building) and construct new buildings/car parking within the site. Discharge of surface water is currently to the Yorkshire Water combined sewer via existing connections, with the discharge rate limited to 70% of the current flows for re-developed areas. The existing drainage to retained building and hard surfaces is proposed to discharge unrestricted. The proposed drainage is divided into 4 areas, each discharging via existing sewer connections with flows limited to 70% of the existing rates by 4 flow control devices.
- 10.78 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 heads of terms for the maintenance and management of

surface water systems for the lifetime of the site to be secured through the Section 106 agreement.

- 10.79 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 Policies LP27 and LP28 of the KLP.

Ground Conditions

- 10.80 The application is supported by a Phase 1 Report, a Geo-Environmental Assessment and a Site Remediation Strategy. The Phase I report provides an appraisal of the site's history and previous surrounding land uses since the 1800s and an assessment of the environmental setting. From this, it is evident that there have been potentially contaminative uses on the site (and/or the adjoining land) which could impact the development and/or the environment. Potential sources of contamination identified in the report include, but are not limited to, made ground, potential leaks from the boiler room and the petrol interceptor on-site. As such, the report concluded that an intrusive investigation was required.
- 10.81 The findings of the intrusive investigation has been provided. The ground investigation was undertaken in December 2020. Soil sampling and ground gas and groundwater monitoring was undertaken. No visual or olfactory evidence of gross contamination was identified during the ground investigation. Very shallow and shallow coal was identified in several boreholes and from this, the report recommended further ground investigations to determine the coal legacy further. An interim set of ground gas and groundwater results were also provided. Notwithstanding the contents of these documents, Environmental Health consider that further ground gas monitoring information is required to give an accurate appraisal of the ground gas regime and to determine whether the proposed measures would provide adequate protection to the end user. However, Environmental Health are satisfied that these details can be secured by condition prior to commencement. The proposal is therefore considered acceptable on this basis.

Bio-diversity

- 10.82 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.
- 10.83 A Preliminary Ecological Appraisal Report has been prepared to support the application. It confirms that a desk top study and field surveys have been undertaken as well as an Ecological Report to assess the potential ecological constraints to the proposed works at the site and recommendations for further survey, avoidance, mitigation, and enhancement where appropriate.
- 10.84 In terms of habitats, the appraisal acknowledges that the most valuable habitats for biodiversity within the development site are the scattered scrub, dense scrub and scattered trees. The proposed development will impact on these by their proposed removal, thus resulting in the removal of suitable

foraging habitat for birds and bats, commuting features for bats and hedgehogs and nesting opportunities. This habitat is likely to support nesting birds during the nesting bird season (March - August) and ample foraging habitat is also present on site, which would be removed. The buildings on site are also likely to have a high potential to support roosting bats whilst the development would be likely to restrict the movement of hedgehogs locally and reduce the amount of available foraging habitat.

10.85 The application is therefore supported by a Bio-diversity Enhancement Plan. With the exception of the Oldroyd Building, the proposed development would encompass the entirety of the site, seeing nearly all current habitats replaced. It is noted that 18 trees are to be retained. These trees vary in age, size and species, which aids in supporting a number of niche habitats for invertebrates, which in turn will benefit the site's biodiversity. There would, however, be opportunities for ecological as part of the future development of the site. The Ecological Appraisal identifies the following:

- Retention of trees on site;
- Creation of native species hedgerows;
- Creation of nectar and pollen rich grassland
- Creation of deadwood piles to support invertebrates and/or hedgehogs;
- Enhancement of existing grassland to create a nectar and pollen rich habitat; and;
- Inclusion of faunal boxes

10.86 In consideration of Biodiversity Net Gain, the site is assessed as having a score of 1.56 Habitat Units and no hedgerow units pre-development. It states that the proposed development would result in the site having a biodiversity net percentage increase of 15.12% in habitat units and no biodiversity net percentage change of hedgerow units. It would therefore achieve 10% BNG.

10.87 The report also recommends that the site has potential to support bats, birds and hedgehogs. As a result, 3 integral bat bricks, 6 bat boxes (on trees), 18 bird boxes (9 on building, 9 on trees), 2 hedgehog shelters and 1 insect log pile are recommended to support the tree planting, soft planting and faunal boxes. These measures would also be secured by condition, including through the submission of a detailed landscape plan.

10.88 The Council's Ecologist has advised that the Net Gain calculations, which indicate that post-development, there would be a biodiversity net gain of 15.12%, would be in accordance with Policy LP30 and the Kirklees Biodiversity Net Gain Technical Advice Note and would be further secured by condition. In addition, a Biodiversity Management Plan and Landscape Environmental Management Plan would also be required by condition. On this basis, the proposal is considered to comply with Policy LP30.

Sustainability and Climate Change

10.89 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.

10.90 It is acknowledged that the demolition of the existing structures and the construction of new buildings has a footprint in terms of CO₂ emissions. However, in this case, the applicant has submitted a Climate Change Statement in response to the UK target of net zero emissions by 2050 and the Council's Climate Change Emergency. In essence, it confirms that the development would take a fabric first approach, through the following:

- The buildings have been designed to reduce energy consumption, taking a fabric first approach to reduce heating, cooling and other energy loads. The external envelope would all have U-values improved over minimum Building Regulations requirements. The replacement buildings within the Oldroyd Building would also have improved U-values whilst insulating would be added to the roof.
- Heating and cooling the building through electric heat pump technology would give significantly greater usable energy output than energy input.
- The lighting design intelligent lighting controls, which includes daylight linking to reduce energy consumption in artificial lighting;
- The building would incorporate a 21kWp (160m²) solar array that would contribute to decarbonisation of the grid. Details of these solar panels would be secured by condition;
- The all electric design allows the building to be net zero when energy is sourced from net zero suppliers. The building user can reduce the building carbon emissions to net zero prior to the full decarbonisation of the grid by their energy purchasing decisions.
- Electric car charging is incorporated in the design reducing emissions associated with staff vehicle usage.

The applicant was also asked to consider the introduction of a Green Wall to the MSCP to the elevation facing the residents on Stonefield Street. However, it has been advised that due to the proximity between these structures and fire regulations within Building Regulations, a Green Wall would not be permitted in this location due to the potential fire risk associated with dry plants. This has been confirmed by the Council's Building Regulations Team.

10.91 Overall, it is considered that the applicant has given sufficient consideration to the impact of the proposal on climate change. However, in order to clarify these measures, a condition is recommended to require details of measures to promote carbon reduction and enhance resilience to climate change prior to the commencement of construction on site to ensure that these measures can and are delivered.

Response to Representations

- 10.92 The representations to this application relate principally to the highway impact of the proposal, including the effect on car parking provision on Stonefield Street and the physical impact of the buildings on living conditions and privacy. It is considered that these matters have been fully addressed in the report above although the key points are addressed again below:

Creating the entrance onto Stonefield Street would cause severe traffic issues especially at certain times of the day. By also creating 2 gates, this would diminish the parking spaces available on the street.

Response: Officers are satisfied that there is no alternative to the creation of two access points onto Stonefield Street for the reasons set out in the report. The impact on parking bays and the availability of existing parking bays is fully set out in the report.

Parking areas currently designated on Stonefield Street will have to be removed to accommodate the new access. The surrounding areas that include Hope Street and Tolson Street has parking issues currently so the loss of parking on Stonefield Street will leave residents with no parking.

Response: The applicant's parking survey has demonstrate that there is parking capacity within the exiting parking bay provision. Furthermore, there would be no net loss of parking pay spaces as a result of this proposal, albeit in a modified location.

Access onto Halifax Rd via Stonefield Street is precarious at the best of times. One of the major concerns relates to peak times; morning school run and school finishing – this junction is extremely busy with most of the traffic feeding onto Oxford Rd to access the two high schools. Coupled with cars leaving after dropping off learners to gain access onto Halifax Rd. This is repeated in the morning and after school finishes.

Response: The Halifax Road/Stonefield Street junction has been fully assessed in the course of this application as set out in the report.

A mosque is situated towards the bottom end of Hope Street. The mosque is used between 1700 – 1900 Mon to Fri and Sat morning between 0900 – 1100 for young children who attend classes. Parents are dropping and collecting their children from around 1645 to 1705 and then collecting from 1850 onwards. These times are extremely busy with traffic backing on Stonefield Street often up to the Hope Street junction trying to access Halifax Road.

Response: The traffic generated by the Mosque is an existing situation. Furthermore, the shift pattern for the proposed Police Station sits largely outside the typical morning and evening peak. For example, the TA suggests a maximum of 26 evening peak hour vehicle movements between 17:00 to 18:00 on Stonefield Street, which could not be considered significant either individually or cumulatively. The hours of 0900-1100 would also sit outside the Police Station peak.

The Mosque traffic - every weekday to the school at the bottom of Hope Street, upwards of 200 children and their parents attend yet in the research these car visits are not reflected in the projected traffic flow. The research also underestimates the impact of school traffic in respect of the two schools at Oxford Road.

Response: The application would deliver improvements to visibility at the Stonefield Street/Halifax Road junction. Furthermore, the visits to the Mosque would be at a specific time(s) that would not conflict with the peak shift change at the Police Station. The majority of movements into the site would also be from Carlton Road.

St Johns Lodge – This is often used on an evening and parking by patrons. They are predominantly blue badge holders who park on the double yellowed areas on Stonefield Street. This is always a health and safety concern when it clashes with the mosque traffic.

Response: Any unauthorised parking on double yellow lines is an existing situation that would not be exacerbated by the proposed development.

11.0 CONCLUSION

- 11.1 This application seeks full planning permission for extensive site clearance and demolition across the former Kirklees College site, the retention, extension and conversion of the Oldroyd Building and the construction of new facilities to provide a new Police Station for Dewsbury. It would constitute a sui-generic use (i.e. it would fall outside any specific Use Class).
- 11.2 As set out in the report above, the site is unallocated in the Local Plan. As such, it is not designated for any specific use and this application is therefore considered on its individual merits. 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. It is considered that they have all been satisfactorily addressed subject to appropriate conditions or heads of terms within the Legal Agreement. The design and heritage impact of the scheme and the effect on the living conditions of adjoining occupiers are also considered to be acceptable.
- 11.3 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.

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

1. Time limit for implementation.
2. Development carried out in accordance with the plans and specifications.
3. Construction Environmental Management Plan (including consultation with surrounding residents and details of construction access points).
4. Details of materials, including samples.
5. Large scale details of replacement windows and doors to the Oldroyd Building.
6. Details of the Halifax Road gate and new door.
7. Detailed scheme for the improved visibility at the Halifax Road/Stonefield Street junction (including the relocation of the bus stop).
8. Car park management plan.
9. Full Travel Plan.
10. Defects survey of the condition of the highway along the Halifax Road, Stonefield Street and Pyrah Street site frontages before and after development and the reinstatement of any defects as a consequence of development.
11. Electric Vehicle Charging Points
12. Submission of a Phase 2 Intrusive Site Investigation Report
13. Submission of Remediation Strategy
14. Implementation of the Remediation Strategy
15. Submission of Validation Report
16. Implement Agreed Noise Mitigation Measures
17. Limited on the combined noise from fixed plant & equipment
18. Tree protection measures during construction
19. Landscape scheme – detailed soft and hard landscaping
20. Details of boundary treatment
21. Details of the Halifax Road gate and new door
22. Bio-diversity enhancement measures in accordance with Biodiversity Plan (BEMP) to include new nesting opportunities for swift the potential for faunal boxes for other species integral to the new buildings.
23. Landscape and Ecology Management Plan (LEMP).
24. Drainage details
25. Details of overland flow routing
26. Construction phase surface water plan
27. Separate systems for the drainage of foul and surface water
28. No piped discharge of surface water until the completion of surface water drainage works.
29. Details of measures to promote carbon reduction and enhance resilience to climate change prior to the commencement of construction on site.
30. Details of the solar array.

Background Papers:

Application and history files:

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2021%2f91508>

Certificate of Ownership – Certificate A signed on 9 April 2021.

Report of the Head of Planning and Development

STRATEGIC PLANNING COMMITTEE

Date: 21-Oct-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

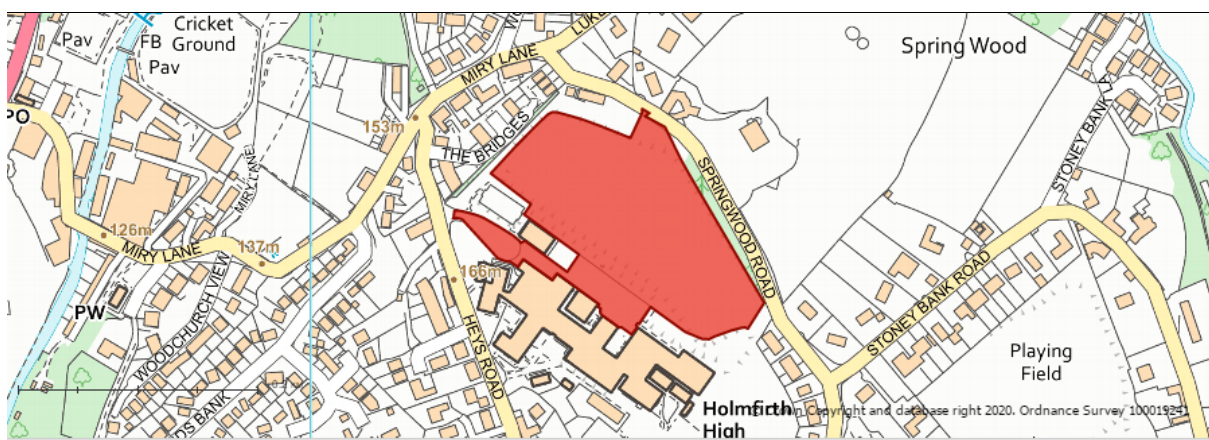
EXTENSION EXPIRY DATE

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.
- 1.3 The application was presented to Strategic Planning Committee on the 26th August 2021, where the committee resolved to defer the application to enable further discussions to take place with the applicant with regards to the following matters:
- The proposed parking provision for users of the facility and its impacts on Springwood Road and highway network (Please refer to paragraphs 10.46-10.52).
 - Drainage system - given comments regarding incidences of flooding nearby -a more sophisticated drainage solution may be required than the soakaways proposed (Please refer to paragraphs 10.53-10.61).
 - Community Use - details of the clubs/teams that will be using the facility and the community usage agreement with Sport England (Please refer to paragraphs 10.76-10.77).
 - Charges /cost for users of the facilities
 - Times of operation - detail clarifying when the community use will commence and school use will finish (Please refer to paragraphs 10.76-10.77).
- 1.4 A Planning Supporting Addendum (PSA) in response to the issues raised and is available on the Council's website (https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/filedownload.aspx?application_number=2020/90640&file_reference=899366).

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 is primarily used by residential traffic and properties can be found both sides of the road. It also serves a Coop store and takeaway, which abut the playing fields. 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 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. The core school hours shall be from 09:00 to 18:00 Monday to Friday during school term time.

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.
- 5.4 In response to the reasons for deferral by strategic planning committee, a Planning Statement Addendum was submitted by the applicant's agent.

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
LP20 – Sustainable travel
LP21 – Highway safety and access
LP24 – Design
LP27 – Flood risk
LP28 – Drainage
LP30 – Biodiversity and geodiversity
LP32 - Landscape
LP33 – Trees
LP34 – Conserving and enhancing the water environment

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. However, until it has been to referendum (4th November 2021) and is adopted it has limited weight in the decision-making process.

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 obeyance 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 agreed and are outlined in paragraph 3.4 of the report. A 7-day consultation period subsequently took place. The responses of this consultation, together with officer comments were included within the planning update for the 26th August 2021 planning committee update and can be found following this link - https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/filedownload.aspx?application_number=2020/90640&file_reference=891370

7.8 Since the committee meeting, 17 representations have been received and redacted versions are available online, majority of which raised concerns. Out of the 17 representations, one person has provided 2 representations, one person has provided 3 representations and one person provided 5 representations. It should be noted that two of these representations were

received at the time of writing this report, many of the issues and matters raised are already included and considered within the report. However, these two responses have also raised technical issues, thus comments have been sought from the relevant consultees. Responses received shall be included within the committee update, where considered necessary. The following is a summary of the points raised:

- Supporting comments are not from neighbours.
- The case officer has mis-led members of the local community due to no consultation via the post, the time given to respond to additional information provided and unfair/unreasonable to put the onus on local residents to research every file created online.
- The reports carried out by the applicant's consultants are not independent reports.
- The scale of the proposals are way out of proportion for our rural environment and more in keeping with a premier league stadium.
- The proposed height of the fencing and floodlights are excessive. They will ruin the wonderful views of the countryside for many people to enjoy.
- The need for an AGP in this area has never been identified.
- The proposed facilities are to be used by football clubs and sporting clubs outside the local area – why should we suffer from noise pollution and traffic problems?
- This type of development should be on an industrial site or close to an out of town shopping centre.
- Better locations for this type of proposal with better public transport connections and fewer negative impact on residential amenity.
- Concerns about the proposed hours of use due to noise, disturbance and traffic issues
- The AGP is primarily for football and not suitable for other sports – why not?
- Visitors would also leave more rubbish, need toilets and changing facilities separate to the school.
- The site is currently used by members of the local community for sports and recreation – it is used for athletics and is used by birds and animals.
- The site will be locked so locals are unable to gain access at all times – it will become a huge fenced off area with a plastic floor and obtrusive lighting. It will not fit in with this very residential area.
- The facility should be a muggers pitch so that it caters for a range of sports.
- The proposal does not invite various ethnicities nor is representative of women in sport.
- Impact on flora and fauna.
- Flood risk events are becoming increasingly common.
- Concerns about the worsening situation with drainage and flooding (including sewerage) on Springwood Road, which is a health hazard.
- The site is always very wet.
- Local roads and gardens flood when there is a deluge even if the drains are clear.
- Flood water comes out from the dry stone wall that runs along Springwood Road.
- The soakaway area is higher than the Coop as well as 50 and 52 Springwood Road, 2 Morefield Bank and as such will likely flood in this direction – these gardens are disused railway, they have very little soil due to being built on bedrock. There is no soakaway and our gardens and land will flood.

- Where does the water go after it is stored in the tank or if the tank is at full capacity? – it is likely to mean flooding of nearby Springwood Road and Miry Lane.
- Climate change concerns regarding impacts on local flood risk.
- With regards to the proposed amended hours of use there is no explanation as to what this balance is and how officers have come to this conclusion.
- Since Covid, the reduction in the Coops opening hours has had a positive impact on resident's health due to a decrease in traffic and parking issues.
- This is a primarily residential area with a high number of houses abutting the proposal site. It is imperative that it is policy compliant and hours of use restricted to 6pm.
- The brightness of the proposed lighting and the length of time they will be on will be a detriment to the people who live within its range and a compromise would be to limit the hours of usage.
- The effect of any noise after 6 o'clock will affect the health and mental wellbeing of adults and children.
- Noise and floodlighting will impact on human health and wildlife
- To make the AGP a financial success will mean greater use and an adverse impact on noise levels, which cannot have been adequately tested.
- Reference made to Sport England's Artificial Grass Pitches Acoustics Planning Implications Guide and the World Health Organisation guidance. Detailed queries raised in relation to the submitted noise impact report with regards to what is considered to be acceptable noise levels at neighbouring properties. Reference also made to Environmental Health comments.
- Noise level predictions do not truly cover the full potential use of the AGP. A car park for 120 cars suggests that there will be far more users and potential spectators than any of these calculations are based on.
- Local roads, including Springwood Road, Miry Lane and Heys Road are unsuitable (with little or no footpath provision), busy, narrow and dangerous. They suffer from parking issues and traffic problems – this development worsen these issues.
- There is already a highway traffic and safety issue with youth football using Holmfirth High School and Little Wembley pitch at weekends – impact on buses, HGVs, pedestrians, etc.
- The very high floodlighting and prison high fencing is clearly designed to accommodate usage from clubs from out of the area.
- Concerns regarding potential impact on nearby former railway bridge.
- No rail links to Holmfirth and people unlikely to use the bus.
- The proposed Coop car park will be used by AGP users and would have to be marshalled.
- The attraction of this facility will extend beyond the Holmfirth area, bringing even more traffic to Springwood Road and probably using the surrounding roads as an overflow to the car park.
- Only football is to be played on the pitch outside of school hours- There is no clarity about how the school can use the pitch during the school use periods.
- During the playing season Sept -April there is only 1 session out of 96 when the pitch will be available to the neighbouring community for booking. Just over 1% of the potential usage. In the summer months I suspect the community would be happy to use the current FTP.
- During the playing season Sept -April there are only 6 sessions out of 96 when the pitch will be available to female football groups. Just over 6% of the usage.

- During the playing season Sept -April there are no sessions out of 96 when the pitch will be available to disabled users. 0% of the usage. I do not believe that this represents fair usage or fair community access. There are no identified slots for free community organisations or just for locals to self organise into non competitive games.
- Specific queries and objections to the report published for 26th August 2021 strategic planning committee, particularly with regards to the assessment at paragraphs 10.23, 10.24 and 10.27 of that report.

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: No objection subject to the imposition of planning conditions securing a noise management plan, pitch perimeter fencing fixtures, hours of use, installation of the agreed external artificial lighting, electric vehicle charging points, construction site working times.

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: The following observations are made: - Prefer to see evening usage until at least 9 pm on each day - Women's football is played at 2 pm on Sunday afternoon, so the usage plan would not accommodate women's football - The football season could run up until April/May, so the proposed times could impact match play - The football season starts early September, so the proposed times could impact match play - Summer months are a great time for new participation and community engagement projects, so reduced hours could impact this Other considerations; - Will limiting the usage time stack up financially? - Who are the potential partner clubs and when do they play? - What is on the local physical activity agenda, and how could the site be used to tackle this?

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 onto

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 final details of 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 the exact specification details of the proposed fences, gates, handrails, barriers, equipment store and floodlighting masts, which will ensure visual amenity is further protected. Landscaping conditions are also recommend to secure 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 design and landscape for the proposed infrastructure and 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. However, a condition with regards to finished flood levels and site sections is recommended, given the proposed works to the site.

- 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 LP35 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. 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. Evidence has been produced by the resident at 48 Springwood Road to demonstrate that the proposed AGP would be visible from a kitchen window and the driveway. Officers acknowledge that the proposal will change the 'view' of the playing field from the surrounding properties. Officers are of the opinion that the AGP and associated infrastructure would be seen in the context with the school buildings, which are set on higher grounds. More importantly, the change or loss of a 'view' is not a material planning consideration. Unlike, residential proposals there are no guidance on 'appropriate' separation distances. However, it is considered that an intervening distance of approximately 50 metres from these properties 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 visual relationship is primarily restricted to the upper floors. 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 issues on Springwood Road that are either associated with the school field and/or with the Little Wembley facility. Additionally, planning committee members have expressed the same concerns and this was one of the main reasons for deferral. In response the applicant has provided a 'Travel and Parking Management Plan,' which is appended to the PSA. The document includes 15 points as to how the facility will be managed and includes a diagram as to the site's on-site car parking provision. The document explains that there is currently onsite parking provision for 206no. parking spaces including 3no. accessible parking spaces, which will be made available for users of the AGP. Officers are satisfied that the applicant has demonstrated that the site has sufficient parking for the proposed development and for use by its visitors. Furthermore, it is welcomed that the school will try to encourage users of the Little Wembley facility to also use these parking spaces, instead of parking on the road. However, the following condition (as previously suggested by Highway Development Management) is still considered necessary to secure further details:

"A car park management plan has been submitted and approved in writing by the Local Planning Authority. The Plan shall include 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. The plan so approved shall be implemented before the development is brought into use and retained thereafter."

- 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 One of the reasons for deferral at the 26th August 2021 Strategic Planning Committee, were that committee members raised concerns about the incidences of flooding and questioned whether a more sophisticated drainage system was required.
- 10.54 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.
- 10.55 As detailed in the Planning Support Addendum (PSA), flooding has been reported on Springwood Road by members of the public. These incidents have been fully investigated by the Lead Local Flood Authority (LLFA) who have raised no objections to this proposal regarding these incidents. The Planning Support Addendum written by the agent provides the following reasons for such incidents, which is supported by officers:

"The reported incidents of flooding reported to Kirklees Council on the 5th June 2021, shows the surcharge of manholes in Springwood Road (near to no.45) as a result of a rain event. As the respondent from the council suggested this should have been logged with Yorkshire Water as 'A surcharging manhole

would suggest to me that there is a strong possibility of a restriction of some description within the piped network causing a back up of water' this would be downstream from the manholes and not as a result of surface water run off from the school field. There are no connections from the school to these manholes and there is no intention of connecting into them for the discharge of water from the drainage to the proposed pitch.

The second incident reported was within an objection letter to the proposed development. The photographs on page 2 of the letter shows water run off through the dry stone wall adjacent to the western garden wall of 27 Springwood Road, this location is in exactly the same place as the 'Low Risk' flooding shown on the surface water flood risk map above. This water although predominantly coming from the school site as a result of a rain event is not shown on the above map as coming from the plateau of the existing school pitches (which is the plateau to be used for the proposed artificial grass pitch).

The National Government flood risk map it shows a low risk of surface water flooding along Springwood Road. There does appear to be a potential low risk of surface water flooding from the area of the upper ground of the school site to the area at the rear of 27 Springwood Road shown on the map, but there is more of a low risk of flooding from surface water run off from the Sycamore Recreation Ground towards other properties in Springwood Road shown on the map."

10.56 Supporting information explains how the proposed development will replace part of an existing grassed playing field with the proposed new Artificial Grass Pitch (AGP). The PSA with supporting aerial imagery explains how the existing playing field is likely drained by a herringbone drainage system, installed during the construction of the school site and levelling of the playing fields in 1959. It is understood that in 1959 that the only type of drainage system that was used for sports ground drainage would have been a clay pipe system using short lengths of three-inch diameter clay pipe which when loosely placed together would provide a route for water to be collected, from a gravel trench which would allow surface water to permeate to the pipe. The PSA explains how the outfall from the herringbone drains has not been able to be determined (if in fact there is one). However, during site investigations on the lower plateau to the northeast of the proposed AGP a chamber was found, which is presumed to feed into an old soakaway. The chamber was dry and there was no evidence of any recent water inflow, that would be expected at the time of year. The PSA explains how it is likely that due to age these herringbone drainage pipes will be silted up and are likely to have a reduced flow. It is considered that this is not contributing to the flooding incidents in Springwood Road.

10.57 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.

It is nationally and locally recognised that the drainage hierarchy is followed to promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

- 10.58 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. This is the most sustainable way to drain the site. It is a sustainable urban drainage system which mimics the natural drainage system, providing a method of surface water drainage which can decrease the peak rate of water discharged, and hence reduce the risk of flooding to the pitch area.
- 10.59 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.
- 10.60 This application represents a replacement land drainage and soakaway system. During the course of the planning application, the applicant has carried out further on-site investigations and design work to demonstrate the suitability of a soakaway proposal at this site to the satisfaction of the LLFA. Therefore, the proposed strategy would accord with the first option within the drainage hierarchy, in accordance with Local Plan Policy LP28, LP34 and NPPF paragraph 169.
- 10.61 There are no objections from consultees and the planning application would accord with Local Plan Policies LP27, LP28 and LP34 as well as NPPF Chapter 14. This would be 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

- 10.62 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.
- 10.63 Policy 12 of the emerging Holme Valley Neighbourhood Plan expects development to contribute to the use of renewable energy and sustainable and efficient designs.

- 10.64 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.
- 10.65 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.”*
- 10.66 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.
- 10.67 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.
- 10.68 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.
- 10.69 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

- 10.70 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 reduces 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.
- The scale of the proposals are way out of proportion for our rural environment and more in keeping with a premier league stadium.
- The proposed height of the fencing and floodlights are excessive. They will ruin the wonderful views of the countryside for many people to enjoy.
- The need for an AGP in this area has never been identified.
- The proposed facilities are to be used by football clubs and sporting clubs outside the local area – why should we suffer from noise pollution and traffic problems?
- This type of development should be on an industrial site or close to an out of town shopping centre.
- Better locations for this type of proposal with better public transport connections and fewer negative impact on residential amenity.
- Concerns about the proposed hours of use due to noise, disturbance and traffic issues
- The AGP is primarily for football and not suitable for other sports – why not?
- Visitors would also leave more rubbish, need toilets and changing facilities separate to the school.
- The site is currently used by members of the local community for sports and recreation – it is used for athletics and is used by birds and animals.
- The site will be locked so locals are unable to gain access at all times – it will become a huge fenced off area with a plastic floor and obtrusive lighting. It will not fit in with this very residential area.
- The facility should be a muggger pitch so that it caters for a range of sports.
- The proposal does not invite various ethnicities nor is representative of women in sport.

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.
- With regards to the proposed amended hours of use there is no explanation as to what this balance is and how officers have come to this conclusion.
- Since Covid, the reduction in the Coops opening hours has had a positive impact on resident's health due to a decrease in traffic and parking issues.
- This is a primarily residential area with a high number of houses abutting the proposal site. It is imperative that it is policy compliant and hours of use restricted to 6pm.
- The brightness of the proposed lighting and the length of time they will be on will be a detriment to the people who live within its range and a compromise would be to limit the hours of usage.
- The effect of any noise after 6 o'clock will affect the health and mental wellbeing of adults and children.
- Noise and floodlighting will impact on human health and wildlife
- To make the AGP a financial success will mean greater use and an adverse impact on noise levels, which cannot have been adequately tested.
- Reference made to Sport England's Artificial Grass Pitches Acoustics Planning Implications Guide and the World Health Organisation guidance. Detailed queries raised in relation to the submitted noise impact report with regards to what is considered to be acceptable noise levels at neighbouring properties, particularly when considering topography. Reference also made to Environmental Health comments.

- Noise level predictions do not truly cover the full potential use of the AGP. A car park for 120 cars suggests that there will be far more users and potential spectators than any of these calculations are based on.

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.

The applicant's noise consultant has also provided the following commentary in relation to detailed points raised by a representative:

"Thank you for your email. As the author of the Sport England document I am aware of the guidance. It is correct that buildings reflect sound and topography is important in sound propagation. Both of these aspects have been included within the model and therefore represent the features on site. Section 10 states that buildings have been created in the model and "third order reflections are calculated", the noise calculations are based on noise levels measured on an "open pitch" and then predicted for the proposed site including these reflections to represent the site and proposals. Similarly, section 10 states that the "The topography of the site and surrounding area has been determined from Environment Agency Lidar data". The topography of the site and the surrounding area is included within the model and the predicted noise levels take this topography into account. I believe this shows that both issues raised are addressed and considered within the submitted report."

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.
- Flood risk events are becoming increasingly common.
- Concerns about the worsening situation with drainage and flooding (including sewerage) on Springwood Road, which is a health hazard.
- The site is always very wet.
- Local roads and gardens flood when there is a deluge even if the drains are clear.
- Flood water comes out from the dry stone wall that runs along Springwood Road.
- The soakaway area is higher than the Coop as well as 50 and 52 Springwood Road, 2 Morefield Bank and as such will likely flood in this direction – these gardens are disused railway, they have very little soil due to being built on bedrock. There is no soakaway and our gardens and land will flood.
- Where does the water go after it is stored in the tank or if the tank is at full capacity? – it is likely to mean flooding of nearby Springwood Road and Miry Lane.
- Climate change concerns regarding impacts on local flood risk.

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. These areas are all outside the red line boundary where the AGP is proposed. The necessary planning conditions would ensure that an appropriate drainage strategy that considered climate change flooding events was secured that provided a betterment in accordance with Local Plan policies LP27, LP28 and LP34.

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. Furthermore, the proposed soakaway drainage strategy is in accordance with the drainage hierarchy and is considered appropriate for this particular area.

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.
- Local roads, including Springwood Road, Miry Lane and Heys Road are unsuitable (with little or no footpath provision), busy, narrow and dangerous. They suffer from parking issues and traffic problems – this development worsen these issues.
- There is already a highway traffic and safety issue with youth football using Holmfirth High School and Little Wembley pitch at weekends – impact on buses, HGVs, pedestrians, etc.
- The very high floodlighting and prison high fencing is clearly designed to accommodate usage from clubs from out of the area.
- Concerns regarding potential impact on nearby former railway bridge.
- No rail links to Holmfirth and people unlikely to use the bus.
- The proposed Coop car park will be used by AGP users and would have to be marshalled.
- The attraction of this facility will extend beyond the Holmfirth area, bringing even more traffic to Springwood Road and probably using the surrounding roads as an overflow to the car park.

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.
- Impact on flora and fauna.

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.'
 - The case officer has mis-led members of the local community due to no consultation via the post, the time given to respond to additional information provided and unfair/unreasonable to put the onus on local residents to research every file created online.

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. Further consultation has taken place where considered necessary, which the council were not required to do by legislation. 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.
- Specific queries and objections to the report published for 26th August 2021 strategic planning committee, particularly with regards to the assessment at paragraphs 10.23, 10.24 and 10.27 of that report.

Officer response: Observations noted. Further clarification within the report has been provided where considered necessary.

- The reports carried out by the applicant's consultants are not independent reports.

Officer response: It is common practice and more appropriate for the applicant to appoint their consultants and for the council to subsequently review the information provided.

- Only football is to be played on the pitch outside of school hours- There is no clarity about how the school can use the pitch during the school use periods.
- During the playing season Sept -April there is only 1 session out of 96 when the pitch will be available to the neighbouring community for booking. Just over 1% of the potential usage. In the summer months I suspect the community would be happy to use the current FTP.

- During the playing season Sept -April there are only 6 sessions out of 96 when the pitch will be available to female football groups. Just over 6% of the usage.
- During the playing season Sept -April there are no sessions out of 96 when the pitch will be available to disabled users. 0% of the usage. I do not believe that this represents fair usage or fair community access. There are no identified slots for free community organisations or just for locals to self organise into non competitive games.

The applicant has provided the following commentary in response to the above points:

- The pitch will be used for a variety of sports including Football, touch Rugby, Rounders and Athletics during school hours. The nature of the pitch means that it would not be suitable for other sports such as Rugby for community use.
- As can be seen there is a big demand for community use of the pitch from local clubs and the community. Any spare slots would be available for neighbouring communities. Indeed, one other club from a neighbouring area has up to 20 slots. The actual allocation of these slots is something that we would be happy to look at.
- The numbers of sessions available to named female teams is derived from our links to local partner clubs. The sessions allocated to female teams equates to 100% of what has been requested by our partner clubs. Due to limited supply/ availability this is not the case for male teams. It should also be mentioned that female teams will also use the pitch on Saturday's and Sunday's (as part of match play). Furthermore, at Junior Level many of our partner clubs have mixed male and female teams. This is an area that we will keep a close eye as we are very keen to encourage female football. We feel that having the pitch will allow us to promote female and disabled teams with our partner clubs as part of their use.
- We have reached out to our Local Partner Clubs to provide access to disabled users. We are committed to working with them to boost the profile of disabled use through the clubs. When looking at free slots designed for a 5 a-side league and other free slots we will approach potential groups in this category to give them priority. We would use our partnership with local clubs to encourage them to provide more opportunities for all.

Officer response: The above comments have been provided in response to the draft community use agreement which is appended to the Planning Support Addendum. It must be noted that this is a 'draft' agreement as consultation needs to take place with the relevant stakeholders, which given the timeframes has yet to take place. The final agreement would be secured as part of a planning condition in accordance with NPPF paragraph 55.

Planning obligations

10.71 None required.

Other Matters

10.72 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.

- 10.73 The West Yorkshire Police Crime Prevention officer has not raised any objections to the proposals.
- 10.74 A condition requiring a construction management plan (CMP) to mitigate the impact of construction activities on local residents is recommended.
- 10.75 Another reason for which the planning application was deferred was due to members seeking additional details regarding the proposed AGP's community use. In response, a draft Community Use Agreement (drafted in line with Sport England template and guidance), appended to the PSA was subsequently provided. It should be noted that for these types of planning applications, such agreement is often secured at the discharge of condition stage, given the number of parties that need to be involved. Thus, officers would still recommend a planning condition securing a Community Use Agreement. Nevertheless, the draft Community Use Agreement provides a general overview as to how the proposed AGP can be operated.
- 10.76 With specific reference to the details requested by committee members the draft Community Use Agreement provides the following detail:

1. The following clubs are included in the draft programme of use:

Winter midweek club training:

- Holmfirth Juniors
- Hepworth United
- Community Use
- Cumberworth FC
- Hade Edge

Weekend training and club matches:

- Holmfirth Juniors
- Hepworth United
- 5-ASIDE LEAGUE
- Cumberworth FC

Summer use yet to be agreed

The programme of works shows that the proposed AGP would be used by boys and girls football teams from under 4's to under 18's. It also shows that the proposed AGP would be used by men's and ladies football teams as well as 'seniors.' It also shows the proposed hours of use by each team and community group. The draft community use agreement explains how the proposed AGP will be operated and managed by the School, in liaison with the Council and the Pennine Sports Partnership.

2. Charges /cost for users of the facilities:

Schedule 2 of the Community Use explains how a policy of affordable pricing shall apply to maximise Community Use and in accordance with the aims of the Agreement. It is claimed that prices shall be no greater than for similar local authority run facilities in the Kirklees area:

- Quarter Pitch (per hour) - £30 (Football Clubs)/ £35 (Casual Use)
- Half Pitch (per hour) - £60 (Football Clubs)/ £70 (Casual Use)
- Full Pitch (per hour) - £120 (Football Clubs)/ £140 (Casual Use)

3. Times of operation for community use: - detail clarifying when the community use will commence, and school use will finish:

School core hours of use: 9am – 6pm (term time)

Autumn/ Winter (1st October- 31st March) Community Use:

Mon- 6pm- 8pm
Tues - Thur : 6pm – 9pm
Fri : 6pm – 7pm
Sat : 9am – 5pm
Sun : 9am – 2pm
Bank Holidays - Closed

Summer months (1st April to 30th September) Community Use:

Mon - Fri : 6pm – 8pm
Sat : 9am- 2pm
Sun : Closed
Bank Holidays- Closed

10.77 Sport England have reviewed the information and provided the following commentary:

“As the applicant has suggested, the detail of a Community Use Agreement is normally held over to be fleshed out and approved as a ‘prior to commencement of use’ type condition.

Having made certain assumptions as to the value that a proposed sports facility will have [to community sport] and concluding that playing field policy – exception 5 is met, Sport England seeks confirmation of the community sport offer through a community use agreement condition. The applicant has used and populated a standard community use agreement template which can be found on our website, so its structure and scope is fine. In terms of detail I always look to see that the following fundamentals are met:

- *What is being made available for community use;*
- *When is it being made available;*
- *To whom is it available;*
- *At what cost;*
- *What is the duration of the agreement;*
- *How is it reviewed*

Obviously the application is for the AGP and the CUA centres on that. The community use hours have been discussed and agreed as part of the discussion/negotiation around the AGP's impact on neighbours so the CUA's detail merely confirms this detail. In terms of specified users, the detail in the CUA as to the initial users is fine as a flavour of intended use and as a demonstration of the AGP's value to community sport. We wouldn't want to see Planning Committee seek to prescribe these users to the exclusion of others though. Such a measure would unnecessarily restrict the site operator and would not allow them to adapt to the ebb and flow of local clubs' scale or indeed new clubs forming.

I don't know what the local hire cost for AGPs is, but the important aspect around cost is the principle set out at section 3.1 of schedule 2 of the agreement.

Duration of the agreement is the standard wording and as a result meets our requirement. Finally the process for review is fine."

- 10.78 KC Sport & Physical Activity have provided information that shows the pricing is not too dissimilar to other AGP's hire charges within the district. It is considered that the proposed draft community use agreement is sufficient for the purposes for the determination of the planning application in showing how the proposed AGP can be used by the community. It is still recommended that the specific details are secured by planning condition so that the necessary parties can agree upon its use and operation.

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. Submission of specification details of the design of lighting columns, fencing, gates, barriers, equipment store and handrails.
4. Submission of finished floor levels and site sections.
5. Submission of a community use agreement
6. Artificial Grass Pitch management plan
7. Submission of a site specific noise management plan
8. 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
9. The sports pitch hereby permitted shall not be used for any sports activities outside the agreed hours.
10. Before the development is brought into use any external artificial lighting shall be installed in accordance with the approved details.
11. Scheme detailing the dedicated facilities that will be provided for charging electric vehicles and other ultra-low emission vehicles
12. 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
13. Ecological measures and/or works shall be carried out in accordance with the Ecological Appraisal
14. 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
15. The development shall be carried out in accordance with the approved Landscape and Ecological Design Strategy
16. The development shall be completed in accordance with the advice and directions (recommendations) contained in the Arboricultural Impact Assessment
17. Details of all hard and soft landscaping measures, including circulation areas
18. 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.
19. 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

20. Submission of a Construction Environmental Management Plan
21. Details of cycle storage facilities
22. Detailed finalised design of the soakaway scheme
23. 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.

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Report of the Head of Planning and Development

STRATEGIC PLANNING COMMITTEE

Date: 21-Oct-2021

Subject: Planning Application 2021/92945 Demolition of existing buildings and erection of day care facility, centre of excellence and demonstration bungalow, formation of associated parking and landscaping, alterations to pedestrian access and formation of new pedestrian access to Knowl Park from Crowlees Road Knowl Park House, Crowlees Road, Mirfield, WF14 9PP

APPLICANT

Liz Ewbank, Kirklees
Council, Capital
Development & Delivery
Team

DATE VALID

27-Jul-2021

TARGET DATE

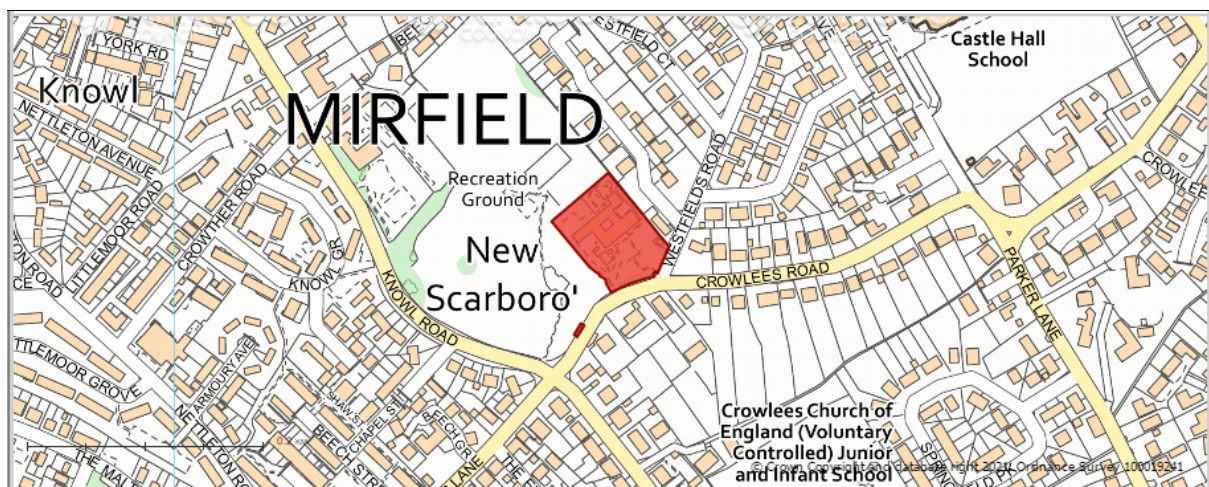
26-Oct-2021

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: 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 in order to complete the list of conditions including those contained within this report.

1.0 INTRODUCTION

- 1.1 This is an application for full planning permission for the demolition of the existing buildings on site and the erection of a new adult day care facility, with centre of excellence and demonstration bungalow. Other works include associated car parking, landscaping and formation of a new pedestrian access to Knowl Park from Crowlees Road.
- 1.2 The application is brought to the strategic planning committee, in accordance with the Delegation Agreement, because part of the site falls within land allocated as Urban Green Space, therefore representing a departure from the development plan, and has a site area over 0.5ha.

2.0 SITE AND SURROUNDINGS

- 2.1 Knowl Park House is a former residential care home constructed between the 1950s and 60s. It consists of a main building that has single and two storey elements, offering 1403sqm of floor space, within grounds of circa 0.5ha. It can accommodate 25-day care places with 15 staff. There is both car parking and garden space to the front and rear of the building, with the whole site being surrounded by mature trees.
- 2.2 The site is accessed from Crowlees Road, to the south. To the west is Knowl Park, an urban park hosting open fields, play area, and sports equipment. The area is predominantly residential, with dwellings to the immediate north, east and south.
- 2.3 The application's boundary extends into two parts of Knowl Park, each along the park's frontage with Crowlees Road.

3.0 PROPOSAL

- 3.1 The existing building is to be demolished. It is to be replaced by a purpose-built dementia day-care facility, with centre of excellence. The centre of excellence will offer staff and visitor training accommodation, an assisted technology area to showcase the latest technology, and a demonstration bungalow. This will be contained in a single building, one storey in height, with 1,218sqm of floor space with garden to the rear. An illuminated sign is proposed to the front of the building, stating 'Knowl park House – Day Care Centre'. Solar panels are proposed on parts of the roof.

- 3.2 The rear gardens are to be landscaped and host several seating areas and outbuildings. The outbuildings include an activity pod (6.0m x 3.3m footprint, 2.5m height). There will also be an outdoor utility area hosting a steel sprinkler tank (height 4.5m, diameter 5.6m) and pump house (3.2m squared base, height 2.4m).
- 3.3 To form a level surface, ground works are proposed around the site. As a result, the new building and gardens will be, at the extreme, on a ground level circa 1m below the existing with modest retaining walls adjacent the north-east and north-west boundaries.
- 3.4 The proposal includes 22 parking spaces, including two dedicated disabled bays. There is also drop-off and turning facilities for mini-buses. Parking for 16 bikes will be provided.
- 3.5 The site's existing access is to be widened. This requires land currently part of Knowl Park. As this will remove an access point into the park, the proposal includes improving an existing informal access point further to the south. This, and other works within the site, will require the removal of several trees.
- 3.6 Staff places are to remain at 15 full time.

4.0 RELEVANT PLANNING HISTORY (including enforcement history)

4.1 Application Site

90/06953: Alterations and extensions to existing aged persons home – Approved

96/93722: Erection of single storey office extension – Approved

2014/90918: Prior notification for proposed demolition of building – Approved

4.2 Surrounding Area

11, Westfields Road

2015/90633: Change of use from B1(a) Office to C3 residential and single storey rear extension – Approved

Westfield Assessment Centre

2016/91486: Erection of 22 dwellings – Withdrawn

2017/90661: Erection of 14 dwellings – Approved

2018/93461: Variation of condition 2 (plans and specifications) on previous permission no. 2017/90661 for erection of 14 Dwellings – Approved

5, Knowl Park Gardens

2020/93678: Erection of detached building for home work/storage and removal of one protected tree – Refused

5.0 HISTORY OF NEGOTIATIONS (including revisions to the scheme)

- 5.1 The development was subject to a pre-application enquiry. This included a (virtual) meeting between planning officers and the applicant. In summary, officers were overall supportive of the scheme, however advised that further information should be provided to justify the departure from Urban Green Space policy.
- 5.2 The submitted application is predominantly the same as submitted at pre-application stage although with further supporting information. More detailed plans on the outbuildings within the garden were requested and submitted. Consultation responses have been positive and negotiations have been limited.

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) and Supplementary Planning Guidance / Documents

- 6.2 The existing care home and its curtilage is unallocated land within the Kirklees Local Plan. The red line encroaches into the neighbouring Knowl Park, which is allocated as Urban Green Space.
- 6.3 Relevant Local Plan policies are:
- **LP1** – Presumption in favour of sustainable development
 - **LP2** – Place shaping
 - **LP3** – Location of new development
 - **LP21** – Highway safety and access
 - **LP22** – Parking
 - **LP24** – Design
 - **LP27** – Flood Risk
 - **LP28** – Drainage
 - **LP30** – Ecology and geodiversity
 - **LP32** – Landscape
 - **LP33** – Trees
 - **LP49** – Education and health care needs
 - **LP51** – Protection and improvement of local air quality
 - **LP52** – Protection and improvement of environmental quality
 - **LP53** – Contaminated and unstable land
 - **LP61** – Urban Green Space

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

Supplementary Planning Documents

- Highways Design Guide SPD (2019)

Guidance documents

- Biodiversity Net Gain Technical Advice Note (2021)
- Planning Applications Climate Change Guidance (2021)
- West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance (2016)
- Waste Management Design Guide for New Developments (2020)
- Green Streets® Principles for the West Yorkshire Transport Fund

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 8** – Promoting healthy and safe communities
- **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

Climate change

- 6.6 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.
- 6.7 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

The applicant's statement of community involvement

- 7.1 The application is supported by a statement of community involvement. The applicant did not undertake a public engagement exercise (i.e. a letter drop). However, the following statement is given:

The Adults Capital Programme Team has co-produced this project with a range of partners, stakeholders and other services in health and social care. In particular, the staff team at Knowl Park House have supported and listened to hundreds of service users and families with a range of different types of dementias exhibiting a wide range of needs. They have regularly fed in this vital learning around what works for people with dementia needing day care and what doesn't work, which has directly influenced the design of this building.

As part of the drive for continuous improvement and development of this site, over the last 2 years, the capital team have collaborated closely with a range of professionals to ensure that an exemplary level of dementia design elements are embedded throughout this scheme. This includes Stirling University's Dementia Services Development Centre who have an international reputation for dementia design. They have worked closely with occupational therapists, movement and handling advisors, colleagues in Adult Social Care (Operational and Commissioning), liaised with Unions, the CCG's, SWyT, Children's Services, Calderdale and Kirklees Alzheimer's Society, and have continued to raise awareness at various senior management and leadership meetings across the council. They have regularly updated ward councillors and have continued to take on board feedback and made amendments to the design where appropriate to ensure there is a shared approach to the whole process.

Opportunities have regularly been provided for people with dementia and professionals to influence and shape this development by regular contact with the Kirklees Dementia Practitioner's Forum, The Kirklees Dementia Engagement and Empowerment Project and the Kirklees Dementia Friendly Communities Steering Group (people with dementia, carers, families, local organisations and council services). This gave the opportunity for people and organisations to influence the development of the design brief which is a well-informed approach and is firmly based on the experiences and outcomes of people with dementia and their families and the professionals who support them.

The planning application's public representation

- 7.2 The application has been advertised as a major development, and as a departure, via site notices and through neighbour letters to properties bordering the site. It has also been advertised within a local newspaper. This is in line with the Council's adopted Statement of Community Involvement.
- 7.3 Following the submission of additional plans pertaining to the rear outbuildings the application was re-advertised to neighbouring residents. The final public representation period expired on the 11th of October 2021.

7.4 One public representation has been received. The following is a summary of the comments made:

- The development will lead to overshadowing, overbearing and overlooking of neighbouring properties.

7.5 The site falls within Mirfield Ward. Local councillors were notified of the proposal. Cllr Vivien Lees-Hamilton responded confirming her full support of the proposal.

8.0 CONSULTATION RESPONSES

8.1 Statutory

K.C. Lead Local Flood Authority: No objection subject to condition.

K.C. Highways: No objection subject to condition.

The Coal Authority: No objection subject to condition.

Yorkshire Water: No objection subject to condition.

8.2 Non-statutory

K.C. Crime Prevention: No objection, with advice offered to the applicant on how to maximise the site's security.

K.C. Ecology: No objection subject to condition.

K.C. Environmental Health: No objection subject to condition.

K.C. Landscape: Are pleased that the landscape scheme retains sufficient existing trees to ensure the quality of the area and local character are retained and enhanced by significant additional planting. However, the proposed landscaping layout includes potentially invasive species. These should be removed. Beyond this, no objection subject to condition.

K.C. Public Health: No objection.

K.C. Trees: No objection subject to condition.

9.0 MAIN ISSUES

- Principle of development
- Sustainable development and climate change
- Urban design
- Residential amenity
- Highway
- Drainage
- Planning obligations
- Other matters
- Representations

10.0 APPRAISAL

Principle of development

- 10.1 Paragraph 47 of the National Planning Policy Framework (the Framework), which is a material consideration in planning decisions, confirms that planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. This approach is confirmed within Policy LP1 of the Kirklees Local Plan, which states that when considering development proposals, the Council would take a positive approach that reflects the presumption in favour of sustainable development contained within the Framework. Policy LP1 also clarifies that proposals that accord with the policies in the Kirklees Local Plan would be approved without delay, unless material considerations indicate otherwise.

Land allocation

- 10.2 The existing Knowl Park House and its curtilage are unallocated land within the Kirklees Local Plan. Development upon unallocated land is acceptable, subject to consideration of the local impacts and material considerations. The neighbouring Knowl Park is Urban Green Space (UGS), where development is restricted.
- 10.3 Knowl Park House's current access is substandard, consisting of a single width carriageway and a narrow pavement. It is proposed to be widened and improved to modern standards as part of the re-development of the site. The access improvements are deemed necessary to enhance highway safety and efficiency. The access may be widened either through taking land from within the site or the adjacent Known Park. This is complicated by the presence of mature trees to each side of the access.
- 10.4 To the east, within the site, is an oak in a good state of health. To the west, within Knowl Park and the UGS, is a hawthorn in a fair state. Neither is protected by a TPO. The hawthorn is a smaller tree and has been identified as being in a worse state of health. The oak is considered to provide a much higher level of public amenity and has a longer expected lifespan. The applicant concluded the removal of the hawthorn and encroaching into the UGS was more appropriate, which planning and trees officers concur with.
- 10.5 Policy LP61 restricts development within UGS, bar certain exemptions. The proposed development that affects the UGS, to take land to widen an access serving an adjacent building, does not fall within these exemptions. The proposal is therefore in breach of LP61. The encroachment into the UGS to facilitate the access widening is circa 33sqm. The area of the park that would be lost includes a pedestrian access into Knowl Park. In mitigation the application includes a nearby informal access (35m to the west) being formalised and upgraded.
- 10.6 In terms of alternatives, the formation of a wholly new access is not an option: given the density of trees along the frontage another high quality / value tree would be lost, and the new access would be too close to the Westfield Road / Crowlees Road junction.

10.7 Weighing up these aspects, officers consider that the benefits of the improved access with the oak being retained outweighs the harm caused through the loss of the hawthorn and to the Urban Green Space. As such, while the proposal is a departure from LP61, material considerations allow for the principle of development to be supported.

10.8 The provision of the replacement pedestrian access into Knowl Park is recommended to be secured via condition.

Health care development

10.9 Policy LP49 of the Kirklees Local Plan outlines the general principles for assessing health care needs developments. These are as follows:

Proposals for new or enhanced healthcare facilities would be permitted where:

- a. the scale and location is appropriate for the catchment;*
- b. there is a need for a new healthcare facility, particularly in relation to the spatial development strategy;*
- c. they are well related to the catchment they would serve to minimise the need to travel or they can be made accessible by walking, cycling and public transport.*

10.10 The proposal is to replace an existing facility which has reached the end of its functional life and is no longer fit for purpose. The current building is suffering from deterioration and is expensive and difficult to maintain. In addition, the heating and general maintenance costs are increasing and are inefficient in some areas. The current layout reflects their former residential status which is not ideally suited to the management and provision of dementia day care. The existing building has a footprint, across two floors, of 1,403sqm and may accommodate 25 day-care places.

10.11 The applicant has worked with Stirling University, a leader in dementia research, to conceive the proposed design. The building and outside facilities have been designed in accordance with best practice for addressing dementia needs. It will provide 1,218sqm of floor space and will retain a maximum capacity of 25 spaces. In addition to this it will host the 'centre of excellence' - to host staff and visitor training accommodation, an assisted technology area to showcase the latest technology, and a demonstration bungalow.

10.12 The proposal seeks to replace existing facilities with enhanced ones to address modern needs. This being the case, the proposal is deemed consistent with the aims and objectives of LP49(a) and (b). The considerations of LP49(c) would be assessed within the highway assessment of this report. In summary there is considered to be no conflict with LP49(c). Accordingly, the proposal is considered to comply with LP49 and the principle of development is acceptable.

Sustainable development and climate change

- 10.13 As set out at paragraph 7 of the NPPF, the purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF goes on to provide commentary on the environmental, social and economic aspects of sustainable development, all of which are relevant to planning decisions
- 10.14 Regarding climate change, measures would be necessary to encourage the use of sustainable modes of transport. Adequate provision for cyclists (including cycle storage and space for cyclists), electric vehicle charging points, and other measures have been proposed or would be secured by condition (referenced where relevant within this assessment). A development at this site which was entirely reliant on residents travelling by private car is unlikely to be considered sustainable. Drainage and flood risk minimisation measures would need to account for climate change.
- 10.15 The application is supported by a Sustainability & Energy Strategy. This details how energy usage, particularly reductions, have been considered in the design. This includes the incorporation of photovoltaics panels to lower the carbon impact. As part of the developments energy strategy the building has been assessed against BRE's Environmental Assessment Method Energy Criteria. The report demonstrates that it is possible to achieve up to 5 credits when assessed under BREEAM ENE 01 (Excellent status) and a total of 11 credits under the entire Energy section. These factors are noted and weight in favour of the proposal.

Urban Design

- 10.16 Relevant design policies include LP2 and LP24 of the Local Plan and Chapter 12 of the National Planning Policy Framework. These policies seek for development to harmonise and respect the surrounding environment, with LP24(a) stating; 'Proposals should promote good design by ensuring: the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape'.
- 10.17 The existing building's appearance is dated, unattractive, and does not positively contribute to the character of the area. Its removal is not opposed. The site does however have an overall spacious and verdant setting, which does contribute to the area and is a desirable feature to retain.
- 10.18 First considering the scale and massing of the proposed building, that shown is considered commensurate to the size of the site and would sit comfortably within the land available, having an overall low prominence. In terms of layout, the proposal would bring the built development's further forward (to Crowlees Road) than the existing structure, but not significantly so. Good separation distances would be retained between the building and the site's boundaries, importantly Crowlees Road / Westfield Road.
- 10.19 Regarding architectural form of the building, that proposed would have a contemporary design that characteristic of modern healthcare facility and clearly denotes its function. It would not replicate the architectural form of either the building to be demolished or others in the surrounding area. However, it is well designed and visually attractive. Furthermore, the building's prominence in the streetscene would be limited due to the building's low

profile, set back from the road, and the mature trees on the boundary to Crowlees Road / Westfield Road. The proposed building is mainly to be faced in natural stone, the predominant material in the area. This is welcomed, although samples and coursing details are to be secured via condition. Feature cladding is used to add areas of interest and break up otherwise large stone expanses. Glazing is used to a similar effect. The roof form has been designed to keep the massing of the structure down. Again, while not a form typical to the area, that proposed has been well considered and is visually appropriate for the scheme. Overall, the building's design, while it does not reflect the architectural form of the area, it is visually attractive and well designed and would it appear incongruous within the setting.

- 10.20 An illuminated sign is proposed at the front, stating the name of the building. The design is subtle and, subject to the illumination being modest, its inclusion is not opposed. A lighting strategy to include the sign is recommended (considered further in paragraph 10.32).
- 10.21 For landscaping, the mature trees along the site's the frontage will be retained. These trees are attractive and offer a high level of public amenity. However, the proposed development will require the removal of 14 existing trees and one group of trees from within the site and along the north-east boundary. These are less visible from outside the site and offer limited public amenity. None of the trees on site currently benefit from Tree Preservation Orders. The proposed landscape layout provides a good range of hard and soft for the visitors to the facility. It is welcomed that scheme retains sufficient existing trees to ensure the quality of the area and local character are retained and enhanced by significant additional planting. The loss of these internal trees is, on balance, supported. An arboricultural method statement has been provided that details protection of the trees to be retained: a condition stipulating its provisions must be adhered to is recommended.
- 10.22 As noted within the principle of development section one tree, a Hawthorn, is to be removed from Knowl Park. With due regard to the reasoning for the tree's removal, as outlined in paragraphs 10.3 – 10.8, its loss is not considered unduly harmful to local character.
- 10.23 There are no heritage assets within the vicinity of the proposal.
- 10.24 The proposed works would notably change the character and appearance of the site and wider area. However, as existing, the existing building on site is considered unattractive although its setting is of value. The proposed development is considered to be well designed and would retain the verdant character the site currently benefits from. Accordingly, the proposal is deemed to comply with the aims and objectives of Policies LP2 and LP24 of the KLP.

Residential Amenity

- 10.25 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.
- 10.26 The representation received has raised concerns of potential overshadowing, overlooking and overbearing upon the properties to the north. No.1 and no. 5 Knowl Park Gardens share the north boundary with the site. Particularly, the new building will move closer to no. 1 Knowl Park Gardens compared to that

existing, and will align with their garden space. By virtue of their respective layout, orientations and that the development will be on a lower land level and single storey, neither will suffer from an overbearing impact from the proposed building (or its ancillary structures).

- 10.27 For overshadowing, no. 1's rear windows face north-west. However, the new building will be to the immediate south-west of their garden space. A shadow plan has been provided. It demonstrates that, discounting other features (trees and boundary fencing) overshadowing may occur in the afternoon (3pm) of winter months. For context, sunset on the winter solstice (when the sun is at its lowest) is 3.53pm. No. 1's garden will already receive a level of overshadowing in the winter from their fence and the vegetation along their south boundary. By virtue of the sun's height in the sky, there will be no overshadowing caused during summer, and spring / autumn afternoon shadowing will be less than that caused by the site's existing boundary wall. Given the limited period of possible shadowing expected, and that it would not be substantially greater than what already occurs, along with the reduced expectation for garden use in the winter, officers are satisfied that material harm would not be caused to no. 1's occupiers.
- 10.28 There are no concerns of overshadowing pertaining to no. 5 Knowl Park Gardens, which is further removed compared to no. 1.
- 10.29 As a single storey structure with a solid boundary treatment with thick vegetation, opportunities for overlooking towards no. 1 and no. 5 Knowl Park Gardens from the proposed building would be limited. The new building and garden will be on a lower ground level than the neighbouring dwellings, and the garden will have a secondary 2.1m high fence around its perimeter. However, the side facing windows of the demonstration bungalow align with no.1's garden space and will presumably have a high volume of movement within. The shared boundary fence with no.1 is slatted, therefore allowing for penitential overlooking, albeit restricted. It is therefore recommended that the side facing windows of the demonstration bungalow be obscure glazed.
- 10.30 Regarding noise, the current site has no hours of use. The proposed development has a wider use, including the care-home element as well as the centre of excellence. Given this expanded use and the site being within a residential area, hours of use are deemed necessary. These are recommended as 0600 – 2200, 7 days a week, and have been agreed by the applicant. Furthermore, the development will have plant equipment on the roof. Another condition is recommended limiting the combined noise from plant the plant at nearby dwellings.
- 10.31 The site is to include dining and kitchen areas for the service users and therefore will involve the preparation and cooking of food. As there is existing residential amenity nearby, there is the potential to generate odours that may have an adverse impact on the amenity at nearby properties. K.C. Environmental Health therefore advise that a condition for a kitchen extractor strategy be provided. This is deemed reasonable and is recommended by officers.
- 10.32 A preliminary lighting strategy has been provided. While not opposed in principle, as a preliminary plan it is subject to change. This includes an illuminated sign on the front elevation. In the interest of preventing undue lighting pollution a condition for a complete lighting strategy is recommended.

- 10.33 A condition requiring the submission and approval of a Construction (Environmental) Management Plan (C(E)MP) is recommended. The necessary discharge of conditions submission would need to sufficiently address the potential amenity impacts of construction work at this site, including cumulative amenity impacts should other nearby sites be developed at the same time. Details of dust suppression measures would need to be included in the C(E)MP. An informative regarding hours of noisy construction work is recommended.
- 10.34 To summarise, the proposed development is not considered detrimental to the amenity of neighbouring residents. Subject to the proposed conditions, the application is deemed to comply with LP24 of the Kirklees Local Plan.

Highway

- 10.35 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 would 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.
- 10.36 As the site is already run as a care home, the use class is established. The proposal will reduce the amount of built floorspace at the site (by -185sqm). While the proposed development includes additional functions (the centre of excellence), ultimately the proposed development is not expected to materially increase traffic demand or movements on the surrounding network. Given the circumstances, K.C. Highways officers principal consideration whether the design has any detrimental impact on highway safety.
- 10.37 It is proposed to upgrade and widen the existing vehicular access on Crowlees Road from 4m to 6m. The increased width of access will allow for safer two-way vehicle movements in and out of the site. It is also proposed to provide a 2m wide footway to the vehicular access, to improve pedestrian movements to and from the main building. The widening will not affect the established sightlines, which are considered acceptable. Overall, the access widening is a positive highways enhancement.
- 10.38 For internal arrangements, the proposed carriageway width has been designed based on vehicular tracking and to ensure safe two-way movements of all anticipated vehicles at any one point in time; swept-path analysis of various types of vehicles entering and exiting the site in a forward gear have been submitted and are acceptable. As a non-residential use waste collection will be a via private arrangement: based on the submitted details there is no indication appropriate waste collection cannot be achieved. Off-street car parking will increase from 18 spaces to 24 spaces. Improved mini-bus parking and drop off facilities will also be provided. The fall in floor space and increase in parking facilities raises no parking concerns.
- 10.39 In regards to sustainable travel, opportunities for this are limited for this development due to its purpose. Attendees will typically be brought via mini-bus, or dropped off by family, with public transport being less practical. Cycle storage for 16 bikes is proposed which may be used for staff and/or able visitors. Given this, and that the proposal has a net loss of floor space, a travel plan is not considered necessary for this development.

- 10.40 It is recommended that the implementation of the proposed highway arrangements be secured by condition. Also, given the scale and nature of the development, officers recommend a Construction Management Plan be secured via condition. This is to ensure the development does not cause harm to local highway safety and efficiency. This would be required pre-commencement, given the need to ensure appropriate measures from the start of works.
- 10.41 In summary, officers are satisfied that the development would not cause harm to the safe and efficient operation of the Highway, in accordance with the aims and objectives of Policies LP21 and LP22 of the Kirklees Local Plan.

Drainage

- 10.42 The NPPF sets out the responsibilities of Local Planning Authorities determining planning applications, including securing appropriate drainage, flood risk assessments taking climate change into account, and the application of the sequential approach. Policies LP27 and LP28 of the Local Plan detail considerations for flood risk and drainage respectively.
- 10.43 The site is within Flood Zone 1 and there are no watercourses within or in proximity to the site. There are therefore no fluvial flooding concerns for this development.
- 10.44 Foul drainage is to be via combined sewer, which is acceptable. For surface water drainage, as a brownfield site policy LP28 seeks a 30% betterment in surface water run-off to the existing discharge point. The proposed drainage strategy, including discharge rate and attenuation size, indicates that this is achievable and is not objected to by either the LLFA or Yorkshire Water. Nonetheless, to enable flexibility through the development process, the LLFA advise that the submission of full technical details be secured via condition.
- 10.45 The ongoing management and maintenance of the development's drainage and attenuation features, to ensure their ongoing safety and efficiency, is recommended to be secured via condition. Details of temporary surface water drainage arrangements, during construction, are also recommended to be secured via a condition. Finally, interceptors are proposed: a condition for full details on their details and use is recommended.
- 10.46 Considering the above, subject to the proposed conditions the proposal is considered by officers and the LLFA to comply with the aims and objectives of policies LP28 and LP29.

Other Matters

Air quality

- 10.47 The development is not in a location, nor of a large enough scale, to require an Air Quality Impact Assessment.
- 10.48 Notwithstanding the above, in accordance with government guidance on air quality mitigation, outlined within the NPPG and Chapter 15 of the NPPF, and local policy contained within LP24(d) and LP51 and the West Yorkshire Low Emission Strategy Planning Guidance seeks to mitigate Air Quality harm.

Given the scale and nature of the development officers seek the provision of electric vehicle charging points, amounting to 10% of new parking spaces, is sought. The purpose of this is to promote modes of transport with low impact on air quality.

- 10.49 Subject to a condition requiring this provision, the proposal is considered to comply with LP24(d) and LP51 of the Local Plan.

Contamination and coal legacy

- 10.50 The applicant has submitted Phase 1 and Phase 2 ground investigation reports which have been reviewed by K.C. Environmental Health. The Phase 1 has been accepted; however, the Phase 2 provides inadequate information for Environmental Health to support their conclusion. Accordingly Environmental Health recommend conditions relating to further ground investigations.
- 10.51 Further to the above, the site partly falls within the defined Development High Risk Area; therefore, within the site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application. The application is supported by a Coal Mining Risk Assessment which has been reviewed by the Coal Authority.
- 10.52 The report considers that ground stabilisation works should not be required prior to the re-development of the site. However, it highlights that a further borehole investigation will be required once the existing care home building has been demolished to confirm that the site is unaffected by unrecorded shallow mining legacy. This approach is welcomed by the Coal Authority, who support the application subject to conditioning the further survey work and any required remediation / validation reports.
- 10.53 Subject to the recommended conditions being imposed, the proposed development is deemed to comply with Policy LP53.

Crime Mitigation

- 10.54 The Council's Designing Out Crime Officer has reviewed the proposal. He confirms no objection to the principle of the development. He has provided advise on methods to maximise crime mitigation, which have been shared with the applicant but are beyond the scope of the planning system. The proposal is therefore considered to comply with the aims of LP24(e).

Ecology

- 10.55 Policy LP30 of the KLP states that the Council would seek to protect and enhance the biodiversity of Kirklees. Development proposals are therefore required to result in no significant loss or harm to biodiversity and to provide net biodiversity gains where opportunities exist.
- 10.56 The application is supported by an Ecological Assessment. It identified that the buildings on-site have low potential for roosting bats however subsequent activity surveys did not identify any roosting bats within the buildings. The assessment concludes that with the incorporation of mitigative measures, significant ecological impacts can be avoided. A condition to limit vegetation removals during bird nesting season will be required to ensure the recommendations of the report are incorporated. Subject to this, the proposed development is not deemed detrimental to local ecology.

- 10.57 Notwithstanding the above, all developments are expected to demonstrate a net gain to ecology, in accordance with Local Plan policy LP30 and chapter 15 of the NPPF. Net gain is measurable, and the degree of change in biodiversity value can be quantified using a biodiversity metric. The applicant has undertaken the metric calculations and concluded, post on-site interventions, a net gain of 15.80% habitat units and 31.14% hedgerow units. The provision of the identified net gain along with specifics of how it would be achieved and thereafter retained for a minimum of 30 years, is recommended to be secured via a condition for a Biodiversity Enhancement Management Plan (BEMP). This may include features such as bat boxes and hedgehog holes amongst others. Subject to this condition, officers and K.C. Ecology consider the proposal to comply with the aims of LP30 of the Kirklees Local Plan.
- 10.58 Notwithstanding comments regarding the proposed landscaping in paragraph 10.21, several of the proposed species are classified as potentially invasive. It is therefore recommended that a condition be imposed requiring an updated landscaping plan with the potentially invasive replaced with suitable alternatives.

Minerals

- 10.59 The site is within wider mineral safeguarding area (SCR with Sandstone and/or Clay and Shale). Local Plan policy LP38 therefore applies. This states that surface development at the application site will only be permitted where it has been demonstrated that certain criteria apply. Criterion c of policy LP38 is relevant, and allows for approval of the proposed development, as there is an overriding need (in this case, the provision / retention of health facilities) for it. The proposal is therefore not considered to conflict with LP38.

Representations

- 10.60 One public representation has been received. The issues raised have been addressed within this report.

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 represents a departure from the development plan, due to the encroachment into the adjacent Urban Green Space. The need for this has been adequately evidenced and the planning merits of the improved access are deemed to outweigh the harm caused by the loss of Urban Green Space. Furthermore, the proposal would represent a net gain to public health in the area. Therefore, the principle of development is found to be acceptable.
- 11.3 Consideration has been given to the identified material planning considerations, which the proposed development adequately addresses. The design and appearance of the proposed development is considered acceptable. There would be no harm to the amenity of neighbouring residents. The proposed access and highway impacts have been assessed to be acceptable. Other planning issues, such as drainage, ecology and protected trees, have been addressed through the proposal.

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 is therefore recommended for approval, subject to the recommended 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. Three years to commence development.
2. Development to be carried out in accordance with the approved plans and specifications
3. New access into Knowl Park to be provided prior to old access being closed.
4. Material samples to be provided, including coursing details.
5. Works to be done in accordance with Arboricultural Method Statement
6. Boundary treatment to be as per submitted plan.
7. North facing side windows to be obscure glazed.
8. Hours of use 0600 – 2200, 7 days a week.
9. Limitation on external plant noise.
10. Kitchen extraction / odour assessment.
11. Lighting strategy to be submitted, to include signage.
12. Construction Environmental Management Plan (CEMP) to be submitted and approved.
13. Parking / highways arrangement to be implemented as per the submitted details.
14. Construction Management Plan (CMP) to be submitted and approved.
15. Surface water interceptor details to be provided.
16. Detailed surface water attenuation strategy, with management and maintenance arrangements.
17. Temporary drainage provision during the construction phase
18. Electric Vehicle Charging Point details to be provided
19. Contaminated land conditions from phase 2 onwards.
20. Coal legacy investigation conditions
21. No clearance of vegetation within the bird breeding season
22. Submission of Biodiversity Enhancement Management Plan (BEMP) to secure identified level of net gain.
23. Landscaping strategy to be provided which replaces potentially invasive species

Background Papers

Application and history files

Available at:

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2021/92945>

Certificate of Ownership

Certificate A signed.

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Report of the Head of Planning and Development

STRATEGIC PLANNING COMMITTEE

Date: 21-Oct-2021

Subject: Planning Application 2021/91172 Change of use from former petrol filling station, car and van repairs/part sales and car sales pitch to hot food take-away (sui generis) Crown Motors, Waterloo Road, Waterloo, Huddersfield, HD5 0AH

APPLICANT

Mr Brown, Cubic
Expression UK Ltd

DATE VALID

22-Mar-2021

TARGET DATE

17-May-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: No

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.

1.0 INTRODUCTION:

- 1.1 This application is brought before Strategic Committee for determination under the terms of the Delegation Agreement because it is deemed to be a departure from the development plan on the grounds that it does not comply with Policy LP61(a) (Urban green space).
- 1.2 At an earlier stage in the process a request for a Sub-Committee decision was made by Ward Councillor Musarrat Khan, for reasons set out fully in section 7 of the report, relating to highway safety, impact on residential amenity, possible anti-social behaviour, and public health. This request was confirmed as valid by the Chair of Huddersfield Sub-Committee, but officers reached the view that as the proposal was a departure it would have to be determined at Strategic Committee not at an area Sub-Committee.

2.0 SITE AND SURROUNDINGS:

- 2.1 The site is a former vehicle servicing centre and repairs garage, car sales pitch and auto parts sales centre. It is located on a corner site, bounded by Wakefield Road to the south and Waterloo Road to the west. It comprises an extensive hard-surfaced forecourt on the corner and road frontage with vehicular access and egress points on both road frontages, three linked flat-roofed buildings constructed in mixed materials towards the centre of the site, and further hard-surfaced land near the northern boundary.
- 2.2 On the opposite side of Wakefield Road is a taxi base, to the east of the site is a belt of woodland and a landscaped area adjacent to a retail park. The nearby development to the west is mainly residential. According to the applicant, the uses ceased completely at the end of June 2021 and the site is now vacant.

3.0 PROPOSAL:

- 3.1 The proposal is for the change of the building and associated land to a hot food takeaway. No external alterations are proposed.
- 3.2 Proposed hours of use are 7am until 11pm, 7 days a week. It is predicted that there would be 6 full-time equivalent staff (3 full-time, 2 part-time).

3.3 The Highway Statement prepared by Sanderson Associates and associated technical drawings show 15 standard parking spaces. It is understood that 5 are to be dedicated for staff with the remaining for customers, comprising of two accessible spaces and 4 spaces for delivery vehicles (of which one is to have a charging point for electric vehicles).

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

4.1 None.

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

5.1 22-Jun-2021: Transport assessment submitted. This was not subject to new publicity since it was not considered to raise significant new issues or significantly change the nature or scale of the proposal.

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 within land that is within the Strategic Green Infrastructure Network on the Kirklees Local Plan. About 20% of the site is within Urban Green Space.

6.3 The site is located 40m from the boundary with Waterloo Local Centre.

6.4 It is considered that the scale and nature of the development does not raise access or Equality Act considerations.

- **LP 1:** Presumption in favour of sustainable development
- **LP 7:** Efficient and effective use of land and buildings
- **LP 13:** Town centre uses
- **LP 16:** Food and drink uses and the evening economy
- **LP 21:** Highways and access
- **LP 22:** Parking
- **LP 24:** Design
- **LP 30:** Biodiversity and geodiversity
- **LP 31:** Strategic Green Infrastructure Network
- **LP 33:** Trees
- **LP 52:** Protection and improvement of environmental quality
- **LP 61:** Urban green space

6.5 Supplementary Planning Guidance / Documents:

- KC Highways Design Guide 2019
- Climate Change Guidance for Planning Applications
- Hot Food Take-away (Draft Stage)

6.6 National Planning Guidance:

- Chapter 7 – Ensuing the vitality of town centres
- Chapter 11 – Making effective use of land
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flood risk and coastal change
- Chapter 15 – Conserving and enhancing the natural environment.

7.0 **PUBLIC/LOCAL RESPONSE:**

7.1 Final publicity date expires: 05-Oct-2020.

7.2 A total of 48 representations were made by members of the public.

7.3 One representation was made by Ward Councillor Musarrat Khan, who represents Dalton Ward, and one from Councillor Alison Munro, who represents the neighbouring Almondbury Ward.

7.4 Against – 22 representations, a summary of the representations made are as follows:

- Highway safety issues if it makes use of the existing access because of motorists using it to cut through the traffic lights and the increase in footfall.
- Increased traffic at what is already a busy junction
- They have overestimated the amount of parking available and it is not clear that there will be space for deliveries
- Increased air pollution arising from traffic
- Increased noise nuisance and light pollution
- Odours
- Public health – too many takeaways in Waterloo already
- Increased anti-social behaviour
- Increased litter
- Concerns about food waste and disposal
- Impact on property values
- The site could be used for homes, a community centre, or to facilitate junction improvements
- Why not use the former Total Fitness centre as it has ample parking?
- Contrary to Policy LP47 of the Local Plan regarding Healthy, active and safe lifestyles

7.5 In support – 24 representations, a summary of the representations made are as follows:

- It might take pressure off McDonalds because having just one drive-thru takeaway leads to congestion inside the retail park.
- It would stop cars taking a short cut through the garage site.
- It is a good place for a takeaway with safe access and egress, traffic lights and crossings already in place, ample parking and easily accessible by foot or bus. Traffic is not very problematic at the moment, with only occasional queues. The garage would generate as much, or more, traffic and noise if it were in use
- It would provide an additional option for people who want to buy food without going into the retail park and would give people more daytime / early evening options.

- Would create local jobs, including for young people who may want to work part-time while studying.
- Lighting, CCTV and parking bollards will improve safety
- Healthy / vegan options would be welcomed
- The existing site is an eyesore.

7.6 General Comments – 2 representations, a summary of the representations made are as follows:

- It is considered that the supporting documents for the proposed change of use should include a Traffic Impact Assessment (TIA) which assesses the effect of the proposed commercial use on the surrounding road network, including Waterloo Road and Wakefield Road, both of which currently suffer from congestion. A TIA would provide a more robust means to assess the traffic implications of the proposals relative to the local plan transport objectives which seek to reduce congestion rather than add to it
- Not appropriate here because junction too busy

7.7 Ward Councillor Musarrat Khan – comments and requests a Sub-Committee decision.

- I have received a number of emails and phone calls from concerned residents in the immediate area. Over the years I have supported residents with a number of complaints in relation to the nearby existing MacDonalds. These complaints are in relation to late night anti-social behaviour and noise, and littering in the area. Safer Kirklees and waste services have worked with me on numerous occasions to remedy these issues. Many of the residents are vulnerable elderly with some households in receipt of social care. Crown Motors was open from 8 am till 4:30 pm and the noise was minimal. This application is seeking consent for operational times to be extend from 7 am to 11 pm and will no doubt increase the amount of noise and littering in the vicinity as well possibly attract more anti-social behaviour. The noise will have a detrimental impact on the residents' peaceful residence in and around the immediate area.
- Nearly half of adults in Dalton Ward are either overweight or obese. There are already five unhealthy hot food outlets. I see the business is invited to work with FINE however there is no stipulation once granted permission that healthy hot food is promoted nor any powers to enforce any food outlet to serve healthy food.
- Waterloo Road has suffered from high levels of traffic congestion with queues stretching from the junction at Albany Road to Wakefield Road. I have approached Highways to request remedial action previously and have been told nothing can be done. The residents will no doubt be experiencing poor air quality due to this existing traffic congestion. Should this application be granted the roads will no doubt be more busier for longer periods and the air quality further reduced.
- The site is more suitable for a hairdressers, garage or retail. Please may I request that this application is referred to the planning committee?

7.8 Councillor Alison Munro (Almondbury Ward Councillor) – comments

- It is already used as a cut-through between Waterloo Road and Wakefield Road and this may continue with a drive-through takeaway.
- The highway is very busy and there was a serious accident at the junction recently. I feel therefore that until some highways safety measures are implemented this should not be a viable proposition as the takeaway will only serve to increase footfall and raise the risk of a serious accident happening again.
- In the meantime LP 19 of the Local Plan – Transport- Site TS3 A629/A642 provides for junction improvements on roads approaching Huddersfield Town Centre to reduce congestion and improve connectivity to Huddersfield and destinations beyond. – This takeaway will only create more congestion at this junction. I therefore feel a full and robust traffic assessment be carried out to ascertain the implications for the highway in relation to the Local Plan objectives as not only will it impact upon Waterloo Rd/Wakefield Rd, but Penistone Rd too.
- Finally there is already a dearth of takeaways in Waterloo and it is well known that takeaway food can be bad for health. I seriously question whether another one is really needed. It is not known what kind of hot food this takeaway will provide, but this needs to be explored if the council is to approve the application.

8.0 CONSULTATION RESPONSES:

Below is a summary of the consultation responses received during the course of the application. Where appropriate, responses are expanded on further in the main assessment:

8.1 Statutory:

KC Highways Development Management – Support

KC Environmental Health - Support

8.2 Non-statutory:

KC Planning Policy – Support

KC Police Architectural Liaison Officer – Support

KC Public Health – no objection

9.0 MAIN ISSUES

- Principle of development
- Impact on vitality and viability of commercial centres
- Urban design issues
- Residential amenity
- Highway issues
- Drainage issues
- Representations
- Other matters

10.0 APPRAISAL

Principle of development

- 10.1 The majority of the site is without designation on the Local Plan proposals map, but about 20% of the site – the northern and north-eastern part – is within urban green space. Under Policy LP61, development on urban green space will be permitted only in a limited range of circumstances.
- 10.2 Besides the assessment of urban green space issues, the main planning policy issues to be taken into account will be the impact of the proposed development on the town and local centres, healthy lifestyles, highway safety, residential amenity and all other material planning considerations and representations received.
- 10.3 Policy LP16 in particular is concerned with food and drink uses and the evening economy. It assumes that such uses will normally be located in an existing centre, which this proposal is not, but it is considered that criteria (b) to (g) dealing with environmental impacts, antisocial behaviour and so forth, can be treated as relevant.
- 10.4 Policy LP47 states that healthy, safe and active lifestyles will be enabled by “working with partners to manage the location of hot food takeaways particularly in areas of poor health”. This aim is also supported by Planning Practice Guidance – health and wellbeing.

Urban green space issues

- 10.5 Policy LP61 states that development proposals leading to a loss of urban green space will only be permitted where:
- (a) an assessment shows it is 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;
 - (b) replacement open space, sport or recreational facilities will be provided;
 - (c) the proposal is for an alternative open space, sports or recreational use that is needed to help address existing deficiencies.
- 10.6 None of the above considerations apply. Following legal advice, officers took the view that the development would represent a loss of urban green space and would contravene policy LP61. Planning officers must therefore assess whether the nature of the development, the character of the site, or other factors, amount to exceptional circumstances that would justify an approval as an exception to normal planning policy.
- 10.7 The area is already hard-surfaced and has been used for parking associated with the host building on site for many years. It would appear that no physical works would need to be undertaken in connection with the proposed development that would change what is currently evident at the site. From the case officer’s own observations on site, the existing concrete and tarmac hardstanding around the north and north-east of the building is in an acceptable condition and is not likely to need to be re-laid in the short term if the development is approved and subsequently implemented.

- 10.8 The development would not result in any material change to the character or nature of the urban green space, and which provides no opportunity for public access or recreation and makes no significant positive contribution to visual amenity. Since no new build is proposed, the adjacent mature trees would be unaffected. It is therefore considered that the development would not result in any significant or material loss of urban green space and, although not in accordance with the requirements of Policy LP61, can in principle be allowed, subject to a full assessment of all other planning issues.

Impact on vitality and viability of commercial centres

- 10.9 The proposed hot food takeaway represents a main town centre use and is outside any existing commercial centres as defined on the Local Plan proposals map. Policy LP 13 states, in brief, that main town centre uses shall be located within defined centres, which should provide a mix of uses whilst retaining a strong retail core, and that main town centre uses outside of defined centres will require a sequential test to assess their suitability. Chapter 7 of the NPPF also supports this aim. Hot food takeaways are not explicitly categorised as a “main town centre use” in the NPPF. However, Policy LP16 (see paragraph 10.2 below) states that proposals for food and drink uses located outside defined centres will also require the submission of a Sequential Test.
- 10.10 The site is in an edge of centre location being 40m to the east of the defined Local Centre of Waterloo. A sequential test has therefore been requested and has been submitted.
- 10.11 The catchment of the proposal is the established customer base from the applicants Fenay Bridge site (approx. 1.2 km south east) and passing trade. The Fenay Bridge site is a bar and restaurant which switched to a takeaway and delivery service in response to Covid-19 restrictions. The applicant wishes to retain and expand the takeaway service when the Fenay Bridge site returns to normal business as a bar and restaurant.
- 10.12 In the sequential assessment, it states that the proposal requires a minimum of 0.3ha including sufficient parking to meet operational needs. However, no further detail is provided in terms of consideration of flexibility on issues such as format and scale as required by NPPF paragraph 87.
- 10.13 Paragraphs 3.19 to 3.21 of the sequential assessment set out the area of search and refer to the centres of Waterloo, Dalton Green Lane, Aspley and Huddersfield Town Centre. It is considered that in this instance the defined District Centres of Almondbury and Moldgreen and the Local Centre of Lepton should have been treated as being within the catchment of the proposal. However, Policy have commented that on the basis of their own desk-based research, there do not appear to be any sites within the Almondbury, Moldgreen and Lepton centres that could accommodate the proposal, taking account of flexibility in format and scale.
- 10.14 The applicant has not found any sites available and suitable in Waterloo, Dalton Green Lane or Aspley Local Centres. Reference is made to the Top Spot Snooker Centre in Aspley which is available, but it is accepted that it is not suitable for the proposal even when taking account of flexibility, on account of there being too few parking spaces and it being spread over three floors. In reference to Huddersfield Town Centre, the applicant states that Harvey's

Bar/Kitchen are in the process of opening a new branch in the HD1 area of the Town Centre and that having two such businesses in the Town Centre would not be viable.

- 10.15 Given that Huddersfield Town Centre is in any case not within the catchment area of the proposal, as set out above, it is considered that it should be excluded from the area of search.
- 10.16 In conclusion, it has been demonstrated that there are no suitable and available sites within the catchment of the proposal taking account of flexibility including format and scale.
- 10.17 Under Policy LP13, an Impact Assessment is only required for proposals which include retail, leisure and office developments (which this is not); policy LP16, however, recommends that an Impact Assessment should be submitted for all food and drink uses outside defined centres. In this instance it is considered that an Impact Assessment would be unnecessary since, owing to the catchment it would serve, it would not be competing directly with businesses in commercial centres.
- 10.18 The proposal is therefore in accordance with Local Plan policy LP13 and paragraph 87 of the NPPF.

Healthy, safe and active lifestyles

- 10.19 The Council has been preparing a Hot Food Takeaway SPD to consider the location and impact of new takeaways and add further guidance to Local Plan policies. The preparation of this guidance was on hold due to the relaxation of planning restrictions on restaurants providing takeaway services in the Covid-19 pandemic. The emerging SPD is not adopted and has not yet been through any public consultation and carries no weight in decision making at this stage. Local Plan policies should continue to be used to determine applications for new Hot Food Takeaways. To assess the impact of the development on health, Kirklees Public Health have however been consulted, who make use of the Public Health Toolkit to assess the impact of the development on health. The toolkit uses a range of local data, known as indicators, these are: Index of Multiple Deprivation (IMD) quintile, Percentage of adults overweight, Percentage of adults obese, Percentage of 5-year olds (reception) with excess weight, Percentage of 11-year olds (year 6) with excess weight, Diabetes prevalence rate, Coronary heart disease prevalence rate.
- 10.20 When considering these indicators, it is important to have a balanced and fair approach to supporting local business and economic growth, whilst also taking steps to ensure our environments support the health and wellbeing of our residents. The tool utilises data from a range of sources, some refreshed annually and others updated less frequently. The latest available data will be imported into the tool by the end of each calendar year. The toolkit advises that an application for a hot food takeaway should be refused where the location has a combined points total of 20 or more across the seven indicators.
- 10.21 Dalton Ward has been found to be in the worst 40-50% on the IMD (Index of Multiple Deprivation), scoring 2 points, and it also scores 2 points for diabetes prevalence, 4 points for coronary heart disease prevalence, and 6 points for 5 year-olds with excess weight. The combined points total is 14, which indicates that the proposal would not result in an unacceptable increase in poor health or health inequalities.

10.22 Where a new proposed hot food takeaway is within 400m of a school, consideration should be given to restricting opening hours to discourage visits by school-age children. This is not the case here as the nearest school (Dalton Junior, Infant and Nursery) is approximately 800m away. It is therefore considered that school children would not form part of the customer base and given this distance it is unlikely that they would use the takeaway.

10.23 It would thereby accord with the aims of LP47 of the Local Plan.

Urban Design issues

10.24 The proposal involves no physical alterations to the buildings or associated land. It is therefore considered to be neutral in its impact on visual amenity and the townscape, and therefore in accordance with the aims of LP24(a).

Residential Amenity

10.25 The site is located within a predominantly residential area. It is considered in principle that the proposed hours of use are acceptable, but that in order to ensure that noise from the operation of the premises such as from extractor fans and other plant does not give rise to undue levels of noise disturbance, it is recommended that approval be subject to a condition that before the use is commenced, an assessment of noise emissions and necessary attenuation measures be submitted to and approved in writing.

10.26 In the interests of ensuring that cooking fumes are controlled and do not give rise to odour nuisance, it should also be conditioned that details of a kitchen extract ventilation system are submitted and approved, and the scheme installed before the use commences.

10.27 No external lighting is proposed as part of the scheme, but in the event of it being deemed necessary for security or customer safety reasons, details must be submitted and approved so as to ensure that any lighting installed does not give rise to loss of residential amenity or environmental impacts arising from glare, light spill, or light trespass.

10.28 Subject to the above it is considered that it would accord with the aims of LP24(b) and LP16(b).

Highway issues

10.29 Highways Development Management initially requested details of trip generation so as to demonstrate that the trips generated would be safely incorporated by the junction without causing additional delay or highway safety issues, a scaled drawing showing the parking that would actually be available rather than just an indicative sketch, clarification as to what the access arrangements would be, and assurance that wastes could safely be collected from within the site.

10.30 A detailed Highway Statement was prepared by Sanderson Associates date 21-Jun-2021. Waterloo Road and A642 Wakefield Road join at a complex signalised junction with A629 Penistone Road adjacent to the application site. The junction is very busy especially during the peak hours when congestion does occur. Kirklees Highway Safety team have records of issues regarding

rat running traffic using the site to avoid the traffic signals and would like to see this concern dealt with. Trip generation was calculated using the Trip Rate Information Computer System (TRICS) database. The trip generation calculations (taking the most recent use of the site as the baseline) indicated that in the morning peak approximately 35 additional trips and in the evening peak approximately 30 additional trips would be generated by the proposals. It should be noted that the extant use calculations and the proposed use calculations were based on slightly different floor areas and that any change in these would increase the number of additional trips to approximately 38 in the am peak hour and 37 in the pm peak hour. The Saturday trips were shown to decrease between the extant and proposed uses during the highway peak (12:00 to 13:00), however there would be expected to be an increase in trips during the evening. The proportions of delivery and collection at the existing site were provided within the highway statement (30% collection, 65% delivery with the remainder drive-in pass-by trips).

- 10.31 Highways DM view is that the additional trips generated (averaging 1-2 per minute) would have only a minimal effect on the operation of the junction.
- 10.32 The TRICS-based car park accumulation was included within the highway statement and this calculated that only 6 parking spaces would be required at any given time, although it is noted that this could vary depending on how the premises were operated.
- 10.33 The access on to Wakefield Road is to be maintained as an exit only and with improvements to improve safety. It is proposed that the access off Wakefield Road would be narrowed to 4.8m in width by the construction of fencing either side, and a “no entry” sign installed, to discourage movements from Wakefield Road. Furthermore, it is proposed that markings and a “left turn only” sign would be installed to prevent right turn movements from the exit and a “Customers Only” sign at the Waterloo Road access to discourage use of the site as a cut through to avoid the traffic signals. It is considered that if these measures are implemented, which can be conditioned, the proposals are an enhancement to road safety from the current position.
- 10.34 The number of parking spaces that would be available within the site is considered more than adequate to serve the proposed takeaway. Drawing no. 300054-002 provides a swept path analysis for an 11.85m refuse vehicle showing that access for a vehicle of this size and type can be safely accommodated with the proposed layout. The manoeuvring of the refuse vehicle will require one of the accessibility spaces to be closed, but this should be easily managed as the waste collection time will be scheduled in advance. The applicant has confirmed that it is intended that all refuse storage would be within the building. In the event of capacity being insufficient, there would be room to store waste containers at the rear of the site without it interfering with vehicle movements.
- 10.35 With this additional information as provided in the Highway Statement the application is now considered to be acceptable on highways grounds and in accordance with the aims of policies LP21, LP22 and LP16(d-f) of the KLP.

Drainage issues

- 10.36 The site is located within a Critical Drainage Area but as it is for change of use only it is not considered to have any drainage implications over and above those arising from the previous use.

Representations

- 10.37 Concerns relating to highway safety and residential amenity are highlighted here with other issues raised and officer responses.

- 10.38 Against – 21 representations

- Highway safety issues if it makes use of the existing access because of motorists using it to cut through the traffic lights and the increase in footfall.
Response: It is considered that the proposed use, with the new signage as proposed, would mean it would be less likely that motorists would use the site as a short cut, and although this behaviour might not be entirely eliminated, it is anticipated it would be reduced.
- Increased traffic at what is already a busy junction
Response: It is considered that net trip generation would not be in excess of what the junction can safely take on.
- They have overestimated the amount of parking available and it is not clear that there will be space for deliveries
Response: The original parking layout was just a sketch and could not be assessed. The parking plan submitted with the Transport Assessment shows that there would be adequate space for customer and staff parking and for deliveries.
- Increased air pollution arising from traffic.
Response: The site is not within an air quality management area and in any case it is not considered that the potential impact on air quality arising from increased net vehicle movements would be material.
- Increased noise nuisance and light pollution
Response: Both of these can be controlled by conditions as set out in detail in paragraphs 10.17-20 and it is considered that unacceptable impacts can be avoided.
- Odours
Response: Again, it can be conditioned that details of an air extraction system showing appropriate methods of treating fumes can be conditioned.
- Public health – too many takeaways in Waterloo already
Response: It is considered that given the existing health indicators, the existing concentration of takeaways in the local area or in the Ward would not provide a basis for refusal on health grounds.
- Increased anti-social behaviour
Response: This is a concern which can be overcome or mitigated by requiring a CCTV scheme, as set out in paragraph 10.33.

- Increased litter
Response: Whilst an understandable concern, it is considered that this would not amount to a policy-based reason for refusal.
- Concerns about food waste and disposal
Response: There would be sufficient space to store waste containers at the rear of the site without it inhibiting vehicle movements. The Highway Statement plan shows that wastes can be collected from within the site. Waste disposal would have to accord with appropriate legislation concerning health and safety.
- Impact on property values
Response: Perceived impact on property value is deemed to be a private interest and therefore not a material planning consideration.
- The site could be used for homes, a community centre, or to facilitate junction improvements
Response: The site is not allocated for any specific use on the Local Plan and hypothetical alternative uses, even if they would potential bring greater public benefit, cannot be treated as a material consideration.
- Why not use the former Total Fitness centre as it has ample parking?
Response: The Total Fitness premises are quite a large building, judging by external measurements would appear to have over 3,000sqm of floorspace which would appear to be far in excess of the applicant's functional requirements. Furthermore it is outside any recognised town or local centre and is therefore not sequentially preferable in planning terms.
- Contrary to LP47 of the local plan on healthy lifestyles.
Response: It is considered that the extent of poor health within the Dalton ward, as set out in paragraph 10.15 above, is not at a level that would justify refusing the application.

10.39 In support – 22 representations

- It might take pressure off McDonalds because having just one drive-thru takeaway leads to congestion inside the retail park.
Response: It is possible it might divert some trade from the nearby McDonalds but this has not been given any weight as a factor in assessing the application.
- It would stop cars taking a short cut through the garage site.
Response: It is the view of the Highway Officer that the installation of appropriate signage would reduce the likelihood of this happening although it would probably not be possible to totally eliminate such behaviour.
- It is a good place for a takeaway with safe access and egress, traffic lights and crossings already in place, ample parking and easily accessible by foot or bus. Traffic is not very problematic at the moment, with only occasional queues. The garage would generate as much, or more, traffic and noise if it were in use
Response: The Highway Statement predicts some additional trip generation but based on the layout and other details set out in the Highway Statement, officers conclude that this would be manageable.

- It would provide an additional option for people who want to buy food without going into the retail park and would give people more daytime / early evening options
Response: Perceived public demand for the proposed takeaway is not a factor that can be afforded significant weight since it is subjective and therefore cannot be treated as a material planning consideration.
- Would create local jobs, including for young people who may want to work part-time while studying.
Response: It is expected that jobs would be created but no significant weight has been placed on this factor in the assessment of the application.
- Lighting, CCTV and parking bollards will improve safety
Response: There is no proposal at this stage for new or upgraded lighting; a condition can however be imposed so that if it is deemed necessary, details must be submitted and approved. A CCTV scheme can also be controlled by condition in the interests of crime prevention. The Wakefield Road access would be narrowed by means of metal fencing rather than concrete bollards.
- Healthy / vegan options would be welcomed.
Response: It is doubtful that this could be controlled through the planning process.
- The existing site is an eyesore.
Response: The existing buildings, when visited by the case officer, appeared to be in a good state of repair and not affected by vandalism, but finding a new use for vacant buildings is in principle something to be welcomed as it would help to prevent them deteriorating.

10.40 Comments – 2 representations

- It is considered that the supporting documents for the proposed change of use should include a Traffic Impact Assessment (TIA) which assesses the effect of the proposed commercial use on the surrounding road network, including Waterloo Road and Wakefield Road, both of which currently suffer from congestion. A TIA would provide a more robust means to assess the traffic implications of the proposals relative to the local plan transport objectives which seek to reduce congestion rather than add to it
Response: A Highway Statement has been submitted, which has informed the report and recommendation.

- Not appropriate here because junction too busy
Response: Highways issues, especially those concerning the junction, have been examined in detail in sections

10.41 Ward Councillor Musarrat Khan – comments:

- I have received a number of emails and phone calls from concerned residents in the immediate area. Over the years I have supported residents with a number of complaints in relation to the nearby existing MacDonalds. These complaints are in relation to late night anti-social behaviour and noise, and littering in the area. Safer Kirklees and waste services have worked with me on numerous occasions to remedy these issues. Many of the residents are vulnerable elderly with some households in receipt of social care. Crown Motors was open from 8 am till 4:30 pm and the noise was minimal. This application is seeking consent

for operational times to be extended from 7 am to 11 pm and will no doubt increase the amount of noise and littering in the vicinity as well possibly attract more anti-social behaviour. The noise will have a detrimental impact on the residents' peaceful residence in and around the immediate area.

Response: Anti-social behaviour in the local area is a concern (see 10.35 below) but it is considered that it does not amount to a reason to refuse since the possibility of such problems occurring can be substantially mitigated by a condition requiring the installation of CCTV.

Opening hours of 7am until 11pm daily might not be suitable for all locations, and if it were in a quiet area with a wholly residential character, shorter hours would be sought. It is however noted that this location is, as previously observed, on a very busy road junction and in an area with a mix of uses albeit with a strong residential element. Furthermore, the building does not directly adjoin residential properties (the nearest is 4 Waterloo Road, the side elevation of which faces the rear of the premises at about 15m distance). Cllr Musarrat Khan's concerns are noted and specifically that there is a higher than average concentration of elderly or other vulnerable people in the vicinity of the site, however, based on the observations of the Environmental Health Officer, it is considered that the proposed opening hours are acceptable and that any potential issues of noise generation can be satisfactorily addressed by a condition requiring a full noise survey before the use commences.

- Nearly half of adults in Dalton Ward are either overweight or obese. There are already five unhealthy hot food outlets. I see the business is invited to work with FINE however there is no stipulation once granted permission that healthy hot food is promoted nor any powers to enforce any food outlet to serve healthy food.

Response: This issue has been examined in paragraph 10.15 above. Based on advice from Kirklees Public Health, the levels of excessive weight, obesity and general poor health in the ward are not of sufficient magnitude to justify refusing the application on public health grounds. It would not realistically be possible to control the type of food on offer using planning powers.

- Waterloo Road has suffered from high levels of traffic congestion with queues stretching from the junction at Albany Road to Wakefield road. I have approached Highways to request remedial action previously and have been told nothing can be done. The residents will no doubt be experiencing poor air quality due to this existing traffic congestion. Should this application be granted the roads will no doubt be busier for longer periods and the air quality further reduced.

Response: Impact on highway safety issues has been examined in detail earlier in the report (paragraphs 10.21-27). It is considered that the local highway network is of a sufficient standard to take on any additional traffic generated, and that subject to conditions as previously set out, would not lead to any worsening of highway safety. The site is not within an Air Quality Management Area and therefore the possible localised increase in vehicle emissions cannot be afforded significant weight in the planning process.

- The site is more suitable for a hairdressers, garage or retail. Please may I request that this application is referred to the planning committee?

Response: The existence of hypothetical alternative uses which might generate less traffic or have fewer impacts on their surroundings cannot be treated as a material planning consideration.

10.42 Councillor Alison Munro – comments

- It is already used as a cut-through between Waterloo Road and Wakefield Road and this may continue with a drive-through takeaway.
Response: As previously stated it is considered that with appropriate signage this problem should be reduced.
- The highway is very busy and there was a serious accident at the junction recently. I feel therefore that until some highway's safety measures are implemented this should not be a viable proposition as the takeaway will only serve to increase footfall and raise the risk of a serious accident happening again.
Response: It is noted that it is a very busy junction, but it is considered that with a one-way system in place, and proposed works including signage, the amount of additional vehicular movements associated with the site would not give rise to a material increase in highway safety problems.
- In the meantime, LP 19 of the Local Plan – Transport- Site TS3 A629/A642 provides for junction improvements on roads approaching Huddersfield Town Centre to reduce congestion and improve connectivity to Huddersfield and destinations beyond. – This takeaway will only create more congestion at this junction. I therefore feel a full and robust traffic assessment be carried out to ascertain the implications for the highway in relation to the Local Plan objectives as not only will it impact upon Waterloo Rd/Wakefield Rd, but Penistone Rd too.
Response: Based on the Highway Officer's comments, it is considered that the highway assessment submitted by the applicant is sufficiently detailed and has overcome officers' initial concerns.
- Finally, there is already a dearth of takeaways in Waterloo and it is well known that takeaway food can be bad for health. I seriously question whether another one is really needed. It is not known what kind of hot food this takeaway will provide, but this needs to be explored if the council is to approve the application.
Response: For reasons set out previously it is considered that public health impacts do not, in this instance, amount to a sufficiently serious concern to justify a refusal, and it is unlikely that the Council could effectively control the type of food that would be served.

Other Matters

- 10.43 *Crime and antisocial behaviour:* Hot food takeaways are sometimes associated with antisocial behaviour especially if the layout of the premises provides opportunities for loitering. It is therefore recommended that all public areas of the premises, including the car parking areas, and external entrance and exit points to the building, must be covered by CCTV. The submission of a plan giving details of the positioning of the cameras can be made the subject of a condition.
- 10.44 *Biodiversity:* Since the development involves no new build it is considered that it would be unreasonable to expect it to deliver biodiversity net gain. However, the condition requiring details of new external lighting to be submitted will ensure that external lighting does not give rise to negative impacts on adjacent land with wildlife habitat potential.

10.45 *Climate Change*: 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.

10.46 In this instance the applicant has not submitted any supplementary statement or other information to explain how the proposed development would help to address or combat climate change effects. However, it is considered that reusing an existing building within an accessible location that would draw upon passing trade and potentially encourage linked trips would in principle be compatible with the carbon reduction aims outlined above.

11.0 CONCLUSION

11.1 It is considered that for the reasons set out in the report the proposed development would be appropriate in principle in this location and would not detract from the vitality or viability of town or local centres. It is considered that the arrangements shown would provide safe access to the local highway network and would avoid giving rise to increased highway safety problems. Subject to the conditions set out in the report it would ensure that no adverse impacts on residential amenity or the local environment would occur.

11.2 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. 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. Development commences within 3 years.
2. Development to be in full accordance with plans and specifications
3. Areas for parking to be provided, marked and thereafter retained
4. Signage (as detailed in the highways statement) installed and thereafter retained
5. Hours of use to be 7am until 11pm only
6. Noise survey to be submitted and approved before the use commences
7. Details of ventilation system to be submitted and approved before use commences
8. No external lighting to be installed other than in accordance with an approved scheme.
9. CCTV scheme submitted and approved before the use commences.

Background Papers:

Application and history files.

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2021%2f91172>

Certificate of Ownership – Certificate A signed

Report of the Head of Planning and Development

STRATEGIC PLANNING COMMITTEE

Date: 21-Oct-2021

Subject: Planning Application 2021/92465 Change of use from agricultural land to private dog exercise facility Land south of, Chain Road, Slaithwaite, Huddersfield, HD7 5TZ

APPLICANT

A Senior

DATE VALID

29-Jun-2021

TARGET DATE

28-Sep-2021

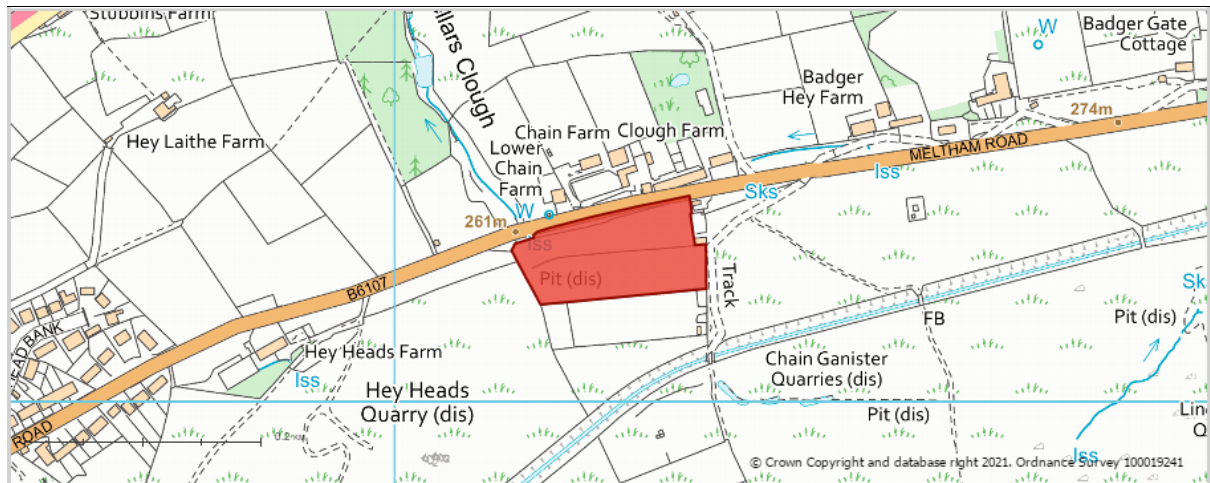
EXTENSION EXPIRY DATE

29-Oct-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: Colne Valley

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.

1.0 INTRODUCTION

- 1.1 This is an application for full planning permission (reference 2021/92465), for the change of use from agricultural land to a private dog exercise facility at land to the south of Chain Road in Slaithwaite.
- 1.2 The application is brought before Strategic Committee for determination in accordance with the Council's Scheme of Delegation (Section A, 1, e) as the application is for non-residential development where the application site boundary exceeds 0.5ha in size. The application site extends to 0.9ha.

2.0 SITE AND SURROUNDINGS

- 2.1 Land south of Chain Road, Slaithwaite, Huddersfield, HD7 5TZ
- 2.2 The application site relates to a parcel of land to the south of the B6107 Meltham Road (opposite Chain Farm). The site is steeply sloping and, until relatively recently, was used as low level non-intensive agricultural grazing land. The site is just below 1 hectare in size and is bounded by dry stone walls and chicken wire fencing. Access to the parcel of land is via an existing field gate on the western side of the site. The site lies in a rural location, with open fields to the east, south and west. Chain Farm is located to the north along with a number of terraced properties.

3.0 DESCRIPTION OF PROPOSAL

- 3.1 The application seeks planning permission for the change of use from agricultural land to private dog exercise facility (Use Class Sui-Generis). The proposals also include the retention of the existing fencing enclosures around the site.

Officer note: It is important to note that the dog exercise facility is already up and running and therefore, this application is for retrospective approval.

4.0 RELEVANT PLANNING HISTORY

- 4.1 There is no relevant planning history at the site or adjacent sites.

Pre-application Advice

- 4.2 2020/20485 – For the change of use from agricultural land to a private dog exercise facility with associated minor development. This pre-application was similar to the submitted application although the pre-application also sought advice in respect to the inclusion of access steps within the site, the widening and improvement of existing hardstanding area, and the construction of a pressure treated shed to provide shelter for visitors.
- 4.3 The Council concluded that in principle the change of use to a private dog exercise facility might be acceptable although this would be dependent on the amount of additional development proposed (e.g. shelter, access steps). The proposed engineering works to extend the off-street parking area, steps and the creation of a shelter facility were considered to be inappropriate development in this Green Belt setting. Officers did state that the retention of the existing chicken wire fencing would be acceptable although the new fencing and gates provided to the front of the site were considered to be incongruous and out of character with the rural location. It was therefore concluded that whilst the principle of a private dog walking facility might be acceptable, the associated operational development proposed alongside this change of use could cumulatively be perceived as more than is reasonably required for the proper functioning of the use of the land to which it is associated.

5.0 HISTORY OF NEGOTIATIONS/AMENDMENTS RECEIVED

- 5.1 Amendments were sought to the original proposals as the Council's highways officer requested additional information from the applicant in the form of a swept path analysis.

6.0 PLANNING POLICY BACKGROUND

- 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 unallocated in the Kirklees Local Plan but it is located within the Green Belt, a twice buffer zone and a within a Site of Special Scientific Interest Impact Risk Zone. It is also important to note that the Wildlife Habitat Network Combined Area is located to the east, south and west of the site. There are Grade II Listed Buildings to the north.

6.3 Kirklees Local Plan (LP):

- LP1 – Achieving Sustainable Development
- LP2 – Place Shaping
- LP3 – Location of new development
- LP21 – Highways and access
- LP22 – Parking
- LP24 – Design
- LP34 – Conserving the water environment
- LP35 – Historic Environment
- LP52 – Protection and Improvement of Environmental Quality
- LP56 – Facilities for outdoor sport, recreation and cemeteries

6.4 National Planning Policy Framework (NPPF):

- Chapter 6 – Building a strong competitive economy
- Chapter 7 – Ensuring the vitality and viability of town centres
- Chapter 8 – Promoting healthy and safe communities
- 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 16 – Conserving and enhancing the historic environment

Other Guidance

- Kirklees Local Plan Supplementary Planning Document – Highways Design Guide

7.0 PUBLIC/LOCAL RESPONSE

Neighbour Letters – Expired 9th August 2021.

Site Notice – Expired 4th August 2021.

Press Notice – Expired 6th August 2021.

79 representations have been received to date in support of the proposals. Comments are outlined below.

- It has a value to the community;
- The site provides a much-needed resource that allows reactive dogs to be exercised safely;
- The hours of use at the site are restricted to further limit any inconvenience to adjacent neighbouring properties;
- There are a lot of visitors and tourists to the area, which is fantastic for local business, visitors that bring their dogs with them can use the facility knowing their dogs can also have safe off lead use of the field;
- It would be a massive shame for the large clientele they have built up as well as for the business owners themselves, if permission was denied;
- The perimeter fence and fields are checked every other day to ensure they are in good order and safe for use;
- It has been beneficial to use the field during lockdown to assist with social distancing;
- The owners make sure that people visiting treat the field respectfully and ensure that rules are upheld so that neighbours aren't disturbed and that dog waste is cleared up;
- The land does not encroach on the stunning location and the fence is inoffensive;
- The parking does not require noisy manoeuvres;
- This is something a lot of people have wanted and it is the best one around;
- The owners are more than accommodating and welcoming;
- It is peaceful and the views are superb;
- Convenient online booking system;
- The site would benefit from some steps for better access;
- The business keeps income being generated in Kirklees;
- High fencing provides security for the walkers and their dogs;

- Good for mental health and wellbeing;
- It will be a terrible shame if we can't take our dogs there anymore;
- The facility has a natural spring which dogs can cool off or drink;
- The field is a much needed asset to Marsden;
- This site encourages dogs to roam in a secure environment rather illegally on the surrounding moors, illegal exercising of dogs on the moor causes a higher risk of wild fires, and impact on livestock and wildlife;
- The Council should allow many more fields like this;
- When dog theft is on the rise a secure field is one of the best places to go;
- Other fields are often booked or require long distance travel;
- There are a lot of open fields and moorlands in Marsden but they are farmed and also restricted during nesting season. This field also reduces farmers having issues of live stock being attacked or worried;
- Access to the field can be easily used without the need to reverse on the main road itself;
- Whilst there is plenty of outdoor space in Slaithwaite there is also a large number of other dog users and this can be problematic;
- The field is also currently covered in wildflowers with a number of bees, the lack of grazing is increasing the flora and insect population which can only be a good thing;
- The land is well cared for and secure access and parking is provided.

2 representations have also been received in objection to the proposals. Comments are outlined below:

- Since the dog field has opened the layby has been used for extra parking by people using the field as not enough parking has been provided. A sign should be erected to stop this happening and also a sign on the main road to slow cars down when passing as visitors reverse out of the field;

Officer note: Noted. However, the Council's Highways officers have been consulted and raised no objections to the amount of parking provided at the site. Their comments can be viewed under the consultation responses section of this report.

- Access visibility is severely substandard and is likely to increase the risk of accident;

Officer note: Noted. However, the Council's Highways officers have been consulted and raised no objections to the access or egress to the site. Their comments can be viewed under the consultation responses section of this report.

- The site is not sustainably located in terms of access by transport other than car;

Officer note: Noted. However, there are a number of bus stops adjacent to the application site, the site is accessible by bicycle, and is a 24-minute walk from Marsden Station. Although given the nature of the use of the site it seems reasonable that dog owners would use a private vehicle to get to the site as walking would defeat the purpose of the facility. Highways officers have been consulted on the proposals and raise no objections.

- The application states that 2 vehicles per hour could be expected as a result of activities on the site, but this could be more;

Officer note: Noted. Highways officers were consulted on the proposals and their comments can be found within the highways section of this report.

- Vehicles unable to park either within the site or in the layby park on the carriageway;

Officer note: Noted. Highways officers were consulted on the proposals and their comments can be found within the highways section of this report.

- The extensive operational hours of the exercise facility mean sustained and prolonged noise is generated for up to 15 hours a day, 7 days a week from shouting, whistling, barking and cars in the exercise field;

Officer note: Noted. The Council's Environmental Health officers were consulted on the application and raised no concerns in respect to noise pollution although a condition is recommended to restrict the hours of operation and the amount of dogs on site at any one time.

- The field is situated just 14.8m away from adjacent dwelling Lower Chain Farm which is an invasion on the occupiers privacy, with two thirds of the field overlooking this property;

Officer note: Noted. This is discussed in more detail within the residential amenity section of this report.

- The proposed dog facility is having adverse effects on horses owned by neighbouring properties. The noise and activity generated by multiple dogs has caused these horses great distress;

Officer note: Noted.

- The existing sheep netting and chicken wire fence creates an industrial look to the area and has a detrimental impact on the peaceful location in which it is situated.

Officer note: Noted. However, this style of fencing can be found throughout the immediate vicinity, and is considered to be the least visually intrusive style given the nature and purpose of the site, and to allow the land to serve its proposed use.

Parish/Town Council Comments

N/A.

Local Ward Members

Consulted - no comments have been received to date.

8.0 CONSULTATION RESPONSES

8.1 KC Ecology Unit – No comments have been received within statutory timescales.

8.2 **KC Environmental Health** – Comments received 27th August 2021. No objections to the proposals subject to conditions relating to hours of use, use of artificial light and the number of dogs allowed on site at any time.

8.3 **KC Highways Development Management** – Comments received 9th July 2021. No objections but request further information in respect to access, parking and turning arrangements.

Officer note: Following receipt of a swept path analysis (drawing no. 186-55-400), 2 parking spaces have been provided, which are considered to be sufficient for the site users. Highways consider the access, parking and turning arrangements to be acceptable and therefore raise no objections subject to a condition relating to surfacing and draining. However, it is in officer's opinion that the proposed condition would not be necessary in this instance as the hardstanding does not form part of this application and was undertaken under permitted development rights many years ago.

8.4 **KC Conservation & Design** – Comments received 24th September 2021. No objections to the proposed development.

9.0 MAIN ISSUES

- Principle of development
- Impact on visual amenity
- Impact of the proposed development upon the privacy and amenity of neighbouring properties
- Impact on highway safety
- Other matters
- Conclusion

Principle of Development:

9.1 The site is allocated as Green Belt on the Kirklees Local Plan. As such the proposal has been assessed having regard to NPPF Chapter 13, Paragraph 148, which advises that planning authorities should ensure that "substantial weight" is given to any harm to the Green Belt and that inappropriate development should not be approved unless very special circumstances can be demonstrated. As relevant to this application, under Paragraph 150 there are a number of forms of development that can be deemed as being appropriate in the Green Belt as long as they do not impact on its openness or conflict with the purposes of including land within it. These include material changes in the use of land. This application seeks a material change in the use of the land from agricultural grazing land to private dog exercise facility and retention of existing chicken wire fencing. It is therefore considered that the proposals would be acceptable in principle, as long as they would not impact on the openness of the Green Belt or conflict with the purposes of including land within it, which is considered below

9.3 It is in officer's opinion that the physical change of use from agricultural land to private dog exercise facility would not impact on the openness of the Green Belt to a significant degree. This is due to the nature of the use which would allow the land to remain open and therefore retain the character of the existing field. However, openness is judged not just on the visual aspect but also the spatial aspect. The spatial impact would include the enclosure of the land through the erection of fences, visual intrusion, and intensity of use, disturbance from noise, light and general activity which would occur during the day and into the evening.

- 9.4 Taking the above into consideration, it is noted that the site is currently bounded by dry stone walls and chicken wire fencing. The applicant seeks to retain these existing enclosures to prevent dogs escaping into the road or into adjacent fields. This appears to be acceptable as the land seems to have always been separated by such enclosures and the existing fencing is considered to be lightweight and be of a similar style to adjacent types of fencing found throughout the immediate vicinity. Field enclosures are also not uncommon features within the landscape, as is the case in this location. It is therefore deemed that this would not have a harmful impact on the openness of the Green Belt.
- 9.5 It does however appear that to the front of the site, the gated access does include a more modern pressure treated timber fence and new metal pedestrian and vehicle access gates. The pressure treated timber fence is considered to appear incongruous in this location and detract from the openness of the Green Belt. It is therefore deemed reasonable to include a condition that requires the applicant to replace this portion of fencing to match the existing chicken wire fencing found throughout the rest of the site. The applicant has confirmed acceptance of such a condition as highlighted within the submitted Planning Support Statement at paragraphs 3.6 & 3.7. This alteration would help to provide a more sympathetic appearance, which is reflective of the area in which the site is located.
- 9.5 Moving on to the intensity of use, visual intrusion and disturbance from noise, light and general activity. The applicant hopes to open the site up to customers 7 days a week between 7am` and 10pm. The Council's Environmental Health officers were consulted on the application and raised no objections to the proposal, subject to conditions restricting the opening hours to the above days and times, with a further restriction on the number of dogs allowed on the site at any one time. It was also considered that any external lighting within this location would not be suitable given the rural nature of the area. It is considered that, subject to these mitigating conditions, the proposals are deemed to be acceptable in principle and would not impact on the openness of the Green Belt to a significant degree.
- 9.6 In conclusion, the proposals are considered to be acceptable in principle and would not constitute inappropriate development within the Green Belt. It would therefore be in accordance within guidance within the NPPF.

Impact on Visual Amenity and Heritage Assets:

- 9.7 Section 12 of the NPPF advises that good design is a key aspect of sustainable development; it creates better places in which to live and work and helps to make development acceptable to communities. Local Plan Policies LP1, LP2 and most importantly LP24, are also relevant. These policies seek to achieve good quality design that retains a sense of local identity, which is in keeping with the scale of development in the local area and is visually attractive.
- 9.8 The change of use from agricultural grazing land to private dog exercise facility has resulted in a limited amount of physical changes to the appearance of the site. As discussed previously, the chicken wire fence that has been erected around the site is considered to be lightweight and not visually intrusive given the site's location, adjacent to similar style fencing. A condition is recommended, however, to require that the modern pressure treated timber fence to the front of the site is replaced with matching chicken wire fencing to ensure that the proposals are reflective of their rural location. Subject to this condition, the proposal is considered to achieve a sufficiently high- quality design.

- 9.8 To the north east of the site there are a number of Grade II Listed Buildings (1-3 Chain Road). Under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Local Planning Authorities must, in considering the impact of a development on Listed Buildings have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 9.9 Furthermore, Chapter 16 of the NPPF states that in determining applications local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets. If harm would result this should not be allowed without a proportionate justification. This approach is affirmed by Policy LP35 of the Kirklees Local Plan, and also LP24(a) which states that the form, scale, layout and details of the development must respect the character of heritage assets.
- 9.10. Given the nature of the proposal, the Council's Conservation & Design officers were consulted. They raise no objection to the scheme as the development does not include any substantial structures and is primarily a change of use of land. It is not considered that the proposed change of use would have any direct or indirect impact on the experience of the nearby listed buildings, or any other heritage assets.
- 9.11 For the reasons set out above, the proposals are considered to accord with the requirements of policies LP24 and LP35 of the Kirklees Local Plan and Chapter 12 and 16 of the National Planning Policy Framework.

Impact on Residential Amenity:

- 9.12 Sections B and C of LP24 state that alterations to existing buildings should:

"...maintain appropriate distances between buildings' and '...minimise impact on residential amenity of future and neighbouring occupiers".

- 9.13 Further to this, paragraph 130 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future occupiers.

Impact on Lower Chain Farm and dwellings located on Meltham Road (nos. 1-5)

- 9.14 These neighbouring dwellings are located to the north of the application site and given the nature of the proposals and scale of works, it is not considered that the proposals would appear overbearing or cause undue overshadowing. However, it is acknowledged that concerns have been raised by residents with regards to loss of privacy and overlooking. Separation distances from these adjacent properties to the application site vary from between 10m (at the bottom of the site along the northern boundary) – 84 metres (at the top of the site along the southern boundary). Whilst it is acknowledged that, in those cases where the separation distance is around 10m, views towards these dwellings may result in overlooking, however, given the nature of the use of the site, it is not typical that dog walkers would stand at the northern boundary of the site for a prolonged period. They are likely to walk around the field and up to the top of the site (towards the southern boundary) where there is a wooden bench and small dog agility course provided. It is therefore considered more likely that they would

spend the majority of their time in the southern portion of the site, where the separation distances from these adjacent neighbouring dwellings is greater. It is therefore considered that the potential for overlooking would not be detrimental in this instance to recommend refusal of this application.

Concerns have also been raised by neighbouring properties in respect to noise and light emanating from the proposed use. The Council's Environmental Health officers were consulted on the proposals and recommended conditions to restrict the hours of operation from 7am to 10pm with a maximum of 10 dogs allowed on site at any time. A condition is also proposed that no external lighting is allowed at the site. Environmental Health officers consider these conditions to be sufficient in mitigating any concerns in respect to noise and light pollution.

- 9.15 It is therefore concluded that the proposal does not give rise to any adverse impacts upon neighbouring residential amenity and as such, this aspect of the proposal is considered to be acceptable. It is therefore concluded that the proposals comply with Policy LP24 of the Kirklees Local Plan and Section 12 of the National Planning Policy Framework.

Impact on Highway Safety:

- 9.16 Paragraph 111 of the NPPF states 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.
- 9.17 The application site utilises an existing gated access from Chain Road, in which there is a lay by area to the north allowing visitors to stop and open the gate without needing to stop in the highway. Internal turning has been demonstrated within the submitted swept path analysis drawing (no. 186-55-400) and 2 parking spaces have been presented within the hardstanding area. Whilst representations have been received in objection to the development specifically in terms of highway safety, the Council's Highways officers were consulted on the proposals and consider the access, parking and turning arrangements to be acceptable. Therefore, they raise no objections to the proposals.
- 9.18 For the above reasons it is considered that the scheme does not represent any additional harm in terms of highway safety and as such complies with Local Plan Policies LP21 and LP22, and the guidance contained within the National Planning Policy Framework.

Other Matters:

Waste Management

- 9.19 In respect to dog waste at the site, a litter bin is provided adjacent to the gate at the entrance of the site. Within the submitted Planning Support Statement it is stated that the business is entering into a contract with a professional specialised service provider who remove dog waste from such facilities and also provide a bin receptacle. Whilst this is acceptable the precise details of how animal waste will be disposed of will be required by condition.

Biodiversity

9.20 Whilst no comments have been received by the Council's Ecology Unit an Ecological Impact Assessment has been provided by the applicant's agent, undertaken by MAB Environment & Ecology Ltd. April 2021. This report concludes that the Ecological Impact Assessment has not identified any significant impacts due to the proposed development, and therefore no specific mitigation is required. However, the enhancement measures outlined in Section 8 of the report will help to secure positive gains to local biodiversity when compared to baseline conditions. It is therefore considered that applying a condition which requires these enhancement measures to be undertaken by the applicant and retained thereafter would be sufficient in this instance.

Climate Change

9.21 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.

9.22 As the proposals simply seek a change of use to the land from agricultural to a private dog exercise facility and the retention of existing fencing, it is not considered that the proposals would have a significant impact on climate change. Therefore, the proposed development is considered to comply with Policy LP51 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

9.23 There are no other matters for consideration.

10.0 CONCLUSION:

- 10.1 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.
- 10.2 Officers conclude that the principle of the change of use from agricultural grazing land within the Green Belt to a private dog exercise facility is acceptable and in accordance with paragraph 150 of the National Planning Policy Framework. Whilst some concerns were raised in respect to noise, light and parking/access to the site, the Council's Highways officers have concluded that there are no concerns in respect to highways safety and that the proposals accord with local plan policies LP21 and LP22. Conditions have also been recommended by the Council's Environmental Health team who believe that these conditions would mitigate the impacts of the proposal so that there is not an unacceptable impact upon residential amenity of occupants of residential properties in the locality.

10.3 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.

Recommendation:

Approve.

Background Papers:

Application and history files

Available at: <https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2021/92465>

Certificate of Ownership

Certificate A signed.

Conditions & Reasons:

1. Hours of operation from 07:00am - 22:00pm Monday - Sundays including Bank Holidays.
2. No external lighting at the site.
3. Replacement of modern pressure treated fencing to the front of the site (within 3 months).
4. Ecological enhancements to be provided within 3 months as recommended within Ecological Impact Assessment (April 2021) undertaken by MAB Environment & Ecology Ltd.
5. A scheme for the disposal of animal waste shall be submitted to the council for agreement

Report of the Head of Planning and Development

STRATEGIC PLANNING COMMITTEE

Date: 21-Oct-2021

Subject: Planning Application 2021/92801 Erection of 284 dwellings with associated works and access from Hunsworth Lane and Kilroyd Drive Land at, Merchants Field Farm, off Hunsworth Lane, Cleckheaton

APPLICANT

Harron Homes Ltd

DATE VALID

30-Jul-2021

TARGET DATE

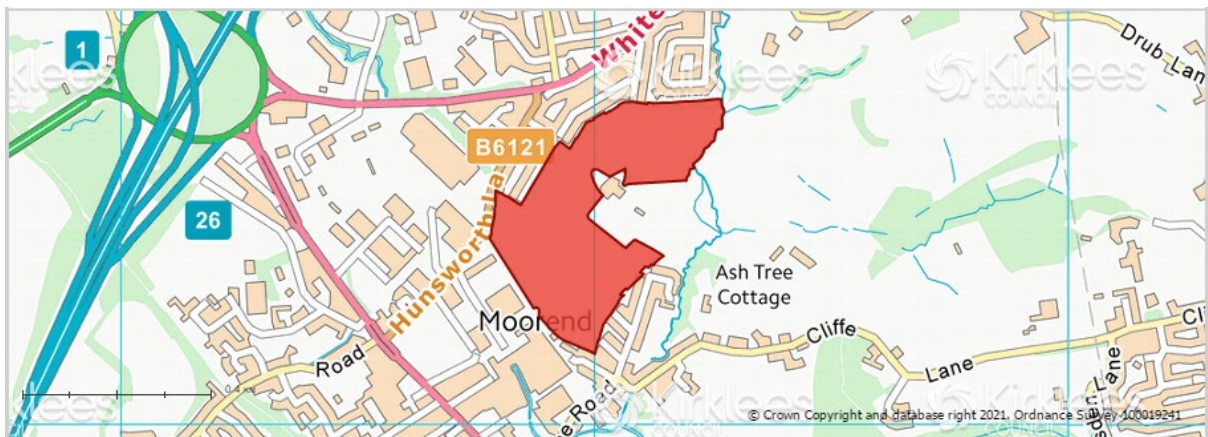
29-Oct-2021

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: Cleckheaton

Ward Councillors consulted: Yes

Public or private: Public

<p>POSITION STATEMENT – For Members to note the content of the report and presentation, and to respond to the questions at the end of each section.</p>
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1.0 INTRODUCTION:

1.1 The application is for full planning permission for the erection of 284 dwellings. The proposal is a resubmission of application number 2019/93303 for 267 dwellings, which was refused by the Strategic Planning Committee on 28th April 2021. The application was refused for the following reason:

“The proposed layout does not deliver a sufficient mix of housing suitable for different household types because it is overly dominated by four bedroom detached dwellings. Furthermore, the double hedgerow within the site, which is classed as ‘important’ under the Hedgerow Regulations 1997, would not be retained in situ and it has not been adequately demonstrated that this hedgerow can be translocated without unduly prejudicing its ability to survive. As such, the proposal results in a poor quality layout and the application is contrary to Policies LP11, LP24 and LP65 of the Kirklees Local Plan and guidance in chapter 5 and chapter 12 of the National Planning Policy Framework.”

1.2 The revised scheme seeks to respond to the previous reason for refusal through changes to the site layout and housing mix and the submission of additional information in relation to the translocation of the important hedgerow.

1.3 The Council’s Officer-Member Communication Protocol provides for the use of Position Statements at Planning Committees. A Position Statement sets out the details of an application, the consultation responses and representations received to date, and the main planning issues relevant to the application.

1.4 Members of the Committee are invited to comment on the main planning issues to help and inform ongoing consideration of the application, and discussions between officers and the applicant. This Position Statement does not include a formal recommendation for determination. Discussion relating to this Position Statement would not predetermine the application and would not create concerns regarding a potential challenge to a subsequent decision on the application made at a later date by the Committee.

2.0 SITE AND SURROUNDINGS:

2.1 The site is located towards the northern extent of Cleckheaton and comprises unused agricultural grazing land amounting to some 12.01 hectares.

- 2.2 The site wraps around Merchant Fields Farm, which comprises of a group of four dwellings. The access to these dwellings is via an unadopted track at the end of Kilroyd Drive which passes through the application site.
- 2.3 The area to be developed comprises five adjoining fields which are separated by tree and hedgerow boundaries. Two fields in the middle of the site generally have a very gentle topography but the two fields making up the southern portion of the site and the field in the north-eastern part of the site slope down quite steeply towards the site boundaries.
- 2.4 The site is located in an area where there are a mix of uses. Residential development lies to the north, north-west and south-eastern boundaries and there is employment land to the south-west. Open land exists to the north-east. The urban grain of the surrounding residential area is reasonably compact with closely spaced dwellings comprising of mainly semi-detached and terraced housing of mixed age and design.
- 2.5 Public footpath SPE/41/10 runs alongside the south-western site boundary and public footpath SPE/44/30 runs through the north-east corner of the site and continues alongside the south-eastern boundary. Nann Hall Beck lies along the north-eastern boundary.

3.0 PROPOSAL:

- 3.1 The proposal is a full application for the erection 284 dwellings.
- 3.2 The fundamental difference between the current application and the refused scheme is the 17 additional dwellings to increase the amount of smaller sized properties and a slight reduction in the number of four bed detached properties.
- 3.3 The number of four bed units has been reduced by four, the number of two bed units has been increased by ten and the number of three bed units has been increased by eleven.
- 3.4 The increase in the quantum of development has been achieved by modifying elements of the previous layout and extending the built development closer to the south-eastern site boundaries.
- 3.5 The hedgerow that is classed as important under the Hedgerow Regulations is proposed to be translocated to the same part of the site as the previous application. The applicant has provided additional supporting information in relation to the methodology for the translocation, which has been provided by a company who has previously carried out similar work.
- 3.6 The layout retains the two separate points of access which were proposed under the previous application, with a new access to be formed off Hunsworth Lane and an extension to Kilroyd Drive.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

- 4.1 2019/93303 Erection of 267 dwellings with associated works and access from Hunsworth Lane and Kilroyd Drive – Refused 21/5/21

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

- 5.1 Officers requested that the applicant review their scheme in light of paragraph 131 of the revised National Planning Policy Framework, which states that planning decisions should ensure that new streets are tree-lined (unless, in specific cases, there are clear, justifiable and compelling reasons why this would be inappropriate). The applicant has submitted an amended landscaping layout which seeks to respond to this matter. The amended landscaping plan also seeks to address concerns raised by Yorkshire Water regarding the proximity of planting to a sewer within the site.
- 5.2 The applicant has submitted additional information in response to comments made by The Coal Authority regarding an identified coal mining feature close to the proposed access on Hunsworth Lane. The Coal Authority has been consulted on the additional information and a response is awaited.
- 5.3 The applicant has also provided vehicle swept paths which seek to demonstrate that the road layout can accommodate an 11.85m refuse collection vehicle.
- 5.4 An updated Flood Risk Assessment has been requested, which reflects the layout as currently proposed.

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 site comprises housing allocation HS96 within the Kirklees Local Plan.
- 6.3 Kirklees Local Plan (2019):

LP1 – Presumption in favour of sustainable development
LP2 – Place shaping
LP3 – Location of new development
LP7 – Efficient and effective use of land and buildings
LP11 – Housing Mix and affordable housing
LP20 – Sustainable travel
LP21 – Highway safety and access
LP22 – Parking standards
LP24 – Design
LP27 – Flood risk
LP28 – Drainage
LP30 – Biodiversity and geodiversity
LP32 – Landscape
LP33 – Trees
LP35 – Heritage
LP47 – Healthy, active and safe lifestyles
LP49 – Educational and health care needs
LP51 – Protection and improvement of local air quality
LP53 – Contaminated and unstable land
LP63 – New open space
LP65 – Housing allocations

6.4 Supplementary Planning Guidance / Documents:

Highway Design Guide SPD
Open Space SPD
Housebuilders Design Guide SPD

6.5 National Planning Guidance:

Chapter 2 – Achieving Sustainable Development
Chapter 4 – Decision-making Chapter 5 – Delivering a sufficient supply of homes
Chapter 8 – Promoting healthy and safe communities
Chapter 9 – Promoting sustainable transport
Chapter 11 – making effective use of land
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 material considerations:

Kirklees Interim Affordable Housing Policy (January 2020)
Biodiversity Net Gain Technical Advice Note
Planning Practice Guidance

7.0 PUBLIC/LOCAL RESPONSE:

7.1 The application has been advertised by site notices, press advert and neighbour notification letters. The statutory publicity period ended on 23rd September 2021.

7.2 98 representations have been received. A summary of the representations is provided below.

Planning history:

- Application now proposes more houses so impacts will be worse than previously refused application
- Objections raised to the previous application are still relevant
- Proposal does not address the previous reason for refusal in relation to housing mix; proposed mix of housing is unsuitable
- Proposal does not address the previous reason for refusal in relation to the hedgerow. The important double hedgerow should be incorporated into the layout, not translocated elsewhere within the site

Highways:

- Impact of increased traffic on local highway network, including key junctions
- Local highway network cannot accommodate the additional traffic. There are already congestion problems in this area.
- Impact on queuing times at junctions Additional traffic will be detrimental to highway safety
- Local junctions will be operating well over capacity
- Cumulative highway effects with other planned/committed developments in the area
- Kilroyd Drive unsuitable to accommodate the additional traffic

- On-street parking on Kilroyd Drive narrows its width and makes it unsuitable to serve the development
- Impact of construction traffic and development traffic on Kilroyd Drive
- Construction access should be taken from the proposed new access on Hunsworth Lane, not Kilroyd Drive
- Concerned that the developer will not construct the Hunsworth Lane access and all traffic will go via Kilroyd Drive
- Traffic mitigation measures are required for development on this site, as set out in the Local Plan
- Local junctions will be operating well over capacity
- Impact on queuing times at junctions
- Safety concerns with the proposed access on Hunsworth Lane; access is on a bend
- Public transport infrastructure inadequate to support this development
- Development will be reliant on private car because of limited bus services in this location
- Development will be used as a rat-run between the proposed points of access
- Suggestion for a Traffic Regulation Order on Kilroyd Drive to prevent the site being used as rat-run and consequently limit the impact on residents of Kilroyd Drive
- Internal road layout is unsuitable for large vehicles and will require reversing manoeuvres
- Applicant's transport assessment is inadequate
- The submitted Travel Plan is unrealistic and does not reflect the reality of local circumstances
- Public transport infrastructure inadequate to support this development
- Impact on footpaths

Amenity:

- Detrimental impact on outlook
- Overbearing/imposing impact on adjacent houses
- Overshadowing/loss of light
- Overlooking/loss of privacy
- Noise and air pollution from additional traffic
- Air quality monitoring needs to be carried out closer to the site with cumulative impacts of other planned/committed developments also taken into account
- Impact on health as a result of increased air pollution
- Increased light pollution
- Loss of an accessible local beauty spot
- Nuisance and disturbance from construction activities
- Impact on amenity of residents of Kilroyd Drive by using this road as an access

Land stability and contamination:

- Concern with the impact on public safety from the legacy of coal mining activity
- Site instability due to historic mining legacy
- Evidence of active subsidence on the site
- The fourth mine shaft close to Hunsworth Lane has not been adequately investigated
- Concerns regarding mine gas

- Gas protection measures for new houses should be provided; no information regarding this has been submitted
- There could be other mining features that have not been identified

Flooding:

- Concerned that the development will increase flood risk on and off the site
- There are existing flooding problems in this area. Proposal is likely to exacerbate these
- Site is prone to flooding
- There are existing road flooding problems on Kilroyd Drive
- There have been flood incidents at nearby properties
- Developing the land will mean surface water run-off is increased
- Cumulative impact on flooding from this development and other planned/committed developments in the area
- Increased risk of flooding to existing property from greater discharge to the adjacent beck
- Loss of natural drainage provided by the existing fields, which will increase flood risk elsewhere
- Impact of vegetation removal on flood risk

Infrastructure:

- Increased pressure on schools and medical service providers.
- Inadequate infrastructure and amenities to support the additional housing proposed, including shops
- Cumulative impact with other developments must be taken into account when considering the impact on facilities and services

Ecology:

- Detrimental impact on flora and fauna including owls, bats, foxes, herons
- Loss of habitat
- Detrimental impact on the ecosystem of the adjacent watercourse
- Impact on the 'important hedgerow' by translocating it; concern that it will not survive
- Trees and hedgerows have previously been removed from the site
- Net loss to biodiversity
- Submitted ecological reports are out of date and contain inaccuracies

Landscape and urban design:

- Loss of green fields
- Land was Green Belt
- Development will merge Hunsworth and Cleckheaton
- Housing will detrimentally affect the established character of this area
- Hunsworth will lose its rural feel and character
- Overly dense form of development
- Inadequate open space provided

Other matters:

- Development needs to be assessed in the context of other Local Plan allocations in this area – cumulative impact
- Many of the submitted reports need updating

- Size of new dwellings (majority large detached) is out of keeping with the area which is mainly 2/3 bed terraced and semi-detached
- Brownfield sites should be built on first
- Proposed community orchard may attract anti-social behaviour
- There is a Roman road running through the site; archaeological investigation and recording is required
- Inadequate play areas for children of all ages
- Inadequate engagement by the developer with the local community
- A contribution should be sought to improve the public realm in Cleckheaton town centre
- Building houses on these open fields is inconsistent with achieving net zero climate change and similar environmental commitments
- Question the competency of the developer
- Negative impact on house prices

7.3 Ward Councillor Kath Pinnock has commented on the application as follows.

1. *Please can this application be considered by committee given the size of the application and the number of objections*
2. *I am not convinced that the latest proportions of different house types and sizes in the plan are sufficient to meet the concerns raised at the last committee and meet the Council's policy objectives*
3. *The 4th mine shaft has still not been located;*
4. *Currently the double hedge is both protected under the legislation but also deemed to be a significant feature in the local landscape. How can both these be retained if the hedge is moved as per the application?*

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

KC Highways Development Management – No objection

KC Lead Local Flood Authority – The submitted Flood Risk Assessment (FRA) relates to the previous scheme for 267 dwellings. An updated FRA which reflects the revised layout for 284 dwellings should be provided by the applicant.

The Coal Authority – Further information/clarification required. Since the issuing of our previous comments, it has come to our attention that it may not be possible for the applicant to undertake a full search for one of mine shafts within the site – this is the shaft to the north of the proposed new road junction with Hunsworth Lane (ref 418426-008). This is because such investigations may necessitate accessing land beyond the western application site boundary, which would be outside the control of the applicant. As such, in order for the Coal Authority to comment fully on the current proposal, the applicant should be requested to provide/clarify the following:

- A proposed site plan to show the plotted position of mine shaft 418426-008 and its potential zone of influence/instability, taking into account factors including its allotted departure radius and the depth to rock in the locality;
- A plan to show the extent of the proposed additional area of search for the shaft; and

- Should a full search for the shaft note be possible due to the need to access land beyond the application site boundary, details of the nature of measures that will be incorporated into the development, in particular the new junction/access road, to mitigate the risk of instability in the event of an offsite shaft collapse.

The applicant has provided additional information in response to the above comments. The Coal Authority have been consulted on the additional information and their response is awaited.

Highways England – No objection subject to condition requiring a construction phase traffic management plan

8.2 **Non-statutory:**

KC Ecology Unit – The development results in a net biodiversity loss and an off-site financial contribution is necessary in order to deliver a net biodiversity gain of 10%.

KC Landscape Section – There is an opportunity to provide high quality open space provision on this site, including play provision for children and young people. On-site provision to meet the needs of children and young people should be considered in the first instance, before an off-site commuted sum is considered. Aspects of the proposed open space provision have been well thought-out, such as the community orchard. However, a much more expansive and detailed scheme is necessary for the development to fully meet the different open space typologies, particularly in relation to parks and recreation and equipped play. The scale of the development also generates a requirement for outdoor sport provision, which would be sought as a commuted sum.

KC Trees Officer – No objection. Condition recommended requiring the development to be carried out in accordance with the submitted hedgerow translocation statement.

KC Environmental Services – Final comments awaited. A financial contribution towards air quality mitigation will be required.

KC Waste Strategy (Refuse & Cleansing) – All plots appear to have bin storage and presentation points which is welcomed. However, consideration should be given to providing suitable screened and secure bin storage to the front of terraced plots and any plot which has stepped rear access. On these plots rear access for the storage of bins is poor and convoluted which may discourage use. Formal provision of bin stores at the front of these dwellings would help to avoid the casual storage of bins at the front of houses in full view of the street, under windows and blocking driveways/footways.

Swept paths for an 11.85m refuse collection vehicle are required.

A condition is recommended requiring temporary waste collection arrangements if properties are to be occupied before the site construction is complete.

KC School Organisation – A contribution of £1,146,481 is required towards education provision.

KC Strategic Housing - There is significant need for affordable 1 to 3+ bedroom homes in Batley and Spen. The proposal triggers a requirement for 57 affordable dwellings (20% of the total number of units). A tenure split of 55% social or affordable rent to 45% intermediate housing is sought. The affordable housing should be distributed evenly throughout the development and not in clusters and must be indistinguishable from market housing in terms of both quality and design. Strategic Housing would prefer to see the clusters of affordable homes further dispersed where possible.

KC Public Health – No objections raised

Yorkshire Water – Yorkshire Water strongly objects to the site layout as currently shown. Prior to determination, the site layout must be amended to account for the critical public sewerage infrastructure to the south west of the site. It is likely that a diversion of this infrastructure will incur high costs, which may be prohibitive to the development. A stand-off distance of 5 (metres is required at each side of the centre line of the 800mm public syphon sewer that crosses the site. It may not be acceptable to raise or lower ground levels over the sewer. No trees should be planted within 5 metres of any public sewer crossing the site. Concerns raised with the proximity of an attenuation tank and trees to the public syphon sewer. The plans should be amended to show the required stand-off distances from the public syphon sewer (or an agreed alternative scheme i.e. a diversion of this sewer).

The applicant has provided an amended plan which seeks to address the above concerns. Yorkshire Water has been consulted on the additional information and their response is awaited.

Police Architectural Liaison Officer – No objection subject to conditions

9.0 MAIN ISSUES

- Principle of development
- Layout and housing mix
- Important hedgerow
- Highway matters
- Coal mining legacy
- Planning obligations
- Other matters

10.0 APPRAISAL

Principle of development

- 10.1 The proposal is a resubmission of application number 2019/93303 for 267 dwellings which was refused earlier this year. The starting point for the assessment of the current application is the previously refused scheme, which is a significant material consideration.
- 10.2 The previous scheme for 267 dwellings was refused on the basis of the housing mix – which was considered to be overly dominated by four bedroom detached dwellings – and concerns with the proposal to translocate the important hedgerow within the site, specifically because it had not been adequately demonstrated that this could be achieved without prejudicing its ability to survive.

- 10.3 The applicant has now submitted a revised scheme that increases the number of units to 284, resulting in an increase in the number of smaller two and three bed roomed properties (+21) and a reduction in the number of four bed detached houses (-4).
- 10.4 The applicant has also submitted additional supporting information with respect to the translocation of the hedgerow. This is in the form of a report from a company who has previous experience of carrying out habitat translocation, including hedgerows. The report details the technical aspects of translocating the important hedgerow and demonstrates the expertise of the company to complete this work.
- 10.5 The main issues with the application are therefore the density and housing mix and the proposals for the important hedgerow.
- 10.6 The overall principle of development is considered to be acceptable. The land is allocated for housing in the Local Plan and therefore the principle of residential development on the site is accepted in accordance with the land's allocation.

Layout and housing mix

- 10.7 The indicative capacity of this housing allocation is 413 dwellings, which is based on the Local Plan's minimum density target of 35 dwellings per hectare, as set out in Policy LP7.
- 10.8 It has previously been accepted that the constraints of the site are such that the site's capacity is considerably less than the indicative capacity in the Local Plan.
- 10.9 The current proposal increases the quantum of development in comparison to the previous scheme, albeit by a relatively modest 17 units. This nevertheless represents a more efficient use of this housing land which would contribute towards the Council's overall housing targets as set out in the Plan. Furthermore, delivering a more efficient use of the allocation would be consistent with guidance in the NPPF, which states that planning decisions should ensure that developments optimise the potential of a site to accommodate and sustain an appropriate amount and mix of development.
- 10.10 The proposal still provides a high proportion of four bed detached dwellings although there is now a greater number of smaller sized houses which would help to meet the needs of a broader range of people. The proportion of these smaller house types has increased from circa 20% to just over 25%.
- 10.11 The increase in the quantum of development has partially been achieved by extending the built development closer to the south-eastern site boundaries. This brings new housing closer to the existing properties towards the south on Brookfield View, Brookfield Terrace and Brookfield Avenue, and it also impacts on the amount of open space that is to be provided on site. The proposed layout nevertheless retains a buffer to these existing houses and to Nan Hall Beck in the north-eastern part of the site. The reduction in the open space would be taken into account as part of the calculation for open space contributions.

- 10.12 The proposed house types remain the same as the previous application and as such there are not considered to be any design implications.
- 10.13 The applicant has been asked to review their scheme in the context of the revised NPPF which was published in July 2021, and specifically paragraph 131 which states that planning decisions should ensure that new streets are tree-lined (unless, in specific cases, there are clear, justifiable and compelling reasons why this would be inappropriate).
- 10.14 The applicant has submitted a revised landscaping layout which provides a handful of additional trees across the site. Furthermore, the applicant has advised that where trees are to be provided within front gardens, these areas would fall under the responsibility of a management company. This would mean that the first half metre of the front garden would not be within private curtilage and so it would provide some control over the retention of the trees.
- 10.15 The application is a resubmission of a previously refused scheme and the requirement to provide tree-lined streets within the NPPF post-dates the original proposal. As such, it is recognised that it is more difficult to integrate tree planting without a redesign of the road layout. Having said that, trees are provided at many of the key junctions and at the terminus of some of the cul-de-sacs, as well as groups of trees within areas of open space. Individual trees to the front of certain plots are to be provided as described above and other plots would incorporate shrub planting to their frontages. However, if some of these shrubs were replaced with trees then it would help to give a more tree-lined feel to the development.
- 10.16 Subject to further consideration of the number of trees provided to the front of dwellings, on balance officers consider that the development would accord with paragraph 131 of the NPPF in this instance. However, it is important to state here that the applicant's approach to deliver tree-lined streets by removing a narrow strip of front garden and placing it within a management company may not be appropriate on other sites.
- 10.17 The proposal brings development closer to Brookfield Avenue, Brookfield Terrace and Brookfield View which lie to the south of the site. However, these properties would be separated from the new dwellings by an undeveloped buffer and the separation distances would all exceed those recommended within the Housebuilders Design Guide SPD. The proposed layout would not bring development any closer to existing dwellings to the west and north of the site on Links Avenue, Kilroyd Avenue and Mazebrook Crescent. In the case of separation distances to properties on Kilroyd Avenue, separation distances have increased slightly in some instances. Overall, officers consider that the proposed layout provides acceptable separation distances to neighbouring houses.
- 10.18 **Do Members have any comments in relation to the revised layout, density and housing mix at this stage?**

Important hedgerow

- 10.19 There is a double hedgerow that lies to the south-west of Merchants Field Farm, and which is classed as 'important' under the Hedgerow Regulations 1997. The applicant is proposing to translocate this hedgerow to the southern flanks of the site where it would be laid out as a single hedgerow set within an area of open space, similar to the previous application.
- 10.20 Retaining the hedgerow in its current location poses a very significant constraint to the site layout, particularly the road network within the site which is already influenced by topographical constraints.
- 10.21 Translocating the hedgerow provides a technical response to this issue and the Local Planning Authority (LPA) must make an assessment as to whether this is suitable and achievable.
- 10.22 As with the previous application, the latest submission is supported by details regarding the translocation of the hedgerow. This has now been further supplemented with an additional detailed report which sets out the technical aspects of moving the hedgerow whilst preserving its value. This additional statement also provides examples of similar work that has been undertaken by the contractor around the country, including the translocation of 550m of hedgerows for UK Coal Ltd in the East Midlands and North East.
- 10.23 From the submitted detail, the LPA's trees officer and ecologist are satisfied that the translocation is a viable option for the hedge. The examples of hedgerows being translocated elsewhere in the country serve to provide further comfort that this is a viable solution.
- 10.24 Furthermore, it is considered that there is a benefit to moving the hedge and setting it within an area of open space. The hedge in its current location would not be as valuable within a developed site and the wildlife value that it currently provides within this open field system would be significantly reduced if it were to be incorporated into the built environment.
- 10.25 It is relevant to note that the hedge is deemed an important hedgerow due to its species mix, rather than any association with historic features specific to the location where it is currently growing. On that basis, moving the hedge, including the species composition and basal soil with its associate seed bank, to an alternative location is a good option to ensure that it can continue to offer a high degree of wildlife and public amenity value.
- 10.26 The proposal seeks to move the hedge to a boundary location along an existing public footpath and in a position that is associated with planned open space within the development. This would create a much longer wildlife corridor than the hedge currently forms and will allow the current hedge material and associated species mix to form a new valuable landscape feature. Additionally, new hedgerow planting would be provided parallel to a section of the translocated hedgerow which would recreate a new double hedgerow feature within the site.
- 10.27 **Do Members have any comments in relation to the important hedgerow at this stage?**

Highway matters

- 10.28 The site lies approximately 1.2km to the north of Cleckheaton Town Centre and is located to the east of the B6121 Hunsworth Lane and south east of Whitehall Road (A58). Vehicular access is currently taken from Kilroyd Drive, which serves an existing complex of farm buildings and associated residential accommodation.

Accessibility:

- 10.29 The site is allocated for housing in the Local Plan and the principle of its suitability for residential development and the accessibility of the site was assessed as part of this process and found to be acceptable.

Access:

- 10.30 Two points of access are proposed, one from the existing access on Kilroyd Drive, which is to be extended into the site, with a second point of access off Hunsworth Lane (B6121) via a new priority junction.
- 10.31 The new access from Hunsworth Lane takes the form of a priority junction with right turn lane, which is considered acceptable in principle and appropriate for the scale of development proposed. Further information is required demonstrating vehicle swept paths, forward visibility, horizontal and vertical alignment, together with the submission of a stage 1 RSA and Designer's Response. Subject to these issues being satisfactorily addressed the access is considered acceptable.

Traffic Impact/Network Assessment:

- 10.32 The scope of the Transport Assessment (TA) was agreed during pre-application discussions and is based on current guidance and industry standard methodology. Traffic surveys have been undertaken which identify the local network peak hours as 0730-0830hrs and 1645-1745hrs. For assessment purposes the TA is based on a residential development comprising of 310 dwellings. The proposal is for 284 dwellings and therefore the TA provides a robust assessment.
- 10.33 Traffic growth has been based on TEMPro growth rates with a future design year of 2025 Industry standard TRICS database has been used to determine trip rates, for robustness the assessment uses 85% percentile trip rates based on AM and PM peak hours of 08:00 – 09:00hrs and 17:00 – 18:00hrs respectively, which are higher than actual local network AM and PM peak hours of 07:30 – 08:30hrs and 16:45 – 17:45hrs respectively.
- 10.34 In terms of traffic generation this equates to 208 and 215 two-way trips respectively in the AM and PM peak periods. The table below provides full details.

Trip Rates and Traffic Generations for 284 Dwellings

	85 th Percentile Vehicular Trip Rates			Traffic Generations		
	Arrivals	Departures	Two-Way	Arrivals	Departures	Two-Way
08:00-09:00	0.243	0.491	0.734	69	139	208
17:00-18:00	0.463	0.296	0.759	131	84	215

Traffic Distribution:

10.35 Traffic has been distributed on the highway network using origin and destination data from the 2011 Census, method of travel to work data set. The methodology has been reviewed and is considered to be acceptable.

Junction Assessment:

10.36 The following junctions have been assessed using a base year of 2020 and a future design year of 2025.

Kilroyd Drive/A58 Whitehall Road (Priority Junction):

10.37 Assessment indicates that the junction will operate within practical capacity in the future design year 2025 with base plus development traffic flows scenario, with no adverse queuing or capacity problems.

Hunsworth Lane/Proposed Site Access (Priority Junction):

10.38 Assessment indicates that the junction will operate within practical capacity in the future design year 2025 with base plus development traffic flows scenario, with no adverse queuing, capacity or vehicle delays.

A58 Whitehall Road/A651 Bradford Road (Roundabout):

10.39 Assessment shows that in the 2025 base traffic (without development traffic) scenario, the A58 Whitehall Road East arm operates beyond practical capacity in the AM and PM peak periods and the A651 Bradford Road South arm operates beyond practical capacity in the AM peak period. The addition of development traffic, i.e. 2025 base plus development traffic scenario, marginally worsens this situation, although in terms RFC values and queuing the addition of development traffic is considered to have a relatively minimal impact and equates to an increase of approximately 4 queuing vehicles in the peak periods.

10.40 In the 2025 base plus development traffic scenario all arms except the A651 Bradford Road south arm continue to operate within theoretical maximum capacity, the Bradford Road south arm operates marginally over maximum capacity in the AM peak period. The A651 Bradford Road North and A58 Whitehall Road West arms continue to operate within practical capacity in all scenarios including the 2025 base plus development scenario.

10.41 It is considered that future network growth is the main contributory factor towards certain arms of the roundabout operating over capacity and that the impact of development traffic is in relative terms minimal.

A58 Whitehall Road/Hunsworth Lane (Signalised Junction):

- 10.42 The junction has been modelled using LinSig modelling software, the Council's UTC team have reviewed the model and provided the following comments:
- 10.43 Signalisation of this junction was undertaken in around 1999 and was introduced as an accident remediation scheme, the junction being effectively at capacity when commissioned. A situation which is still currently the case, with some arms of the junction operating at or slightly over capacity, with significant queues observed on Hunsworth Lane and A58 Whitehall Road westbound, during peak periods. During interpeak periods the junction operates satisfactorily with spare capacity on all arms.
- 10.44 Measures are proposed to improve the operation of the junction, these include the introduction of a staggered pedestrian crossing on the Hunsworth Lane North arm of the junction and removal of the pedestrian crossing facility on the A58 Whitehall Road West arm.
- 10.45 The removal of an existing pedestrian crossing facility is seen as a retrograde step in terms of pedestrian movement and safety and is not supported by Highways. Similarly, the introduction of a staggered crossing on what is currently a relatively short single crossing is also considered detrimental to pedestrian movement.
- 10.46 After careful consideration, the view of the Highway Authority is that whilst the proposed improvements provide some additional capacity, by 2025 this additional capacity has been exhausted - the view being that for a marginal five-year betterment the improvements are not worthwhile, particularly when taking into consideration the disbenefit and potential safety implications to pedestrian movements.
- 10.47 In summary, the proposed improvements, which offer only marginal short-term capacity benefits are considered detrimental to pedestrian movement and safety, are not supported by the Highway Authority and should be omitted from the proposals.
- 10.48 The view of the Highway Authority is that there are no reasonable meaningful mitigation measures that can be provided at this junction, within the constraints of the adopted highway. Notwithstanding, the development will undoubtedly have some impact on the operation of this junction. The existing signalling equipment is nearing the end of its serviceable life and is due for replacement within the next few years. In-lieu of the proposed mitigation measures the Highway Authority would seek a contribution towards the replacement of signalling equipment at this junction. The level of contribution proposed, to be secured by Section 106 Agreement, is £50,000.

A638 Bradford Road/Hunsworth Lane/Whitechapel Road (Signalised Junction):

- 10.49 The junction has been modelled using LinSig modelling software. Results show that in the 2025 with development scenario the signals will operate over capacity in the AM and PM peak periods. To mitigate this impact the Highway Authority are seeking a contribution for the installation of blue tooth journey time monitoring equipment at the junction and its approaches. The level of contribution proposed, to be secured by Section 106 Agreement, is £15,000.

Chain Bar Roundabout (M62 Junction 26):

- 10.50 In addition to the aforementioned junctions, National Highways requested that, as part of the Strategic Road Network, Chain Bar roundabout (M62 Junction 26) should also be assessed to determine the impact of development traffic on the roundabout. The junction was assessed using a LinSig model provided by National Highways. Following review of this assessment National Highways have confirmed that subject to conditions they offer no objection to the proposal.

Internal Layout/Servicing/Bins:

- 10.51 The internal layout is required to be built to adoptable standards, as set out in the Kirklees Highway Design Guide SPD and Highways Guidance Note – Section 38 Agreements for Highway Adoptions March 2019 (version 1) and associated documents.
- 10.52 The internal layout is very similar to that previously submitted and is generally acceptable. The S38 Team have been consulted, their detailed comments are awaited and may result in minor layout changes.
- 10.53 It is noted that concerns have been expressed by some local residents that the development may create a desirable cut through for traffic travelling west on A58 Whitehall Road West wishing to turn left at the Whitehall Road/Hunsworth Lane junction, thus avoiding the signals. This has been considered and the view of Highways Development Management is that due to the length, alignment and nature of the route through the development, this is unlikely to prove a popular or well used cut through. Use of the internal layout as such a route would be undesirable and should this prove to be an issue a 'No motor vehicles except for access' TRO could be implemented. TRO's of this type have to be enforced by the police. If Members consider it appropriate a contribution could be secured to implement such a TRO if it became necessary once the development was complete.

Road Safety:

- 10.54 A review of personal injury accidents in the preceding five-year period shows that in the agreed accident study area, which includes Chain Bar Roundabout (M62 Junction 26), there has been 14 incidents. 10 incidents were classified as slight, with 4 being classified as serious and no fatal incidents recorded. Of the 4 serious incidents, all of which occurred at different locations, 3 involved a motorcycle, which is perhaps more of a reflection on the lack of protection and vulnerability of motorcycle riders in collision situations. The fourth serious incident involved a single vehicle and was a loss of control incident with the vehicle leaving the road on a bend and hitting a lamp post, probable causation factor travelling too fast. Of the remaining 10 slight incidents, there were no significant incident clusters, with probable contributory factors being recorded as; failure to look properly, travelling too fast, poor turn manoeuvre, sudden braking, all of which can be classified generally as driver error and not as a result of any inherent highway design issue.
- 10.55 It is considered that there are no significant accident clusters or trends in terms of either type or location that would warrant further investigation or mitigation and that the proposed development is unlikely to materially exacerbate the current situation.

Sustainable travel:

- 10.56 West Yorkshire Combined Authority (WYCA) have been consulted and have recommended that bus stop number 15469 (Hunsworth Lane / Links Avenue) be upgraded to provide Real Time Information display. The cost, to be secured by S106 agreement, would be £10,000.
- 10.57 To encourage the use of sustainable transport and to help achieve the Travel Plan targets it is recommended that the developer provides a sustainable travel fund, which can be used to fund a range of sustainable travel measures such as discounted travel cards and/or measures to improve sustainable travel in the immediate vicinity of the site, for example localised footpath improvements. The sustainable travel fund, to be secured by S106 agreement, is based on the cost of a bus only Residential Metro Card Scheme, which for a development of this scale is £145,266 plus £15,000 Travel Plan monitoring fee.

Conclusion on highway issues:

- 10.58 The proposal is for 284 dwelling and the Transport Assessment is based on 310 dwellings. As such the Transport Assessment represents a robust assessment of traffic impact of the development. Highways Development Management have assessed the proposals and consider that the development would not have an unacceptable impact on highway safety or that the cumulative impact of traffic generated would have a severe impact on the operation of the local highway network. Off-site highway improvements are nevertheless considered necessary to help to mitigate the impact of the development. These involve a contribution towards replacement signals at A58 Whitehall Road/Hunsworth Lane junction and a contribution for the installation of blue tooth journey time monitoring equipment at the junction of A638 Bradford Road/Hunsworth Lane/Whitechapel Road and its approaches.
- 10.59 Subject to satisfactorily addressing any issues raised by S38 regarding layout, clarification of the Hunsworth Lane access design and the submission of a Stage 1 RSA and Designer's Response covering the internal layout and any external highway works, the proposals are considered acceptable from a highway perspective.
- 10.60 **Do Members have any comments in relation to access and highway matters at this stage?**

Coal mining legacy

- 10.61 Four coal mining features have been identified as posing a potential constraint to the development.
- 10.62 Three mine shafts have been located within the eastern part of the site and the applicant is proposing to remediate these and accommodate them within an area of open space. This is acceptable to The Coal Authority.
- 10.63 A fourth mine shaft has been identified within the vicinity of the proposed new access off Hunsworth Lane. Previously, The Coal Authority was satisfied that this feature could be adequately addressed through a suitable planning condition requiring further investigation and remediation as may be necessary. However, The Coal Authority has commented on the current application and

have advised that, since their previous comments, it has come to their attention that it may not be possible for the applicant to undertake a full search for this mine shaft. This is because such investigations may necessitate accessing third party land outside of the site boundary. As such, The Coal Authority has requested that the applicant provide clarification and additional information on this shaft before the application is determined.

10.64 The applicant has submitted an additional plan indicating the location of this fourth mine shaft and proposing a no-build zone around it. The shaft is identified as lying within an area of the site that is proposed to be soft landscaped. The Coal Authority has been consulted on the acceptability of the submitted plan and their response is awaited.

10.65 **Do Members have any comments in relation to coal mining issues at this stage?**

Planning obligations

10.66 The planning obligations sought from this development are:

- 57 of the dwellings to be affordable with a tenure split of 55% affordable rent and 45% Intermediate
- Public open space provisions. Based on the information provided to date, the off-site open space contribution would be £733,884. However, this could be significantly reduced subject to the detailed design of the on-site provision, particularly with respect to the 'parks and recreation' and 'children and young people' open space typologies.
- Inspection fee for the on-site open space of £1,000
- £1,146,481 towards Education requirements arising from the development to be spent on upon priority admission area schools within the geographical vicinity of this site to be determined.
- Off-site highway works (£65,000)
- Contribution towards sustainable travel measures (£145,266)
- Travel Plan monitoring fee (£15,000)
- Bus stop improvements (£10,000)
- Air quality mitigation (circa £162,000)
- Off-site biodiversity contribution (circa £120,000)

10.67 The applicant has submitted a financial viability appraisal (FVA) which concludes that the proposed scheme is unable to viably deliver any level of on-site affordable housing in addition to the required Section 106 off-site payments.

10.68 The applicant's FVA has been independently assessed on behalf of the Council. The Council's advisor does not agree that there is a viability issue with this development and considers that the scheme can provide policy compliant Section 106 contributions, whilst delivering an acceptable developer profit.

10.69 The NPPF states that "the weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case".

10.70 The applicant has not formally responded to the independent assessment of the FVA, however, should the applicant continue to pursue matters of viability, officers' position would be to recommend refusal of the application on the basis that the development would fail to deliver appropriate planning contributions.

Other matters

10.71 Kirklees Lead Local Flood Authority (LLFA) did not object to the previous application. An updated Flood Risk Assessment has been requested from the applicant which reflects the revised layout for 284 dwellings.

10.72 Yorkshire Water has raised an objection to the proposed site layout because of the impact on existing public sewerage infrastructure in the eastern part of the site. The applicant has submitted an amended landscaping plan which seeks to respond to Yorkshire Water's concerns. Yorkshire Water has been consulted on this amended information and a response is awaited.

10.73 As with the previous application, the proposal includes a scheme of biodiversity mitigation and enhancement measures including new hedgerow planting, new woodland planting and provision of wildflower rich grassland. Notwithstanding these measures, the development results in a net biodiversity loss on the site and to mitigate this and deliver an overall net gain to biodiversity, as required by LP30 and the NPPF, the applicant is required to provide a contribution towards off-site ecological enhancement. This would provide funding for ecological enhancement works that would be administered by the Council and carried out at a location as close to the site as possible.

10.74 **Are there any comments that Members wish to make in relation to flood risk, viability or any other matters relevant to planning at this stage?**

11.0 CONCLUSION

11.1 Members are asked to note the contents of this Position Statement. Members' comments in response to the questions listed above (and recapped below) would help and inform ongoing consideration of the application, and discussions between officers and the applicant.

1) Do Members have any comments in relation to the revised layout, density and housing mix at this stage?

2) Do Members have any comments in relation to the important hedgerow at this stage?

3) Do Members have any comments in relation to access and highway matters at this stage?

4) Do Members have any comments in relation to coal mining issues at this stage?

5) Are there any comments that Members wish to make in relation to flood risk, viability, or any other matters relevant to planning at this stage?

Background Papers:

Application and history files.

Website link:

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2021%2f92801>

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