
Report of the Head of Planning and Development

STRATEGIC PLANNING COMMITTEE

Date: 18-Nov-2021

Subject: Planning Application 2021/91758 Formation of 6 space car park Trabel House, 26-28, Cambridge Road, Huddersfield, HD1 5BU

APPLICANT

Richard Johnston, Wates
Construction

DATE VALID

15-Jun-2021

TARGET DATE

10-Aug-2021

EXTENSION EXPIRY DATE

07-Sep-2021

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

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

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral wards affected: Newsome Ward

Ward Councillors consulted: No

Public or private: Public

RECOMMENDATION:

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

1.0 INTRODUCTION:

- 1.1 This application seeks full planning permission for the formation of a 6-space car park.
- 1.2 The application is brought to the Strategic Planning Committee for determination under the terms of the Delegation Agreement because the proposal is a departure from the Development Plan.

2.0 SITE AND SURROUNDINGS:

- 2.1 The site comprises a rectangular piece of land to the west of Trabel House Care Home. It forms part of the larger Brambles Primary School development (see Section 4 below regarding planning history). The site previously appeared to accommodate several trees. However, as part of the primary school scheme, it has been approved as a grassed area serving the School, north of the approved access track into the school. Consequently, the trees have been removed. When officers visited the site earlier this year, the site comprised of soil. It slopes downwards from west to east.
- 2.2 Trabel House to the west of the site is noted as being a care home for people with learning disabilities and associated challenging behaviours. There is a parking area to the rear of the care home, which is accessed via a track to the rear of No's. 22, 24, 24a and 24b Cambridge Road.
- 2.3 The site is accessed off Cambridge Road to the east, via an un-adopted part of this highway. It is then accessed off a track, which has been approved to serve the Brambles Primary School development (but which has yet to be completed, although work has begun on this). The creation of this access track into the school is noted to have displaced cars that previously parked at the western end of Cambridge Road.
- 2.4 The site is designated as Urban Green Space within the Kirklees Local Plan. It is not within a Conservation Area, but it is to the north of the Greenhead Park/New North Road Conservation Area. The site is located to the northeast of the Grade II listed No.1 Belmont Street and northwest of the Grade II listed 27 and 29 Elmwood Avenue. It is also within a development high risk coal mining area. Public Right of Way HUD/343/60 runs through the southern part of the site.

3.0 PROPOSAL:

- 3.1 Planning permission is sought for the formation of a 6-space car park at the site, which is proposed to serve Trabel House Care Home to the west. The access to the parking area would be achieved via the access track that will serve the Brambles Primary School. The 6 parking bays would be perpendicular to each other, with space for turning. The parking area is proposed to be constructed from tarmac. The car parking area would be slightly sunk into the ground with land being re-graded to achieve this.

3.2 As part of the Brambles Primary School development, the matter of the Public Right of Way HUD/343/60 was addressed, and it is proposed to run south of the access track to the school off Cambridge Road.

4.0 RELEVANT PLANNING HISTORY:

4.1 The following planning history is considered relevant to the assessment of this planning application:

- 91/04151 – Conversion of flats into hostel for homeless – Approved on 01/10/1991.
- 92/05083 – Re-use of existing garage and new extension to form dwelling – Approved on 29/07/1994.
- 93/00117 – Continuation of the use of the building as hostel for the homeless – Approved on 23/04/1993.
- 95/92775 – Change of use of hostel/flats to residential home for the elderly – Approved on 26/09/1995.
- 2002/91848 – Conversion and extension of outbuilding to form dwelling – Approved on 18/08/2003.
- 2007/92455 – Erection of ground floor extension, removal of garage, formation of garden and car parking – Approved on 19/09/2007.
- 2008/90112 – Erection of bathroom extension and sun lounge – Approved on 14/01/2008.
- 2014/92822 – Certificate of lawfulness for proposed alterations to create independent living accommodation – Certificate of Lawfulness Granted on 14/11/2014.
- 2016/94285 – Outline application for erection of primary school building and reconfiguration of existing playing pitches – Approved on 21/11/2017.
- 2018/93113 – Discharge condition 18 (phase II) on previous permission 2016/94285 for outline application for erection of primary school building and reconfiguration of existing playing pitches – Approved on 27/12/2017
- 2018/91100 – Variation of condition 5. (site layout) on previous permission no. 2016/94285 for outline application for erection of primary school building and reconfiguration of existing playing pitches – Approved on 17/9/2018
- 2018/91211 – Reserved matters application pursuant to previous permission (no. 2018/91100) for variation of condition no. 5 site layout pursuant to previous permission no. 2016/94285 for outline application for erection of primary school building and reconfiguration of existing playing pitches – Approved on 12/11/2018.
- 2020/93038 – Discharge of conditions 8, 16, 19, 24 and 25 on previous application 2018/91100 for Variation of condition 5. (site layout) on previous permission no. 2016/94285 for outline application for erection of primary school building and reconfiguration of existing playing pitches – Approved on 26/10/2020.
- 2020/93413 – Discharge of condition 26 (allotments) of previous permission 2018/91100 for variation of condition 5 (site layout) of previous permission 2016/94285 for outline application for erection of primary school building and reconfiguration of existing playing pitches – Approved on 1/12/2020
- 2020/93569 – Discharge of conditions 6 and 7 (highways) of previous permission 2018/91100 for variation condition 5 (site layout) on previous permission 2016/94285 for outline application for erection of primary school building and reconfiguration of existing playing pitches – Pending consideration.

- 2020/93737 – Discharge of conditions 11 (playing field) and 15 (noise) of previous permission 2018/91100 for variation condition 5 (site layout) of previous permission 2016/94285 for outline application for erection of primary school building and reconfiguration of existing playing pitches – Refused on 02/08/2021
- 2020/93947 – Discharge condition 3 (management plan) on previous permission 2018/91211 for reserved matters application pursuant to previous permission (no. 2018/91100) for variation of condition no. 5 site layout pursuant to previous permission no. 2016/94285 for outline application for erection of primary school building and reconfiguration of existing playing pitches – Approved on 13/07/2021.
- 2020/94022 – Discharge of condition 17 (ventilation odour/acoustic assessment) of previous permission 2018/91100 for variation condition 5 (site layout) of previous permission 2016/94285 for outline application for erection of primary school building and reconfiguration of existing playing pitches – Approved on 02/08/2021
- 2020/94044 – Discharge condition 13 on previous permission 2018/91100 for variation condition 5 (site layout) on previous permission 2016/94285 for outline application for erection of primary school building and reconfiguration of existing playing pitches – Pending consideration.
- 2021/90846 – Discharge of condition 24 (surface water drainage disposal) and 25 (drainage scheme) on previous permission 2018/91100 for variation of condition 5 (site layout) on previous permission no. 2016/94285 for outline application for erection of primary school building and reconfiguration of existing playing pitches – Approved on 13/7/2021.
- 2021/92482 – Discharge of condition 14 (lighting strategy) of previous permission 2018/91100 for variation of condition 5 (site layout) of previous permission 2016/94285 for outline application for erection of primary school building and reconfiguration of existing playing pitches – Pending consideration
- 2021/93039 – Discharge of condition 9 (travel plan) of previous permission 2018/91100 variation condition 5 (site layout) of previous outline permission 2016/94285 for erection of primary school building and reconfiguration of existing playing pitches – Pending consideration.
- 2021/91986 – Non material amendment to previous permission 2018/91100 for variation condition 5 (site layout) on previous permission 2016/94285 for outline application for erection of primary school building and reconfiguration of existing playing pitches – NMA approved on 08/06/2021.
- 2021/92211 - Non material amendment to previous permission 2018/91211 for reserved matters application pursuant to previous permission 2018/91100 for variation condition 5 (site layout) pursuant to previous permission 2016/94285 for outline application for erection of primary school building and reconfiguration of existing playing pitches – Refused on 28/6/2021
- 2021/92769 – Non material amendment to previous permission (2018/91211) for reserved matters application pursuant to previous permission (no. 2018/91100) for variation of condition no. 5 site layout pursuant to previous permission no. 2016/94285 for outline application for erection of primary school building and reconfiguration of existing playing pitches – Approved 09/07/2021.

4.2 As displayed above, the site and care home both have an extensive planning history. The site itself forms part of the larger primary school site, which is currently being developed, and was originally approved in November 2017 (outline permission 2016/94285). This permission was varied under application 2018/91100, which was approved in September 2018. The reserved matters application for the primary school (2018/91211) was approved in November

2018, located within the proposed grounds of a school which is currently in the process of being developed. Under these applications, an access is approved from the edge of Cambridge Road to the primary school, and the proposed car park under this application would be accessed from this access road. It is noted that the development of this access road to the school has displaced parking towards the end of Cambridge Road.

- 4.3 Under the reserved matters application 2018/91211 noted above, the area where the car park is proposed was approved as a grassed area, with trees adjacent to the access road (as displayed in figure 1 below).

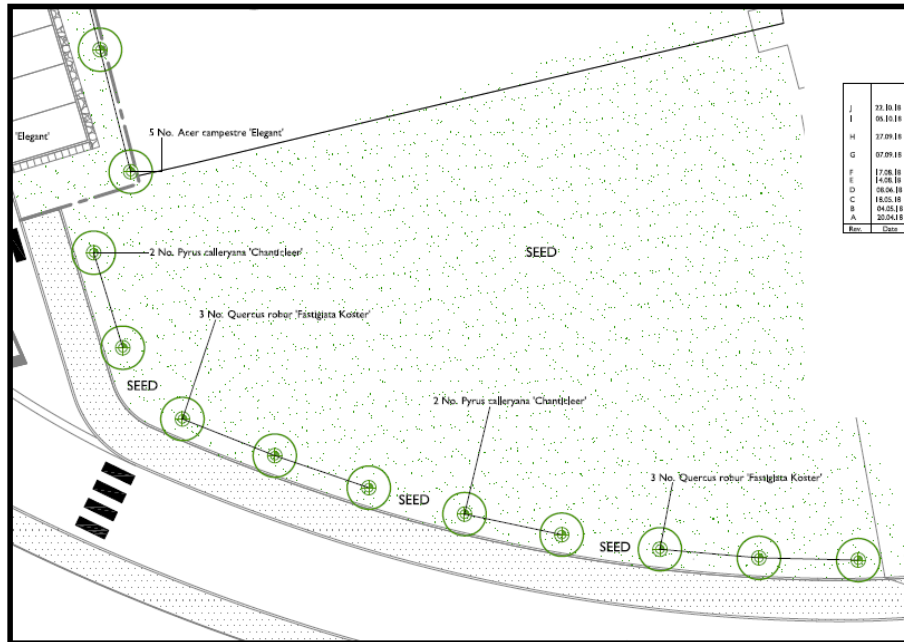


Figure 1 – Landscape plan approved under application ref 2018/91211

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 The Coal Authority initially requested a desk-based assessment or statement prepared by the applicant's technical consultants to support the application to demonstrate to the Local Planning Authority (LPA) that the risk of probable shallow coal mine workings had been considered in the context of this development.
- 5.2 Following this, the applicant's agent outlined that a Coal Authority Report was prepared for the Brambles Primary School application (the application site forms a relatively smaller part of this wider approved development site). In addition to this, the applicant's agent provided a Phase 1 desk study, which discusses mining (supplemented by a Coal Risk Assessment and a Coal Authority Report). In response, The Coal Authority were satisfied with the findings of this submitted information subject to a condition.
- 5.3 It was not considered necessary to re-consult upon the receipt of this aforementioned additional information as this does not alter the layout of the proposal and this information was submitted as part of the larger primary school development. Thus, it is considered that no third party would be prejudiced in this instance.

6.0 PLANNING POLICY:

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

6.2 The site is designated as Urban Green Space on the Kirklees Local Plan Proposals Map.

6.3 Kirklees Local Plan (2019):

- **LP 1** – Achieving Sustainable Development
- **LP 2** – Place Shaping
- **LP 4** – Providing Infrastructure
- **LP 21** – Highways and Access
- **LP 22** – Parking
- **LP 24** – Design
- **LP 27** – Drainage
- **LP 33** – Trees
- **LP 35** – Historic Environment
- **LP 47** – Healthy, Active and Safe Lifestyles
- **LP 48** – Community Facilities
- **LP 50** – Sport and Physical Activity
- **LP 51** – Protection and Improvement of Local Air Quality
- **LP 52** – Protection and Improvement of Environmental Quality
- **LP 53** – Contaminated and Unstable Land
- **LP 61** – Urban Green Space

6.4 National Policies and Guidance:

6.5 National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 20th July 2021, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance. The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- **Chapter 2** – Achieving Sustainable Development
- **Chapter 4** – Decision-Making
- **Chapter 8** – Promoting Health and Safe Communities
- **Chapter 9** – Promoting Sustainable Transport
- **Chapter 11** – Making Efficient Use of Land
- **Chapter 12** – Achieving Well-Designed Places
- **Chapter 14** – Meeting the Challenge of Climate Change, Coastal Change and Flooding
- **Chapter 15** – Conserving and Enhancing the Natural Environment
- **Chapter 16** – Conserving and Enhancing the Historic Environment

6.6 Supplementary Planning Guidance Documents

- Kirklees Highways Design Guide (2019)

7.0 PUBLIC/LOCAL RESPONSE:

7.1 Neighbour letters expired on 2nd August 2021; Press Advert expired on 22nd July 2021; Site Notice expired on 19th August 2021.

7.2 1 letter of representation has been received, which raises general comments. The comments are summarised below (full comments are available to view on the Council's Planning Webpage):

- Car park could help prevent the use of the back service lane for transporting residents in and out of Trabel House, and cars driving down this back lane at some speed;
- Car park could help prevent vehicles reversing in the parking yards of neighbouring properties.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

- Sport England – No objections.
- The Coal Authority – In light of further information received, the Coal Authority has no objections.

8.2 Non Statutory:

- KC Ecology – No comments received.
- KC Highways Development Management – No objections subject to a compliance condition relating to surfacing and drainage of parking area
- KC Policy – When assessed against the criteria in Policy LP61, the land is not identified as surplus to requirements in the KOSS (2016), nor is the proposal providing replacement green space for an alternative use. Consideration will also need to be given to any possible effect or loss the car park may have on the adjacent playing pitches.
- KC Public Rights of Way – No comments received.
- KC Trees – No objections.

8.3 The above is a summary of the responses provided from consultees, with full comments being able to view on the Council's Planning Webpage.

9.0 MAIN ISSUES:

- Principle of the development
- Visual amenity
- Impact upon historic environment
- Residential amenity
- Highways safety
- Other matters
- Planning balance
- Representations

10.0 APPRAISAL:

Principle of the development

Sustainable Development

- 10.1 NPPF Paragraph 11 and LP1 outline a presumption in favour of sustainable development. Paragraph 8 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation.
- 10.2 The dimensions of sustainable development will be considered throughout the proposal.
- 10.3 Paragraph 11 also concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted.

Principle of Development in Urban Green Space

- 10.4 The site is designated as Urban Green Space in the Kirklees Local Plan.
- 10.5 Paragraph 99 of the NPPF states that existing open space should not be built on unless there are exceptional circumstances outlined within the NPPF.
- 10.6 Policy LP61 of the Kirklees Local Plan, which specifically relates to Urban Green Space, states that:

“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.*

The protection set out in this policy also applies to smaller valuable green spaces not identified on the Policies Map.”

- 10.7 The text supporting this policy outlines that: *“Green spaces close to where people live provide opportunities for sport, recreation and play providing enjoyment, encouraging healthy lifestyles and benefiting mental well-being. They are also an essential component of the quality and local character of areas, providing visual amenity and wildlife value.”*

- 10.8 The text goes on to note that in order to safeguard Urban Green Space and prevent deficiencies in provision, it is important that existing areas of valuable green space are retained and protected from development.
- 10.9 The Urban Green Space that the site is located within is categorised as allotments/community food growing in the Kirklees Open Space Study (2016), being identified as part of a community orchard area, and assessed as having medium value as open space. However, it is pertinent to note that this Open Space Study pre-dates the approval of the Brambles Primary School development.
- 10.10 There are no allotments on the application site, and it does not appear that the site itself previously accommodated allotments. In addition to this, whilst trees previously formed part of the site, these have since been removed as a consequence of the Brambles Primary School development, and the land currently comprises of soil as part of this development. Under this primary school development, this area of land is proposed to be a grassed area, with some trees planted along the access road. As a result, Officers consider that application site no longer meets local needs for open space. Officers consider that the removal of the trees to make way for the grassed area has reduced the visual amenity value of the site, but nonetheless, it is considered that this soft landscaped would make a positive contribution to the visual amenity of the area.
- 10.11 As this site is not used for sports or recreation, the proposal would not result in the loss of land for such activities, and there is considered to be no conflict with Policy LP50 of the Kirklees Local Plan. Of note, Sport England has raised no objections to the proposal, outlining that the development affects only land incapable of forming part of a playing pitch and does not:
- reduce the size of any playing pitch;
 - result in the inability to use any playing pitch (including the maintenance of adequate safety margins and run-off areas);
 - reduce the sporting capacity of the playing field to accommodate playing pitches or the capability to rotate or reposition playing pitches to maintain their quality;
 - result in the loss of other sporting provision or ancillary facilities on the site; or
 - prejudice the use of any remaining areas of playing field on the site.
- 10.12 Thus, given the above, having regard to Policy LP61, Officers consider that the Urban Green Space of which this site forms a part, only makes a positive contribution in terms of visual amenity.
- 10.13 The proposal would urbanise this Urban Green Space by virtue of the hard surfacing to form the car park. In addition, the land on which the site is located within is not identified as being surplus to requirements in the Kirklees Open Space Study (2016) nor is the proposal providing replacement green space or for an alternative open space. Thus, there is considered to be conflict with Policy LP61 of the Kirklees Local Plan.
- 10.14 That said, Officers hold the view that the harm caused by such a policy conflict is reduced as the contribution this site makes to visual amenity has been reduced since the time of the Kirklees Open Space Study (2016), given that the trees on the site have been cleared and this is now to form a grassed area next to the school access track. The harm to the visual amenity is further reduced by the fact that the car park is relatively modest in scale and would be sunk into the ground so as not to appear highly prominent.

10.15 Despite these points about reduced harm, Officers still consider there to be conflict with Policy LP61 of the Kirklees Local Plan. Planning law requires that applications be determined in accordance with the development plan, unless material considerations indicate otherwise, and such material considerations will be discussed and weighed against the harm below in the 'planning balance' subsection of this report below.

Visual amenity

10.16 Section 12 of the NPPF discusses good design. Good design is a key aspect of sustainable development, it creates better places in which to live and work and helps to make development acceptable to communities. Local Plan Policies LP1, LP2 and most importantly LP24, are all also relevant. All these policies seek to achieve good quality design that retains a sense of local identity, which is in keeping with the scale of development in the local area and is visually attractive.

10.17 Local Plan Policy LP24(a) states that all proposals should promote good design by ensuring the following: *'the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape'*.

10.18 As discussed in the above subsection, Officers consider that the Urban Green Space that the site forms part of makes a positive contribution in terms of visual amenity. As the proposal would urbanise this Urban Green Space by virtue of the hard surfacing to form the car park, Officers consider there would be some harm to the visual amenities of the locality, and therefore conflict with Policy LP24 of the Kirklees Local Plan. However, Officers hold the view that the harm caused by such a policy conflict is reduced for the same reasons set out at Paragraph 10.14 above.

Impact upon historic environment

10.19 The site is not within a Conservation Area but it is to the north of Greenhead Park/New North Road Conservation Area. The site is located to the north east of the Grade II listed No.1 Belmont Street and north west of the Grade II listed 27 and 29 Elmwood Avenue.

10.20 Section 66 of the Planning (Listed Buildings & Conservations Areas) Act (1990) states that for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

10.21 Section 72 of the above act similarly requires that LPA's pay special attention to the desirability of preserving or enhancing the character or appearance of any conservation area where relevant.

10.22 Sections 66 and 72 of the Planning (Listed Building & Conservation Areas) Act (1990) are mirrored in Policy LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.

10.23 Furthermore, LP35 states that: *“development proposals affecting a designated heritage asset...should preserve or enhance the significance of the asset. In cases likely to result in substantial harm or loss, development will only be permitted where it can be demonstrated that the proposals would bring substantial public benefits that clearly outweigh the harm.”*

10.24 The proposed car park would be approximately 35 metres to the north of the Greenhead Park/New North Road Conservation Area and over 80 metres from the nearest listed building (No.1 Belmont Street). It would also be sited to the north of the approved access track to the Brambles Primary School, and it would be modest in scale and sensitively sunk into the ground to reduce its visibility. For these reasons, it is considered that the proposal would not cause harm to the significance of these designated heritage assets, or their setting. The proposal is therefore considered to be in accordance with Policy LP35 of the Kirklees Local Plan and Chapter 16 of the NPPF.

Residential amenity

10.25 Section B and C of Policy LP24 states that alterations to existing buildings should:

“...maintain appropriate distances between buildings’ and ‘...minimise impact on residential amenity of future and neighbouring occupiers.”

10.26 In addition, Policy LP52 of the Kirklees Local Plan outlines that permission will not be granted for development that causes unacceptable levels of pollution from noise.

10.27 Further to this, Paragraph 130 of the NPPF states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

10.28 Given the scale and form of the car park, it is considered that the proposal would not cause harm to neighbouring residential properties in terms of loss of light, loss or privacy or overlooking, or the creation of an overbearing effect.

10.29 The car park would be sited to the west side of the existing care home site, and would be accessed from Cambridge Road via the access track to the Brambles Primary School, rather than on the lane to the rear of the residential properties to the east of the care home, thereby helping to prevent additional harm to the amenities of these neighbouring properties in terms of noise nuisance. In addition to this, given the relatively modest scale of the car park (6 spaces), Officers do not consider the proposal would result in a materially greater number of vehicles using Cambridge Road and the access track to the Brambles Primary School. Officers therefore hold the view that the proposal would prevent undue harm to neighbouring residential properties in terms of noise nuisance.

10.30 Thus, in respect of residential amenity, Officers consider that the proposal would be in accordance with Policies LP24(b) and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the NPPF.

Highways safety

- 10.31 Kirklees Highways Development Management (HDM) have outlined that they are satisfied with the dimensions of the parking bays provided, and the gap to the rear of the bays to allow for turning. Kirklees HDM have also outlined that given the width of the footway, they consider visibility in both directions to be acceptable. Officers concur with Kirklees HDM in relation to these points.
- 10.32 Kirklees HDM have outlined that they have no objections to the proposal subject to a compliance condition stating that the proposal shall be in accordance with the drainage details provided prior to the first use of the car park, and this can be conditioned should permission be granted. The drainage details submitted alongside this application are considered to be consistent with those approved under the application for the primary school development.
- 10.33 Given the above, it is considered that the proposal would prevent detrimental harm to highways safety in accordance with Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 9 of the NPPF.

Other matters

Trees:

- 10.34 As noted above, most of the trees which previously stood at the site have been removed to make way for the Brambles Primary School development. The Kirklees Tree Officer has considered that there is no further harm to adjacent trees that can be caused by the proposed development, given the works approved for the primary school development. The Kirklees Tree Officer therefore raises no objections to the proposal, and it is considered that the proposal would not cause adverse harm to trees of amenity value.

Ecology:

- 10.35 The site currently comprises soil due to the development of the site for the Brambles Primary School, and is considered to be of low ecological potential. The site is also proposed to mainly consist of grass as a result of the School scheme. As a result, it is considered that the proposed development is unlikely to cause harm to protected species or undermine the methods of enhancing biodiversity under the Bramble Primary School permission.

Contamination:

- 10.36 The Phase II report submitted alongside the applications for the development of the Brambles Primary School identified the presence of contaminants on parts of the larger site, but do not appear to include the site under this current application. Given this and that the proposal is for a car park, Officers consider a compliance condition in relation to unexpected contamination will be sufficient to deal with such risks.

Coal Mining Risk:

- 10.37 The site is identified as being within a high risk development coal mining area. The applicant's agent has provided the Phase 1 desk study submitted alongside the application for the Brambles Primary School development, which discusses

mining (supplemented by a Coal Risk Assessment and a Coal Authority Report). The documentation identified that shallow coal mine workings have taken place within the application site. As a result, recommendations were made that further site investigations are required in the form of rotary boreholes across the site in order to conclusively determine the exact situation regarding ground conditions beneath the site. The findings of the site investigations will enable appropriate remedial/mitigate measures required to ensure development will be safe and stable.

- 10.38 In response, The Coal Authority are satisfied with the findings of this submitted information and have stated that to ensure that appropriate remedial / mitigation measures are identified, to demonstrate to the LPA that the proposal will be safe and stable, they have no objection to the proposed development, subject to pre-commencement planning conditions.

Climate Change:

- 10.39 On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target. However, it includes a series of policies, which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

- 10.40 Given the above, and in accordance with the West Yorkshire Low Emissions Strategy, it is considered that 10% of the parking spaces proposed (this being 1 space) should provide electric vehicle charging points. This matter can be conditioned should permission be granted.

Planning balance

- 10.41 Paragraph 12 of the NPPF states that where a planning application conflicts within an up-to-date development plan, permission should not be granted. Paragraph 12 goes on to note that local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed. This is consistent with Section 38(6) of the Planning and Compulsory Purchase Act 2004.

- 10.42 In this case, and as discussed above, Officers consider the proposal conflicts with Policy LP61 of the Kirklees Local Plan by virtue of the proposal being for a car park within a designated Urban Green Space, and not satisfying any of the criteria within Policy LP61 for development in such a designation. In addition, Officers consider there to be conflict with Policy LP24 of the Kirklees Local Plan given that the proposal would urbanise this designated Urban Green Space which is considered to make a positive contribution in terms of visual amenity.

- 10.43 The above said, Officers hold the view that the harm caused by such a policy conflict is reduced as the contribution this site makes to visual amenity is lessened since the time of the Kirklees Open Space Study (2016). The trees once on the site have been cleared and this is now to form a grassed area next to the school access track. In addition, Officers consider that the harm to the visual amenity is further reduced by modest scale of the car park and the fact that it would be sunk into the ground so as not to appear highly prominent.
- 10.44 In terms of other material considerations, it is noted that vehicles previously parked at the end of Cambridge Road, where the access track to Brambles Primary School is now approved to run from. The approval of the primary school has therefore appeared to displace the cars that previously parked here. Officers consider this displacement has the potential to result in unsafe on-street parking around the vicinity of the site, which would increase the likelihood of conflict with highways users (both vehicle users and pedestrians). Of note, Cambridge Road would consist of part of the access to the school for vehicles and pedestrians. Therefore, it is considered that such displacement has the potential to result in conflict with school users. Officers consider that the proposed car park would help reduce on-street parking and therefore the risk of conflict between highway users. Officers consider that this weighs in favour of the proposal.
- 10.45 Policy LP48 of the Kirklees Local Plan outlines that support will be given to proposals that protect, retain or enhance the accessibility of existing community facilities. Trabel House, which is a care home, is served by relatively limited parking to the rear of the site. Officers hold the view that the care home is a community facility, and consider that the proposed car park would help enhance the accessibility of this facility by providing further specific parking spaces for staff, service vehicles and visitors. Officers are of the opinion that this also weighs in favour of the proposal.
- 10.46 Further to this, the parking which exists on the site (to the rear of the care home), is accessed via a track which runs to the rear of No's. 22, 24, 24a and 24b Cambridge Road. One letter of representation has alluded to safety concerns with the use of the access track to this rear car park and the impact the use of the rear track has upon neighbouring properties. Officers hold the view that the use of track to the rear of the site has the potential to cause noise disturbance to these aforementioned residential properties. Officers are also of the view that this track is relatively narrow and there is limited room on the site for turning and manoeuvring. The proposed car park would be easier to access than the existing one, given the width of Cambridge Road, and as noted above, there would be sufficient space on site to turn on site and leave in a forward gear. As a result, Officers consider that certain users of the care home would opt for the proposed car park, rather than the existing one. This would have the potential to enhance the living environment of neighbouring residential properties and reduce the risk of conflict between highway users. This is further considered to weigh in favour of the proposed development.

10.47 In conclusion, Officers consider that whilst there would be conflict with Policies LP24 and LP61 of the Kirklees Local Plan, which weighs against the proposal, the environmental harm caused by such conflict would be reduced for the reasons set out above. Further to this, Officers consider that the proposal would bring public benefits. It would enhance accessibility to a community facility, reduce risks to highways safety and potentially improve the living environment of neighbouring properties. In this instance, these identified social and environmental benefits of the development would outweigh the harm by virtue of the policy conflict.

Representations

10.48 1 representation has been received raising general comments with the proposed development. The comments raised in this representation have been addressed in the planning balance subsection of this committee report.

11.0 CONCLUSION

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

11.2 This application has been assessed against relevant policies in the development plan and other material considerations. For the reasons set out in the report, 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 shall be begun within three years of the date of the permission.
2. Development to be in complete accordance with plans and specifications.
3. No development until submission of a scheme of intrusive investigations to establish the risks posed to the development by past coal mining activity, and remediation works are implemented to address land instability.
4. Submission of a signed statement confirming the site is safe and stable for the approved development prior to the first use of the site.
5. The car park is to be surfaced and drained in accordance with the drainage strategy plan provided.
6. The provision of 1 electric vehicle charging space.
7. Work to stop and surveys to be submitted if unsuspected contamination encountered.

Background Papers:

Application and history files

Available at:

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2021%2F91758>

Certificate of Ownership

Notice served on site owners - Certificate B signed