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

**STRATEGIC PLANNING COMMITTEE**

**Date: 26-Aug-2021**

**Subject: Planning Application 2021/92487 Erection of two temporary single storey modular classroom buildings Taylor Hill Centre, Close Hill Lane, Newsome, Huddersfield, HD4 6LE**

**APPLICANT**

Daniel Bedford, Kirklees  
College

**DATE VALID**

18-Jun-2021

**TARGET DATE**

13-Aug-2021

**EXTENSION EXPIRY DATE**

31-Aug-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: Newsome**

**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 and consider the comments from the Coal Authority and Environmental Health.

**1.0 INTRODUCTION:**

- 1.1 Permission is sought for the siting of two temporary single storey modular classroom buildings.
- 1.2 The application is brought to Strategic Planning Committee in line with the council's Scheme of delegation as the proposal represents a departure from the development plan. The application site is situated on Urban Green Space of which LP61 Urban green space is relevant.

**2.0 SITE AND SURROUNDINGS:**

- 2.1 The application site relates to Taylor Hill Centre, which occupies a relatively large area serving the Kirklees College Taylor Hill Animal Centre. The school benefits from a complex of buildings, most of which vary in design and form. Adjacent to the proposed site is a two storey building with its main frontage facing onto a car park and is set back from the highway accessed through a private road. Pedestrian access can be taken from various points surrounding the site including a Public Right of Way HUD/199/10, however, vehicular access is taken from the southwest (Close Hill Lane).
- 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 siting of two temporary single storey modular classroom buildings, to provide two additional classrooms for an already-established school.
- 3.2 The proposed two buildings would have an identical footprint of 9.9m in length x 6.6m in width and an overall height of 3.2m. Externally an area with steps and a path with ramps would also be included as part of this proposal, in order to provide levelled access into the classrooms. The steps would be 1.4m in width by 2.3m in length to the west elevation of one modular classroom. The path with ramps would be 1.1m in width by 18.4m in length to the north elevations of both modular classrooms.
- 3.3 Internally two new temporary classrooms would be provided that are required to support the teaching of the theory of animal and land based studies to post 16 year olds leaving the existing infrastructure for practical purposes.

3.4 The buildings would benefit from a flat roof design and would be constructed using horizontally laid composite panels in Goosewing Grey colour and to have a Kingspan KS1000 roof and plastisol coated steel flashings both in merlin grey colour. The fascias are intended to be Merlin Grey colour, windows would be of white uPVC double glazed top hung window units and external doors to be PPC Aluminium frame RAL 7031 Blue Grey glazed doors.

3.5 The proposed site of the development for two temporary modular buildings lies at the foot of a gradual slope rising southeast to Blue Bell Hill and Close Hill Lane at about 130m AOD. To its north/northwest is situated the Taylor Hill Centre, to the southwest it faces the car park, to the south the PROW footpath which in turn is separated by a 1.8m green palisade fence and further south woodlands.

#### **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:

- 93/04007 Erection of classroom unit – Granted
- 94/90351 Erection of 3 no. lighting poles to illuminate car park – Granted
- 98/90302 Erection of store for tractors and agricultural equipment – Granted
- 2002/94254 Erection of horticultural centre school of caring – Granted
- 2003/91859 Erection of wind turbine – Granted

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

5.1 No amendments have been sought during the life of the application. A Coal Mining Risk Assessment (CMRA) was requested due to the site being located in a High Risk area and a CRMA has been submitted. A vehicle parking plan has also been request to set out the location of replacement motorcycle parking put one is yet to be provided.

#### **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
- LP53 – Contaminated and unstable land

### **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 20/07/2021, 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 09/08/2021.
- 7.2 As a result of the above publicity, no representations have been received.

### **8.0 CONSULTATION RESPONSES:**

#### **8.1 Statutory:**

- **The Coal Authority:** Comments awaited

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

- **KC Environmental Health:** Comments awaited.
- **KC PROW:** No objections to the proposal. Existing fence and footpath wall is to be retained so the PROW would not be impacted or obstructed.
- **KC Trees:** No objections. It was noted that the PROW footpath had been in use long enough compacting the ground to have had an impact on trees roots being able to grow in the direction and the construction of the Centre itself would have disturbed roots. Modular buildings unlikely to impact further.

### **9.0 MAIN ISSUES**

- Principle of development
- Urban design issues
- Residential amenity
- Highway issues

- Other matters
- Representations

## 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;*
- 10.3 This local policy basis is consistent with paragraph 98 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 99 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;*
  - 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.*
- 10.4 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 narrow green space within the school grounds adjacent to the PROW and not currently in use as a playing field. It is part tarmacked and lawned being of low visual amenity, landscape or biodiversity value which would meet paragraph a). When assessed against the additional criteria set out within Local Plan Policy LP61, the proposal does not provide 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 two temporary modular classroom buildings 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 95 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 part tarmacked and grassed area to the south of the main school building and hemmed in by the fenced PROW footpath. More specifically, the modular buildings would be 62.4sqm in size each and is to be development adjacent to the existing Taylor Hill Centre. As such, the proposal would fill in the remaining space between the building and the PROW.
- 10.10 Currently the site is partially used as fenced off grounds for its livestock and the proposal development would therefore not result in a material loss of the existing outdoor area for play.
- 10.11 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**

- 10.12 General design considerations are set out in Policy LP24 of the Local Plan and Chapter 12 of the NPPF, which seek to secure good design in all developments by ensuring that they respect and enhance the character of the local area and protect amenity.
- 10.13 The applicant is seeking permission for two temporary educational modular buildings which would be ancillary to the main school. Nonetheless, the building would be located within the existing curtilage, as it would be adjacent to the existing main Centre and the PROW with woodland further south.

- 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. The proposed two buildings would have an identical footprint of 9.9m in length x 6.6m in width and an overall height of 3.2m. The provision of two flat roof structures aligned in one row would help reduce some of the development's bulk and massing when viewed from the car park. Being parallel to the PROW, the single storey structures would add some bulk and massing closer to the PROW but viewing those set against the two storey Taylor Hill Centre would not cause detrimental impact on overbearing.
- 10.15 The new classrooms would be constructed from horizontally laid composite panels in in Goosewing Grey colour. Such materials are considered acceptable as they are in keeping with the existing host building in Grey. The fascias are also intended to be Merlin Grey with the proposed fenestration being constructed from white UPVC. The insertion of several windows to the short ends of the classrooms and not facing the PROW would allow natural light penetration into the classroom while affording privacy to its students. Therefore, given the buildings discreet location to the south of the main school buildings, in addition being single storey structures of similar material colour to its host building and its screening by extensive woodland to the south, 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 impact of the proposal on the amenity of surrounding properties and future occupiers of the dwellings needs to be considered in relation to Policy LP24 of the Local Plan which seeks to *"provide a high standard of amenity for future and neighbouring occupiers; including maintaining appropriate distances between buildings."*
- 10.18 The nearest residential dwellings to the proposed development, are those located along Close Hill Road to the southwest. In this instance, it has been noted that the proposed modular classroom would be located circa 75m from the nearest residential dwelling, and would be located set back from the primary elevation 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.

### **Highway issues**

- 10.19 Turning to highway safety, Policy LP21 of the Local Plan has been considered. The policy seeks to ensure that new developments have an acceptable impact on highway safety. The application has also been assessed by the Highways DM Officer.
- 10.20 The proposed buildings would be located on an area currently used for motorcycle parking and an area currently used for bicycle parking. The applicant has advised that the motorcycle parking underused and plan to relocate the bicycle parking. Provided both are to be relocated within an appropriate part of the site there is no objection to their reposition. However

details will be secured by condition prior to the building being brought into use. With regard to vehicle parking this would remain the same as existing which is considered to be acceptable

- 10.21 Subject to the condition set out above the proposal is considered to have an acceptable impact on highway safety and would accord with Policies LP21 and LP22 of the Local Plan and guidance in the highways design guide.

### **Other matters**

#### *Coal Mining Legacy*

- 10.22 The site is located within a High Risk Coal area and a Coal Mining Risk Assessment (CMRA) has been provided and the Coal Authority have been consulted on the application.
- 10.23 The CMRA details that there may be presence of a mine entrance and section of underground tunnel in the vicinity of the proposed buildings, potentially being under the site of the temporary classroom building. Further intrusive investigation is recommended in the CMRA to ascertain the risk posed by the mining entrance.
- 10.24 The Coal Authority response is yet to be received and these will be reported once received, it may be necessary to condition instructive investigation be undertaken.

#### *Climate change*

- 10.25 On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan pre-dates the declaration of a climate emergency and the net zero carbon target, however it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.
- 10.26 It is considered that the proposed development would not have a significant negative impact in the context of the climate change emergency. The new temporary modular classrooms would be sufficiently robust structures 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 woodlands, and the insertion of various windows in the western and eastern elevations, 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. 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**

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

## **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 95a) 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. Temporary permission for 5 years. The removal of the building (and land to be restored).
4. Details of replacement motorcycle and bicycle parking to be set out in plans.

## **Background Papers:**

Application and history files.

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2021%2f92487>

Certificate of Ownership – Certificate A has been signed.