
Report of the Head of Development and Master Planning**STRATEGIC PLANNING COMMITTEE****Date: 24-Oct-2019****Subject: Planning Application 2019/92409 Erection of hotel with associated parking and landscaping and formation of new entrance from Bradley Mills Road land off, Stadium Way, Huddersfield, HD1 6PG****APPLICANT**

Mr Jackson, KSDL / HLD

DATE VALID

18-Jul-2019

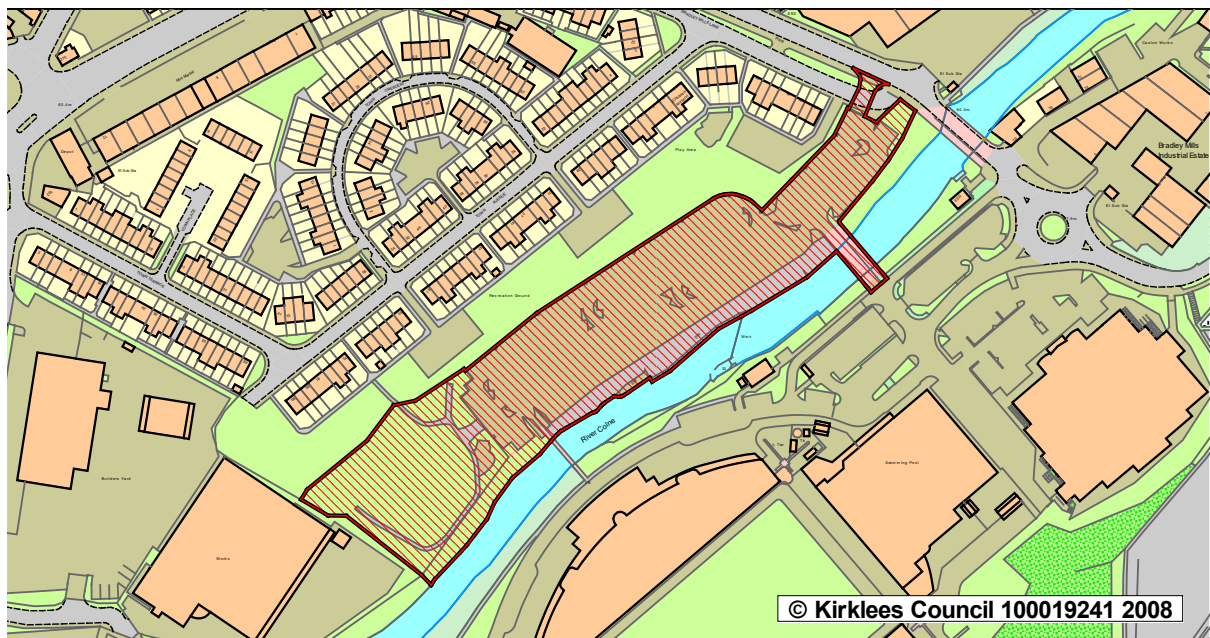
TARGET DATE

17-Oct-2019

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: Dalton

Y

Ward Members consulted
(referred to in report)

RECOMMENDATION:

DELEGATE approval of the application and the issuing of the decision notice to the Head of Development and Master Planning in order to complete the list of conditions including those contained within this report and to secure a S106 agreement to cover the following matters:

1. Compensatory off site commuted sum towards Open space (£158,234.79)
2. Contributions to Cooper Bridge junction through KSEZ (Kirklees Strategic Enterprise Zone) contribution of £63,008
3. Contribution towards travel plan measures (£10,000)
4. Contribution to be agreed after the submission of an Air Quality Assessment
5. Sustainable Urban Drainage management and maintenance scheme

In the circumstances where the S106 agreement has not been completed within 3 months of the date of the Committee's resolution then the Head of Development and Master Planning shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits that would have been secured; if so, the Head of Development and Master Planning is authorised to determine the application and impose appropriate reasons for refusal under Delegated Powers.

1.0 INTRODUCTION:

- 1.1 The application is submitted in full for the erection of a hotel with associated parking and landscaping and formation of new service access point at Bradley Mills Road.
- 1.2 The application is brought to Strategic Planning Committee for determination in accordance with the Council's Scheme of Delegation as the scheme is for non-residential development on a site in excess of 0.5 hectares.

2.0 SITE AND SURROUNDINGS:

- 2.1 The proposal site lies to the north east of Huddersfield town centre. The site can be found to the north of the River Colne and Johns Smith's Football Stadium, as well as existing leisure uses (cinema, stadium, health club). The site is to the south of Urban Green Space (UGS) and an established residential area. The site also, lies to the west of Bradley Mills Road and a retail park, as well as to the east of a commercial and leisure employment area.

- 2.2 The site consists of a recreational area used by the neighbouring residents and a 329 space car park for the use of the stadium, however, it is currently unmanaged and is used by customers of the adjacent leisure uses. Vehicular access to the car park is currently via a bridge over the River Colne that connects with Stadium Way to the south east. A gated vehicular access can be found to the east of the site with Bradley Mill Lane and is used during match day traffic. A pedestrian bridge can be found connecting the site with Stadium Way to the south west.
- 2.3 The site measures 1.48 hectares and is relatively level, with some undulations, ranging from 58m AOD to 62m AOD. Palisade fencing, trees, hedgerows and shrubs define the parameters of the tarmac car park. The recreational area is defined by footpaths, maintained grass with goal posts, tarmac with basketball net. Trees, hedges and shrubs define the sites southern and western edges, whilst a grass mound along its northern edge.
- 2.4 The site is not within the setting of a listed building or within a conservation area. There are no Tree Preservation Orders. There is a designated public footpath that runs immediately north of the site.

3.0 PROPOSAL:

- 3.1 The application seeks full planning permission for the erection of a 148 bedroom hotel, comprising a mix of standard rooms and suites. The gross internal floor area consists of 6,561sqm, in an L shaped, flat roof form, over 5 storeys. The ground floor would accommodate all support services and facilities, including a restaurant/bar, and gym for its guests. Appendix 1 of the Addendum to the Planning Statement, includes a letter of support from the Hilton Hotel Group that confirms their interest in the site as a Hilton Garden Inn.
- 3.2 The principal eastern façade of the hotel consists of a ground floor that is glazed throughout its length and overlooks a new riverside promenade, adjacent to the River Colne and the John Smith Stadium. The hotel entrance is defined by an extended canopy and is proposed on the northern elevation, facing a newly formed plaza area and drop off point.
- 3.3 Compared with the principal elevations, less glazing and more brickwork (dark grey/black colour) is proposed at ground floor level for the hotel's other elevations. However, all of the hotel elevations upper floor levels have a similar aesthetic appearance; generally defined by an irregular pattern of metallic finish, natural tone cladding panels and aluminium framed window openings.
- 3.4 A landscaped car park, together with 2 charging points, cycling parking and a service area is proposed to the north west of the hotel. The hotel will also have access to spaces within the Stadium car park, during non-match days.
- 3.5 It is proposed that staff and visitors of the hotel will use the existing site's access arrangements, which is a bridge access across the River Colne connecting the exiting car park with Stadium Way. However, due to weight restrictions of the bridge, it is proposed that service traffic will use the existing gated access with Bradley Mills Lane, subject to the necessary enhancement work of this access point. The existing car park layout will be subject to minor amendments to define a clear and direct means of access across the car park from/to the hotel. It is proposed that the car park will still serve the needs of the Stadium, cinema, gymnasium and the wider HD1 scheme.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

4.1 In relation to previous planning applications, of direct relevance are:

2008/92864 – Outline permission for erection of multi-use leisure and entertainment development with ancillary facilities plus hotel, office and residential uses issued 6th July 2010 with all matters reserved and subject to a S106 Agreement requiring public transport and travel plan measures, local highway works, managed habitat, affordable housing and off site open space. Conditions restricted the amount and type of retail floorspace as well as the amount of floorspace for each type of use - Section 106 Outline Permission

2014/92610 – Outline consent for formation of snow sports slope (modified proposal to 2008/92864 – see above) with all matters reserved issued on 25th March 2015. This was subject to a legal agreement as a Deed of Variation to the Principal Agreement signed - Section 106 Outline permission

2016/92122 – Extension to time to previous permission 2008/92864 for outline application for erection of multi-use leisure and entertainment development with ancillary facilities plus hotel, office and residential uses - Section 106 Outline permission

2016/92177 – Reserved matters application for the formation of snow sports slope and associated facilities pursuant to outline permission 2014/92610 for Outline application for formation of snow sports slope (modified proposal). Pending decision

2016/92195 – Reserved matters application (relating to Landscaping) for the formation of snow sports slope and associated facilities pursuant to outline permission 2014/92610 for Outline application for formation of snow sports slope (modified proposal). Pending decision.

2016/92066 – Erection of hotel with associated external works including car parking, servicing and landscaping including realigning of access road. Conditional Full Permission.

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

5.1 Written pre-application advice was provided on 22/2/2018, albeit for a proposed reserved matters application for a larger area, in relation to the granting of planning permission ref 2016/92122 to extend the time limit of previous outline application ref 2008/92864.

5.2 The scheme included, a multi-use leisure and entertainment development with ancillary facilities, plus hotel and multistorey car park at John Smiths Stadium, Stadium Way, Huddersfield.

5.3 The enquiry was presented at the Strategic Committee meeting of the 11th January 2018 and Members were supportive of the proposal in principle. The issues raised included:

- Concerns about the hotel and car park overshadowing the adjacent residential estate. Re-locating them to the south of the site would make them more accessible to Huddersfield Town Centre and the University.
- Pedestrian Links with the stadium - concern about football fans parking and walking through the estate.

- Concern about car parking provision and requirements, concern existing parking for people using the cinema, restaurants, gym and retail unit will be less accessible and charges will apply. Query whether the existing car parking for the cinema could become multi-storey or the flat roofs of the proposed buildings could be used
- Good urban design is required.

5.4 During the life of the application, the applicant has amended the planning application in response to comments received by consultees. In summary, the following has been provided:

- A revised Flood Risk Assessment and Drainage Strategy in response to an objection raised by the Lead Local Flood Authority, in relation to flood routing, flood risk and evacuation.
- A Transport Assessment addendum and drawings has been provided to address the concerns raised by the Highways Development Management, regarding vehicle access and parking. Plans have been amended to address these matters, as well as other matters including pedestrian connectivity between the Town Avenue and the stadium, whilst ensuring the necessary security of the hotel.
- A Planning Addendum has been provided to further demonstrate how the proposal accords with policies of the Local Plan, particularly with regards to Policy LP9: Supporting skilled and flexible communities and workforce, Policy LP13: Town centre uses, Policy LP16: Food and drink uses, Policy LP27: Flood risk sequential test, Policy LP31: Strategic Green Infrastructure Network, and Policy LP38: Minerals safeguarding area for sand and gravel.

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 The application site is part of the Strategic Green Infrastructure Network and a Minerals Safeguarding Area for Sand and Gravel with Sandstone. The site is also adjacent to Urban Green Space UGS1468.

6.3 The relevant Local Plan policies are as follows:

- LP1: Presumption in favour of sustainable development
- LP2: Place shaping
- LP3: Location of new development
- LP5: Masterplanning sites
- LP9: 7 Supporting skilled and flexible communities and workforce
- LP13: Town Centre Uses
- LP16: Food and drink uses and the evening economy
- LP17 Huddersfield Town Centre
- LP19: Strategic Transport Infrastructure
- LP20: Sustainable Travel
- LP21: Highway safety and access
- LP22: Parking

- LP23: Core walking and cycling network
- LP24: Design
- LP27: Flood Risk
- LP28: Drainage
- LP30: Biodiversity and geodiversity
- LP31: Strategic Green Infrastructure Network
- LP32: Landscape
- LP33: Trees
- LP38: Minerals safeguarding area
- LP47: Healthy, active and safe lifestyles
- LP48: Community facilities and services
- LP50: Sport and physical activity
- LP51: Protection and improvement of local air quality
- LP52: Protection and improvement of environmental quality
- LP53: Contaminated and unstable land

Supplementary Planning Guidance / Documents:

- 6.4 Relevant guidance and documents are:
- Highways Design Guide Supplementary Planning Document
 - West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance 2016 to 2021 (2016)
 - Leeds City Region Strategic Economic Plan 2016 – 2036 (2016)
 - Kirklees Economic Strategy for 2019 – 2025 (2019)
 - Negotiating Financial Contributions for Transport Improvements (2007)

National Planning Guidance:

- 6.5 The National Planning Policy Framework (2019) seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of the proposal.
- 6.6 Relevant chapters are:
- Chapter 2 – Achieving sustainable development
 - Chapter 4 – Decision-making
 - Chapter 6 – Building a strong, competitive economy
 - Chapter 7 – Ensuring the vitality of town centres
 - Chapter 8 – Promoting healthy and safe communities
 - Chapter 9 – Promoting sustainable transport
 - Chapter 11 – Making effective use of land
 - 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
- 6.7 Since March 2014 Planning Practice Guidance for England has been published online. Additionally, the National design guide was adopted on 1st October 2019 and has been taken into account for this planning application.

7.0 PUBLIC/LOCAL RESPONSE:

- 7.1 The application has been advertised as a major development and also affects a public rights of way (No. HUD/104/10).
- 7.2 The application has been advertised via six site notices posted on 1/8/2019, an advertisement in the local press dated 21/12/2018, and letters delivered to addresses adjacent to the application site. This is in line with the council's adopted Statement of Community Involvement. At the request of ward members additional letters were delivered to addresses at Bradley Mills Lane, Leeds Road, Town Terrace, Town Crescent and Town Place. The end date for publicity was 31/8/2019.
- 7.3 2 representations were received from occupants of neighbouring properties. The following is a summary of the points raised:
- Building on the only green space for children in the area to play
 - The original plans for the hotel on the golf range is a far better location as it already has access and parking
 - Proposed access and increase in traffic will conflict with the B&Q loading area and lorry traffic, which is already an issue for cars and pedestrians.
 - Proposed access and increase in traffic will conflict with school buses dropping off and picking up.
 - In 2010 the council gave permission to the planning of a Hotel on the driving range but only if the improvements were made to the Cooper Bridge area! As this has now been put on hold for at least 5 years how can the permission be granted?
 - To allow this building will only increase the never ending issues in the surrounding areas. Bradley Mills Road though very rarely mentioned in any of the building of HD1 will suffer greatly with any building done at the Stadium.
 - The increase of traffic, taxis, noise, litter & crime will have a big impact.
 - Huddersfield Public Footpath 104 runs through the site and would appear to be directly affected by the application. Footpath 104 does not appear to be mentioned or shown on any plans within the application. Can information be provided as to how Footpath 104 is affected for comment?
- 7.4 Responses to the above comments are set out later in this report.
- 7.5 After the submission of additional information in response to comments primarily raised by consultees, further consultation took place with the erection of site notices as well as letters delivered to neighbours and interested parties. The end date for publicity was 17/10/2019. Any representations during this consultation period will be provided in the Planning Committee update.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

Coal Authority – Low risk area, therefore no objection.

Environment Agency – No objection subject to a condition securing mitigation measures set out in the submitted Flood Risk Assessment. Informative advice provided.

K.C. Highways Development Management – Initially requested further details of detailed design of the proposed junction with Bradley Mills Road with speed surveys and a stage 1 road safety audit, up to date injury accident data and analysis, swept paths for service vehicles, operational parking requirements, cycle parking and a Travel Plan.

Access arrangements are revised as a consequence of the sub-standard sight lines onto Bradley Mills Road. Access to the site will now be taken via the existing roundabout on Bradley Mills Road and the bridge over the river Colne. The existing gated access directly onto Bradley Mills Road will be retained and improved for service vehicular traffic as such traffic cannot use the bridge due to weight restrictions. A financial contribution of £63,008 towards Cooper Bridge junction is sought as part of the Kirklees Strategic Enterprise Zone. Information initially requested has now been provided in relation to injury accident data, swept path analysis and parking. Given the revised access proposals Highways Development Management have no objection to these proposals subject to conditions in relation to the service access and turning arrangements, layout and parking, access management plans, method of storage and access for waste, construction access and travel plan.

K.C. Lead Local Flood Authority – Required further information to address a number of contradictory statements within the Flood Risk Assessment, which has now been carried out. If minded to approve, the following pre-commencement conditions are required:

- Flood resilient finishes to the building (pre-commencement);
- Flood warning and evacuation planning (pre-commencement);
- Flood routing through the development (pre-commencement);
- Surface water management during construction phase (pre-commencement);
- Surface water drainage design including calculations, modelling and exceedance flow routing (pre-commencement);
- Oil interceptor on car park drainage upstream of the attenuation structure (precommencement); and,
- Drainage management and maintenance plan (prior to first occupation).

Yorkshire Water – No objection, subject to conditions.

8.2 **Non-statutory:**

KC Anti-Social Behaviour (Community Protect) – Potential Problems: The attraction to young people from the estate as there are few opportunities for youths in this area and a lack of opportunities for anything to do. This may be perceived as ASB by customers of the hotel. Light pollution caused to the occupants of the KNH properties facing the car park/hotel as this proposal will bring additional lighting to the area. Noise pollution caused to the occupants of the KNH properties facing the car park/hotel due to the increase in visitors and vehicles and often at times of the day night when it has been historically quiet.

KC Biodiversity Officer – No objection, subject to conditions but more information is required.

KC Building Control – Stadium safety

Consideration should be given to revising the foot print of the certified area by KSDL and the certificate holder Mr P Armitage. The hotel will affect the general existing means of ingress and egress from the stadium and may affect emergency evacuation. Consideration should be given to whether there is a detrimental effect on capacity of the existing stadium site. The seller pedestrian river bridge is used by spectator walk through the existing carpark recreation

ground and onto Town Avenue this is an established route, is a route still available through the development. Consultation with the certificate holder should be considered as they are responsible for complying with the certificate conditions and will have to manage the site, during and post construction. Building control will discuss this with the certificate holder.

After the receipt of additional plans and information, KC Building Control have responded with the following comments: The seller bridge has now been shown to connect to PROW to rear of Town Ave houses confirmation that there are no pinch points on the route to Town Ave to restrict flow pedestrian crossing may require stewarding on match days. The certificated site may have to be revised. The riverside promenade is it restricted flow/ dead end as it goes through the zone area which is gated. The hotel is serviced by a private road network confirmation that access for the emergency service is available particularly on match days. Is the bridge within the site suitable for fire service access?

KC Conservation and Design – No objection.

KC Environmental Health – No objection, subject to conditions requiring Electric Vehicle Charging Points Air Quality Impact Assessment – Impact of new development on the area, Travel Plan and Noise Impact Assessment.

Highways England – No objection.

Northern Gas – No objection, map enclosed showing Northern Gas Network apparatus. Informative advice provided.

K.C. Public Rights of Way (PROW) Team – Request a condition requiring a scheme including the design, provision and retention of a pedestrian route that is generally available to the public across the site. The purpose is to promote non-vehicular access to/from and across the site to local facilities and the local highway and transport network.

KC Public Health – Support the comments made by other consultees in seeking additional changes to the proposal to encourage people to walk, cycle and use public transport rather than use their cars. Officers seek that the local community benefit from the proposals.

KC Sports & Physical Activity – Need for sustainable travel (walking, cycling, public transport etc) plan from the town centre to the complex. No particular additional issues provided that throughout the project full access to the Stadium for events such as the football, rugby, Rugby League World Cup, concerts and functions etc, and the wider businesses on the complex (KAL, cinema, etc) is retained.

KC Trees – No objections subject to a condition requiring a detailed landscaping scheme for the site.

Sports England – No specific comments, standard guidance provided.

West Yorkshire Fire and Rescue Authority – No comments received.

West Yorkshire Police Crime Prevention Design Advisor – A number of recommendations in relation to boundary treatment, access, cycling storage and motorcycling facilities, service areas and security measures.

West Yorkshire Archaeology Advisory Service - West Yorkshire Historic Environment Record shows no known sites of archaeological importance apparent within the boundary of the proposed development. There is a low level of prehistoric and Roman period activity in the vicinity but this is located to the south of the Colne

K.C. Planning Policy – Sought additional information in relation to policies in the Local Plan, which has now been provided within a Planning Statement Addendum.

K.C. Landscape – Requested a financial contribution to compensate the loss of a maintained grass with goal posts, tarmac with basketball net and unallocated amenity grassland. Extensive engagement with the local community and citizens is required to provide suitable replacement facilities.

HSE (Automated response through PADHI system) – Not advise against, consequently, HSE does not advise, on safety grounds, against the granting of planning permission in this case.

9.0 MAIN ISSUES

- Principle of development
- Urban design issues
- Residential amenity
- Highway issues
- Environmental health issues
- Flood risk and drainage issues
- Ecology issues
- Planning obligations
- Representations
- Other matters

10.0 APPRAISAL

Principle of Development

- 10.1 Planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF and the previous site planning history are material consideration in planning decisions.
- 10.2 The application seeks full planning permission for the development of a 148 bed hotel. The application site falls within the proposed HD1 leisure and entertainment development that was first granted outline planning permission in October 2010 (Planning ref: 2008/60/92864/W2) and was given an extension of time granted in October 2017 (Planning ref: 2016/60/92122/W).
- 10.3 The indicative masterplan for the wider HD1 development proposes a hotel, this also formed part of the description of the application.
- 10.4 Land surrounding the Stadium has largely been developed, most noticeably to the north of the stadium with a leisure complex, cinema and associated parking. The southern part of the site is less intensively developed with large areas of surface parking and a former golf driving range. Permission was granted in November 2016 for the development of a 149 bed hotel with associated external works including car parking, servicing and landscaping including realigning of access road on the former driving range. However, this development has not commenced. The supporting Planning Statement explains that this is due to issues relating to ground conditions, biodiversity/ecology and the impact of changes to the layout and composition of the broader HD1 scheme which resulted in the hotel site becoming 'peripheral' to the main focus of leisure activity. As a result, hotel development in this location has become unviable.

- 10.5 The submitted information states the hotel will form the first phase of construction of the HD1 development and that it has been designed to fully integrate with the proposed masterplan once complete. According to the Planning Statement, its location has been chosen as it will allow strong functional links to be created between the hotel, the Stadium and the leisure and entertainment uses of the HD1 scheme.
- 10.6 The site is located approximately half a mile north east of Huddersfield town centre. The stadium which opened in 1995 is located at the north east of the site and is the joint home to Huddersfield Town Football Club and Huddersfield Giants Rugby League Club. The site is not a recognised town or local centre nor is it an edge of centre location.
- 10.7 The HD1 scheme is unallocated land but is recognised in the Local Plan as being part of the Leeds City Region Strategic Economic Plan. HD1 is therefore, recognised as being one of a number of key mixed use developments in regenerating Huddersfield and providing space for businesses to grow. The Local Plan also seeks that development proposals enhance pedestrian and cycle links as well as public transport provision between the HD1 scheme and Huddersfield town centre.

Main Town Centre Uses and Food and Drink Uses

- 10.8 A hotel is recognised within Annex 2 of the NPPF as a 'main town centre use.' The Spatial Development Strategy, as well as policies LP13, LP16 and LP17 of the Local Plan explain how the focus of new development with 'main town centre uses,' (i.e. retail, leisure (including food and drink), office, cultural and tourist facilities) should be proposed in the district's identified centres and on identified mixed use allocations. This in turn, will enable such uses to take advantage of existing services and high levels of accessibility.
- 10.9 Chapter 7 of the NPPF explains how planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. The NPPF also explains that when assessing retail and leisure developments outside town centres, which are not in accordance with an up-to-date plan, then a sequential test and impact assessment is required.
- 10.10 The applicant has submitted a Planning Statement Addendum, which includes a sequential assessment, considering the suitability, availability and viability of various sites within Huddersfield town centre, as well as land between the town centre and the application site. With regards to policy LP13, the exercise reveals there are no sequentially preferable sites that are capable of accommodating the proposed hotel. The main reason being is that the viability of the overall scheme is dependent upon the wider package of proposed HD1 development being delivered. As such, the proposed hotel, which forms part of the wider masterplan, cannot reasonably be disaggregated from the wider scheme and located either within or on the edge of the town centre.
- 10.11 In relation to policy LP16, the Planning Statement Addendum explains how with the exception of a single restaurant on the ground floor, there are no food and drink uses proposed as part of this application. The restaurant is an ancillary service to the key function of the application site which is providing visitor overnight accommodation. The restaurant will therefore principally serve hotel guests (breakfasts, lunches and dinners) and will not function independently of the hotel.

- 10.12 Whilst in relation to the impact assessment, paragraph 4.35 of the Kirklees Town Centre Delivery Study: Huddersfield (2016) explains how “Huddersfield’s Hotel supply is similar to other regional sized towns, with a total supply of 729 rooms across an offering of midscale and budget hotels. There is a current requirement for Huddersfield by budget operator Travelodge, while funding support by the Council has helped to attract a planning application for a four star hotel within the HD1 development adjacent to the John Smith’s Stadium.” Given, that the intended end user would be Hilton Hotel Garden Inn, it is considered that the proposal would not impact on the existing hotel provision or other potential town centre development sites from trying to attract midscale and budget hotel operators. Furthermore, as this study formed part of the supporting evidence for the above policy considerations, it could be said that the impacts of having a four star hotel within the HD1 area have already been considered acceptable.
- 10.13 In conclusion, Officers consider that this assessment satisfies the provisions of policies LP13 and LP16 of the Local Plan.

Sustainability

- 10.14 The NPPF states that the purpose of the planning system “is to contribute to the achievement of sustainable development.” The NPPF explains how achieving sustainable development means that the planning system has three overarching objectives, which are economic, social and environmental. These objectives are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives). It is considered that the HD1 development as a whole would represent sustainable development by delivering significant economic and employment opportunities and social benefits for Huddersfield. With regard to environmental impacts, the necessary mitigation measures, secured by planning conditions will minimise any adverse effects. Thus, the development proposals broadly accords with many of the policy considerations of the Local Plan and the objectives of the NPPF.
- 10.15 Action Programme 10 of the Kirklees Council Economic Strategy 2019 – 2025 specifically includes delivering the HD1 development and mutual benefits between it and the town centre. The strategy explains that this is part of delivering a sustainable, healthy and high quality Huddersfield town centre with a widened and higher quality commercial, residential, cultural, leisure and retail offer, backed by strategic development and marketing. The Planning Statement states that the proposed hotel would provide an important support service to the extensive range of leisure and entertainment uses that will come forward through the HD1 development. Furthermore, due to its close proximity to the stadium it would help to provide accommodation for those attending sports events, festivals and conferences at the stadium.
- 10.16 Additionally, as previously accepted, it still remains the case that the proposed hotel will not divert trade away from Huddersfield town centre and that given the connectivity with the town centre spin off benefits would remain through linked trips.

Flood Risk Sequential Test and Exceptions Test

- 10.17 Flood mapping available on the Environment Agency's website and in the Calder Catchment Flood Risk Assessment identifies that the proposed hotel development as being entirely located within Flood Zone 3, thus has a 'high probability' of flooding. The National Planning Policy Framework, explains that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere. For these purposes areas at risk of flooding" means land within Flood Zones 2 and 3; or land within Flood Zone 1 which has critical drainage problems and which has been notified to the local planning authority by the Environment Agency.
- 10.18 A sequential test should be used to steer development to Flood Zone 1. Where there are no reasonably available sites in Flood Zone 1, local planning authorities allocating land in local plans or determining planning applications for development at any particular location should take into account the flood risk vulnerability of land uses and consider reasonably available sites in Flood Zone 2, applying the Exception Test if required. Only where there are no reasonably available sites in Flood Zones 1 or 2 should the suitability of sites in Flood Zone 3 be considered, taking into account the flood risk vulnerability of land uses and applying the Exception Test if required.
- 10.19 The entire planning application site sits within Flood Zone 3a. The proposed hotel use is identified in Table 2 (Flood risk vulnerability classification) of the Planning Practice Guidance as 'more vulnerable' type of development to flood risk. The Environment Agency Guidance on applying the sequential test will usually be applied over the whole Local Authority area, unless there are functional or relevant objectives in the Local Plan. Policy LP27 reiterates this approach. The Planning Practice Guidance states that 'when applying the Sequential Test, a pragmatic approach on the availability of alternatives should be taken.'
- 10.20 A sequential site assessment of alternative development sites was undertaken as part of the outline planning permission in 2010 (planning application no. 2008/92864), and which was later renewed in 2017 for a further 6 years (planning application 2016/92122). The area of search was not just confined to the Kirklees administrative area but also included parts of Wakefield, Leeds, Bradford and Calderdale as the exercise was based on a 30 minute drive time from the application site – the forecast primary catchment area of the development scheme. Sites were assessed against the criteria of suitability, availability and viability to accommodate the HD1 development scheme. The disaggregation of individual components of the scheme (including key support services) was not contemplated as viability was dependent on a 'critical mass' being achieved.
- 10.21 For both applications, the Council concluded that due to the scale and nature of the development, there are considered to be no reasonably available sites in Flood Zones 1 or 2, as a result of this it is appropriate to consider the suitability of this site, part of which lies within Flood Zone 3a. Dis-aggregation, to remove the more 'sensitive' elements of the scheme, has not been considered since it is accepted that there is a need to achieve a 'critical mass' of uses in order to secure commercial viability.

- 10.22 The applicant has stated that there have been no material changes since the previous approval to challenge the earlier decision on this matter. Since the previous approval, the NPPF has been revised and a new Local Plan has been adopted with a number of site allocations. However, given the circumstances with regards to the need to consider the proposed hotel development as part of the greater HD1 scheme and not separate or independent of it, officers have still come to the same conclusions for this planning application. Additionally, the Planning Statement Addendum, includes a sequential test undertaken in accordance with policy LP13 and is also relevant to the flood risk sequential test. Sites that do not satisfy policy LP13 would not be acceptable for the development proposed. Therefore, the sequential test undertaken as part of this planning application satisfies the requirements of policy LP27 of the Local Plan.
- 10.23 The HD1 site falls across Flood Zones 1, 2 and 3. The applicant has explained that locations within the red line boundary of the broader HD1 site were also considered for hotel development, but these were dismissed. In particular a site to the south of the HD1 development was considered (and planning permission granted), but due to ground conditions, impact on ecology/biodiversity and its peripheral location meant it was neither suitable nor viable to progress towards implementation. Therefore, officers are of the opinion that the sequential test has been passed. (Expand on S.test details)
- 10.24 In relation to the exceptions test, paragraph 160 of the NPPF explains that for it to be passed, it should be demonstrated that (a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and (b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.
- 10.25 It is considered that clause (a) would be met. The delivery of the HD1 scheme is one of the key objectives, outlined in Action Programme 10: Huddersfield of the Kirklees Economy Strategy 2019 – 2025 and is in the Leeds City Region Strategic Economic Plan. It is considered that the HD1 scheme will strengthen and diversify the commercial, retail and leisure offer of Huddersfield to make it a competitive and attractive location, and a key target for investment. The proposed hotel will help to initiate the start of the HD1 scheme and contribute to the extensive range of leisure and entertainment uses that will come forward through the HD1 development scheme. The hotel is situated adjacent to the John Smith Stadium and as such will be able to serve the needs of the attendees of the stadium. The proposal represents a major regeneration opportunity and will make significant employment contributions within a ward with a high level of unemployment. These benefits to the local community would outweigh the risk of flooding.
- 10.26 The following measures concluded in the accompanying Flood Risk Assessment and Drainage Strategy are considered to address the clause (b) of the NPPF:
- A minimum finished floor level has been set above the interpolated 1 in 100 year + Climate Change flood level to ensure that occupants of the hotel are safe during an extreme flood event.
 - There is no habitable accommodation on the ground floor, with all bedrooms being located at least 3 metres above the ground floor level

- There is a void beneath the proposed hotel which ensures that there is no loss of floodplain storage. This void will allow the free flow of flood water both in and out, with regular maintenance undertaken to ensure there is no build-up of sediments.
- The raising of the building, coupled with other mitigation measures including flood resistant and resilient construction will ensure that the building itself will be a low risk of fluvial flooding.
- Therefore, officers are of the opinion that the sequential test and exception tests have both been passed.

Impact on Green and Community Infrastructure

- 10.27 Although, the proposal would not result in the loss of an allocated Urban Green Space or the loss of an allocated recreational area it would mean the loss of an area of amenity grassland with goal posts and a tarmac court with a basketball net, known locally as Town Avenue playing fields. Furthermore, the site forms part of the Strategic Green Infrastructure Network and such development would likely impact on such network.
- 10.28 As such, to mitigate against such loss, a financial contribution is currently being negotiated and would be secured by section 106 agreement Officers have confirmed that the amount required is £158,234.79. This would secure funding towards providing the necessary social, recreational and cultural facilities and services for the community needs. Officers are in the process of consulting the applicant and ward members on potential compensatory measures for local residents and citizens in the vicinity, which will be reported in the Planning Committee Update. The proposed footways, landscape and ecological measures, secured by planning conditions will ensure that a healthy, inclusive and safe place will be achieved, in line with policy LP31 of the Local Plan and paragraphs 91 and 92 of the NPPF.
- 10.29 It is noted that this area of land formed part of the outline planning permission and was shown on the indicative masterplan to accommodate supporting new leisure and supporting retail uses. Therefore, the principle of built development has already been established in this area. Furthermore, it is considered that the development proposed, being an integral part of the HD1 development provides direct community benefits in terms of the wider regeneration and investment the HD1 scheme delivers with opportunities for sport, recreation and employment.
- 10.30 Nevertheless, the proposal still accords with the Kirklees Local Plan and NPPF. Finally, according to the Planning Statement the scheme is well in advanced in terms of finance, operator commitment and programming. The hotel will form the first phase of the HD1 development scheme, and it is the intention to commence work on site shortly after the granting of planning permission and the discharge of pre-commencement planning conditions. As such, significant weight is given to the social and economic benefits associated with the approval of the principle of development in terms of the contribution to the delivery of the wider HD1 scheme.

Urban Design issues

- 10.31 The NPPF is clear that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Policy LP24 explains how proposals should promote good design in accordance with a number of general design principles.
- 10.32 The application site falls within the northern part of the HD1 development scheme. The application boundary falls entirely within the blue line of the wider masterplan (i.e. land within the control of the applicant). The outline planning consent for the scheme, indicatively showed development to the north of the river, including a raised riverside walk, a variety of commercial units (planning use class A3, A4 and D1 uses) over two storeys and two upper floors of car parking above. The built development was intended to run for the full length of the site.
- 10.33 The applicant explains how the revised HD1 development will mean that the hotel will sit centrally within the overall scheme, in a prominent position, opposite the stadium. However, the location will be in a quiet location for hotel guests. The decision to consolidate the HD1 development to the land to the west of the stadium was taken in order to create a viable and deliverable masterplan and to create a leisure development orientated around the proposed ski slope.
- 10.34 As previously described, the site is relatively flat and consists of an open space of grassland, and basketball court where the hotel will be sited. The majority of the surface car park would remain. To the east is 'The Zone,' which is a large scale, two storey multi purpose indoor sports facility including sports pitches and a play centre, with a functional and simple appearance. To the north is an open area designated as Urban Green Space, with a residential estate found beyond, defined predominately by 2 storey, stone wall, slate roof terrace buildings of simple construction. The stadium dominates views to the south and the River Colne flows along the site's southern boundary with overgrown, landscaped banks.
- 10.35 Officers are of the opinion that the proposal has been appropriately designed to take into consideration its local context as described above. The hotel has an 'L shape' and has been positioned to take advantage of its riverside location, whilst being sited the furthest away from residential properties to respect residential amenity.
- 10.36 At ground floor, the hotel would define the river edge with a mixture of 'active uses' including a bar, restaurant and meeting spaces, as well as a gymnasium at first floor level. The hotel's 'back of house' facilities at ground floor would be primarily and appropriately located to the rear, nearest to 'the Zone' car park. The hotel's entrance would be defined by a contemporary canopy feature and would be appropriately sited nearest to the footbridge, directly linking it with the stadium and the rest of the HD1 scheme. All of the 148 bedrooms are found on the upper floors and each have windows providing the necessary natural daylight and outlook.

- 10.37 In terms of scale, massing and height, plans show that there is a clear juxtaposition between the hotel and the 2 storey residential properties at Town Avenue. However, when viewed from this residential area, the hotel would be seen in context with the stadium and the future HD1 scheme. Furthermore, given the distance between the properties and the hotel, this interpretation would also be made when travelling along Stadium Way. Thus, it is considered that the development would respond to and integrate well with the immediate surroundings and not detract from the wider visual amenity of the area.
- 10.38 The hotel “drop off” point to the eastern corner of the building, is served from the car park access road and is defined with alternative surface materials to define its purpose. The proposal also has a number of designed hard landscaping areas, including an entrance plaza, riverside promenade, and additional footway provision. These areas positively contribute to the setting of the hotel and ensures that there is pedestrian connectivity between the stadium, Town Avenue and ‘the Zone.’
- 10.39 The design is intentionally modern and of contemporary style that would be seen in context of the adjacent stadium. The Design and Access Statement explains that hotels inherently have repetitive layouts of standard room types, which tend to result in regular facades with vertical glazed window grids. To hide this monotonous room grid pattern, the applicant has purposely chosen a facade treatment that uses a more irregular cladding pattern combined with a subtle horizontal shift in fenestration arrangement. In addition, vertical elements of glazing have been incorporated into the facades to further break up the massing and scale of the building. The proposal is to use cladding panel with a metallic finish with a subtle variation in natural tones, across the facade to accentuate the irregular cladding arrangement. The cladding will also form opportunities to effectively incorporate the hotel signage into the facade treatment. Finally, a mixture of glazing and brickwork is proposed at ground floor level, which appropriately defines the front, sides and rear of the building. The proposals are considered to integrate with the wider site and with the masterplan for the HD1 development. KC Heritage & Design have no objections to the proposed design proposal.
- 10.40 Turning to the landscape treatment of the site, the information submitted is limited. However, a site plan shows grassland, planted areas, trees and hedgerows within and around the car park and hotel. The proposed soft landscape measures will help to assimilate the hotel within its setting, as well as reduce any visual impacts associated with vehicular traffic and help to protect proposed and existing amenity. Any proposed landscape scheme will also need to ensure that there is a biodiversity net gain. To fully accord with policy LP32, a suitably worded condition will be imposed requiring a detailed landscape scheme to be submitted.
- 10.41 The West Yorkshire Police Architectural Liaison Officer and the Counter Terrorism Security Adviser both provide formal comments on the proposed development. Concern was initially raised regarding the security of the perimeter of the hotel grounds. These concerns have been primarily addressed with the latest design proposals. However, further details regarding construction of the hotel and additional security measures are required. Furthermore, it is acknowledged that some hotel developments in the past have experienced crime problems. In light of the above, additional measures to address the type of crime that the premises could be vulnerable to should be incorporated into the scheme. This will be included as a condition to ensure

the proposals include the measures suggested, in order to accord with policy LP24 of the Local Plan.

Residential Amenity

- 10.42 A masterplan, including a hotel and a multi-storey car park in this location were presented at a pre application enquiry (Reference: 2017/20371). Officers and Councillors raised concerns about adverse impact upon the residential amenity of occupants of existing local housing, as a consequence of these proposed buildings being at such close proximity to existing dwellings and being so high. These buildings were located to the south of the nearest properties with potential for the residences to be in shade for most of the day. Furthermore, issues were raised about potential car headlights shining into properties, noise from cars on the access road/within the car park, security lighting in the vicinity, and plant/air systems at the hotel.
- 10.43 Compared with the masterplan that was presented at the pre application enquiry, the proposal does now not include a multi-storey car park. The hotel has been reduced from 6 storeys to 5 storeys. The hotel is also now sited to the south west corner of the site, the furthest away from the properties on Town Avenue, at over 44 metres. It is acknowledged that there may be some impact on residential amenity, however it is considered that such impact would be acceptable in accordance with policy LP24 of the Local Plan.

Highway issues

- 10.44 Policy LP21 of the Local Plan and the Highways Design Guide SPD sets out highways and access matters against new development will be assessed in terms of highway safety, this corresponds with paragraph 109 of the NPPF.
- 10.45 Kirklees Highways Development Management (HDM) fully considered the highways and transport elements of the HD1 scheme, which included a 147 bed hotel for the 2008 outline stage (Reference: 2008/92864) and again for the 2016 outline stage extension of time (Reference: 2016/92122). On both occasions, it was concluded that the development was acceptable, subject to planning conditions to require improvements to the junction of Cooper Bridge with Wakefield Road, along with a car park management plan. A section 106 Agreement was also secured which covers funding for highway works on the wider highway network as part of the Kirklees Strategic Economic Zone (KSEZ) and public transport/travel plan measures.
- 10.46 The current proposals are submitted as a separate standalone planning application. HDM officers advise that the proposals for the hotel alone would trigger Section 106 funding requirements for highway works in respect of Cooper Bridge. Based on the Supplementary Planning Document 1: Negotiating Financial Contributions for Transport Improvements (September 2007) officers have calculated that based on 8pm two way weekday trips through Cooper Bridge, this figure as £63,008 (8 x £7876 per vehicle trip).
- 10.47 As with the previous standalone hotel application that was submitted (Reference: 2016/92066) it is necessary and appropriate to look at the site specific transport and highway elements of this standalone application. These elements include, the proposed access arrangements and the car parking provision within the red line of this application.

- 10.48 The site currently takes vehicular access from Bradley Mills Road via the 4-arm roundabout, traffic then travels over the internal bridge to the car park. There is also another vehicular access point with Bradley Mills Road but this is only used for match day traffic. Initially, it was proposed to make this access point permanent for all vehicular traffic, and its junction with Bradley Mills Road upgraded to form a priority junction. However, after consultation with HDM it is now proposed that this access point will be restricted to service and delivery traffic due to the existing bridge parapet wall restricting visibility, along Bradley Mills Road. This type of traffic cannot use the existing access arrangements, via Stadium Way due to the bridge having weight restrictions. The existing car park layout will be slightly reconfigured to facilitate the necessary vehicular movements across the car park between the access points and the hotel. A drop off area is provided adjacent to the hotel, along with a service area and a separate car parking area for the hotel guests. Drawings have been provided to demonstrate that such vehicular movements can be safely carried out. HDM officers do not object to these proposals but have requested a number of planning conditions in relation to the proposed detailed design.
- 10.49 From a parking perspective, the existing car park is currently used by visitors of the nearby stadium and nearby leisure uses, according to the supporting information it is around 30% utilised during non-match days. On match days, the car park is managed by an overall traffic management plan for the stadium and offer to pre booked ticket holders only. Within the red line boundary, the car park has been adapted and extended to the rear of the hotel and provides one less parking space than the current car park of 329 spaces. The hotel proposal will obviously create an additional demand for parking spaces that has not been provided on this particular site. This may not be an issue for non-match days, however, there is some concern about the provision of the necessary parking spaces on match days and within the overall provision of 1591 spaces required for the HD1 masterplan.
- 10.50 The applicant's highways consultant subsequently provided the following explanation:

"This application has a significant effect on the wider masterplan, it replaces the proposal on this part of the site in the short and long term, clearly the 2016 planning consent would need to adapt to reflect this application, which would then be judged again on its own merit.

Taking a simple approach, at this stage the hotel removes a significant proportion of floorspace from the HDOne scheme, however this replaces the hotel development located at the end of Stadium Way as previously consented, on that basis it could simply swap. The HDOne scheme could then be built around the hotel and the requisite number of spaces could easily be provided, either in this section or on the area released by the relocated hotel position.

At this stage without carrying out the redesign of the masterplan it is not possible to provide a schedule, however we are fully aware that as a result of this application being approved, the masterplan proposal would alter and would need to address its parking requirements in line with policy PLP 22."

- 10.51 HDM also requested further information in relation to the operational parking requirements of the development set out in policy LP22 of the Local Plan. The applicant's highway consultant subsequently provided the following explanation:

"The parking provision related to the site has been designed in accordance with the intentions of Policy PLP 22. This proposal does not fit entirely with any of the principles set out as it is an existing facility that attracts a level of demand at present, which will alter when the HDOne proposal is developed further. Policy PLP 22 focuses on centres as well as new development, however this site is unique in Kirklees as it is an active existing development site and is also proposed for further redevelopment.

Clearly the hotel would require long stay and at the very least overnight parking, when the stadium car park is entirely vacant. The area fronting the Odeon and KAL area has sufficient parking for the demand, with spare capacity, indeed if assessed against the previous parking standards it was probably in excess of the maximum permitted with around 155 spaces.

A hotel in its own right does not always generate new demand. That demand is there at present with people staying overnight in Huddersfield as a result of an existing trip. Studies carried out as part of an application in East Sussex reported that some 68% of trips would occur to that location whether a specific hotel was present or not, they would either visit for the day or visit and stay elsewhere. As a result of the location and the type of functions held at the stadium it is likely that this parking demand is already present albeit short term at the stadium and then overnight at another hotel.

Parking demand associated with the hotel would be overnight and, in most instances, would only extend to the day if the user was staying on site or close by. There could be instances where the vehicle stays as the owner stays in the hotel but carried out a day trip to Manchester or Leeds by train as an example, however this is likely to be rare as hotels are available in both of those destinations. Regardless, the stadium has access to a significant proportion of parking bays, indeed all of those available on a match day. This combined with the parking restrictions in the local area ensure that there would be no risk to highway safety as a result of overspill parking."

- 10.52 Based on the above HDM are satisfied that the parking provision is now acceptable. This is based upon parking accumulation calculations that have been provided which demonstrate that a maximum requirement of 61 parking spaces. The proposals include the provision of approximately 64 new spaces in compensation for the spaces lost as a consequence of the development of the hotel and 329 spaces will be retained as existing. Additionally 10 cycle parking spaces are shown on the plans to the front of the proposed hotel building.
- 10.53 KC Public Rights of Way (PROW) objected to the original proposal and requested greater pedestrian connectivity between the proposed and existing leisure and residential uses. The applicant has now proposed a pedestrian connection between the proposed hotel, riverside walkway and the existing footbridge with public rights of way (Reference HUD/104/10), which would not be adversely affected by the proposal. The details of this connection can be secured by way of planning condition.

- 10.54 The proposed hotel (and associated parking provision) is considered acceptable from a highways point of view subject to the following conditions to accord with policies LP21, LP22 and LP24 of the Local Plan and the Highways Design Guide SPD:
- Bradley Mills Road service access and turning arrangements
 - Layout and parking
 - Access management Plans
 - Method of storage/access for waste
 - Construction access
 - Travel Plan
 - pedestrian connection between the proposed hotel, riverside walkway and the existing footbridge

Environmental health issues

- 10.55 Paragraph 170 of the NPPF as well as policies LP51, LP52 and LP53 of the Local Plan all seek planning decisions should contribute to and enhance the natural and local environment. These policies prevent new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability.
- 10.56 In relation to air quality, officers have reviewed the application in accordance with the West Yorkshire Low Emission Strategy Planning Guidance, and it is recommended that prior to development commencing the applicant must provide a Full Air Quality Impact Assessment including calculating the monetary damages from the development and agree appropriate mitigation measures with the local authority. The monetary value of the damages should be reflected in money spent on low emission mitigation to ensure the development is more sustainable in terms of air quality. This can be addressed through condition, and a subsequent s106 agreement.
- 10.57 In accordance with the guidance, officers have requested that a condition securing a scheme with an appropriate number of electric vehicle charging points. These would be installed and remain operational for the lifetime of the development to encourage the use of low emission vehicles be provided.
- 10.58 Officers have requested that Travel Plan for the scheme is submitted, agreed and implemented with details of mechanisms that will be provided for discouraging high emission private vehicle use and encouraging modal shift to alternatives such as public transport, cycling and walking as well as the uptake of low emission fuels and technologies. All, these matters can be secured by planning condition.
- 10.59 It is a material consideration that the existing uses at the car park at this site already generate a certain amount of noise and that these uses are not subject to any hours restrictions. The applicant has confirmed that the stadium can operate 24 hours a day, 7 days a week and that at the present time, early starts and late finishes (for example 3am event finish times) form part of their normal operations. This is a relevant factor when considering what controls could be reasonably imposed (under the tests set out in Circular 11/95) on a permission for the current proposal.

- 10.60 The development involves commercial and leisure uses which would have the potential to generate noise and disturbance to residents within and adjacent the site. This would include noise from the buildings themselves (including from extract/ventilation systems) as well as transportation noise from access/car park areas. The development, once occupied, would involve noise-sensitive uses (housing) being located in close proximity to noise sources (existing industrial/commercial uses, both existing and approved, as well as the proposed commercial elements of the development). Therefore, Environmental Health officers have requested that a planning condition requiring a Noise Report for proposed noise generating use close to existing noise sensitive premises is submitted and approved by the Local Authority.
- 10.61 In considering the outline application it was concluded that the information submitted at the time was sufficient to demonstrate that the extent and severity of the contamination on the site was not such as to preclude further development or to require extensive remediation. This was subject to conditions which would require further testing, monitoring, preparation of risk assessments, a remediation strategy and verification plan. Environmental Health advised at the time that a remediation statement and validation report would be required for the entire site. These matters were conditioned as part of the outline permission.
- 10.62 Environmental Health have explained that the planning application is accompanied by a Phase II Contaminated Land report by Cundall (dated 28 February 2018, ref 1011828.RPT.GL.003). This report covers the development site as well as the wider HD1 scheme. Officers have only reviewed the content of the report that directly relates to the hotel development. The report is satisfactory but indicates that there are potential gassing issues associated with the site and recommends further gas monitoring to fully characterise the site. Therefore, conditions in relation to the submission of a Phase 2 Intrusive Site Investigation Report, the submission of Remediation Strategy, the Implementation of the Remediation Strategy and Submission of Validation Report are still required.
- 10.63 Environmental Health officer have also requested planning conditions to control other matters, including artificial lighting, odour regarding the proposed kitchen extraction, as well as construction site noise and dust. The imposition of a number of planning conditions would make the proposal acceptable from an environmental protection and quality perspective.

Flood risk and drainage issues

- 10.64 As discussed above, the site is within flood zone 3a and as such a site specific Flood Risk Assessment and Drainage Strategy has been submitted as part of this application. It should be noted that the site is found to be at low risk of flooding from all other sources of flooding.
- 10.65 The accompanying FRA and Drainage Strategy explains how the location of the site within Flood Zone 3 means that compensatory storage is required. To ensure there is no loss of floodplain storage, a void will be constructed beneath the building. As agreed with the EA the void will allow the free flow of water both in and out, with regular maintenance undertaken to ensure there is no build-up of sediments.

- 10.66 There is no accommodation situated on the ground floor of the development, all residents are situated on higher ground in case of an emergency. During the extreme flood event a safe dry access route for Emergency Services and egress for the occupiers is assured to the north of the development site. The raising of the building will be combined with other mitigation measures including flood resistant and resilient construction to ensure that the building itself is at low risk of fluvial flooding.
- 10.67 The FRA and Drainage Strategy explains how the site is currently comprised of a grassed playing field and a positively drained carpark. Therefore, the site should be classed as both greenfield and brownfield. The proposal is to restrict the discharge rate to greenfield runoff rates and a 30% reduction on existing brownfield rates prior to connecting into the River Colne via an existing connection. Attenuation will be provided on site in the form of geo-cellular storage.
- 10.68 It is claimed that there is no residual flood risk from the development site to the surrounding district due to the reduction in impermeable area. Therefore, the development does not increase the risk of flooding to other adjacent neighbourhoods. Out of chamber or gully flooding for the extreme 100 year plus climate change event may occur the development site and is classed as exceedance flows. Flood water from this event will be where possible contained within the development site and directed away from the building.
- 10.69 The Environment Agency have no objection to the proposal, subject to the imposition of a condition that requires development to be carried out in accordance with the submitted FRA. The FRA requires finished floor levels to be set no lower than 60.35m above ordnance datum to reduce the risk of flooding to the proposed development and future occupants.
- 10.70 The FRA and Drainage Strategy explains how foul water generated by the development will be discharged into a Yorkshire Water combined sewer flowing east to west past Bradley Mills Road to the north of the development. The foul discharge does not present an increased flood risk to the surrounding district. Yorkshire Water have no objections to the proposal, subject to the imposition of conditions requesting separate systems of drainage for foul and surface water on and off site; an oil, petrol and grit interceptor/separator of adequate design and that the development be carried out in strict accordance with the submitted FRA and Drainage Strategy.
- 10.71 The LLFA initially objected to this application and requested the applicant to address a number of contradictory statements within the FRA, which has now been addressed.
- 10.72 The LLFA consider that the principle of development could be acceptable, subject to a number of pre commencement and prior occupation conditions to address outstanding matters, initially raised.

Ecological Issues

- 10.73 The site falls within a Flood Plain Biodiversity Opportunity Zone, a Swift Nesting Zone and a Bat Alert Area, as well as being adjacent to the River Colne, which is part of the Wildlife Habitat Network. Policy LP30 of the Local Plan and paragraph 175 of the NPPF set out a number of principles to ensure the conservation and enhancement of biodiversity in and around developments.

- 10.74 The application is submitted with a Phase 1 Habitat Survey Report. However, the area surveyed and described within the ecological report does not include the entire application area. The area omitted is predominantly the car park to the east of the application area. The larger application area does, however, include some bankside vegetation of the River Colne. The report concludes that the site is assessed to be of limited ecological value, although it is adjacent to habitats that are of ecological value (the River Colne). Given the proposed development layout, and providing that the recommended mitigation measures are incorporated into the scheme design to minimise the risk of impacts on protected species, the impact on ecology from the proposed development is considered likely to be negligible.
- 10.75 The council's Biodiversity officer has reviewed the submitted information, together with the information submitted as part of the outline approval (2008/92864) and is satisfied that the mitigation proposed in respect of protected species is appropriate for the area surveyed. It is also likely that these measures can be extended in respect of the larger application area.
- 10.76 Conditions that secure the provision of a Construction Environment Management Plan and a Landscape and Ecological Management Plan will ensure that there is not a significant ecological harm and that there will be a measurable net biodiversity net gain. A condition seeking an appropriate lighting design strategy will also safeguard the function and connectivity of the Kirklees Habitat Network. As such, it is considered that the proposal is able to address the planning policy objectives regarding habitats and biodiversity.

Representations

- 10.77 The majority of concerns raised in representations are addressed earlier in this report. Other matters raised are addressed as follows:
- Building on the only green space for children in the area to play
Response: An off-site financial contribution of £158,234.79 will be sought to mitigate against this loss. It should be noted that the site is not allocated for recreation and there is already outline approval for the principle of development on the site as part of the HD1 scheme.
 - The original plans for the hotel on the golf range is a far better location as it already has access and parking
Response: The Council had granted planning permission for hotel development on a site further to the south of the John Smith Stadium in 2016 (planning application 2016/92066) which was to be the first phase of the HD One multi use leisure and entertainment scheme. However, due to (i) issues relating to ground conditions, (ii) the potential impact on ecology/biodiversity within what is a relatively undisturbed part of the river corridor, and (iii) the peripheral location of the hotel following necessary changes to the layout/make-up of HD One, the hotel development was not progressed.
 - Proposed access and increase in traffic will conflict with the B&Q loading area and lorry traffic, which is already an issue for cars and pedestrians.
 - Proposed access and increase in traffic will conflict with school buses dropping off and picking up.

- To allow this building will only increase the never ending issues in the surrounding areas. Bradley Mills Road though very rarely mentioned in any of the building of HD1 will suffer greatly with any building done at the Stadium.

Response: The proposal has now been amended so that the proposed access point with Bradley Mills Lane and Bradley Mills Road is restricted to service vehicular traffic and match day traffic, instead of general traffic. As such, the above perceived conflicts should be addressed with the amended proposals.

- In 2010 the council gave permission to the planning of a Hotel on the driving range but only if the improvements were made to the Cooper Bridge area! As this has now been put on hold for at least 5 years how can the permission be granted?

Response: Each application has to be assessed on its own merits. HDM have assessed the application and has subsequently requested the necessary financial contributions to mitigate against any potential highways issues, associated with this hotel development.

- The increase of traffic, taxis, noise, litter & crime will have a big impact.

Response: The application has been assessed by the relevant consultees who have influenced the amended design proposals and a number of planning conditions will be imposed to control the above perceived issues.

- Huddersfield Public Footpath 104 runs through the site and would appear to be directly affected by the application. Footpath 104 does not appear to be mentioned or shown on any plans within the application. Can information be provided as to how Footpath 104 is affected for comment?

Response: Amended plans now show that Huddersfield Public Footpath 104 would not be adversely affected by the planning application.

10.78 Planning obligations, that would need to be secured by a Section 106 agreement, would be necessary to mitigate against the impacts of the proposed development, should planning permission be granted. In accordance with paragraph 56 of the NPPF, planning obligations should only be sought where they are:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development

10.79 For clarity and completeness, should this application be approved the following contributions would be secured through a section 106 agreement, which are all considered to be policy compliant

Highways

Off-site highway works (£63,008).

Travel Plan Monitoring Fee Total – £10,000 (£2,000.00 per annum for 5 years)

Public Open Space and Landscape

Off-site commuted sum - £158,234.79

Management company to manage and maintain onsite landscape areas

Flood Risk and Drainage

Management company for necessary drainage maintenance and management prior to adoption

Off site contribution towards upgrading off-site drainage works

Air Quality

An Air Quality Assessment shall determine the impact that the development will have on air quality. This shall include calculating the monetary damages from the development. The monetary value of the damages should be reflected in money spent on low emission mitigation measures.

Other Matters

Public health

- 10.80 When reviewing the outline planning application, Public Health considered that the HD1 site was within a ward which experiences higher rates of respiratory related hospital admissions and social isolation. It was considered the proposed development would provide an excellent opportunity for providing a mix of entertainment and leisure facilities for the immediate/ local population and visitors to Kirklees.
- 10.81 A Health Impact Assessment is included with this application. Public Health have reviewed the application and support the comments made by other consultees in seeking additional changes to the proposal to encourage people to walk, cycle and use public transport rather than use their cars. In addition, officers seek that the local community benefit from the proposal, with the provision of compensatory recreational facilities and the additional employment opportunities that may be associated with the hotel proposal as well as with the wider HD1 scheme. As such, the proposal, subject to the necessary conditions would accord with policy LP47 of the Local Plan.

Health and Safety

- 10.82 The proposal lies within the outer zone of a High Pressure Gas Pipeline. An automated response through the PADHI system was sought, in the first instance. This stated that "Not Advise Against, consequently, HSE does not advise, on safety grounds, against the granting of planning permission in this case." Furthermore, Northern Gas Networks do not object to the planning application.

Minerals Safeguarding

- 10.83 The site falls within a Minerals Safeguarding Area for Sand and Gravel with Sandstone and SCR. In such circumstances the proposal must be in accordance with policy LP36 and LP38. However, officers consider that the policy may not apply in this instance, as it could be considered in relation to clause e of part 2 of policy LP36, as this scheme is an amendment to a previously approved HD1 development. Furthermore, given the location of the site, officers consider that any mineral extraction in this location would have an unacceptable impact on the River Colne and on residential amenity of the properties found on Town Avenue.

Supporting skilled and flexible communities and workforce

- 10.84 The provision of training and apprenticeships is strongly encouraged by Local Plan policy LP9, and as the proposed development meets the relevant threshold (3,500 sq.m. or more of business or industrial floorspace), officers have asked the applicant to agree to provide a training or apprenticeship

programme to improve skills and education. Such agreements are currently not being secured through Section 106 agreements – instead, officers are working proactively with applicants to ensure training and apprenticeships are provided. For this application, the applicant has confirmed that any developer partner would be expected to maximise opportunities for apprenticeships, the employment of long-term jobseekers, and training. Officers have suggested that an Employment and Skills Agreement be entered into.

Climate Change

- 10.85 Chapter 12 of the Local Plan relates to climate change and states that: “Effective spatial planning is an important part of a successful response to climate changes as it can influence the delivery of appropriately sited green infrastructure and the emission of greenhouse gases. Planning can also help increase resilience to climate change impact through the location and design of development”. This is also reflected in the NPPF as a core land use planning principle. The NPPF emphasises that responding to climate change is central to the economic, social and environmental dimensions of sustainable development. This application has been assessed taking into account the requirements summarised and provides opportunity for development that is considered to meet the dimensions of sustainable development. Furthermore improvements to the landscape and inclusion of electric vehicle charging points contributes positively to the aims of climate change.

Stadium Management

- 10.86 Building Control have requested that due consideration be given to revising the footprint of the certified area by KSDL and the certificate holder. The hotel will likely affect the general existing means of ingress and egress from the stadium and may affect emergency evacuation particularly on match days. The applicant is in ongoing discussions with Building Control and the Certificate Holder regarding these matters. However, the applicant has had confirmation from the stadium safety certificate holder that they are satisfied with the proposed hotel development from a stadium safety management perspective, after reviewing capacity calculations. In addition, the footbridge will remain fully open to stadium users as shown on the submitted site connectivity plan. Nevertheless, officers consider it necessary for a condition requiring the stadium management plan to be updated during the construction phase and then again for the operational phase of the hotel.

11.0 CONCLUSION

- 11.1 The principle of development is considered acceptable and by virtue of the previous planning permission is still extant (by virtue of the fact that the application to extend the time limit of the outline permission was submitted before the expiry of the outline permission), the principle of development is established.
- 11.2 In terms of the application, the proposed hotel represents the first phase of construction and has been designed to integrate with the wider master plan of the HD1 site. The proposals would enable a significant contribution to Action Programme 10 of the Kirklees Council Economic Strategy.

- 11.3 The hotel is well designed and detailed and subject to good quality materials being used during the construction the hotel should demonstrate that Kirklees is striving to achieve high quality design that improves the character and appearance of the area.
- 11.4 All material planning considerations, relevant Local Plan and national planning policy objectives are considered to be addressed. Subject to conditions and appropriate mitigation measures, there would be no materially harmful effect on flood risk, drainage, highway safety, environmental health, public health or the biodiversity/ecology interests on the application site and adjacent land.
- 11.5 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.
- 11.6 This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

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

1. Standard 3 years to implement permission.
2. Standard condition requiring development to accord with approved plans.
3. No development on the buildings superstructure until samples of facing and roofing materials have been approved
4. Car parking areas to be surfaced and marked out prior to occupation.
5. Submission of Phase 2 Land Contamination Report
6. The implementation of an intrusive contaminated land survey.
7. The submission of a site remediation strategy if required.
8. Implementation of site remediation strategy if required.
9. Submission of remediation validation if required.
10. Further supplementary ecological surveys
11. Details of landscaping arrangements and boundary treatment.
12. A Landscape and Ecological Management Plan
13. A Construction Environmental Management Plan
14. A lighting design strategy for Biodiversity
15. The installation of electric vehicle charging points.
16. The submission of a scheme detailing artificial lighting arrangements and restricting hours of operation.
17. Details of any extract ventilation system or air conditioning system to be installed.
18. Details of the location / design of any retaining structures
19. A scheme for the design, provision, maintenance and management of a riverside walk route and connection with Huddersfield Public Footpath 104.
20. Layout and parking
21. Access management plan
22. Method of storage/access for waste

23. Construction access
24. Details of a Car Park Management Plan
25. Details of a Travel Plan
26. Air Quality Impact Assessment
27. Noise Impact Assessment
28. Odour Impact Assessment
29. Scheme for dust suppression
30. Scheme for eradication of Japanese Knotweed
31. Scheme for renewable energy use
32. Scheme to minimise energy use and waste generated and details of how waste generated is to be managed
33. Treatment of all surface water flows from parking areas and hardstandings.
34. Flood resilient finishes to the building
35. Flood warning and evacuation planning
36. Flood routing through the development
37. Surface water management during construction phase
38. Surface water drainage design including calculations, modelling and exceedance flow routing
39. Oil interceptor on car park drainage upstream of the attenuation structure
40. Drainage management and maintenance plan
41. Yorkshire Water (Separate drainage systems for foul and surface water, Surface water run off from hardstandings, Development In line with FRA and drainage strategy.
42. Stadium management plan to be updated during the construction phase and then again for the operational phase of the hotel.

Background Papers:

Application and history files.

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2019/92409>

Certificate of Ownership – Notice served