KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) – SECTION 70

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS

Reference No:	**2025/62/90357/W**
Site Address:	Laund Hill Community Club, New Hey Road, Salendine Nook, Huddersfield, HD3 3XF
Description:	Erection of new building for use as training gymnasium, associated facilities and associated works
Recommending Officer:	Danielle Cooper

DECISION – CONDITIONAL FULL 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.

Emma Thompson

AUTHORISED OFFICER

Date: 09-June-25

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Officer Report

Site Description

The site relates to a rectangular hardstanding area which was formerly a Multi Use Games Area which is no longer used. The site is located within an existing recreational rugby sports field. A two storey stone building is located adjacent the site which is a sport hall and gym for the public use. The complex is bounded by residential dwellings and Moorlands Primary School.

The site is accessed from New Hey Road the adjacent car park serves the site, providing 111 spaces.

A number of protected trees surround the site.

The site is located within urban green space as allocated by the Kirklees Local Plan.

Description of Proposal

Planning permission is sought for the erection of new building for use as training gymnasium, associated facilities and associated works.

The proposed building will have a length of 32m and width of 18m. The building will have a pitched roof form, with an overall height of 7.5m and eaves of 6.3m.

The two story building will be constructed from anthracite grey and light grey metal clad walling and aluminium framed glazing.

The new facility will provide a gymnasium, covered training area and associated facilities such as meeting and changing rooms. The Huddersfield Giants currently use the adjacent building for training, however they do not currently have the proposed facilities.

The gym will be used by players and staff only.

The gym would operate between the hours of 7am and 9pm Monday to Sunday.

The proposed signage for the building requires separate advertisement planning permission.

History of negotiations/amendments received

The applicant was required to provide justification to the loss of urban green space. The agent submitted further information which was reviewed and is accepted. Therefore, the loss of urban green space is considered acceptable.

A plan showing the scale relative to the existing buildings adjacent was received.

Relevant Planning History –

2001/93216 – Siting of storage container for the storage of football equipment – Approved

2008/91068 - Erection of Sports Hall – Approved

2021/93645 - Installation of a new 3G synthetic turf pitch, upgraded and extended grass pitch – Approved

Representations

The application was advertised by site notice and within the press.
Final publicity date Expires: 11.05.2025

All comments received have been taken into consideration and material planning considerations summarised below:

2 representations have been received and have raised the following points: comments have been received raising the following points:

- No consultation done

  Officer comment: the application has been advertised by site notice and within the press.

- Height and materials of the building is out of keeping

  Officer comment: The proposed building is situated within an area that is fairly isolated and is of a size and scale functional for its use. The contemporary design is not considered to result in any adverse visual impact to warrant a refusal.

- Concern of parking issues if the building is open to the public

  Officer comment: the building will be used by the Huddersfield Giants only and will not be open to the public. Highways have also reviewed the proposal and raise no highway concerns due to the large parking area.

- Concern of protected trees
  Officer comment: KC Trees have reviewed the Arboriculture report and have no concerns to the proposed development impacting on the protected trees.

- Concern the gym will be open to the public, resulting in competing business.
  Officer comment: The gym is for the use of Huddersfield Giants and will not be open to public.

Councillors Burke, Smith and Robinson have submitted comments in support of the application.

Officer comment: The above support comments are acknowledged.

Consultation Responses

K.C Environmental Health – no objection subject to conditions re construction hours.

K.C Highways Development Management (informal discussion) – no objections.

Ecology – The proposal will cover more than 25sqm and therefore required 10% BNG.

Officer comment: The proposal is situated wholly on hardstanding and as such is not required to achieve BNG.

Trees – No objection following review of further submitted information.

Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan, unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

The site is allocated urban green space on the Kirklees Local Plan. The site is located out of a local centre.

Kirklees Local Plan (LP):

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP13** – Town Centre uses
- **LP21** – Highway Safety
- **LP22** – Parking Provision
- **LP23** – Core walking and Cycle network
- **LP 24** – Design
- **LP30** – Biodiversity and geodiversity
- **LP33** – Trees
- **LP51 –** Local air quality

- **LP52** – Improvement and protection of local environmental quality
- **LP53 –** Unstable and contaminated land
- **LP61 –** Urban Green Space

National Policies and Guidance:
National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published December 2024, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

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

- Chapter 6 – Building a strong, competitive economy
- Chapter 7 – Ensuring vitality and viability of town centres
- Chapter 8 – Promoting healthy and safe communities
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, coastal change and flooding
- Chapter 15 – Conserving and enhancing the natural environment

Assessment
The following matters are considered in the assessment below –

1) Principle of development
2) Impact on visual amenity
3) Impact on residential amenity
4) Impact on highway safety
5) Other matters
6) Representations
7) Conclusion

1 – Principle of development:

The site is designated in the Local Plan as Urban Green Space (UGS) and policy LP61 (Urban green space) is central to the consideration of the proposed development. This policy states that development proposals which would result in the loss of UGS will 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.

This local policy basis is consistent with paragraph 103 of NPPF, which recognises that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of local communities. Furthermore, paragraph 104 of the NPPF is clear that existing open space, sport and recreational facilities should not be built on unless:

a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or

b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or

c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

A statement has been provided for the loss of green space. The site the proposed building will be situated on is a disused and dilapidated hardstanding area that is not used by the local rugby club in terms of sporting facilities. This statement is corroborated by site inspection by the case officer as well as evidence in photographs. The proposed development will provide an alternative sports and recreational provision for the use of the local rugby club – Huddersfield Giants who currently train at the Laund Hill site. The development would provide enhanced indoor training facilities on an area that is currently underused. Given the above, the proposed new gym is therefore considered acceptable in this location and meets the above criteria for the loss of this disused green space set out in the NPPF and Local Plan.

Out of centre use – Gym Class E

Floor area - 796sqm

Due to the size and location of the building in question being outside of a town centre, and some of the proposed uses being classified as 'Town Centre Uses', this triggers a LP13 (a) & (b) of the Kirklees Local Plan. Office uses are classified as Town Centre Uses as confirmed within the NPPF, page 74.

Paragraph 91 of the NPPF states that:

'Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.'

Policy LP13 of the KLP states that:

'Proposals which come forward for main town centre uses, which are located outside of the defined centre boundaries, will require the submission of a Sequential Test.

An Impact Assessment will be necessary for proposals (including the formation of mezzanine floors) for/or which include retail, leisure and office developments which are not located within a defined centre where:

- *the proposal provides a floorspace greater than 500 sq.m gross; or*
- *the proposal is located within 800 metres of the boundary of a Town Centre or District Centre and is greater than 300 sq.m gross; or*
- *the proposal is located within 800 metres of the boundary of a Local Centre and is greater than 200 sq.m gross.*

Proposals which would have an significant adverse impact on surrounding centres shall not be supported.'

The Council recognises the importance of impact assessments being proportionate to the scale of the development. A sequential test has not been submitted to support the application, however as the proposed gym will be used solely be the Huddersfield Giants and is not open to the public, the LPA do not consider it necessary for a sequential test to be submitted. As such, taking into account the above reasons, the LPA do not consider the proposal to result in a significant adverse impact on surrounding local or town centres and is therefore supported.

In this case, the principle of development on the application site is acceptable and shall be assessed against other material planning considerations below.

2 –Impact on visual amenity:

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 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."*

Paragraph 135 of the NPPF is of relevance, in particular the following parts:-
- 'b) Planning policies and decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping'
- 'c) Planning policies and decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change'

Kirklees Local Plan policies LP1, LP2 and significantly LP24 all also seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, thus retaining a sense of local identity.

LP24 states that proposals should promote good design by ensuring:
- 'a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape…'
- 'c. extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details...'

The proposed building is considered to be large in size and scale, however will not exceed the existing hardstanding footprint, ensuring no green space is removed. As the development site is fairly isolated and will be used as a gym for the local rugby club, the LPA consider the size of the building to be visually acceptable within the context of the site. Due to the topography of the site also, the proposed building is situated on a lower land level to the two storey building located west of the site as seen from the submitted site section plan. As such, the LPA do not consider the proposed structure to appear overly dominant within the street scene.

With regard to design, the building will be constructed from grey metal clad walling and aluminium framed glazing. The agent has submitted sample materials of the proposed grey cladding that is to be used for the building and is considered acceptable. It is noted that the building is of a contemporary design, however given its use and isolated location, the overall design is considered acceptable on balance as it will not result in detrimental harm to the character and appearance of the surrounding area that would warrant a refusal.

The proposed development complies with LP24 of the Kirklees Local Plan and Chapter 12 of the NPPF.

<u>3 – Impact on residential amenity</u>:

The impact on residential amenity is acceptable. The proposed building is situated approx. 17m from the adjacent two storey gym/community building and is approx. 24m from the closest residential property, as such there are no concerns to potential overbearing, overshadowing or overlooking impact.

Consideration has been given to the use of the building. K.C Environmental Health has been consulted on the planning application, to ensure that any noise expected from this use would be at an acceptable level.

In this case, no objection has been raised by K.C Environmental Health. There are residential properties near the proposed building however the closest is 24m away as well as a commercial use to the west. It is also noted that the existing playing field will generate noise also when in use by the rugby club.

Given the separation distance to residential properties and the surrounding uses, and the conditions recommended within this report relating to hours of use being: 7am – 9pm Monday to Sunday, there would not be detrimental harm to residential amenity arising from this proposed use.

Construction hours of the building will be controlled by an informative.

The proposed development complies with Local Plan Policies LP24 and LP52 and Chapters 12 and 15 of the NPPF.

4 – Impact on highway safety:

The impact on highway safety is acceptable. An informal discussion was had with Highways Development Management and they have raised no concern to the proposed new gym, as the existing parking area to the south of the gym provides 111 parking spaces. As such there are no concerns to highway safety.

The proposed development complies with Policies LP21 and LP22 of the Kirklees Local Plan.

5 – Other matters:

Trees –

The site is surrounded by trees protected under TPO 23a/02. LP33 states that 'The Council will not grant planning permission for developments which directly or indirectly threaten trees or woodlands of significant amenity'.

An Arboriculture report has been submitted in support of this application.

The proposal will result in some trees needing to be pruned and removed in order to facilitate the building. Upon review of the tree report, KC Trees have raised no objection to the proposed works, however did query whether T5 requires removal to facilitate the development. The agent confirmed that T5 could not be retained due to the proportion of the canopy that would need to be removed to provide clearance of the building. It would therefore likely not survive, KC Trees raise no objections to this tree being removed.

As such the proposed impact the building will have on the surrounding trees is considered to be acceptable, complying with LP33 of the Kirklees Local Plan.

Public Right of Way –

There is currently an application made to establish a public right of way - HUD/dmmo app66/30, which runs along the south of the building. The proposed new building will not impede the line of the foot path and as such raises no concern.

The proposed development complies with LP23 of the Kirklees Local Plan.

Climate Change –

On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan pre-dates the declaration of a climate emergency and the net zero carbon target. However, it includes a series of policies, which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

A climate change statement has been provided in support of the application which details a number of strategies of how the building will seek to lower its carbon footprint. As such, the details provided are considered satisfactory to address the climate change emergency. The proposed development complies with Policy LP51 of the Kirklees Local Plan and Chapter 14 of the NPPF.

Ecology

Biodiversity Net Gain (BNG) of 10% for developments is a mandatory requirement in England under the Environment Act 2021, subject to some limited exceptions. Unless exempt, every planning permission granted pursuant to an application submitted after 12 February 2024 is deemed to have been granted subject to a pre-commencement condition requiring a Biodiversity Gain Plan to be submitted and approved by the local planning authority prior to commencement of the development.

The submitted application form outlines that the application falls under the de-minimis exemption as the building will be built on hardstanding and as such will not impact any on-site habitats. Therefore, BNG is not required under this application.

The site is located within a bat layer, however as the proposal is for one new building, it is not considered necessary to require bat boxes to be installed to the building.

The submitted information is therefore considered acceptable in terms of ecology and would comply with Policy LP30 of the Kirklees Local Plan.

6 – Representations:

2 representations have been received and have raised the following points: comments have been received raising the following points:

- No consultation done

Officer comment: the application has been advertised by site notice and within the press in accordance with the DM Charter.

- Height and materials of the building is out of keeping
  Officer comment: The proposed building is situated within an area that is fairly isolated and is of a size and scale functional for its use. The contemporary design is not considered to result in any adverse visual impact to warrant a refusal.

- Concern of parking issues if the building is open to the public
  Officer comment: the building will be used by the Huddersfield Giants only and will not be open to the public. Highways have also reviewed the proposal and raise no highway concerns due to the large parking area.

- Concern of protected trees
  Officer comment: KC Trees have reviewed the Arboriculture report and have no concerns to the proposed development impacting on the protected trees.

- Concern the gym will be open to the public, resulting in competing business
  Officer comment: The gym is for the use of Huddersfield Giants and will not be open to public.

Councillors Burke, Smith and Robinson have submitted comments in support of the application.

Officer comment: The above comments of support are acknowledged.

7 – Conclusion:

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF, taken as a whole, constitute the Government's view of what sustainable development means in practice.

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is, therefore, recommended for approval.

Recommendation **Approve**

Decision Authorisation - Delegated Powers
Application Number: 2025/90357
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 Policies LP1, LP13, LP16, LP21, LP22, LP23, LP24, LP30, LP51, LP52 and LP53 of the Kirklees Local Plan and Chapters 6,7,9, 12, 14 and 15 of the National Planning Policy Framework.

3. The building hereby approved shall be constructed from aluminium framed glazing, and cladding, kingspan or similar profiled sheets in Pure Grey and Anthracite. These materials and colour finish shall be thereafter retained.
Reason: In the interests of visual amenity and to accord with Policies LP2 & LP24 of the Kirklees Local Plan and policies within Chapter 12 of the National Planning Policy Framework.

4. The development hereby approved shall not be in operation outside the hours of: 07.00am – 21:00pm Monday to Sunday.
Reason: In the interests of residential amenity in relation to noise and disturbance and in accordance with Local Plan Policies LP24 and LP52 and Chapters 12 and 15 of the National Planning Policy Framework.

5. The gymnasium hereby approved shall only be used by members of the Huddersfield Giants Rugby Club, and shall not be made available to the general public or operate as a commercial gym. No other third party use shall take place without prior written consent of the Local Planning Authority.
Reason: In the interests of residential amenity in relation to noise and disturbance and in accordance with Local Plan Policies LP24 and LP52 and Chapters 12 and 15 of the National Planning Policy Framework.

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 Bank/Public Holidays.

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	473-01		26.05.2025
Existing and Proposed Site Plans	473-03		11.02.2025
Existing and Proposed Tree Site Plans			06.05.2025
Proposed Elevations	473-02		11.02.2025
Proposed Site Section	473-04		06.06.2025
Arboriculture Report			06.05.2025
Design & Access Statement			11.02.2025
Climate Change Statement			27.03.2025

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Authority has, 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 applicant was provided a justification for the impact on the urban green space as well as a site section showing the proposed building relative to existing development.

Report Dated: 06/06/2025