

**KIRKLEES COUNCIL
PLANNING SERVICE
LIST OF PLANNING APPLICATIONS TO BE DECIDED BY
STRATEGIC PLANNING COMMITTEE**

16-Jun-2016

**LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985
BACKGROUND PAPERS**

**There is a file for each planning application containing
application forms, plans and background papers.**

Simon Taylor - 01484 221000

**NOTE: For clarification the page numbering referred to
shall be those set out in the contents page**

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

PLANNING POLICY

The statutory development plan comprises:

The Unitary Development Plan (UDP). These reports will refer only to those policies of the UDP 'saved' under the direction of the Secretary of State beyond September 2007.

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 Local Plan will provide the evidence base for all new and retained allocations including POL. The Local Plan process will assess whether sites should be allocated for development or protected from development including whether there are exceptional circumstances to return POL sites back to Green Belt. The Local Plan process is underway and the public consultation on the draft local plan took place between 9th November 2015 and 1st February 2016.

Annex 1 of the National Planning Policy Framework explains how weight may be given to policies in emerging plans. At this point in time, the draft local plan policies and proposals are not considered to be at a sufficiently advanced stage to carry weight in decision making for individual planning applications. The Local Planning Authority must therefore rely on existing policies (saved) in the UDP, national planning policy and guidance.

National Policy/Guidelines

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 27th March 2012, the Planning Practice Guidance Suite (PPGS) 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.

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 203 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 National Planning Policy Framework 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.

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Location: Former Kirklees College, Portland Street, Huddersfield, HD1	
Ward: Newsome Ward	
Applicant: M Sexton Wiggett Construction/Kirklees College, Lidl (UK) GmbH, c/o agent	
Agent: Bill Davidson, P4 Planning Ltd	
Target Date: 02-Mar-2016	
Recommendation: ASD-CONDITIONAL FULL APPROVAL SUBJECT TO THE DELEGATION OF AUTHORITY TO OFFICERS	
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Applicant: Jones Homes (Yorks) Ltd/M62 Develops Ltd	
Agent: Michael Townsend, Townsend Planning Consultants	
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Applicant: Batley Variety Club Ltd	
Agent: Nick Willock, Robert Halstead	
Target Date: 08-Jul-2016	
Recommendation: FC - CONDITIONAL FULL PERMISSION	

Application No: 2015/93827

Type of application: 62m - FULL APPLICATION

Proposal: Demolition of existing buildings and erection of food retail unit (A1) with associated site works, parking, access and landscaping

Location: Former Kirklees College, Portland Street, Huddersfield, HD1

Grid Ref: 414059.0 416823.0

Ward: Newsome Ward

Applicant: M Sexton Wiggett Construction/Kirklees College, Lidl (UK) GmbH, c/o agent

Agent: Bill Davidson, P4 Planning Ltd

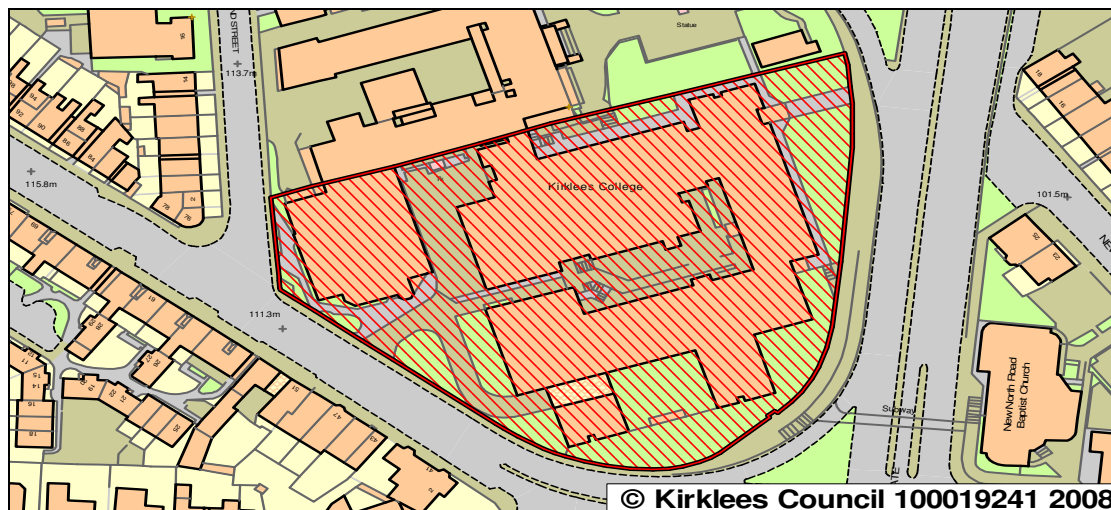
Target Date: 02-Mar-2016

Recommendation: ASD-CONDITIONAL FULL APPROVAL SUBJECT TO THE DELEGATION OF AUTHORITY TO OFFICERS

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

1. SUMMARY OF APPLICATION

Application Details		
Type of Development	Retail	
Scale of Development	1.13 ha	2,575 sq m (GEA)/ 2,470 sq m (GIA)
No. Jobs Created or Retained	13 existing plus an extra 20-30	
Policy		
Unitary Development Plan	Site unallocated	
Independent Viability Required	No	
Representation/Consultation		
Individual Support (No.)	Nil	
Individual Objection (No.)	2	
Petition	N/a	
Ward Member Interest	N/a	
Statutory Consultee Objections	None	
Contributions		
• Affordable Housing	N/a	
• Education	N/a	
• Public Open Space	N/a	
• Other	N/a	
Other Issues		
Any Council Interest?		
Planning Pre-application advice?	Yes	
Pre-App Consultation Undertaken?	Yes	
Comment on Application		

RECOMMENDATION: GRANT CONDITIONAL FULL PLANNING PERMISSION SUBJECT TO DELEGATION OF AUTHORITY TO OFFICERS TO:

1. **IMPOSE ALL NECESSARY AND APPROPRIATE CONDITIONS WHICH MAY INCLUDE THOSE LISTED BELOW; AND**
2. **SUBJECT TO THERE BEING NO CHANGES WHICH MATERIALLY AFFECT THIS RECOMMENDATION, ISSUE THE DECISION NOTICE.**

2. INFORMATION

The application is brought to Strategic Planning Committee in accordance with the Councils agreed scheme of delegated authority as the application seeks permission for retail development of more than 1250 sq m gross floorspace and as the site area exceeds 0.5 ha.

The application was considered by Committee on 19th May when it was resolved to defer a decision with a request that the applicant considers the

use of natural stone for the elevations to Castlegate and the former hospital and for further information to be provided about the comprehensive redevelopment of the wider site.

3. PROPOSAL/SITE DESCRIPTION

Site Description

The site is 1.13 ha in area with prominent frontage onto Trinity Street and Castlegate. The site currently accommodates part of the former Kirklees College campus which has been vacant since 2013, when the College relocated to a new campus facility at Waterfront.

The existing buildings are predominantly 1970's system built concrete tower blocks and sit within an important and highly visible site on the edge of Huddersfield Town Centre.

Adjacent the application site is the former Royal Infirmary, a Grade 2* listed building with a statue of King Edward VII, a Grade 2 listed structure that sits within the grounds to the front of the former hospital.

Whilst the former hospital buildings and grounds sit within the wider Greenhead Park Conservation Area, the application site itself is outwith the Conservation Area, but clearly adjacent to it.

There are a number of trees to the Castlegate frontage together with a significant retaining wall. The site falls significantly from west to east with a change in level of approx. 8m across the site. There is an existing vehicle access off Trinity Street, but only pedestrian access off Castlegate. There is also a subway link to the site from the town centre.

Collectively the whole of the site has been branded as Trinity Central. The current proposal is presented as the first phase and a catalyst for the comprehensive regeneration of the site.

The applicant has provided further information about the proposals for the comprehensive redevelopment of the wider site which is appended to this report.

Proposal

The proposal involves the demolition of the 1970's academic buildings (which will effectively remove all the built form from the southern third of the site) and the erection of a new retail store. The store will be single storey with a monopitch roof. The total gross internal floor area proposed is 2,470 sq m.(net sales area of 1424 sq.m)

This is not a speculative development proposal. The retail unit proposed would be occupied by Lidl who are a joint applicant.

Lidl currently operates two stores within the Huddersfield area: Manchester Road, Huddersfield and Wakefield Road, Huddersfield. The proposed development would result in a relocation and expansion of the company's Manchester Road operation and is intended to fulfil their expansion objectives in this location and part of Lidl's overhaul of its national retail estate.

The new building is sited on the southern part of the site, essentially backing onto Castlegate. At this point the boundary with Castlegate is formed by a substantial retaining structure and landscaped embankment, as such the rear of the building will not be particularly visible from Castlegate. The retail frontage faces west and east with the store entrance being to the south west corner of the building.

Vehicular access to the site is taken from Trinity Street (using the existing point of access) and serves the car park and store servicing. Because of the level differences the access would ramp down into the site. Egress would be to Portland Street via a ramped access that would run to the boundary of the site with adjacent former Royal Infirmary building.

A section of segregated cycleway is proposed to the Trinity Street frontage of the site.

161 parking spaces are provided including disabled parking and parent and child spaces, together with 36 cycle bays and hoops as well as trolley storage.

The new store is intended for occupation by Lidl who propose to relocate from their existing Manchester Street store. The 13 existing staff will transfer with an additional 20-30 jobs to be created.

Hours of use proposed are 07.00am - 10.00pm Monday to Saturday; 08.00am - 08.00pm Sundays and Bank Holidays.

4. BACKGROUND AND HISTORY

No relevant history

5. PLANNING POLICY

Kirklees Unitary Development Plan:

D2 – Unallocated land
BE1 – Design principles
BE2 – Quality of design
BE5 – Preservation/enhancement of conservation areas.
BE6 – Infill sites
BE11 – Materials
BE16 – Shop fronts
BE20 – Access to buildings
BE21 – Access to open space
BE22 – Parking spaces for people with disabilities

T10 – Highway safety
T16 – Pedestrian safety within developments
T19 – Parking standards
G6 – Land contamination
S1 – Town Centres/Local Centres shopping
S4 – Large stores
TC1 – Enhancing the role of the Huddersfield Town Centre

National Planning Policy Framework

Part 2 Ensuring the vitality of town centres
Part 4 Promoting sustainable transport
Part 7 Requiring good design
Part 8 Promoting healthy communities
Part 10 Meeting the challenge of climate change, flooding and coastal change
Part 11 Conserving and enhancing the natural environment
Part 12 Conserving and enhancing the historic environment

6. CONSULTATIONS

KC Highways – The proposal is considered acceptable from a highway point of view subject to the appropriate S106/conditions to the secure land to be vested to the Highway Authority for future cycle infrastructure works, off-site highway works to provide the site accesses with Portland Street and Trinity Street, and all associated works (including land along the site frontage with Trinity Street and pedestrian/cycle access off Castlegate) to be provide cycle/pedestrian routes, the internal accesses, circulation, and parking layout.

KC Environmental Health – Recommend conditions relating to site remediation, noise and air quality.

KC Conservation and Design – No objections to the removal of the existing buildings and the scale of the replacement. This will have a positive effect on the setting of neighbouring listed buildings and the character of the Conservation Area. Amended elevation details have been secured to improve the appearance of the building and to accord with the design specific concerns expressed by Historic England

Yorkshire Water Authority – Recommend conditions if application is approved

KC Flood Management and Drainage – Recommend conditions

The Environment Agency- No objections refer the applicant to informatives relating to site remediation and ground water treatment

Coal Authority – No objections

Police Architectural Liaison Officer – No objections in principle. Security measures for the store and associate car principle

Historic England – Welcome the replacement of the unlisted 1970's College tower blocks and the replacement with a single storey building. This will significantly improve the setting of adjacent grade 2* listed former infirmary building and the statue of King Edward VII.

On the specific design of the new building recommend improved elevation treatments to the north and eastern elevations to provide a more active frontage and a complementary palette of materials and landscaping.

Statutory Amenity Societies – No responses received

7. REPRESENTATIONS

The site has been advertised by site notices and letters. The applicant also undertook a pre application consultation exercise.

Three representations have been received expressing concern that:

- the scheme involves demolition of a listed building and this should be resisted
- the proposed access and egress onto an already very busy Trinity Street is unsafe
- A safe cycle crossing of the ring road should be secured as part of the development

Huddersfield Civic Society:

Object to the proposal. The loss of the existing buildings is not opposed however a retail outlet is not an adequate reuse for this "iconic" site. If any building is to be allowed it should be constructed entirely of natural stone, as the site is within the town centre and adjacent a Conservation Area.

8. ASSESSMENT

General principle:

In terms of retail policy, the site is considered to be in an edge of centre location.

As such the proposal will need to satisfy the sequential test in order to justify an edge of centre rather than in centre location. Within the existing centre (as defined by the Councils Supplementary Planning Guidance for large new stores) there are no sites of sufficient size that are suitable and available to accommodate a new retail development of the size and scale proposed with associated the parking and servicing.

The site is also considered to be well connected to the town centre via the existing subway and pedestrian crossings. Improvements to the subway will be secured as part of any planning permission thereby helping to strengthen

links between the town centre and the development site and encourage linked trips.

As such it is considered that the development proposed satisfies the sequential test.

Retail impact:

The site is located to the north of the Huddersfield town centre approx. 60m from the Primary Shopping Area, as such the site is considered to be an edge of centre location rather than in centre and as such the use of the site for a foodstore would need to satisfy the requirements of the sequential test and impact test commensurate with the size of the proposed store (i.e. 2,470 sq.m with a net sales area of 1,424 sq.m).

The Council is not aware of any suitable and available alternative sites in the Huddersfield town centre or a better connected edge of centre site than that proposed.

Policy TC1 of the Unitary Development Plan relates to enhancing the role of the town centre, by amongst other matters improving the range and quantity of shopping, encouraging employment opportunities, improving the quality of the built environment and open spaces, and enabling development opportunities.

Whilst on the edge of the town centre, the development proposed will extend and improve the range of shopping, deliver additional employment significantly improve the quality of the built environment and help to facilitate regeneration of the balance of the site.

Impact on amenity:

The site is located adjacent to the Greenhead Park Conservation Area and adjacent to the Grade 2* listed former Royal Infirmary and statue of King Edward VII, a Grade 2 listed structure that sits within the grounds to the front of the former hospital.

The site is in a prominent location adjacent to the Huddersfield ring road on a major approach into the town from the M62 to the northwest.

The existing tower block buildings are not listed and are considered to be of little visual merit. Their demolition is not therefore objected to and it is considered that it will make a positive impact to the character and appearance of the neighbouring area, the setting of the neighbouring listed buildings and the adjacent Conservation Area.

Given the level differences across the site, the application site is considerably lower than the neighbouring former hospital site.

The listed former hospital building, and in particular the rear wing is largely screened by the existing tower blocks. Demolition of the tower blocks will open up views of the listed building, particularly from the south. This affords considerable improvement to the setting of the listed buildings and their associated spaces.

The replacement building on this site, whilst not within the Conservation Area, will need to respect the settings of the listed buildings and the Conservation Area. The proposed building would be single storey and sited on the eastern part of the site, i.e. the lowest part of the site.

Given the levels difference between application site and the ground level of the listed buildings, the finished roof height would be well below first floor level of the listed buildings. As such in terms of siting and massing, it is considered that the proposed development respects the setting of the neighbouring listed buildings and statue, and whilst not in the Conservation Area, the significantly reduced scale and discrete setting would have a positive effect on the character of the Conservation Area.

The new building would be low rise with relatively light weight materials and this is considered to be an acceptable approach to redeveloping this site. Amendments have been negotiated with respect to the mix of materials and improvements to the elevation treatments. The amendments introduce an additional stone plinth to the west elevation, an improved mix of glazing along the western and southern frontages and the incorporation of a stone plinth and pillars to the eastern elevation to frame recessed render panels together with glazing. The amendments represent the necessary detailed improvements and also address the detailed concerns expressed by Historic England.

When viewed from Trinity Street the building will be low rise and have an active and busy frontage. The active frontage is now extended further around the southern elevation and the improved material mix and introduction of a stone plinth and pillars on the eastern elevation is welcome. There is also an area of planting and a grassed banking between Castlegate and the eastern elevation. At present there are some trees at the bottom of the bank, but it is proposed to introduce additional tree planting /landscaping along this boundary.

Following deferral of the application at the previous meeting, the applicant has submitted amended drawings to propose the use of natural stone walling to the elevations to Castlegate and the former hospital.

As such it is considered that the design of the building is acceptable, the scheme represents a significant visual enhancement for the existing buildings and respects the setting and character of the listed buildings, their curtilages and the Conservation Area and therefore accords with the guidance contained in parts 7 and 11 of the National Planning Policy Framework i.e. "Securing good design" and "Conserving and enhancing the historic environment".

Ground Remediation; Noise and Air Quality

Ground remediation:- The application has been accompanied by a Phase 1 geo environmental survey, and it is considered satisfactory. It identifies the need for further investigation to inform the final remediation. These matters will be dealt with by the imposition of relevant conditions.

Noise:- The applicants have submitted a noise assessment with the application. This considers the impact of the use in terms of the background noise from plant, and also delivery noise, in relation to the nearest noise sensitive properties, which are located on Trinity Street and New North Road. The report is considered to have been carried out satisfactorily and recommends mitigation in the form of the provision of an acoustic barrier, surrounding the plant area, and to mitigate against nuisance from delivery noise, no deliveries between midnight and 7.00 am.

Both the acoustic barrier and hours of delivery restriction are recommended to be conditioned.

Air Quality:- The application includes an Air Quality Impact Assessment, which concludes that there will be negligible impact from the development. However mitigation and improvement should be delivered as part of the new development, in the form of the provision of low emission charging points. Also in accordance with the West Yorkshire Low Emissions Strategy Planning Guidance, improvements can be delivered in a number of ways, including for example the encouragement of use of alternative modes of transport, both in terms of a Travel Plan or physical provision. There will be a travel plan condition that will cover the operation of the store, but also a new stretch of cycle way is being provided along the site frontage, and this will be delivered by condition.

Flood Risk & Drainage:

The site is located within Flood Zone 1 (i.e. the area least likely to flood) however as the site area is in excess of 1ha, a Flood Risk Assessment (FRA) has been submitted, which also considers the issue of surface water run-off.

The site is currently occupied by a number of tower blocks formerly occupied by the Kirklees College and the vast majority of the site is covered with hard standing, with 3 small areas of neutral grassland on the perimeter of the site. As such, in accordance with Council policy, any new development should deliver at least a 30% reduction in the current run off rate. The drainage strategy submitted with the FRA identifies a reduction of 30% run off with the provision of onsite attenuation tanks to store and regulate that.

There has been no objection from the Environment Agency, and Yorkshire Water has recommended conditions in the event of an approval to ensure adequate levels of run off reduction are achieved, together with accurate identification of run off points, connections and the provision of appropriately

located oil/ petrol interceptors given that a substantial part of the site will be car parking.

It is considered that these issues can be satisfactorily addressed with the imposition of detailed pre commencement conditions.

Bio-diversity:

The application is accompanied by a Habitat Survey, which is considered to have been carried out to a satisfactory standard. This identifies the vast majority of the site as bare ground (ie hardstanding for cars/ pedestrians), with some small areas of neutral grass and planted shrub. The application site , I itself is of little value in terms of habitat, but there are a number of trees on the periphery ,that are to be retained , and in the event of approval there will be an landscape scheme to be submitted across the site, which would seek to augment the existing tree planting on the Castlegate frontage.

It is considered that the proposal will provide an opportunity to deliver some bio diversity enhancement across this portion of the Trinity Central site, without prejudice to the potential refurbishment of the neighbouring listed buildings.

Crime Prevention:

In order to minimise the potential for crime and disorder certain measures need to be in place to address the specific risk that is associated with such developments, and to gain the support of West Yorkshire Police for the application.

Types of crime and disorder that the development could be vulnerable to include:

- Car crime
- Offences relating to the safety of shoppers, staff and other visitors
- ATM crime
- Cash collection crime
- Robbery
- Overnight burglary

The West Yorkshire Police Architectural Liaison Officer requests that details of crime prevention measures to be included are submitted to the Local Planning Authority for approval prior to development commencing.

In particular, details of boundary treatments to the site, external lighting, external CCTV coverage to include the whole of the car park, so that no areas are hidden from view, and so that all car parking spaces are viewed, possible future location of an ATM, the area designated for Cash in Transit vehicles and the service yard area.

It is proposed that these matters be secured by way of condition.

Highway issues:

With reference to the amended plans, including drawing number P4021_0005 Rev G and the submitted Transport Assessment prepared by SK Transport Planning, Kirklees Highways Development Management (HDM) has undertaken the following review:

Access:

The development site would be accessed via two access points:

A ramped one-way vehicle exit up onto Portland Street which would have a footway running along the full length of the northern side.

The second vehicle access would be off the A640 Trinity Street with the right turn out of the site being banned, with a footway also running along the full length of its northern flank. To facilitate an acceptable site access and to reduce the probability of conflicting movements, the following design measures are proposed:

- a) A right turn lane which will maintain the free flow of northbound traffic
- b) Pedestrian crossing points to be enhanced/provided before and after the right turn lane
- c) The two southbound running lanes reduced in width to provide one running lane
- d) A mandatory 'keep clear' yellow hatched box
- e) The current delineated cycle lane would be upgraded to provide physical segregation in main from Portland Street southbound down to the sub-way.
- f) The right turn out of the site would be banned

(Note: Together with land along the eastern part of the site frontage being vested to the Highway Authority for additional cycle infrastructure works, these measures would provide a much needed safe section of segregated cycle infrastructure on this part of the busy highway network and would marry up with the City Connect cycle route proposals)

A Stage 1 Road Safety Audit including a designer's response for the proposed the site access junction with A640 Trinity Street and is considered to be acceptable for the basis of carrying out the detailed design which would be conditioned. Note: Only the principle of the design is accepted and the detail will have to be agreed as part of a Section 278 agreement with Kirklees Council.

Parking:

The proposed car park would provide 157 car parking spaces including 4 disabled parking, and 4 parent with children parking spaces. It is recommended that at least 2 parking spaces should have electric/hybrid vehicle charging points. Although the total car parking provision falls below Kirklees Council's parking standards by about 20 spaces (based on 1 space

per 14sq.m gross floor area), it is acknowledged that the site is located adjacent to the bus station/town centre; is within walking distance of good public transport links and a dense residential catchment area; and in the event of the car park being oversubscribed it is unlikely to cause a hazard on the highway given the length of the internal access roads.

36 cycle spaces would also be provided, which should be reduced to 20 spaces to enable 6 anchored motor cycle spaces to be provided and located in an area with good natural surveillance.

Servicing arrangement:

Service vehicle swept path analysis of turning manoeuvres of a 16.5m long articulated vehicle has been carried out at the access points with Trinity Street and Portland Street, and within the site and are considered to be acceptable.

Development Vehicle Trips:

The Transport Assessment presents the estimated trip generation for the proposed development site.

Assessment using the industry standard TRICS database indicates that the proposed development is forecast to generate around 54 inbound and 29 outbound vehicle trips in the morning peak and 65 inbound and 86 outbound vehicle trips in the evening peak period.

The base traffic flows along A640 Trinity Street are circa 1,800 two-way vehicles during both the AM peak and PM peak.

Forecast arrivals and departures are set out in Table 1. The traffic estimation shown below does not include a discount for the existing traffic generated by the LIDL store that would be locating.

Table 1: Peak Hour Vehicle Trips

	Weekday AM Peak		Weekday PM Peak	
	Arrivals	Departures	Arrivals	Departures
	54	29	65	86
Total	83		151	

The Transport Assessment indicates that the trip distribution and assignment for the proposed development trip generation has been based on existing turning proportions on the approach arms to the junctions that were surveyed within the study area. The report indicates the trip distribution at the site access road is 50% turning left and 50% turning right at the site access junction with A640 Trinity Street.

The applicant has undertaken junction modelling using PICADY software for priority junctions namely Site Access/A640 Trinity Street; A640 Trinity Street/Portland Street; A640 Trinity Street/Fitzwilliam Street and LINSIG

modelling of the A640 Trinity Street/Castlegate signalised junction. The modelling was undertaken for the AM and PM peak periods for the base year 2016 and design year 2020.

Highways Development Management Conclusion:

Given the above, the proposal is considered acceptable from a highways point of view subject to the appropriate arrangements to secure the following:

- a) The land to be vested to the Highway Authority for future cycle infrastructure works.
- b) Off-site highway works to provide the site accesses with Portland Street and Trinity Street, and all associated works (including land along the site frontage with Trinity Street and pedestrian/cycle access off Castlegate) to be provide cycle/pedestrian routes.
- c) The internal accesses, circulation, and parking layout. Including the provision of 6 anchored motorcycle spaces, and at least 2 electric/hybrid vehicle charging points.

Objections:

The objections identify two main areas of concern:

The development adversely affects the listed building; the proposed materials should be stone and the building proposed should be more 'iconic'.

Response: The buildings to be demolished aren't listed and are considered to be somewhat of an eyesore. Their removal opens up views of the neighbouring listed building and the statue, which in itself represents a considerable enhancement to the Conservation Area. The scale and design of the new building has purposely been designed to retain the view of the neighbouring listed buildings that are considered to be of significant value in terms of their heritage interest and contribution to the street scene.

The access proposed is onto a very busy road, and improved cycle links across and from the site should be provided.

Response: Amendments have been negotiated improving the access arrangements onto Trinity Street and securing a segregated cycleway to be provided along the Trinity Road frontage.

Conclusion:

This application relates to a site which is considered to be in a well-connected edge of town centre location and forms part of a larger site and complex of buildings branded as Trinity Central.

The location and scale of the new retail unit are considered to be acceptable in terms of retail policy and guidance in the NPPF. There is no objection to the removal of the existing college buildings, which are unattractive tower blocks,

rather there is a benefit in their removal as this will open up views of the neighbouring listed buildings and statue which are of significant heritage and amenity value. The new store building is sited to the lowest part of the site and is intentionally of low profile and is designed so as to avoid competition with the neighbouring listed group of buildings. As such it is considered that the new building would not adversely affect the setting of the neighbouring listed group, nor does it prejudice the future reuse and regeneration of the balance of the Trinity Central site. The development has the potential to act as a catalyst for the regeneration of the Trinity Central site.

Access arrangements onto Trinity Street have been the subject of extensive negotiation. The improvements secured will provide for a segregated cycleway along the Trinity Street frontage.

Issues of potential noise nuisance, decontamination, drainage and air quality have all been satisfactorily addressed and are the subject of conditions.

The grant of conditional full planning permission is therefore recommended.

9. RECOMMENDATION

RECOMMENDATION: GRANT CONDITIONAL FULL PLANNING PERMISSION SUBJECT TO DELEGATION OF AUTHORITY TO OFFICERS TO:

- 1. IMPOSE ALL NECESSARY AND APPROPRIATE CONDITIONS WHICH MAY INCLUDE THOSE LISTED BELOW; AND**
- 2. SUBJECT TO THERE BEING NO CHANGES WHICH MATERIALLY AFFECT THIS RECOMMENDATION, ISSUE THE DECISION NOTICE.**

1. The development shall be begun not later than the expiration of three years beginning with the date on which permission is granted.

2. The development hereby permitted shall be carried out in complete accordance with the approved plans and specifications except as may be required by other conditions.

3. No development of the retail food store shall take place until sample facing and roofing materials have been submitted to and approved in writing by the Local Planning Authority, the development shall be constructed of the approved materials.

4. No development of the retail food store shall take place until details of all boundary treatments have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the hereby approved development coming into operation, and shall be retained thereafter.

5. No development shall take place until a comprehensive scheme for landscaping treatment of the site prepared in accordance with the Local

Planning Authority's Code of Practice Note 2 has been submitted to and approved in writing by the Local Planning Authority.

6. Any planting, seeding or tree management works forming part of the landscaping scheme referred to in Condition 5 shall be carried out during the first planting, seeding or management season following the commencement of development, or as otherwise may be agreed in writing by the Local Planning Authority, and shall be maintained for a period of five years from the completion of planting works. All specimens which die within this period shall be replaced.

7. The net sales area of the retail food store hereby permitted shall not exceed 1424sqm including, for the avoidance of doubt, any mezzanine floor space. (The net sales area within the building includes all internal areas accessible to the consumer but excludes lobbies, restaurants/cafes, customer toilets and walkways behind checkouts). Within the total net sales area hereby permitted, no more than 25% shall be used for the sale of comparison goods.

8. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition, development shall not commence until a Phase II Intrusive Site Investigation Report has been submitted to and approved in writing by the local planning authority.

9. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 8 development shall not commence until a Remediation Strategy has been submitted to and approved in writing by the local planning authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.

10. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 9. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered [in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report] is identified or encountered on site, all works on site (save for site investigation works) shall cease immediately and the local planning authority shall be notified in writing within 2 working days. Unless otherwise agreed in writing with the local planning authority, works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the local planning authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

11. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Validation Report shall be submitted to the local planning authority. Unless otherwise agreed in writing with the local planning authority, no part of the site shall be brought into use until such time as the remediation measures for the whole site have been completed in accordance with the approved

Remediation Strategy or the approved revised Remediation Strategy and a Validation Report in respect of those remediation measures has been approved in writing by the local planning authority.

12. Before development of the retail food store commences details of an acoustic barrier to the plant area as recommended by the Acoustic Report ref 8832/1421/01 date November 2015 by PDA Ltd, shall be submitted to and approved in writing by the Local Planning Authority. The use hereby approved shall not commence until the construction of the acoustic barrier has been completed and those works shall be retained thereafter.

13. There shall be no deliveries to or dispatches from the premises outside the hours of 07.00 and 00.00 Monday to Friday; 08.00-00.00 Saturdays; and 10.00-20.00 Sundays or Bank Holidays.

14. Before development of the retail food store commences a scheme detailing the provision and siting of low emission vehicle charging points within the scheme shall be submitted for the written approval of the Local Planning Authority. The approved scheme shall be implemented prior to the development hereby approved coming into use.

15. Surface water from vehicle parking and hardstanding areas shall be passed through an interceptor of adequate capacity prior to discharge. Roof drainage should not be passed through any interceptor.

16. Development shall not commence until a scheme detailing foul, surface water and land drainage (including off site works, outfalls, balancing works, plans and longitudinal sections, hydraulic calculations, phasing of drainage provision, existing drainage to be maintained/ diverted /abandoned and percolation tests where appropriate) has been submitted to and approved in writing by the Local Planning Authority. The development hereby approved shall not be brought into use until the agreed drainage scheme has been completed, and shall thereafter be retained.

17. The development hereby permitted shall incorporate measures to minimise the risk of crime and meet the specific security needs of the development site. Details of the measures to be incorporated shall be submitted to and approved in writing by the Local Planning Authority prior to development commencing, shall be implemented before the development is first occupied and thereafter shall be retained throughout the lifetime of the development.

Detailed highway conditions to cover the following matters:

- The land to be vested to the Highways Authority for the future cycle infrastructure works;
- Off-site highway works to provide the site accesses with Portland Street, and all associated works (including land along the site frontage with Trinity Street and pedestrian/ cycle access off Castlegate) to provide cycle pedestrian routes;

- The internal accesses, circulation and parking layout, including the provision of 6 motorcycle spaces and at least 2 electric/ hybrid vehicle charging points;
- The submission of a scheme to improve the appearance/lighting of the subway passage under Castlegate which forms the pedestrian link from the site to the town centre

This recommendation is based on the following plans and specification schedule:-

Plan Type	Reference	Version	Date Received
Proposed site plan	P42021_0004	G	26/4/16
Proposed elevations	P42021_0007	F	26/4/16
Proposed floor plans	P42021_0006	A	1/11/15
Site Sections	P42021_0009	B	26/4/16
Car Park layout/ access and tracking	SK2157-37 SK2157-38 SK2157-39 SK2157-40		28/4/16 28/4/16 28/4/16 28/4/16
Design and Access Statement			1/11/15
Planning and Retail Statement			1/11/15
Flood Risk Assessment	8/1201/FRA_A		1/11/15
Noise Assessment	8832/1421/01		1/11/15
Transport Assessment			April 2016
Extended Phase 1 Habitat Survey			1/11/16
Heritage Statement			1/11/16
Tree / Arboricultural Survey	MG/5121/TSR/NOV2015		1/11/16
Phase 1 Desk Top Study	10/0801/001		1/11/15
Coal Mining Risk Assessment	10/0801/002 NLR		1/11/15
Statement of Community Involvement			1/11/15

APPENDIX



3rd June 2016

Dear Councillor,

Following the recent deferral of a decision on the future of the former Kirklees College site, known as Trinity Central, I thought it would be helpful to clarify some of the points raised at the meeting.

The site is owned by Kirklees College and in 2014 Wiggett Construction Limited acquired an option to purchase and develop the entire site subject to a successful planning application. Over the subsequent two years we have actively promoted the site to potential operators and have considered many development options for the reuse and redevelopment of the buildings.

At the beginning of the year we were delighted to confirm Lidl as a partner who will deliver the essential enabling development, without which nothing on the wider site can progress. Their commitment has allowed us to submit a first phase application, as well as progress the overall vision for the entire Trinity Central site – including the plans for the retained Grade 2* listed infirmary building. The enclosed brochure provides an artist's impression of this vision, which, in addition to Lidl, brings together at least three further partners interested in developing retirement flats, a medical centre, care facilities and more. This includes McCarthy & Stone, with whom we have now reached an agreement to deliver retirement flats as part of phase two.

The first phase will begin with the removal of the 1970s multi-storey concrete college buildings, opening up the view to the infirmary for the first time in 40 years. Demolishing these buildings will also give us full access to the whole of the historical building for the first time, allowing a complete historical assessment to take place.

Replacing the college buildings with a new, lower, supermarket will be a huge improvement to the overall site and the position and design of the Lidl store has been carefully considered. The proposed store is set in at the lowest level of the site to give prominence to the neighbouring infirmary building. A large section of glazing at the store entrance will be complemented with reconstituted stone plinths and piers and stone coloured render on all elevations, ensuring the store is in keeping with the surrounding area. As a new, modern store, we believe this design will still contrast rather than compete with the more solid, stone Infirmary building – enhancing its setting.

Our plans also include a major investment into the local road network to ensure that the access arrangements are safe and effective. The main car park access uses an existing college access point and a secondary exit onto Portland Street has also been included. As well as meeting all of the Council's highways requirements, the access arrangements have passed independent Road Safety Audits. We are also proposing to invest in improved cycle and pedestrian routes and facilities as part of our support for the Council's sustainable transport plans for this part of the town.

The Lidl store on its own provides many benefits to the town: improved shopping choice for residents; a better Lidl store for the town; new jobs created; investment in Huddersfield. As the enabler for the regeneration of the remainder of the site, this application becomes a huge opportunity for the whole of Huddersfield – a chance to deliver a major scheme that through sensitive design and sensible planning will significantly improve this part of the town.



If the Lidl store application is approved, we plan to be on site within a matter of weeks to begin the demolition work of the 1970s college buildings. We'll also begin work on the planning application to invest in the regeneration of the remainder of the site, which will again be prepared in consultation with Council officers.

I hope you find this update and the enclosed brochure useful and if you have any questions you are welcome to contact me at any time.

Yours sincerely,

Mark Sexton

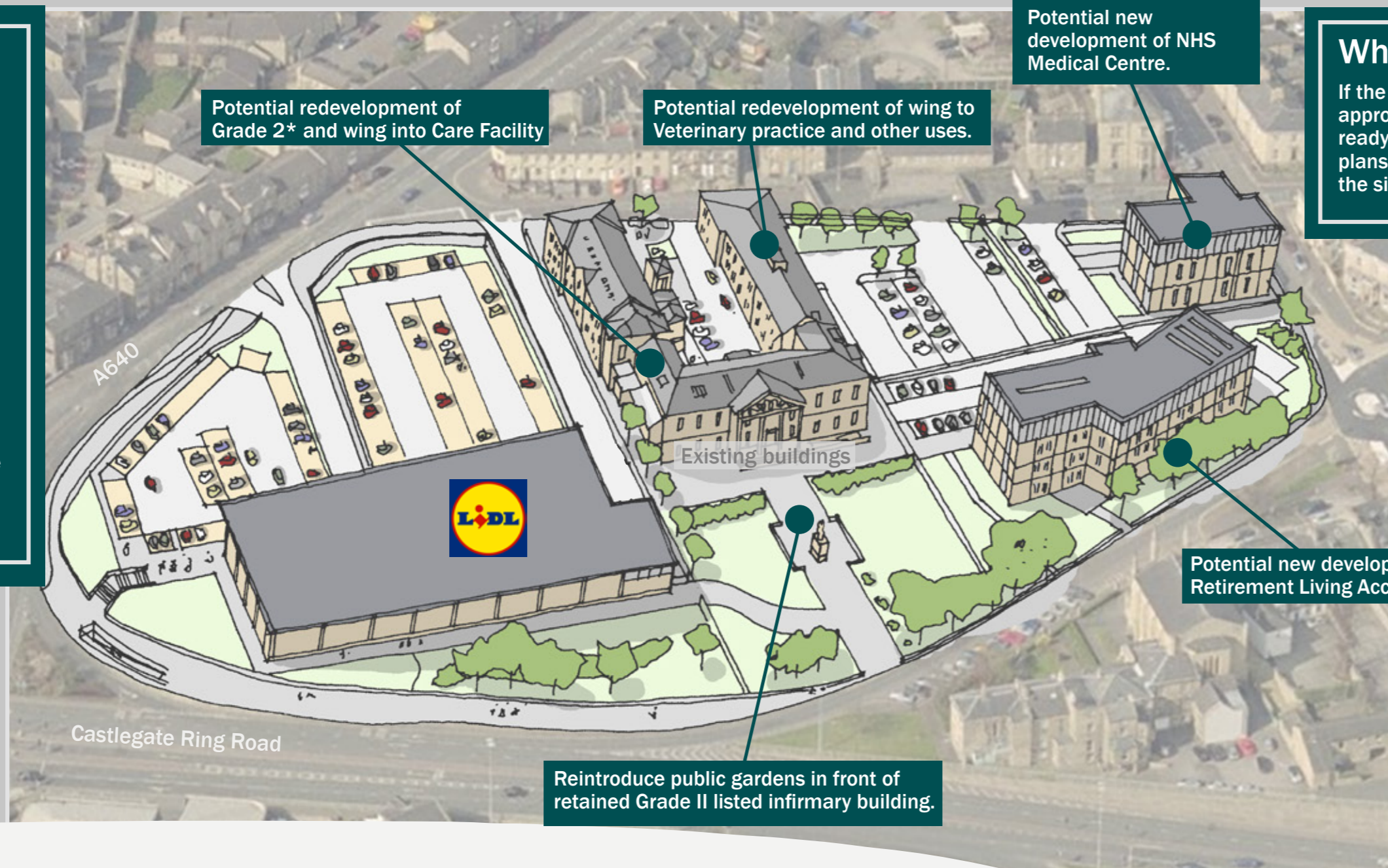
Wiggett Construction Group

Our vision for Trinity Central

The new Lidl store would act as a catalyst for the regeneration of the Trinity Central site.

We have operators interested in care, health, retirement and veterinary uses, should the Lidl be approved.

Retaining the Grade 2* building and reintroducing a public garden are a key part of our plans - although it will only be possible to undertake a full historical assessment of all the infirmary buildings when the 1970s buildings have been demolished.



What next?

If the Lidl plans are approved, we hope to be ready to consult on detailed plans for the remainder of the site in 2016.

TRINITY
CENTRAL



WIGGETT
CONSTRUCTION



Trinity Central – Phase 1 : Lidl’s benefits and key features

The first phase of the redevelopment of Trinity Central involves the demolition of the 1970’s multi-storey former college buildings. These will be replaced by a ‘Lidl of the Future’, replacing the current Huddersfield Castlegate store on Manchester Road.



A modern store respecting the past

Considerate design

The Lidl store would be situated on the lowest part of the site, set down into the landscape to minimise any impact on the neighbouring Grade II listed infirmary building.

Sympathetic materials

The design will complement the local setting with reconstituted stone pillars and stone coloured render panels.

A Lidl of the Future

This Energy Efficient store will have:

- A better selection of products
- Improved customer facilities
- Electric Car charging points
- Parent child parking
- Disabled parking
- Motorbike Parking
- Cycle parking
- 157 Parking places overall



Creating new jobs

The new store would create 20 to 30 jobs with recruitment focused in the local area.

Paying a living wage

Lidl was the first UK supermarket to introduce the living wage for all employees. Lidl pay staff at least £8.25 an hour, higher than the other main supermarkets.

Better Access for All Users

Improved Vehicle Access

- Improved Trinity Street access
- An additional exit off Portland Street
- Proposals pass Road Safety Audits
- Computer modelled traffic shows no congestion concerns
- New right turn lane and keep clear box ensure safe flow of traffic

Excellent public transport connections

- Bus stop retained on Trinity Street
- Main bus depot diagonally opposite
- Train station within walking distance

Better Pedestrian Access

- New pedestrian crossing across Trinity Street
- Gently graded ramp provides easy access
- New steps link store to the subway and the centre of town

Better Cycle Route & Facilities

- Improved safety for cyclists
- Dedicated cycle lane from Trinity Access to the subway
- Covered cycle parking area

Application No: 2015/92944

Type of application: 62m - FULL APPLICATION

Proposal: *Erection of 66 dwellings*

Location: *Land off, White Lee Road, Batley*

Grid Ref: 422569.0 424713.0

Ward: *Heckmondwike Ward, Batley West Ward*

Applicant: *Jones Homes (Yorks) Ltd/M62 Develops Ltd*

Agent: *Michael Townsend, Townsend Planning Consultants*

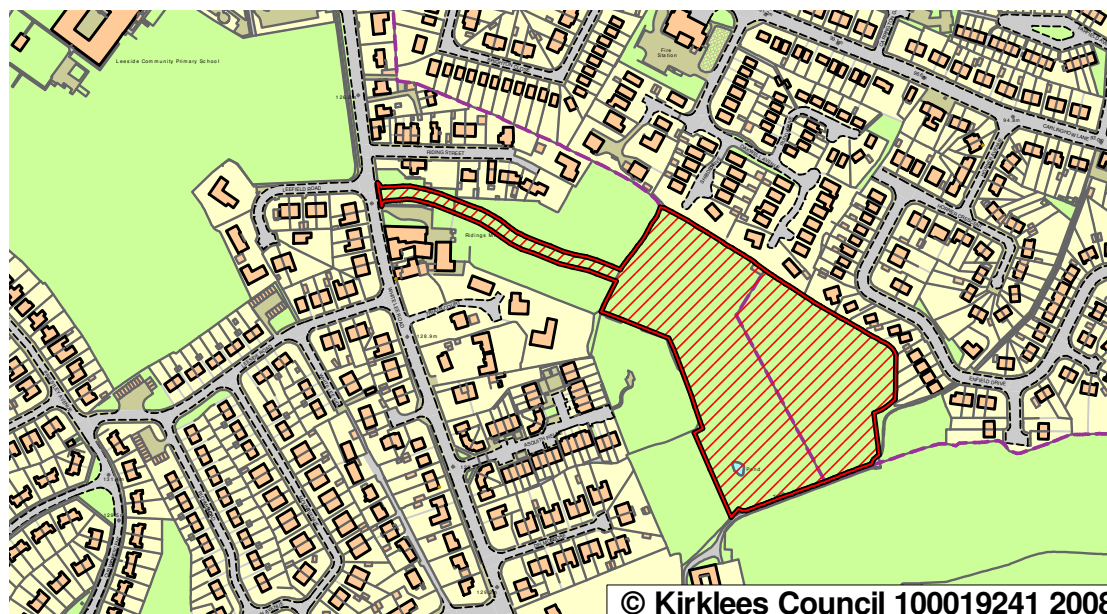
Target Date: *10-Feb-2016*

Recommendation: *RF1 - REFUSAL*

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

1. SUMMARY OF APPLICATION

Application Details		
Type of Development	Residential (66 no dwellings)	
Scale of Development	2.4ha	
No. Jobs Created or Retained	N/a	
Policy		
UDP allocation	Urban greenspace	
Independent Viability Required	Yes	
Representation/Consultation		
Individual Support (No.)	Nil	
Individual Objection (No.)	62	
Petition	2 petitions	255 and 133 signatures
Ward Member Interest	Cllr Kendrick	
Statutory Consultee Objections		
Contributions		
• <i>Affordable Housing</i>	None offered	
• <i>Education</i>	None offered	
• <i>Public Open Space</i>	Provided but not in an acceptable form.	
• <i>Other</i>	Metro cards – not offered	
Other Issues		
Any Council Interest?	No	
Planning Pre-application advice?	Yes	
Pre-App Consultation Undertaken?	Yes	
Comment on Application	The proposal is for the development of housing on land allocated as urban greenspace, which is contrary to Policy D3 of the UDP. The benefits of the scheme i.e. the delivery of housing at a time when the Council is unable to demonstrate a 5 year supply of deliverable sites is considered to be outweighed by the harm resulting from the loss of urban greenspace as well as the schemes failure to comply with Policy H18 (Public Open Space) and Policy BE12 (Space about Buildings). On balance refusal is recommended	

RECOMMENDATION: REFUSE

1. THE SITE IS ALLOCATED AS URBAN GREENSPACE ON THE COUNCIL'S UNITARY DEVELOPMENT PLAN (UDP) PROPOSALS MAP. THE PROPOSED DEVELOPMENT IS CONTRARY TO POLICY D3 OF THE UDP WHICH RELATES TO DEVELOPMENT ON SUCH SITES. THE SITE IS CONSIDERD TO HAVE VALUE AS OPEN SPACE AND AS SUCH IS NOT DEEMED SURPLUS TO REQUIREMENTS THE DEVELOPMENT IS THEREFORE CONTRARY TO PARAGRAPH 74 OF THE NATIONAL PLANNING POLICY FRAMEWORK. THE LOSS OF THE VALUE

OF THE URBAN GREENSPACE IS CONSIDERED TO OUTWEIGH ALL OTHER MATERIAL CONSIDERATIONS, INCLUDING THE DELIVERY OF NEW HOUSING.

2. THE PROPOSAL FAILS TO PROVIDE ADEQUATE PUBLIC OPEN SPACE WITHIN THE LAYOUT, CONTRARY TO POLICIES BE23 AND H18 OF THE KIRKLEES UNITARY DEVELOPMENT PLAN.

3. THE SITING OF PLOTS 42 AND 56 ARE UNACCEPTABLE BEING CONTRARY TO POLICY BE12 OF THE KIRKLEES UNITARY DEVELOPMENT PLAN AND CONSEQUENTLY WOULD RESULT IN AN ADVERSE IMPACT UPON THE RESIDENTIAL AMENITY OF OCCUPIERS OF THE NEIGHBOURING DWELLINGS.

2. INFORMATION

This application is brought to the Strategic Planning Committee in accordance with the Council's scheme of delegated authority as it is for a residential development in excess of 60 dwellings.

3. PROPOSAL/SITE DESCRIPTION

Site Description

The site comprises an area of 2.4 ha and is located off White Lee Road, Batley. The site is flanked to the north by dwellings on Oakwell Avenue and Elmfield Drive and to the west by Asquith Fields, Traith Court and Delmont Close with an associated play area. Access to the site is off White Lee Road through a site which has an extant planning permission for 24 dwellings.

Along the southern boundary of the site there is a public footpath, which links through from White Lee Road to Elmfield Drive. The site comprises a number of fields with a number of trees along the boundary. It has open aspect and forms part of a much larger swathe of open land that extends to the south and east.

The site is previously undeveloped land and allocated as Urban Greenspace on the Council's Unitary Development Plan.

Proposal

Full planning permission is sought for the erection of 66 dwellings with a mix of detached, semi-detached and terraced properties providing 59 no 3 bed and 7 no 4 bed dwellings. The dwellings proposed would be two storeys in height and constructed of mainly artificial stone with render and grey concrete tiled roofs.

Access is taken off White Lee Road, through the adjoining site which has the benefit of planning permission for 24no dwellings (2014/93425). The layout is

essentially comprised of a series of cul de sacs served off the main estate road.

There are two areas of open space identified within the layout, a small area to the NW corner of the site, and a larger area to the south which is adjacent to the existing public footpath. A future pedestrian link is also identified.

4. BACKGROUND AND HISTORY

2010/92938 – Outline permission for residential on land off White Lee Road. (This site adjoins the current application site and is allocated for housing on the Unitary Development Plan).

2014/93425 – Approval of reserved Matters for 24 dwellings

5. PLANNING POLICY

The site is allocated as Urban Greenspace on the Kirklees Unitary Development Plan.

Kirklees Unitary Development Plan

D3 – Urban Greenspace
BE1 – Design principles
BE2 – Quality of design
BE12 – Space about buildings
BE23 – Crime prevention
T10 – Highway safety
T19 – Parking standards
G6 – Land contamination
H10 – Affordable housing
H11 – Exceptional circumstances/ affordable housing provision
H18 – Provision of open space

National Planning Policy Framework

Part 4 Promoting sustainable transport
Part 6 Delivering a wide choice of high quality homes
Part 7 Requiring good design
Part 8 Promoting healthy communities
Part 10 Meeting the challenge of climate change, flooding and coastal change
Part 11 Conserving and enhancing the natural environment

Other Policy Considerations

SPD2 Affordable Housing

Council's policy on Education contributions generated by new development

The Council's Open Space Study 2015

6. CONSULTATIONS

KC Highways – Requested additional information about the original submission and also raised concerns regarding aspects of the layout. No objections in principle to the access and are satisfied that the local highway network can accommodate the additional development. Detailed objections on parts of the layout are maintained and the applicant has been advised. The applicant intends to submit amended details to address these matters.

KC Public Rights of Way – Object to the scheme, require greater clarity about the potential impact that the scheme would have on public footpath Batley 23 and details of the boundary treatment particularly on the southern edge of the site. In the event of development being agreed the neighbouring footpath should be maintained unobstructed throughout the course of the development

KC Trees – No objections

KC Environmental Health – Recommend conditions regarding decontamination and remediation in the event of an approval

KC Ecology – There is no habitat of significant value on this site, however the opportunity to enhance bio diversity should be required by condition. A new landscape scheme could deliver significant benefits especially along the edge of site adjacent to the public footpath

KC Flood Risk Management Drainage – Objected to the original scheme as it relied on a pumped system Sought amendments to deliver a detailed drainage scheme at this stage(i.e. the application is full and layout applied for) that can serve the site by gravity. Views awaited on the amended scheme

KC Housing – There is a demonstrable need for affordable housing in this area and as a greenfield site the policy requirement would be 30% of gross floor area.

KC Education Service – In this case an education contribution of £104,256 is required.

KC Landscape and Parks – The application identifies two areas of open space within the amended layout that do not benefit from natural supervision and are considered to be unacceptable, the scheme would be contrary to Policy H18

Yorkshire Water Authority – Recommend conditions in the event of an approval.

The Coal Authority – No objections subject to the imposition of an appropriate condition.

Police Architectural Liaison Officer – Concerned at certain aspects of the scheme, in particular the open space provision which is contrary to the principles of Secure by Design and the Councils own policy BE23 Crime Prevention.

7. REPRESENTATIONS

The application has been advertised by way of site notices and neighbour notification letters. To date 62 letters of objection have been received, the main points of concern being:

- The site is greenfield, brownfield sites should be delivered in advance of greenfield sites;
- The proposal is on land allocated as urban greenspace, therefore development is contrary to policy;
- White Lee Road is an extremely busy road and the extra traffic generated by another 66 dwellings will exacerbate existing highway safety problems. The junctions are inadequate and there are regular accidents.
- The scheme will destroy the green fields and the recreational value that these have as well as the wildlife that inhabit the area.
- The development will put extra pressure on the local schools which are already full to capacity;
- There are existing drainage problems on neighbouring sites, an additional residential estate will compound these problems. The local drainage system cannot accommodate the additional housing;
- The scheme shown is of an excessive density, out of character with the surrounding properties and will adversely affect the character of the local area.
- The siting of a number of the dwellings will have an adverse effect on the residential amenity of neighbouring properties via overlooking, being over bearing next to bungalows and because of levels differences on parts of the site next to properties on Enfield Drive.
- The site has problems with subsidence given its coal mining history.

Two petitions have been received objecting to the development. They contain 225 and 133 signatures respectively. The objections raised are:

- This site is allocated as urban greenspace on the Unitary Development Plan, and its potential inclusion for housing has been ruled out as part of the Draft Local Development Framework; emerging Local Plan.
- The loss of the site will have a detrimental effect on the environment and leisure/ recreational activities in the area;
- Local facilities (i.e. schools doctors surgeries) are over stretched;
- Loss of wildlife habitat;
- Increased traffic would be unsupportable on the local roads, which are already struggling with the recently built extra housing

Spen Valley Civic Society objects to the proposal on the grounds that:

- The site is allocated as Urban Greenspace and development is contrary to Policy. A recent application on Urban Greenspace was refused by the Strategic Committee, as this should be.
- This scheme is “disingenuously” described as Phase 2 of the housing scheme. Phase 1 was actually part of a larger housing allocation;
- There will be a disproportionate increase in traffic;
- No affordable housing is offered in this scheme

Cllr Viv Kendrick raises concern about the impact the development would have on the local road network and asks that the application be considered by the Committee.

Amended plans have been received which change the layout and disposition of the POS within the site.

These amendments have been re-advertised and to date one letter has been received, maintaining the objections.

8. ASSESSMENT

General principle:

The application site forms the northern part of an extensive area of open land which is identified as Urban Greenspace (UGS) on the Kirklees Unitary Development Plan.

The starting point for consideration is therefore Policy D3 of the Unitary Development Plan. The community benefit element of the policy is not considered to be consistent with the considerations of the National Planning Policy Framework, particularly paragraph 74. However the majority of the policy is in accordance with the National Planning Policy Framework (NPPF). As such Policy D3 should be afforded significant weight.

Policy D3 sets out at part (i) that on Urban Greenspace planning permission will not be granted unless the development is necessary for the continuation and enhancement of the established uses, or is a change of use to alternative open land uses, or would result in a specific community benefit (whilst protecting visual amenity, wildlife value and opportunities for sports and recreation). Or as part (ii), it includes an alternative provision of Urban Greenspace equivalent in both quantitative and qualitative terms to that which is being developed.

The application is for residential development and whilst areas are identified for public open space within the layout, there is no alternative provision of green space included within the scheme. Therefor the proposal is considered to be contrary to Policy D3 and departs from the Council’s development plan.

For the development to be acceptable, other material considerations would therefore need to outweigh this departure.

Paragraph 212 of the NPPF states that the policies in the framework are a material consideration to be taken into account.

NPPF paragraph 73 recognises that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of local communities and paragraph 74 is clear that existing open spaces, sports and recreational buildings should not be built on unless:

- an assessment has been undertaken which has clearly shown that the open space is surplus to requirements; or
- 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; or
- the development is for an alternative sports and recreation provision the needs of which outweigh the loss.

At the UDP Public Inquiry a 23 Ha swathe of the larger Urban Greenspace (UGS) allocation was considered by the inspector. This area of land is adjacent to the current application site (also allocated as UGS). The UDP inspector concluded that *“the site, in whole and in part, is attractive open land, which contributes significantly to the appearance of the area and enhances the enjoyment of the use of the public rights of way by providing a semi-rural character, and fully merits designation as urban greenspace”*.

In their supporting statements the applicant acknowledges that the scheme will result in the loss of UGS, but contends that the UGS is agricultural land of low/medium quality with no public access. Also that notwithstanding the loss of this site the remainder of the very large allocation is unaffected. In addition it is contended that the scheme will deliver community benefits including affordable housing and two areas of open space that are accessible to the public and offer new links to the surrounding network that are a “betterment” to the existing situation where there is no public access. (NB the applicant has submitted a viability appraisal and are offering no affordable housing).

The applicant also contends that paragraph 49 of the NPPF presumes in favour of sustainable housing development, should the Local Planning Authority be unable to demonstrate a 5 year supply of deliverable housing sites. As Kirklees is unable to demonstrate this, the additional 66 houses will assist in delivering much needed new housing.

The applicant has submitted a supplementary planning statement in support of the application which in summary states that the site forms a small part of a much larger urban greenspace (UGS) allocation (i.e. 2.46 Ha out of 28.78 Ha which is only an 8.5% loss). It is also stated that the loss of this area to housing would not prejudice or adversely impact upon the function of the UGS allocation as identified by the UDP Inspector.

The applicant maintains that the site is privately owned and has no public access to or across it, and provides no community benefit, it is considered to

be of low value and quality and given that the site is bounded on 3 sides by existing development it has only a limited role in the separation of settlements and makes a lesser contribution in terms of visual and physical separation.

As such, given that the site doesn't fulfil the identified purpose or function of the wider UGS allocation, the loss wouldn't significantly diminish the provision of UGS within Batley West, it is demonstrated that the site is surplus to requirements in accordance with the requirements of para 74 of the NPPF, and that housing is an appropriate use for this site. The applicants also states that the site doesn't fulfil the function of valued landscape as defined in para 109 of the NPPF.

The applicant contends that the delivery of new housing in a sustainable location at a time when the Council is unable to demonstrate a 5 year supply of deliverable sites together with the economic, social and environmental benefits of the development should outweigh any harm caused by the loss of the site to housing.

In arriving at the conclusion the land is surplus to requirements as defined in para 74, an objective quantitative case and an objective qualitative case have been submitted.

Quantitative Case: The Open Space Study (2015) identifies this site as part of a larger area of natural and semi natural greenspace of some 28.78 Ha. This proposal would result in the loss of only 2.46 Ha, i.e. 8.5%, the balance of the UGS remaining and being unaffected. The site therefore has no scarcity value and its use for housing would not lead to any deficiency or gap in the area.

Response: The open Space Study identifies a deficiency in the quantity of natural and semi natural greenspace in the Batley West Ward. Compared against the district wide benchmark quantity of 2.0 Ha per 1000 population, the current provision in Batley West is 1.69 Ha per 1000 population. As such the loss of the UGS would result in an increased deficit in this type of open space in the Batley West area. Also this proposal makes no provision for alternative space either in terms of quantity or quality as is mentioned in para 74 of the NPPF.

Qualitative Case: This includes reference to use and accessibility i.e. the site is in private ownership and there is no public access across it; the site is only 8.5% of the bigger UGS bounded on 3 sides by housing and serves a limited function in terms of visual and physical separation of urban areas; the overall quality of the site is low, and the key features of importance as identified by the Inspector will remain; the site is only visible from a number of locations, and impacts on these short distance views will be mitigated; there will be no adverse effect on ecology or habitat, and the site serves no benefits towards either educational, social inclusion, cultural, heritage or economic purposes.

Response: The application site was identified in the Open Space Study as being part of a larger area of "natural and semi- natural greenspace "of some 28.78 Ha in size. As part of the Open Space Study an assessment of the

whole area was undertaken to evaluate the physical, social, environmental and visual qualities to determine the value of the site to the local community, and this was assessed as being of high value based upon:

- Level of use – whilst the site is agricultural grazing land there is recreational use with a number of PROW's that cross the wider site;
- High structural and landscape benefits – the site performs a strategic function as a green lung within a densely developed area. It helps separate built-up areas and its extensive open quality and dominance in the landscape being on a prominent hillside location helps to define the identity and character of the area;
- High amenity and sense of place – the site is visually attractive and contributes significantly to the appearance and semi-rural character of the area and in doing so provides local communities with a sense of place and identity.

Paragraph 73 of the NPPF indicates that access to high quality open spaces can make an important contribution to the health and well-being of communities. Open space as defined in the NPPF is “all open space of public value”. It does not distinguish between private and public land, nor is there any requirement to have public access to it.

Whilst there are no public footpaths across the application site, there are footpaths adjacent to it and its value can be appreciated by footpath users without having to walk across or play on the site. The value of the site for those users would be removed with replacement housing and the value of the remainder of the allocation would be substantially diminished.

The application site is bounded by housing to the north and north-west by housing but immediately to the south is an urban greenspace area that buffers existing housing from the dwellings on White Lee Road. The appearance of the application site is similar to the remainder of the UGS allocation, and there is not considered to be any obvious landscape/ topographical features that distinguish the application site in character. As such it is not accepted that the application site serves no UGS function rather that it serves an important function, both in itself and as part of the larger allocation in preserving physical and visual separation between existing urban areas.

The applicant has referred to an appeal allowed in Bradford (Cote Farm, Thackley) as a precedent citing similarities with this application site and the degree of compliance with NPPF policies and out of date housing policies, and invite Members to give this weight as a material consideration.

Sustainability:

The NPPF sets out in paragraph 49 that “*housing applications should be considered in the context of the presumption in favour of sustainable development*”.

The NPPF identifies the dimensions of sustainable development as economic, social and environmental roles. These roles are highlighted as being mutually dependant and not to be taken in isolation.

It is recognised that there may be economic benefits in developing this site, and these are highlighted as part of the planning balance below. However the loss of the UGS is an important factor to weigh against this.

Viability:

Given the scale of the development and the numbers of dwellings proposed policies which relate to Affordable Housing, Public Open Space and Education provision are material considerations.

The applicant has submitted a viability appraisal with this application and this has been independently assessed on behalf of the LPA.

The policy compliant position would require:

- 30% of floor space to be affordable (i.e. approx. 18/19 dwellings);
- An Education contribution of £104,256; and
- POS on site, or a mix of provision on site with off-site enhancement.

The applicant has identified two areas of POS within the layout. There is no objection to an on-site provision, however one of the locations is considered to be unacceptable, as such the provision of POS has not been satisfactorily resolved.

No offer is made in respect of affordable housing or education contributions.

The Councils independent assessment has identified that the delivery of housing on this site would not be viable if full policy compliant contributions were required. It accepts that there is insufficient value in the development for an affordable provision. As such the applicant has been assessed in accordance with agreed procedures and there is no residual value that could be used towards either the provision of affordable houses or towards an education contribution and improvement of off-site POS.

The Planning Balance:

The benefits of delivering new housing at a time when the Council is unable to demonstrate a 5 year supply of deliverable housing, the resultant new homes bonus and economic benefits during construction and the sites sustainable location need to be weighed against the following;

Loss of the Urban Greenspace and the resultant increase in quantitative shortfall; the loss of high value open space and the adverse effect that will have on the value of the remainder of the UGS allocation and the resultant reduction of quality in the area.

The proposal fails to deliver adequate public open space within the layout and no improvement to off-site open space in lieu is offered. The layout is therefore considered to be contrary to Policies H18 (POS) and BE23 (Crime Prevention) of the Councils UDP.

It is considered that the benefits of the development are clearly outweighed by the harm and that there is no justification to depart from Policy D3 of the Kirklees Unitary Development Plan.

Impact on amenity:

The proposal would deliver 66 dwellings at a density of just over 27 per Ha, which is comparable to the surrounding area and recently approved residential schemes in the immediate vicinity. The dwellings are 2 no storey which is considered to be an appropriate scale for the area

Having regard to the relationship with existing dwellings particularly those on the northern boundary on Oakwell Avenue and Enfield Drive, plots 42 and 56 would be less than 12m from existing houses. This relationship is considered to be unsatisfactory and would result in an adverse impact upon the residential amenities of occupiers of existing dwellings, contrary to Policy BE12 of the Councils UDP.

For a development of this scale Policy H18 requires the provision of public open space. This scheme provides for two areas of open space, a larger area on the eastern edge of the site to the rear of existing properties on Enfield Drive and a smaller area in the north eastern corner of the site. The larger of the two areas is considered to be in a reasonable location, but has no natural surveillance, with garden boundaries and gables facing towards it. Its location coincides with provision of a large drainage attenuation tank being at the head of a cul de sac for future maintenance. The second smaller area would be completely surrounded by dwellings that either back onto the open space or with secondary gables facing it and is sited off a turning head and communal parking area. The location and the relationship to proposed and existing dwellings is considered to be unacceptable, resulting in a piece of open space that is isolated, not overlooked and not attractive to use and as such it would be contrary to Policies H18 (Public Open Space) and BE23 (Crime Prevention) of the Councils UDP.

Highway issues:

The applicant has provided an addendum to the original Transport Statement which addresses the concerns raised in previous highways consultations (i.e. a cumulative impact assessment for the Leeds Old Road, Dale Street, Batley Road and Carlinghow Lane junctions, further up to date speed surveys to confirm the current speeds along White Lee Road and the appropriate visibility splays).

In order to carry out the above assessment it was necessary to undertake peak period traffic turning counts at the respective junctions above. These

were undertaken in April 2016 between 07:00 to 09:30 and 16:00 to 18:30 outside school holidays. From these counts the network peak hours of 08:00 to 09:00 and 16:30 to 17:30 were determined. The existing peak hour traffic volumes have been increased using TEMPRO from the year of the surveys (2016) plus 5 years (2021).

There is a small development of 14 dwellings under construction by Riva Homes on White Lee Road almost opposite to the junction with Dale Lane. The predicted traffic from these units has been added to the flows to give the base network flows.

The adjacent site already benefits from an approval for 24 dwellings served off a new access on to White Lee Road (ref no 2014 / 93425). The proposals are to construct a further residential development of about 66 dwellings and will be an extension to the overall site served by the same access point. This will take the total scale of development served by the single access point up to 90 dwellings.

The TRICS database has been used to derive the peak hour generation rates for residential development on the site.

A junction capacity assessment has been carried out for the following priority junctions using the PICADY computer programme:

- B6122 White Lee Road / Leeds Old Road / Smithies Moor Lane
- B6122 White Lee Road / Carlinghow Lane
- B6122 White Lee Road / Dale Lane
- B6122 White Lee Road / Proposed Site Access

The junctions have been modelled in the peak periods in the 2021 base situation with the traffic from the approved and proposed developments added.

B6122 / Batley Road / Common Road / West Park Road:

This is an existing cross roads junction controlled by traffic signals. Each approach has a single lane with a right turn filter arrow being provided on the West Park Road approach in to White Lee Road. Pedestrian crossing facilities exist on all four arms with the green man being called via an all red traffic stage.

The assessment of this junction has been undertaken using the Linsig software for signal design and modelling.

Vehicle speed surveys have been carried on White Lee Road on the two approaches to the proposed access.

The 2016 speed surveys were as follows:
To the north 31.2mph and to the south 32.4mph

Compared to the previous 2010 surveys results which were
To the north 35.1mph and to the south 33.84mph

The updated speed surveys show that vehicle speeds have reduced slightly when compared to the surveys undertaken in 2010 and it is recommended that the original approved splays of 2.4 x 51.4m and 2.4 x 48.5m are provided to the right (north) and left (south) respectively.

The report concludes that both capacity and safety elements of the proposals are acceptable and although there is a predicted increase in traffic flows on the local road network, it is considered that it can be accommodated within the operation of the site access junctions and the adjacent road network.

As such it is considered that the proposed access and surrounding network is capable of accommodating the additional dwellings without any adverse effect on highway safety.

Within the layout there are a number of detailed issues relating to for example, annotation of bin storage and collection points, specific parking plots and radii, that still need to be satisfactorily addressed. These comments have been forwarded to the applicant and it is anticipated that amendments will be received before Committee.

Drainage Issues:

Given the size of the site a Flood Risk Assessment (FRA) has been submitted in support of the application. The use of soakaways and infiltration is not appropriate for this site given the ground conditions. The original drainage scheme accompanying the FRA proposed a system reliant on pumping, which is the least preferred way of draining a site.

The applicant has submitted an amended scheme which delivers on-site attenuation tanks under the larger area of POS, enabling the site to be drained by gravity and therefore not reliant on pumping. This amendment is in accordance with the changes that were requested by the Councils Flood Risk & Drainage team. As such drainage is satisfactorily addressed, and implementation can be secured by conditions.

Bio diversity

The site is essentially agricultural land with little habitat of any significant ecological value. In accordance with the guidance in paragraph 118 of the National Planning Policy Framework opportunities to enhance bio diversity should be sought in new developments, and in this case that could be achieved by the provision of bird and bat roost opportunities throughout the site and suitable landscaping of the larger area of POS, particularly where it abuts the public footpath.

Crime Prevention

There are a number of concerns regarding this site, particularly relating to the smaller area of public open space. This is considered to be contrary to Policy BE23 Crime prevention as the site is enclosed with little natural supervision from the neighbouring houses(both proposed and existing), and that accordingly it would be an unacceptable

Conclusion:

The scheme will provide 66 new dwellings at a time of general housing need when the Council does not have a 5 year supply of deliverable housing sites. As such paragraph 49 of the NPPF presumes in favour of sustainable housing development. There would also be economic benefits arising from the development including potential new homes bonus, benefits for local businesses and employment opportunities during construction.

These benefits however need to be weighed against the fact that no affordable housing or education contribution is provided as part of the development and the impact of such upon the sustainability of the development proposed, that the layout is unacceptable with respect to position and distribution of public open space within the layout, the unsatisfactory siting of plots 42 and 56 and the resultant harm caused by the loss of the Urban Greenspace.

It is Officers opinion that the benefits of the development are not outweighed by the harm resulting from the loss of the Urban Greenspace and the non-compliance with Policies H18, BE23 and BE12 of the Councils UDP.

9. RECOMMENDATION

REFUSE

1. THE SITE IS ALLOCATED AS URBAN GREENSPACE ON THE COUNCIL'S UNITARY DEVELOPMENT PLAN (UDP) PROPOSALS MAP. THE PROPOSED DEVELOPMENT IS CONTRARY TO POLICY D3 OF THE UDP WHICH RELATES TO DEVELOPMENT ON SUCH SITES. THE SITE IS CONSIDERD TO HAVE VALUE AS OPEN SPACE AND AS SUCH IS NOT DEEMED SURPLUS TO REQUIREMENTS THE DEVELOPMENT IS THEREFORE CONTRARY TO PARAGRAPH 74 OF THE NATIONALPLANNING POLICY FRAMEWORK. THE LOSS OF THE VALUE OF THE URBAN GRENSPACE IS CONSIDERED TO OUTWEIGH ALL OTHER MATERIAL CONSIDERATIONS, INCLUDING THE DELIVERY OF NEW HOUSING.

2. THE PROPOSAL FAILS TO PROVIDE ADEQUATE PUBLIC OPEN SPACE WITHIN THE LAYOUT, CONTRARY TO POLICIES BE23 AND H18 OF THE KIRKLEES UNITARY DEVELOPMENT PLAN.

3.THE SITING OF PLOTS 42 AND 56 ARE UNACCEPTABLE BEING CONTRARY TO POLICY BE12 OF THE KIRKLEES UNITARY DEVELOPMENT PLAN AND CONSEQUENTLY WOULD RESULT IN AN ADVERSE IMPACT UPON THE RESIDENTIAL AMENITY OF OCCUPIERS OF THE NEIGHBOURING DWELLINGS.

This recommendation is based on the following plans and specification schedule:-

Plan Type	Reference	Version	Date Received
Location Plan	26454-1-011	A	15/9/15
Site Layout	2654-01-001	J	7/6/16
Proposed street scenes	2654-1-010	B	May 2016
<u>House types</u>			
Banbury	2654-1-008		15/9/15
Birch	003		15/9/15
Northwood	004		15/9/15
Davenham	005		15/9/15
Holcombe	009		15/9/15
Wilston	006		15/9/15
Craford	007		15/9/15
Langley-3 Stone			7/6/16
Single garage	2621-1-010		15/9/15
Double garage	2621-1-001		15/9/15
Design and Access Statement			15/9/15
Planning Statement			15/9/15
Supplementary Planning Statement	PO-TP-SPA-P4007-001	B	26/5/16
Ground Investigation Report	3555		15/9/15
Phase 2/ Remediation Strategy (Supplementary Gas Monitoring)			15/9/15
Extended Phase 1 Habitat Survey			15/9/15
Flood Risk Assessment			15/9/15
Surface Water Outfall Plan	8852-005		May 2016
Statement of Community Involvement			15/9/15
Transport Statement/ Travel Plan	102/July 2015		15/9/15, Updated May 2016

Application No: 2016/91202

Type of application: 62m - FULL APPLICATION

**Proposal: Change of Use from nightclub/music venue to gymnasium
(Class D2)**

Location: Batley Frontier, 260, Bradford Road, Batley, WF17 6JD

Grid Ref: 424793.0 423357.0

Ward: Batley East Ward

Applicant: Batley Variety Club Ltd

Agent: Nick Willock, Robert Halstead

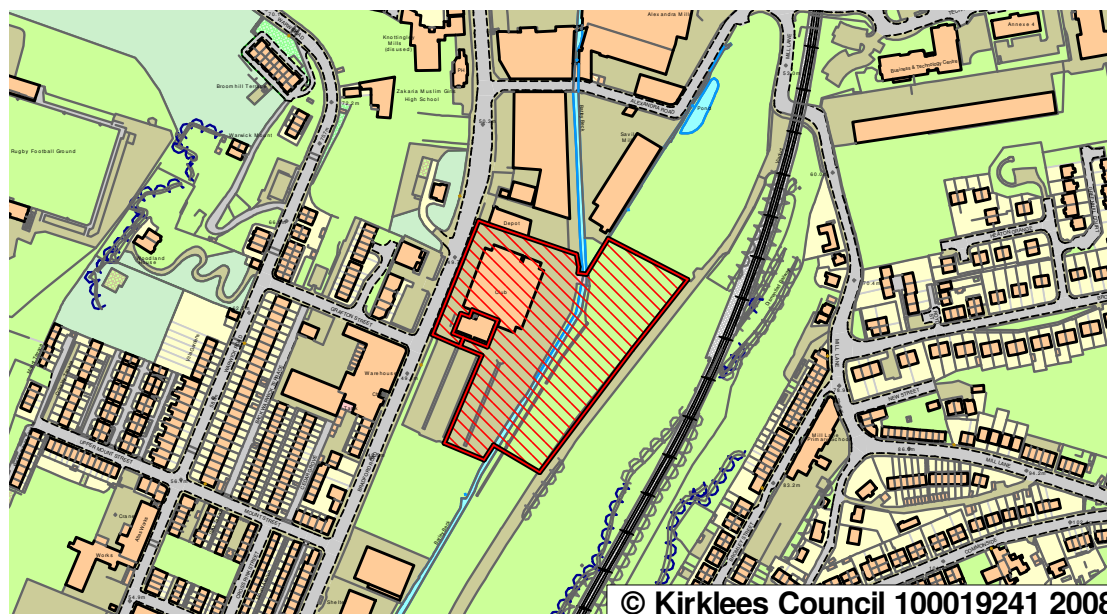
Target Date: 08-Jul-2016

Recommendation: FC - CONDITIONAL FULL PERMISSION

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

1. SUMMARY OF APPLICATION

Scale of Development	1.82ha	
No. Jobs Retained	2 Full time, 10 Part-time	
Policy		
UDP allocation	D2 Unallocated	
Independent Viability Required	N/A	
Representation/Consultation		
Individual Support (No.)	0	
Individual objections	2	
Petition	No	
Ward Member Interest	None	
Statutory Consultee Objections	None	
Contributions		
• <i>Affordable Housing</i>	N/A	
• <i>Education</i>	N/A	
• <i>Public Open Space</i>	N/A	
• <i>Other</i>	N/A	
Other Issues		
Any Council Interest?	N/A	
Planning Pre-application advice?	None	
Pre-App Consultation Undertaken?	No	
Comment on Application	The proposal is considered to be a sustainable development delivering positive benefits in terms of employment, community and recreational facilities.	

RECOMMENDATION: Grant Conditional Full Permission

2. INFORMATION

The application is brought to Strategic Planning Committee in accordance with the Council's scheme of delegated authority as the development proposed is non-residential and the site exceeds 0.5ha in area.

3. SITE DESCRIPTION/PROPOSAL

Site Description

The application site comprises a large long established nightclub and music venue with associated car parking located on the eastern side of Bradford Road, between Batley and Dewsbury. The immediate locality is of mixed character, with commercial, industrial and retail uses fronting this section of Bradford Road and residential properties away from the main road frontage to the west.

Batley Beck is located adjacent the site to the east.

Proposal

Permission is sought for the change of use of the nightclub to gym. The proposals do not include any external alterations.

The existing car park comprising 250 spaces would be retained to serve the development.

The proposals do not include Zucchini's Restaurant which is attached to the south of the building, and this would remain in addition to its associated parking.

4. BACKGROUND AND HISTORY

2007/92671 – Erection of single storey and first floor extension – approved

2005/91929 – Erection of single storey extension – approved

2016/90395 – Certificate of lawfulness for proposed change of use from nightclub to gymnasium - withdrawn

5. PLANNING POLICY

The site is unallocated on the UDP Proposals Map

Kirklees Unitary Development Plan:

- **D2** – Unallocated Land
- **BE1** – General Design Principles
- **BE2** – Quality of Design
- **EP6** – Development and Noise
- **T10** – Highway Safety
- **T19** – Parking Standards
- **C1** – Proposals for Community Facilities
- **R1** – Proposals for new recreational facilities

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 27th March 2012, together with Circulars, Parliamentary Statements and associated technical guidance.

The NPPF constitutes guidance for Local Planning Authorities and is a material consideration in determining applications.

- **Chapter 1** – Building a strong, competitive economy
- **Chapter 2** – Ensuring the vitality of town centres
- **Chapter 4** – Promoting sustainable transport
- **Chapter 7** – Requiring good design

- **Chapter 8** – Promoting Healthy Communities
- **Chapter 10** – Meeting the challenge of climate change, flooding and coastal change
- **Chapter 11** – Conserving and enhancing the natural environment

6. CONSULTATIONS

The following is a brief summary of Consultee advice (more details are contained in the Assessment section of the report, where appropriate):

KC Highways DM: No objections subject to the imposition of conditions

KC Environmental Services: Recommend imposition of conditions

The Environment Agency: No objections

7. REPRESENTATIONS

The application was publicised by site notice, neighbour notification letter and press advert. As a result of site publicity, two letters of representation have been received. The concerns raised in the representations can be summarised as follows:

- Query need for another gym as there is an existing gym less than 0.4 miles away and an application (re: 2015/92747) for another gym 0.3 miles away
- The application site is of a considerable size and don't consider this is an appropriate change of use for a small town
- Bradford Road is already extremely busy at peak times and current use of site does not impact on this, however proposed use would be open during the day and have an adverse impact on Bradford Road and surrounding streets
- The building just requires a renovation

8. ASSESSMENT

General principle:

The site is without notation on the UDP Proposals Map and Policy D2 (development of and without notation) of the UDP states "planning permission for the development ... of land and buildings without specific notation on the proposals map, and not subject to specific policies in the plan, will be granted provided that the proposals do not prejudice [a specific set of considerations]". All these considerations are addressed later in this assessment.

Principle

The principle of the development needs to be considered in relation to the impact of the change of use on the adjacent town centres of Dewsbury and Batley.

Main Town Centre Use – Sequential Test

The proposed use represents a main town centre use as defined by Annex 2 of the NPPF. The application site is located in an out of centre location, the closest centre being that of Batley to the North West. A sequential test is required to accord with paragraph 24 of the NPPF. Policy S1 of the UDP further supports that town and local centres should remain the focus for a mix of uses which the proposed gym is considered to fall under.

Relevant Planning Practice Guidance indicates that the application of the sequential test should be “proportionate and appropriate for the given proposal” and provides a checklist of considerations that should be taken into account in determining whether a proposal complies with the sequential test.

The applicant states that whilst having a nationwide requirement, they are currently concentrating upon northern towns and cities whilst building their portfolio. They have a long standing requirement in Yorkshire and have considered other sites over the last 2 years prior to concluding that the application site was the most appropriate for their requirements.

The applicant states that the alternative sites were rejected for a range of reasons, although these most commonly related to insufficient car parking in combination with adequate floor space of sufficient quality. The applicant goes on to state that their requirement is for a property in excess of 20,000 sq feet (1850 sq m approx) on one floor and with a minimum of 150 car parking spaces. The applicant does not consider that there are any alternative sites within Batley and Dewsbury which provide the correct balance in terms of size, quality and car parking to serve their needs.

The applicant has provided details of the catchment area which they are seeking to serve, and have detailed that a 10 minute drive time is considered to be appropriate for the proposed use. The extent of the catchment area is accepted by Officers as being reasonable for such a use.

Based on the information provided, the size of the building subject to the proposed change of use is 2400 sq m, and 250 car parking spaces are provided. As set out above, these parameters are therefore considered to represent the business requirements for the proposed use. On this basis, it is accepted that there are no sequentially preferable available sites within the defined catchment area, which provide sufficient floor space and parking spaces for the proposed use, when also accounting for flexibility in scale.

The NPPF states that “when considering out of centre proposals, preference should be given to accessible sites that are well connected to the town centre”. This site is considered to be accessible, being located along a main bus route between Batley and Dewsbury town centres.

Policies C1 and R1 of the Unitary Development Plan also indicate that proposals for Community and/ or Recreational facilities should be accessible

to all sectors of the community and within accessible locations (NPPF identifies a presumption in favour of sustainable development normally in a centres).

The NPPF presumes in favour of sustainable development and identifies three dimensions to sustainable development, i.e. economic; social; and environmental. These are not to be considered in isolation as they are not mutually exclusive and often combined benefits can be achieved.

In light of the information put forward above and the lack of suitable and appropriate sites within the existing centres in and around Batley and Dewsbury which meet the applicant's requirements, the proposal is on balance considered to be acceptable. It is noted that the proposed change of use would also ensure the future use of a prominent building, retaining its viability.

The applicant has adequately demonstrated that there are no alternative more sequentially preferable sites within the catchment area which meet their business model. The proposal therefore meets the requirements of paragraph 24 of the NPPF.

Impact on amenity

Impact on visual amenity

The design of the proposal needs to be considered in relation to Policies BE1, BE2 and D2 of the UDP. The proposal does not seek to make any external alterations to the building and the existing openings would be utilised by the applicant to access the building. The design of the proposal is considered to be acceptable and would accord with Policies BE1, BE2 and D2 of the UDP.

Impact on residential amenity

Whilst the site is located adjacent and opposite to existing commercial, retail and industrial premises, residential properties are located further to the west.

It is considered that taking into account the existing use of the site as nightclub, the proposed change of use to gymnasium would have less impact on the amenity of occupiers of the nearby residential properties, with respect to noise disturbance. Notwithstanding this, Officers consider that it would be reasonable to impose a condition, should permission be granted, requiring the submission of a noise report, to include noise attenuation measures. This would ensure that the proposed development would accord with Policies D2, BE1, BE2 and EP6 of the Unitary Development Plan.

Highway issues:

The application site is located on the classified Bradford Road where there is an existing right turn lane with waiting restrictions to both sides of the road to

prevent on-street parking. There are two refuges within this section of Bradford Road to assist pedestrians.

The site has the benefit of 250 off street parking spaces which are to be retained to serve the proposed development. Given that the existing access and parking arrangements are to be retained, there are no objections to the proposals from a highways perspective.

On the above basis, the proposals would accord with Policies D2 and T10 of the Unitary Development Plan.

Flood Risk:

This site lies in Flood Zone 3 (high probability of flooding). As the proposal involves a change of use application with no operational development, the Environment Agency raises no objections to the proposals. Notwithstanding this, Officers consider that it would be reasonable to impose a condition requiring the applicant to incorporate flood mitigation measures and the production of a flood evacuation plan. This would ensure that the proposals accord with government guidance contained within Part 10 of the NPPF.

Objections:

The concerns raised in the representations are addressed as follows:

Query need for a gym in this location

Response: The principle of the proposed change of use is assessed above.

Highway Safety Impact

Response: The existing access and parking arrangements are considered to be adequate to serve the development.

The building only requires renovation

Response: The application seeks permission for change of use, therefore the principle of this proposal requires assessment.

Conclusion:

In conclusion, the proposed change of use to gym is on balance considered to be acceptable. The proposal would support the development of a new business whilst ensuring the future use of a prominent building, and there are no sequentially preferable sites within any adjacent town centres. Acceptable highway arrangements can be achieved for the site and the proposal would not have a detrimental impact on highway safety.

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 is therefore recommended for approval.

9. RECOMMENDATION

Grant planning permission subject to the following conditions:

1. The development hereby permitted shall be begun within three years of the date of this permission.

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

3. A scheme detailing the arrangement and specification for cycle parking facilities shall be submitted to and approved in writing by the Local Planning Authority within 3 months from the commencement of the development. The cycle parking facilities shall then be provided in accordance with the approved details before the development is first brought into use and thereafter retained.

4. Nothing shall be permitted to be planted or erected within a strip of 2.4m deep measured from the carriageway edge of Bradford Road along the full frontage of the site which exceeds 1.0m in height above the level of the adjoining highway.

5. A Noise Report shall be submitted to and approved in writing by the Local Planning Authority before the development is brought into use. The report shall include a written scheme of how nearby residents will be protected from noise from the proposed development. The report shall include an assessment of noise emissions from the proposed development and details of background and predicted noise levels at the boundary of nearby residential properties together with proposed noise attenuation measures. The report shall be appropriate for all times of day and night when the development will operate. The report should include any supporting calculations.

6. In the event that contamination not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all works on site (save for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Unless otherwise agreed in writing with the Local Planning Authority, works on site shall not recommence until either (a) a Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority or (b) the Local Planning Authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved

remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy. Following completion of any measures identified in the approved Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. Unless otherwise agreed in writing with the Local Planning Authority, no part of the site shall be brought into use until such time as the whole site has been remediated in accordance with the approved Remediation Strategy and a Validation Report in respect of those works has been approved in writing by the Local Planning Authority.

7. A scheme of flood mitigation measures (incorporating a Flood Evacuation Plan) shall be submitted to and approved in writing by the Local Planning Authority before the development is brought into use. The development shall be carried out in accordance with the approved scheme, and thereafter retained.

This recommendation is based on the following plans and specification schedule:-

Plan Type	Reference	Version	Date Received
Site Location Plan			08.04.16
Planning Statement			08.04.16
JD Catchment Report			24.05.16