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**Report of the Head of Planning and Development**

**STRATEGIC PLANNING COMMITTEE**

**Date: 28-Apr-2021**

**Subject: Planning Application 2020/93810 Construction of overspill car park and regrading of land (engineering operation) The Eden Centre, 35, Dryclough Road, Crosland Moor, Huddersfield, HD4 5HY**

**APPLICANT**

Dr A Manzoor, The Eden  
Foundation

**DATE VALID**

05-Jan-2021

**TARGET DATE**

02-Mar-2021

**EXTENSION EXPIRY DATE**

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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**

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**Electoral wards affected: Crosland Moor and Netherton**

**Ward Councillors consulted: No**

**Public or private: Public**

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**RECOMMENDATION:**

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

**1.0 INTRODUCTION:**

1.1 This application is brought before Strategic Planning Committee for determination in accordance with the terms of the Council's Scheme of Delegation as the proposal is deemed to be a departure from the Development Plan because the site is located within a designated area of urban green space (UGS) of the Kirklees Local Plan.

**2.0 SITE AND SURROUNDINGS:**

2.1 The site comprises a large detached building used for educational and community purposes, and associated land. The building is two-storey, built in stone with a blue slate roof, and occupies a corner site, the two main elevations facing towards Dryclough Road and Walpole Road. It is surrounded on all sides by a substantial tarmac area which is mainly used for parking and for the circulation of vehicles.

2.2 To the north is an extensive tract of open undeveloped land which extends roughly 600m from Dryclough Road in the west to Nabcroft Lane in the east and provides opportunities for public informal recreation. It mostly comprises maintained grassland. The land affected by the current proposal is a small area of banking adjacent to the existing curtilage of the Eden Centre which consists of long grass, scrub and small trees.

**3.0 PROPOSAL:**

3.1 The proposal is for the creation of an overspill parking area to the north of the existing premises. It would provide 8 additional spaces which would be accessed from the existing car park and would measure approximately 11m by 30m.

3.2 It would be supported by a retaining wall which would be a maximum of 5m high vertically, angled back at about 15 degrees from the vertical, and gradually diminishing in height westwards until the parking area meets natural ground level at the highway end. The wall would be of crib construction – this is a type of vertical lattice made of timber or polymers which will allow plants to grow within the spaces in between the frame members. The parking spaces would be surfaced in grasscrete or a reinforcement grid.

3.3 The applicant has submitted a statement providing additional justification for the proposal and explaining why it is required. The main points raised are:

- Concerns about the future stability of the perimeter wall of the existing car park;
- It will allow increased use of the site in order to facilitate current activities and promote expansion of the tuition centre, nursery, supplementary school, community centre, foodbank, which will bring community benefits
- Reducing congestion on the highway and allow additional drop-off space;
- The car park can also be used by local schools and by other community groups (e.g. for fund-raising events);
- Kirklees have identified the site as a possible future polling station;
- The centre intends to landscape the wider area to use it for gardening and well-being sessions for the local community.

#### **4.0 RELEVANT PLANNING HISTORY (including enforcement history):**

4.1 2013/90209 – Change of use of former public house to form community, education and social centre. Approved.

2016/91641 – Change of use of upper floors of building to community and education use. Approved (to be discontinued 12 months after the date of the permission, i.e. 26-Jul-2018).

2018/92749 – Variation of conditions discontinuance of use, 4 Commencement date / hours of operation, 6 parking / access arrangements, on previous permission. 2016/91641. Approved. New condition 1 says it is to be discontinued no later than 26th July 2019.

2019/92503: Change of use of upper floors of the building to community and educational use. Permanent permission granted.

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

5.1 Applicant was asked to provide further explanation of why the development was deemed necessary and what benefits it would provide.

#### **6.0 PLANNING POLICY:**

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

## 6.2 Kirklees Local Plan (2019):

The site is within land designated as urban green space within the Local Plan proposals map.

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21** – Highways and access
- **LP 22** – Parking
- **LP 24** – Design
- **LP 30** – Biodiversity and geodiversity
- **LP 48** – Community facilities
- **LP 61** – Urban Green Space

## 6.3 Supplementary Planning Guidance / Documents:

Biodiversity Net Gain Technical Advice Note

## 6.4 National Planning Guidance:

- Chapter 12 – Achieving well-designed places
- Chapter 15 – Conserving and enhancing the natural environment

## 7.0 **PUBLIC/LOCAL RESPONSE:**

7.1 The application was publicised by a site notice on Dryclough Road and a press advertisement since it was deemed a departure from the adopted plan, and in addition four properties were individually notified. Publicity expired on 19-Feb-2021.

7.2 No representations were received as a result of publicity.

## 8.0 **CONSULTATION RESPONSES:**

Below is a summary of the consultation responses received, where relevant, these are expanded on further in the appraisal below.

### 8.1 **Statutory:**

None

### 8.2 **Non-statutory:**

**KC Highway Development Management** – No objections

**KC Environmental Health** – Acceptable subject to conditions

**KC Planning Policy** – Proposal is deemed to be contrary to Policy LP61 as it has not been demonstrated that the site is no longer required to meet local needs.

**KC Arboricultural Officer** – No objections

**KC Ecology** – No objections subject to condition.

## 9.0 MAIN ISSUES

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

## 10.0 APPRAISAL

### Principle of development

- 10.1 The site lies within land designated urban green space (UGS) on the Local Plan proposals map. Under Policy LP61 of the KLP, Development proposals which would result in the loss of urban green space (as identified on the Policies Map) will only be permitted where:
- a. an assessment shows the open space is clearly no longer required to meet local needs for open space, sport or recreational facilities and does not make an important contribution in terms of visual amenity, landscape or biodiversity value; or
  - b. replacement open space, sport or recreation facilities which are equivalent or better in size and quality are provided elsewhere within an easily accessible location for existing and potential new users; or
  - c. the proposal is for an alternative open space, sport or recreation use that is needed to help address identified deficiencies and clearly outweighs the loss of the existing green space
- 10.2 Criteria (b) and (c) do not apply in this instance since the use proposed is not an alternative open space use, nor is any compensatory open spaces use being proposed as part of the application.
- 10.3 As for criterion (a), it has *not* been clearly demonstrated that the land is no longer required to meet local needs for open space, sport, or recreational facilities. The application site is located on Warpole Recreation Ground and is allocated as urban green space on the Kirklees Local Plan(site UG61) based on its value as open space for recreation. The proposal would result in the loss of green space on the periphery of Warpole Recreation Ground. When assessed against the criteria set out in Local Plan policy LP61 it does not accord with this policy as the land has not been identified as surplus to requirements through the Kirklees Open Space Study (2016) assessment. Nor is the proposal providing replacement green space or for an alternative open space use.
- 10.4 Whilst the loss of green space is not significant in terms of the amount of land affected (360sqm) it nevertheless represents a departure from the development plan. Consideration will need to be given to whether the circumstances and benefits of the proposed development constitute material considerations and what weight can be attached to those given the UGS allocation in the development plan.

- 10.5 The majority of Walpole Recreation Ground consists of maintained grassland, with a small element of woodland. The land that is affected by this application lies near the entrance to the Recreation Ground from Dryclough Road and consists of steep banking. The development would therefore not result in the loss of land that provides recreational opportunities for the public. It is considered also that within the wider context of a very substantial tract of open land, the existing semi-natural banking does not make an important contribution to visual amenity, biodiversity or the wider landscape, although these factors will be assessed in more detail later in the report.
- 10.6 Whilst the applicant has not submitted objective evidence to demonstrate that the existing parking facilities are inadequate, it is acknowledged that Dryclough Road suffers from congestion at school pick-up and drop-off times, and that the proposed expansion of parking provision would allow the existing premises to be more fully utilised, including by other community groups. It is therefore considered that the development supports the aims of LP48 in that it would enhance the provision and accessibility of community, education, cultural and leisure facilities in an accessible location.
- 10.7 To conclude, the development does not comply with Policy LP61(a) in that it would amount to permanent built development on land that is designated as urban green space and which has not been shown to be surplus to requirements for open space, sport, or recreational facilities locally. However, for the reasons set out above it is considered that the proposed development would result in no significant loss to urban green space and furthermore would have the potential to bring community benefits which would support other planning objectives, in particular those of LP 48. It can be therefore be allowed contrary to Policy LP 61.
- 10.8 It is considered that the loss of a very small amount of semi-natural land would have no significant implications for biodiversity. There is the opportunity to deliver ecological enhancement, which is examined in more detail in paragraph 10.15 below.

#### Urban Design issues

- 10.9 It is considered that in context the scale, built form, design and materials would be appropriate and would not detract from the townscape or visual amenity, subject to details of future planting and landscaping, which can be conditioned. The plans indicate the planting of trees and shrubs near the base of the wall, and as set out in 3.2 above, there is also the opportunity for planting within the wall – both measures would soften its impact and help it blend into its surroundings. Details of landscaping measures can be conditioned. Subject to this it would accord with the aims of Policy LP24(a)

#### Residential Amenity

- 10.10 The development is not considered to represent a significant intensification of the Eden Centre and it is noted that it would not result in the parking areas being brought closer to residential properties on Dryclough Road and Walpole Road. It is therefore considered that it would not give rise to a loss of residential amenity arising from noise, overbearing impact or other factors and would accord with the aims of Policy LP24(b) of the KLP.

### Landscape issues

- 10.11 It is considered that owing to its scale, design and location, the proposed development would not detract from the quality or character of the wider landscape.

### Highway issues

- 10.12 The proposed development would provide additional space for vehicles to park which would lessen the possibility of vehicles having to park on the public highway, or use it for drop-off, at times of heavy use. The proposed parking spaces are of standard dimensions and their layout would allow them to be conveniently used. Subject to all spaces being surfaced before being brought into use, it would comply with the aims of Policies LP21 and LP22 of the KLP.

### Drainage issues

- 10.13 The site is not on land that is known to be at risk of flooding. The applicant proposes to use permeable surfacing for the new parking spaces. It is recommended that this be conditioned so as to minimise run-off and flood risk in the wider area, in accordance with the aims of Chapter 14 of the NPPF and Policy LP28 of the KLP.

### Representations

- 10.14 No representations have been made by members of the public or other third parties.

### Other Matters

- 10.15 *Ecology and biodiversity:* The site is in the bat alert layer and in an area in which swift nesting has been recorded. The banking in its present form is considered to have limited biodiversity value. Under the Council's Biodiversity Net Gain Technical Advice Note, Minor developments are required to demonstrate a net gain for biodiversity, but this does not normally need to be quantified via the use of the Biodiversity Metric 2.0. With appropriate planting within the development there is the opportunity to deliver ecological enhancement, in accordance with the aims of LP 30 and Chapter 15 of the NPPF, and the submission of a Landscape and Ecological Management Plan can be conditioned in order to achieve this aim. In line with the advice of the Ecology Officer, the standard condition on vegetation clearance not being carried out in the bird breeding season without checks by a qualified ecologist, should also be added as a precaution.
- 10.16 *Potential land contamination:* The site is on land that is registered as being potentially contaminated. On the basis of Environmental Health Officer's advice, it is considered that the risk of contamination is very low and that to comply with the aims of LP 53 and Chapter 15 of the NPPF it will be sufficient to add a precautionary condition about what course of action should be followed if unexpected contamination is found during development.
- 10.17 *Climate change:* on 12<sup>th</sup> 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 In this instance the applicant has not submitted any supplementary statement or other information to explain how the proposed development would help to address or combat climate change effects. As the proposal is for a development that would enhance the use of an existing building serving the local community, it is considered that in the circumstances the applicant does not need to demonstrate further measures to combat climate change, however, it is recommended it be conditioned that a minimum of one electric vehicle charge point is installed before the development is brought into use, so as to maximise the use of low-impact methods of transport and comply with the aims of Policy LP24(d)(v).

## **11.0 CONCLUSION**

- 11.1 It is considered that the development, subject to conditions, would have no adverse impact upon visual amenity, residential amenity, highway safety, or the natural environment. Whilst it would not be compliant with the wording of Policy LP61 it is considered in this instance that the loss of urban green space would in itself have no significant impact and that the community benefits justify allowing the development as a departure from the adopted plan.
- 11.2 The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice. This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and it is therefore recommended for approval.

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

1. Development to be in full accordance with plans and specifications.
2. Parking spaces to be surfaced in accordance with the approved details before being brought into use
3. Any unexpected contamination to be reported
4. No removal of trees, shrubs or scrub Mar-Aug without checks by an ecologist
5. Landscape and ecological management plan to be submitted
6. One electric vehicle charge point to be installed before development is brought into use.

### **Background Papers:**

Application and history files.

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2020/93810>

Certificate of Ownership – Certificate A signed: