
Report of the Head of Planning and Development

STRATEGIC PLANNING COMMITTEE

Date: 28-Apr-2021

**Subject: Planning Application 2021/90376 Erection of external lighting
Spenborough Pool and Sports Complex, Bradford Road, Littletown,
Liversedge, WF15 6LW**

APPLICANT

Kirklees Council

DATE VALID

04-Feb-2021

TARGET DATE

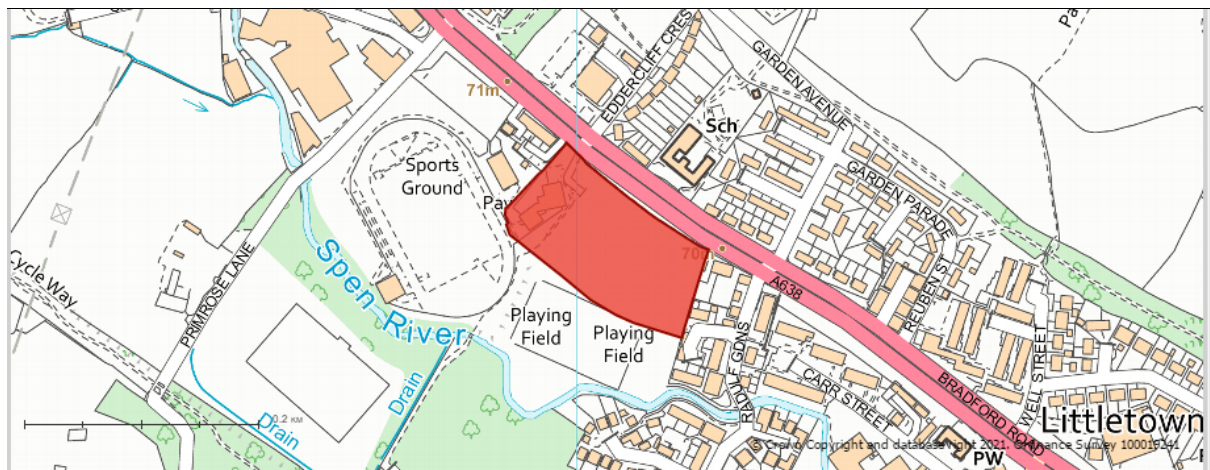
01-Apr-2021

EXTENSION EXPIRY DATE

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

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

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral wards affected: Liversedge and Gomersal

Ward Councillors consulted: Yes

Public or private: Public

RECOMMENDATION:

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

1.0 INTRODUCTION:

1.1 This application is brought to the Strategic Planning Committee as the area of the application site exceeds 0.5 hectares, this is in accordance with the Council's Scheme of Delegation set out in the Constitution. It is also noted that the application is submitted on behalf of the Council.

2.0 SITE AND SURROUNDINGS:

2.1 The application site extends to 1.466 ha, and was previously occupied by the Spenborough Fitness Complex (now demolished). The Spen Valley Leisure Centre is currently under construction on the site.

2.2 The site is bounded to the north east by Bradford Road (A638) and to the south by existing playing fields which are bordered by the Spen River. To the east of the site are a mixture of two storey semi-detached and detached residential dwellings on Upper Carr Street and Radulf Gardens. To the west of the site are two storey terraced dwellings fronting Bradford Road with the athletics track pavilion to the rear.

2.3 Vehicular access is taken from the North West of the site from Bradford Road.

3.0 PROPOSAL:

3.1 Full Planning Permission is sought for the installation of external lighting associated with the Spen Valley Leisure Centre. This would comprise a series of 20 lighting columns to the front, side and rear of the new building, in addition to lighting to the external elevations of the building. The proposed lighting columns would vary in design dependent upon the nature of the external areas which they are to illuminate.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

4.1 2021/90373 - Discharge conditions 3, 7, 16 on previous permission 2019/91491 for demolition of existing fitness complex and erection of Spen Valley Leisure Centre – pending consideration

2021/90369 – Non material amendment to previous permission 2019/91491 for demolition of existing fitness complex and erection of Spen Valley Leisure Centre - approved

2020/92195 - Discharge conditions 3, 14, 15 on previous permission 2019/91491 for demolition of existing fitness complex and erection of Spen Valley Leisure Centre - approved

2020/90352 - Discharge of conditions 3 (part), 4, 5 (part), 6 to 10, 13, 18 and 19 of previous permission 2019/91491 for demolition of existing fitness complex and erection of Spen Valley Leisure Centre - approved

2019/91949 - Demolition of existing fitness complex and erection of Spen Valley Leisure Centre Spenborough Fitness Complex granted (implemented)

2019/92005 Prior notification for demolition of building – Granted under Reg.4 General Regulations

2019/91160 Erection of fence – Granted under Reg.4 General Regulations

2015/91872 Erection of modular extensions and associated works to Spenborough Fitness Complex – Granted under Reg.4 General Regulations

2004/93509 Formation of a skate park and associated work – Granted under Reg.4 General Regulations

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

5.1 Throughout the course of the application, additional technical information was received from the applicant in respect of the luminance of the proposed lighting columns. An amended site layout plan was also received indicating the removal of one of the lighting columns following receipt of comments from the Council's street lighting team.

6.0 PLANNING POLICY:

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

Kirklees Local Plan (2019):

6.2 LP 1 – Sustainable Development
LP 21 – Highway Safety and Access
LP 22 – Parking
LP 24 – Design
LP 30 – Biodiversity and Geodiversity
LP 47 – Healthy, active and safe lifestyles
LP 48 - Community Facilities
LP 50 – Sport and Physical activity
LP 52 – Protection and improvement of environmental quality

Supplementary Planning Guidance / Documents:

6.3 Kirklees Highway Design Guide Supplementary Planning Document

National Planning Guidance:

- 6.4 Chapter 8 – Promoting health and safe communities
Chapter 12 – Achieving well-designed places
Chapter 15 – Conserving and enhancing the natural environment

7.0 PUBLIC/LOCAL RESPONSE:

7.1 The application has been publicised by site notice, press advert and neighbour notification letter.

7.2 As a result of site publicity, four representations have been received. The concerns raised are summarised as follows:

- Concern regarding impact of increased lighting in the vicinity of the eastern boundary close to the bin store
- Concern regarding the impact of increased lighting on habitable and non-habitable rooms of neighbouring residential properties, and query the need for 2 lighting columns at the same point
- The trees in that vicinity are home to numerous birds and various species of wildlife, this extra light may have an adverse effect on them
- Site is within a Flood Risk Area; water level recently reached beyond the site perimeter fence of the new car park, which should be taken into consideration in relation to the lighting on the perimeter fence
- Queries in relation to the siting, design and emptying of the bin store
- Request that the lighting is solar powered and environmentally friendly

8.0 CONSULTATION RESPONSES:

Below is a summary of the consultation responses, where relevant, these have been expanded on further in the appraisal section of this report.

8.1 **Statutory:**

KC Environmental Services: The lighting scheme is generally acceptable; a condition is necessary to ensure that the lighting is installed and operated in accordance with the submitted details.

KC Highways DM: No objections following removal of lighting column closest to site entrance. No conditions required.

8.2 **Non-statutory:**

Crime Prevention: The proposed lighting for the site is sufficient and proportionate to cover the car park and building access points.

KC Ecology: No objections; the nearby Wildlife Habitat Network is located an adequate distance from the site and would not be significantly impacted upon by the proposed lighting scheme.

9.0 MAIN ISSUES

- Principle of development
- Urban design issues
- Residential amenity
- Highway issues
- Representations
- Other matters

10.0 APPRAISAL

Principle of development

- 10.1 Policy LP 1 of the Kirklees Local Plan states that the Council will take a positive approach that reflects the presumptions in favour of sustainable development contained within the National Planning Policy Framework to secure development that improves the economic, social and environmental conditions in the area. Proposals that accord with policies in the Kirklees Local Plan will be approved without delay, unless material considerations indicate otherwise.
- 10.2 A new Leisure Centre and fitness complex is currently under construction on the site, following demolition of the former Spenborough Sports Centre and fitness complex. The application seeks permission for the installation of external lighting associated with this.
- 10.3 The application has no specific allocation within the Kirklees Local Plan. As such, Local Plan Policy 24 of the KLP is relevant in that it states that proposals should promote good design in accordance with a specific set of considerations. Policy LP 52 is also relevant in relation to the protection and improvement of environmental quality. All the considerations are addressed within the assessment. Subject to these not being prejudiced, the proposals would be considered acceptable in principle.

Urban Design issues

- 10.4 Policy LP24 states that good design should be at the core of all proposals. Proposals should incorporate good design by ensuring that the form, scale, layout and details of all development respects and enhances the character of the townscape and landscape. This is supported by The National Planning Policy Framework (NPPF) which sets out that, amongst other things, decisions should ensure that developments are sympathetic to local character while not preventing or discouraging appropriate innovation or change (para.127 of the NPPF).
- 10.5 The new Leisure Centre and fitness complex on the site was approved by the Strategic Planning Committee in July 2019 and is currently under construction. The proposed external lighting would be located to the front sides and rear of the new building, within the external parking and servicing areas, in addition to the external elevations of the building itself.

- 10.6 The design of the Leisure Centre building is functional and modern and located within an area of varied character. The proposed external lighting would also be of a functional design, allowing the building to be used efficiently and safely. As the site is set down from Bradford Road by approximately 3m, it is considered that the proposed lighting scheme would not detract from the character of the area, particularly taking into account the main road location and presence of existing street furniture. On this basis, the proposals are considered to accord with Policy LP 24 of the Kirklees Local Plan and guidance contained within Chapter 12 of the NPPF.

Residential Amenity

- 10.7 A core planning principle set out in the NPPF is that development should result in a good standard of amenity for all existing and future occupiers of land and buildings. Policy LP 24 of the Kirklees Local Plan states that proposals should promote good design by ensuring that they provide high standard of amenity for future and neighbouring occupiers, including maintaining appropriate distances between buildings. Policy LP 52 of the KLP (Protection and Improvement of Environmental Quality) states that where possible, all new development should improve the existing environment. In respect of artificial lighting, para. 18.19 of the KLP advises that it is important to ensure that it does not become a nuisance to others.
- 10.8 The application site is located adjacent to residential properties on Bradford Road and Radulf Gardens to both the east and west, in addition to the north, separated by Bradford Road.
- 10.9 No. 164 Bradford Road is a two storey, semi-detached dwelling located to the North East of the application site. The dwelling has large garden which extends along the eastern boundary of the site. Numbers 8 and 10 Radulf Gardens are two storey detached dwellings located along the eastern boundary of the site. The new leisure centre building is located 20m to the boundary from the north east corner of the building and 24m from the East boundary adjacent to 8 Radulf Gardens. The area directly adjacent the building to the east is to be used as the service yard and staff parking area, with 2 lighting columns proposed, one to the north and one to the east of this area.
- 10.10 The submitted information advises that the car parks, the ramp and service area are all to be illuminated to 20 lux in accordance with recommendations set out in BS5489. The proposed luminaires and design will minimise stray light beyond the boundary and the vertical luminance caused by the lighting at nearby residential properties will be a maximum of 1 Lux which is within the recommendations for an area of this nature. It is considered that the proposed new lighting, by virtue of its design, will control stray lighting more effectively than the previous lighting on the site. Glare from the lighting will be minimised by the flat glass design of the luminaires with zero upward light and with recessed LEDs.
- 10.11 Whilst no details of the times of operation of the lighting have been provided, a condition is recommended to ensure that the lighting is not operated between dawn and dusk, and no longer than 30 minutes before and 30 minutes after the premises are open to customers. Subject to this and other conditions ensuring the maximum luminance of the lighting scheme the proposals are considered acceptable from a residential perspective, and would accord with Policies LP 24 and LP 52 of the KLP and guidance contained within Chapters 12 and 15 of the NPPF.

Highway Issues

- 10.12 The application site is located on the A638 Bradford Road and the new access to the redeveloped site is to be in a similar position to its previous location.
- 10.13 Through the course of the application, an amended site layout plan has been received which shows the removal of the external lighting column closest to the junction of Bradford Road and the Leisure Centre and Fitness Complex. Concerns had previously been raised by the Council's Street Lighting Team that the location of the lighting column in question would conflict with existing street lighting columns on Bradford Road.
- 10.14 Following receipt of the amended plan, the proposals are considered to be acceptable from a Street Lighting and Highways Safety perspective, in accordance with Policy LP 21 of the KLP.

Representations

- 10.15 The representations received are addressed as follows:

Concern regarding impact of increased lighting in the vicinity of the eastern boundary close to the bin store

Response: The impact of the lighting on neighbouring residential properties has been assessed by KC Environmental Services and concluded to be acceptable

Concern regarding the impact of increased lighting on habitable and non-habitable rooms of neighbouring residential properties, and query the need for 2 lighting columns at the same point

Response: The impact of the lighting on neighbouring residential properties has been assessed by KC Environmental Services and concluded to be acceptable

The trees in that vicinity are home to numerous birds and various species of wildlife, this extra light may have an adverse effect on them

Response: The site is located approximately 100m from a wildlife habitat network to the south. This distance is considered to be acceptable to ensure there is no adverse impact upon the network. In relation to the trees around the boundaries of the site, the Council's Ecologist considers the impact of the lighting to be negligible, taking into account the urban nature of the environment, existing/previous lighting on the site and the street lighting along Bradford Road.

Site is within a Flood Risk Area; water level recently reached beyond the site perimeter fence of the new car park, which should be taken into consideration in relation to the lighting on the perimeter fence

Response: This is noted.

Queries in relation to the siting, design and emptying of the bin store

Response: The bin store does not form part of this application, but was considered at the time of the original application for the new Leisure Centre and Fitness Complex.

Request that the lighting is solar powered and environmentally friendly

Response: The proposed lighting scheme would utilise LEDs, which replace the previous traditional lighting method, resulting in greater energy efficiency. The Leisure Centre Building itself will incorporate renewable technology in the form of photovoltaic roof panels.

Other Matters

Ecology

- 10.16 The site is located approximately 100m from a wildlife habitat network to the south. This distance is considered to be acceptable to ensure there is no adverse impact upon the network. In relation to the trees around the boundaries of the site, the Council's Ecologist considers the impact of the lighting to be negligible, taking into account the urban nature of the environment, existing/previous lighting on the site and the street lighting along Bradford Road. On this basis, the proposals would accord with Policy LP 30 of the KLP and guidance contained within Chapter 15 of the NPPF.

Climate Change Emergency

- 10.17 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.
- 10.18 The proposed lighting scheme would utilise LEDs, resulting in improved energy efficiency compared to the previous lighting scheme for the site prior to redevelopment. This in conjunction with renewable technologies forming part of the new Leisure Centre and Fitness Complex itself would contribute to the above aims of the Council.

Crime Prevention

- 10.19 The proposed lighting for the site is sufficient and proportionate to cover the car park and building access points. The Council's Crime Prevention officer has no objections to these lighting details, although has drawn the applicant's attention to making sure that the proposed CCTV system is matched to the lighting plan using a specialist CCTV supplier.

11.0 CONCLUSION

- 11.1 The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the government's view of what sustainable development means in practice.
- 11.2 The proposed lighting scheme would enhance previously approved improved facilities for indoor sport and physical activity, catering for the needs and demands of a diverse community. Any potential impacts arising from the proposals can be mitigated by condition.

11.3 This application has been assessed against the relevant policies in the development plan and other material considerations and it is considered that the development would constitute sustainable development and is therefore recommended for approval.

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

1. Development to commence within 3 years
2. Development built in accordance with approved plan
3. The maintained average horizontal illuminance of the areas being lit shall not exceed 20 lux
4. The vertical illuminance caused by the operation of the lighting at windows of nearby properties shall not exceed 1.0lux.
5. The lighting shall not be operated between dawn and dusk and also no longer than 30 minutes before and 30 minutes after the premises are open for customers

Background Papers:

Application and history files.

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2021%2f90376>

Certificate of Ownership – Certificate A signed: 1 February 2021