
Report of the Head of Planning and Development**HUDDERSFIELD PLANNING SUB-COMMITTEE****Date: 10-Mar-2021**

Subject: Planning Application 2019/93790 Demolition of existing buildings and erection of two storey nursery and garden buildings, formation of associated parking, hard and soft landscaping, widening of entrance and dropped kerb for pedestrian crossing Former Eastgate Depot, Honley, Holmfirth, HD9 6PA

APPLICANT

Michael Murphy, Portland
Nurseries

DATE VALID

25-Nov-2019

TARGET DATE

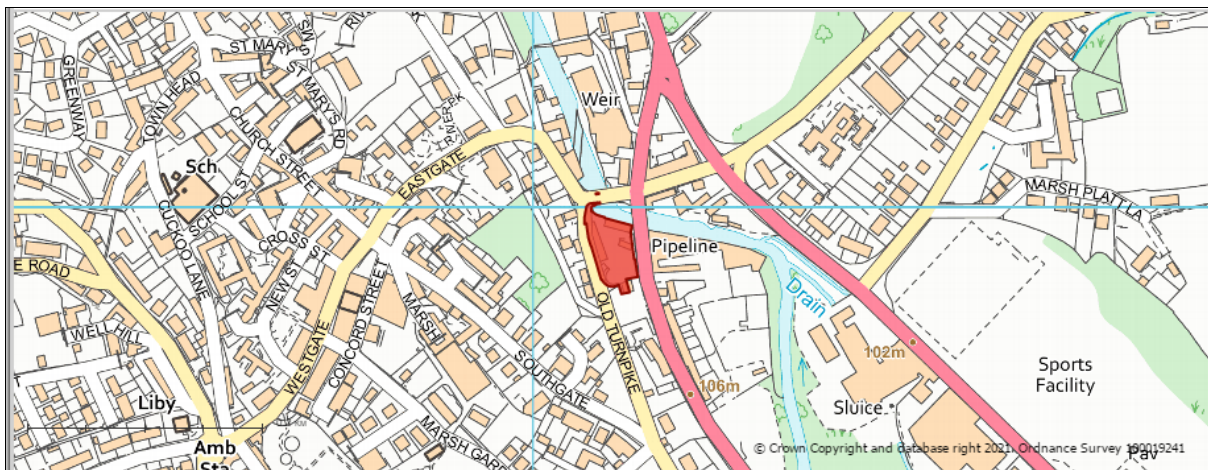
20-Jan-2020

EXTENSION EXPIRY DATE

17-Jul-2020

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

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

LOCATION PLAN

Map not to scale – for identification purposes only

Electoral wards affected: Holme Valley North

Ward Councillors consulted: Yes

Public or private: Public

RECOMMENDATION:

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

1.0 INTRODUCTION:

- 1.1 The application is brought to committee at the request of ward member Cllr Charles Greaves who has stated:

“...I have grave concerns over the impact on the highways network at a key junction; and concerns over young children's welfare with regard to air quality concerns coming from this busy junction. It will require a site visit so that members of the committee can see for themselves the precise location and the wider highways issues”.

- 1.2 The Chair of the Huddersfield Planning Sub-Committee has confirmed that Councillor Greave's reasons are valid having regard to the Committee Protocol. With regard to site visits, committee members are not currently undertaking formal site visits; however, the site can be readily seen from public land and members of committee can undertake their own site visits before the meeting as they consider appropriate.

2.0 SITE AND SURROUNDINGS:

- 2.1 The application site forms a piece of brownfield land which formally operated as a Council depot that is 0.2 hectares in area, located to the east of Honley village centre. The site is located between the A6024 (Woodhead Road) to the east and Old Turnpike to the west with the River Holme forming the northern boundary. There are residential properties to the south and west. The site has an existing access, which joins the adopted highway at the junction between Eastgate and Old Turnpike. Within the site there are a number of now redundant buildings. These are sited along the periphery of the site whilst the remainder forms an extensive area of hardstanding.
- 2.2 Evidence submitted alongside this application demonstrates a history of industrial uses at the site. Records show that by 1892 the site hosted a gas works and that by 1993 the site was a council depot. However, given the dilapidated appearance of the site it would appear that the site has not been operational for some time.

- 2.3 In close proximity to the site, but not immediately adjoining it, is a Grade II listed bridge (Honley Bridge) to the north and the Honley conservation area. The immediate area is one subject to a long history of development. The surrounding land uses are a mix of commercial and residential uses.

3.0 PROPOSAL:

- 3.1 The application seeks the demolition of existing buildings and erection of a two storey children's nursery and garden buildings, formation of associated parking, hard and soft landscaping, widening of the vehicular entrance and dropped kerb for pedestrian crossing.
- 3.2 The proposed principal building would be centrally located within the site with a 15 space car park located to the north. The building would be two storey to the west of the site and single storey to the east with a large flat roof area projecting from the main building. The building would be constructed from a mix of materials to have an overall contemporary feel. There would also be traditional elements such as mullioned windows on the northern elevation facing the conservation area and the use of natural stone cladding. The northern (front) elevation also includes small areas of render and a metal roof. The southern (rear) elevation includes large sections of glazing, timber cladding and the inclusion of solar panels on the roof. A sheltered outdoor dining area would be located at the southern end of the site with the area in between landscaped.
- 3.3 The nursery would provide space for 58 children to attend at any one time and employ 12 members of staff.
- 3.3 Access to the site would be via Old Turnpike close to its junction with Eastgate and would provide two way movements into and out of the site. Improvements are proposed to the point of access with build-outs providing improved pedestrian access and improved sightlines for users. Cycle parking and bin storage is also provided to the front (north) of the building and the site would be secured by gates set back from the footway.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

4.1 Site

- 2004/90098 – Erection of disabled WC and re-roofing existing building (Granted under Reg.3 of General regulations)

4.2 Surrounding Area

- 88/01936 – Erection of 3 detached dwellings and garages (Granted Conditionally)
- 2006/90569 – Demolition of existing dwelling and garage and erection of 2 no. detached dwellings (Conditional Full Permission)
- 2013/90747 – Erection of two detached dwellings (Conditional Full Permission)

- 2008/90628 – Erection of 2 no. detached dwellings with internal garage (amended house types) (Conditional Full Permission)

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

- 5.1 Extensive negotiations were undertaken with the agent to address concerns in the highway arrangements for the proposal which has led to reduction in the number of children in attendance from 85 to 58 and staff from 21 to 12 and an increase in the number of parking spaces from 12 to 15. Amended plans were also received in relation to the design of the proposal.

6.0 PLANNING POLICY:

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

6.2 Kirklees Local Plan (2019):

- LP1 – Achieving Sustainable Development
- LP2 – Place Shaping
- LP3 – Location of New Development
- LP20 – Sustainable Travel
- LP21 – Highway Safety and Access
- LP22 – Parking
- LP24 – Design
- LP27 – Flood Risk
- LP28 - Drainage
- LP30 – Biodiversity and Geodiversity
- LP34 – Conserving and enhancing the water environment
- LP35 – Conserving and enhancing the historic environment
- LP48 – community facilities.
- LP51 – Air Quality
- LP53 – Contaminated and unstable land

6.3 Supplementary Planning Guidance / Documents:

- Kirklees Highways Design Guide

6.4 National Planning Guidance:

- Chapter 2 – Achieving Sustainable Development
- Chapter 4 – Decision making
- Chapter 8 – Promoting healthy and safe communities
- Chapter 12 – Achieving well designed places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment
- Chapter 16 – Conserving and enhancing the historic environment

6.5 Neighbourhood Development Plans

Holme Valley Neighbourhood Development Plan – This has been formally submitted to Kirklees Council and Peak District National Park Authority. It covers the whole of the Holme Valley Parish Area. The plan has not been subject to publicity (Regulation 16, The Neighbourhood Planning (General) Regulations 2012) at this time. There are unresolved objections between the Kirklees Council and the neighbourhood plan body therefore the plan has no weight at this stage

7.0 PUBLIC/LOCAL RESPONSE:

- 7.1 The application was advertised by site notice, neighbour notification letters and an advertisement has been placed in the local Press, the last date for comments in this period was 30 December 2019.
- 7.2 Additional information has been advertised by neighbour notification letter, the last date for comments was 2 March 2021.
- 7.3 In total 3 comments have been received to the first period of publicity; a summary of the points raised is set out below:
- Most Nursery places are occupied for half days, so the number of children in attendance will be likely to be twice the stated number. i.e. 8am to 1pm and 1pm to 6pm,
 - Due to the site's location the vast majority of those attending will arrive by car and therefore the proposal would lead to a significant number of additional movements to and from the site each day which will be increased by those in attendance for half days.
 - The point of access to the site is unsuitable and is substandard to accommodate the additional traffic generated by the development due to its position at the junction of Eastgate and Old Turnpike. Alternative routes up along Old Turnpike are undesirable due to the narrow nature of the road where it means Southgate Road. The site is in proximity to the signalised junction of Eastgate and Woodhead Road where traffic often queues, the proposal will add to this problem.
 - The level of parking/drop off points is insufficient for the number of children in attendance and would lead to additional parking in the local area which is busy along Eastgate and narrow along Old Turnpike.
 - The submitted transport statement is not considered to be sufficiently robust and overly balanced in favour of the proposal. Have there been any studies on the level of traffic around the junction to assess the impact of the additional movements to and from the site? Have recent housing approvals been factored in to the use of certain routes?
 - The idea that parents will not drive is unrealistic and unlikely to be achievable as children are often dropped off and picked up on the way to and from work.
 - Additional queuing in the local area would reduce the air quality in the surrounding area.
 - The redevelopment of the site is welcomed and building looks acceptable however the highway arrangements need to be correct.

- 7.2 1 additional comment has been received from the publicity of the amended plans and further information:
- The increase in parking spaces doesn't detract from the increase in traffic and congestion that the development will add to a busy junction.
 - Dozens of cars dropping children off during rush hour, with double yellow lines already existing up Old Turnpike, is unacceptable to local residents.
 - Perhaps the development needs a separate entrance and exit - maybe onto Woodhead Road.

7.3 **Holme Valley Parish Council** – Support, but safety concerns regarding dropping off of children and parking.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

- **Environment Agency** – No objection
- **KC Highways DM** – No objection subject to conditions
- **KC Conservation and Design** – No objection subject to conditions

8.2 Non-statutory:

- **KC Environmental Health** – No objection subject to conditions
- **KC Lead Local Flood Authority** – Comments Made
- **West Yorkshire Policy Designing Out Crime** – Comments made

9.0 MAIN ISSUES

- Principle of Development
- Design (Visual Amenity) and Heritage
- Impact on Residential Amenity
- Impact on Highway Safety
- Impact on Local Ecology
- Air Quality
- Contaminated Land
- Flood Risk
- Representations

10.0 APPRAISAL

Principle of Development

- 10.1 The site is previously developed (brownfield) land and lies in an area which is undesignated within the Local Plan (LP) proposals map. Policy LP2 of the Local Plan states that:

‘All development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan, in order to protect and enhance the qualities which contribute to the character of these places, as set out in the four sub-area statement boxes...’

- 10.2 In addition to the above, the National Planning Policy Framework (NPPF) identified three overarching objective of sustainable development: economic, social and environmental. In this case the site is within a built up area with good access to services and would lead to the re-use of a prominent brownfield site. The proposed nursery use would provide a community facility in an accessible location in accordance with Policy LP48 of the Local Plan and would lead to local employment opportunities for up to 12 staff. The principle of developing the site is therefore considered to be acceptable.
- 10.3 The site is located close to three roads including the main vehicular route into Honley centre and the River Holme, with the Honley Conservation Area located to the north of the site alongside a listed bridge. The impact of the development on these features along with its overall design, highway arrangements, impact on residential amenity, local ecology and all other material planning considerations are key matters to assess as part of this application.

Design (Visual Amenity) and Heritage

- 10.4 The application site is located in close, but not immediate, proximity to the Honley Conservation Area which is to the north and Honley Bridge, a Grade II listed structure. As such it is important to give particular attention to the design of the proposed development and its impact on the significance, character and setting of the adjacent designated heritage assets. The impact of development on the setting of the Conservation Area and adjacent Listed Building needs to be considered in detail and with respect to sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. These set out statutory duties to pay special regard/attention to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses, and for the preservation or enhancement of the conservation area. Policies LP24 and LP35 of Local Plan will also be considered alongside Chapters 12 and 16 of the NPPF. These policies seek to promote good design by ensuring that the scale, layout and details of a development respect and enhance the character of the townscape, heritage and landscape, provide a high standard of amenity of future and neighbouring occupiers of land and buildings and assess other design considerations. This includes designing out crime and the provision of open space. Chapter 16 of the NPPF states that the significance of a listed structure or building can be harmed or lost through development within its setting. The application has also been assessed by the Conservation and Design Team. They have provided detailed comments which has also led to the submission of amended plans.
- 10.5 In the case of this application, it is anticipated that the proposed scheme could serve to enhance the setting of the listed Honley Bridge. The application site currently presents a neglected state with a distinctly industrial character, hosting steel gates and derelict buildings (garages). The Conservation Officer has advised that the site, as it currently exists, harms the setting of the Conservation Area and the setting of the listed bridge.

- 10.6 The proposal would enhance the setting of the adjacent bridge by the removal a building located on the boundary of the site with the River. The demolition of this building will greatly increase the visibility of the site from the bridge and vice versa, particularly from the junction of Woodhead Road and Eastgate.
- 10.7 In terms of the new building itself, the Conservation Officer has advised that as the site is set into a hillside, the proposal for a two storey building on the western side of the site against the cliff, dropping to single storey towards Woodhead Road on the east, should sit comfortably within the site without being overly prominent. The site has limited visibility to the south and west where it is bounded by retaining walls and there are no concerns with the design of the building from these viewpoints. The use of extensive glazing on the south elevation facing the 'garden' area is supported along with the proposed canopy with a green roof. The retention and landscaping of the former gas holder wall as part of the garden area is an interesting idea. This gives some indication of the former use of the site and the proposed tree planting in the garden area softens the overall site.
- 10.8 The northern elevation of the building has been amended through the course of the application to include elements of a more vernacular design, such as the first floor mullioned windows and a repetitive design which reflects the local streetscape with contemporary elements included, such as the ground floor windows and use of sections of render.
- 10.9 Overall it is considered that the proposal sits comfortably within the setting of a Grade II listed bridge and adjacent to the Honley Conservation Area. The proposal would also provide a clear public benefit in enhancing the setting of the bridge and conservation area and providing a vibrant new use for the site. However, to ensure that the finish materials are appropriate details will be conditioned to be submitted for the approval of the local planning authority.
- 10.10 Turning to other design matters, the application has been assessed by the Designing Out Crime Officer who has provided detailed comments including suggestions on the quality of doors and windows to be installed. The site is reasonably open and does benefit from a degree of natural surveillance from the adjacent dwellings. Advice has also been set out for other crime prevention methods such as CCTV and alarms, however no details have been provided on security measures proposed to be installed at the site. Therefore, to ensure that appropriate measures are installed, in the interests of good design, details will be secured by condition.
- 10.11 Subject to the conditions set out above the proposal is considered to be of an acceptable design which will enhance the significance of designated heritage assets and would accord with Policies LP24 and LP35 of the Local Plan and Chapters 12 and 16 of the NPPF.

Impact on Residential Amenity

- 10.12 The impact of the proposal on the amenity of surrounding properties and future occupiers of the dwellings needs to be considered in relation to Policy LP24 of the Local Plan which seeks to *"provide a high standard of amenity for future and neighbouring occupiers; including maintaining appropriate distances between buildings."* This is further supported by policies set out in

Chapters 12 and 15 of the NPPF. The application has also been assessed by Environmental Services. The applicant has also submitted a noise report to set out anticipated noise levels generated by the development and the impact this would have on local amenity.

- 10.13 The surrounding land uses are mixed, although there is a clear bias towards residential development. To this end it is noted that the nearest dwellings are, Calder House (4 Old Turnpike) and Salter House (10 Old Turnpike) which are located 8m to the west of the site, and Nos. 3-9 Old Turnpike to the south which are currently under construction approved via application 2014/993492. The presence of strong delineating features including a substantial boundary treatment, level differences, and the adopted highway serve to negate concerns of an overbearing, overshadowing or overlooking nature. Furthermore, internal land levels are noted as being lower than that of the adopted highway at Old Turnpike and as such the nursery would be set at a considerably lower level than the surrounding residential development.
- 10.14 In terms of potential noise disturbance, the submitted noise report considers the ambient background noise, road traffic noise, nearby commercial noise and the impact of noise from the new development on nearby noise sensitive neighbouring premises.
- 10.15 Due to road traffic noise being prevalent in the local area, the impact of noise from children in the outdoor amenity areas is likely to have less of an effect on nearby noise sensitive premises compared to a more rural location. Through the use of noise monitoring taken at a similar premise's, Section 4.4 of the report indicates that the noise from the premises including the outdoor use will be around 2dB above background level and therefore would not cause a detrimental impact to residential amenity. In regard to the impact of road traffic noise on the development the report states in Section 4.2 that standard double glazing will only be effective in protecting the future site users from noise while the windows are closed, and as such all noise sensitive rooms will require another means of ventilation. Section 5 states that a mechanical ventilation system should provide the appropriate ventilation, however details of the specification of the equipment to be installed need to be approved by the Local Planning Authority prior to new use commencing to ensure that it is appropriate, this detail can be secured by condition.
- 10.16 To further control potential for noise disturbance to surrounding occupiers of land and buildings it is considered appropriate to restrict the hours of use of the nursery to those the applicant has applied for with the premises to be open from Monday to Friday 07:30 to 18:00 only. These hours are acceptable for a premise of this nature in this built up location and can be secured by condition.
- 10.17 Subject to the conditions set out above the proposal is considered to have an acceptable impact on residential amenity of surrounding property and the future occupiers of the site and would accord with Policies LP24, LP52 of the Local Plan and Chapters 12 and 15 of the NPPF.

Impact on Highway Safety

- 10.18 Turning to highway safety, Policies LP21 and 22 of the Local Plan have been considered along with the KC Highway Design guide. The policies seek to ensure that new developments have an acceptable impact on highway safety and provide sufficient parking and access to sustainable transport options. The application has also been assessed by Highways DM Officer.
- 10.19 The site benefits from an existing access which opens out onto the junction with Old Turnpike and Eastgate and has been previously used as a depot for the Council. It is important to note that the application has been significantly amended through the course of the application to reduce the number of children in attendance. This was initially proposed as 85 to the now proposed 58 by 30% reduction. Staff levels have subsequently reduced from 21 to 12 a 40% reduction, and there is an increase in parking provision from 12 to 15 spaces an increase of 25%, and provision of some improvements to the site access junction. The agent also provided extensive information to demonstrate how they anticipate the nursery will operate, comparing it to other sites which the applicant runs within Kirklees alongside data collected for other sites across the country. They have also provided details of how they would encourage the use of sustainable modes of travel to the site via walking or the use of public transport.
- 10.20 In terms of the point of access, this would primarily be in the same position as that used by the previous depot use. However, it would be improved by its slight repositioning to the south and its widening to allow two way traffic to enter and leave the associated car park. Pedestrian access into the site is also provided either side of the vehicular entrance to provide a safe access to the site on foot. The alterations to the access would also provide new build out sections of footway onto Old Turnpike. This would improve sightlines for users of the access and those entering from Eastgate and improve the safety of pedestrians who currently do not benefit from a footway leading from Eastgate to Old Turnpike. The new build outs can be secured through a Section 278 agreement of the Highways Act.
- 10.21 With regard to parking provision, 15 vehicular spaces would be provided to serve the development for both the drop off and pick up of the 58 nursery places and also to serve the 12 staff. In addition, 4 cycle spaces would be provided to the front of the building and also 4 to the rear of the site for staff. The Highways Officer has confirmed that the proposed parking layout is workable and all spaces can be appropriately accessed. The provision of 15 spaces to the level of children and staff proposed also accords with the requirements of Kirklees' former parking standards. These prescriptive standards have been superseded by advice in the Highway Design Guide SPD but remain a good gauge of likely required off-street parking provision. This is considered to demonstrate that the level of parking provision is sufficient for the size of nursery proposed. A condition will secure the appropriate surfacing and lining of the car park.

- 10.22 The applicant has also set out their intention to provide a Travel Plan to promote the use of sustainable transport options whenever possible. This will, in part, be to encourage pedestrians from Honley to use the safe route along Old Turnpike as opposed to crossing Eastgate in close proximity to the signalised junction and sharp bend. The Travel Plan will also seek to highlight the alternative methods of travel available to staff and those dropping off and picking up children. The principles of the travel plan, such as the suggested pedestrian route, are considered appropriate and specific detail will be secured by condition.
- 10.23 Subject to the conditions set out above, and to restrict the number of children in attendance at any one time to no more than 58, the proposal is considered to have an acceptable impact on highway safety and would accord with the requirements of Policies LP21 and LP22 of the Kirklees Local Plan.

Impact on Local Ecology

- 10.24 The application site is located within the Council's bat alert layer and as such Policy LP30 of the Local Plan needs to be considered. A Bat Survey and mitigation strategy have been submitted with the application. These have been reviewed by the Council's Ecologist.
- 10.25 The submitted bat report has confirmed that bats are roosting at the application site and a licence must be secured from Natural England and mitigation measures undertaken. Furthermore, bat boxes need to be included on the proposed building to promote roosting opportunities, along with an appropriate lighting plan and landscaping strategy to provide mitigation of the impact of the development on bats.
- 10.26 Subject to the conditions set out above the proposal is considered to have an acceptable impact on local ecology and would accord with the conditions set out in Policy LP30 of the Local Plan.

Air Quality

- 10.27 The application has been submitted with an Air Quality Assessment (AQA) which has been reviewed by Environmental Services. Policy LP51 of the Local Plan and Chapter 15 of the NPPF set out that applications will need to consider the impact of the development on air quality and also the impact of existing air quality conditions on proposed developments. This is particularly important given the use is as a children's nursery.
- 10.28 The AQA sets out that an assessment was undertaken in accordance with the West Yorkshire (WY) guidance to determine the potential for the development to affect local air quality. This indicated that the development is considered to be classified as Type 2 - Medium development, since the development proposals fell below the criteria and additional trigger criteria outlined under Stage 1 of the WY guidance. Default mitigation measures were presented for a Type 2 - Medium development. Dispersion modelling was undertaken in order to predict air quality impacts as a result of road vehicle exhaust emissions associated with traffic generated by the development. Results were subsequently verified using monitoring results obtained from Kirklees Council.

- 10.29 The dispersion modelling results indicated that NO₂ (Nitrogen Dioxide) and PM₁₀ (inhalable particulate matter) concentration across the application site were below the relevant Air Quality Objectives. The location is therefore considered suitable for the proposed end use without the inclusion of mitigation methods to protect future users from poor air quality
- 10.30 Potential impacts during the operational phase of the development may occur due to road traffic exhaust emissions associated with vehicles travelling to and from the site. An assessment was therefore undertaken using the standard screening criteria to determine the potential for trips generated by the development to affect local air quality. This indicated that anticipated net traffic generation was below the specified threshold and subsequently impacts are likely to be not significant throughout the operational phase. It is also noted that the scale of the development has subsequently been significantly reduced.
- 10.31 In light of the above assessment, the proposal is considered not to adversely impact on local air quality nor is there poor air quality across the site to deem it unsuitable for a use as a children's nursery. However, to support infrastructure for low emission vehicles, such as electric cars, one electric vehicle charging point will be secured by condition. It is also noted that, as set out in the highway section, provision for facilities for walking and cycling have also been included in the design of the scheme, further helping to reduce impact on air quality. Subject to the conditions set out above the proposal is considered to have an acceptable impact on air quality and would accord with Policy LP51 of the Local Plan.

Contaminated Land

- 10.32 The site is located in an area which has been identified as being potentially contaminated due to its former uses. Policy LP53 is therefore relevant which requires matters of contaminated land to be considered and the applicant has submitted Phase 1 and Phase 2 (intrusive) contaminated land reports which have been assessed by Environmental Services.
- 10.33 Environmental Services have accepted the findings of the submitted contaminated land reports. They have recommended that a remediation strategy is devised and implemented which can be secured by condition, along with a condition for the submission of a validation report. Subject to the submission of the aforementioned conditions the proposal would accord with Policy LP53 of the Kirklees Local Plan and Chapter 15 of the NPPF.

Flood Risk

- 10.34 The site is located adjacent to the River Holme and the site is located within Flood Zone 1, the lowest risk category. However, at the request of the Environment Agency, and due to the proposal leading to the removal of a building on the western side of the site adjacent to the River Holme, which could have acted as a flood defence for the site, a site specific Flood Risk Assessment (FRA) has been submitted. The FRA sets out that a 1.2 metre high boundary wall will be retained along the western side of the site and that finished floor levels will be above predicted flooding levels along with setting out surface water drainage arrangements. The details have been assessed by the Environment Agency who have accepted the findings, provided that

they are conditioned as part of any permission. Due to the site's location adjacent to the river bank a note will also be attached to the decision notice advising that a permit would be required for works which affect the river bank. Subject to this the development will accord with Chapter 14 of the NPPF and Policy LP27 of the Local Plan.

Climate Change

- 10.35 On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan pre-dates the declaration of a climate emergency and the net zero carbon target, however it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.
- 10.36 The redevelopment of a brownfield site in a sustainable urban area would make an efficient and effective use of land. Furthermore, it would contribute positively to the local environment by remediating a derelict site and ultimately bringing it back into full economic use. The palette of materials for use on the building includes natural stone, which is locally available and fully recyclable. The insulation envelope of the building, together with the use of extensive glazing to the southern elevation and PV panels to the roof will contribute to a reduction in the use of artificial light and lower heating costs. Provision will be made on site for the recharging of ultra low carbon electric vehicles and specific provision made for cycle parking. Improvements to the access to the site seek to improve pedestrian access to the site, which in turn would encourage more trips to the site by foot.

Representations

- 10.37 In total 3 comments have been received to the first period of publicity; a summary of the points raised is set out below:
- Most Nursery places are occupied for half days, so the number of children in attendance will be likely to be twice the stated number. i.e. 8am to 1pm and 1pm to 6pm,
 - Due to the sites location the vast majority of those attending will arrive by car and therefore the proposal would lead to a significant number of additional movements to and from the site each day which will be increased by those in attendance for half days.

Response: There is no evidence to suggest that places will only be occupied for half days. Furthermore the number of children in attendance has been significantly reduced through the course of the application. Whilst it is probable that a larger number of children will be dropped off by car, as set out above the parking and access arrangements are considered to be acceptable and sustainable travel options will be set out in Travel Plan secured by condition.

- The point of access to the site is unsuitable and is substandard to accommodate the additional traffic generated by the development due to its position at the junction of Eastgate and Old Turnpike. Alternative routes up along Old Turnpike are undesirable due to the narrow nature of the road where it meets Southgate Road. The site is in proximity to the signalised junction of Eastgate and Woodhead Road where traffic often queues, the proposal will add to this problem.

Response: As set out in the Highways section of the report, para 10.18-10.23 the existing point of access would be improved and is considered to be acceptable.

- The level of parking/drop off points is insufficient for the number of children in attendance and would lead to additional parking in the local area which is busy along Eastgate and narrow along Old Turnpike.
- The submitted transport statement is not considered to be sufficiently robust and overly balanced in favour of the proposal. Has there been any studies on the level of traffic around the junction to assess the impact of the additional movements to and from the site? Have recent housing approvals been factored in to the use of certain routes?

Response: As set out in the main body of the report the number of children in attendance has been significantly reduced through the course of the application and the number of parking spaces increased. Additional information has been submitted through the course of the application to provide further justification for the proposal and additional improvements to the point of access.

- The idea that parents will not drive is unrealistic and unlikely to be achievable as children are often dropped off and picked up on the way to and from work.

Response: Comments noted. The number of children proposed in attendance has been reduced and the additional parking provided to serve the use without material detriment to highway safety.

- Additional queuing in the local area would reduce the air quality in the surrounding area.

Response: The application is supported by an Air Quality Assessment (AQA) which concludes that the development would not adversely impact on local air quality. The AQA has been assessed by Environmental Services who raise no objections to these findings. It is considered that the development would not have a detrimental impact on air quality in the local area.

- The redevelopment of the site is welcomed and building looks acceptable however the highway arrangements need to be correct.

Response: Noted

10.38 1 additional comment has been received from the publicity of the amended plans and further information:

- The increase in parking spaces doesn't detract from the increase in traffic and congestion that the development will add to a busy junction.
- Dozens of cars dropping children off during rush hour, with double yellow lines already existing up Old Turnpike, is unacceptable to local residents.
- Perhaps the development needs a separate entrance and exit - maybe onto Woodhead.

Response: As set out in the highway section, the amended scheme with increased parking, reduced numbers of children and staff and improved point of access is considered to provide acceptable highway arrangements. The parking/drop off area and point of access is considered to be sufficient to serve the development.

11.0 CONCLUSION

11.1 In conclusion the proposed nursery is considered to have an acceptable impact on visual and residential amenity, including the setting of adjacent designated heritage assets, highway safety, ecology, air quality, flood risk and all other material planning considerations.

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

11.3 This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development proposals accord with the development plan and it is recommended that planning permission be granted.

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

1. Development to commence within 3 years of permission.
2. Development to be undertaken in accordance with the approved plans and specifications.
3. Submission for approval of materials to be used in construction.
4. Submission for approval of crime prevention measures.
5. Restriction on hours of use for users from 7.30am to 6pm Monday to Friday only.
6. Submission for approval of details of a mechanical ventilation scheme.
7. Provision of 1no. electric vehicle recharging point.
8. Restrict the numbers of children in attendance at anyone time to no more than 58.
9. Surfacing and marking out the parking area.
10. Submission for approval of a Travel Plan before the use commences.
11. Submission for approval of details of the access improvements.
12. Development in accordance with the Bat Mitigation Strategy.
13. Provision of bat features integral to the building during the period of construction.

14. Submission for approval of details of external lighting.
15. Submission for approval of a landscape strategy and implementation plan.
16. Development to be constructed in accordance with the conclusions set out in section 5 of the Flood Risk Assessment Ref: 19022-FRA.
17. Submission for approval of a remediation strategy.
18. Implementation of remediation strategy.
19. Submission for approval of validation report.

NOTE – Environment Agency Permit

Background Papers:

Application and history files.

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2019%2f93790>

Certificate of Ownership – Notice served on Kirklees Council