

KIRKLEES METROPOLITAN COUNCIL

PLANNING SERVICE

UPDATE OF LIST OF PLANNING APPLICATIONS TO BE DECIDED BY STRATEGIC PLANNING COMMITTEE

30 MARCH 2017

Planning Application 2017/90155

Item 13 – Page 13

Erection of school, formation of outdoor play areas and fenced MUGA and alterations to existing site access and parking

Moor End Academy, Dryclough Road, Crosland Moor, Huddersfield, HD4 5JA

Since the committee agenda was published on 22/03/17 members should be aware of updates to the report on the following matters:

Representations Received:

Cllr Erin Hill submitted the following comments on 28/02/17:

“During the course of this application, I have met with members of DWARG and the head teacher of Beaumont Primary. On balance, while I fully appreciate some residents’ concerns, I feel that the need for the school in this area is very real, and that a new school would be of net benefit to the area. Many constituents contact me every year as they have been unable to secure a school place in their area, and I know that lots of children living near the proposed new school already have to attend school further away from their home than they would wish. I therefore support the building of a new school on the site. This will be of benefit not only to the children and parents who attend, but also the wider community, as the management of the new school are committed to making a real contribution to their community beyond the walls of the classroom.

However, this is an area where traffic is a big issue particularly at dropping-off and picking-up times. The environmental concerns that DWARG have highlighted are valid, and I would like reassurance that these considerations will be dealt with, and will seek to work with residents and the school to make sure that this is managed sensitively and that the dedicated drop-off zone is used. I believe that the plan is for phased forms of entry which will lessen the immediate impact. Mitigation of these issues should be considered at every stage, in consultation with local residents and ward councillors.”

Dryclough Woodside Area Residents Group (DWARG) submitted an addendum (dated 21/03/17) to their earlier submission received on 24/02/17. Members of DWARG live in the vicinity of the proposed development site of Beaumont Primary Academy and the organisation has established a mailing list of over 75 local households.

This second letter (addendum) is summarised below and indicates concern at the additional proposals from BAM Construction / Turley for floodlighting for the MUGA pitch. The additional letter of objection is outlined in summarised as follows:

Contravention of Kirklees UDP Policies on BE1, EP6, EP30, T1, T2, T10, T14, T17, C2, R1, R7A, PPS23 Para 2, and PPG24 Para 1.

- Floodlighting of the MUGA pitch and the potential for 7-day access, including evenings, could result in unacceptable noise or light pollution.
- The drawing showing the theoretical light pollution from the floodlights demonstrates that there will be excessive light permeating towards the houses on Gilbert Grove.
- Significant lighting pollution for occupants of houses on Dryclough Road caused by new lights within the proposed car parks.
- increased use in the evenings and at weekends of the new 3gAGP pitch by community and sports groups.
- existing levels of traffic already impact upon the quality of health within those who use the area.
- The latest submission further adds vehicles accessing the school and surrounding roads to use the sports facilities out of school hours.
- Transport and Travel Plans are woefully inadequate to deal with the proposed new development
- We have not yet had sight of the Kirklees Council Highways Report on the amended application (as it was only to be made available on 22nd March).
- gridlocked roads, blocked access to residences, and potentially dangerous road crossings, these out of school issues will arise because of the success of Beaumont Park as a visitor attraction and as a focus for weddings and other events use of the Eden Centre as a community resource that generates considerable amounts of traffic close to the two existing schools.
- the growing use of local roads to avoid Blackmoorfoot Road, Meltham Road and Swan Lane/Park Road. In future this will also be exacerbated by the forecasted residential developments occurring just off Blackmoorfoot Rd and in Netherpton.
- No provision for safeguarding established wildlife.
- reasonable time limits are placed on the noise, including access and usage times.

- secondary light pollution will affect properties.
- There is potential for noise as early as 07.00 and as late as 23.00 from users of sports facilities. These hours need to be significantly reduced to avoid unwarranted disturbance.
- The response from Kirklees Pollution & Noise Control on the proposed EV recharging plan is not adequate as it relies too heavily on a flawed traffic assessment and inadequate travel plan.
- All commercial vehicles entering the site should comply with current European Emission Standards.
- Paragraph 1.4 of Document BAMY3007 Planning Statement states that there is an Ecological Report submitted with the application. However we were informed on 21st March that the applicants do not propose to prepare such a report by agreement with Kirklees Council. The lack of the Ecological Report together with paragraph 6.15 of Document BAMY3007
- Beaumont Park, which is less than 200m away from the proposed site, has many sightings of bats during the summer months and has a large number of bat boxes installed on its trees. The installation of 6x 15m floodlights could be detrimental to the bats' habitat, we believe that a bat survey will establish the facts.
- Under The Wildlife and Countryside Act 1981, Countryside and Rights of Way Act 2000, and The Conservation (Natural Habitats Etc) Regulations 1994 the applicants have a statutory duty to undertake a bat survey which would determine if the local bats are in danger of being disturbed by the proposed floodlighting or the destruction of local roosting sites in trees (to be felled for the development).

In addition to the comments from Dryclough Woodside Area Residents Group (DWARG) 6 further letters of representation which are summarised below:

- Additional traffic and noise which will be generated by opening the school facilities to the general public outside of school hours will enhance the current problems and also cause additional traffic at weekends and in the evenings after the school is closed.
- The Kirklees planning request states that the school/public use of the sports facilities will be from 7am to 11pm at night. This is totally unacceptable as I have a legal right to enjoy my garden and property unhindered as stated in the Human Rights act.
- This application is purely aimed at mitigation of Sport England's objection and does not fit with the academy's current philosophy
- The fitting of floodlighting will affect my house with very high levels of light pollution. The proposed extended times for the use of the sports facilities will mean light pollution far too late in the evenings and at weekends as well

- The additional noise and especially the light pollution will affect the bats I regularly see flying in my back garden and other wildlife.
- Nationally there is a drive to reduce carbon emissions in residential areas.
- Any children who attend the proposed new school will be from other areas of Kirklees, and having to travel by car or public transport, therefore creating more pollution
- A development this close to established open space, park, woodland and rural areas, should have had surveys undertaken for door- and field- mice, great crested newts (the adjacent residential houses could have ponds harbouring amphibians), badgers, and birds and bats; and that these surveys would have taken place and been reported on within the 2 years prior to planning permission being sought.
- The fact that several trees have already been felled and destroyed without a bat survey being undertaken could mean that several bats might have been killed and destroyed and that this negligence should not be continued prior to the remaining project moving forward.
- The temporary classrooms currently have external lighting on 24/7 and it is so bright that we cannot use our dining room on an evening or one of the bedrooms which is above the dining room and it really worries me about the lighting for the proposed development
- There is no mention of ponds being observed in the area apart from on an ordnance survey map
- The bat surveys were carried out over two consecutive nights instead of spread equally over the optimum period
- The true reflection of objections to the amended application, published less than two weeks ago, is currently not covered in your report to committee, so I assume you are planning an addendum to the report.

Sport England

Further to paragraphs 6.1 and 9.1 of the main committee agenda Sport England have confirmed in writing that they have removed their objection.

Following Sport England's holding objection dated 14th February 2017, amended plans have been submitted in response to our concerns.

The document entitled "Response to Sport England" dated 7th March 2017 confirms that;

- *The proposed AGP will be floodlit*
- *It will be overmarked with 5v5, 7v7 and 9v9 football pitches to FA recommended sizes*

- *The pitch will be constructed to FIFA quality concept for football accreditation or equivalent International Match Standards and World Rugby Reg 22*

The letter also confirms that the school are happy to accept the imposition of a community use agreement condition.

Whilst the proposal will still result in a net loss in playing field area, Sport England is satisfied (given the responses of the NGBs and the strategic context provided by the Kirklees Playing Pitch Strategy) that the amendments to the design of the AGP mean that its beneficial impact on sport will outweigh the loss, and therefore the proposal broadly meets exception E5 to playing field policy

Absence of an objection is subject to the following conditions being attached to the decision notice should the local planning authority be minded to approve the application:

- 1) No development shall commence until details of the floodlighting, fencing, line-marking and construction of the proposed artificial grass pitch have been submitted to and approved in writing by the Local Planning Authority [after consultation with Sport England]. The artificial grass pitch shall not be constructed other than substantially in accordance with the approved details.*
- 2) Use of the development shall not commence until a community use agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement has been provided to the Local Planning Authority. The agreement shall apply to the artificial grass pitch and grass playing pitches and include details of pricing policy, hours of use, access by non-school users management responsibilities and a mechanism for review, and anything else which the Local Planning Authority in consultation with Sport England considers necessary in order to secure the effective community use of the facilities. The development shall not be used at any time other than in strict compliance with the approved agreement."*

Highways

The councils Highways Development Control consultation response was received on 20/03/17 and included within the main agenda. This was later amended to include reference to the amendments to the application in respect of the proposed floodlights for the all- weather pitch. The relevant paragraph is included below.

Use of Sports Facilities out of School Hours:

If the school sports facilities were used out of school hours, the traffic generation expected with this type of use would be relatively low. By definition, the use of the facilities has a limit in terms of participants. Given that the generation would be in the evenings or at weekends, Highways have

no concerns about congestion on the highway network. Also, there is a large supply of parking proposed within the school grounds and therefore all will be able to be accommodated within the school grounds.

A further addendum to the main submission on Highways issues from Dryclough Woodside Area Residents Group (DWARG) was received on 27/03/17 and is included below:

We are writing to comment on the Highways report made available on 22nd March. This report has reviewed the transport and assessment and the travel plan provided by Sandersons for the applicants. We can find little critical consideration by Highways officers of the consultant's reports.

There are two underlying issues where data and surveys presented by DWARG is at variance with the stance taken by the applicant and largely endorsed by Highways on traffic, parking and road safety:

*Our first concern is regarding the **methodology** whereby travel to school data from Oak Primary is used to establish a projected modal split for travel to school at Beaumont Primary Academy. We believe that Oak Primary is a well-established school based on a conjunction of nursery, infants and junior schools that are close to its community. If the patterns of travel to school here are extrapolated for a competing academy that is 350m away there is an assumption that they will draw children from the same areas. We do not see any evidence in existing or future schoolchildren numbers to believe that this will be the reality.*

Several factors have been overlooked that make the new school a more significant traffic generator than Oak Primary. Although a minority of the 630 places will be filled by children from the Beaumont Park / Crosland Moor side of HD4, the new academy will draw a majority of children from an area that is more extensive than Oak Primary's catchment. This drawing of children from outside the effective 'walk to school' area will contribute additional traffic. The status of Beaumont Primary as an academy will also allow it to seek pupils from an even wider area than "South West Huddersfield."

Our analysis of school and population data have led us to the conclusion that only one-third of the children likely to attend Beaumont Primary Academy would live within an effective walk to school area (mostly in the Beaumont Park / Crosland Moor /Lockwood area of HD4).

These factors would result in approximately 400 children travelling to school by car which allowing for some degree of shared use of vehicles, creates a traffic flow that is approximately double the consultants estimates, and these would be twice per day.

Our second primary concern is in the inadequacy of the mitigation methods. The proposed drop-off facility within the school grounds will be limited by the inability of traffic leaving the access road to enter into Dryclough Road at peak times. Its contribution to reduced on-street parking and congestion will be severely limited at peak times by the saturation of traffic in the surrounding streets.

*We believe the sheer **volume of traffic at peak times** is underestimated in the consultant's assessment. Our 10 traffic surveys undertaken between 30 November 2016 and 13th December 2017 showed a flow of between 500 and 700 cars into Dryclough Road in the 8am-9am and 3pm-4pm periods. This was verified on the afternoon of Monday 12th December by monitoring, simultaneously, traffic entering and leaving the area from Woodside Road, Walpole Road and Blackmoorfoot Road.*

This traffic flow into and out of the area would rise to 800 –1000 cars twice per day at peak times, assuming a, conservative, additional flow of 300 cars from the planned school. This is an aggregate of parents/carers/staff visiting the three schools, which will operate as the main traffic generators. We accept that a small part of this traffic flow is represented by background traffic (suggested by the consultants more as a phenomenon of the morning), such as commuting and vehicles crossing between radial routes (Blackmoorfoot Road and Meltham Road).

One result of this saturation at peak time is that it deters cycling, and pedestrian access to schools due to safety fears, and results in delays to scheduled bus services, as is already occurring at peak times. It also contributes greatly to worrying levels of air pollution.

*We reiterated that the **approach to mitigation** is not sufficient to deal with the impacts of saturated traffic on local roads. The applicant's mitigation plans rest on shifting school starting and finishing times, creating pedestrian access to the Moor End Academy site at four access points and the doubtful benefits of the drop-off car park. These measures alone do not adequately challenge the impending congestion.*

*In conclusion, there is little in the proposals to support the proposed travel plan officer. We would have expected obligations on the developer to fund the measures required to promote **walk to school and road safety** - improving footpaths, creating pedestrian crossings, reducing traffic speeds by traffic calming and measures to penalise parking on footways.*

Submitted by Chas Ball

(on behalf of the Dryclough Woodside Area Residents Group)

The councils Highways DM officers have considered the comments received from DWARG and commented as follows:

The action group live in the immediate area and experience the baseline conditions on a daily basis and Highways DM fully respect their views.

The catchment area for the new school has been advised by Kirklees Education department.- On the basis that Highways DM accept the catchment area is correct, the use of Oak Primary School is appropriate. In fact, three existing primary schools in the area have been used to derive an average mode split and this has been benchmarked against other primary schools outside the area. On this basis, Highway DM are comfortable with the mode split used and the resulting estimate of additional car trips.

Traffic flows recorded in the immediate area by the action group are representative of the current situation with Moor End Academy. There is significant route choice in the area and it is expected that drivers will vary their route of arrival to avoid delays.

Highways DM accept that it is usually the case that there is a limited period of congestion in the vicinity of schools in both the morning drop-off and the evening pick-up periods. However, this is short lived. The mitigation proposed at Beaumont Primary School considered appropriate and will likely provide an off-highway drop-off / pick-up facility that will assist in a no worse off impact on the immediate streets in terms of cars stopping. The key to minimising the impact is through management such as split times and supervision of the new drop-off facility which are both measures that have been discussed and covered by condition. Consideration has been given to guarding against over designing mitigation and this need to be proportionate to the issues caused.

Police Architectural Liaison Officer (PALO)

Details of measures to ensure the proposed school facility complies with the requirements of “secured by design” will be controlled by attaching a condition that requires the applicants to meet the specific security needs of the development site.

Ecology

On 27th March a representation from Dryclough Woodside Area Residents Group (DWARG) was received as an addendum to the previous responses and specifically responded to the Ecological Biodiversity Statement submitted by the applicants which is summarised below:

- Outlined the inadequacy of the bat surveys carried out on two days in September 2015. These surveys were carried out over two consecutive nights instead of spread equally over the optimum period.
- We are surprised that a proper bat survey was not carried out during the optimum times for such a survey in 2016 to ensure that bats would not be disturbed by the new proposed development.
- In the light of the amended application, which included the new requirement for a floodlit playing area, we request that the development is postponed to await a full bat survey.
- ECUS clearly referred to the importance of the advice of an ecologist checking on bat roosts in advance of tree felling. This is contained in their arboricultural report, which is part of the applicant’s proposals, which the applicants appear to have failed to take into account before felling established trees in late February

- We have been unable to take advice in the time available and feel the process has been unsatisfactory, bearing in mind we requested access to this document in writing on 8th February and 17th March.

To clarify some of the comments made on procedural matters by the objectors, the application was received as valid on 16/01/17. The applicants included within the planning statement reference to a ecologists statement. The applicants later confirmed that this reference was inserted in error. Subsequently the applicants then submitted a ecologist report that had been undertaken on the site (November 2015) and received on 20/03/17 that was then registered on the council's website and was assessed by the council's ecologist.

The council's ecologist made the following comments:

Having reviewed the ecological information provided, the site does not appear to include any significant ecological features and does not support roosting bats. However, foraging bats are present and there is some potential for proposed lighting to result in an ecological impact in this respect. The site supports some invasive plant species which should be treated appropriately. There is also significant opportunity for ecological enhancement. I suggest the conditions below to secure appropriate ecological enhancement and avoid ecological impacts.

- 1.Method statement for the control of invasive non-native plant species*
- 2.Landscape and ecological management plan*
- 3.Lighting design strategy for biodiversity" for the new building and sports pitches*

Residential Amenity

A additional condition is required to protect residential amenity that controls the times the new sports pitch is operational. The hours allow use between 08:00 -21:00 Mondays-Fridays and 1000-17:00 weekends with no use on bank/public holidays.

Assessment

The application seeks full planning permission for the erection of a new primary school with associated outdoor play areas, amendments to the existing access from Dryclough Road and the existing car park to include drop off / pick up facility, creation of a new car park and the creation of a new fenced 3G sports pitch and new pedestrian access from Woodside Road. The site is located within the grounds of the existing Moor End Academy which opened in 1972 and was known as Moor End High School. The name was changed in 1999 to Moor End Technology College when it became a Technology College as part of the specialist schools programme. In September 2011 the school gained academy status and became known as Moor End Academy. The current pupil numbers for the Academy is 854 (as per the Pupil Number on Roll Spring Census 2016).

A Sport England consultation response dated 14/02/17 required the proposal to be amended in respect of the 3G pitch so to include:

- Floodlights added to the designs and planning permission operating hours enable evening and weekend use.
- A Community Use Agreement is in place and agreed with Sport England, Kirklees Council and West Riding County FA.

The applicants submitted amended plans that included proposed floodlights, updated noise report and lighting assessment on the 07/03/17. For clarity the floodlights proposed are to be sited around proposed around the new 3G sports pitch proposed to the north of the site. The 6x 15m high columns will each support 8X LED luminaries. This pitch is also classed as a multi-use games area (MUGA) and will sit beyond the smaller sized MUGA that facilitates a variety of games, and will be marked out for netball, mini tennis and football. Floodlighting will also be provided to the smaller Multi Use Games Area (MUGA), comprising LED lanterns fixed to 10 metre high columns.

The additional comments raised by both the DWARG residents group and individuals have been considered and whilst many comments relate to the amendments to the application they also question the need for the school in this catchment. In response, the applicants state that statistics do warrant a school of this size in this locality as follows:

The document 'Securing Sufficient High Quality Learning and Childcare Places – School Organisation, Planning and Development for 2015 – 2018 is available on the Kirklees website: <http://www.kirklees.gov.uk/beta/schools/pdf/securing-sufficient-school-places15.pdf> and provides an analysis of demography across Kirklees in relation to current and future demand for learning places. The document takes into consideration NHS data, changes in birth rate, child population demographics, changes in housing and accommodation, the migration of families between and within local authority areas, local geography and parental preference.

An extract from this document states that the Huddersfield South West area (includes the Crosland Moor area) 'has long been identified as needing additional primary provision'. 'For 2016 and beyond it is anticipated that the potential demand for places will show a further increase. This will require additional infrastructure as no capacity exists in any of the school buildings. There are 2 sites in the planning area that have potential for housing development that could further impact on demand in future years.'

The additional representations received from residents and the comments from consultees do not change the recommendation or the concluding comments as stated within the main committee agenda at paragraph 12.1-12.2.

Amended Site Visits

Huddersfield Town Hall

1) 2016/90155 Moor End Academy, Crosland Moor Huddersfield	9:10
2)2016/92055 Crosland Road, Lindley Huddersfield (Position Statement)	9:20
2) 2016/92154: James Street, Liversage	9:40
3) 2017/90349: Headlands Road, Liversedge,	10:20
4)2016/94118: Ravensthorpe Road, Dewsbury	10:35
5) 2016/94117: Lees Hall Road, Dewsbury	11:00
6) 2016/90022: St Andrew's Rd, Huddersfield	11:15
Huddersfield Town Hall	11:55
	12:00