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

**HUDDERSFIELD PLANNING SUB-COMMITTEE**

**Date: 17-Jun-2021**

**Subject: Planning Application 2020/91820 Change of use and refurbishment of existing buildings to form outdoor learning facility with classrooms (F.1(a) and ancillary overnight accommodation Land off, Manchester Road, Marsden, Huddersfield, HD7**

**APPLICANT**

J Ragona

**DATE VALID**

06-Jul-2020

**TARGET DATE**

31-Aug-2020

**EXTENSION EXPIRY DATE**

16-Mar-2021

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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: Colne Valley Ward**

**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 This application seeks full planning permission for the conversion and change of use of two agricultural buildings to form outdoor learning facility with classrooms (use class F.1(a)) and ancillary overnight accommodation.
- 1.2 The application is brought to committee as officers consider the volume of public representations received in opposition to the scheme to be significant, in line with the requirements of the Scheme of Delegation to Officers and as agreed with the Chair of the Huddersfield Planning Sub-Committee.

### **2.0 SITE AND SURROUNDINGS**

- 2.1 The site consists of two modern agricultural buildings with a level surfaced area along their frontages and surrounding them. The southern building is the larger of the two. Each is portal frame constructed; most elevations are walled with a dwarf masonry wall with cladding above, although each building does have partially open elevations. Two shipping containers are sited to the front of the buildings; one is evident on aerial photos from 2002, the other from 2012.
- 2.2 The buildings are set within the south-west corner of a larger open field. A private unnamed road runs along the site's south and west boundaries, which the site is accessed from. The private road links Manchester Road (to the south of the site) to Waters Road (to the north). The site is close to the valley floor, with the River Colne bordering the field's north boundary. Mature trees surround the site and the larger field surrounding it, with many benefiting from Tree Preservation Orders.
- 2.3 The site is Green Belt land, within the rural environment. The applicant has confirmed they own circa 16 acres of adjacent land. There is open land in all directions around the site, with sporadic, isolated residential properties in the wider landscape. The site is 150m away from the Close Gate Bridge Scheduled Ancient Monument and the South Pennine Moors Special Protection Area.

### **3.0 PROPOSAL**

- 3.1 The proposal seeks full planning permission to convert the site into an outdoor learning facility with classrooms and overnight accommodation. The overnight accommodation is proposed to accommodate up to 32 children and 8 adults. The site is anticipated to support six full time equivalent jobs.
- 3.2 The larger of the two agricultural buildings would be converted into the main teaching block, hosting two classrooms, a canteen, kitchen and ancillary rooms (staff facilities, equipment store and office). The smaller building would be the accommodation block.
- 3.3 External works to the buildings include each having their open elevations enclosed, proposed as masonry to the lower section and external timber cladding above. The roof, currently corrugated sheeting, is to be replaced by standing seam panels. New window and door openings would be installed in each elevation, each with a 'concealment shutter system', which may be closed when not in use.
- 3.4 Works to the site include the existing hard surfaced area being retained. Space for 8 vehicles, including 4 mini-bus parking spaces and 2 disabled bays are shown however would not be demarked. Bin collection and external cycle store areas are shown, along with an area of wildflower planting.
- 3.5 A limit of 32 children and 8 adults' visitors has been proposed. The application does not propose a typical education facility (i.e., a school). The site is intended to educate children on outdoor pursuits and the natural environment, with the associated benefit of physical activity. The following example activities have been given:
- Bat Study Courses
  - Bird Study Courses
  - Bushcraft, shelter building and survival skills
  - Camping and hiking
  - Conservation Work
  - Cooking Classes
  - Cycle lessons
  - River study
  - Village Study
  - Wayfaring & Orienteering

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

#### **4.1 Application Site**

2003/92164: Agricultural notification for the prior approval of details for erection of agricultural storage barn – Details Approved

2006/90797: Erection of agricultural workers dwelling – Refused

## 4.2 Surrounding Area

*Land Off, Manchester Road (To south-east of application site)*

2004/93539: Outline application for erection of 1 no. dwelling – refused

*Hey Green Country House Hotel / Hey Green Lodge*

2013/91612: Change of use from hotel to 1 no. dwelling – Conditional Full Permission

2016/90189: Certificate of lawfulness for proposed use as a residential home for up to 4 children / adults – Certificate of lawful use granted

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

5.1 The proposal initially included a café element, open to the public, and open accommodation. Officers expressed concerns over the proposal as originally submitted. Insufficient detail had been submitted to support the application, leading to officers objecting on issues relating to the Green Belt, design, highways, ecology, trees and water source.

5.2 The applicant positively responded to the concerns raised. The scope of the development was changed to pure educational facilities, with ancillary accommodation, and the design of the building was simplified. Further evidence on the structural soundness of the buildings were provided. Additional information on highways, ecology, trees, and the water source were provided and found to be acceptable.

5.3 The amended scheme was considered less intensive within the Green Belt and evidence had been provided to demonstrate the proposal would not harm material planning considerations. It was therefore concluded that officers could support the proposal, subject to conditions.

## 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<sup>th</sup> February 2019).

[Kirklees Local Plan \(2019\) and Supplementary Planning Guidance / Documents](#)

6.2 The application site is within the allocated Green Belt in the Local Plan.

6.3 Relevant Local Plan policies are:

- **LP1** – Presumption in favour of sustainable development
- **LP2** – Place shaping
- **LP3** – Location of new development
- **LP21** – Highway safety and access

- **LP22** – Parking
- **LP24** – Design
- **LP30** – Biodiversity and geodiversity
- **LP33** – Trees
- **LP34** – Conserving and enhancing the water environment
- **LP35** – Historic environment
- **LP47** – Healthy, active and safe lifestyles
- **LP49** – Educational and health care needs
- **LP51** – Protection and improvement of local air quality
- **LP52** – Protection and improvement of environmental quality
- **LP53** – Contaminated and unstable land
- **LP60** – The re-use and conversion of buildings

6.4 The following are relevant Supplementary Planning Documents or other guidance documents published by, or with, Kirklees Council

- Kirklees Local Plan Supplementary Planning Document – Highways Design Guide (2019)
- West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance (2016)

6.5 A draft Open Space SPD was published by the Council in 2020 as part of the ‘Quality Places’ consultation (which also included a Housebuilder SPD and House Extension and alterations SPD). This has undergone public consultation but has not yet been adopted. However, its content is consistent with the policies and objectives of the Kirklees Local Plan and it is therefore considered that modest weight can be attached to it at this stage. A Biodiversity Net Gain Technical Advice Note was published at the same time and was also subject to public consultation. It is yet to be adopted but it provides guidance on how Biodiversity Net Gain should be achieved by development within Kirklees in the intervening period before the introduction of the Environment Bill.

#### National Planning Guidance

6.7 National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF), published 19<sup>th</sup> February 2019, and the Planning Practice Guidance Suite (PPGS), first launched 6<sup>th</sup> 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 2** – Achieving sustainable development
- **Chapter 4** – Decision-making
- **Chapter 8** – Promoting healthy and safe communities
- **Chapter 12** – Achieving well-designed places
- **Chapter 13** – Protecting Green Belt land
- **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

## Climate change

- 6.9 The Council approved Climate Emergency measures at its meeting of full Council on the 16<sup>th</sup> 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.
- 6.10 On the 12<sup>th</sup> 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.

## **7.0 PUBLIC/LOCAL RESPONSE**

### *Public representation*

- 7.1 The application has been advertised via site notices and through neighbour letters to properties bordering the site. This is in line with the Council's adopted Statement of Community Involvement.
- 7.2 Following the initial public representation period the application went through a second round of publicity. This was following a set of amended plans and a change to the description of the development. The final public representation period expired on the 15<sup>th</sup> of February 2021. Across the two public representation periods a total of 282 public representations were received.
- 7.3 Circa 80% of representations are identified as being in support of the proposal with the remaining 20% in opposition. The following is a summary of the comments received:

### *Support*

- Redevelopment of redundant buildings is a good idea and supports climate change.
- This will improve community spirit and children's interest in the rural environment.
- The proposal will improve the tourism industry within Marsden and bring money into the area.
- The proposed development would create an exciting and engaging facility to help children, including those who are disabled.
- Children's vocational skills will be improved.
- Modern children have a disconnect from nature and health issues, both physical and mental: facilities such as those proposed are of particular importance to address this. This is a particular issue during the pandemic and as we move out of it.

- Bring the site into use will improve the appearance of the area and removing the storage containers will be of benefit.
- The proposal will enable enhancements to local ecology.
- The site is ideal to access the countryside and help those without immediate access enjoy its benefits.

### *Object*

- The building has not been used for agricultural purposes for a prolonged period of time.
- If the café applies for an alcohol licence, there would be anti-social behaviour in the area.
- Question the need for a café within this area.
- The proposal will redirect money away from local centres.
- The proposal will lead to increased litter in the rural environment. The proposal will lead to more people lighting BBQs on the moors, contrary to the nearby Public Space Protection Order (PSPO).
- Access from Manchester Road, which is 60mph, is dangerous and not adequately addressed. Access from Waters Road is also substandard, being a narrow road with poor sightlines each direction.
- The applicant only has right of access for agricultural purposes to the site from Waters Road. The land owner does not consent to the proposed access. Traffic associated with the development will cause damage to the road. It also puts undue liability on the land owners, such as if an accident takes place on their land.
- The proposed development, including the construction phase, would lead to damage of the private road. This includes its retaining structures and adjacent drainage infrastructure.
- The private road is poorly surfaced at present and its state would be made worse by increased traffic.
- Increased traffic would result in greater air pollution.
- Historic applications on the site have been refused: how is this different?
- If planning is granted, will access only be via Manchester Road, as per the red-line, or via Waters Road too?
- More traffic increases risk to horse riders, who are common in the area.
- Water and drainage infrastructure in the area is historic and/or poor quality. The proposal would add pressure to this substandard system.
- No community consultation has been undertaken by the applicant.
- Waters Road, if used, is narrow with poor visibility and is not appropriate for additional vehicle movements, particularly larger vehicles anticipated to be associated with this development. This will make Waters Road unsafe for pedestrians.
- The proposed development is dependent upon schools spending money for non-curriculum subjects, which is not likely.
- Concerns that the activity associated with the proposed development and construction phase will harm the peaceful environment local residents currently enjoy. This will unduly affect local people with disabilities.
- The lack of nearby cafes and facilities indicates this will be unviable and close soon. The proposed development is likely a 'back door attempt' to get another form of development on site, i.e., residential.

- The proposal will harm residential amenity through noise and odour pollution.
- The level of car parking is inadequate for the number of café covers. Increased parking on nearby streets will limit emergency service vehicle access.
- Limited information has been provided regarding the applicant's water supply. Many properties use the borehole which the proposal will tap into: the commercial use of this will drain the water.
- The proposed development is detrimental to the Green Belt, being harmful to openness and the very purpose of including land within the Green Belt.
- There are alternative outdoor education facilities in the area and therefore this development is not needed.
- The proposal will cause harm to local Ecology. The site is next to the South Pennine Moors which is a Site of Special Scientific Interest. More visitors will risk the balance of the ecosystem.
- The proposal would dramatically change the character and nature of the site and surrounding area.
- The structures are insubstantial in construction and are not fit for conversion.
- There are already similar facilities in the area, such as Standedge Tunnel Visitor's Centre. This includes the education space, café and accommodation elements (of the original proposal).
- There are poor public transport connections in the area. Vehicle access to the site is substandard and dangerous.
- Road markings, including those for cyclists, on Manchester Road into the private road are inadequate for larger vehicles.
- The site has no access to sewerage treatment: the river should not be used as a discharge point for the package treatment plant, as the river is used by bathers. It could also contaminate ground water, which many nearby dwellings source water from.
- The appearance of the building is unattractive, and the materials are poor quality.
- The (original) proposal includes the loss of protected trees.
- The bridge from Waters Road is listed and may be damaged via more traffic movements. The proposal could also harm other nearby listed structures, such as Close Gate Bridge (also part of a Scheduled Ancient Monument).
- Concerns are raised over the professionalism and competency of the company undertaking the structural survey.

7.4 A petition against the proposal was received. No specifics on the nature of the petition's objection were given. It contained 29 signatures. Note that the petition was received in response to the initial proposal, which included open over-night accommodation and a café.

7.5 The National Trust, who manage and maintain the nearby South Pennine Moors, have objected to the proposal. This is on the following grounds:

- While they accept the principle of re-using buildings in the Green Belt and support improving public access to county side, concerns are held.



- More detail is required relating to increased pressures that might arise from the proposed uses in this location arising from increased visitor numbers, traffic, noise and disturbance on neighbouring habitats in particular.
- National Trust does not consider that there is sufficient survey material to allow potential impacts to be assessed on the internationally and nationally important designations in this location. The ecological appraisal sets out there are 'no foreseeable' impacts without backing this statement with any assessment as to how this conclusion has been reached.
- Given that one of the key objectives of the management in this area is to enhance the biodiversity for birds, then it could be argued that any adverse impact upon birds arising from disturbance through increased vehicles, pedestrians, dog walkers, cyclists, lighting, control of litter etc may risk impacts arising. We consider there may be ways to manage potential impacts with appropriate mitigation, but this needs to be assessed and considered as part of the planning application process.
- Appropriate ecological assessments should be undertaken by both the applicant and Kirklees Council.

## **8.0 CONSULTATION RESPONSES**

### **8.1 Statutory**

K.C. Highways: No objection.

Historic England: No comment offered.

Natural England: No comment offered.

### **8.2 Non-statutory**

K.C. Crime Mitigation: Advice provided and shared with the applicant.

K.C. Ecology: Expressed initial concerns. Following receipt of further details, no objection subject to condition.

K.C. Environmental Health: Expressed initial concerns. They provided feedback, which the applicant addressed. Based on the amended details, no objection subject to condition.

K.C. Trees: Expressed initial concerns which were overcome by amended plans. No objections, subject to conditions.

Yorkshire Wildlife Trust: Advised that a Habitat Regulations Assessment (HRA) should be undertaken and further consideration of lighting, impact on bats, and net gain. K.C. Ecology shared these concerns, however on submission of further details (and having undertaken an HRA), these are considered to be addressed.

## 9.0 MAIN ISSUES

- Principle of development
- The historic environment
- Residential amenity
- Highways
- Ecology
- Other matters
- Representations

## 10.0 APPRAISAL

### Principle of development

- 10.1 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 those proposals that accord with the policies in the Kirklees Local Plan would be approved without delay, unless material considerations indicate otherwise.

### *Land allocation (Green Belt)*

- 10.2 The NPPF identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. All proposals for development in the Green Belt should be treated as inappropriate unless they fall within one of the categories set out in paragraph 145 or 146 of the NPPF.

### **Whether the proposal is inappropriate development in the Green Belt**

- 10.3 Paragraph 145 relates to new structures within the Green Belt and is therefore not relevant to this application. Paragraph 146 of the NPPF advises that certain other forms of development are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purpose of including land within it. These 'other forms of development' includes the re-use of buildings provided that the buildings are of permanent and substantial construction (146(d)) and material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds) (145(e)). The proposal includes elements of both these exceptions.
- 10.4 Local Plan policy LP60 elaborates on the re-use of building(s), outlining the following criteria:

*Proposals for the conversion or re-use of buildings in the Green Belt will normally be acceptable where;*

- a. the building to be re-used or converted is of a permanent and substantial construction;*

*b. the resultant scheme does not introduce incongruous domestic or urban characteristics into the landscape, including through the treatment of outside areas such as means of access and car parking, curtilages and other enclosures and ancillary or curtilage buildings;*

*c. the design and materials to be used, including boundary and surface treatments are of a high quality and appropriate to their setting and the activity can be accommodated without detriment to landscape quality, residential amenity or highway safety.*

- 10.5 The Local Plan is silent and does not have a specific policy relating to the change of use of land, although LP60(b) is relevant to impacts on a land's character and setting.
- 10.6 The applicant has provided a structural report on the state of the buildings as existing. This has demonstrated to officers that each of the buildings are in a good condition. The proposed works are minimal in nature and can be undertaken with limited structural works; the lower brick wall and upper cladding is existing on most of each buildings' elevations and is simply to be continued to enclose all elevations. For the avoidance of doubt that a conversion is being considered, a condition prohibiting demolition may be imposed if it is considered necessary. Accordingly, officers conclude that the existing buildings are of permanent and substantial construction, in compliance with the first requirement of NPPF 146 and LP60(a).
- 10.7 LP60(b) requires consideration of a proposal's impact upon a site's setting and how it appears within the Green Belt, which is consistent with the NPPF's consideration of openess. LP60(c) relates to design, including that of the building, boundary treatments and surfacing.
- 10.8 LP24 sets out general design considerations. The policy states that '*Good design should be at the core of all proposals in the district*'. It continues, '*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*'
- 10.9 The proposed physical works to the buildings will keep the agricultural appearance of the existing buildings. Fully enclosed agricultural sheds are common within the rural environment, and that is how these structures will appear. The materials to be used, stone and timber walling and a standing seam roofing, are appropriate for the rural setting and accepted in principle: a condition for samples of materials, to ensure suitable end products, is recommended. There will however be windows / glazed openings, which would not be typical on an agricultural barn. Despite this, the windows are considered to be kept to a minimum in size and will not be overly prominent from a distance. Many, but not all, of the windows are proposed to include a 'concealment shutter' system. This will allow the windows to be hidden when not in use, to assist in preserving the appearance of an agricultural building. Details of this system and how it will be operated, including when, are to be secured via condition. Nonetheless, officers are satisfied that the windows would not cause to structures to appear incongruous in their surroundings.

- 10.10 Progressing to external works, these are limited. No boundary treatment is proposed and the site will retain the existing open nature. The existing hard surfaced area is to be retained for parking. Parking bays are not to be formally laid out, to prevent the immediate appearance of a car park in the Green Belt, which is welcomed and to be secured via condition. A detailed landscaping strategy is to be secured via condition, which will look to improve the natural setting of the area (and the ecological value of the site, considered further in paragraph 10.54). Cycle stands for storage are proposed. A condition is to be imposed requiring details of the cycle storage facilities, to ensure the design will have minimal prominence. A waste storage / collection area is to be provided; screening will be required to minimise the visual impact of bins, but a modest timber screen would not appear out of keeping. Conversely, a pair of storage containers on site are to be removed. One has been in place since before 2002, the other from 2012 and therefore can be considered permanent features. Their removal, which may be secured via condition, would benefit the openness of the Green Belt and be a general improvement to the character of the area, as they are unattractive features.
- 10.11 Consideration is also needed on the proposed development's resultant activity in the Green Belt. This includes traffic movement and the usage of the site.
- 10.12 The applicant has proposed a limit of 32 children, based off typical class sizes, with 8 chaperones. The proposed associated activities will include students being out in the surround area, including fields and footpaths. Nonetheless, this number of visitors and the activity they would bring, within the building or around the site, is not considered detrimental to the openness of the Green Belt. People accessing the Green Belt is not opposed, and there would be no lasting impact upon the openness or character of the Green Belt through the suggested activities. However, it is proposed to impose a condition limiting the site to the proposed numbers of children and chaperones, as greater uncontrolled numbers could result in harmful activity within the Green Belt.
- 10.13 It is also proposed to condition the kitchen / canteen is used as an ancillary feature only, by the educational visitors, and not for passing trade. If used for passing trade, with higher movements and turnaround of visitors, the proposal would have a greater impact upon openness. Similarly, it is proposed to limit the use to F.1(a) only. This is because planning permission is not needed to change to other F.1 uses, which include museums, libraries, and places of worship. These uses would typically have a greater demand for traffic movement, to the detriment of openness.
- 10.14 Based on the proposed maximum number of attendees and limiting the site to the specific education use only, vehicle movements, as set out in the supporting documentation, will be limited; visitors (children and chaperone(s)) are to be brought to and from the site principally via mini-bus (anticipated at 3 or 4 vehicles per class), as opposed to individual vehicle movements. As most groups will be staying overnight, for one or more nights, mini-bus movements would not be a daily occurrence. The proposal is expected to accommodate 6 full time positions: due to the location, these too will likely require vehicle use.
- 10.15 Beyond direct access from users, indirect use includes service vehicles such as waste collection and food delivery. Waste collection can be expected once or twice a week. As a business, this would be via private arrangement and would unlikely include standard domestic sized refuse vehicles. The site

includes a canteen to service those staying overnight so will necessitate food deliveries. The frequency of these deliveries is currently unknown, but are not anticipated to be unduly common.

- 10.16 Based on the identified movements, traffic generation associated with the proposed use is expected to be negligible. The highways impact of the proposal will be considered further in paragraphs 10.42 – 10.49. For Green Belt purposes, traffic movements on the network are not anticipated to be perceptible against existing traffic. While vehicles will come and go from the site, the identified level is not considered materially detrimental to openness.
- 10.17 Officers recommend that a lighting strategy be secured via condition. This is to include the direction / spill of external lighting and times of operation, to ensure continuous illumination is not proposed and the natural setting is retained, in the interest of preserving openness.
- 10.18 Policy LP60(c) of the KLP includes reference to ensuring a development does not detrimentally impact landscape quality, residential amenity or highway safety. Landscape quality has been considered above. Residential amenity and highway safety will be considered where relevant within this assessment but are concluded to have no material planning concerns.
- 10.19 In conclusion, when viewed from elsewhere within the Green Belt officers consider the site will retain the appearance of an agricultural compound in a rural setting. While activity on the site may be evident when in use, it is not anticipated to adversely affect the character or openness of the Green Belt, or be detrimental to visual amenity as a wider consideration. This takes into account the activity that could be associated with the authorised agricultural use of the site. Officers therefore consider the proposal to comply with Policies LP24 and LP60 of the Local Plan.
- 10.20 Paragraph 146 of the NPPF requires consideration of a proposal's impact upon the purpose of including land within the Green Belt.

### **Impact upon the purpose of including land within the Green Belt**

- 10.21 Paragraph 134 of the NPPF states that the Green Belt serves five purposes. The proposal's interaction with each of these purposes is considered below.
- 10.22 The first, second, and forth purposes are:
- *to check the unrestricted sprawl of large built-up areas;*
  - *to prevent neighbouring towns merging into one another*
  - *to preserve the setting and special character of historic towns; and*

Marsden is within a designated Conservation Area and can be considered a historic 'town'. However, the site is remote and surrounded by open fields, being detached from the urban environment of Marsden. The proposal is neither considered to represent the sprawl of Marsden nor detrimental to the setting and special character of Marsden. Furthermore, there are no other close settlements which the proposal could be perceived to merge with Marsden.

10.23 The third purpose is to:

- *to assist in safeguarding the countryside from encroachment;*

No new structures are proposed, with the development converting existing buildings. While activity, including usage of the site and vehicle movements, will be associated with the development, these are expected to be minimal and would not materially represent an encroachment comparative to the site as existing.

10.24 The fifth and final purpose is to:

- *To assist in urban regeneration, by encouraging the recycling of derelict and other urban land*

The applicant states the proposed use requires a rural and remote location, as 'on-site' learning within the setting of the rural environment is necessary for their proposed operation. Furthermore, the conversion of the building in itself is not contradictory to Green Belt policy, as outlined previously. Officers accept the applicant's reasoning and are satisfied that it would be unreasonable and impractical to site the development elsewhere.

#### **Green Belt development, conclusion**

10.25 The proposed development has been identified as not inappropriate within the Green Belt, complying with the considerations of policy LP60 of the Kirklees Local Plan. This includes an assessment on the proposal's impact upon the openness of the Green Belt, both through the physical works and associated activities from the proposed use, and the visual appearance of the area.

10.26 The application is also considered to accord with paragraph 146 of the NPPF, while not conflicting with the five purposes of the Green Belt defined in paragraph 134.

10.27 Accordingly, subject to the given conditions the principle of development within the Green Belt is considered acceptable. Consideration must be given to the proposal's local impact, outlined below.

#### Development to support education and health

10.28 Policy LP47 of the Local Plan establishes how proposals should support healthy, active and safe lifestyles. This includes proposals enabling:

- facilitating access to a range of high quality, well maintained and accessible open spaces and play, sports, leisure and cultural facilities;*
- increasing access to green spaces and green infrastructure to promote health and mental well-being;*
- increasing opportunities for walking, cycling and encouraging more sustainable travel choices;*

10.29 Policy LP49 of the Local Plan relates to educational and health care needs. It states proposals for new or enhanced education facilities will be permitted where:

- a. *they will meet an identified deficiency in provision;*
- b. *the scale, range, quality and accessibility of education facilities are improved;*
- c. *they are well related to the catchment they are intended to serve to minimise the need to travel or they can be made accessible by walking, cycling and public transport*

10.30 The application does not propose a typical education facility (i.e. a school). The site is intended to educate children on outdoor pursuits and the natural environment, with the associated benefit of physical activity. The following example activities have been given:

- Bat Study Courses
- Bird Study Courses
- Bushcraft, shelter building and survival skills
- Camping and hiking
- Conservation Work
- Cooking Classes
- Cycle lessons
- River study
- Village Study
- Wayfaring & Orienteering

10.31 The applicant has cited various reports from governmental and national groups into issues facing younger generations. This includes disconnection from the natural environment, and raising health issues such as obesity. Officers accept these as known national issues, however, limited empirical data has been provided to demonstrate the need, such as local statistics on children's access to the countryside or obesity. Nonetheless, the importance of health, well-being and education is recognised within the Local Plan. It is accepted that the proposal would generally support the education and health needs of those who attend. Officers therefore consider the proposal would provide both educational and health benefits, in accordance with the aims and objectives of policies LP47 and LP49 of the Local Plan.

#### The historic environment

10.32 Policy LP35 of the KLP determines how proposal's in or near the historic environment should be determined and is consistent with chapter 16 of the NPPF. Policy LP35 requires that development proposals affecting a designated heritage asset (or an archaeological site of national importance) should preserve or enhance the significance of the asset.

10.33 The site is 150m away from the Close Gate Bridge Scheduled Ancient Monument. However, it is separated by a wooded hillock, limiting vistas where these two sites are seen together. Furthermore, the buildings in question are existing. While their use would change, their direct impact upon the Ancient Monument's setting has been established.

- 10.34 Officers conclude that the proposal would not affect the Close Gate Bridge Ancient Monument. This assessment is supported by K.C. Conservation and Design. While the proximity triggered a consultation with Historic England, they have confirmed they have 'no comment' on the proposal.
- 10.35 Along the access lane, running between Manchester Road and Waters Road, are circa 180 stone posts. Some of these are within the application site. These historic features are considered a non-designated heritage asset which contribute positively to the historic interest of the Colne Valley. While none are proposed to be affected by the development, for clarity a condition stipulating none are to be removed is recommended to be imposed.
- 10.36 The site is well removed from the Marsden Conservation Area. While there are nearby Listed Buildings, these are some distance from the application site, to the extent that the proposed development would not impact on their significance, including their setting. Accordingly, the proposal is not considered to conflict with the historic environment, in accordance with the aims and objectives of LP35 of the Kirklees Local Plan as well as chapter 16 of the NPPF.

#### Residential Amenity

- 10.37 Local Plan policy LP24 requires developments to provide a high standard of amenity for future and neighbouring occupiers, including by maintaining appropriate distances between buildings.
- 10.38 The proposal seeks to re-use existing structures which are in excess of 150m from the nearest 3<sup>rd</sup> party dwelling. While open elevations will be enclosed and new windows installed, officers are satisfied that there would be no harm to residential amenity through overlooking, overbearing or overshadowing from the proposed works.
- 10.39 The proposed development would increase activity on the site and, as listed in paragraph 10.30, include external activities in the local area. The occasional temporary use of the adjacent fields and walking paths, by groups of up to 32 children, is not anticipated to materially harm the amenity of nearby residents. The adjacent fields (within the blue line) do come closer to the nearest residents than the buildings subject to this application. At the closest, the fields are circa 50m away, however groups are not anticipated to congregate in these areas. At 50m, the distance is still considered to be reasonable to prevent disruption through noise pollution or overlooking. Local paths are already walked, including by various groups, and that proposed would not be materially different. The proposed activities are not considered intrinsic noise generators: conversely many require a quiet environment. Furthermore, as an educational facility, a level of supervision and control over attendees can be assumed.
- 10.40 In terms of other activity, as previously identified, traffic movements to and from the site are not anticipated to be significant or notable on the local network, therefore not harming the amenity of nearby residents. The proposed outdoor learning facility use is not considered by either K.C. Environmental Health or planning officers to be a source of unacceptable noise pollution. Furthermore, as noted, the site is well removed from neighbouring properties.



- 10.41 The proposed development would not unduly harm the amenity of nearby residents, either through the physical works or proposed activities. The proposal is deemed to comply with policies LP24 and LP52 of the KLP.

### Highways

- 10.42 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.
- 10.43 Visitors (children and chaperone(s)) are to be brought to and from the site principally via minibus (anticipated at 4 vehicles per class). The proposal is also expected to accommodate 6 full time positions. Based on these numbers, traffic generation associated with the proposed use is expected to be negligible and would not impact upon the effective and efficient operation of the network.
- 10.44 Access is to be via the existing route onto Manchester Road. This is a private, unadopted road, which connects Manchester Road to Waters Road. While open to two-way traffic the road is principally single width. At present, informal passing places and clear lines of view along its length aid in the management of vehicles. The access onto Manchester Road is well-established with acceptable visibility. Crash data indicates no accidents attributed to the access in the last five years. Furthermore, as noted, the proposal would have minimal traffic movements associated with it.
- 10.45 Representations have stated that the applicant has no right of access for non-agricultural purposes over the private access road. This is a private matter between the parties involved and not a material planning consideration. If this is the case, this would need to be resolved outside the remit of this planning application.
- 10.46 For vehicle parking, as considered within the Green Belt section, bays are not to be marked out and the site has an existing area of hard surfacing. To indicate capacity, a plan has been provided showing spaces for four mini-bus spaces and four for cars. Two of the car parking spaces are indicated as disabled parking bays. This level of parking, in accepting that there would be adequate provision within the remainder of the hard standing as and when needed, is deemed acceptable.
- 10.47 In regards to waste, as a commercial site the applicant will be responsible for arranging waste collection. A waste collection point is shown on plan and is deemed sufficiently large, although collection frequency, to be decided by the application, will ultimately dictate size needed. Commercial waste collection vehicles vary in size, and the site's surfaced area is considered large enough to accommodate access as required.
- 10.48 The access road does not host a Public Right of Way. However, the Council are in receipt of an application for a Definitive Map Modification Order (DMMO) for the formation of a bridleway along the whole length, from Manchester Road to Waters Road. While this is noted, the DMMO is not considered to carry any weight in the planning process. Nonetheless, a note bringing this order to the attention of the applicant is proposed.

10.49 The proposal has demonstrated adequate access and that the development will not result in severe individual or cumulative impacts upon the local network. The development will not harm the safe and efficient operation of the highway, in accordance with policy LP21 of the Kirklees Local Plan.

### Ecology

10.50 Development has the potential to cause harm to ecology within any site and in the wider area. Policy LP30 of the Local Plan outlines how the Council will seek to protect and enhance the biodiversity of Kirklees. Through LP30, development proposals are expected to:

- i. result in no significant loss or harm to biodiversity in Kirklees through avoidance, adequate mitigation or, as a last resort, compensatory measures secured through the establishment of a legally binding agreement;*
- ii. minimise impact on biodiversity and provide net biodiversity gains through good design by incorporating biodiversity enhancements and habitat creation where opportunities exist;*
- iii. safeguard and enhance the function and connectivity of the Kirklees Wildlife Habitat Network at a local and wider landscape-scale unless the loss of the site and its functional role within the network can be fully maintained or compensated for in the long term;*
- iv. establish additional ecological links to the Kirklees Wildlife Habitat Network where opportunities exist; and*
- v. incorporate biodiversity enhancement measures to reflect the priority habitats and species identified for the relevant Kirklees Biodiversity Opportunity Zone.*

10.51 The site (excluding access) is circa 140m away from the South Pennine Moors, which are a Site of Special Scientific Interest (SSSI). The South Pennine Moors are also classified as Special Protection Area and Special Area Conservation zones. Due to this proximity and the nature of the proposal, Natural England were a statutory consultee. Natural England reviewed the proposal and confirmed they have no objection to the proposal.

10.52 Notwithstanding Natural England confirming they had no comment on the proposal, the LPA was required to undertake Habitat Regulations Assessment (HRA) screening opinion. A HRA is a legal process required under the Conservation of Habitats and Species Regulations 2017 (as amended) to ensure projects do not result in lasting damage to European protected sites. K.C. Ecology have undertaken this process and identified negligible impacts on the designated sites due to increased vehicle movements, recreational pressures or disturbance of foraging Golden Plover. It has been concluded through the HRA Screening that the proposals have no likely significant effect of the South Pennine Moors Phase 2 SPA or South Pennine Moors SAC either alone or in combination with other plans or projects.

10.53 Considering other local species, the site is in an area presumed to host bats. Surveys were undertaken which found no indication of bats using the existing buildings. Trees on the site were identified as having negligible to moderate potential for roosting bat and nesting birds: none of these trees are proposed to be removed or would be directly affected via the proposal. The Ecological

Appraisal indicates that the stream and trees to the north of the site provides an important resource for foraging and commuting bats, and this area is also included within the Kirklees Wildlife Habitat Network (KWHN). Therefore, a sensitive lighting scheme will be required, via condition, to ensure the proposals are in accordance with policy LP30i and LP30iii to “safeguard and enhance the function and connectivity of the Kirklees Wildlife Habitat Network”. The provision of six bat boxes on site is also recommended, and to be secured via condition.

- 10.54 The proposal has demonstrated no material harm would be caused to local species. Nonetheless, LP30 seeks for proposals to demonstrate a net gain to local ecology. The applicant is proposing to enhance the majority of the grassland within their control, circa 16 acres. The indicative improvement works provided show a 116.7% improvement on the national DEFRA Biodiversity Metric 2.0. This is welcomed, however goes beyond the normal expectation of 10% improvement. Typically, a condition is imposed requiring an Ecological Design Strategy to detail exactly how the net gain will be secured. However, conditions must be reasonable and necessary, in accordance with local and national policy. To require the applicant to provide such a figure beyond the normal cannot be considered reasonable or necessary. A condition requiring a 10% is considered appropriate to ensure the proposal complies with policy LP30 of the KLP. This would not stop the applicant undertaking the full extent of the improvement works, if they so wished.

### Other Matters

#### *Air quality*

- 10.55 In accordance with government guidance on air quality mitigation, outlined within the NPPG and Chapter 15 of the NPPF, and local policy contained within LP24(d) and LP51 and the West Yorkshire Low Emission Strategy Planning Guidance seeks to mitigate air quality harm.
- 10.56 Given the scale and nature of the development officers seek the provision of electric vehicle charging points (EVCP) on new development that includes car parking. For non-residential parking, EVCPs are sought in 10% of new spaces. To ensure an appropriate product is to be used, the submission of the EVCP’s details is to be secured via condition. The purpose of this is to promote modes of transport with low impact on air quality, to comply with the aforementioned policies.
- 10.57 Due to the site’s location in the Green Belt, and that the car parking spaces are not proposed to be marked out, a condition is to be imposed requiring clarification on the siting of the EVCP units. This is to ensure that the charging points are discreetly sited to retain the openness of the Green Belt.

#### *Climate change*

- 10.58 As set out at paragraph 7 of the NPPF, the purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF goes on to provide commentary on the environmental, social and economic aspects of sustainable development, all of which are relevant to planning decisions.

- 10.59 LP24(d) includes various considerations of how secure a high level of sustainability. This includes 'the re-use and adaption of buildings', which is proposed and welcomed. As noted previously, EVCP are to be secured via condition and adequate facilities for the separation and storage of waste, for recycling and recovery, have been demonstrated. No renewable energy systems are proposed (i.e. solar panels or heat pumps) and the site is only accessible via vehicle. However, the purpose of the building is to educate on the natural environment and give access to the open environment, which will help promote behavioural changes for walking and cycling.
- 10.60 While the provision of renewable energy sources on site would be welcomed and further assist the development in demonstrating high levels of sustainability, officers conclude the proposal does not breach the aims and objectives of LP24.

#### *Crime Mitigation*

- 10.61 The West Yorkshire Police Liaison officer has made a number of comments and recommendations, particularly with regards to security, rear access security and boundary treatments. All of the comments made are advisory and have been referred to the applicant. Some, such as the need for complete lighting around the site and roller shutters, are not considered appropriate in the planning balance and are not to be undertaken. Nonetheless, it is considered that the site can be satisfactorily developed whilst minimising the risk of crime through enhanced security and well-designed security features in accordance with policy LP24(e) of the Local Plan.

#### *Drainage*

- 10.62 Foul drainage is to be via a package treatment plant, as a connection into the main system is not feasible. The application is supported by a foul sewerage assessment. This demonstrates that appropriate consideration has been given to foul drainage for planning purposes; to progress with a package treatment plant further technical details and appropriate Building Regulation approval and possibly permits from the Environment Agency will be required (it is the applicant's responsibility to check and confirm whether this is the case). Nonetheless, for planning purposes, the proposal is deemed to comply with the aims of policies LP28 and LP34 of the Kirklees Local Plan.

#### *Trees*

- 10.63 Trees within area Tree Preservation Orders (TPO) are adjacent to the site, to the south and west of the buildings. None of the trees are within close proximity to the buildings and will not be directly impacted upon via the proposal. The access does however run through two separate TPO areas and has the potential to impact upon the protected trees. Arboricultural reports have been submitted to support the application and have been reviewed by K.C. Trees.
- 10.64 During the course of the application the plans have been amended. As a result, the proposal will have no direct impact upon the protected trees closest to the access and appropriate protection has been demonstrated within the submitted Arboricultural Method Statement. Subject to a condition requiring the development be undertaken in accordance with the submitted Method Statement, K.C. Trees have no objection to the proposal, which is considered to comply with policy LP33 of the Kirklees Local Plan.

## Representations

10.65 In response to the public representation period, 282 representations have been received. Most matters raised have been addressed within this report. The following are matters not previously addressed elsewhere within this report.

### *Support*

- Redevelopment of redundant buildings is a good idea and supports climate change.
- This will improve community spirit and children's interest in the rural environment.
- The proposal will improve the tourism industry within Marsden and bring money into the area.
- The proposed development would create an exciting and engaging facility to help children, including those who are disabled.
- Children's vocational skills will be improved.
- Modern children have a disconnect from nature and health issues, both physical and mental: facilities such as those proposed are of particular importance to address this. This is a particular issue during the pandemic and as we move out of it.
- Bring the site into use will improve the appearance of the area, and removing the storage containers will be of benefit.
- The proposal will enable enhancements to local ecology.
- The site is ideal to access the countryside and help those without immediate access enjoy its benefits.

**Response:** Comments in support are noted. It is however reiterated that the proposal has been amended since many of the above comments were received, including the removal of the café and open accommodation elements, in favour of a single education use (with ancillary residential).

### *Object*

- The building has not been used for agricultural purposes for a prolonged period of time.

**Response:** This does not form a relevant material planning consideration for this application or its assessment. The relevant test for the proposed development within the Green Belt is whether the buildings are 'permanent and substantial', not when they were last in use.

- The proposal will lead to increased litter in the rural environment. The proposal will lead to more people lighting BBQs on the moors, contrary to the nearby Public Space Protection Order (PSPO).

**Response:** There is not considered to be an intrinsic link between the proposal and the above concerns. Appropriate management by the applicant will be required to ensure the above does not take place, however this is considered to go beyond the remit of the planning system.

- Road markings, including those for cyclists, on Manchester Road into the private road are inadequate for larger vehicles.
- More traffic increases risk to horse riders, who are common in the area.

**Response:** The access road does have a right-turn lane from Manchester Road, but it is noted to be sub-standard (narrow) even for cars. Nonetheless, the volume of traffic accessing the development is not considered to require a right-turn lane. The available sightlines along Manchester Road and the private drive do not raise concerns over conflicts with cyclists or horse rider's safety.

- If planning is granted, will access only be via Manchester Road, as per the red-line, or via Waters Road too?
- Waters Road, if used, is narrow with poor visibility and is not appropriate for additional vehicle movements, particularly larger vehicles anticipated to be associated with this development. This will make Waters Road unsafe for pedestrians.

**Response:** Access is shown and proposed via Manchester Road and is the optimal route. However, a condition to prevent all use of Waters Road by site users is unlikely to pass the 'six tests' of conditions, specifically it would not be reasonable or enforceable. While Waters Road is noted to be narrow and has areas of limited sightlines, such features also lower traffic speeds. Residual traffic associated with the development on Waters Road would be limited and is not anticipated to cause harm to the safe and efficient use of the highway network.

- The private road is poorly surfaced at present and its state would be made worse by increased traffic.
- The proposed development, including the construction phase, would lead to damage of the private road. This includes its retaining structures and adjacent drainage infrastructure.
- Concerns that the activity associated with the proposed development and construction phase will harm the peaceful environment local residents currently enjoy. This will unduly affect local people with disabilities.

**Response:** A construction management plan (CMP) via condition is recommended to ensure appropriate construction traffic arrangements. It is noted that the road is not fully surfaced, but this is not atypical for rural access roads. Traffic associated with the development is not anticipated to cause an unusual level of wear and tear. Ultimately management and maintenance of the road would be a private matter for the land owner.

- The applicant only has right of access for agricultural purposes to the site from Waters Road. The land owner does not consent to the proposed access. Traffic associated with the development will cause damage to the road. It also puts undue liability on the land owners, such as if an accident takes place on their land.

**Response:** When considering applications which include 3<sup>rd</sup> party land, the NPPG states:

*The planning system entitles anyone to apply for permission to develop any plot of land, irrespective of ownership. However, an applicant is required to notify owners of the land or buildings to which the application relates, as well as any agricultural tenants, in accordance with [article 13 of the Town and Country Planning \(Development Management Procedure\) \(England\) Order 2015](#). When making an application, an applicant is required to sign a [certificate](#) confirming the ownership of the land to which the application relates and that the relevant notices have been served.*

The necessary certificate has been signed. Beyond this, it is a private legal matter between landowners. The granting of planning permission would not overrule private rights of access and other consents the developer may require before implementing any planning permission granted.

- Increased traffic would result in greater air pollution.

**Response:** The proposal is not expected to generate a level of traffic which requires an Air Quality Impact Assessment. Electric Vehicle Charging Points are to be required via condition, to support and promote the move to electric vehicles.

- Historic applications on the site have been refused: how is this different?

**Response:** Each application is assessed on its own merits. This proposal is the first for an 'education' development and against up-to-date planning policy.

- Water and drainage infrastructure in the area is historic and/or poor quality. The proposal would add pressure to this substandard system.
- Limited information has been provided regarding the applicant's water supply. Many properties use the borehole which the proposal will tap into: the commercial use of this will drain the water.
- The site has no access to sewerage treatment: the river should not be used as a discharge point for the package treatment plant, as the river is used by bathers. It could also contaminate ground water, which many nearby dwellings source water from.

**Response:** Matters of foul drainage are addressed within paragraph 10.62. For water sourcing, the Planning Practice Guidance states:

*Planning for the necessary water supply would normally be addressed through authorities' strategic policies, which can be reflected in water companies' water resources management plans. Water supply is therefore unlikely to be a consideration for most planning applications. Exceptions might include:*

- *large developments not identified in plans that are likely to require a large amount of water; and/or*
- *significant works required to connect the water supply; and/ or*
- *where a plan requires enhanced water efficiency in new developments as part of a strategy to manage water demand locally and help deliver new development.*

Notwithstanding this, it was considered necessary to determine that the site could source water in principle, without detrimentally affecting other users. A borehole assessment has been submitted and reviewed by K.C. Environmental Health, who stated:

The assessment details the underlying geology in the area around the proposed development which is part of the Millstone Grit Group. The assessment concludes that the chances of finding water in the area to provide sufficient yield for a maximum occupancy of 50 people is high. This would equate to a maximum daily usage of 5,400 litres per day, and the probability of this amount of abstraction adversely affecting a neighbouring private water supply would be low and that pump tests would be carried out to provide evidence to confirm this.

We therefore accept the borehole assessment that provision of a water supply is feasible and have no further comments to make, other than once the borehole has been drilled it must be registered with Kirklees Councils Environmental Health Department in accordance with The Private Water Supplies (England) Regulations 2016 (as amended) before it is brought into use.

It is therefore concluded sufficient evidence has been provided for planning purposes.

- No community consultation has been undertaken by the applicant.

**Response:** While community consultation is advisable, it is not a mandatory requirement in the case of this application.

- The proposed development is dependent upon schools spending money for non-curriculum subjects, which is not likely.
- There are already similar facilities in the area, such as Standedge Tunnel Visitor's Centre. This includes the education space, café and accommodation elements (of the original proposal).
- The lack of nearby cafes and facilities indicates this will be unviable and close soon. The proposed development is likely a 'back door attempt' to get another form of development on site, i.e., residential.
- There are alternative outdoor education facilities in the area and therefore this development is not needed.

**Response:** With the café omitted, matters of competition do not form material planning considerations in this case.

- The bridge from Waters Road is listed and may be damaged via more traffic movements. The proposal could also harm other nearby listed structures, such as Close Gate Bridge (also part of a Scheduled Ancient Monument).

**Response:** The road bridge itself is not listed, with a structure adjacent being listed. Officers do not consider the proposal to represent direct harm to nearby listed structures, either physically or their setting.



- Concerns are raised over the professionalism and competency of the company undertaking the structural survey.

**Response:** Officers consider there to be no evident cause to question the supporting structural survey's validity.

10.66 All the representations received have been carefully considered and addressed either above or in the main report. The concerns raised in the objections are acknowledged however, when weighing up all of the material planning considerations, are not, in the opinion of officers, considered to justify refusing the scheme.

## **11.0 CONCLUSION**

11.1 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.

11.2 The proposed development is considered appropriate development within the Green Belt, which would not conflict with the purpose of including land within the Green Belt. Furthermore, it would provide general educational and health benefits to users. Therefore, the principle of development is considered acceptable.

11.3 Consideration has been given to all other relevant material considerations. Notably, this includes considering the proposals ecological impact, including within the adjacent South Pennine Moors, and impact upon the local highway network. It is concluded that subject to conditions, the proposal would not cause material harm to the identified planning considerations.

11.4 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, subject to conditions.

## **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. Development to be carried out in accordance with the approved plans and specifications
3. Limit use to 32 children (with 8 adults as chaperone)
4. Lighting strategy (for Green Belt and Ecological purposes)
5. Existing structure not to be demolished.
6. Material samples to be provided
7. Details of window concealment system
8. Parking bays not to be resurfaced or marked out
9. Electric vehicle charging point details to be submitted
10. Waste storage screening to be detailed.
11. To secure the retention of the stone posts around the site.
12. Removal of storage containers prior to use commencing.
13. Biodiversity Management Plan to secure 10% net biodiversity gain.

14. Submission of details of bat boxes and location within the site.
15. Canteen and kitchen to be ancillary use only.
16. Submission of cycle stand details.
17. Use limited to F.1(a) – Provision of education, only.
18. Construction Management Plan.

**Note:** Definitive Map Modification Order (DMMO) details.

**Note:** Water Source

## **Background Papers**

### Application and history files

Available at:

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2020%2f91820>

### Certificate of Ownership

Certificate B signed.