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**Report of the Head of Planning and Development**

**STRATEGIC PLANNING COMMITTEE**

**Date: 26-Aug-2020**

**Subject: Planning Application 2020/91615 Erection of single storey modular building Salendine Nook Academy Trust High School, New Hey Road, Salendine Nook, Huddersfield, HD3 4GN**

**APPLICANT**

Virginia Wood

**DATE VALID**

17-Jun-2020

**TARGET DATE**

12-Aug-2020

**EXTENSION EXPIRY DATE**

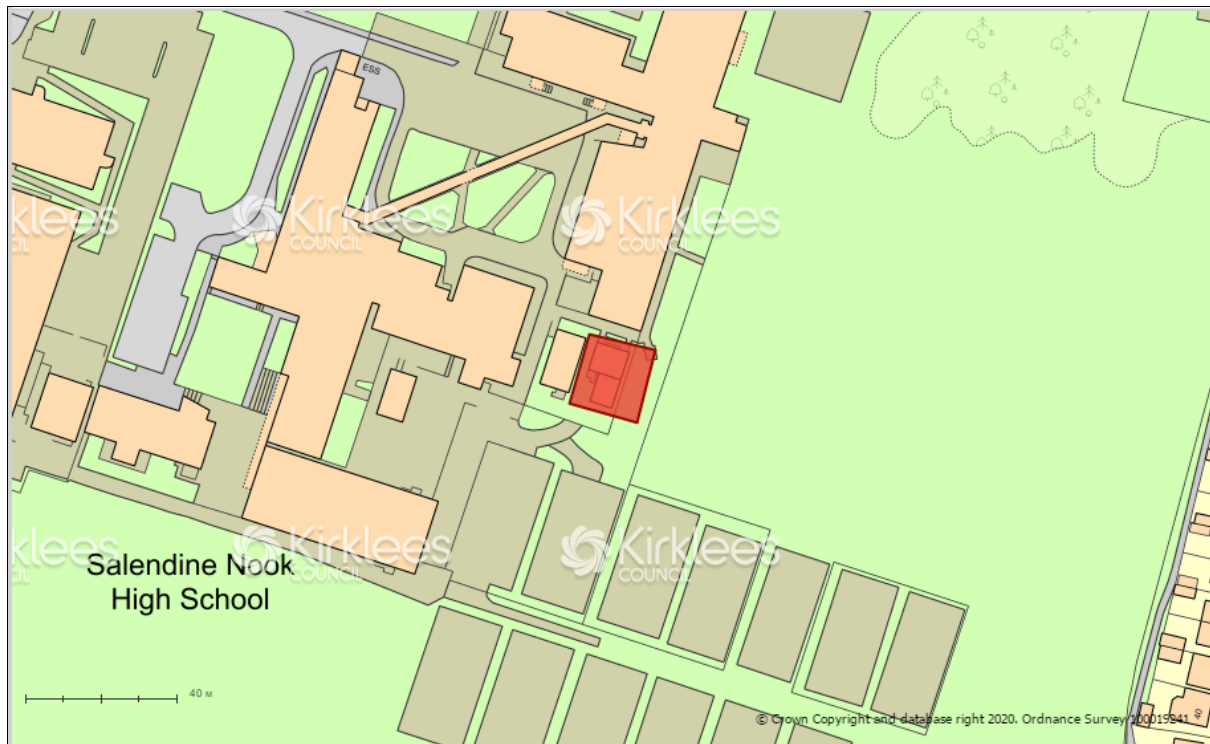
28-Aug-2020

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Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

<http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf>

**LOCATION PLAN**



**Map not to scale – for identification purposes only**

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**Electoral wards affected: Lindley**

**Ward Councillors consulted: Yes**

**Public or private: Public**

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**RECOMMENDATION:**

DELEGATE approval of the application and the issuing of the decision notice to the Head of Planning and Development in order to complete the list of conditions including those contained within this report.

**1.0 INTRODUCTION:**

- 1.1 Permission is sought for a single storey modular classroom.
- 1.2 The application is brought to committee as the proposal represents a departure from the development plan. The application site is situated on Urban Green Space.

**2.0 SITE AND SURROUNDINGS:**

- 2.1 The application relates to Salendine Nook Academy Trust High School, which occupies a relatively large area within a wider campus. The school benefits from a complex of buildings, most of which vary in design and form. The site's main frontage faces onto a car park and Huddersfield College to the west, and is set back from the highway. Pedestrian access can be taken from various points surrounding the site, however, vehicular access is taken from the northwest (New Hey Road).
- 2.2 The site is set within an educational setting, with the school and its grounds also being allocated as Urban Green Space on the Kirklees Local Plan.

**3.0 PROPOSAL:**

- 3.1 The proposal seeks full planning permission for the erection of a modular building, to provide an additional classroom for an already-established school.
- 3.2 The proposed building would have a footprint of 7.4m in length x 3m in width and an overall height of 3.1m. An external decked area would also be included as part of this proposal, in order to provide levelled access into the classroom. This would be 2.7m in width (in order to incorporate the proposed steps) by 2.4m in length.
- 3.3 Internally a new classroom would be provided that would also connect to the existing Student Support Centre.
- 3.4 The building would benefit from a flat roof design and would be constructed using plastic coated steel in Moorland Green (ref: 12B21). The fascias are intended to be black, and windows would be of white UPVC.

#### **4.0 RELEVANT PLANNING HISTORY (including enforcement history):**

4.1 Various planning applications submitted at the school for extensions, alterations and landscaping works. The most relevant to this application are as follows:

- 94/92038 Erection of two mobile classrooms – Granted
- 94/93366 Continuation of use of temporary building for sports studies – Granted
- 95/91074 Erection of two mobile classrooms – Granted
- 2001/92264 Erection of 4 temporary double classrooms – Granted
- 2006/92774 Erection of temporary classroom – Granted

#### **5.0 HISTORY OF NEGOTIATIONS (including revisions to the scheme):**

5.1 No negotiations or amendments have been sought during the life of the application.

#### **6.0 PLANNING POLICY:**

6.1 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 27/02/2019).

6.2 The site is situated on Urban Green Space on the Kirklees Local Plan.

##### Kirklees Local Plan (2019):

6.3 The most relevant policies are:

- LP1 – Presumption in favour of sustainable development
- LP2 – Place shaping
- LP3 – Location of new development
- LP21 – Highways and access
- LP22 – Parking
- LP24 – Design
- LP47 – Healthy, active and safe lifestyles
- LP49 – Educational and health care needs
- LP50 – Sport and physical activity
- LP52 – Protection and improvement of environmental quality

##### National Planning Guidance:

6.4 National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF), published 19/02/2019, the National Design Guide published 01/10/2019 and the Planning Practice Guidance Suite (PPGS), first launched 06/03/2014, together with Circulars, Ministerial Statements and associated technical guidance.

6.5 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 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal changes
- Chapter 15 – Conserving and enhancing the natural environment

#### Other Guidance

6.6 National Design Guide (2019)

### **7.0 PUBLIC/LOCAL RESPONSE:**

7.1 The application has been advertised by site notice, neighbour notification letters and the press. The consultation period ended on 24/07/2020.

7.2 As a result of the above publicity, no representations have been received.

### **8.0 CONSULTATION RESPONSES:**

#### **8.1 Statutory:**

Sport England: No objection to the proposal.

#### **8.2 Non-statutory:**

KC Environmental Health: No objection to the proposal.

KC Trees: There are no trees affected by this proposal and therefore no objection is raised.

KC Highways DM: Given the small scale of the works and that the existing access and parking arrangements are to be unchanged no objection is raised.

KC Policy: The proposal will result in the minor loss of an existing area of green space within the school grounds, however, consideration should be given to the benefits of providing this facility in which are likely to constitute to a material consideration that may outweigh the loss of urban green space.

### **9.0 MAIN ISSUES**

- Principle of development
- Urban design issues
- Residential amenity
- Highway issues
- Other matters
- Representations
- Planning Obligations

## 10.0 APPRAISAL

### Principle of development

10.1 Planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise.

10.2 The site is designated as Urban Green Space (UGS) in the Kirklees Local Plan. Therefore, 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”.*

10.3 This local policy basis is consistent with paragraph 96 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, within paragraph 97 of the NPPF, it 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*

10.4 In light of the above, no further information has been provided as to how the proposal would specifically address the criteria set out within Policy LP61 of the Kirklees Local Plan and Paragraph 97 of the NPPF. Therefore, it is noted that the proposal would result in a minor loss of an existing area of green space within the school grounds. When assessed against the criteria set out within Local Plan Policy LP61, the proposal does not accord with this policy, as the land is not surplus to the requirements nor is the proposal providing replacement green space or for an alternative open space use. Whilst the loss of green space is not significant, it nevertheless represents a departure from the development plan. However, at the Local Plan Examination the Inspector indicated that development in connection with an existing use/community benefit in Urban Green Space may be considered as a material consideration.

- 10.5 Consideration will therefore need to be given to whether the circumstances of the proposed development constitute material considerations and what weight can be attached to those given the Urban Green Space allocation in the development plan.
- 10.6 In this instance, as a modular building the proposal would continue to facilitate the operation of the school and would enhance education provision by supporting the development of the established school use. Therefore, Policy LP49 of the Kirklees Local Plan is relevant, which states that proposals for new or enhanced educational facilities will be permitted where they (a) meet an identified deficiency in provision and (b) the scale, range, quality and accessibility of education facilities are improved. This policy coincides with paragraph 94 criteria (a) of the NPPF which states that Local Planning Authorities should attach great weight to the need to create, expand or alter schools through the decisions on applications.
- 10.7 Given the above, officers have considered the proposal to not have a detrimental impact on the existing sports and recreation facilities at the school or adverse visual impact, and therefore the educational benefits constitute a material planning consideration that outweighs the loss of urban green space. Thus, this material consideration justifies a departure from the Local Plan.
- 10.8 Having taken into account the above, it is considered that the proposal in principle would be acceptable, subject to there being no detrimental impact in relation to the other material planning considerations which are assessed in more detail below.

#### *Loss of playing space*

- 10.9 It has been acknowledged that the proposal would result in the loss of an existing grassed area to the east of the main school buildings. More specifically, the modular building would be 20sqm in size and is to be development adjacent to the existing mobile classroom known as the Student Support Centre, which is currently L-shaped. As such, the proposal would fill in the missing corner to make a complete rectangular unit.
- 10.10 The proposal development would therefore not result in a material loss of the existing outdoor play area, as several playing fields are located to the north, east and south, and these would be retained. There is also existing fencing in place in which restricts access to the nearest playing field to the east of the proposed development.
- 10.11 Sport England have been formally consulted as part of this application, whereby no objections have been raised as the proposal is considered to meet exemption 3 of their playing fields policy, in that:

*“The proposed development affects only land incapable of forming part of a playing pitch and does not:*

- *reduce the size of any playing pitch*
- *result in the inability to use any playing pitch (including the maintenance of adequate safety margins and run-off areas);*
- *reduce the sporting capacity of the playing field to accommodate playing pitches or the capability to rotate or reposition playing pitches to maintain their quality;*

- *result in the loss of other sporting provision or ancillary facilities on the site; or*
- *prejudice the use of any remaining areas of playing field on the site”.*

10.12 As a result officers consider the proposal to accord with Policies LP47 and LP60 of the Kirklees Local Plan and the aims of Chapter 8 of the NPPF, in promoting healthy, active and safe lifestyles.

#### Urban design issues

10.13 The applicant is seeking permission for an educational building which would be ancillary to the main school. Nonetheless, the building would be located within the existing built form, as it would be attached to the existing mobile classrooms.

10.14 The building, as illustrated on the proposed plans, would be relatively small in size and scale when viewed against the backdrop of the main school buildings and would infill a corner to the existing L-shaped development, to create a rectangular block. The classroom would have a footprint of 7.4m in length x 3m in width and an overall height of 3.1m. The provision of a flat roof would help reduce some of the development’s bulk and massing.

10.15 The new classroom would be constructed from plastic coated steel in Moorland Green colour. Such materials are considered acceptable as they are in keeping with the existing mobile classrooms. The fascias are also intended to be black with the proposed fenestration being constructed from white UPVC. The insertion of several windows would allow natural light penetration into the classroom. Therefore, given the buildings discreet location to the east of the main school buildings and within the corner of the existing units, it has been considered that there would be no material impact upon the visual amenity of the site or the surrounding townscape.

10.16 It is therefore considered that the proposal would accord with Policy LP24 of the Local Plan, the National Design Guide and Chapter 12 of the NPPF.

#### Residential Amenity

10.17 The nearest residential dwellings to the proposed development, are those located along Hayfield Avenue to the east. In this instance, it has been noted that the proposed modular classroom would be located in excess of 150m from the nearest residential dwelling, and would be located within the corner plot of the existing building form. For these reasons, the proposal is not considered to have any material impact upon residential amenity in terms of overshadowing, overlooking, and overbearing.

10.18 Furthermore, Environmental Health officers have not raised any objections in terms of noise disturbance, as the submitted information suggests that the development would not result in an increased number of staff or pupils, nor any significant additional activity. As such, it is considered that the modular classroom would have an acceptable impact on residential amenity, complying with the aims of Policies LP24 and LP52 of the Kirklees Local Plan, the National Design Guide and Chapter 12 of the NPPF.

### Highway issues

- 10.19 The proposed building would be ancillary to the main school and existing Student Support Centre and therefore is intended to improve and provide the additional facilities required. Furthermore, the details provided within the application form also state that the new building would not affect staff or pupil numbers and therefore the proposal is not anticipated to increase the number of vehicular movements to and from the site.
- 10.20 Highways Development Management officers have also raised no objection to the scheme as the existing access and parking arrangement are to be unchanged. For these reasons, the proposal is considered to comply with Policies LP21 and LP22 of the Kirklees Local Plan.

### Other matters

#### *Climate change*

- 10.21 It is considered that the proposed development would not have a significant negative impact in the context of the climate change emergency. The new modular classroom would be a sufficiently robust structure for its intended use, but could be removed and reused relatively easily. Furthermore, such modular forms of building provide opportunities for efficiencies in terms of energy and material use during manufacture. The shielding of the building from northerly winds by existing buildings, and the insertion of various windows in the western elevation, would also reduce the need for heating and artificial light, and would improve solar passive gain. No mechanical ventilation or air conditioning is proposed, and windows would be openable. Lower-energy LED lighting is proposed. While there would be no additional landscaping or planting as part of this application, the existing trees which line the curtilage of the school (and which positively contribute towards better air quality) would not be removed. In summary, it is considered that the scheme provides sufficient opportunity to meet the dimensions of sustainable development.

### Representations

- 10.22 As a result of the above publicity, no representations have been received.

### Planning obligations

- 10.23 No Section 106 agreement is required as part of this planning application

## **11.0 CONCLUSION**

- 11.1 The application site is designated as an Urban Green Space in Local Plan and therefore proposed development would be contrary to Policy LP61. However, it is considered that there are material considerations which outweigh the development's harm and justify a departure from the Local Plan. These material considerations consist of a recognised need for improved educational facilities at the site, which accord with Policy LP49 of the KLP and Paragraph 94 of The NPPF.



11.2 Furthermore, 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. In such circumstances it is considered that there are no adverse impacts of granting permission which would significantly and demonstrably outweigh the benefits when assessed against the policies in this framework taken as a whole, or that specific NPPF policies indicate development should be restricted. In such circumstances the application is recommended for approval.

**12.0 CONDITIONS (Summary list. Full wording of conditions including any amendments/additions to be delegated to the Head of Planning and Development)**

1. Three years to commence development.
2. Approved plans and documents.
3. External materials.
4. The removal of the building (and land to be restored) should it no longer be needed.

**Background Papers:**

Application and history files.

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2020/91615>

Certificate of Ownership – Certificate B has been signed.