

**KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE**

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended)

**DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS -
REGULATION 3 TOWN AND COUNTRY PLANNING GENERAL
REGULATIONS 1992 (AS AMENDED)**

Reference No: **2023/48/93350/W**

Site Address: former Deighton Centre, Deighton Road, Deighton,
Huddersfield, HD2 1JP

Description: Development of former Deighton Centre (previously
Deighton High School) for a Social Emotional and
Mental Health School (use class F1) comprising single
and two storey educational buildings; roof mounted
photo-voltaic panels; sensory garden spaces; multi-
use games areas; landscaping; hardstanding areas;
carparking; access with secure fencing and ancillary
development

Recommending Officer: Ellie Thornhill

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.**

David Wordsworth

AUTHORISED OFFICER

Date: 10-May-2024

Officer report

Site description

The application relates to former Deighton Centre (previously Deighton High School). The site is currently vacant and overgrown with areas of hardstanding which once served the previous development. Access is taken from the southeastern boundary past Deighton Sports Arena, onto Deighton Road (classified C Road).

Surrounding the site is predominantly residential properties, with Christ Church CE Academy to the west and Deighton Sports Arena to the south. The playing field directly to the east and woodland to the north are both designated as Urban Green Space within the Kirklees Local Plan. Public footpaths HUD/37/20 and HUD/37/40 run to the west and north of the site.

Land levels fall within the site from the south to the north.

The site is allocated for Housing in the Kirklees Local Plan under HS17.

Description of development

Planning permission is sought for the erection of a Social Emotional and Mental Health School (use class F1) comprising single and two storey educational buildings; roof mounted photo-voltaic panels; sensory garden spaces; multi-use games areas; landscaping; hardstanding areas; carparking; access with secure fencing and ancillary development.

The building would be situated within the centre of the site and would have a gross internal area of 3,563m² (2,866 m² at ground floor and 1,108 m² at first floor). It would be two storeys to the middle with two single storey wings coming off of it. The school would provide 132 school places, accommodating pupils aged 5-18 from KS1 to KS5 with access to several vocational and specialist spaces.

Car parking would be provided to the south of the site. Each classroom would have its own outdoor learning area with a larger playable space to the northeast, small and large MUGA's to the north and west and an outdoor farm/woodland area to north west.

The building would be predominantly faced in a weathered buff brick, with elements of dark and glazed brickwork. A flat roof is proposed which would include PV panels to both the single and two storey structures. A plant deck would be provided to the roof of the western single storey structure.

A substation is proposed to the south of the site.

Landscaped areas would be provided around the edge of the site.

History of negotiations/amendments received

Additional information and amendments have been sought as part of the application process to include highway, PROW and landscape information.

Relevant Planning History

At the application site:

2023/20757 - Pre application for educational building – Comments provided.

2014/93572 – Prior notification for demolition of existing buildings – Demolition details approved.

Surrounding the application site:

No recent planning history.

Representations

The application has been advertised by neighbour notification letters, site notices and the press.

Final publicity expired: 02/01/2024

As a result of the above publicity, 3 representations have been received. A summary of the concerns raised are as follows:

- No details have been submitted that will explain how the site will cater for 99 vehicles using a single access route onto Deighton Road, which is already congested and has significant issues relating to the use of the Design Centre. Where is there any consideration for resident only parking or restrictions to ensure there is no impact. Why can't the track to the rear of the Deighton Centre be used to manage the flow of traffic in and out?
- Local residents would have parking outside their houses effected/obstructed. On the plans, there does not seem to be enough parking for staff at the school and spaces available for parents to collect their kids etc.
- I have concerns about local houses being devalued because of a school being so close and the noise levels that come with a school.
- Noise disruption from building works and school playing times, which would disrupt local residents peace and quiet and make selling houses harder.
- How many trees and fields would be destroyed in order to make the school or will all the trees be protected and not knocked down for building work.
- Are all parents going to be allowed to drive into school to park up and collect their children or will there be gates that stop them and force them to park somewhere else.
- Are the pathways around the Deighton site going to be cut back and cleaned up? The pathways have not been looked after since the school closed down. The kids have helped by making fires, which cost us all when the fire service comes out.

Local ward councillors

All ward councillors have been notified of this application, however, no comments have been received.

Consultation responses

KC Highways DM: Given the additional modelling information provided, officers consider the scheme to be acceptable on highways grounds subject to conditions.

KC Environmental Health: No objections subject to conditions regarding a remediation strategy, verification report, noise, electric vehicle charging points, lighting and a CEMP.

KC Ecology: Overall, the site is of limited ecological value, comprising of species poor modified grassland with limited opportunities for protected species. However, some deciduous woodland is present in the northern section of the site, that could provide increased opportunities, for ecological receptors in the wider area. The proposed enhancement measures are considered sufficient to ensure that the uplift in biodiversity value of the site and adjacent woodland can be achieved.

KC Waste Strategy: Officers consider the amendments sought to be acceptable.

KC Tress: Although there are a couple of category C and B trees to be removed, compensatory tree and hedge planting has been proposed and there should be no long term affect on the wider area.

KC Landscape: The landscape plans are now considered to be acceptable subject to conditions being attached regarding their management and maintenance.

KC Lead Local Flood Authority: The development is considered to be acceptable subject to detailed drainage conditions.

The Coal Authority: The site is located within a High Coal Area, however, no objections have been raised subject to an informative being attached to the decision notice.

KC Public Health: Comments have been provided in respect of the application.

Yorkshire Water: No objections in principle to the drainage information submitted.

KC Crime Prevention: In support of the application.

KC PROW (informal): In support of the application, given the information provided.

The Environment Agency: No response received.

Sport England: Do not wish to raise an objection to the application.

Planning Policy Background

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 allocated for housing (H1657) within the Kirklees Local Plan and includes a small section of Urban Green Space. As such, the development has been advertised as a departure.

Kirklees Local Plan:

- LP1 – Presumption in favour of sustainable development
- LP2 – Place shaping
- LP3 – Location of new development
- LP7 – Efficient and effective use of land and buildings
- LP20 – Sustainable travel
- LP21 – Highways and access
- LP22 – Parking
- LP24 – Design
- LP26 – Renewable and low carbon energy
- LP27 – Flood risk
- LP28 – Drainage
- LP30 – Biodiversity and geodiversity
- LP32 – Landscape
- LP33 – Trees
- LP47 – Healthy, active and safe lifestyles
- LP49 – Educational and health care needs
- LP50 – Sport and physical activity
- LP51 – Protection and improvement of local air quality
- LP52 – Protection and improvement of environmental quality
- LP53 – Contaminated and unstable land
- LP61 – Urban green space
- LP65 – Housing allocations

Supplementary Planning Documents:

- Highway Design Guide SPD (2019)
- Open Space SPD (2021)

Guidance documents

- Planning Applications Climate Change Guidance (2021)
- Biodiversity Net Gain Technical Advice Note (2021)
- Planning Applications Climate Change Guidance (2021)
- West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance (2016)
- Waste Management Design Guide for New Developments (2020)
- Green Streets Principles for the West Yorkshire Transport Fund

National Policies and Guidance

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF), published 19/12/2023, and the Planning Practice Guidance Suite (PPGS), first launched 06/03/2014, 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 8 – Promoting healthy 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, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment
- Chapter 16 – Conserving and enhancing the historic environment
- Chapter 17 – Facilitating the sustainable use of materials

Other relevant national guidance and documents:

- MHCLG: National Design Guide (2021)
- DCLG: Technical housing standards – nationally described space standard (2015)

Climate change

The Council approved Climate Emergency measures at its meeting of full Council on the 16th of January 2019, and the West Yorkshire Combined Authority has pledged that the Leeds City Region would reach net zero carbon emissions by 2038. A draft Carbon Emission Reduction Pathways Technical Report (July 2020, Element Energy), setting out how carbon reductions might be achieved, has been published by the West Yorkshire Combined Authority.

On the 12th of 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 would use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

Assessment

1. Principle of development
2. Urban design
3. Impacts on residential amenity
4. Highway safety
5. Other matters
6. Representations
7. Conclusion

1.Principle of development

Paragraph 47 of the National Planning Policy Framework (the Framework), which is a material consideration in planning decisions, confirms that planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. This approach is confirmed within Policy LP1 of the Kirklees Local Plan, which states that when considering development proposals, the Council would take a positive approach that reflects the presumption in favour of sustainable development contained within the Framework. Policy LP1 also clarifies that proposals that accord with the policies in the Kirklees Local Plan would be approved without delay, unless material considerations indicate otherwise.

Land allocations

Housing application

The applicant is seeking permission for the construction of an educational building within a housing allocation (ref: HS17) as set out above. The school would be a Social Emotional and Mental Health (SEMH) school catering to children and young people with Special Educational Needs and Disabilities (SEND).

Local Plan Policy LP65 (housing allocations) states that planning permission would be expected to be granted if the proposal accords with the development principles set out in the relevant allocation box and all relevant Local Plan policies. The proposal would take up the full allocation area which would therefore prevent the indicative 88 dwelling capacity from being delivered. The

issue therefore is that the proposal represents a departure from the Local Plan and justification would need to be provided to render this acceptable.

NPPF chapter 11 paragraph 126 is relevant. This states that:

Planning policies and decisions need to reflect changes in the demand for land. They should be informed by regular reviews of both the land allocated for development in plans, and of land availability. Where the local planning authority considers there to be no reasonable prospect of an application coming forward for the use allocated in a plan:

a) it should, as part of plan updates, reallocate the land for a more deliverable use that can help to address identified needs (or, if appropriate, deallocate a site which is undeveloped); and

b) in the interim, prior to updating the plan, applications for alternative uses on the land should be supported, where the proposed use would contribute to meeting an unmet need for development in the area.

In this instance, the applicant has presented a case for the need of this development within the area. The justification includes:

“...There is a significant increase in the demand for SEMH school places within the district and that this scheme would replace the existing SEMH provision at Joseph Norton Academy in Scissett, located on the outskirts of the district, which provides 63 places for children with SEMH needs. This facility is at capacity, and that accommodation creates challenges in delivering an effective offer for children and young people with SEMH needs. This existing provision is no longer fit for purpose and additional places are urgently needed to meet the current and projected growth of children with an Education Health and Care Plan for very complex SEMH needs.

The choice of site follows review and consideration by the Council of around 20 sites with Officers taking a considered and balanced view in relation to a range of factors –including the potential alternative strategic uses for each site; including Local Plan status; size; geographical location; accessibility by road and pedestrian means; impact on the highways network and road safety; planning constraints and overall deliverability.

Locationally, the Deighton site, is sustainably located and would meet the need for the new SEMH facility by geographically being centrally located within Kirklees, making the facility accessible to all parts of the district, including those who live in the outskirts, in accord with Policy LP49 (b)”.

Alongside the above, the NPPF (paragraph 99) states it is important that a sufficient choice of school places is available to meet the needs of existing and new communities, and that local planning authorities (LPAs) should take a proactive, positive and collaborative approach in meeting this requirement, and to development that will widen choice in education. Criterion (a) requires LPAs

to give great weight to the need to create schools through decisions on planning applications.

Local Plan Policy LP49 also supports the creation of new education facilities where they meet an identified deficiency in provision; where the scale, range, quality and accessibility of education facilities are improved; and where they are well related to the catchment they are intended to serve to minimise the need to travel or can be accessed by sustainable transport methods.

In summary, officers have afforded a significant amount of weight to the above and consider the need of the development to outweigh the need for housing on this particular site.

Urban green space

Alongside the above, a small portion of land to the west of the site, approximately 293m² (including the embankment and steps for Deighton Playing Field), falls within Urban Green Space.

Therefore, Policy LP61 is relevant and states the following:

‘Development proposals which would result in the loss of urban green space (as identified on the Policies Map) would only be permitted where...

’ a. an assessment shows the open space is clearly no longer required to meet local needs for open space, sport or recreational facilities and does not make an important contribution in terms of visual amenity, landscape or biodiversity value; or

b. replacement open space, sport or recreation facilities which are equivalent or better in size and quality are provided elsewhere within an easily accessible location for existing and potential new users; or

c. the proposal is for an alternative open space, sport or recreation use that is needed to help address identified deficiencies and clearly outweighs the loss of the existing green space. The protection set out in this policy also applies to smaller valuable green spaces not identified on the Policies Map.”

As identified above, the site would result in a small loss of urban green space, as a perimeter fence has been proposed to the top of the banking. This however would not impact on the playing pitch, but instead the space for spectators attending the events on the adjacent field.

Nonetheless, in accordance with Policy LP61, the 293m² of UGS land which would be lost to development would be offset by the release of 2,560m² of woodland within the site’s northern boundary for permanent use as open green space. This is a net gain of 2,267m² (or approximately nine times the area of land that would be lost). Planting on this land will also be strengthened to make a more attractive species-rich space for the community.

As such, the development is considered to comply with the aims of Policy LP61 of the Kirklees Local Plan.

In conclusion, the principle of development has been considered acceptable, as there is an identified deficiency in local education, which is supported by paragraph 99 of the NPPF, whereby great weight should be attributed in favour of a development which supports / improves education.

Planning permission decisions must be taken in accordance with the development plan, unless there are material considerations that indicate otherwise. In this case the harm of this loss is minimal and the public benefits of the proposal, to local education, are deemed to clearly outweigh the harm caused to the site.

2. Urban design

The NPPF offers guidance relating to design in Chapter 12 (achieving well designed places) whereby Paragraph 131 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.

Policy LP24 of the KLP 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 new school block is to be located within the centre of the site, with outdoor space and planting surrounding and car parking to the south. The principal elevation would face onto the playing fields.

The footprint of the new building has been kept a reasonable distance from the sites boundary and importantly the woodland buffer zone. Only a small number of trees would need to be removed in order to facilitate the development, however, these would be compensated for. This will be discussed in more detail below. The building would be surrounded by pockets of green space/landscape and would be fairly screened within the site. For these reasons, the layout of the development is considered to be acceptable.

The plans show a central spine with two wings coming off it. The central part of the school would be two storeys in height. Two storey buildings are typical in this area and therefore the massing and footprint of the building has been considered acceptable for this site. The flat roof design would also help keep the overall built form to a minimum, which is not unusual for this type of development.

The architectural features and materials of the building have been considered acceptable and suitable to its use. Materials include a weathered buff brick with elements of dark and glazed brickwork. The roof would comprise of a flat, coated metal roof. Such materials have been considered acceptable in principle, subject to a condition for samples of the materials, to ensure suitable quality end products are used.

Roof lights are proposed along with PV panels to both the single and two storey structures. A plant deck would be provided to the roof of the western single storey structure. Views of the solar panels would be limited from public vantage points and the rear plant deck would only be visible from part of the public footpath HUD/37/20 which runs adjacent to the western edge of the site.

Window locations are influenced by the internal layout and have a vertical emphasis. These are considered acceptable to officers.

Boundary treatment includes a 2.4m high anti-climb weld mesh fencing, primarily to the perimeter of the site, but also within the school complex. Timber fencing, galvanised metal fencing and railings are also proposed within the site. The inclusion of such boundary treatment has been considered acceptable and are common for this type of development.

Landscaping and other external works

Existing ground levels are to be modified across the site in order to facilitate the development. Whilst these levels would be fairly significant in some places, they would be well contained within the site. Therefore, there would be no undue impact on the wider landscape.

Comprehensive landscape information has been submitted throughout the course of this application. The design seeks to complement the function and character of the proposed building, creating a holistic site that supports the overarching education and pastoral needs of pupils. A significant number of new trees would be planted within the site to which is greatly welcomed. KC Landscape consider the landscape proposals (as amended) to be acceptable, including the planting plans. However, a condition requiring a landscape management and maintenance plan is required and would be attached to the decision notice.

In summary, it has been considered that the proposed development would have an acceptable impact on visual amenity, as it would promote good design and would respect the character of the area. This would comply with policy LP24 of the Kirklees Local Plan and Chapter 12 of the NPPF.

3. Impact on residential amenity

Section B of Local Plan Policy LP24 states 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.

Further to this, Paragraph 135 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.

The nearest properties to the application site are 170, 174 and 176a Deighton Road which are adjacent to the existing access, Tenter Hill Farm located to the south of the site and properties 2 - 42 Tenter Hill Lane, located due north of the site.

Tenter Hill Farm

This property is situated the closest to the application site. However, the scheme has been designed with the main school building within the middle of the site, to ensure that an adequate separation distance can be achieved. In this case, there would be 62m between the nearest elevation at Tenter Hill Farm and the new school building. As such, officers are satisfied that there would be no undue overbearing, overshadowing or overlooking. The proposed planting would also help create a buffer zone to this dwelling.

2-42 Tenter Hill Lane

These neighbours would be obscured by the existing woodland and therefore officers are satisfied that there would be no undue impact upon their amenity in regards to overbearing, overshadowing or overlooking.

170, 174 and 176a Deighton Road

These properties are situated adjacent to the access into the application site. However, the school building and its outdoor amenity areas would be set back from the highway by approximately 122m. For these reasons there would be no overbearing, overshadowing and overlooking upon these neighbours amenity, as a result of this development.

To the west and south west of the application site is Christ Church C of E Academy and Tiddlywinks Nursery, along with Deighton playing fields to the east.

Alongside the above, regard must be given to sources of environmental pollution, including noise, odour and light. KC Environmental Health have therefore been consulted in regard to Policy LP52 of the Kirklees Local Plan.

In this case, a Noise Impact Assessment authored by Apex Acoustics has been submitted. It considers the potential impact on the identified noise associated with the development, primarily from the fixed mechanical plant/equipment and the two Multi Use Games Areas (MUGAs). The findings of the monitoring, which was conducted over the period of the 12th to the 14th of October 2022, are shown in table 3 - long term and table 4 - short term of the Noise Impact Assessment.

Based upon the accepted Sport England recommended noise source level from the use of artificial grass pitches being 58dB LAeq,T at 10m from the half way line, modelling was conducted which is reflected in the image in table 4. The calculated noise levels shown in table 7 indicate a low impact to NSRs to the north and south of the site. Whilst this is accepted, consideration must also be given to the effects of ball strikes and a condition is recommended for the MUGA fencing to be installed in accordance with the Design Guidance Note from Sport England - Artificial Grass Pitch (AGP) Acoustics - Planning Implications in the interests of amenity.

Para 5.48 of the submitted Planning Statement states the MUGAs will not be used for evening, weekend or community use. A condition is therefore recommended to control the hours of use for the MUGAs in the interests of amenity

With regard to the external plant, a condition is also recommended to ensure that it does not exceed the specified background levels, in order to protect nearby noise sensitive properties.

Therefore, in summary, the findings of the report have been accepted and would protect the amenity of nearby noise sensitive properties in line with Policies LP24 and LP52 of the Kirklees Local Plan.

Alongside the above, no details have been provided in terms of construction and therefore a Construction Environmental Management Plan would need to be secured by a condition on the decision notice.

4. Impact on highway safety

Local Plan policy LP21 requires development proposals to demonstrate that they can accommodate sustainable modes of transport and can be accessed effectively and safely by all users. The policy also states that new development would normally be permitted where safe and suitable access to the site can be achieved for all people, and where the residual cumulative impacts of development are not severe.

Paragraph 114 of the NPPF states that, in assessing applications for development, it should be ensured that appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, that safe and suitable access to the site can be achieved for all users, and that any significant impacts from the development on the transport network (in terms of capacity and congestion), or highway safety, can be cost-effectively mitigated to an

acceptable degree. Paragraph 115 of the NPPF adds that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highways safety, or if the residual cumulative impacts on the road network would be severe.

KC Highways Development Management (DM) have been formally consulted as part of this application process. The following comments/assessment has been made:

This application is for the development of a SEMH school (use class F1) on the site of a former high school with car parking and from an existing access driveway on to Deighton Road, a 30mph two-way single carriageway local distributor road of approximately 7.9m width with footways on both sides and street lighting present. Deighton Road (a classified C road) hosts a school bus route with stops on a high frequency bus route being located approximately 530m from the site.

The application has been accompanied by a Transport Assessment and a Travel Plan both from BWB and dated September 2023. A further Transport Technical Note was submitted dated 21/03/24 relating to junction capacity modelling.

The proposals are for a SEMH School and the requirements for this have informed the design of the parking and access layouts.

The school is proposed to host approximately 132 pupils and 99 staff. Due to operational requirements the pupils are expected to be transported to the school in individual taxis and this is expected to generate 99 two-way trips during both the morning drop-off and afternoon pick-up. The staff trips are expected to occur outside these peaks and so should not cause any highway concerns.

A travel plan was submitted with the application and officers appreciate this level of support for sustainable and active travel modes, however, given the particular travel requirements of pupils, officers have noted that a travel plan would only be of benefit to staff and therefore would accept a member of staff as a travel plan co-ordinator and would not request any annual monitoring.

The two way pupil transport trips are expected to occur within a 30 minute interval for both arrivals and departures and therefore Highway Officers have raised a concern in regards to congestion issues at the junction of Deighton Road and the access to the site. As such, junction capacity modelling using Junctions 10 (PICADY module) has been provided and the results included within the Transport Technical Note by BWB and a revised model sent via email dated 25/03/24. The revised modelling amended some of the model inputs and had a revised origin/destination matrix to put 75% of arriving vehicles coming from Leeds Road which was viewed as being a more realistic representation of the expected trip distribution.

The submitted modelling indicated that there would be a slight delay added to the network caused by vehicles turning right in to the site blocking straight through traffic, however this delay would be very limited and would only occur during the early part of the 30 minute drop-off and pick-up times and as such could not be termed severe. There is also likely to be some delay to vehicles exiting the site, although this is to be expected with this type of arrival distribution.

The access is shared with the former Deighton Sports Arena and playing fields and, although this is currently closed, it could come back to use again in the future and any additional traffic generated by this use may further degrade the service level of the junction, although it is assumed that users of the sports arena would likely avoid the drop-off/pick-up times due to the additional congestion.

It was suggested by officers during the early stages of this application that staggered drop off and pick up arrangements would remove any concern for congestion at the junction by spreading the distribution curve and flattening it, however, this was not viewed as operationally acceptable by the applicant due to the needs of the pupils.

The access on to Deighton Road is existing and visibility splays of 2.4m x 43m have been displayed as being achievable.

A swept path analysis was submitted showing that both servicing and emergency service vehicles can safely access the premises.

There are to be 111 parking spaces provided and at 1 per member of staff, this would leave 12 visitor spaces and this has been suggested as being appropriate by the applicant for the operation of the school.

There is a drop-off space that could accommodate 12 vehicles adjacent to the school with queuing facilities being provided for the pick-up taxis.

The proposals were that 99 taxis would be used to transport the pupils, however the length of the pick-up point and the queuing space within the school grounds has been quoted as being approximately 276m in length (70m pick-up and 216m queuing area), which at a headway of 5.7m per vehicle would only allow for 48 vehicles to queue within the school site (drawing No TR104 within the Transport Assessment shows 50 vehicles within the queue). This would only support approximately 50% of the required taxis, with 49 vehicles being unable to access the site while the queues are in place. It is noted that between the school site and the adopted highway there is a private driveway of approximately 125m length that could possibly accommodate a further 22 queuing cars, however this may cause obstruction to users of the former Deighton Sports Arena if it came back in to use, and therefore officers would only be happy to see this driveway being used for queuing vehicles as an occasional emergency overflow with the driveway providing a buffer between the queue and the adopted highway.

It is accepted that the arrival of all 99 taxis at the same time would be a worst-case scenario and the vehicle arrival distribution would be more spaced, however Highway Officers would like to see a drop-off and pick-up management plan submitted for approval by the LPA. This management plan should indicate how the drop-off and pick-up would work to ensure that regular queuing didn't exceed the school site (and in extreme emergency situations the queueing didn't exceed the driveway buffer and impose on to the adopted highway) and how the queue would be monitored and marshalled with any proposals for mitigation if the queues regularly exceeded the school site, and this may require a slight stagger in taxi arrivals to flatten the arrivals distribution curve. Officers consider that the afternoon pick-up would have the greater propensity to create longer queues and this aspect would need to be carefully addressed. This would be conditioned, with the details needing to be submitted and approved prior to the school opening for operation.

With regard to waste collection, KC Waste Strategy have been consulted as part of this application process. In this case, given the revised covering letter which details adequate bin storage and collection, officers consider the scheme to be acceptable, as it would accord with Policy LP43 of the Kirklees Local Plan.

Therefore, in light of the above, KC Highway DM consider the application acceptable on highway safety grounds subject to the above condition being attached to the decision notice. This is to accord with local and national planning policy and guidance.

5. Other matters

Drainage and flood risk

Paragraph 165 of the NPPF and Policy LP27 of the Kirklees Local Plan state inappropriate development in areas of flood risk should be avoided by directing development away from areas at highest risk through application of a sequential test.

The site is within Flood Zone 1, and therefore is at the lowest risk of flooding.

The application has been submitted with a Flood Risk Assessment and proposed drainage plan and statement.

KC Lead Local Flood Authority have reviewed the application and have noted that the development proposes to infiltrate surface water run off into the underlying soil, which has been considered acceptable, provided infiltration tests to BRE 365 requirements is undertaken at the proposed location and depth of the infiltration features to confirm the assumed infiltration rates obtained by the preliminary testing. Care should be undertaken so that re-emergence of flows does not occur within the adjacent sports pitches which are at a lower level than the main site.

As such, the development can be supported in principle, subject to full drainage details being provided. These would be conditioned appropriately. As such, the

development would comply with policies LP27 and LP28 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

Ecology

Chapter 15 of the NPPF relates to conserving and enhancing the Natural Environment. Paragraph 185 of the NPPF outlines that decisions should promote the protection and recovery of priority species and identify and pursue opportunities for securing net gains for biodiversity. Paragraph 186 goes on to note that if significant harm to biodiversity resulting from development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. This is echoed in Policy LP30 of the Kirklees Local Plan.

Furthermore, Policy LP30 of the KLP outlines that development proposals should minimise impact on biodiversity and provide net biodiversity gains through good design by incorporating biodiversity enhancements and habitat creation where opportunities exist

An Ecological Impact Assessment (EclA) and Biodiversity Net Gain calculation have been submitted with the application, which is welcomed. The submitted reports provide a comprehensive assessment of the site and lay out the potential impacts on ecological receptors, brought about by the proposed development. Overall, the site is of limited ecological value, comprising of species poor modified grassland with limited opportunities for protected species. However, some deciduous woodland is present in the northern section of the site, that could provide increased opportunities, for ecological receptors in the wider area. The site does provide limited opportunities for protected species, however, standard mitigation measures will ensure that they are safeguarded throughout the development and following recommendations submitted within the EclA, it is considered that provisions for protected and notable faunal groups can be incorporated into the design.

An updated Biodiversity Net Gain calculation has been submitted with the EclA, using the Biodiversity Metric 4.0 calculator tool. The submitted metric details that there will be an overall net gain of 1.26 habitat units at the site (33.25% net gain) and a net gain of 0.36 hedgerow units (100% net gain). The proposed enhancement measures are sufficient to ensure that the uplift in biodiversity value of the site and adjacent woodland can be achieved. In order to ensure that these are secured, post development, a habitat management and monitoring plan (HMMP) is required. This would be secured via a condition.

Trees

Policy LP33 of the Kirklees Local Plan states that *“the Council would not grant planning permission for developments which directly or indirectly threaten trees or woodlands of significant amenity...Proposals should normally retain any valuable or important trees where they make a contribution to public amenity, the distinctiveness of a specific location or contribute to the environment”*.

The level of information submitted with the application is considered detailed and thorough. Although there are a couple of category C and B tree's to be removed, the affect on the wider site would be minimal. Nonetheless, compensatory planting and hedging is proposed and therefore there would be no long term affect on the wider area.

The tree protection plan and arboricultural monitoring for the Forest School is considered to be sufficient to ensure the protection of all retained trees during construction. All the information provided is in line with the BS5837 and therefore the scheme is considered to comply with the aforementioned policy.

Air quality

An Air Quality Assessment by BWB Consulting (ref: 220983-AQA-001) (dated: September 2023) has been submitted in support of the application. It details the impact the development will have on air quality during the construction and operational phases, using national and local guidance.

Construction Phase

For the construction phase a qualitative assessment of fugitive dust emissions was undertaken in accordance with the Institute of Air Quality Management (IAQM) Guidance on the Assessment of Dust from Demolition and Construction. A risk assessment was undertaken to identify all potential sources of dust and the dust emission magnitude of the construction phase and the risk of impact at sensitive receptor locations within 350m of the site boundary. From this, the potential significance impact of dust emissions associated with the development without mitigation measures was determined. The report concludes that the highest risk category identified was "medium risk" in accordance with the IAQM guidance, and as such there is the potential for air quality impacts due to fugitive dust emissions from the site. It goes on to say that these impacts could be controlled by the implementation of dust mitigation measures. The recommended dust mitigation measures taken from the IAQM guidance are outlined in Table 4.5 and Table 4.6 on pages 18 – 21 of the report.

Operational Phase

The application has been reviewed in accordance with the West Yorkshire Low Emissions Strategy (WYLES) – Technical Planning Guidance which divides applications into 3 impact types (Minor, Medium and Major) using specific criteria. The proposed development and has been classed as Medium in terms of air quality because it is not within an Air Quality Management Area (AQMA) or near to any roads of concern and falls below the criteria for a Major development.

The trip generation for the proposed development has been provided by BWB Consulting Ltd. They predict that the development will generate an additional 556 Light Duty Vehicle (LDVs) movements as a 24hr Annual Average Daily Traffic (AADT) flow. Due to the expected distribution of the additional traffic east & west on Deighton Road, the anticipated trip generation falls below the IAQM and EPUK (Environmental Protection UK) criteria for a detailed assessment. Therefore, a qualitative screening assessment has been undertaken.

The screening assessment uses 2019 monitoring data provided by Kirklees Council and transport data provided by BWB Consulting Ltd to determine the impact of the development on local air quality. The report concludes that future pollutant concentrations at the proposed development site are likely to be below the national air quality objectives and therefore consider the proposal suitable for its sensitive end use.

In accordance with the WYLES Technical Planning Guidance, Type 1 and Type 2 mitigation measures are required to offset the impact of the development on air quality. The proposed mitigation includes 12 electric vehicle charging points (EVCPs) and a Travel Plan.

Environmental Health Officers agree that the proposed development is classified as medium in accordance with WYLES and therefore agree with the methodology and conclusion of the Air Quality Assessment. However, the proposed mitigation measures should be secured by condition.

Contamination land

The application has been submitted with a Phase I and Phase II report. These have been reviewed by KC Environmental Health. The reports (as amended) provide additional detail in relation to ground gases.

Considering the contamination encountered as requested in the revised Phase II report, a remediation strategy for the site is necessary. Officers anticipate this to be a site-specific remediation strategy that comprehensively addresses the all the elevated inorganic and organic contaminants identified. This would be secured via a condition on the decision notice.

Crime prevention

The West Yorkshire Police Liaison officer has made a number of comments and recommendations, particularly with regards to site security and glazing. In this case, the amendments required have been taken and therefore the measures proposed have been considered suitable proportionate to the risk. As such, the development would comply with Policy LP24(e) of the Kirklees Local Plan.

Coal mining risk

The site falls partly within a High Coal Area and therefore the Coal Authority have been formally consulted.

The planning application is accompanied by a Coal Mining Risk Assessment (March 2023, prepared by HSP Consulting), which highlights that only the existing access road lies within the Development High Risk Area. It goes on to advise, *'Based on current development plans, the current access road in the southeast of the site shows no new development with all new builds being located within the area defined as moderate depth for probable workings and*

outside the Coal Authority High Risk Development Area. On this basis further investigation and mitigation measures should not be required, subject to Coal Authority confirmation, to satisfy the Planning Condition in relation to probable unrecorded shallow workings.'

Given that the proposed built form is outside of the high risk coal area, the Coal Authority have raised no objection to the development subject to an informative being attached to the decision notice.

6. Representations

As a result of the above publicity, 3 representations have been received. A summary of the concerns raised along with officer comments are as follows:

- No details have been submitted that will explain how the site will cater for 99 vehicles using a single access route onto Deighton Road, which is already congested and has significant issues relating to the use of the Design Centre. Where is there any consideration for resident only parking or restrictions to ensure there is no impact. Why can't the track to the rear of the Deighton Centre be used to manage flow and traffic in and out?

Comment: These concerns have been noted and have been assessed by KC Highways DM within section 4 of the above report. Further details would be required in relation to drop off and pick ups, however, Officers are satisfied that there would be no undue impact on the local highway network as a result of this.

- Local residents would have parking outside their houses effected/obstructed.

Comment: Due to the requirements of the school, all drop off and picks ups would take place within the application site.

- On the plans, there does not seem to be enough parking for staff at the school and spaces available for parents to collect their kids etc.

Comment: Highway Officers are satisfied that there would be sufficient on site parking for staff and visitors. Children would also be picked up and dropped off within the school grounds.

- I have concerns about local houses being devalued because of a school being so close and the noise levels that come with a school.

Comment: This concern is outside of the remit of planning and therefore cannot be taken into consideration.

- Noise disruption from building works and school playing times, which would disrupt local residents peace and quiet and make selling houses harder.

Comment: A Construction Environmental Management Plan would be conditioned, requiring the applicant to submit details to the LPA regarding, noise, dust and disturbance before development can begin.

- How many trees and fields would be destroyed in order to make the school or will all the trees be protected and not knocked down for building work.

Comment: A small number of trees would need to be removed in order to facilitate the development, however, compensatory planting is proposed as part of this application.

- Are all parents going to be allowed to drive into school to park up and collect their children or will there be gates that stop them and force them to park somewhere else.

Comment: Drop off and pick ups would be undertaken within the site, due to the requirements of the school.

- Are the pathways around the Deighton site going to be cut back and cleaned up? The pathways have not been looked after since the school closed down. The kids have helped by making fires, which cost us all when the fire service comes out.

Comment: Any existing public footpaths within the red line boundary for this application, would need to be maintained and kept clear.

7.Conclusion

The site is situated within a Housing allocation and a small parcel of land to the east is Urban Green Space. The proposal therefore represents a departure from the Local Plan. Planning permission decisions must be taken in accordance with the development plan, unless there are material considerations that indicate otherwise. In this case the harm of this loss is minimal and the public benefits of the proposal, to local education, are considered to clearly outweigh the harm caused. Therefore, the principle of development is deemed to be acceptable.

In this instance, there is an identified deficiency in local education and therefore great weight has been provided to this proposal. The development is well designed and takes into account/protects neighbouring amenity. The proposed development is not considered to cause harm to the safe and efficient use of the highway. Other material considerations have also been assessed and considered acceptable.

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 development would constitute sustainable development and is therefore recommended for approval.

Recommendation: Approve

Decision Authorisation - Delegated Powers

Application Number: 2023/93350

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 to ensure the satisfactory appearance of the development on completion, and to accord with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

3. Prior to their use, details of all the external facing materials for the building shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed using the approved materials, prior to the hereby approved building being brought into use.

Reason: In the interests of the visual amenity and to accord with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework

4. Prior to the first occupation of the building, a landscape management and maintenance plan (LMMP) for the external areas including any open space accessible to the public, playing fields etc shall be submitted to, and approved in writing by, the Local Planning Authority. This should include:

The landscape plan including all hard and soft details together with planting plan & specification, location and specification of any play equipment or play elements and playable/educational spaces or sports facilities/pitches including safety surfacing, seats and litterbins.

An implementation, management and maintenance programme including full details for management of newly establishing trees including, but not limited to, a watering regime, monitoring of stakes and ties, formative pruning, replacement of failed or damaged trees.

Details of initial aftercare and long-term maintenance for minimum of 5 years and seasonal maintenance operations. This should also include any SuDS features, existing trees and vegetation retained on site, slopes and bankings, woodlands, plus management of any equipment or playable/educational space, including where relevant RoSPA safety inspections.

Details of monitoring and remedial measures, including replacement of any equipment, safety surfacing, site furniture, trees, shrubs, hedgerows or planting that fails or becomes diseased within the first five years from completion.

The approved landscaping scheme shall, from its completion, be maintained for a period of five years. If, within this 5 year 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 written consent to any variation.

The works shall thereafter be carried out in accordance with the management and maintenance plan and retained for the lifetime of the development.

Reason: To enhance and conserve the visual amenity of the built environment as well as the natural environment in accordance with Policies LP24, LP30, LP32, LP35 and LP63 of the Kirklees Local Plan as well as Chapters 12 and 15 of the National Planning Policy Framework.

5. No development shall take place, until a Construction Environmental Management Plan (CEMP) has been submitted to, and approved in writing by, the Local Planning Authority. The Construction Management Plan shall provide:
A timetable of all works;

Details of 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;

Details of the parking of vehicles of site operatives and visitors;

Details and location of signage;

Details of loading and unloading of plant and materials;

Details of storage of plant and materials used in constructing the development;
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;

Measures to control and monitor the emission of dust and dirt during construction;

A Site Waste Management Plan, detailing recycling/disposing of waste resulting from demolition and construction works;

Details of 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);

Details of artificial lighting used in connection with all construction related activities and security of the construction site;

Site manager and resident liaison officer contact details (including their remit and responsibilities); and

Details of engagement with local residents and occupants or their representatives.

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 occupiers of nearby properties in accordance with Policies LP24, LP51 and LP52 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

This pre-commencement condition is necessary to ensure measures to avoid obstruction to the wider highway network, to avoid increased risks to highway safety, and to prevent or minimise amenity impacts are devised and agreed at an appropriate stage of the development process.

6. Prior to the school opening to pupils, a drop-off/pick-up management plan shall be submitted to and approved in writing by the Local Planning Authority. This management plan should contain details of processes to be put in place to ensure that the queues to the pick-up/drop-off point do not interfere with the safe and efficient operation of the adopted highway network, provide details of queue marshalling and monitoring and provide details of possible mitigation measures in the event that the queues regularly exceed the school grounds. The approved drop-off/pick-up management plan shall thereafter be retained throughout the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety and to accord with Policy LP21 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

7. Development shall not commence until a detailed design scheme detailing foul, surface water and land drainage, including the verified infiltration rates undertaken at the locations of the infiltration tanks sized for the critical 1 in 100 + 30% climate change rainfall event, construction details /design, plans and longitudinal sections, hydraulic calculations and phasing of drainage provision has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a risk assessment and method statement, in accordance with CDM Regulations 2015, for access to and into the infiltration structures, and the scheme shall include a maintenance and management plan for surface water infrastructure. No part of the development shall be occupied until such approved drainage scheme has been provided on the site to serve the development or each agreed phasing of the development and retained thereafter.

Reason: To ensure the provision of adequate and sustainable systems of drainage in the interests of amenity, environmental wellbeing, in accordance with Policy LP28 of the Kirklees Local Plan as well as Chapter 14 of the National Planning Policy Framework. This pre-commencement condition is necessary to ensure details of drainage are agreed at an appropriate stage of the development process.

8. The development shall not commence until an assessment of the effects of 1 in 100 year storm events, with an additional allowance for climate change, blockage scenarios and exceedance events on drainage infrastructure and surface water run-off pre and post development between the development and the surrounding area (both upstream and downstream of the development), has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be brought into use (i.e. the development shall not be occupied) until the works comprising the approved drainage scheme have been completed and such approved drainage scheme shall be retained thereafter.

Reason: To ensure the effective disposal of surface water from the development (including its internal roads) so as to avoid an increase in flood risk and so as to accord with Policy LP28 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework. This pre-commencement

condition is necessary to ensure details of drainage are agreed at an appropriate stage of the development process.

9. Development shall not commence until a scheme, detailing temporary surface water drainage for the construction phase (after soil and vegetation/site 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. - include methods of preventing silt, debris and contaminants entering existing drainage systems and watercourses and how flooding of adjacent land is prevented. - the strategy shall include a plan showing the location of the attenuation storage and supporting calculations, which shall be based on the critical 1 in 2-year storm. It should be assumed that once the site has been stripped that the percentage run-off will be 100 %. The maximum allowable off-site discharge rate shall not exceed 2.5 litres per second per ha, unless otherwise agreed with the LLFA. 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 effective disposal of surface water from the development (including its internal roads) so as to avoid an increase in flood risk and so as to accord with Policy LP28 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework. This pre-commencement condition is necessary to ensure adequate temporary drainage is agreed and implemented before works commence.

10. Prior to the construction of the superstructure works, a habitat management and monitoring plan (HMMP) has been submitted to and approved in writing by the local authority. The plan shall demonstrate how a minimum of 10% net gain in habitat and hedgerow units are to be achieved postdevelopment, utilising baseline information submitted in the DEFRA Metric 4.0 (dated 11th September 2023) and include details of the following:

- a. Description and evaluation of features to be managed and enhanced;
- b. Extent and location/area of proposed enhancement works on appropriate scale maps and plans;
- c. Ecological trends and constraints on site that might influence management;
- d. Aims and Objectives of management;
- e. Appropriate management Actions for achieving Aims and Objectives;
- f. An annual work programme (to cover an initial 5 year period capable of being rolled forward over a period of 30 years);
- g. Details of the management body or organisation responsible for implementation of the HMMP;
- h. Ongoing monitoring programme and remedial measures; and
- i. The HMMP will be reviewed and updated every 5 years and implemented for a minimum of 30 years

The HMMP shall include details of the legal and funding mechanisms by which the long-term implementation of the HMMP will be secured by the developer with the management body responsible for its delivery. The HMMP shall also

set out (where the results from the monitoring show that the Aims and Objectives of the HMMP 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 HMMP. The approved HMMP will be implemented in accordance with the approved details.

Reason: In order to ensure the development provides ecological enhancement and creation measures sufficient to provide a biodiversity net gain in accordance with Policy LP30 of the Kirklees Local Plan and the National Planning Policy Framework. This pre-commencement condition is necessary to ensure details relating to the required biodiversity net gain are devised and agreed at an appropriate stage of the development process.

11. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.

- a. Risk assessment of potentially damaging construction activities that refers to the most up-to-date site specific survey information.
- b. Identification of “biodiversity protection zones”, where appropriate.
- c. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d. The location and timing of sensitive works to avoid harm to biodiversity features.
- e. The times during construction when specialist ecologists need to be present on site to oversee works, where appropriate.
- f. Responsible persons and lines of communication.
- g. Use of protective fences, exclusion barriers and warning signs, where appropriate.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To protect biodiversity during construction by avoiding direct impacts to protected species and preventing the spread of non-native plants, and to accord with Kirklees Local Plan Policy LP30.

This pre-commencement condition is necessary to protect ecological receptors during construction.

12. The development shall be undertaken in accordance with the advice and directions (recommendations) contained in the Arboricultural Method Statement rev C by Frank Shaw Associates Limited. These shall be implemented and maintained throughout the construction phase and retained thereafter.

Reason: To protect trees in the interests of visual amenity and to accord with the requirements of Policy LP33 of the Kirklees Local Plan and advice within the National Planning Policy Framework.

13. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report reference HSP2023-C4164- G-GPII-1222, 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 safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

14. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition (13). 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: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

15. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Verification 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 Verification Report in respect of those remediation measures has been approved in writing by the Local Planning Authority. Where verification has been submitted and approved in stages for different areas of the whole site, a Final Verification Summary Report shall be submitted to and 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 Chapter 15 of the National Planning Policy Framework.

16. All works to minimise the noise from the impact of balls should 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.

17. The MUGAs shall not be used outside the hours of 08:30 to 18:30 Mondays to Fridays only.

Reason: To ensure that the proposed use(s) does not give rise to the loss of amenity to nearby residential properties, by reason of noise or disturbance at unsociable hours, to accord with the aims of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

18. 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.

19. Before first occupation details regarding the technical specification of the 12 electric vehicle charging points (EVCPs) must be submitted to and approved in writing by the Local Planning Authority. This scheme must meet the minimum requirements in the current West Yorkshire Low Emission Strategy (WYLES) document. The approved facilities for charging electric vehicles must be installed before occupation and retained for use 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, Chapters 2, 9 and 15 of the National Planning Policy Framework and the West Yorkshire Low Emission Strategy (WYLES).

20. Before the installation of external artificial lighting commences, a lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme should include the following information applicable to both the site and to the MUGAs:

- a) The proposed hours of operation of the lighting
- b) The location and specification of all of the luminaires
- c) The proposed design level of maintained average horizontal illuminance for the areas that needs to be illuminated.
- d) 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
- e) 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.

No external artificial lighting shall be used unless the lighting has been installed and operated 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 NPPF and LP52 of the Local Plan.

21. Prior to the development being first brought into use and notwithstanding the submitted plans, a scheme for the provision of photovoltaic arrays shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be installed and made operational prior to the first occupation and shall be retained for the lifetime of the development.

Reason: In the interests of sustainable development and addressing climate change, to ensure a contribution towards the development's energy needs is made by renewable sources, and to accord with Policies LP24 and LP26 of the Kirklees Local Plan and the National Planning Policy Framework.

22. The hereby approved development shall be operated in accordance with the provisions to encourage sustainable travel detailed within the approved Travel Plan 'DEI-BWB-GEN-XX-RP-TR-0002_Travel Plan By BWB Consulting.

Reason: To promote sustainable measures of travel, in accordance with LP20 of the Kirklees Local Plan.

NOTE: Artificial lighting

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 Note 01/21 for the Reduction of Obtrusive Light" by the Institution of Lighting Professionals: 2021 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 the corresponding Environmental Zone.

NOTE: All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework 2021. 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. The conditions relate to Planning Control only. Approval under the Building Regulations may also be required, and the applicant should contact their Building Control Provider for further information. Any other necessary consent must be obtained from the appropriate authority. If the applicant commences work without discharging conditions, they will be at risk of enforcement action and invalidating the permission if the planning condition is a pre commencement condition.

NOTE: Electric Vehicle Charging Point

- The electrical supply of the final installation should allow the charging equipment to operate at full rated capacity and the installation must comply with all applicable electrical requirements in force at the time of installation.
- The conditions relate to Planning Control only. Approval under the Building Regulations may also be required, and the applicant should contact their Building Control Provider for further information in relation to Approved

NOTE: No construction related noise shall be audible beyond the site boundary outside the hours of:

- 07.30 to 18.30 hours Mondays to Fridays
- 08.00 to 13.00 hours, Saturdays
- With no construction related noise audible beyond the site boundary on Sundays or Public Holidays.

For further information regarding dust control, guidance can be found in the Institute of Air Quality Management (IAQM) document “Guidance on the assessment of dust from demolition and construction” Version 1.1 2014.

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: High coal

The application site lies within an area that has been defined by the Coal Authority as containing coal mining features at surface or shallow depth. These features may include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such features are seldom readily visible, they can often be present and problems can occur, particularly as a result of new development taking place. If any suspected coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0800 288 4242. Further information is available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities has the potential for court action.

Plans and specifications schedule:

Plan Type	Reference	Version	Date Received
Site Location Plan	22308-FSA-XX-XX-DR-A-1000	P01	10/11/2023
GA Sections Sheet 1	FSA-XX-XX-DR-A-3000	P01	10/11/2023
Existing Site Plan	22308-FSA-XX-XX-DR-A-1001	P01	10/11/2023
Proposed Site Plan	22308-FSA-XX-00-DR-A-1002	-	10/11/2023

Ground Floor Plan	22308-FSA-XX-00-DR-A-1010	P01	10/11/2023
First Floor Plan	22308-FSA-XX-01-DR-A-1110	P01	10/11/2023
Roof Plan	22308-FSA-XX-RF-DR-A-1210	P01	10/11/2023
Proposed elevations	22308-FSA-XX-XX-DR-A-2000	P03	11/12/2023
Planting Schedule	L-2352-PP-500	05	22/04/2024
Existing Site Sections	L-2352-SEC-3000	01	10/11/2023
Proposed Site Sections	L-2352-SEC-3100	14	27/02/2024
Landscaping Layout	L-2352-GAP-1000	37	27/02/2024
Boundary Treatment plan	L-2352-GAP-1100	14	27/02/2024
Transport Assessment (part 3)	DEI-BWB-GEN-XX-RP-TR-003_Transport Assessment_P01_Revised	-	10/11/2023
Transport Assessment (part 2)	DEI-BWB-GEN-XX-RP-TR-003_Transport Assessment_P01_Revised	-	10/11/2023
Landscape Statement	JNA-COL-XX-XX-DOC-005	03	22/04/2023
Biodiversity Metric 4.0	-	-	27/02/2024
Phase II Geo-Environmental Assessment Report	HSP2023-C4164-G-GPII-1222	B	27/02/2024
BNG File Note	By Arbtech (dated 26 th Feb 2024)	-	27/02/2024
Response to consultation comments	65150/01/JG/JS/298940 96v2	-	27/02/2024
Phase 1 (part 1)	HSP2022-C4164-G-GI-1137	-	10/11/2023
Phase 1 (part 2)	HSP2022-C4164-G-GI-1137	-	10/11/2023
Phase 1 (part 3)	HSP2022-C4164-G-GI-1137	-	10/11/2023
Phase 1 (part 4)	HSP2022-C4164-G-GI-1137	-	10/11/2023
Flood Risk Assessment (part 1)	HSP2022-C4164-C&S-FRAS1-1069	-	10/11/2023
Flood Risk Assessment (part 2)	HSP2022-C4164-C&S-FRAS1-1069	-	10/11/2023
Statement of Community Involvement	Dated August 2023	-	10/11/2023
Ecological Impact Assessment	By Arbtech	-	10/11/2023

Transport Assessment (part 4)	DEI-BWB-GEN-XX-RP-TR-003_Transport Assessment_P01_Revised	-	10/11/2023
Transport Assessment (part 1)	DEI-BWB-GEN-XX-RP-TR-003_Transport Assessment_P01_Revised	-	10/11/2023
Travel plan	DEI-BWB-GEN-XX-RP-TR-0002_Travel Plan	P01	10/11/2023
Coal Mining Risk Assessment	C4164	A	10/11/2023
Sustainable Drainage Statement	SDT-BWB-ZZ-XX-RP-CD-0001_SDS	P4	10/11/2023
Proposed Drainage	22308-BWB-XX-XX-DR-C-0500	P4	10/11/2023
Air Quality Impact Assessment	DEI-BWB -ZZ-ZZ-RP-LA-AQA_S0_P01	-	10/11/2023
Arboricultural Method Statement	Dated Sept 2023	C	10/11/2023
Arboricultural Assessment	Dated Sept 2023	C	10/11/2023
Noise Impact Assessment	10046.3	B	10/11/2023
Planning Statement	Dated Nov 2023	-	10/11/2023
Preliminary Ecological Appraisal	By Arbtech	2	10/11/2023
Health Impact Assessment	Dated Nov 2023	-	10/11/2023
Climate Change Statement	22308-FSA-XX-XX-RP-A-8800	03	10/11/2023
Design and Access Statement (part 1)	22308-FSA-XX-XX-RP-A-8700	04	10/11/2023
Design and Access Statement (part 2)	22308-FSA-XX-XX-RP-A-8700	04	10/11/2023
Design and Access Statement (part 3)	22308-FSA-XX-XX-RP-A-8700	04	10/11/2023
Design and Access Statement (part 4)	22308-FSA-XX-XX-RP-A-8700	04	10/11/2023
Design and Access Statement (part 5)	22308-FSA-XX-XX-RP-A-8700	04	10/11/2023
Design and Access Statement (part 6)	22308-FSA-XX-XX-RP-A-8700	04	10/11/2023

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. In this instance, additional information has been sought as part of the application process.

Dated: 09/05/2024