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Planning Statement

Approval of reserved matters application relating to landscaping
(condition 1 to planning application 2014/60/92610)
Proposed Snowsports Slope, Stadium Way, Huddersfield

Proposal: Approval of reserved matters
Client: Kirklees Stadium Development Ltd
Document ref: HG0687
Date: June 2016

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Introduction

- 1 Outline planning permission was granted in July 2010 (PA No. 2008/60/92864) for a multi-use leisure and entertainment development with ancillary facilities plus hotel, office and residential uses on an 11 ha site adjoining the John Smith Stadium in Huddersfield. A ski slope on Kilner Bank was also part of the development scheme. The planning permission was subject to a Section 106 Legal Agreement and a range of planning conditions, one of which related to an extended timeframe for the submission of reserved matters (6 years, expiring on 6 July 2016). The site to which this planning permission relates is shown in Appendix 1.
- 2 Over the last 2-3 years, considerable progress has been made in packaging together a viable development scheme with the objective of creating a destination leisure draw that is capable of attracting visitors from beyond West Yorkshire. However changes to the layout and mix of leisure uses within the HD One site necessitated a relocation of the ski slope to a position on Kilner Bank that slightly extended beyond the red line boundary of the 2010 planning permission. A new outline planning application was therefore submitted for the Snowsports slope only (re-named to reflect a broader use by participants), with all matters reserved (planning application reference no. 2014/60/92610/W). The site to which this planning application relates is shown in Appendix 2.
- 3 Planning permission was granted on 26 March 2015 for the repositioned Snowsports slope, subject to a range of planning conditions, one of which requires the submission of reserved matters to be made to the local planning authority before 6 July 2016 (see appendix 3). The short timeframe for the submission of reserved matters (around 15 months) was considered appropriate as it is directly linked the submission of details to the target date for submission of reserved matters for the larger HD One planning permission (planning application no. 2008/92864).
- 4 This planning application seeks approval of those reserved matters identified in planning condition 1 attached to the planning permission for the repositioned Snowsports Slope (planning application reference 2014/60/92610), covering landscaping. Appearance, layout, scale and access are the subject of a separate reserved matters application which was submitted on 24 June 2016.
- 5 The following plans have been submitted:

- 3412/AL(04)0300/p01 Site location plan
- 3412/AL(01)0050/p08 HD One lower level 00
- 3412/AL(01)0051/p08 HD One upper level 01
- 3412/AL(01)0052/p08 HD One upper level 02
- 3412/AL(01)0054/p06 HD One upper level 03
- SF2553/LL01/A Landscape Plan

- 6 Plans 0050/p08, 0051/p08, 0052/p08 and 0054/p08 illustrate the general layout and different levels of the HD One leisure scheme. These provide a context for the Snowsports slope proposal and show how it ‘fits’ within the larger development proposal. Furthermore, the plans underline the fact that the Snowsports slope is an integral part of the HD One leisure package and cannot operate independently of it.

Landscaping

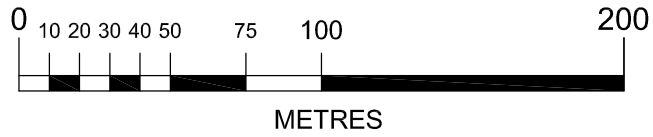
- 7 A landscaping plan which includes a schedule of planting has been provided by Smeeden Foreman, Landscape Architects (plan ref. SF2553/LL01/A). The landscaping is focused on the embankments either side of the Snowsports slope and will comprise a wide variety of tree species within the woodland mix.
- 8 An Ecology Report (BSG Ecologists) accompanies the landscaping plan and this has influenced the mix of tree species identified, creating a more ecologically diverse woodland. The tree species mix also reflects the recommendations in the Joint Nature Conservation Committee Field Guide to Woodland.
- 9 Native hedge is proposed either side of the Snowsports slope towards its base (adjacent the home fans access into the John Smith Stadium on the north boundary and adjacent the Snowports slope public viewing area on the south).
- 10 The embankments will have ‘Woodland Mix’ planting as specified in the planting schedule on the plan with tree species planted at 3m centres and shrubs at 1.5m centres. An area of 5m width running parallel to the ski lift alignment either side of the slope will have a planting mix of smaller species (‘Woodland Edge Mix’) in order to reduce any potential future conflict between overhanging tree branches and the movement of the ski lifts. Stock would be planted at 2m centres with areas between seeded with wildflower seed.

Conclusion

- 11 It is considered that the plans submitted and the notes above provide the Council with sufficient detail in which to discharge the reserved matters of landscaping in respect of condition 1 which was attached to the granting of planning permission for the repositioned Snowsports slope at Stadium Way, Huddersfield (planning application 20014/60/92610). Reserved matters relating to appearance, access, layout and scale are the subject of a separated application.

APPENDIX 1

SITE LOCATION PLAN FOR HD ONE DEVELOPMENT SCHEME (2008/92864)



APPENDIX 2

SITE LOCATION PLAN FOR REPOSITIONED SNOWSPORTS SLOPE APPLICATION (2014/92610)

APPENDIX 3

PLANNING CONDITIONS ATTACHED TO REPOSITIONED SNOWSPORTS SLOPE
PERMISSION (2014/92610)



Town and Country Planning Act 1990

**Town and Country Planning (Development Management Procedure) (England)
Order 2010**

OUTLINE PLANNING PERMISSION

**NOTE: This approval should be read in conjunction with an Agreement made under
Section 106 of the Town and Country Planning Act 1990**

Application Number: 2014/60/92610/W

To: Steve Morton,
Signet Planning Ltd
Rowe House
10 East Parade
Harrogate
HG1 5LT

For: Kirklees Stadium Development Ltd

**In pursuance of its powers under the above-mentioned Act and Order the
KIRKLEES COUNCIL (hereinafter called "The Council") as Local Planning Authority
hereby permits:-**

Outline application for formation of snow sports slope (modified proposal)

At: John Smiths Stadium, Stadium Way, Huddersfield, HD1 6PG

**In accordance with the plan(s) and applications submitted to the Council on
27-Aug-2014, subject to the condition(s) specified hereunder:-**

1. Approval of the details of the appearance, layout, scale, access, landscaping of the site (hereinafter called the 'reserved matters') shall be obtained from the Local Planning Authority before any development is commenced.

Reason: Pursuant to the requirements of Section 92 of the Town & Country Planning Act 1990

2. Plans and particulars of the reserved matters referred to in condition 1 above, relating to the appearance, layout, scale, access, landscaping of the site shall be submitted in writing to the Local Planning Authority and shall be carried out in full accordance with the approved plans.

Reason: Pursuant to the requirements of the Town & Country Planning (General Development Procedure) Order 1995 (as amended).

3. Application for approval of any reserved matter shall be made to the Local Planning Authority before 6th July 2016.

Reason: Pursuant to the requirements of Section 92 of the Town & Country Planning Act 1990.

4. The development hereby permitted shall be begun either before the expiration of two years from the final approval of reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: Pursuant to the requirements of Section 92 of the Town & Country Planning Act 1990.

5. The site shall be developed with a separate system of drainage for foul and surface water on and off the site.

Reason: In the interests of satisfactory drainage in accordance with the National Planning Policy Framework.

6. No development shall commence until a scheme detailing foul and surface water drainage from the site has been submitted to and approved in writing by the Local Planning Authority. Principles of sustainable urban drainage (SUDS) shall be employed unless otherwise agreed in writing with the Local Planning Authority. Surface water run-off from existing areas of hard surfacing that are to be built on shall be reduced by 30%. For greenfield areas that are to be built on the surface water run-off rate shall be limited to greenfield run-off rate. Furthermore the scheme must demonstrate how run-off in the event of a 1 in 100 year + climate change event would be stored on site. The works shall be implemented in accordance with the approved scheme and there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and the development shall not be brought into use prior to the completion of the approved foul drainage works.

Reason: In the interests of satisfactory drainage and flood prevention in accordance with the National Planning Policy Framework.

7. No infiltration of surface water drainage into the ground shall take place without the prior written approval of the Local Planning Authority. Where such infiltration is proposed it must be demonstrated that there is no resultant unacceptable risk to ground waters.

Reason: In the interests of pollution prevention in accordance with the National Planning Policy Framework.

8. The development shall be carried out in accordance with the submitted Flood Risk Assessment (FRA) Revision C dated November 2009 and the following mitigation measure detailed within it:

- Identification and provision of safe routes into and out of the site to an appropriate safe haven.

Reason: To protect the users / occupiers of the development from flooding in accordance with the National Planning Policy Framework.

9. Notwithstanding the requirements of conditions 1 and 2, the reserved matters submission for 'landscape' shall include details of the treatment of the south western boundary of the slope including any earthworks, screening and soft landscaping together with an ecological survey and mitigation strategy of the site as a whole.

Reason: In the interests of visual amenity in accordance with the national Planning Policy Framework and policies BE1 and BE2 of the Unitary Development Plan.

10. Piling or any other foundation designs using penetrative methods shall not be used without the prior written approval of the Local Planning Authority. Where such methods / designs are proposed it must be demonstrated that there is no resultant unacceptable risk to groundwater.

Reason: In the interests of pollution prevention in accordance with the National Planning Policy Framework.

11. Development shall not commence until a Phase II Intrusive site investigation report, which shall include coal mining legacy has been submitted to and approved in writing with the Local Planning Authority.

Reason: To identify and remove unacceptable risks to human health and the environment in accordance with policy G6 of the Unitary Development Plan and the National Planning Policy Framework.

12. Development shall not commence until a Remediation Strategy has been submitted to and approved in writing with the Local Planning Authority. The Remediation Strategy shall include a timetable for when the implementation and completion of any identified remediation measures within the site will be undertaken. This shall include any appropriate remedial works to treat mine entries and/or foundations.

Reason: To identify and remove unacceptable risks to human health and the environment in accordance with policy G6 of the Unitary Development Plan and the National Planning Policy Framework.

13. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategies approved pursuant to condition 12. In the event that remediation is unable to proceed in accordance with an approved Remediation Strategy or contamination not previously considered in the Phase II Intrusive Site Investigation Report is identified or encountered on site all works on the affected areas (save for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within two working days. Unless otherwise agreed in writing by the Local Planning Authority works shall not recommence until proposed revisions to the Remediation Strategy/Strategies have been submitted to and approved in writing with the Local Planning Authority. Remediation of the site shall thereafter be carried out in accordance with the agreed revised remediation Strategy / Strategies.

Reason: To identify and remove unacceptable risks to human health and the environment in accordance with policy G6 of the Unitary Development Plan and the National Planning Policy Framework.

14. Following completion of any measures identified in an approved Remediation Strategy or any approved revised Remediation Strategy, a Validation report shall be submitted to the Local Planning Authority. Unless otherwise agreed in writing with the Local Planning Authority the development shall not be brought into use until such time as the remediation measures have been completed in accordance with the agreed Remediation Strategy or the approved revised Remediation Strategy and a validation report in respect of those remediation measures has been approved in writing by the Local Planning Authority.

Reason: To identify and remove unacceptable risks to human health and the environment in accordance with policy G6 of the Unitary Development Plan and the National Planning Policy Framework.

15. Before development commences details of all retaining structures necessary to maintain the stability of Kilner Bank including a slope stability assessment shall be submitted to and approved in writing by the Local Planning Authority. The approved retaining structures shall be implemented before the development is brought into use and retained thereafter. Should these details require amendment to take into account any slope stability issues not apparent at design stage then amended details shall be submitted to the Local Planning Authority before the works are implemented.

Reason: To ensure that consideration of slope stability is incorporated into the design of the scheme in accordance with Unitary Development Plan policy G6 and the National Planning Policy Framework.

16. No development shall commence including pre-construction/ decontamination phase until a construction management plan including details of construction site access, parking and locations of site compounds has been submitted to and approved in writing by the Local Planning Authority and the development shall be undertaken in accordance with the approved details.

Reason: In the interests of highway safety, visual and residential amenity in accordance with Unitary Development Plan policies T10 and EP4 and the National Planning Policy Framework.

17. Before the development is brought into use a Car Park Management Plan shall be prepared in accordance with Appendix D of the Framework Travel Plan Rev H dated November 2009 and submitted to and approved in writing with the Local Planning Authority. The works/measures in the approved plan shall be operated from the time that the development becomes operational and retained thereafter.

Reason: In the interests of highway safety amenity in accordance with Unitary Development Plan policy T10 and the National Planning Policy Framework.

18. In advance of the completion / implementation of Full Travel Plans for the development it shall be operated in accordance with the details set out in the Framework travel plan Rev H dated November 2009.

Reason: To ensure the promotion of sustainable modes of transport in accordance with the National Planning Policy Framework.

19. Within three months of the development becoming operational a Full Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall adhere to the criteria/content of the Framework Travel Plan and shall be operated from the time of approval thereafter.

Reason: To ensure the promotion of sustainable modes of transport in accordance with the National Planning Policy Framework.

20. The development shall not be brought into use until details of the installation and erection of any extract ventilation system, air handling unit, air conditioning system or similar including details of the siting, methods of treatments of emissions and filters to remove odours and control noise emissions have been submitted to and approved in writing by the Local Planning Authority and the works specified in the approved scheme have been installed. Such works shall thereafter be retained, operated at all times when the development is in use and maintained in accordance with the manufacturer's instructions.

Reason: In the interests of residential amenity in accordance with policies BE1 and EP4 of the Unitary Development Plan and the National Planning Policy Framework.

21. With the exception of site preparation works and temporary lighting no development shall commence until details of artificial lighting for any external areas including means to control any glare or stray lighting arising from the operation of artificial lighting and measures to avoid adverse impacts on species within the woodland belt has been submitted to and approved in writing with the Local Planning Authority. The works comprising the approved scheme shall be implemented before the development becomes operational and the artificial lighting shall thereafter be operated in accordance with the approved scheme.

Reason: In the interests of visual and residential amenity and the biodiversity of the site in accordance with the National Planning Policy Framework.

22. Before development commences a scheme shall be submitted to and approved in writing by the Local planning Authority specifying the measures to be taken for the suppression of dust arising from the operations permitted by this consent and any Reserved Matters so approved. The approved scheme shall be operated throughout the site preparation and construction phases of the development.

Reason: In the interests of residential amenity in accordance with the National Planning Policy Framework.

23. Japanese Knotweed shall be treated and eradicated using the process set out in Chapter 8 of the Environmental Statement Revision C issued 11th November 2009.

Reason: In the interests of the biodiversity of the site in accordance with the National Planning Policy Framework.

24. With the exception of site preparation works no development shall take place until a scheme for renewable energy use within the development has been submitted to and approved in writing with the Local Planning Authority. The scheme shall include arrangements for securing at least 10% of the energy used from decentralised and renewable or low-carbon energy sources. The development shall be constructed in accordance with the approved details and retained as such thereafter.

Reason: In the interests of adapting to and mitigating against climate change in accordance with the National Planning Policy Framework.

25. Details submitted with the Reserved Matters pursuant to conditions 1 and 2 shall include a scheme setting out measures to be incorporated into the development to minimise energy used and waste generated and details of how waste generated by the development is to be managed. The development shall be completed in accordance with the details approved under this condition and such scheme shall be retained thereafter.

Reason: To ensure the environmental potential of the development is maximised and that sustainable waste management is applied in accordance with the National Planning Policy Framework.

26. With the exception of site preparation works development shall not commence until a scheme detailing the treatment of all surface water flows from parking areas and hardstandings for vehicles through an oil interceptor or alternative treatment system has been submitted to and approved in writing by the Local Planning Authority. Use of these parking areas / hardstandings for vehicles shall not commence until the works comprising the approved treatment scheme has been completed. Roof water shall not pass through the treatment scheme unless the size of the treatment unit is increased accordingly. Treatment shall take place prior to discharge from the treatment scheme. The works comprising the treatment scheme shall be retained for the lifetime of the development.

Reason: To prevent pollution of the water environment in accordance with the National Planning Policy Framework.

27. Notwithstanding the submitted details on drawing no 3412:AP(06)1600 development shall not commence until details of proposed and existing ground levels have been submitted to and agreed in writing with the Local Planning Authority.

Reason: In the interests of visual amenity in accordance with policies BE1 and BE2 of the Unitary Development Plan and the National Planning Policy Framework

NOTE: The Environment Agency recommends that the developer follows the risk management framework provided in CLR11, 'Model procedures for the Management of Land Contamination', when dealing with land affected by contamination.

NOTE: The applicant is referred to the Environment Agency publication Guiding Principles for Land Contamination (March 2010) for the type of information needed to assess risks to controlled waters from the site. This document can be accessed using the following link:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/297450/geho1109brgy-e-e.pdf

This decision is based on the following plans:

Plan Type	Reference	Version	Date Received
Ownership Line	3412:AP(03)1152	P01	28 August 2014
Application boundary	3412:AP(03)1151	P02	18 August 2014
Existing plan	3412:AP(02)1000	P01	18 th August 2014
Upper level 03 Illustrative Masterplan	3412:AP(04)1513	P02	18 th August 2014
Proposed sections A-A & B-B	3412:AP(06)1600	P01	18 th August 2014
Upper level 02 Illustrative Masterplan	3412:AP(04)1512	P02	18 th August 2014
Upper level 01 Illustrative Masterplan	3412:AP(04)1511	P02	18 th August 2014
Lower level 00 Illustrative Masterplan	3412:AP(04)1510	P02	18 th August 2014
Covering letter	SM/AY/HG0687		18 th August 2014
Coal Mining Risk Assessment	A0532/G/1	August 2014	18 th August 2014
Coal Authority Mining Report	51000577391001		18 th August 2014
Planning Statement	HG0687	18 th August 2014	18 th August 2014
Design & Access Statement			18 th August 2014
Gas main locations	3412-AL(04)0277(PO3)		18 th November 2014
Snow Slope brochure	Briton Engineering		16 th October 2014

Pursuant to article 31(1)(cc) of the Town and Country Planning (Development Management Procedure) Order 2010 and guidance in the National Planning Policy Framework, the Local Planning Authority have, where possible, made a pre-application advice service available, complied with the Leeds City Region Development Management Pledge and otherwise actively engaged with the applicant in dealing with the application.

Development within a Coal Mining Area

The proposed development lies within an area that has been defined by The Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant). Your attention is drawn to the Coal Authority policy in relation to new development and mine entries available at www.coal.decc.gov.uk

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain Coal Authority permission for such activities is trespass, with the potential for court action.

Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848. Further information is available on The Coal Authority website www.coal.decc.gov.uk

The application has been publicised by notice(s) in the vicinity of the site. It is respectfully requested that the notice(s) now be removed and responsibly disposed of to avoid harm to the appearance of the area

Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your Local Planning Authority's decision on your application, then you must do so within:
28 days of the date of service of the enforcement notice, or within 6 months of the date of this notice, whichever period expires earlier.
- If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.
- Appeals must be made using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at www.planningportal.gov.uk/pcs.
- You must use the correct Planning Appeal Form when making your appeal. If requesting forms from the Planning Inspectorate, please state the type of application that the appeal relates to so they can send you the appeal form you require.
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

Please note, only the applicant possesses the right of appeal.

Purchase Notices

- If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

It is the applicant's responsibility to find out whether any works approved by this planning permission, which involve excavating or working near public highway and any highway structures including retaining walls, will require written approval from the Council's Highways Structures Section. Please contact the Highways Structures Section on Tel No. 01484-225397 for further advice on this matter.

An important part of improving our service is to review your feedback on the way that we have dealt with your planning application(s). Please take a couple of minutes to email your comments to dc.admin@kirklees.gov.uk so that we can work on continually improving our customer service. Thank you.

Dated: 26-Mar-2015

Signed:



Jacqui Gedman
Director of Place



Decision Documents

The decision notice indicates which documents relate to the decision. These documents can be viewed online at the Planning Services website at www.kirklees.gov.uk/planning, and by clicking on the 'search and view existing planning applications and decisions' and by searching for application number 2014/60/92610/W.

If a paper copy of the decision notice or decided plans are required please email planning.contactcentre@kirklees.gov.uk or telephone 01484 414746 with the application number. There may be a charge for this service.

All communications should be sent to one of the following address:

E-mail: planning.contactcentre@kirklees.gov.uk

Write to: Planning Services
Investment and Regeneration
PO Box B93
Civic Centre III
Off Market Street
Huddersfield
HD1 2JR



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