

**KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE**

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) – SECTION 70

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS

Reference No: 2020/62/91474/W

Site Address: Former scrap yard, adj Canalside West, Firth Street,
Huddersfield, HD1 3DB

Description: Formation of 53 space car park with associated works

Recommending Officer: Stuart Howden

DECISION – Conditional Full Permission

I hereby authorise the approval of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Teresa Harlow

AUTHORISED OFFICER

Date: 24-Feb-2021

Officer Report

Site Description

Former Scrap Yard, adj Canalside West, Firth Street, Huddersfield, HD1 3DB

The site is centrally located within Huddersfield (beyond the south boundary of Huddersfield Town Centre), and is situated on the south east side of Firth Street, which it is also accessed from. The site is in an area with a mix of commercial and residential uses, with a number of neighbouring uses being associated with the University of Huddersfield. Directly to the south west side of the site is a University of Huddersfield Depot building which is two storey in height and beyond this is a single storey industrial building. To the north east side of the site is a scrap vehicle and metal processing business with single and two storey buildings on it, and beyond this is the 3 storey '3M Buckley Innovation Centre' owned by the University of Huddersfield. Across Firth Road from the site are former mills, including the Spark Jones Building owned by the University of Huddersfield and the Melting Point which is used for residential purposes. To the rear (south east of the site) are trees and is the River Colne, and beyond this is a student accommodation building. The site overall is relatively flat as is the surrounding area, but the river beyond the south east boundary of the site is on lower land.

The north east part of the site was previously used for scrap motor vehicle processing, but is currently vacant and largely comprises hardstanding. There is an open sided, covered single storey structure to the front of the north east part of the site. The south west part of the site comprises hardstanding and is a gated un-adopted lane linking Firth Street to Corporation Street. To the front of the site is a block wall and the two different elements of the site are divided by a wall.

Both the Melting Point and the Spark Jones Building are Grade II listed. The Hassett Building to the north of the site is also Grade II listed. The site is not within a conservation area.

The site is within Flood Zone 2. The site is within a Canal and River Trust consultation area.

Proposal

Planning permission is sought for the formation of a 53 space car park with associated works in association with the University of Huddersfield (i.e. it would provide spaces throughout the day for staff of the University and visitors to the University).

In relation to the north east section of the site, where possible, the existing concrete surfacing is to be retained and overlain with bituminous materials. In relation to the south west section of the site, the removal of the raised footway

over the majority of its length is proposed as is the provision of a new surface course/patch repairs as necessary to create a serviceable impermeable surfacing.

It is proposed to remove the wall to the front of the site and the wall running through the site, and a two metre high mesh fence is proposed on the front boundary of the site as well as the north east side boundary and part of the south west side boundary. A timber knee high rail fence at approximately 0.6 metre high is proposed along the rear boundary of the site adjacent to the river, and along the rear boundary of the site adjacent to Commercial Street, a one metre high brickwork wall with one metre high mesh fencing on top of this is proposed.

A new access and egress are proposed from Firth Street, and two metre high manual double mesh gates which will open inwards towards the site with secure card reading 1.1 metre high barriers behind are proposed.

It is also proposed to provide a footpath link through the site between Corporation Street and Firth Street, which would be separated from the parking area by a post a rail fence.

11 floodlights are proposed around the site mounted at 6 metres in height.

History of negotiations/amendments received

Further clarification was requested from the applicant's agent regarding details of an existing wall to the rear of the site and the applicant's agent confirmed that this wall was to remain addressing concerns held by the Council's Ecologist.

In addition, following an objection received from the Council's Lead Local Flood Authority in relation to concerns of surface water disposal, the agent provided a revised Drainage Statement addressing these concerns. The applicant's agent was also requested by Officers to provide more information in relation regarding the sequential test for flooding, and the agent provided such information to address the concerns of Officers.

The applicant's agent was requested to provide more information regarding compliance with the University of Huddersfield's Travel Plan, and this was provided and Officers are satisfied with this matter.

Further to this, the applicant's agent was advised to retain a footpath link between Corporation Street and Firth Street, and as a result, the site plan was expanded slightly and the layout revised to accommodate this link. This resulted in a reduction in the number of parking spaces proposed to 53.

The applicant's agent has agreed to the conditions attached.

Relevant Planning History

Application site

2000/90661 – Certificate of lawfulness for an existing use for motor vehicle dismantling, scrap metal processing, car sales and repairs – Certificate of Lawfulness Granted.

2001/93150 – Siting of portable building for use as café/take-away – Refused.

Representations

Final publicity date Expires:

Neighbour letters expired on 1st December 2020. Press notice expired on 27th November 2020. Site notice expired on 23rd November 2020.

2 representations have been received objecting to the application. The concerns raised are summarised below (and full comments are available to view of the Council's Planning Webpage):

- The area to the front of the Firth Street Depot is inadequate for the number of deliveries throughout the day – this will severely restrict the safe access and egress of users of the proposed car park;
- The 2 metre high mesh fence would be unsightly;
- Would result in loss of path connecting Commercial Street and Firth Street.

Further information has been received from the applicant's agent since the submission of the application, including a revised drainage plan, a revised location plan and site layout plan, and further details regarding the sequential test, but given that these changes have not significantly altered the appearance of the initial proposal and that no buildings are proposed, it was not considered necessary to re-consult. Of note, the expansion to the red line of the location plan is minimal and includes land under the ownership of the applicant, therefore it is not considered to prejudice any third parties.

Consultation Responses

Canal & River Trust: No objections.

The Coal Authority: No objections.

The Environment Agency: No comments – use standing advice.

The West Yorkshire Police Designing out Crime Officer: No objections in principle.

Yorkshire Water: No comments received.

K.C. Ecology: No objections subject to conditions.

K.C. Environmental Health: No comments received.

K.C Highways Development Management: No objections.

K.C. Local Lead Flood Authority: No objections subject to compliance condition.

The above is a summary of consultee responses. For full consultee comments please see the Council's planning webpage.

Policy

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).

The site is without notation in the Kirklees Local Plan Proposals Map. However, the site is within close proximity to Grade II listed buildings and is within Flood Zone 2.

Kirklees Local Plan (LP):

- **LP 1** – Achieving Sustainable Development
- **LP 2** – Place Shaping
- **LP 3** – Location of New Development
- **LP 7** – Efficient and Effective Use of Land and Buildings
- **LP 8** – Safeguarding Employment Land and Premises
- **LP 20** – Sustainable Travel
- **LP 21** – Highways and Access
- **LP 22** – Parking
- **LP 23** – Core Walking and Cycling Network
- **LP 24** – Design
- **LP 27** – Flood Risk
- **LP 28** – Drainage
- **LP 30** – Biodiversity and Geodiversity
- **LP 33** – Trees
- **LP 35** – Historic Environment
- **LP 51** – Protection and Improvement of Local Air Quality
- **LP 52** – Protection and Improvement of Environmental Quality
- **LP 53** – Contaminated and Unstable Land

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 19th February 2019, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- **Chapter 2** – Achieving Sustainable Development
- **Chapter 4** – Decision-Making
- **Chapter 9** – Promoting Sustainable Transport
- **Chapter 12** – Achieving Well-Designed Places
- **Chapter 14** – Meeting the Challenge of Climate Change, Coastal Change and Flooding
- **Chapter 15** – Conserving and Enhancing the Natural Environment
- **Chapter 16** – Conserving and Enhancing the Natural Environment

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 1) Impact on visual amenity (including any heritage considerations)
- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Flooding risk and drainage
- 5) Other matters
- 6) Representations
- 7) Conclusion

1 – Principle of development:

Paragraph 7 of the National Planning Policy Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 goes on to note that achieving sustainable development has three overarching objectives (social, environment and economic), and these are interdependent and need to be pursued on mutually supportive ways.

In line with the National Planning Policy Framework, policy LP1 of the Kirklees Local Plan declares that:

“...the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.”

The site is without notation within the Kirklees Local Plan Proposals Map. That said the site is within close proximity to Grade II listed buildings and is within Flood Zone 2, and these matters will be discussed further below in the assessment of the proposal.

Whilst the lawful use of the site is currently an employment use, as the site is not allocated or designated, the loss of such a use is not resisted within the Local Plan.

Given the above, the principle of the proposal could be acceptable, but this is also subject to other considerations which will be discussed below.

2 – Impact on visual amenity (including any heritage considerations):

The NPPF offers guidance relating to design in chapter 12 (achieving well designed places) whereby 124 provides a principal consideration concerning design which states:

“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.”

Kirklees Local Plan policies LP1, LP2 and significantly LP24 all also seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, thus retaining a sense of local identity.

LP24 states that proposals should promote good design by ensuring:

“a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape...”

The Melting Point and the Spark Jones Building across Firth Street from the site are Grade II listed. The Hassett Building to the north of the site is also Grade II listed. Given this, an assessment into the impact upon the significance of these listed buildings and their setting is required.

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

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

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

The application is for the formation of a car park on land in an urban location which is already mainly covered by hardstanding, and the lawful use of half of the site is for the storage of scrap metal and cars which is not of high environmental quality and can appear visually unappealing. Given the above, it is considered that the use of this site as a car park in itself would have a negligible impact upon the visual amenities of the locality and would not diminish the quality of the setting of the nearby listed buildings.

Regarding the proposed 2 metre weldmesh fencing along the large part of the boundary of the site, including along the shared boundary with Firth Street, it is considered that this would be a utilitarian feature that would be unfortunate. However, when considering that this would replace stark, blank and unattractive walling at the site and given the urban environment the site is located within, it is considered that this would not harm the setting of the nearby listed buildings and it would be difficult to resist this proposed fencing on visual amenity grounds. The remainder of the fencing is considered to be acceptable and it is considered that this would not appear as a stark feature from the public domain.

In relation to the proposed barriers and card readers, these would be set back from the highway and are considered to be modest features that would have a negligible impact upon the visual amenities of the area and would not harm the significance or setting of the nearby Grade II listed buildings.

11 Lights are proposed around the site mounted at 6 metres in height. That said, as will be discussed further on in the report in the 'other matters' sub-section, further details of the lighting will be conditioned for ecological reasons and this may result in an alteration to the details in the submitted lighting scheme. That said, from a principle point of view, it is considered that lighting structures themselves, within this urban locality, would have a limited impact upon the visual amenities of the locality. However, the lighting would increase the prominence of these features from public domain. That said, the locality is urban in character and there is street lighting along Firth Street and Commercial Street. Further to this, it has been demonstrated in the lighting plan that the light spill from the site could be limited. The principle of lighting is therefore considered acceptable in principle from a visual amenity perspective and would not cause harm to the significance of the nearby Grade II listed buildings and their setting.

Given the above, it is considered that the proposal would not cause detrimental harm to the visual amenities of the locality, nor would it cause harm to the nearby Grade II listed buildings and their setting. The proposal is considered to comply with Local Plan Policies LP24 and LP35 and Chapters 12 and 16 of the National Planning Policy Framework.

3 – Impact on residential amenity:

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

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

Further to this, Paragraph 127 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

Whilst some structures are proposed as part of this application, including fencing, lamp posts and barriers, it is considered that these would be

sufficiently sited to prevent undue harm to any neighbouring residential properties in terms of loss of light, loss of outlook or the creation of an overbearing effect.

In terms of noise, there are residential properties within close proximity to the site, including the Melting Point to the north west of the site. However, the site is within a highly urban area and there are a number of commercial uses within the locality including industrial uses. Further to this, the lawful use of the north east side of the application site is for scrap vehicle and metal processing and there do not appear to be any restrictions on the hours of operation of such an industrial use. Given this, it is considered that occupiers of residential properties in the locality will already experience some noise, and it is considered that a private car park of this scale on the site for unlimited hours (albeit it is unlikely that it will be heavily used during unsociable hours given that it is linked to the University) would be unlikely to result in a material increase in the level of noise experienced by surrounding residential properties.

As noted above, lighting is proposed around the site (however revised details of lighting will be requested as a condition for ecological reasons) and there is potential for lighting to cause some nuisance to nearby residential occupiers. However, the site is within an urban locality with street lighting already along Firth Street and Commercial Street, and the lighting plan submitted alongside the application demonstrates that the light spill from the site could be limited and mainly contained within the site. It is therefore considered that lighting could be installed on the site without causing materially greater levels of light disturbance to neighbouring residential properties.

Given the above, it is considered that the proposal complies with Local Plan Policy LP24 and Chapters 12 and 15 of the National Planning Policy Framework.

4 – Impact on highway safety:

The Kirklees Local Plan encourages sustainable travel and wishes to see a reduction in the dependence of the private car.

The University of Huddersfield has an ongoing Travel Plan, which covers the period 2017 - 2023. The Travel Plan sets out a range of strategies, objectives and targets aimed to promoting sustainable modes of transport. The Travel Plan includes the University's Car Parking Strategy and this sets out at 2017 the number of parking spaces was 690 and that a future action includes continuing to regulate parking spaces to a level not exceeding a number of 690 spaces. Another future action includes installing further electric vehicle charging points on campus.

Since the publication of the Travel Plan, the applicant's agent has noted that 25 car parking spaces were lost at Commercial Street as a result of the

Barbara Hepworth Building (see application 2017/92235), and 68 spaces were lost at the Polyseam site at St. Andrews Road as a result of development there, thereby resulting in a total loss of 93 spaces. Officers do not dispute these figures.

Given this, Officers consider that with this car park of 53 spaces to serve the University, the total number of spaces at the campus would increase from 597 to 650, below the 690 space maximum outlined within the ongoing Travel Plan. Kirklees Council Highways Development Management has therefore raised no objections to the number of parking spaces proposed.

Kirklees Highways Development Management are satisfied with the access, noting that the access incorporates visibility splays of 2.4m x 43m in both directions, corresponding with the 30mph speed limit along Firth Street. Kirklees Highways Development Management has also noted that there are also several pedestrian crossings provided on Firth Street with traffic calming measures which will reduce the speed of vehicles along this road.

A concern has been raised by third parties commenting that deliveries to the Firth Street Depot next door to the site will negatively impact upon safety of the access and egress from the car park. That said, there are restrictions on parking on Firth Street to the front of the depot therefore such obstructions should not be taking place.

A third party has raised concerns relating to the loss of un-adopted path connecting Commercial Street and Firth Street. Officers are aware that this path is well used by the public, including students accessing the University from student accommodation further to the south of the site.

It is pertinent to note a riverside walk between Kingsmill Bridge to the south west of the site and Firth Street was secured in connection with an approved application to the south west of the site at the former Robert Castings Site for the erection of student accommodation (2011/92620). This path was installed and includes the south west element of the application site and exists today. Further to this, this riverside walk provides an important link between the existing core walking/cycling route along Firth Street and Kings Mill Lane and Policy LP23 of the Kirklees Local Plan strongly encourages such routes are safeguarded.

Given this, Officers considered it important to retain some form of public right of way through the site connecting Corporation Street and Firth Street. The initial plans submitted alongside this application did not provide such a link, but amended plans have since been provided, which display a slightly re-altered footpath link compared to existing between these highways. Officers are content with the proposed route and width of the path. Post and rail fencing is proposed between the parking area and path for pedestrian safety and to prevent encroachment of vehicles onto this path, whilst not enclosing the path between high fencing and a building.

Given the above, the impact upon highway safety is considered to be acceptable and the proposal is therefore considered to comply with Policies LP21, LP22 and LP23 of the Kirklees Local Plan and Chapter 9 of the National Planning Policy Framework.

5 – Flooding risk and drainage:

The entirety of the site is located within a Zone 2 Flood Plain, which is land assessed as having between a 1 in 100 and 1 in 1,000 annual probability of river flooding (area at medium risk of flooding).

Paragraphs 155-158 of the NPPF and Policy LP27 of the Kirklees Local Plan state inappropriate development in areas of flood risk should be avoided by directing development away from areas at highest risk through application of a sequential test.

Given that the site is within Flood Zone 2, the proposal for a car park is required to apply a sequential test to establish whether there are other reasonably available sites for the proposed development in areas with a lower probability of flooding.

As noted in the PPG, the sequential test ensures that a sequential approach is followed to steer new development to areas with the lowest probability of flooding. Development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding (i.e. Flood Zone 1).

The PPG also states that: *“The developer should justify with evidence to the local planning authority what area of search has been used when making the application. Ultimately the local planning authority needs to be satisfied in all cases that the proposed development would be safe and not lead to increased flood risk elsewhere.”* However, the PPG states that a ‘pragmatic’ approach on the availability of alternatives should be taken.

A Flood Risk Assessment has been submitted alongside the application and this includes a sequential test section. This states that the site is located on land owned by the University of Huddersfield and adjacent to the University buildings it will serve. It is then concluded that no suitable alternative sites at a lower risk of flooding will be available to the University in the local area.

The applicant’s agent was requested by Officers to provide further information of whether other sites in areas of lower flooding risk had been considered. The applicant’s agent replied stating that there are no sites available for parking provision within the Queensgate Campus and that the University neither owns nor is in the process of acquiring any other sites adjacent to the main University Campus that would provide the parking provision envisaged for Firth Street.

Officers consider that it is reasonable to expect the parking area to be within close proximity to the Queensgate University Campus given that it is to serve

this part of the University. It is also accepted that there are no sites available for additional parking provision within the Campus. Whilst the University neither owns any sites adjacent or close to the main University Campus, an assessment of available sites within close proximity of the University should have ideally have been taken. That said, Officers conducted their own investigation to see if there were any available sites within 250 metres within Flood Zone 1, but it was considered that there were none suitable for a 53 space car park given issues with size, access (most being within the Town Centre) or that they would require the demolition of a building within a Conservation Area. Having taken a pragmatic approach officers are considered that there are no reasonably available alternative sites with a lower flood risk for the proposed development.

Table 2 of the PPG displays five different flood risk vulnerability classifications, but car parks are not specifically listed with any of these classifications. That said, it is considered that a car park would most likely fall within the 'less vulnerable' classification as a worst case scenario, which also includes buildings for commercial purposes. It is therefore considered that the exception test would not be required for this less vulnerable development in Flood Zone 2 when referring to Table 3 of the PPG (Flood Risk Vulnerability and Flood Zone 'Compatibility').

In terms of flooding risk, the Environment Agency has been consulted on this application. However the Environment Agency has noted that as the proposed development is a 'lower risk' proposal within Flood Zone 2, their Flood Risk Standing Advice should be followed.

The Flood Risk Standing Advice notes for vulnerable development (including less vulnerable developments) the advice for: surface water management; access and evacuation; and floor levels should be followed.

On the matter of access and evacuation, as well as floor levels, the development would not include any internal areas (it would be an open car park) and it is considered that users of the car park could easily leave the site should a flooding event occur.

In terms of surface water management, a Flood Risk Assessment and Drainage Strategy have been submitted alongside the application. It is outlined within these documents that from impermeable areas, discharge of surface water to the River Colne to the rear of the site is proposed.

For the south west side of the site, surface water will be directed to an existing gully as is currently the case, and some parts of the existing surfacing around the new vehicle access points are to have landscaping or other permeable surfacing created therefore the area contributing the gully will be reduced slightly. The Drainage Strategy notes that the new impermeable south west area will be 755 m², and this is currently 840 m².

For the north east side of the site, the Drainage Strategy outlines that work will be undertaken to prevent run-off discharging directly to the River Colne

and that this will be achieved by the provision of new upstand kerbing and/or masonry wall along the eastern boundary of the site. A new system of gullies and a drainage channel is proposed to be installed to provide drainage for this area of the site.

The run off from both parts of the site is then proposed to be combined to discharge into a new drainage system. It is proposed that the rate of discharge is reduced by 30% of the existing rate which currently discharges overland into the River Colne and it is noted that this restriction will be achieved by the provision of a vortex flow control device.

The Drainage Strategy sets out that the prevent overland flooding into the River Colne, on-site storage is to be provided, sized to retain attenuated run-off for all rain fall events.

The Local Lead Flood Authority (LLFA) has raised no objections to the proposal subject to compliance with the measures outlined within the drainage strategy.

Subject to a condition, it is therefore considered that the proposed development would not increase the flooding risk on the site or elsewhere.

6 – Other matters:

Ecology & Trees

Whilst there are no trees on the site and the site mainly comprises hard-surfacing within an urban environment, the River Colne and trees are located to the rear of the site

The Council's Ecologist has stated there is a limited risk of significant ecological harm from the car park in itself.

The proposed lighting plan indicates that some light spillage of between 3-10lux is expected on the River Colne. The Ecologist has stated that negative impacts on foraging and commuting bats have been recorded from levels of 3lux, therefore it is considered that the current lighting arrangement may cause negative impacts to nocturnal species and reduce the connectivity of this Wildlife Habitat Network. Given this, the Ecologist has requested a condition requiring a wildlife friendly lighting plan. This can be conditioned should permission be approved.

In relation to the impact upon the trees beyond the rear boundary of the site, these are on lower land to the site and the rear of the site already consists solely of hardstanding, and it is considered that the additional works required as part of this development would unlikely cause significant harm to these trees (which are not protected).

Climate Change

On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the

Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target. However, it includes a series of policies, which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

Given the above, and in accordance with the West Yorkshire Low Emissions Strategy, it is considered that 10% of the parking spaces proposed (this being 5 spaces) should provide electric vehicle charging points. This matter can be conditioned.

Potentially Contaminated Land

The site is on potentially contaminated land. However, given the nature of the proposed use and that limited ground works are proposed it is considered that the proposed development is unlikely to result in any public health issues in relation to ground contamination. However, a condition will be attached relating to unexpected contamination.

Canal and River Trust Consultation Area

The Canal and River Trust have been consulted given that they are a statutory consultee for such an application, but they have raised no objections to the proposal.

Coal Mining Risk

The site is within a development high risk coal mining area. A Coal Mining Risk Assessment Report has been submitted alongside the application, the bulk of which has been informed by the results of an intrusive site investigation on site. The report concludes that none of the boreholes encountered any evidence of shallow coalmine workings, just an intact thin coal seam, and that the site is considered to be stable with regard to coal extraction.

The Coal Authority has raised no objections to the proposal, noting that the information prepared is sufficient for the purposes of the planning system in demonstrating that the application site is safe and stable for the proposed development.

Designing out Crime

The West Yorkshire Police Designing out Crime Officer has raised no objections to the proposal and provided advice how to keep the site secure. This advice has been passed on to the applicant.

6 – Representations:

2 representations have been received objecting to the application. The concerns raised in these representations have been addressed within the assessment above.

7 – Conclusion:

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

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the proposal would constitute sustainable development and is therefore recommended for approval.

Recommendation

Approve

Decision Authorisation - Delegated Powers

Application Number: 2020/91474

Officer Recommendation: Approve

Conditions and Reasons

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord Policies LP7, LP8, LP20, LP21, LP22, LP23, LP24, LP27, LP28, LP35, LP51, LP52 and LP53 of the Kirklees Local Plan and Chapters 9, 12, 14, 15 and 16 of the National Planning Policy Framework.

3. Prior to the first use of the car park hereby approved, a drainage scheme shall be carried out in strict accordance with the 'Proposed Surface Water Drainage Strategy' Revision B (ref – 45101/SJE/MW), produced by Eastwood & Partners dated January 2021.

Reason: To ensure that the provision of adequate and sustainable systems of drainage are employed, in the interests of amenity, environmental well-being and to accord with Policies LP27 and LP28 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

4. Prior to the installation of any lighting on the site, and notwithstanding the details of the lighting on Drawing No. D39734/AE/A, a lighting design strategy for the car park shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall:

- identify those areas/features on site that are particularly sensitive for nocturnal species, including bats and otters, and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging;
- show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. No other external lighting shall be installed without prior consent from the Local Planning Authority.

Reason: To ensure that artificial lighting does not have a detrimental effect on the function of the River Colne as a wildlife corridor of particular value for protected species, in the interests of the visual and residential amenity,

to preserve the significance of the nearby listed buildings and to accord with Policies LP24, LP30, LP35 of the Kirklees Local Plan and Chapters 12, 15 and 16 of the National Planning Policy Framework.

5. Prior to the first use of the car park hereby approved, construction details of the public footpath through the application site linking Commercial Street and Firth Street displayed as 'footway' on Drawing No.11004/FS/GA01 Revision D shall be submitted to and approved by the Local Planning Authority. Thereafter, and prior to the first use of the car park hereby approved the public footpath shall be constructed in accordance with the approved details, and shall be retained and remain clear and accessible for use as a footpath at all time.

Reason: In the interests of promoting sustainable modes of transport and safeguarding an important link between the existing core walking/cycling route along Firth Street and Kings Mill Lane, in accordance with Policies LP20 and LP23 of the Kirklees Local Plan and Chapters 9 and 14 of the National Planning Policy Guidance.

6. Prior to any development commencing that results in an obstruction/closure of the existing footpath link between Commercial Street and Firth Street, a Method Statement setting out how a public right of way through the site between Commercial Street and Firth Street is to be maintained during the period of construction until such time as the public footpath required by condition 5 is provided and open to use by the public shall be submitted to and approved by the Local Planning Authority. Thereafter, the construction of the car park shall be in accordance with the approved Method Statement until the footway displayed on Drawing No.11004/FS/GA01 Revision D is provided and open to use by the public.

Reason: In the interests of promoting sustainable modes of transport and safeguarding an important link between the existing core walking/cycling route along Firth Street and Kings Mill Lane, in accordance with Policies LP20 and LP23 of the Kirklees Local Plan and Chapters 9 and 14 of the National Planning Policy Guidance.

7. Prior to the first use of the car park hereby approved, 5 electric vehicle recharging points shall be installed within the site. Cable and circuitry ratings shall be of adequate size to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32Amps. The electric vehicle charging points so installed shall thereafter be retained.

Reason: In the interest of supporting low emission vehicles and to accord Policies LP24 and LP51 of the Kirklees Local Plan and Chapters 9 and 15 of the National Planning Policy Framework.

8. Prior to the first use of the car park hereby approved, the car parking spaces shall be laid out in accordance with Drawing No. 11004/FS/GA01 Revision D and the number of parking spaces at the site shall not exceed 53 without prior consent from the Local Planning Authority.

Reason: In the interests of highway safety, to ensure compliance with the University of Huddersfield Travel Plan 2017-2023, and to comply with Policies

LP20, LP21 and LP22 of the Kirklees Local Plan and Government guidance contained within Chapter 9 of the National Planning Policy Framework.

9. In the event that contamination not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Groundworks in the affected area shall not recommence until either (a) a Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority or (b) the Local Planning Authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy.

Following completion of any measures identified in the approved Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as that part of the site has been remediated in accordance with the approved Remediation Strategy and a Validation Report in respect of those works has been approved in writing by the Local Planning Authority.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 178 and 179 of the National Planning Policy Framework.

NOTE: Birds and their nests are fully protected under the Wildlife and Countryside Act 1981 (as amended), which makes it an offence to intentionally take, damage or destroy the eggs, young or nest of a bird whilst it is being built or in use. Disturbance to nesting birds can be avoided by carrying out vegetation removal or building work outside the breeding season, which is March to August inclusive.

NOTE: An Environmental Permit for a Flood Risk Activity will be required from the Environment Agency for any structures, such as walls, fences, bollards and outfall structures, which are within 8 metres of the bank of the River Colne. For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact the Environment Agency's National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing enquiries@environment-agency.gov.uk.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan	-	-	11 th February 2021
Proposed Site Layout Plan	11004/FS/GA01	D	16 th February 2021
Block Plan	MW2020024 B 001	H	17 th February 2021
Proposed Surface	45101/SJE/MW	B	15 th January

Plan Type	Reference	Version	Date Received
Water Drainage Strategy by Eastwood and Partners dated January 2021			2021
E-mail from Applicant's Agent on 11 th January 2021 providing Further Sequential Test Flooding Information	-	-	11 th January 2021
E-mail from Applicant's Agent on 15 th January 2021 regarding calculation of Travel Plan figures	-	-	15 th January 2021
Flood Risk Assessment by Eastwood and Partners dated 5 th October 2020	44101-003		21 st October 2020
Preliminary Ecological Appraisal Report by Brooks Ecological dated 6 th August 2020	ER4574 01	-	11 th August 2020
Lighting Plan	D39734/AE/A	-	22 nd May 2020
Coal Ming Risk Assessment by Eastwood and Partners dated 19 th May 2020	SJE/KE/CLC/45101-001	-	28 th May 2020
Travel Plan Update by Optima dated May 2020	-	-	27 th May 2020
Email from Applicant's agent Regarding height of post and rail fencing on 15 th January 2021	-	-	15 th January 2021

Statement of Engagement

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development

Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application.

Officers requested further details and information on a number of matters during the processing of this application and the applicant's agent provided such detail and information to address Officer concerns. The applicant's agent has agreed to the conditions attached.

Report Dated: 24.02.2021