
Report of the Head of Planning and Development

STRATEGIC PLANNING COMMITTEE

Date: 08-Jun-2023

Subject: Planning Application 2023/90853 Erection of catering pod North Huddersfield Trust School, Woodhouse Hall Road, Fartown, Huddersfield, HD2 1DJ

APPLICANT

Sara Clough, KSSL
(Kirklees Schools
Services Ltd)

DATE VALID

15-Mar-2023

TARGET DATE

10-May-2023

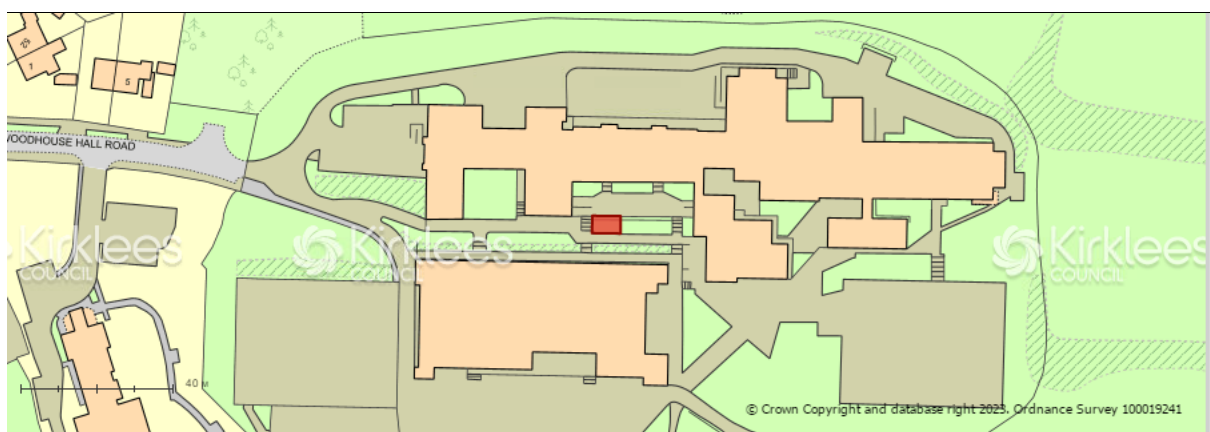
EXTENSION EXPIRY DATE

12-May-2023

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

[Public speaking at committee link](#)

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral wards affected: Ashbrow

Ward Councillors consulted: Yes

Public or private: Public

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 the erection of a single storey catering POD.
- 1.2 The application is brought to Strategic 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 site relates to North Huddersfield Trust School, Woodhouse Hall Road, Fartown, Huddersfield, HD2 1DJ. The site is made up of a number of buildings and structures used to support this education facility. The site is accessed from Woodhouse Hall Road to the west.
- 2.2 To the north, east and south of the school is open undeveloped land designated as Urban Green Space. To the west are residential properties and Astley Grange Care Home.
- 2.3 The site is not located within a Conservation Area and there are no Listed Buildings in close proximity.

3.0 PROPOSAL:

- 3.1 The application seeks planning permission for the erection of a catering POD.
- 3.2 The proposed catering POD is to be located within the middle of the school complex on an existing grassed seating area and measures approximately 3m x 2.6m, with a ridge height of ~2.6m.
- 3.3 The materials to be used on the catering POD include a purpose designed wrap, GRP roof, and white UPVC fascias and rainwater goods. A security roller shutter is also proposed which would be polyester powder coated.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

- 4.1 2023/90509 – Erection of 2 storey, 5 classroom teaching block including toilet facilities and staff/storeroom. Pending consideration.
- 4.2 2023/90746 – Erection of one modular classroom unit. Pending consideration.

- 4.3 2011/92237 – Erection of signs. Approved 31st October 2011.
- 4.4 2008/90289 – Erection of perimeter fence. Approved 14th March 2008.
- 4.5 2000/92899 – Erection of extensions to dining hall and sports hall and external alterations. Approved 11th December 2000.
- 4.6 89/00782 – Erection of satellite dish receiver. Approved 31st March 1989.
- 4.7 87/05345 – Reinstatement of fire damaged areas of school. Approved 31st December 1987.

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

- 5.1 No amendments have been sought as the proposals were considered to be acceptable upon submission.

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 27th February 2019).
- 6.2 The application site is located within Urban Green Space, Coal Referral Area, and a Bat Alert Area.

Kirklees Local Plan (2019):

- **LP1 – Achieving Sustainable Development**
- **LP2 – Place Shaping**
- **LP3 – Location of New Development**
- **LP21 – Highways and Access**
- **LP22 – Parking**
- **LP24 – Design**
- **LP30 – Biodiversity & Geodiversity**
- **LP47 – Healthy, Active and Safe Lifestyles**
- **LP49 – Educational and Healthcare Needs**
- **LP50 – Sport and Physical Activity**
- **LP51 – Protection and Improvement of Local Air Quality**
- **LP52 – Protection and Improvement of Environmental Quality**
- **LP53 – Contaminated and Unstable Land**
- **LP61 – Urban Green Space**

Supplementary Planning Guidance/Documents

- National Design Guide (2019)

National Planning Guidance:

- 6.3 National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) updated 20th July 2021, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.
- 6.4 The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications. Most specifically in this instance, the below chapters are of most relevance:
- Chapter 2 – Achieving sustainable development
 - Chapter 4 – Decision-making
 - Chapter 8 – Promoting healthy and safe communities
 - Chapter 9 – Promoting sustainable transport
 - Chapter 12 – Achieving well-designed places
 - Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
 - Chapter 15 – Conserving and enhancing the natural environment

7.0 PUBLIC/LOCAL RESPONSE:

7.1 Final publicity date expires:

Site Notice – Expired 21st April 2023.

Press Notice – Expired 6th May 2023.

No representations have been received to date.

Officer note: This application has been advertised by site notice and press notice in line with the legal statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. This is due to the site being a departure from the Kirklees Local Plan.

7.2 **Parish/Town Council**

N/A.

7.3 **Local Ward Members**

None.

8.0 CONSULTATION RESPONSES:

Below is a summary of the consultation responses received. Full responses from consultees can be viewed on the Council's Planning webpage.

8.1 Statutory:

Sport England – Comments received 20th April 2023. The proposed development is not considered to fall within either of their statutory remit or non-statutory remit and therefore Sport England has not provided a detailed response in this case.

The Coal Authority – Comments received 13th April 2023. No objections due to the nature of the proposals which is a lightweight single storey structure which will not require substantial foundations or earthworks. On this basis The Coal Authority do not consider that a Coal Mining Risk Assessment would be proportionate to the scale and nature of the development proposed. However, should planning permission be granted an informative note is recommended.

8.2 Non-statutory:

KC Policy – Comments received 3rd April 2023.

“The application site is located within the North Huddersfield Trust School complex. The school buildings associated school grounds and playing pitches are allocated as urban greenspace on the Kirklees Local Plan site (site UG48).

The proposal is for the erection of a new single storey catering pod to provide additional catering facilities for small scale hot and cold snacks/food located on a small part of a grassed area which provides an amenity green space between school buildings.

Local Plan Policy LP61 (Urban Green Space) does not allow for development proposals which would result in the loss of urban green space unless specific exceptions can be met. The policy states that:

“Development proposals which would result in the loss of urban green space (as identified on the Policies Map) 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.*

The protection set out in this policy also applies to smaller valuable green spaces not identified on the Policies Map.”

The proposal would result in the very minor loss of an existing green space within the school grounds and when assessed against the criteria set out in Local Plan policy LP61 it does not accord with this policy as the land is not surplus to 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.

Consideration will 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 UGS allocation in the development plan. The benefits of the proposed development relate to the catering operation of the school use which need to be weighed against the minor loss of small area of green space within the area of the school buildings which does not result in the loss of any sports or recreation space.

KC Environmental Health (Strategic Waste) – Comments received 28th March 2023. There are no closed landfill sites within 250m of the application address.

9.0 MAIN ISSUES

- Principle of development
- Urban design issues
- Residential amenity
- Highway issues
- Other matters
- Conclusion

10.0 APPRAISAL

Principle of development

Sustainable Development

10.1 Paragraph 7 of the National Planning Policy Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 goes on to note that achieving sustainable development has three overarching objectives (social, environment and economic), and these are interdependent and need to be pursued on mutually supportive ways.

10.2 In line with the National Planning Policy Framework, Policy LP1 of the Kirklees Local Plan states that:

“...the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF”.

10.3 Policy LP2 of the Kirklees Local Plan states: *“All development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan, in order to protect and enhance the qualities which contribute to the character of these places, as set out in the four sub-area statement boxes set out in the Local Plan”.*

10.4 The site is within the Huddersfield sub-area. The listed qualities will be considered where relevant later in the assessment.

Urban Green Space

10.5 The application site is located within an area defined as Urban Green Space within the Kirklees Local Plan. As such, Chapter 8 of the NPPF and Policy LP61 of the Kirklees Local Plan applies. Policy LP61 of the KLP states the following:

“Development proposals which would result in the loss of urban green space (as identified on the Policies Map) 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”.*

10.6 The text supporting this policy outlines that: *“Green spaces close to where people live provide opportunities for sport, recreation and play providing enjoyment, encouraging healthy lifestyles and benefiting mental well-being. They are also an essential component of the quality and local character of areas, providing visual amenity and wildlife value”.*

10.7 Paragraph 98 of the 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 wellbeing 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; 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 sustainable 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.*

10.8 No assessment showing the open space is clearly no longer required has been submitted with the application. However, in this case, the application site relates to a small portion of land located between the existing built form of the school. The site is currently used for outdoor seating and provides no significant outdoor recreation or space for sports given its contrived location and design. As a consequence of this, it is considered that the proposal would not result in the loss of highly-valued Urban Green Space which is used for recreation facilities or sport. It is also considered that the site does not make an important contribution in terms of visual amenity, landscape or biodiversity value. Nevertheless, this would still represent a departure from the development plan, and consideration will therefore need to be given as to whether the circumstances of the proposed development constitute material considerations and what weight can be attached to those given the Urban Green Space designation in the development plan.

10.9 As this site is not used for sports or recreation, the proposal would not result in the loss of land for such activities, and there is considered to be no conflict with Policy LP50 of the Kirklees Local Plan. This view is also supported by Sport England who raised no objections to the proposals as they did not consider this portion of land to fall within either of their statutory remit or non-statutory remit and therefore Sport England has not provided a detailed response in this case.

Education Facility

- 10.10 Alongside the above, Policy LP49 of the Kirklees Local Plan also states that proposals for new or enhanced education 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.*
- 10.11 This policy coincides with 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.
- 10.12 In light of the above, the submitted Design & Access Statement outlines that the proposed catering POD is required to facilitate the operation of the school and would enhance education provision by supporting the development of the established school use. This is due to there being a steady growth rate in students attending the facility since opening in 2011. The school has also now been selected to provide additional pupil places which will result in the requirement of an additional five classrooms which form part of a separate planning application at the site (application ref: 2023/90509). With this influx in additional students, there is a need for additional catering facilities to be provided on site, hence the current submission.
- 10.13 Having taken all the above matters into account, it is considered that material considerations apply, and that these outweigh the concerns regarding the proposed development of Urban Green Space. The proposals would be acceptable in principle subject to there being no detrimental impact in relation to other material planning considerations which are assessed in more detail below.

Urban design issues

- 10.14 The NPPF offers guidance relating to design in Chapter 12 (achieving well designed places) whereby Paragraph 126 provides a principal consideration concerning design which states:
- “The creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”*
- 10.15 Kirklees Local Plan Policies LP1, LP2 and significantly LP24 all also seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, thus retaining a sense of local identity.
- 10.16 Policy LP24 states that proposals should promote good design by ensuring:
- “a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape”.*

- 10.17 The proposals seek to construct a new single storey building measuring approximately 7.79sqm on a small, grassed area located within the middle of the school complex. This building is to be placed on paving flags (or similar sub-base) and is to provide catering facilities for students at North Huddersfield Trust School.
- 10.18 Given the small, subservient scale and massing of the building, and its location which would ensure that it would be viewed amongst other large two-storey structures, Officers consider the proposals to be subservient and not overly dominant within this location. As outlined previously the materials to be used on the catering POD include a purpose designed wrap, GRP roof and white UPVC fascias and rainwater goods. A security roller shutter is also proposed which would be polyester powder coated. Whilst these materials are not reflective of materials found within the existing school buildings, they are typical for this type of structure and result in a lightweight appearance which further supports the view that the POD would be an appropriate addition. It is therefore concluded that the proposal would not cause detrimental harm to the visual amenities of the locality and therefore is considered to accord with Policies LP1, LP2 and LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

Residential amenity

- 10.19 Sections B and C of Kirklees Local Plan Policy LP24 state that alterations to existing buildings should:
- “Maintain appropriate distances between buildings’ and ‘...minimise impact on residential amenity of future and neighbouring occupiers’.*
- 10.20 Further to this, paragraph 130 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future occupiers.
- 10.21 Due to the context and location of the proposed catering POD, the nearest residential properties (outside of the school complex) relate to the Astley Grange Nursing Home, which is located to the west of the school, approximately 129m away from the proposed development. Given this large separation distance, the small scale and size of the POD, the nature of the site, and that the proposed POD would be largely screened by existing buildings, Officers have no concerns with regards to the proposals appearing overbearing or causing harm in terms of overlooking or overshadowing on this neighbouring property.
- 10.22 Moving on to noise, Paragraph 185 of the NPPF, contained within Chapter 15, sets out that proposals should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development Policy LP52 of the Kirklees Local Plan seeks to ensure that, amongst other things, the impact from noise for new development is acceptable.
- 10.23 Policy LP52 is considered to be of relevance and sets out that development which has the potential to increase pollution from noise must be accompanied by evidence to show that the impacts have been evaluated and measures have been incorporated to prevent or reduce the pollution, so as to ensure it does not reduce the quality of life and well-being of people to an unacceptable level.

- 10.24 As the proposals do not include the installation of any extraction units or plant, Officers do not consider the catering POD to provide a significant increase in noise over and above what already exists within the school complex. Furthermore, given its location within the middle of the school grounds, much, if any noise would arise from the POD would be buffered by the surrounding buildings, and the large separation distances from adjacent neighbouring properties.
- 10.25 For the aforementioned reasons, it is therefore concluded that the proposal does not give rise to any adverse impacts upon neighbouring residential amenity and as such would accord with Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

Highway issues

- 10.26 Turning to highway safety, Local Plan Policies LP21 and LP22 are relevant and seek to ensure that proposals do not have a detrimental impact on highway safety and provide sufficient parking. Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 10.27 Given the small-scale and nature of the proposed catering POD, which is to be used ancillary to the main school building and would be located away from the existing access and parking facilities, the POD would provide an additional catering service for small scale hot and cold snacks/food area for existing students. The catering POD is not anticipated to bring in any additional staff or pupils other than those outlined within the allied applications 2023/90509 and 2023/90746. Any impacts arising from the additional students on site will be assessed within the above applications and therefore based solely on the creation of a catering POD in this location, it is concluded that the scheme would not represent any additional harm in terms of highway safety and as such complies with Local Plan Policies LP21 and LP22 and Chapter 9 of the National Planning Policy Framework.

Other Matters

Climate Change

- 10.28 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 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 will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.
- 10.29 LP24 of the Kirklees Local Plan sets out expectations of sustainability regarding development proposals.

- 10.30 In this instance the applicant has not submitted any supplementary statement or other information to explain how the proposed development would help to address or combat climate change effects. As the proposals are for the addition of a small-scale lightweight structure within the existing school grounds, Officers consider that the proposals would not have a significant impact on climate change that needs mitigation to address the climate change emergency on this occasion. The structure would be sufficiently robust for its intended use but could easily be removed and re-used if required.
- 10.31 Taking the above into consideration, the proposed development is deemed to comply with Policy LP51 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

Biodiversity

- 10.32 Paragraphs 174, 180, 181 and 182 of Chapter 15 of the National Planning Policy Framework are relevant, together with The Conservation of Habitats and Species Regulations 2017 which protect, by law, the habitat and animals of certain species including newts, bats and badgers.
- 10.33 Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance.
- 10.34 Whilst it is acknowledged that the application site is located within a bat alert area, given the nature, location and small scale of the proposals, it is considered unlikely that any roosting bats would be impacted upon by the proposals in this instance. However, an informative will be included should roosting bats be found on site during construction works.
- 10.35 There are no other matters for consideration.

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 facilities at the site to help the operation of the school and supporting the development of the established school use, which accords with Policy LP49 of the Kirklees Local Plan and Paragraph 95 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.

Background Papers:

Application and history files.

[Planning application details | Kirklees Council](https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2023/90853)

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2023/90853>

Certificate of Ownership – Certificate A signed.