

**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: 2021/62/90885/W

Site Address: University Triangle, Queensgate Campus,
Huddersfield, HD13DH

Description: Erection of new university faith centre (D1 use)
together with new associated hard and soft landscape
works

Recommending Officer: Stuart Howden

DECISION – Full Conditional 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.**

Neil Bearcroft

AUTHORISED OFFICER

Date: 31-Aug-2021

Officer Report

Site Description

University Triangle, Queensgate Campus, Huddersfield, HD1 3DH

The site comprises a triangular landscaped piece of land, approximately 1450m², with a railway track over part of it which is used by the Institute of Railway Research based in the Technology Building (this two storey building is to the north of the site). The site is relatively flat and within the Queensgate Campus of the University of the Huddersfield. The campus consists of numerous buildings. The styles and appearances of the buildings within the Queensgate campus vary greatly.

The site previously had an electronic music studio on it along with Broad Oak Nursery. It has also hosted building compounds in recent years for construction projects in the surrounding areas. The site is not designated as green space in the Kirklees Local Plan.

The Huddersfield Narrow Canal is to the south east of the site, with trees occupying the steep bank between the site and the canal. There is a tow path alongside the canal. Directly across the canal are the Haslett and the Spärck Jones Building (both Grade II listed). The 3 storey Edith Key Building is to the west of the site.

Vehicular access to the site is from University Road, which runs between Queensgate and Firth Street. Pedestrian access to the site is provided both via shared surface areas leading down from the North, and by foot bridges across the canal to the South and East.

The site is not within a conservation area, but the Huddersfield Town Centre Conservation Area is circa 100 metres to the north west of the site. The Haslett and the Spärck Jones Building across the canal from the site are both Grade II listed, as is Lock Number 1 directly to south east of the site. To the north west of the site is the Grade II Huddersfield Territorial Army Centre building, and there are further Grade II listed buildings beyond this. The site forms part of the Kirklees Wildlife Habitat Network.

Proposal

Planning permission is sought for the erection of a new university faith centre together with new associated hard and soft landscape works.

The two storey faith centre is proposed to have a floor area of approximately 922m². The building would run roughly parallel to the Huddersfield Narrow Canal, with the rear elevation facing this waterway, and the front elevation facing towards the north-west. This building is proposed to be constructed from PPC aluminium rainscreen cladding and ashlar stone, with 6 vertical fins

to the front constructed from timber. The rainscreen cladding is proposed to be installed with a degree of relief.

The flat roof is arranged on two levels. There is a lower area of roof above the Congregation Hall, with four roof mounted penthouse louvres. The higher roof level, would have a collapsible balustrade system hidden behind the continuous parapet to the external walls. Rooflights are proposed on the roof as are photovoltaic panels

The building would provide a range of faith or spiritual based activities, in order to promote inclusivity for all religions, whilst still catering to the specific practices required by the users. A congregation spaces is proposed at the heart of the building, whilst the ground floor would also provide a Muslim prayer room, plant rooms, toilets, a chaplain's office, storage and social space. On the first floor would be a Christian and multi-faith room, Muslim prayer room, store, toilets, plant room and learning support rooms. The documentation supporting the application outlines that the layout of the building follows consultation with end user groups and the University's faith leaders.

It is noted in the supporting documentation that it is proposed to restrict vehicular movement onto University Road, creating more space for a shared street. A new vehicular barrier and retractable bollards are proposed to the north of University Road to restrict access into the site, and it is noted in the Design and Access Statement that a member of staff will accompany any vehicles entering the spaces so as to protect pedestrians. With the vehicular movement restricted, new soft and hard landscaping is proposed on and around University Street, including street trees and ornamental planting, as well as paving slabs along University Street. In addition, new soft and hard landscaping is proposed around the building, including seating areas.

A plant area is proposed to the north east side of the Faith Centre building constructed from timber louvre screening at a height of approximately 2.4 metres.

Two trees will be removed to accommodate the proposed building and the relocation of the miniature railway track.

History of negotiations/amendments received

Following the submission of the application, the applicant's agent provided amended plans revising the scheme and these plans were accepted by Officers. In addition to this:

- A cross section was provided by the applicant's agent to demonstrate that the proposal should not, in principle, result in threat to the stability to the canal cutting following comments raised by the Canal & Rivers Trust, and this addressed the concerns of this statutory consultee.
- A Phase II Site Investigation and Topographical Utility Survey were received from the applicant's agent and were assessed by Officers.

- A document was provided from the applicant's architect outlining the details of the materials proposed for the Faith Centre building.
- Security measures were submitted by the applicant's agent following comments raised by the Kirklees Crime Prevention Officer, and the Officer raised no objection to these in principle.
- Officers requested the submission of a Heritage Statement given the site's context and requirements of the NPPF, and this was later received from the applicant's agent.
- Officers requested details of bin storage and collection, and an e-mail was received from the applicant's agent providing clarity on this matter.

Relevant Planning History

Application site

2008/91458 – External alterations and refurbishment of existing music building – Approved on 17th September 2010. Included a plan to landscape this area, but no conditions provided relating to this.

Representations

Final publicity date Expires:

Press notice expired on 21st May 2021. Site notice expired on 14th May 2021.

- No representations have been received.

As outlined above, a set of revised plans were received following the submission of the application, but consultation was conducted after these plans were received. In addition, further documentation has been received throughout the processing of this application, but this has not led to changes to the design and footprint of the overall building therefore it was not considered to re-consult (i.e. it is considered that no third party would be prejudiced).

Consultation Responses

Canal & Rivers Trust: No objections subject to conditions.

Historic England: No objections raised.

Yorkshire Water: No objection subject to condition.

K.C Conservation and Design: No objections in principle following the receipt of a Heritage Statement.

K.C. Crime Prevention: No objections in principle.

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

K.C. Environmental Health: No objections subject conditions.

KC Lead Local Flood Authority: No objections subject to conditions

K.C. Highways Development Management: No objections subject to a condition in relation to cycle storage facilities.

K.C. Trees: No objections.

Huddersfield Civic Society: No comments received.

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 unallocated within the Kirklees Local Plan Proposals Map.

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 9** – Supporting Skilled and Flexible Communities and Workforce
- **LP 20** – Sustainable Travel
- **LP 21** – Highways and Access
- **LP 22** – Parking
- **LP 24** – Design
- **LP 27** – Flood Risk
- **LP 28** – Drainage
- **LP 30** – Biodiversity and Geodiversity
- **LP 31** – Strategic Green Infrastructure Network
- **LP 33** – Trees
- **LP 35** – Historic Environment
- **LP 43** – Waste Management Hierarchy
- **LP 47** – Healthy, Active and Safe Lifestyles
- **LP 48** – Community Facilities and Services
- **LP 49** – Education and Health Care Needs
- **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 20th July 2021, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

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

- **Chapter 2** – Achieving Sustainable Development
- **Chapter 4** – Decision-Making
- **Chapter 5** – Promoting Health and Safe Communities
- **Chapter 9** – Promoting Sustainable Transport
- **Chapter 11** – Making Effective Use of Land
- **Chapter 12** – Achieving Well-Designed Places
- **Chapter 14** – Meeting the Challenge of Climate Change, Coastal Change and Flooding
- **Chapter 15** – Conserving and Enhancing the Natural Environment
- **Chapter 16** – Conserving and Enhancing the Historic Environment

Other Considerations

- Kirklees Highways Design Guide (2019)
- Biodiversity Net Gain in Kirklees Technical Advice Note (2021)
- National Design Guide (revised January 2021)
- Conservation Principles, Policies and Guidance (Historic England (2008))
- Kirklees Climate Change Guidance for Planning Applications (2021)
- Kirklees Climate Change Statement for Planning Applications Template (2021)

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 1) Impact on visual amenity (including Historic Environment)
- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Other matters
- 5) Representations
- 6) 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.”

Policy LP2 of the Kirklees Local Plan states: *“All development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan, in order to protect and enhance the qualities which contribute to the character of these places, as set out in the four sub-area statement boxes set out in the Local Plan”*

The site is within the Huddersfield sub-area. The listed qualities will be considered where relevant later in this assessment. Of note, the place shaping statement within the Kirklees Local Plan outlines that The University of Huddersfield is a strength of the area as it can potentially attract investment.

As alluded to above, the site is unallocated within the Local Plan and forms a landscaped part of the Queensgate Campus of the University Huddersfield. Viewing the planning history of the site, this landscaped site is not subject to any legal agreement.

The proposal is for a purpose built multi-faith centre in association with the University of Huddersfield, and such facility is currently located elsewhere at the Queensgate Campus (in temporary buildings).

Policy LP9 states that: *“To contribute to skills development, the council will support development which relates to the operational needs of and/or expansion of all of the District’s higher, further and specialist education establishments including the University of Huddersfield and Kirklees College.”*

LP49 states that: *“Proposals for new or enhanced education facilities will be permitted where:*

- a) they will meet an identified deficiency in provision;*
- a) the scale, range, quality and accessibility of education facilities are improved;*
- b) they are well related to the catchment they are intended to serve to minimise the need to travel or they can be made accessible by walking, cycling and public transport.”*

Whilst the proposal is not purely for an educational facility, the existing faith centre at the University would be replaced by an improved purpose built centre and the proposal would assist with the operational needs of the University of Huddersfield therefore this weighs in favour of the application.

Places of worship are considered to constitute a community facility. Paragraph 92 of the NPPF states that planning decisions should aim to achieve healthy, inclusive and safe places which promote social interaction, are safe and accessible and enable and support healthy lifestyles. Paragraph 93 of the NPPF states that to provide the social, recreational and cultural facilities the community need, planning decisions should plan positively for the provision and use of shared spaces, community facilities (including places of worship) and other local services to enhance the sustainability of communities and residential environments.

Policy LP48 of the Kirklees Local Plan states that *“Community facilities should be provided in accessible locations where they can minimise the need to travel or they can be made accessible by walking, cycling and public transport. This will normally be in town, district or local centres.”*

Whilst not technically a community facility, as this would be associated with the University of Huddersfield as already outlined above, the Queensgate Campus is within an highly accessible location just at the edge of Huddersfield Centre.

Given the above, the principle of the development could be acceptable, but this is subject to other considerations which Officers will now go on to discuss.

2 – Impact on visual amenity (including historic environment):

2.1 – Design

The NPPF offers guidance relating to design in Chapter 12 (achieving well designed places) whereby 126 provides a principal consideration concerning design which states:

“The creation of high quality, beautiful and sustainable 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 National Design Guide outlines 10 characteristics of well-designed places and includes context, identity and built form.

The site sits within the Queensgate Campus at the University of Huddersfield, with other University buildings surrounding the site. These buildings vary in form, layout, scale and appearance.

The proposed building would be sited so as to have its rear wall parallel with the canal, therefore the front elevation would sit roughly at 45 degrees to University Road. Whilst set at a slight angle, there is not a strong building line around the Queensgate campus and when approaching the site from University Road to the north west, the front elevation would directly face users of University Way thereby addressing this highway and providing a legible entrance for proposed users. In addition, given the space for landscaping around the building and given the varying footprints of other buildings within the wider area, it is considered that the layout of the building itself would not appear cramped on the site or within the locality. The siting and layout are therefore considered acceptable from a visual amenity perspective.

In terms of scale, the other buildings close to the site range in scale, ranging from two and three storeys in height (buildings to the north and west) to six storeys in height (the converted mill buildings to the south). That said, the six storey building does sit on the other side of the canal at a lower land level. Nonetheless, it is considered that a two storey building of such a height would be sympathetic to the height of existing development around the site. Whilst the footprint of the building is broadly rectangular, the building would not be a simple cuboid form as there would be a flat roof arranged over two levels, but it is considered that the form of the building would not appear overly complicated within the locality, especially given that the forms of buildings surrounding the site vary from one another.

In relation to appearance, as already alluded the nearby buildings vary in terms of their appearance, the construction materials used and the detailing. The Haslett Building and Spårck Jones Building, located on the other side of the canal immediately opposite the site, are former Industrial Mills buildings, constructed of the local hammer dressed York Sandstone. On the same side of the river, are The Edith Key and Barbara Hepworth Buildings (on the Western side of University Road) which are constructed from a mixture of brickwork, render, cladding, and large format curtain walling. The Technology Building which is directly to the north appears more functional, but uses a variety of materials, including timber cladding, stone, render, metal cladding and brick. Thus, there is a wide variety of external construction materials, within and around the Queensgate Campus.

This building is proposed to be constructed from PPC aluminium rainscreen cladding and ashlar stone, with 6 vertical timber columns to the front. The front elevation of the building would be heavily glazed. The use of natural stone is welcomed and it is considered such a material would help to reinforce local distinctiveness and further details can be conditioned to ensure a high quality finish. The use of black rain screen cladding is also considered acceptable, especially given the eclectic mix of materials in the locality and whilst this would be the predominant external construction material, the plans

display that there would be a degree of relief with the cladding which would prevent flat expanses of cladding and would add visual interest. The relief on this material can be conditioned. Regarding the timber for the vertical columns, again such a material is considered acceptable in this locality and the applicant's agent has provided details of the timber to be used noting that this is of high quality and less prone to poor weathering.

The proposed mixture of these materials is also considered acceptable. The building would have strong vertical appearance due to the use of the timber columns, the glazing and cladding, and it is considered that the building would have an institutional type appearance as a result, whilst not appearing to be strongly associated with one particular faith. The front elevation, with its vertical columns and amount of glazing, would also clearly read as the main entrance to this building from University Road. The rear of the building would be visible from the canal towpath, but it is considered that the amount of glazing on the rear elevation would prevent this from appearing as a blank and uninspiring elevation from this right of way.

The landscaping works proposed around the building are considered acceptable in principle and the hard landscaping to the front of the building would help guide proposed users to the entrance of this building. The soft and hard landscaping works proposed on University Road would partly replace what is a tarmacked road with paving slabs and would introduce further planting and on the whole it is considered that this would result in a more pleasant environment than existing with a shared street. On the whole, the landscaping works are considered acceptable from a visual amenity perspective.

Given the above, it is considered that the proposal would not cause detrimental harm to the visual amenities of the locality, in accordance with Policy LP24(a) of the Kirklees Local Plan and Chapter 12 of the NPPF.

2.2 – Historic Environment

The site is not within a conservation area, but the Huddersfield Town Centre Conservation Area is circa 100 metres to the north west of the site. The Haslett and the Spärck Jones Building across the canal from the site are both Grade II listed, as is Lock Number 1 directly to the south east of the site. To the north west of the site is the Grade II Huddersfield Territorial Army Centre building, and there are further Grade II listed buildings beyond this.

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

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

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

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.”*

Following a request by Officers for a heritage statement, one was submitted with the application. This outlines the significance of the nearby listed buildings and the Huddersfield Town Centre Conservation Area, and concludes that the proposal would not cause harm to the significance of these designated heritage assets or their setting. The Council's Conservation Officer is content with the content of the Heritage Statement and has noted that the layout of the proposed development relates to that of surrounding development, which follows the line of the Huddersfield Narrow Canal. The Conservation Officer has also noted that the scale would not adversely impact on views of the Drill Hall or other nearby designated heritage assets. The Conservation Officer has gone on to note that the use of ashlar walling will ground the contemporary design in the locality and replicate the approach taken on other recent developments within the Huddersfield University Campus. Furthermore, the Conservation Officer has stated that the timber clad columns provide some relief to the elevations and echo the buttresses of the Drill Hall. Given the above, the Conservation has not objected to the proposal. Given the siting, design and scale of the proposed development. Officers concur with the Conservation Officer and hold the view that the proposal would not cause harm to the significance of the nearby heritage assets or their setting. The proposal is therefore considered to be in accordance with Policy LP35 of the Kirklees Local Plan and Chapter 16 of the NPPF

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.”

In addition, Paragraph 130 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.

Furthermore, Paragraph 185 of the NPPF states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the

development. The NPPF goes on to state in doing so they should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life.

The proposed two storey development is within the Queensgate Campus surrounded by other University and commercial building, and is considered to be sufficiently sited from any residential properties (the nearest being ~70 metres to the west) so as to prevent undue harm in terms of loss of light, loss of privacy or overlooking, or the creation of an overbearing affect.

In terms of noise, the Council's Environmental Protection Officer has noted that the applicant should ensure that the noise from the fixed plant proposed is effectively controlled so that the combined rating level of the noise from all such equipment does not exceed the background level and has requested a compliance noise condition. Should permission be granted, this can be conditioned to prevent noise nuisance.

Given the above, it is considered that the proposal complies with Local Plan Policies LP24 and LP52 and Chapters 12 and 15 of the National Planning Policy Framework.

4 – Impact on highway safety:

As noted by Kirkless Highways Development Management (HDM), the site is within the Queensgate Campus of Huddersfield University which is located adjacent to the town centre and is within easy walking distance of the bus and train stations, as well as the university halls of residence. The roads around the proposal site are unadopted and privately owned as part of the University campus and access is limited, by barrier, to authorised users only.

As the proposal is for a building which would technically replace a space currently used for a faith centre, Kirklees HDM do not consider that any increase in trip generation would be great enough to have a severe impact on the operation and efficiency of the local highway network (even though the proposal is for a larger building). Officers concur with HDM in respect of this.

No car parking is associated with the proposals, but as noted by Kirklees HDM the site is located well within the campus and as such would be subject to the University parking strategy as covered within the Travel Plan, therefore HDM has noted that car parking is not a concern. Nonetheless, HDM has stated that they would like to see some cycle parking adjacent to the new building. This was originally included within the initial drawings but was removed on amended drawings. Details regarding secure cycle parking can be conditioned should permission be granted.

Details of waste storage and collection have been provided, and it is considered that this would not have any impact on highways.

Given the above, Kirklees HDM has not objected to the application, and Officers consider that the proposal would not cause detrimental harm to the safe and efficient operation of the highway network. The proposal is therefore considered to comply with Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 9 of the National Planning Policy Framework.

5 – Other matters:

Trees

The Kirklees Tree Officer has commented that the trees requires for removal to facilitate this development are low quality of limited long term viability. The Tree Officer goes onto note that the proposals include significant improvements to the tree cover in the area and are unlikely to have long term negative impacts to the trees on the canal bank. The Tree Officer therefore raised no objections to the proposal, and Officers see reason to disagree with the Tree Officer.

Ecology

A small number of trees are proposed to be removed along the Kirklees habitat network to facilitate the development. The Kirklees Ecologist notes that the inclusion of native new woodland planting to buffer the Kirklees Wildlife Habitat Network, woodland management, as well as further planting throughout the scheme is considered to mitigate for this. The Ecologist has noted that a condition for an Ecological Design Strategy will be required to ensure the future management and maintenance of this as well as secure measures for faunal species.

The Council's Ecologist has also noted that they had concerns regarding the future lighting that might be implemented (both externally and internally), and the potential for this to cause increased light levels on the adjacent Kirklees Wildlife Habitat Network. The Ecologist has noted that a condition could be attached to ensure that these details are provided (including vertical/horizontal lux level plans) to avoid negative impacts. Should permission be granted, again this matter could be conditioned.

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.

No car parking spaces are detailed. However, we the Council's Environmental Protection Officer has stated that they would expect parking provision for a

development of this type and size. The Environmental Protection Officer has gone on to state that in an application of this nature, it is expected that facilities for charging electric vehicles and other ultra-low emission vehicles are provided in accordance with the National Planning Policy Framework and Air Quality & Emissions Technical Planning Guidance from the West Yorkshire Low Emissions Strategy Group. The Environmental Protection Officer has therefore stated that a condition requiring charging points is therefore necessary and that they would be open to proposals for the electric vehicle charging points to be elsewhere on the University Campus site.

Whilst the comments from the Environmental Protection Officer are noted, the proposed faith building would replace an existing building which serves this function at the Queensgate Campus and it is considered that the proposal for a replacement faith centre is unlikely to materially increase the number of visitors by car to the University. Nonetheless, it is considered it is necessary to condition a sustainability and energy statement, which outlines how sustainability will be built into the development to ensure sustainable construction and reduce carbon emissions.

Potentially Contaminated Land

A Phase 2 Geotechnical and Geo-environmental Site Investigation by Eastwood and Partners (Consulting Engineers) Ltd dated 5th August 2020 (ref: 45207-003) has been submitted alongside the application. The report is in the format of a Combined Phase I/Phase II report.

The Phase I aspect of report provides an appraisal of the site history and previous surrounding land uses, since the 1800s and an assessment of the environmental setting. The report also details information concerning previous investigations. In Section 3.3.2, it is noted that DTS Raeburn have previously investigated the site, but no full report is provided in the appendix. A basic preliminary conceptual model is provided in Section 4. The Council's Environmental Protection Officer states that from the Phase I aspect of the report, it is evident that there have been potentially contaminative uses on the site (and/or adjoining land) which could impact the development and/or the environment.

From Section 5 onwards, the field investigation from July 2020 is detailed. Eastwood and Partners drilled seven window sample boreholes (numbered WS4 to WS10) and installed gas monitoring wells were installed in two of the seven boreholes (WS9 and WS10). Four samples of made ground and two of natural ground were sent for laboratory analysis. At WS4, concentrations of benzo[b]fluoranthene, benzo[a]pyrene and dibenz(a,h)anthracene were found to exceed the respective assessment values. Coal fragments identified at WS4 were considered a likely cause for the elevated PAH values. The report then detailed that most of the development will be covered by concrete slab or hardstanding and 600mm clean cover layer will be placed in areas of landscaping.

However, the Council's Environmental Protection Officer has identified issues with the document which leads them to conclude that staged contaminated

land conditions are required from a Phase II onwards and this can be conditioned should permission be granted.

Of note, the Environmental Protection Officer has stated that the report reads 'two gas monitoring wells have been installed should a gas monitoring programme be required.' However, no ground gas monitoring data has been provided and it is unclear then why monitoring wells have been installed. The Environmental Protection Officer has stated that justification is required as to why no data has been provided despite the installation of two gas monitoring gas wells. Furthermore, the Environmental Protection Officer has stated that the number of gas monitoring wells installed does not appear to be in line with CIRIA C665 guidance.

In addition, on the Exploratory Hole Layout Plan (Drawing ref: 45207-001_rev A) in Appendix 1 it states, 'Restricted Access – Site Re-Visit Required'. The Environmental Protection Officer has stated that it is unclear in the absence, of a complete Phase II, how the provided information can be accepted therefore further information is needed.

Further to this, WS4 has been identified as a hotspot due to the concentrations of PAHs observed. However, the Environmental Protection Officer has stated that from the results provided in Appendix 4, no TPH CWG has been provided for this sample, therefore it is likely there has been an underestimation of the risk of hydrocarbon contaminants at WS04. Further clarification is necessary.

Construction

The Council's Environmental Health Officer has stated that there may be unacceptable construction nuisance if the site is incorrectly managed, and has therefore requested a Construction Environmental Management Plan so as to safeguard neighbouring uses. This matter could be conditioned should permission be granted.

Crime

Paragraph 97 of the NPPF states that planning decisions should promote public safety into account wider security and defence requirements by anticipating and addressing possible malicious threats and natural hazards, especially in locations where large numbers of people are expected to congregate.

The Council's Crime Prevention Officer initially raised commented and requested further information regarding security measures. Following this, the applicant's agent provided a detailed response in relation to measures to prevent crime. The Council's Crime Prevention Officer raised no objections to the measures outlined.

Land Stability

The application site is situated to the north west of the Huddersfield Narrow Canal, and the site is supported above the canal by retaining structures, including a cutting slope. The Canal & River Trust has noted that there are

risks that loading from the proposed building, associated foundations and/or construction works on site could impact upon the stability of the existing cutting. The Canal & River Trust noted that in order to ensure the integrity of the cutting is protected, it is important that the location and design of any earthworks, foundations and retaining structures do not impose adverse loading onto the structure. For this reason, the Canal & River Trust recommended a condition, this being full details of earthworks, the construction of foundations and any new retaining structures, with cross sections being provided displaying the relationship of such works to the Huddersfield Narrow Canal.

However, following the consultation response from the Canal & River Trust, the applicant's agent provided a topographical plan and cross section, and the Canal & River Trust have viewed this and are satisfied that the construction should not, in principle, result in threat to the stability of the canal cutting.

However, the Canal & River trust have request a Construction and Environmental Management Plan (CEMP) as a condition to detail stockpiles and the location of construction equipment on site, and measures to protect the canal and the stability of the land, to make sure the waterway is protected from adverse loading or any dust/runoff from exposed soils during construction. This can be conditioned should permission be granted and the applicant's agent has not objected to a CEMP as a pre-commencement condition.

Flood Risk and Drainage

The site is within Flood Zone 1, land at the lowest risk of flooding (land having a less than 1 in 1,000 annual probability of river flooding).

A Drainage Report by Eastwood and Partners has been submitted alongside the application

This outlines that the surface water run-off from the new hard surfacing/roof is proposed to be connected to the 375 mm dia. combined public sewer adjacent to the site via an existing offline manhole. The new flows are proposed to be restricted to 1.5 l/s and below ground storage provided for the attenuated volume. However the proposed flow control device has an outlet diameter of 50mm, and the Council's Lead Local Flood Authority (LLFA) notes that this is less than the Kirklees required absolute minimum of 75mm to reduce the risk of blockage.

Given this, the LLFA has requested that the flow control device should be re-designed with a 75mm diameter outlet which will increase the discharge rate to 3.0 l/s for the same design head. The LLFA has therefore noted that full details including design head, discharge rate, chamber details and device outlet diameter should be submitted.

In addition, the applicant is proposing new gullies to pathways/hard landscaping which are not shown connected to the new surface water drainage. The LLFA notes that these gullies should be drained via the

attenuation tank/flow control device and the contributing areas included in the calculation of required storage volume. The LLFA state that full storage calculations indicating size of the tank, allowable discharge rate and drained areas served for the critical 1 in 100 year storm (plus climate change allowance) should be submitted to allow discharge of drainage conditions.

The submitted drainage drawing indicates a pipe passing through/under the storage tank, and the LLFA has noted that this pipe should be perforated on its top surface to allow water to enter/drain the tank and laid at a self-cleansing gradient (not flat as indicated on the current drawing). In addition, the LLFA state that the upstream manhole should be of the catch pit/silt trap type to reduce the amount of silts being passed through the tank. The LLFA has therefore requested full details of the tank, pipe and upstream manhole together with the vertical strength of the tank.

Given the above, the Kirklees LLFA has raised no objections in principle to the application, but this is subject to the above issues being addressed by means of a drainage details condition and construction phase surface water flood risk and pollution prevention plan condition. Should permission be granted, such conditions can be attached.

In terms of waste water, Yorkshire Water has raised no objections to the application.

6 – Representations:

No representations have been received.

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: 2021/90885

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 with Policies LP7, LP8, LP9, LP20, LP21, LP22, LP24, LP27, LP28, LP30, LP31, LP33, LP35, LP43, LP47, LP48, LP49, LP51, LP52 and LP53 of the Kirklees Local Plan and Chapters 5, 9, 11, 12, 14, 15 and 16 of the National Planning Policy Framework.

3. Prior to the commencement of development of the faith centre building hereby approved above slab level, samples of the stone to be used on the external walls of the faith centre building hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be constructed in accordance with the approved details and be retained.

Reason: In the interests of visual amenity, to preserve the significance of the nearby designated heritage assets and their setting, and to accord with Policies LP24 and LP35 of the Kirklees Local Plan and Chapters 12 and 16 of the National Planning Policy Framework.

4. The cladding to be used on the external walls of faith centre building hereby approved shall be PPC aluminium rainscreen cladding panels (Kingspan Benchmark Dri-Design cladding), and shall be stepped in and out across the building facades, as stipulated within the document titled 'BBA Response to Planning Comments on Design Approach' (ref: FCUH-BBA-XX-XX-RP-A-0012-S2-P01) by Bond Bryan dated 15th June 2021.

Reason: In the interests of visual amenity, to preserve the significance of the nearby designated heritage assets and their setting, and to accord with Policies LP24 and LP35 of the Kirklees Local Plan and Chapters 12 and 16 of the National Planning Policy Framework.

5. The timber to be used on the external walls of the faith centre building shall be as stipulated within the document titled 'BBA Response to Planning Comments on Design Approach' (ref: FCUH-BBA-XX-XX-RP-A-0012-S2-P01) by Bond Bryan dated 15th June 2021.

Reason: In the interests of visual amenity, to preserve the significance of the nearby designated heritage assets and their setting, and to accord with

Policies LP24 and LP35 of the Kirklees Local Plan and Chapters 12 and 16 of the National Planning Policy Framework.

6. Prior to the commencement of the development of the faith building hereby approved above slab level, a Sustainability and Energy Statement, outlining how sustainability will be built in to the approved development, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first use of the development, these sustainability measures will be implemented in accordance with the approved details.

Reason: To ensure sustainable construction and reduce carbon emissions and to comply with Policies LP51 and LP52 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

7. Prior to the commencement of the development hereby approved above slab level, a Construction Environmental Management Plan shall be submitted to, and approved in writing by, the Local Planning Authority. The Construction Management Plan shall provide details of:

- a) timetable of all works;
- a) vehicle sizes and routes, times of vehicle movements, identify the location of any HGV waiting areas and include details of the management of said areas;
- b) the parking of vehicles of site operatives and visitors;
- c) details and location of signage;
- d) loading and unloading of plant and materials;
- e) storage of plant and materials used in constructing the development;
- f) measures to be taken to minimise the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site, including the provision of adequate wheel washing facilities within the site;
- g) measures to protect the canal infrastructure, the wider canal corridor and its users;
- h) measures to control and monitor the emission of dust and dirt during construction, including details of dust suppression and protection measures to avoid any unmanaged runoff to the canal;
- i) a Site Waste Management Plan, detailing recycling/disposing of waste resulting from demolition and construction works;
- j) mitigation of noise and vibration arising from all construction related activities to (these details should also include suitable restrictions on the hours of working on the site including times of deliveries);
- k) artificial lighting used in connection with all construction related activities and security of the construction site;
- l) site manager and resident liaison officer contact details (including their remit and responsibilities).

The development shall be carried out strictly in accordance with the approved CEMP and no change there from shall take place without the prior written consent of the Local Planning Authority.

Reason: To safeguard the amenities of the neighbouring uses, to minimise the risk of creating land stability and to protect the enjoyment of the Huddersfield Narrow Canal in accordance with Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy

Framework. This is a pre-commencement condition to demonstrate that the construction phase of the development does not increase the risk of land instability and to safeguard the amenity of neighbouring uses.

8. Prior to the first use of the faith centre building hereby approved, full details of cycle storage facilities shall be submitted to and approved in writing by the Local Planning Authority. The cycle storage facilities approved shall be provided prior to the first use of the faith centre and shall thereafter be retained.

Reason: To comply with the Council's sustainability objectives and in accordance with Policies LP20 and LP22 of the Kirklees Local Plan and Chapter 9 of the National Planning Policy Framework.

9. The combined noise from any fixed mechanical services and external plant and equipment shall be effectively controlled so that the combined rating level of noise from all such equipment does not exceed the background sound level at any time. "Rating level" and "background sound level" are as defined in BS 4142:2014+A1:2019.

Reason: To ensure the proposed development does not cause harmful noise pollution within neighbouring noise sensitive locations, in the interest of amenity, to comply with the aims and objectives of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework

10. Groundworks (other than those required for a site investigation report) shall not commence until a Phase II Intrusive Site Investigation Report by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the site is fit to receive new development and to accord with Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework. This is a pre commencement condition to ensure that any matters regarding contamination are appropriately dealt with before works progress in the interests of protecting the future users.

11. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 10, further groundworks shall not commence until a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.

Reason: To ensure the site is fit to receive new development and to accord with Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework. This is a pre commencement condition to ensure that any matters regarding contamination are appropriately dealt with before works progress in the interests of protecting the future users.

12. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 11. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered in either the

Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report is identified or encountered on site, 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. Works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the Local Planning Authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

Reason: So as to protect future occupants/users of the development from any potential land contamination and to accord with Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

13. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Validation Report by a suitably competent person shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as the remediation measures have been completed for (that part of) the site in accordance with the approved 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. Where validation has been submitted and approved in stages for different areas of the whole site, a Final Validation Summary Report shall be submitted to and approved in writing by the Local Planning Authority.

Reason: So as to protect future occupants/users of the development from any potential land contamination and to accord with Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

14. No development shall commence until a scheme detailing foul, surface water and land drainage, (including off site works, outfalls, balancing works, plans and longitudinal sections, hydraulic calculations, phasing of drainage provision, existing drainage to be maintained/diverted/abandoned) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a maintenance and management plan for surface water infrastructure. The building shall not be brought into use until such approved drainage scheme has been provided on the site and shall be retained as such thereafter.

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. This information is required 'pre-commencement' so as to ensure that a suitable drainage scheme can be achieved prior to works starting on site.

15. No development shall commence until a scheme, detailing temporary surface water drainage for the construction phase (after soil and vegetation strip) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall detail:

- phasing of the development and phasing of temporary drainage provision.
- methods of preventing silt, debris and contaminants entering existing drainage systems and watercourses; and
- how flooding of adjacent land is prevented.

The temporary works shall be implemented in accordance with the approved scheme and phasing. No phase of the development shall be commenced until the temporary works approved for that phase have been completed. The approved temporary drainage scheme shall be retained until the approved permanent surface water drainage system is in place and functioning in accordance with written notification to the Local Planning Authority.

Reason: To ensure the provision of adequate temporary means of drainage, 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. This information is required 'pre-commencement' so as to ensure that a suitable drainage scheme can be achieved prior to works starting on site.

16. Prior to the first use of the faith centre building hereby approved, an ecological design strategy (EDS) addressing enhancement shall be submitted to and approved in writing by the local planning authority. The EDS shall include the following:

- a. Purpose and conservation objectives for the proposed ecological works.
- a. Location (shown on appropriate scale plans) of specific make and model, or design, of habitat boxes, such as bat boxes, bird boxes and hedgehog refuges. Habitat boxes to be integral to new structures where appropriate.
- b. Details of how the design of boundary treatments will not obstruct the movement of hedgehogs.
- c. Planting schedule and planting plan showing the inclusion of native species of tree and shrub to be included within/at the boundary of the application area, and how this achieves the stated purpose.
- d. Details of maintenance.

The EDS shall be implemented in accordance with the approved details in the first planting and seeding seasons following the first use of the building or on the completion of the development, whichever is the sooner, and all features shall be retained in that manner thereafter.

Reason: To ensure the development hereby permitted provides ecological enhancement measures sufficient to provide a biodiversity net gain in accordance with policy LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework

17. Prior to the installation of any external lighting within the application red line boundary or the first use of the building, whichever is the sooner, a scheme of details for external and internal lighting shall be submitted to and approved in writing by the

Local Planning Authority. The approved scheme shall include details regarding the position of the lighting, its illuminance levels and colour and

measures to limit stray light. The lighting at the site shall be carried out in accordance with the approved scheme and such lighting shall thereafter be retained.

Reason: To ensure the habitats within and adjacent to the application site, including those designated as Kirklees Wildlife Habitat Network, remain suitable for use by nocturnal species, including bats, that may otherwise be discouraged by inappropriate lighting. This is in order to accord with Policies LP24 and LP30 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

NOTE: The applicant/developer is advised to contact the Canal & River Trust's Works Engineering Team on 0303 040 4040 in order to ensure that any necessary consents are obtained and that the works would comply with the Trust's *"Code of Practice for Works affecting the Canal & River Trust."*

NOTE: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of:

- 07.30 and 18.30 hours Mondays to Fridays.
- 08.00 and 13.00hours, Saturdays.
- With no working Sundays or Public Holidays.

Institute of Air Quality Management document "Guidance on the assessment of dust from demolition and construction" Version 1.1 2014 provides detailed information regarding dust control.

Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists or is likely to occur or recur. Failure to comply with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

NOTE: This decision notice does not grant planning permission to change the position of the palisade fencing to the south of the site.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application Form	-	-	3 rd March 2021
Topographical & Utility Survey	SSL:17036A:200:1:1	-	10 th June 2021
Site Cross Sections	45207/031	A	10 th June 2021
Soft Landscaping Details (sections)	P11625-00-001-GIL-0402	00	22 nd April 2021

Plan Type	Reference	Version	Date Received
Proposed Planting Plan	P11625-00-001-GIL-0401	00	22 nd April 2021
Street Furniture Plan	P11625-00-001-GIL-0302	01	22 nd April 2021
Surfacing Details	P11625-00-001-GIL-0301	01	22 nd April 2021
Step and Wall Details	P11625-00-001-GIL-0300	02	22 nd April 2021
Landscaping Site Sections	P11625-00-001-GIL-0200	03	22 nd April 2021
Hard Landscaping Plan	P11625-00-001-GIL-0103	00	22 nd April 2021
Proposed Levels	P11625-00-001-GIL-0102	03	22 nd April 2021
Block Plan/Landscape General Arrangement	P11625-00-001-GIL-0101	03	22 nd April 2021
Elevations Sheet 1	FCUH-BBA-ZZ-ZZ-DR-A-3011	P06	29 th March 2021
Elevations Sheet 2	FCUH-BBA-ZZ-ZZ-DR-A-3012	P06	29 th March 2021
Proposed Roof Plan	FCUH-BBA-ZZ-RF-DR-A-2013	P05	29 th March 2021
Proposed First Floor Plan	FCUH-BBA-ZZ-01-DR-A-2021	P08	29 th March 2021
Proposed Ground Floor Plan	FCUH-BBA-ZZ-00-DR-A-2011	P09	29 th March 2021
Proposed Sections Sheet 1	FCUH-BBA-ZZ-ZZ-DR-A-4011	P05	29 th March 2021
Proposed Sections Sheet 2	FCUH-BBA-ZZ-ZZ-DR-A-4012	P05	29 th March 2021
Existing Site Plan	FCUH-BBA-00-ZZ-DR-A-1002	P05	3 rd March 2021
Location Plan	FCUH-BBA-00-ZZ-DR-A-1001	P03	3 rd March 2021
Heritage Impact Assessment by Prospect Archaeology dated June 2021	IBP02.01	-	27 th June 2021
Waste Storage Location	MW2016 030 B1	A	23 rd June 2021
Details regarding finish/design approach from Bond Bryan dated 15 th June 2021	FCUH-BBA-XX-XX-RP-A-0012-S2	P01	15 th June 2021

Plan Type	Reference	Version	Date Received
Phase 2 Geotechnical and Geo-Environmental Site Investigation by Eastwood & Partners dated 5 th August 2020	45207-003	1	10 th June 2021
Preliminary Ecological Appraisal by Brookes Ecological dated 27 th February 2021	ER-5120-01A	-	29 th March 2021
Travel Plan by Optima dated January 2021	-	-	11 th March 2021
Tree Retention and Removal Plan	P11625-00-001-GIL- 0400	01	3 rd March 2021
Tree Survey by Brooks Ecological dated March 2020 (revised November 2020)	AR-4556-01.01	-	3 rd March 2021
Design & Access Statement by Bond Bryan dated 29 th January 2021	FCUH-BBA-ZZ-ZZ-RP- A-0011	-	3 rd March 2021
Drainage Strategy by Eastwood & Partners dated January 2021	45207/SJE/MW	-	3 rd March 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. The application was considered acceptable as submitted and amendments were not requested.

Following the submission of the application, the applicant's agent provided amended plans revising the scheme and these plans were accepted by Officers. In addition to this further reports and plans were provided by the applicant's agent following the request of officers to address officer queries and concerns. Furthermore, the applicant's agent raised no objections to the conditions attached.

31.08.2021

Report Dated: dsffsdf