Letter of Objection

Application number 2022/62/92839/W

Playworld, Westbourne Road, Marsh, Huddersfield, HD1 4LF

Impact on Neighbouring Amenity

Policy LP24 confirms that *"proposals should promote good design by ensuring they provide a high standard of amenity for future and neighbouring occupiers; including maintaining appropriate distances between buildings and the creation of development-free buffer zones between housing and employment uses incorporating means of screening where necessary".*

Policy LP52 addresses protection and improvement of environmental quality, and confirms that *"proposals which have the potential to increase pollution from noise, vibration, light, dust, odour, shadow flicker, chemicals and other forms of pollution or to increase pollution to soil or where environmentally sensitive development would be subject to significant levels of pollution, must be accompanied by evidence to show that the impacts have been evaluated and measures have been incorporated to prevent or reduce the pollution, so as to ensure it does not reduce the quality of life and well-being of people to an unacceptable level or have unacceptable impacts on the environment".*

Noise and Disturbance

Kirklees Council has developed Noise Design Advice to aid developers in determining what is an acceptable acoustic environment.

The Noise Design Advice 2007 states that *"developers should carry out an assessment in accordance with BS4142 to determine the rating level of the new development. It is recommended that during normal daytime hours (0700 to 2300 hours), the BS4142 rating level, measured over 1 hour, should be 5dB below the background (LA90)".*

A Noise Impact Assessment has not been submitted to support the application. Instead, the applicant has made unfounded claims that the plastic planting will provide some sort of noise buffer.

The proposal includes outdoor seating for up to 60 people. The seating is sited hard up with the boundary to the site, less than 5m from the nearest dwelling at the pinch point.

There is strong potential for noise and disturbance from chatter until 9pm, 7 days a week, in addition to 'background music', children at play, and bouncy castle pumps. Then further noise after 9pm as customers leave site. This may be exacerbated by serving alcohol on site.

Given the above, the proposal is considered contrary to Kirklees's Noise Design Advice 2007 and Policies LP24 and LP52 of the KLP which seek to ensure adequate levels of residential amenity.

Overlooking

The perimeter fencing to the boundary of the application site is located less than 5m from the nearest dwelling at the pinch point. Habitable room windows face the application site.

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Distances between habitable room windows from one dwelling to another usually have a minimum separation distance of 21m. Though there are no prescribed 'buffering' distances between residential and commercial uses, there is no doubt that a separation distance of under 5m would cause significant and unacceptable overlooking and loss of privacy to the occupiers of the nearby dwellings, contrary to Policy LP24 of the KLP.

Light Pollution

The Policy Justification sitting behind Policy LP52 confirms that *"artificial lighting is used for a number of reasons, including work, recreation, security, safety, advertising, display, and to create a pleasant atmosphere where people gather socially. It is important to ensure that it does not become a nuisance to others. Obtrusive light (light pollution) can present serious physiological and ecological problems. Light 'spilling over' onto other property can cause annoyance, distraction and discomfort".*

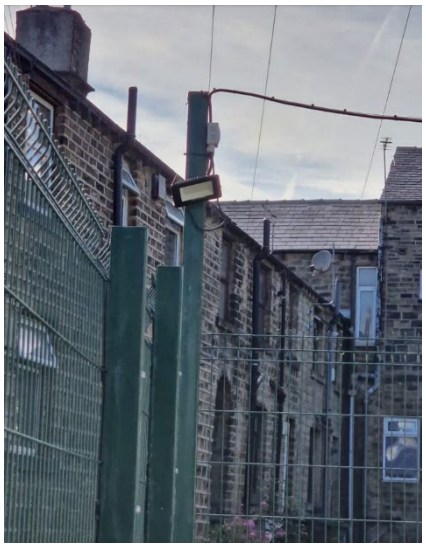
The 'Lighting Assessment' is a photograph of the box the lights came in.

Looking at the product specification, it would appear that this floodlight is not suitable to be used in a residential area. The product is described by the manufacturer as the *"perfect choice for building facades, car parks, garages and construction areas*".

Please see below for an example of the application of these floodlights from the manufacturer:



The proposed floodlighting across the side of the building and on the paladin fencing close to the windows of the dwellings is not acceptable.



A Lighting Assessment should be provided to ensure that the proposal will not impact on neighbouring amenity by way of obtrusive light pollution.

Ordinarily, you would expect a Lighting Assessment to include details of all external lights and when they will be used. The assessment should include a layout plan with beam orientation and a schedule and specification of the equipment, including lighting levels at or beyond the site boundaries. No such assessment has been provided.

It is therefore considered that the proposal is in conflict with Policy LP52 of the KLP.

Impact on the Streetscene and Character of the Area

Policy LP24 of the KLP states that *"good design should be at the core of all proposals in the district and should be considered at the outset of the development process".*

The paladin fencing as erected does not contribute to the character of the area. Instead, it provides an industrial feel to the area. It is suggested that this could be somewhat mitigated by reducing the height of the fencing as erected so as to appear less visually intrusive.

While it is appreciated that the applicant is attempting to mitigate the impact by introducing screening, regrettably, it is not considered that this approach is appropriate. Sticking plastic planting and adding to the proliferation of signage already on site (authorised and unauthorised) does not serve to adequately mitigate the negative impact on the character of the area.

The portacabin again adds to the inappropriately placed industrial feel of the site. It is surprising that further storage is required, given the scale of the host building. However, if storage were to be required, an appropriately designed outbuilding which compliments the local vernacular would be more fitting.

Conclusion

1. The proposed development, by reason of poor design and inappropriate siting, would have a detrimental impact on the character of the area, in direct conflict with Policy LP24 of the KLP, which addresses good design.

2. The applicant has failed to demonstrate that the proposal would not have a severely detrimental impact on the amenity that neighbouring dwellings have a right to enjoy by way of noise and disturbance and obtrusive light pollution, in direct conflict with Policy LP24 which addresses appropriate levels of amenity, and Policy LP52, which addresses protection and improvement of environmental quality.

3. The proposed development would cause significant and unacceptable overlooking to nearby dwellings harming the amenity levels that occupants of these dwellings have the right to enjoy in conflict with Policy LP24 which addresses appropriate levels of amenity.

It is respectfully requested that the application is refused planning permission.

Validation

The application cannot, unfortunately, be determined as it stands. The red edge of the Site Location Plan does not encapsulate the Class E(d) (formally D2 pre-September 2020) Use Class 'Playworld' building use. The red edge also does not meet the adopted highway.

We respectfully request that the applicant is required to address the above prior to determination.

Suggested Amendments

It is acknowledged that Playworld offers a valuable community leisure facility for children to play. There is no objection to the longstanding use of the host building.

It is appreciated that the applicants are attempting to diversify to attract customers to the facility.

Therefore, if the applicant were willing to amend the scheme, the following changes are suggested:

- Remove outdoor lighting. Children do not need to be playing outside Playworld when it is dark. These floodlight style lights could not be appropriately cowled to avoid unacceptable light spill. Proposed opening hours remove the need for outdoor lighting in any case.
- Remove proliferation of advertisements which have a negative impact on the character of the area. Fewer, better designed advertisements are proven to be more successful.
- A significantly reduced outdoor offering, pulling the proposal 21m from neighbouring dwellings and towards existing commercial uses. It is strongly suggested that this would be limited to the yellow box indicated below. This may be an acceptable solution in terms of amenity if the rear of the outbuilding were to create a screen to the west of the yellow box (approx. 280m2).



- It is strongly suggested that 'ambiance' background music is removed from the proposal. If outdoor music of any kind is proposed, this must be accompanied by an appropriate (BS4142:2014) Noise Impact Assessment.
- In addition, if children's play equipment were to be provided within the outdoor play area, a fixed slide, limited seating and a climbing frame would be more appropriate in terms of noise, rather than a bouncy castle.
- Landscaping is suggested to the perimeter of the site to buffer the children's play area against the other commercial uses, for example:

- Outbuilding
- Landscaping
- Seating
- Children's Play area

