Town and Country Planning Act 1990

Town and Country Planning (Development Management Procedure) (England) Order 2015

PLANNING PERMISSION FOR DEVELOPMENT

Application Number: 2021/62/93645/W

To: David Hemstock,
Hemstock Design Ltd
10a, Dig Street
Ashbourne
DE6 1GF

For: Hemstock Design Ltd

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

INSTALLATION OF A NEW 3G SYNTHETIC TURF PITCH, UPGRADED AND EXTENDED GRASS PITCHES, CAR-PARKING AND ADDITIONAL LANDSCAPE WORKS

At: YMCA, LAWRENCE BATLEY RECREATIONAL COMPLEX, NEW HEY ROAD, SALENDINE NOOK, HUDDERSFIELD, HD3 3XF

In accordance with the plan(s) and applications submitted to the Council on 14-Sep-2021, subject to the condition(s) specified hereunder:-

1. 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 2 and 5 of the Holme Valley Neighbourhood Plan and Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

2. Notwithstanding the details shown on the approved plan (ref. HUDD GIANTS PITCHES _MP4_31-1-22), no part of the development shall be brought into use until a scheme detailing arrangements and specification for layout of parking have been submitted to and approved in writing by the Local Planning Authority. Before any building is occupied the development shall be completed in accordance with the details shown on the approved plans and retained thereafter.
Reason: To ensure a suitable access and layout in the interests of highway safety in accordance with Policy LP22 of the Kirklees Local Plan

3. No part of the development shall be brought into use until a car park management and routing plan has been submitted and approved in writing by the Local Planning Authority. The Plan shall include:
- timing of the use of the pitches such that they are not all in use all at the same time, and;
- management of events, including details of literature and advertising to be aimed at ensuring the use of the car park and details of the supervision, and;
- marshalling capacity and practices for the car park at peak times.
The plan so approved shall be implemented before the development is brought into use and retained thereafter.
Reason: To ensure a suitable access and layout in the interests of highway safety in accordance with Policy LP22 of the Kirklees Local Plan

4. Prior to the commencement of development relating to the car park, details of the proposed surfacing of the car park area, including the specification of the surfacing material, shall be submitted to and approved in writing by the Local Planning Authority. The car park shall be constructed in the materials hereby approved prior to the car park being first brought into use and thereafter retained.
Reason: To ensure a suitable permeable material is used for the car park surfacing to enable surface water to disperse to ground in accordance with Policy LP28 of the Kirklees Local Plan.

5. Prior to any part of the development being brought into use, details of the means to provide short-term secure cycle storage for 10no. bicycles shall be submitted to and approved by the Local Planning Authority. The approved details shall be implemented prior to the artificial grass pitch being brought into use and the secure cycle storage shall be retained thereafter.
Reason: To promote sustainable forms of transportation in accordance with Policy LP20 of the Kirklees Local Plan.

6. The development shall be conducted in adherence to the recommendations set out in Table 7 of the supporting 'Preliminary Ecological Appraisal Survey & Bat Activity Transect' conducted by Elen Griffin on (updated 26/07/2021).
Reason: To ensure the habitats of protected species in accordance with the requirements of Policy LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework

7. The artificial grass pitch hereby approved, shall be constructed with a shockpad to meet World Rugby Regulation 22 specification and, once installed, shall be maintained and reinspected so as to retain its World Rugby certification.
Reason: In order that the approved pitch is able to accommodate competitive rugby so as to accord with Paragraph 99 of the National Planning Policy Framework

8. Prior to the completion of the artificial grass pitch surface, a plan shall be submitted and approved by the Local Planning Authority (following consultation with Sport England) which shows the coloured pitch markings for rugby league, rugby union and football. The AGP shall be marked out in accordance with the approved plan prior to being brought into use.
Reason: In order for the approved pitch to be able to accommodate the range of sports equivalent to the grass pitch it replaces so as to accord with Paragraph 99 of the National Planning Policy Framework

9. Prior to the artificial pitch being brought into use, a Risk Impact Assessment shall be conducted, which reviews and makes safety recommendations on the use of the artificial pitch for sport, shall be submitted to and approved by the Local Planning Authority. The recommendations of the approved assessment shall be implemented and advised to all users of the artificial pitch.
Reason: To ensure the safety of users of the artificial pitch in accordance with Policy LP47 of the Kirklees Local Plan.

10. Prior to the 'New 3G' and 'Upgraded Senior Pitch 3' (ref. HUDD GIANTS PITCHES _MP4_31-1-22) being brought into use, a noise assessment report by a suitably competent person shall be submitted to and approved in writing by the Local Planning Authority. The report shall include -

a) an assessment of all of the noise emissions from the proposed development
b) details of existing background and predicted future noise levels at the boundary of the nearest noise sensitive premises
c) a written scheme of how the occupants of the above-mentioned noise sensitive premises will be protected from noise from the proposed development including details of all necessary noise attenuation

The development shall not be brought into use until all works comprised within the measures specified in the approved report have been carried out in full and such works shall be thereafter retained.
Reason: To control and minimise adverse noise levels created by the development to protect the amenity of nearby residents in accordance with Policies LP24 and LP52 of the Kirklees Local Plan

11. No activity shall take place at the hereby approved outdoor sports pitches outside the following hours

Monday to Friday - 0730hrs to 2100hrs
Saturdays - 0900hrs to 2000rs
Sundays – 0900hrs to 1800hrs
Bank Holidays - Closed
Reason: To prevent harmful noise pollution at unsocial hours (through voice, whistles, ball strike etc.), in the interest of preserving the residential amenity of nearby residents, to comply with Policies LP24 and LP52 of the Kirklees Local Plan.

12. Prior to the 'New 3G' and 'Upgraded Senior Pitch 3' (ref. HUDD GIANTS PITCHES _MP4_31-1-22) being brought into use, a site-specific noise management plan shall be submitted to and approved in writing by the Local Planning Authority, the plan shall include -

- A facility for neighbours to report excessive noise or anti-social behaviour directly to the operator of the site and that all such complaints be logged and investigated upon receipt and, if necessary, appropriate action taken, with the complainant kept informed of progress
- A system for training all staff to follow an action plan for dealing with complaints. This would include the ability to warn or ban user groups from the pitches
- A method of informing users that swearing and anti-social behaviour is unacceptable, and that the operator of the site reserves the right to dismiss users from the pitch and ban their future use
- A log of complaints which should be retained for at least a period of two years.

The approved noise management plan shall be implemented before the use of the pitches commences and shall be retained thereafter.
Reason: To protect the amenity of neighbouring residents through managing noise pollution, in accordance with Policies LP24 and LP52 of the Kirklees Local Plan.

13. The artificial grass pitch and its associated infrastructure shall be designed and constructed in accordance with the 'Design Guidance Note from Sport England - Artificial Grass Pitch (AGP) Acoustics - Planning Implications', in order to minimise the noise from the impact of balls.
Reason: To protect the amenity of neighbouring residents through managing noise pollution, in accordance with Policies LP24 and LP52 of the Kirklees Local Plan.

14. Prior to the operation of any new or re-sited luminaires on the site, a lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme should include the following information -

a) The proposed hours of operation of the lighting (Artificial lighting for the sports pitch shall not be operated outside of 15 minutes prior to and 15 minutes post the hours of use for customers times set out under condition 12)
b) The location and specification of all of the new and re-sited luminaires within the red-line boundary of the site.
c) The proposed design level of maintained average horizontal illuminance for the areas that needs to be illuminated.
d) The predicted vertical illuminance that will be caused by the proposed lighting when measured at windows of any residential properties in the vicinity.
e) The measures that will be taken to minimise or eliminate glare and stray light arising from the use of the lighting that is caused beyond the boundary of the site
f) The methods of switching and controlling the lighting so that it is only operated at the permitted times and at times when it is required.

The external artificial lighting shall be installed and operated thereafter in accordance with the approved scheme.
Reason: To safeguard the amenities of the occupiers of nearby properties and promote sustainable development in accordance with part 2 and 15 of the National Planning Policy Framework and Policy LP52 of the Kirklees Local Plan

15. The redundant timber post floodlights adjacent to Shannon Drive and Moorland Crescent shall be removed prior to the re-siting of the retained lighting columns serving Pitch 3 (ref. HUDD GIANTS PITCHES _MP4_31-1-22).
Reason: To remove unnecessary visual clutter from the Urban Greenspace in accordance with the visual amenity requirements of Policy LP24 of the Kirklees Local Plan.

16. Prior to commencement of development of the car park, a scheme detailing the dedicated facilities that will be provided for charging electric vehicles and other ultra-low emission vehicles shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall meet at least the following minimum standard for numbers and power output -

- One Standard Electric Vehicle Charging Point providing a continuous supply of at least 16A (3.5kW) for at least 10% of non-residential parking spaces

Buildings and parking spaces that are to be provided with charging points shall not be brought into use until the charging points are installed and operational. Charging points installed shall be retained thereafter.
Reason: In the interest of supporting and encouraging low emission vehicles, in the interest of air quality enhancement, to comply with the aims and objectives of
Policies LP20, LP24 and LP47 of the Kirklees Local Plan and Chapters 2, 9 and 15 of the National Planning Policy Framework.

17. Prior to the removal of the protected trees identified in the approved plan (HGCT_MP4_31-1-22_TREE ID & PLANTING), a Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the Local Planning Authority. The plan shall describe in detail the actions that will be taken to minimise adverse impacts on occupiers of nearby properties by effectively controlling -

- Noise & vibration arising from all construction related activities. This should also include suitable restrictions on the hours of working on the site including times of collections/deliveries.
- Dust arising from all construction related activities.
- Artificial lighting used in connection with all construction related activities and security of the construction site.

The agreed plan shall be adhered to throughout the construction of the development.
Reason: To safeguard the amenities of the occupiers of nearby properties in accordance with part 15 of the National Planning Policy Framework and Policy LP52 of the Kirklees Local Plan

18. Prior to the removal of the protected trees identified in the approved plan (HGCT_MP4_31-1-22_TREE ID & PLANTING), an Arboricultural Method Statement, in accordance with British BS 5837, shall be submitted and approved in writing by the Local Planning Authority. The method statement shall include details on how the remaining construction work, including the installation of drainage, will be undertaken with minimal damage to the adjacent protected trees and their roots. The AMS should also provide a pruning specification for the pruning proposed in relation this development. Thereafter, the development shall be carried out in complete accordance with the Arboricultural Method Statement.
Reason: So as to protect to viability of the protected mature trees within close proximity to the application site and to accord with Policy LP33 of the Kirklees Local Plan and advice within the National Planning Policy Framework.

19. The development shall not be brought into use until a scheme detailing landscaping, tree/shrub planting, including the location, species, number and size of the proposed planting, has been submitted to and approved in writing by the Local Planning Authority. The approved landscaping scheme shall, from its completion, be maintained for a period of five years. If, within this period, any tree, shrub or hedge shall die, become diseased or be removed, it shall be replaced with others of similar size and species unless the Local Planning Authority gives its written consent to any variation.
Reason: To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity and biodiversity in order to meet the requirements of Policies LP24 and LP33 of the Kirklees Local Plan.

20. Prior to works to remove protected trees, a biodiversity net gain plan (BNGP) shall be submitted to and approved by the Local Planning Authority. The BNGP shall:

- Set out the delivery of a pre-development biodiversity value through a Secretary of State approved biodiversity metric.
- Identify the means of providing an on-site biodiversity net gain equal to or greater than the pre-development biodiversity value.
- Set out the means of implementing and maintaining the biodiversity net gain for a period of 30 years following completion of the development.

Reason: To ensure the scheme contributes to improving the quality of biodiversity in the area in accordance with the requirements of Policy LP30 of the Kirklees Local Plan and the Environment Act 2021.

Competent Person - Footnote
All noise assessments should be carried out by a competent person. Developers may wish to contact the Association of Noise Consultants **http://www.association-of-noise-consultants.co.uk/** (020 8253 4518) or the Institute of Acoustics **http://www.ioa.org.uk** (0300 999 9675) for a list of members.

Artificial lighting - Footnote
The proposed design levels of illuminance should be shown to be appropriate for the intended use by reference to appropriate guidance. Generally, to minimise problems of glare and stray light from external artificial lighting it should be installed and maintained in accordance with the "Guidance Notes for the Reduction of Obtrusive Light" by the Institution of Lighting Professionals: 2011 www.theilp.org.uk. The predicted levels of stray light must not exceed the recommended maximum levels given in Table 2 of this guidance for an Environmental Zone E3.

Construction Environmental Management Plan - Footnote
Noisy construction related activities should not take place outside the hours of -

07.30 to 18.30 hours Mondays to Fridays
08.00 to 13.00 hours, Saturdays

Plans and specifications schedule:-

Plan Type	Reference	Revision	Date Received
New & Renovated Pitch Proposals + Parking	HUDD GIANTS PITCHES_MP4_10-9-21	-	10th September 2021
Synthetic Pitch Proposals (Recontouring – Artificial Pitch)	HGCT_MP4_10-9-21	P1	10th September 2021
Synthetic Pitch Proposals – Drainage	HGCT_MP4_10-9-21	P1	10th September 2021
Base Plan – (Recontouring Strategy – Full Site)	HGCT_MP4_10-9-21	-	10th September 2021
Parking Proposals	HUDD GIANTS PITCHES_MP4_10-9-21	-	10th September 2021
STP with RFL Line Markings NEW SYNTHETIC PITCH PROPOSALS	HGCT_MP4_31-1-22	P1	31st January 2022
STP WITH RFU LINE MARKINGS NEW SYNTHETIC PITCH PROPOSALS	HGCT_MP4_31-1-22	P1	31st January 2022
STP WITH FA SOCCER LINE MARKINGS - NEW SYNTHETIC PITCH PROPOSALS	HGCT_MP4_31-1-22	P1	31st January 2022
Limonta Sport – Diamond2 P+60	ES102049	-	10th February 2022
Tree Works and Landscaping Proposals	HGCT_MP4_31-1-22_TREE ID & PLANTING	P1	31st January 2022
Noise Impact Assessment	J003706-5459-JP-02	-	10th February 2022
STP – Cross-Section, Path & Barrier	HUDD GIANTS PITCHES_MP4_4-2-22	-	4th February 2022
Health and Safety Plan (Construction Phase) – Huddersfield Giants YMCA – AWP Construction Works Huddersfield – BGP Contractors Limited	CDM002/HSPV1	-	10th February 2022
Plan Type	**Reference**	**Revision**	**Date Received**

Supplementary Questions and Answers – Stephen Graley	-	-	7th February 2022
Transport Statement – Tim Robinson BSc (Hons) Civil Eng. MCIHT	HDC/08/21	V4 Final	September 2021
Design and Access Statement – Hemstock Design	-	Planning Issue	10th September 2021
ARBTECH – Preliminary Ecological Appraisal Survey & Bat Activity Transect	-	2.3	26th July 2021
James Royston Tree Survey	210615	-	17th June 2021
Technical Assessment Report	BPG_HGSRL_17-6-21	A	17th June 2021
Halliday Floodlighting Report – Dan Shah – 29-04-2021	Huddersfield Giants Pitch4 - CalcuLuX Area – 7.9.0.0	-	29th April 2021
Enzygo – NPPF: Flood Risk Assessment	SHF.280.001.HY.R.001.A		September 2021

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 Planning 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 application.

Building Regulations Approval is required for most work involving building operations and/or structural alterations. It is the applicant's responsibility to find out if the work permitted by this planning permission needs approval under the Building Regulations, and if necessary to submit an application. If you are not the applicant can you please ensure the applicant is aware of this requirement. Contact Building Control on Tel No: (01484) 221550 for more information.

It is the applicant's responsibility to find out whether any works approved by this planning permission, which involve excavating or working near public highway and any highway structures including retaining walls, will require written approval from the Council's Highways Structures Section. Please contact the Highways Structures Section on Tel No. 01484-221000 Ext 74199 for further advice on this matter.

Details Reserved by Condition

- **This permission has been granted subject to conditions. Some of the conditions may require you to submit further details. These conditions**

normally contain the wording "*submitted to and approved in writing by the Local Planning Authority*".

- **You can apply online for approval of these details at the Planning Portals website at www.planningportal.gov.uk. Alternatively the forms and supporting guidance for submitting an application can be found online at www.kirklees.gov.uk/planning.**

- **This Authority recognises the need to ensure that you are able to develop the site as effectively and flexibly as possible. However, at the same time it must ensure that development is in accordance with the terms of the planning conditions and legal agreement and the expectations of elected members and local residents set through the decision process.**

- **You should note the triggers for compliance with the conditions of this planning permission. This Authority is committed to processing applications to discharge conditions in a timely manner. It is important to ensure that submissions are made as far in advance of the trigger to allow time for adequate consultation, discussion and in some circumstances publicity.**

- **It is important that applications to discharge conditions are accompanied by sufficient information to enable this Authority and its consultees to fully consider and determine the proposals. Whilst officers will endeavour to negotiate solutions, failure to provide a comprehensive submission may result in delay and refusal of the application.**

- **If you commence work without discharging conditions you are at risk of enforcement action and invalidating your permission if the planning condition is a pre commencement condition.**

Development within a Coal Mining Area

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

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

Appeals to the Secretary of State

- **If you are aggrieved by the decision of your Local Planning Authority to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.**
- **If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your Local Planning Authority's decision on your application, then you must do so within:**

  i) 28 days of the date of service of the enforcement notice, or
  ii) within the specified period, starting on the date of this notice,

  whichever period expires earlier.

- **If you want to appeal against your Local Planning Authority's decision then you must do so within the specified period, starting on the date of this notice.**

- **The "specified period" is 12 weeks where the development relates to a "minor commercial application" as defined within the Town and Country Planning (Development Management Procedure) Order 2010 (as amended), or 6 months in any other case.**

- **Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at https://www.gov.uk/planning-inspectorate . Further information on the Planning Appeal process can be found online at the Planning Inspectorates website https://www.gov.uk/government/organisations/planning-inspectorate.**
- **You must use the correct Planning Appeal Form when making your appeal. If requesting forms from the Planning Inspectorate, please state the type of application that the appeal relates to so they can send you the appeal form you require.**
- **The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.**
- **The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.**

- **In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by him.**

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

Purchase Notices

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

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

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

Dated: 31-May-2022

Signed: 

David Shepherd
Strategic Director Growth and Regeneration

Decision Documents

The decision notice indicates which documents relate to the decision. These documents can be viewed online at the Planning Services website at www.kirklees.gov.uk/planning, and by clicking on the 'search planning applications and decisions' and by searching for application number 2021/62/93645/W .

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

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

E-mail: **dc.admin@kirklees.gov.uk**

Write to: Kirklees Council
Planning and Development Service
PO Box 1720
Huddersfield
HD1 9EL