
Report of the Head of Planning and Development**STRATEGIC PLANNING COMMITTEE****Date: 21-Nov-2019**

Subject: Planning Application 2019/90405 Installation of artificial sports pitch, the erection of new floodlights, associated access works, and the formation and laying out of car and coach parking and landscaping YMCA, Lawrence Batley Recreational Complex, New Hey Road, Salendine Nook, Huddersfield, HD3 3XF

APPLICANT

Dean Morgan,
Huddersfield YMCA

DATE VALID

08-Feb-2019

TARGET DATE

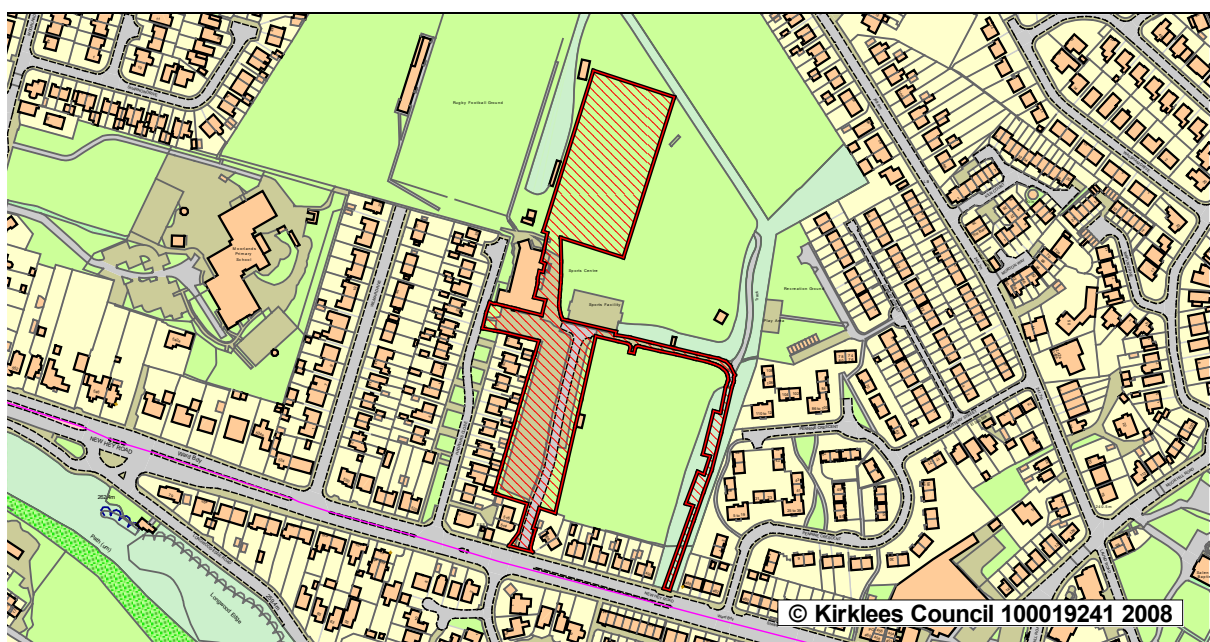
10-May-2019

EXTENSION EXPIRY DATE

25-Nov-2019

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<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: Lindley

Y

Ward Members consulted
(referred to in report)

RECOMMENDATION: Refuse full planning permission

For the following reasons:

- 1) The site is designated in the Kirklees Local Plan as urban green space. There is insufficient information to justify the loss of urban green space and the loss of a rugby playing pitch. This is contrary to policies LP50 and LP61 of the Kirklees Local Plan, Sport England playing field policy exception E5 and Chapter 8 of the National Planning Policy Framework.**
- 2) The applicant has failed to provide sufficient information to demonstrate that the proposed intensification of use in terms of noise and artificial lighting would not materially harm the amenity of neighbouring residents, particularly those residents adjacent to the car park and access points. This proposal is contrary to policies LP24 and LP52 of the Kirklees Local Plan and Chapter 12 of the NPPF.**
- 3) The development of the site will result in the unacceptable loss of protected trees for which no detailed assessment or mitigation measures have been provided. Therefore the development would be contrary to policies LP24 and LP33 of the Kirklees Local Plan and Chapter 15 of the NPPF.**
- 4) The applicant has failed to demonstrate that this proposal will not have a detrimental impact on the ecology of the area and that local biodiversity will not be detrimentally affected. The proposed development would not provide sufficient mitigation for the expected level of ecological impact, and a net biodiversity gain has not been demonstrated. This would be contrary to policy LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.**
- 5) The submitted plans and information have not satisfactorily demonstrated that sufficient gradients of the proposed internal road can be constructed with consideration of the protected tree roots. The applicant has failed to provide a stage 1 safety audit of the junction arrangement with New Hey Road, along with more detailed drawing of the proposed highway layout. This would result in an unacceptable impact on highway safety, contrary to policies LP21 and LP24 of the Kirklees Local Plan and Chapter 9 of the National Planning Policy Framework.**

1.0 INTRODUCTION:

- 1.1 This is a full planning application seeking the installation of artificial sports pitch, the erection of new floodlights, associated access works, and the formation and laying out of car and coach parking and landscaping.
- 1.2 The application is brought to committee as it seeks non-residential development that has a site area in excess of 0.5ha, in accordance with the Council's delegation agreement.

2.0 SITE AND SURROUNDINGS:

- 2.1 The application site is part of the Huddersfield YMCA sports and social complex, which has recently been renamed as Orchard FM Community Sports Park. The complex consists of 7.3 hectares of sports grounds, grandstands, floodlights, access roads, car park and a 2 storey, stone built, 20th century club house with changing rooms and gymnasium. The complex is bounded by residential dwellings and Moorlands Primary School.
- 2.2 The application site relates to the YMCA's access roads with New Hey Road, its car park of around 100 spaces, and a recreational sports field measuring approximately 0.6 hectares to the north east of the club house.
- 2.3 The site does not effect a listed building or a conservation area. However, application site is designated as an Urban Green Space and there are many protected trees found in and around the site.

3.0 PROPOSAL:

- 3.1 A rectangular area (110m x 55m) of an existing the recreational rugby sports field is to be resurfaced with a new artificial sports pitch with fencing and floodlighting. It is intended that the artificial sports pitch will be used for rugby and football.
- 3.2 The application also includes the formation and laying out of car and coach parking and landscaping.
- 3.3 A new additional access is also proposed with New Hey Road

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

- 4.1 The YMCA complex has had numerous planning permissions for storage containers, parcel lockers, modular buildings, club house extensions and alterations, erection of a covered stand and the erection of a sports hall. Of particular interest, includes:
 - 87/05884 Outline application for sports hall, changing and social facilities and car park (Granted – 03/06/1988)
 - 2007/90735 Erection of flood lighting system to rugby pitch consisting of four 18 metre columns each with 5 x 1500 watt luminaires (Granted – 28/8/2007)
 - 2008/62/91068/W2 Erection of Sports Hall (Granted – 7/8/2008)

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

- 5.1 Pre- application advice was given in June 2017 in relation to a masterplan for the whole YMCA complex. Advice was given in relation to the proposed land use, intensification of use, access and parking, protected trees, neighbouring residential amenity, drainage as well as the need for consultation and engagement.
- 5.2 The applicant decided to only submit part of the masterplan due to costs associated with the planning application fee.
- 5.3 During the course of the planning application, numerous discussions have taken place between officers and the applicant seeking additional information regarding the principle of development, highways, trees, ecology and environmental health matters. These issues were particularly raised in a meeting that took place between officers and the applicant team on the 11th April 2019 and followed up in an email correspondence dated 12th April 2019. However, the information has not been forthcoming.

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 site is an Urban green space (Reference: UG125) on the Local Plan Policies Map.
- LP1 – Presumption in favour of sustainable development
 - LP2 – Place shaping
 - LP3 – Location of new development
 - LP21 – Highway safety and access
 - LP24 – Design
 - LP28 – Drainage
 - LP30 – Biodiversity and geodiversity
 - LP33 – Trees
 - LP47 – Healthy, active and safe lifestyles
 - LP49 – Educational and health care needs
 - LP50 – Sports and physical activity
 - LP52 – Protection and improvement of environmental quality
 - LP56 – Facilities for outdoor sport, outdoor recreation and cemeteries
 - LP61 – Urban green space

Supplementary Planning Guidance / Documents:

- 6.3 The following are Supplementary Planning Guidance / Documents relevant to the proposal:
- Kirklees Council Playing Pitch Strategy
 - Sport England Playing Fields Policy and Guidance Document (March 2018)

- West Yorkshire Air Quality & Emissions Technical Planning Guidance (2014)
- Highways Design Guide Supplementary Planning Document (October 2019)

National Planning Guidance:

- 6.4 National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF), published 19th February 2019, and the Planning Practice Guidance Suite (PPGS), first launched 6th March 2014, together with Circulars, Ministerial Statements and associated technical guidance, such as the National Design Guide published October 2019.
- 6.5 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 healthy and safe communities
 - Chapter 12 – Achieving well-designed places
 - Chapter 15 – Conserving and enhancing the natural environment

7.0 PUBLIC/LOCAL RESPONSE:

- 7.1 The application has been publicised including letters to neighbouring properties which border the site as well as the erection of site notices.
- 7.2 The end date for the period of publicity was the 5th April 2019. Following this negotiations took place to resolve issues raised by officers and representations.
- 7.3 A total of seven public representations were received and the following is a summary of the concerns raised:
- Loss of diverse and mature trees and shrubs, particularly those found at Hadrian's Close. Concerns expressed about impacts on soil erosion and wildlife habitats, increase of litter thrown into garden; as well as loss of associated benefits that include shade, privacy and security and noise reduction.
 - The car park can be reconfigured to protect the trees and shrubs adjacent to Hadrian's Close and ensure that parked cars are further from the fence line, which will only mean the loss of about 10 parking spaces.
 - At the very least could those parking spaces be marked up next to the gym wall.
 - A huge issue for local residents was the location of the "buy a box lockers" so my question is: where are these lockers to be located once all these changes take place. Since they have been moved it has made a huge difference to environment around.

8.0 CONSULTATION RESPONSES:

- 8.1 The following is a brief summary of Consultee advice (more details are contained in the Assessment section of the report, where appropriate):

8.2 **Statutory:**

K.C. Highways Development Management: To enable an informed assessment of this further information is requested in relation to the following:

- TPO trees in vicinity discussions with Councils Arboricultural Officer required to gain their support in principle.
- Gradients of proposed egress need indicating (consideration should be given to TPO tree roots may require suitable protection which may affect construction of surfacing suitable to take weight of coaches).
- A stage 1 safety audit of the junction arrangement is requested along with more detailed drawing of the proposed highway layout.

Lead Local Flood Authority: Comments not received.

Sport England: Holding objection. Proposed drawings do not comply with the RFU's technical design guidance. Insufficient information to address playing field policy exception E5 and analysis of the hours of use proposed and likely revenue generation needed to meet the facility's lifecycle costs.

8.3 **Non-statutory:**

K.C. Ecology: There is insufficient information to demonstrate compliance with LP 30 (i) and based on the information available it appears that the proposals are not in accordance with LP 30 (ii).

K.C. Environmental Health: Reports for artificial lighting and noise are inadequate. Planning conditions recommending regarding external artificial lighting, noise, electrical vehicle charging points, reporting of unexpected contamination.

K.C. Sports and Activity: Generally supportive of the scheme subject to support being also gained from Sport England, Rugby Football Union and Football Foundation.

K.C. Trees: Cannot support the proposals due to tree losses and would, if amended plans were submitted, also require additional tree information in order to fully assess the proposals. The proposals, at present, do not meet UDP policies LP33 mature trees to be retained, or PLP24i existing trees to form an integral part of the design.

Yorkshire Water: No observation comments.

9.0 **MAIN ISSUES**

- Principle of development
- Impact on visual and residential amenity
- Impact on trees
- Ecology issues
- Highway issues
- Planning obligations
- Other matters
- Representations

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.

- 10.2 The site is designated in the Local Plan as Urban Green Space (UGS) and policy LP61 (Urban green space) is central to the consideration of the proposed development. This policy states that development proposals which would result in the loss of UGS will only be permitted where:
- a) An assessment shows the open space is clearly no longer required to meet local needs for open space, sport or recreational facilities and does not make an important contribution in terms of visual amenity, landscape or biodiversity value; or
 - b) Replacement open space, sport or recreation facilities which are equivalent or better in size and quality are provided elsewhere within an easily accessible location for existing and potential new users; or
 - c) The proposal is for an alternative open space, sport or recreation use that is needed to help address identified deficiencies and clearly outweighs the loss of the existing green space.
- 10.3 This local policy basis is consistent with paragraph 96 of NPPF, which recognises that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of local communities. Furthermore, paragraph 97 of the NPPF is clear that existing open space, sport and recreational facilities should not be built on unless:
- a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
 - b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
 - c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.
- 10.4 A Planning Support Statement accompanies this planning application but unfortunately, this does not address the above planning policy consideration. The proposal could be considered to be acceptable under clause (b) of policy LP61 of the Local Plan in terms of providing the new artificial pitch is equivalent or better in quantity and quality terms to the existing grass pitch. However, further information is required such as the size and type of the existing pitch to be replaced and the size and type of the proposed facility, as well as the hours of use. As such, officers consider the proposal to be contrary to policy LP61 of the Local Plan and paragraph 97 of the NPPF.
- 10.5 The plans show that the proposal would result in the loss of 1no playing grass pitch that is currently used for rugby. The grass pitch would be replaced by an artificial 3G pitch, which would be used for rugby and football. When initially consulted, Sport England objected to the proposal on the following grounds:
- “Unfortunately there is insufficient information to enable Sport England to adequately assess the proposal or to make a substantive response. Please therefore could the following information be provided as soon as possible:

1. A Planning Statement which justifies the proposed artificial pitch against playing field policy exception E5

2. Analysis of the hours of use proposed and likely revenue generation needed to meet the facility's lifecycle costs"

- 10.6 Following on from Sport England's holding objection it is understood that the applicant has liaised with the Rugby Football Union and subsequently has submitted additional information directly to Sport England. Sport England has engaged with the Rugby Football Union and have stated the following:

"Sport England considers that the RFU's support for the proposal (in principle) amounts to an appropriate level of strategic justification for the AGP. Equally however, it is also clear that the proposed drawings detail facilities that do not comply with the RFU's technical design guidance, and in their current form do not meet playing field policy exception E5. The RFU seem confident that they can support the club in amending the proposals to meet the relevant guidance and by doing so meet playing field policy exception E5

In light of the above, Sport England's position is to maintain its holding objection. However we will happily review our position following the receipt of amending plans which address the RFU's technical concerns outlined above."

- 10.7 It is understood that there may be a need for an artificial 3G pitch that would potentially promote greater sport and physical activity within the local community. However, without the necessary information for consultees and officers to properly assess the planning application, it fails to satisfy the provisions of policy LP50 of the Local Plan and chapter 8 of the NPPF.

Impact on visual and residential amenity

- 10.8 The Planning Support Statement states that "The ambitious development (i.e. masterplan) is to be phased and this application forms phase 1 and comprises application for full planning permission for the development of a new artificial sports pitch with floodlighting, plus associated access works, the formation and laying out of car and coach parking and landscaping." Unfortunately, limited details with specific reference to phase 1 of the development are included in the planning application.
- 10.9 Paragraph 24 of the National Design Guide: "Well-designed new development is integrated into its wider surroundings, physically, socially and visually. It is carefully sited and designed, and is demonstrably based on an understanding of the existing situation." Chapter 12 of the NPPF and policy LP24 of the Local Plan both seek development proposals that provide a high standard of amenity for future and neighbouring occupiers.
- 10.10 The artificial 3G pitch would not be readily visible from surrounding public vantage points. However, residential properties abut the car park and access points and due regard must be given to the impact the proposal may have on these properties in terms of the intensification of the site's use. Furthermore, concerns about the impact on residential amenity have been received from the residents of Hadrian's Close.

- 10.11 The proposed site plan indicates that the new floodlighting will be on four columns and an external lighting plan has been submitted as part of the planning application. This information has been reviewed by Environmental Health and have raised a number of concerns that the lighting plan is not site specific, dated and relates to flood lighting elsewhere within the YMCA grounds. Also, it is not clear as to the proposed hours of use and whether or not the proposed reconfigured car parking would benefit from artificial lighting.
- 10.12 The planning application is accompanied by a Noise Impact Assessment and has been reviewed by Environmental Health. Officers have concerns that the report does not fully assess the likely impact of the proposals. The assessment does not include the necessary detailed information that compares the current level of actual use of the pitch with the future proposed required use of the pitch throughout the whole week and whole year, which is likely to vary with sports seasons. The assessment does not consider the potential noise impact on the properties that abut the car park, where there is likely to be an increase in use and an impact from the proposed location of the bottle bank. More information is therefore required regarding the times of use of the sports pitch, and what noise mitigation proposals are relating to the bottle banks and car parking.
- 10.13 It is considered that given the location of the proposed artificial sports pitch that it is unlikely to impact on visual or residential amenity regarding noise and lighting. However, without the necessary, site specific assessments and subsequent mitigation measures as well as landscape proposals, officers are not satisfied that the proposed intensification of use would not materially harm the amenity of neighbouring residents, particularly those adjacent to the car park and access points. Thus this proposal is contrary to LP24 and LP52 of the Local Plan and Chapter 12 of the NPPF.

Impact on trees

- 10.14 Trees can be found in and around the access points, car park and adjacent to the pitches. Tree Preservation Order Ref: 23a/02 protects majority of the mature trees, which are considered to be prominent and form significant landscape features of the YMCA grounds. The planning application is supported by a tree survey which provides a useful baseline assessment of the trees on the site. However, no information has been provided that justifies the impact from the loss of trees and the necessary mitigation planting.
- 10.15 The planning application has been reviewed by the Arboricultural Officer who has raised numerous concerns about the proposed impact on the protected trees. There are particular concerns as to how the construction of the proposed access point between Nos. 488 and 490 New Hey Road, would not have an unacceptable impact on trees considered as Category B in the submitted tree survey. Furthermore, the Tree officers considers such trees to be arguably even better, category A given the prominent landscape feature they form. Officers also have concerns as to how the proposed artificial pitch and floodlights with associated cabling would be installed/built, without causing damage to the adjacent trees, particularly their roots. Furthermore, there are concerns that there will be pressure to remove the protected trees in the future due to maintenance and management of the artificial pitch due to falling leafs and branches. Also, the masterplan illustrates the YMCA's long term ambition for the erection of a grandstand, adjacent to the artificial pitch, which would require the loss of more protected trees.

- 10.16 Therefore, to address the above concerns an amended layout is required to minimise the loss of protected trees, supported by an Arboricultural Impact Assessment and Arboricultural Method Statement. Without this amendment and supporting information, it is considered that the proposals do not accord with policies LP24 and LP33 of the Local Plan and Chapter 15 of the NPPF.

Ecology issues

- 10.17 The planning application site falls within a bat alert area, which identifies areas where bats are more likely to be present. The planning application is supported by a bat survey, which comprises of a single nocturnal visit in August 2017. The subsequent impact assessment is based on the data collected on this single survey, without accompanying automated survey.
- 10.18 The Biodiversity Officer has explained that in accordance with National survey guidance, more surveys are required with multiple visits over different seasons and with the use of static automated recording devices. The reason for an automated survey, is because the survey period is much longer, often record additional species to the transect surveys alone. However, this information can now only be provided next year between the months of April and September (i.e. during the bat season) and is required to understand the impact on the bats and the necessary mitigation required.
- 10.19 The planning application will likely result in the loss of trees with no mitigation planting, so there is likely to be a potential decrease in the number of habitats for wildlife. Furthermore, no information has been provided to demonstrate how the proposal will create a net biodiversity gain using the industry recognised Natural England Biodiversity Metric 2.0.
- 10.20 Therefore, there is insufficient information to demonstrate compliance with policy LP30 of the Local Plan and Chapter 15 of the NPPF.

Highways issues

- 10.21 The site is currently accessed from New Hey Road, which is a two way classified 'A' road with cycle lanes. The site consists of a surfaced, access road with a pedestrian footway. It serves the YMCA's club house and unsurfaced car park of approximately 75 parking spaces, as well as one dwelling house.
- 10.22 A Transport Statement accompanies the planning application. Traffic surveys have been carried out detailing the existing movements associated with the facility, with the peak times identified as Saturday afternoon when several sporting games taking place during this period. Between the hours of 13.00 – 17.00 a total of 294 two way movements were recorded, of that the peak hour was between 16.00 – 17.00 generating 100 two way movements. The proposed development is not forecast to generate any additional vehicles, however the pattern of these traffic movements is expected to differ significantly as the access/egress is to be an in and out (one way) arrangement only.
- 10.23 It is understood that due to the current nature of the access arrangement there is conflict with vehicles entering and existing the site during the peak periods. Therefore, the development proposals seek for the creation of a new egress between Nos. 488 and 490 New Hey Road, 95m to the east of the existing access on New Hey Road. The new egress arrangement will also require alterations to New Hey Road, most notably the removal of part of the central

reservation island, a minor relocation of the 30 mph speed limit necessary alterations to signage and carriageway markings. These highway works could be carried out via a suitable section 278 agreement, secured by a planning condition. Within the site, there would be the creation of a one way circulatory flow and the formalisation of the existing car park arrangements as well as the creation of additional parking. In total, there would be 126 parking spaces and two coach parking spaces.

- 10.24 Highways Development Management have assessed the planning application and have raised concerns about the proposals impact on protected trees and have requested that any proposal has support from the Arboricultural Officer. In addition, further information has been requested regarding gradients of proposed egress need indicating (consideration should be given to TPO tree roots may require suitable protection which may affect construction of surfacing suitable to take weight of coaches). A stage 1 safety audit of the junction arrangement is requested along with more detailed drawing of the proposed highway layout.
- 10.25 In the absence, of the above information, particularly in relation to highways safety, officers consider the development proposals to be in conflict with policies LP21, LP22 and LP24 of the Local Plan, the Highways Design Guide SPD and Chapter 9 of the NPPF.

Other Matters

Air Quality

- 10.26 In an application of this nature it is expected that facilities for charging electric vehicles and other ultralow emission vehicles are provided, in accordance with policies LP24 and LP51 of the Local Plan, Chapter 9 of the National Planning Policy Framework and the West Yorkshire Air Quality & Emissions Technical Planning Guidance. Although, this information has not been submitted, it is considered that these measures could be secured by planning condition.

Climate Change

- 10.27 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, mix 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.

Drainage

- 10.28 No drainage details are included in the planning application. Yorkshire Water have no comments and the Lead Local Flood Authority have not commented on the planning application. It is considered that this matter could be controlled by planning condition.

Land Contamination

- 10.29 The site is not on land that is considered to be contaminated due to its former use and any unexpected contamination encountered during the development could be dealt with by planning condition.

Minerals Safeguarding

- 10.30 The application site is within a minerals safeguarding area relating to sandstone. Local Plan policy LP38 states that surface development at the application site will only be permitted where it has been demonstrated that certain criteria apply. Criterion b of policy LP38 of the Local Plan is relevant, and allows for approval of the proposed development, as officers consider the development will not inhibit mineral extraction if required in the future. Furthermore, when considering policy LP36 of the Local Plan, it is considered that due to the site's proximity to existing residential areas to the south east would mean that any extraction would be unsuitable due to the potential harm to existing residential amenity.

Representations

- 10.31 As previously outlined seven letters of representation have been received with regard to this proposal. The issues raised have been noted above and a response to each is summarised below:

- Loss of diverse and mature trees and shrubs, particularly those found at Hadrian's Close. Concerns expressed about impacts on soil erosion and wildlife habitats, increase of litter thrown into garden; as well as loss of associated benefits that include shade, privacy and security and noise reduction.
- The car park can be reconfigured to protect the trees and shrubs adjacent to Hadrian's Close and ensure that parked cars are further from the fence line, which will only mean the loss of about 10 parking spaces.
- At the very least could those parking spaces be marked up next to the gym wall.
- A huge issue for local residents was the location of the "buy a box lockers" so my question is: where are these lockers to be located once all these changes take place. Since they have been moved it has made a huge difference to environment around.

Officer Response: As outlined in the report, without the necessary reports and subsequent mitigation measures, officers have raised concerns regarding the proposals impact on amenity, trees, wildlife and highways. However, it should be noted that the trees and shrubs adjacent to the properties at Hadrian's Close are not protected and are classified as being low quality and value and/or in poor condition. As such, officers consider that the above matters could be resolved with a proposal including suitable mitigation measures, such as a revised car parking layout, replacement planting scheme and/or acoustic fencing erected between the properties associated with Hadrian's Close and the site.

Planning obligations

- 10.32 None are required as part of this planning application

11.0 CONCLUSION

- 11.1 It is acknowledged that this proposal has the potential to improve the health and wellbeing of the local community by potentially providing enhanced sports facilities. However, officers consider that the planning application has not provided the sufficient details to overcome the objections from consultees in relation to the principle, amenity, ecology, highways and trees.
- 11.2 The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.
- 11.3 This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would not constitute sustainable development and is therefore recommended for refusal.

12.0 REFUSAL

1) The site is designated in the Kirklees Local Plan as urban green space. There is insufficient information to justify the loss of urban green space and the loss of a rugby playing pitch. This is contrary to policies LP50 and LP61 of the Kirklees Local Plan, Sport England playing field policy exception E5 and Chapter 8 of the National Planning Policy Framework.

2) The applicant has failed to provide sufficient information to demonstrate that the proposed intensification of use in terms of noise and artificial lighting would not materially harm the amenity of neighbouring residents, particularly those residents adjacent to the car park and access points. This proposal is contrary to policies LP24 and LP52 of the Kirklees Local Plan and Chapter 12 of the NPPF.

3) The development of the site will result in the unacceptable loss of protected trees for which no detailed assessment or mitigation measures have been provided. Therefore the development would be contrary to policies LP24 and LP33 of the Kirklees Local Plan and Chapter 15 of the NPPF.

4) The applicant has failed to demonstrate that this proposal will not have a detrimental impact on the ecology of the area and that local biodiversity will not be detrimentally affected. The proposed development would not provide sufficient mitigation for the expected level of ecological impact, and a net biodiversity gain has not been demonstrated. This would be contrary to policy LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

5) The submitted plans and information have not satisfactorily demonstrated that sufficient gradients of the proposed internal road can be constructed with consideration of the protected tree roots. The applicant has failed to provide a stage 1 safety audit of the junction arrangement with New Hey Road, along with more detailed drawing of the proposed highway layout. This would result in an unacceptable impact on highway safety, contrary to policies LP21 and LP24 of the Kirklees Local Plan and Chapter 9 of the National Planning Policy Framework.

Background Papers:

Application and history files.

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2019/90405>

Certificate of Ownership –Certificate A signed: