**Town and Country Planning Act 1990**

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

**PLANNING PERMISSION FOR DEVELOPMENT**

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**Application Number: 2022/62/90858/E**

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**To:** **Louise ORourke,**
**Sports Labs Ltd**
**1, Adam Square**
**Brucefield Industry Park**
**Livingston**
EH54 9DE

**For:** DEBBIE HOWARD, SHELLEY COLLEGE

**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:-**

**CONSTRUCTION OF 3G PITCH WITH 4.5M PERIMETER FENCING AND 15M FLOODLIGHTING**

**At:** SHELLEY COLLEGE, HUDDERSFIELD ROAD, SHELLEY, HUDDERSFIELD, HD8 8NL

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**In accordance with the plan(s) and applications submitted to the Council on 14-Mar-2022, subject to the condition(s) specified hereunder:-**

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 LP1, LP2, LP21, LP24, LP27, LP28, LP30, LP33, LP47, LP48, LP50, LP52, LP53 and LP61 of the Kirklees Local Plan as well as Chapters 2, 4, 8, 9, 11, 12, 14 and 15 of the National Planning Policy Framework.

3. Before any part of the development is first brought into use a community use agreement prepared in consultation with Sport England shall be submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement shall be provided to the Local Planning Authority. The agreement shall apply to artificial grass pitch and include details of pricing policy, hours of use, access by non-college users, management responsibilities and a mechanism for review. The development shall not be used otherwise than in strict compliance with the approved agreement.
**Reason:** To secure well managed safe community access to the sports facility/facilities, to ensure sufficient benefit to the development of sport and to comply with policies LP47, LP48 and LP50 of the Kirklees Local Plan and chapter 8 of the National Planning Policy Framework.

4. Before work commences, a further noise assessment report shall be submitted to and approved in writing by the Local Planning Authority. The report shall consider the typical free-field noise level from an AGP (58dB LA eg(1hour) at 10 m from the side-line halfway marking) from the pitch closest to the nearest noise sensitive receptor. Thereafter the development shall be undertaken in accordance with the approved Noise Assessment Report.
**Reason:** This is a ‘pre-commencement’ condition 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.

5. All works to minimise the noise from the impact of balls shall be carried out in accordance with the Design Guidance Note from Sport England - Artificial Grass Pitch (AGP) Acoustics - Planning Implications.
**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.

6. Before the development is first 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 detail the control measures that will be taken to ensure that excessive noise does not arise from the users of the site and the actions that will be taken if they fail to observe the required control measures. The plan should include, but not limited to, the following –
• 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, appropriate action taken promptly, and 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 first use of any of the pitches and the development shall not be used otherwise than in strict compliance with the approved management plan.
**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.

7. No activity shall take place at the hereby approved sports pitches outside the following hours –
• Monday - Saturday 0800hrs to 2200hrs
• Sundays and Bank Holidays - 0800hrs to 1600hrs
**Reason:** To prevent harmful noise pollution at unsocial hours (through voice, whistles, ball strike), in the interest of preserving the residential amenity of nearby residents, to comply with Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

8. Before the development is first brought into use, any external artificial lighting shall be installed in accordance with the details provided in the Floodlighting Layout by sportslabsconsult, dated March 2022 (Ref: 3011) and the Overspill Layout by Halliday Lighting, dated 5th May 2022 (Drawing No. HS3874). The installed external artificial lighting shall be 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 Policies LP24 and LP52 of the Kirklees Local Plan and part 2 and 15 of the National Planning Policy Framework.

9. Before any floodlighting is first installed 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 shall be submitted to and approved in writing by the Local Planning Authority. 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 Policies LP24 and LP52 of the Kirklees Local Plan and part 2 and 15 of the National Planning Policy Framework.

10. Noisy construction related activities shall not take place outside the hours of:
• 07.30 to 18.30 hours Mondays to Fridays
• 08.00 to 13.00 hours Saturdays
• With no noisy activities on Sundays or Public Holidays
**Reason:** To safeguard the amenities of the occupiers of nearby properties in accordance with Policies LP24 and LP52 of the Kirklees Local Plan and part 15 of the National Planning Policy Framework.

11. In the event that contamination, or the presence of coal 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 by a suitably competent person 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.

12. Prior to construction commencing, a schedule of the means of access to the site for construction traffic shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include the point of access for construction traffic, details of the times of use of the access, the routing of construction traffic to and from the site, construction workers parking facilities and the provision, use and retention of adequate wheel washing facilities within the site. Thereafter all construction arrangements shall be carried out in accordance with the approved schedule throughout the period of construction.
**Reason:** This is a ‘pre-commencement’ condition where such details are required prior to works commencing in the interests of highway safety and to accord with Policy LP21 of the Kirklees Local Plan.

13. The development shall be undertaken in strict compliance with the Reasonable Avoidance Measures detailed in Section 12 of the Bat and Great Crested Newt Survey Report dated July 2023.
**Reason:** To reduce the risk of harm to Great Crested Newts and to accord with Policy LP30 of the Kirklees Local Plan and chapter 15 of the National Planning Policy Framework.

14. Notwithstanding the submitted plans and information, an Arboricultural Method Statement, in accordance with British BS 5837, shall be submitted and approved in writing by the Local Planning Authority before construction works commence. The method statement shall include details on how the construction work will be undertaken with minimal damage to the adjacent protected trees and their roots. Thereafter, the development shall be carried out in complete accordance with the Arboricultural Method Statement.
**Reason:** This is a 'pre-commencement' condition as to protect to viability of the mature trees adjacent to the location of the proposed pitch and to accord with Policy LP33 of the Kirklees Local Plan.

15. No part of the development shall be first brought into use until a Drainage Maintenance Strategy has been submitted to and approved in writing by the Local Planning Authority. The strategy shall include details of the long-term maintenance of the hydrobrake and silt trap. Thereafter the approved drainage system shall be maintained in accordance with the approved Drainage Maintenance Strategy.
**Reason**: In the interests of achieving sustainable drainage and to accord with Policy LP28 of the Kirklees Local Plan.

16. Notwithstanding the details submitted no development shall commence until a Biodiversity Enhancement and Management Plan (BEMP) has been submitted to the Local Planning Authority and approved in writing. The plan shall demonstrate how a minimum 10% biodiversity net gain (utilising the most up to date DEFRA Metric) in habitats and hedgerows is to be achieved post-development (either on-site or off-site within the applicants land ownership) and include details of the following:

a. Description and evaluation of features to be managed and enhanced;

a. Extent and location/area of proposed enhancement works on appropriate scale maps and plans;

b. Ecological trends and constraints on site that might influence management;

c. Aims and Objectives of management;

d. Appropriate management Actions for achieving Aims and Objectives;

e. An annual work programme (to cover an initial 5 year period capable of being rolled forward over a period of 30 years);

f. Details of the management body or organisation responsible for implementation of the BEMP;

g. Ongoing monitoring programme and remedial measures; and

h. The BEMP will be reviewed and updated every 5 years and implemented for a minimum of 30 years

The BEMP shall include details of the legal and funding mechanisms by which the long-term implementation of the BEMP will be secured by the developer with the management body responsible for its delivery. The BEMP shall also set out (where the results from the monitoring show that the Aims and Objectives of the BEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved BEMP. The approved BEMP will be implemented in accordance with the approved details.
**Reason:** This is a 'pre-commencement' condition to ensure the proposals demonstrate a minimum 10% biodiversity net gain and to accord with Policy LP30 of the Kirklees Local Plan and chapter 15 of the National Planning Policy Framework.

**NOTE:** Guidance on preparing Community Use Agreements is available from Sport England. http://www.sportengland.org/planningapplications/ For artificial grass pitches it is recommended that you seek guidance from the Football Association/England Hockey/Rugby Football Union on pitch construction when determining the community use hours the artificial pitch can accommodate.

**NOTE:** Kirklees Council has additional powers under Section 80 of the Environmental Protection Act 1990 to prevent statutory nuisance from noise and artificial light and shall 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:** All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework 2019. Reports must be prepared in accordance with the following guidance - • Land Contamination Risk Management (LCRM) • BS 10175:2011+ A2:2017 Investigation of Potentially Contaminated Sites - Code of Practice • Development on Land Affected by Contamination - Technical Guidance for Developers, Landowners & Consultants - (v11.2) June 2020 by the Yorkshire and Lincolnshire Pollution Advisory Group

**NOTE:** 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: 2020 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 E2.

**NOTE:** 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.

Plans and specifications schedule:-

| Plan Type | Reference | Version | Date Received |
|---|---|---|---|
| Location Plan | 010A | | 14/03/22 |
| Topographical Survey | | | 14/03/22 |
| Utility Mapping Survey | UM/721/5729/P/0001 | | 14/03/22 |
| Existing Site Levels | 400 | | 14/03/22 |
| Proposed Site Levels | 401 | | 14/03/22 |
| Cut and Fill Levels | 402 | | 14/03/22 |
| General Arrangement | 100 | | 14/03/22 |
| Site Preparation | 101 | | 14/03/22 |
| Floodlighting Layout | 500 | | 14/03/22 |
| Fencing Sections | 300 | | 14/03/22 |
| Fencing Details | 301 | | 14/03/22 |
| Construction Details | 350 | | 14/03/22 |
| Design and Access Statement | | | 14/03/22 |
| Aboricultural Report | | | 14/03/22 |
| Preliminary Ecological Appraisal | | | 14/03/22 |
| Bat and Great Crested Newt Survey Report | | | 22/08/23 |
| Biodiversity Net Gain Assessment | | | 19/09/23 |
| Biodiversity Metric | | | 19/09/23 |
| Coal Mining Report | 51002944723001 | | 14/03/22 |
| Geotechnical Report | C2189/21/E/3373 | | 14/03/22 |
| SUDS Drainage System Proposals | | | 14/03/22 |
| Electrical Capacity Report | | | 14/03/22 |
| Overspill Lighting Plan | HLS3874 | | 14/03/22 |
| Noise Impact Assessment | 17701-NIA-01 | | 08/08/22 |
| Drainage Layout | 200A | | 20/09/22 |
| Drainage Details | | | 20/09/22 |
| Hydro-Value Installation Instructions | | | 20/09/22 |

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 applicant in dealing with the application. The case officer undertook negotiations with the applicant to secure a Noise Impact Assessment, Ecological Surveys (Bats and Great Crested Newts), details of Biodiversity Net Gain and additional details of drainage.

**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

**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.**

**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/appeal-planning-decision.**

**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:** **13-Oct-2023**

**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 2022/62/90858/E.

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.

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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

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