
Report of the Head of Planning and Development

STRATEGIC PLANNING COMMITTEE

Date: 03-Aug-2023

Subject: Planning Application 2023/90509 Erection of 2 storey, 5 classroom teaching block including toilet facilities and staff / store rooms North Huddersfield Trust School, Woodhouse Hall Road, Fartown, Huddersfield, HD2 1DJ

APPLICANT

Joe Tingle, KSSL,
Kirklees School Services
Ltd

DATE VALID

10-Mar-2023

TARGET DATE

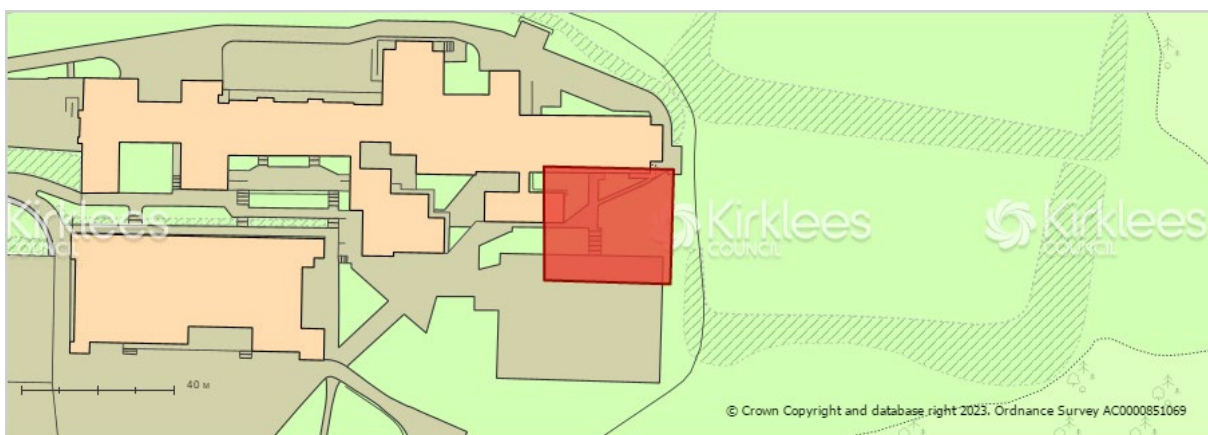
05-May-2023

EXTENSION EXPIRY DATE

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 and to secure a S106 agreement to cover the following matters:

1. Off-site highway works for junction improvements to Woodhouse Hill junction – contribution of £50,000.

In the circumstances where the S106 agreement has not been completed within 3 months of the date of the Committee's resolution then the Head of Planning and Development shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits that would have been secured; if so, the Head of Planning and Development is authorised to determine the application and impose appropriate reasons for refusal under Delegated Powers.

1.0 INTRODUCTION:

1.1 This is an application for full planning permission (reference 2023/90509) for the erection of a 2 storey 5 classroom teaching block including toilet facilities and staff / storerooms at North Huddersfield Trust School, Woodhouse Hall Road, Fartown, Huddersfield, HD2 1DJ.

1.2 The application is brought to Strategic Committee for determination as the proposal seeks a departure from the Local Plan, in accordance with the requirements of the Scheme of Delegation to Officers as the site is within a designated area of Urban Green Space (UGS) within the Local Plan.

2.0 SITE AND SURROUNDINGS:

2.1 The application site relates to North Huddersfield Trust School, Woodhouse Hall Road, Fartown, Huddersfield, HD2 1DJ.

2.2 The application site relates to the North Huddersfield Trust high school, 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. To the north, east and south of the school is open undeveloped land identified as urban green space. To the west are residential properties/Astley Grange Care Home.

2.3 The application site is not located within a Conservation Area or in close proximity to any Listed Buildings.

3.0 PROPOSAL:

- 3.1 The application seeks planning permission for the erection of a 2 storey 5 classroom teaching block including toilet facilities and staff / store rooms.
- 3.2 The proposed teaching block is to be located to the south of the existing school and is to measure approximately 16.4m x 13.8m, with a ridge height of 8m. The block will appear as a two-storey building when viewed from east, west and south. When viewed from the north, the block will appear as a single storey structure, this is due to the differences in ground levels at the site.
- 3.3 The materials proposed within the new teaching block include red brickwork to closely match the existing buildings, areas of rendered walling (to the first floor) and a grassed (blue roof system) to aid drainage and water collection on site. Windows and doors are to be made from PPC aluminium.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

- 4.1 2014/94019 – Erection of trampoline centre. Approved 18th March 2015.
- 4.2 2011/92237 – Erection of signs. Approved 31st October 2011.
- 4.3 2008/90289 – Erection of perimeter fence. Approved 14th March 2008.
- 4.4 2000/92899 – Erection of extensions to dining hall and sports hall and external alterations. Approved 11th December 2000.
- 4.5 89/00782 – Erection of satellite dish receiver. Approved 31st March 1989.
- 4.6 87/05345 – Reinstatement of fire damaged areas of school. Approved 31st December 1987.

Pre-application Advice

- 4.7 2022/21388 – Pre-application for classroom/staffroom/storerooms. Comments made 28th March 2023 to close the pre-app due to a full planning application being submitted to the Council.

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

- 5.1 Additional information has been requested in respect of air quality, following on from comments received from the Council's Environmental Health Officers. The applicant's agent sought to submit an Air Quality Assessment on the 26th June 2023.

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.

6.3 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**

6.4 Supplementary Planning Guidance / Documents:

- Kirklees Highways Design Guide (2019)

6.5 National Planning Guidance:

- 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

6.6 Climate change

6.7 The council approved Climate Emergency measures at its meeting of full Council on 16th 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.

6.8 On 12th 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 will use the relevant Local Plan policies and guidance documents to embed the climate change agenda. In June 2021 the council approved a Planning Applications Climate Change Guidance document.

7.0 PUBLIC/LOCAL RESPONSE:

Parish/Town Council

7.1 N/A.

Local Ward Members

7.2 None.

Representations

7.3 Final publicity date expires:

Neighbour Letters – Expired 18th April 2023.

Site Notice – Expired 21st April 2023.

Press Notice – Expired 14th April 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.

8.0 CONSULTATION RESPONSES:

8.1 **Statutory:**

The Coal Authority – Comments received 3rd April 2023. The Planning team at the Coal Authority considers that the content and conclusions of Phase 1 Environmental Desk Study Report (C1349/22/E/3839, June 2022) are sufficient for the purposes of the planning system in demonstrating (based on the professional opinion of Rogers Geotechnical Services Ltd) that the application site is safe and stable for the proposed development (NPPF paras. 183 and 1884). The Coal Authority has no objection to the proposed development but does recommend the inclusion of informatives which relate to any unexpected encounters of coal mining features and SUDS.

Health and Safety Executive – Comments received 27th June 2023. HSE do not advise on safety grounds, against the granting of planning permission in this case.

Sport England – Comments received 30th March 2023. No objections.

KC Highways Development Management – Comments received 11th April 2023. Highways officers did raise initial concerns relating to the existing Woodhouse Hill junction and considered there to be a link between the school and the pupils and the collisions that have occurred at this location therefore deeming the submitted Transport Statement to be unacceptable and that mitigation works to try and improve this junction are considered to be appropriate.

Officer note: Following on from the above comments, the applicant has confirmed that they will pay a £35000 contribution to a scheme of mitigation works at the Woodhouse Hill junction. Therefore, the proposals are considered to be acceptable to highways Officers subject to conditions relating to mitigation works, the submission of a construction management plan and a travel plan.

Officer note: Following discussions with the highway safety team it was noted that the original suggested contribution of £35,000 was an error and the actual contribution was to be £50,000, this was due to changes to a couple of features which included a small amount of additional work and down to the increase in the cost of materials and plant. Officers are awaiting confirmation from the applicant in regards to this increased contribution.

8.2 **Non-statutory:**

DOCO – Comments received 24th May 2023. No objection to the principle of development however concerns and comments were made in regard to lighting, windows and glazing, doors and their locking systems, CCTV and alarms and cycle and motorcycle storage facilities.

Officer note: Following receipt of the above comments the applicant's agent provided updated information to overcome Officers concerns, this includes the below documents:

- Response Letter dated 26th May 2023 – ref RB/BC.HUD.2022.00040.005/05.
- Proposed Gen & Emer Lighting Layout East & West Elevations – Drawing No. 6304 Rev T1.
- Proposed Gen & Emer Lighting Layout North & South Elevations - Drawing No. 6202 Rev T1.
- Pure Commercial Door System – Section L20 (NBS).
- Pure Top Hung Open Out Casement Windows – Section L10 (NBS).
- Proposed Security Systems Installation Lower Floor – Drawing No. 6901 Rev T2.
- Proposed Security Systems Installation Upper Floor – Drawing No. 6902 Rev T1.
- H11/L40 – NBS Spec Clause – Project Reference – North Huddersfield Trust School – AHR.

DOCO Officers have reviewed the above documents and proposed security measures and agree that they are proportionate and satisfactory and therefore they have no further comments to add to this application for the security of the premises.

KC Ecology Unit – Comments received 5th April 2023. Whilst a Preliminary Ecological Appraisal Report (PEAR) has been submitted, alongside a Biodiversity Net Gain calculation Officers require the submission of the applicants preferred option to deliver the net gain, whether this be on site through updating the landscaping scheme in accordance with the recommendations within the PEAR or through an off-site contribution.

Officer note: The applicant has submitted an updated site plan which shows a green roof system to the teaching block, the installation of 2 bat boxes and the inclusion of additional planting to the south. They have also provided a supporting biodiversity net gain statement. These documents are currently under review by the Council's Ecology Officer, their comments will be outlined within the committee update.

KC Environmental Health – Comments received 30th March 2023. No objections subject to the submission of an air quality screening assessment which is to be submitted prior to a decision being made on the application. Conditions and informatives are also recommended in respect of contaminated land, noise impact assessment and a Construction Environmental Management Plan.

Officer note: Following receipt of the above comments the applicant's agent sought to submit an Air Quality Assessment. The Council's ENVH team assessed this report and concluded that they agree with the methodology and conclusions of the report for both the construction and operational phases and therefore raise no objections subject to a revised Construction Environmental Management Plan condition.

KC Trees (informal) – Comments received 18th July 2023. Officers objected to the proposals due to a lack of information provided in respect to the trees located to the east of the proposed building. The proposals potentially impacted upon these trees both directly and indirectly and therefore further information was required in the form of an Arboricultural Impact Assessment.

Officer note: Following discussions between the applicant's agent and trees officer it has been concluded that with the provision of conditions relating to the submission of an Arboricultural Method Statement and a detailed planting scheme the proposals are, on balance, acceptable and therefore the trees officer removes their objection.

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 2 storey, 5 classroom teaching block including toilet facilities and staff store rooms to accommodate an increase in pupil numbers and is to be developed adjacent to the existing school building within the school grounds. The application compromises part of a grassed banking with paved footpaths which provide links 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 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.

In addition, Local plan policy LP49 states that proposals for new or enhanced education facilities will be permitted where ‘the scale, range, quality and accessibility of education facilities are improved’. It is considered that the proposal is in accordance with LP49 in that the new building would enhance the education facilities at the school.

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 proposed building is providing additional teaching facilities for the school to be able to accommodate an additional 150 students. The development is to be located on amenity space and would not result in the loss of or have a detrimental impact on sport provision or recreational space at the school.

The loss of green space needs to be weighed against the benefits of the proposal. The NPPF (para 95), which is a material consideration, states it is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local Planning Authorities should take a proactive, positive and collaborative approach to meeting the requirement, and to development that will widen choice in education. As set out in point (a) of para 95, Local Planning Authorities should give great weight to the need to create, expand or alter schools through decisions on planning applications.

In this case, the benefits of providing new teaching accommodation will facilitate the continued operation of the school providing expanded and enhanced educational provision to accommodate an increase in pupil numbers which will significantly outweigh the minor loss of some amenity green space”.

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 declares 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/Education Facility

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 In light of the above, no further information has been provided as to how the proposal would specifically address the criteria as set out within Policy LP61 of the Kirklees Local Plan and Paragraph 98 of the NPPF. However, within the submitted Design and Access Statement the agent has set out that the school has been chosen to provide additional pupil places and as a result there is now a requirement to provide an additional 5 no. classrooms and associated toilet and staff departmental provisions. It is also highlighted that this scheme has been deemed a high priority by the Local Authority and has been indicatively programmed for delivery required by summer 2024. Whilst the proposals would be located across a small area of grassland, the Design and Access Statement does outline that due to the steep banking this area is currently unused and that there would be no loss to any sports or recreation space.
- 10.9 From a site visit undertaken by Officers on the 28th March 2023 it was clear to see that this site relates to a portion of steep embankment, which whilst partially grassed over would not, and is not used for sport or recreation, and therefore the proposal is not considered to result in the loss of land for such activities. Of note, Sport England were also consulted on the proposals and raised no objections as the proposed development affects land which is incapable of forming part of a playing pitch and therefore does not reduce the size of any playing pitch or result in the inability to use any playing pitch, prejudice the use of any remaining areas of playing field on the site, result in the loss of other sporting provision or ancillary facilities on the site, or reduce the sporting capacity of the playing field to accommodate playing pitches or the capability to rotate or reposition playing pitches to maintain their quality in future.

- 10.10 Furthermore, Policy LP49 of the Kirklees Local Plan states that proposals for new or enhance 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. Therefore, as outlined above, it has been considered that there is a sufficient need for this new teaching block at the site, which would in turn provide additional space for the anticipated influx in new students, improve existing education facilities at the school and support the development of an established school use. Therefore, it has been considered that the enhancement of the provision of an existing education facility would comply with LP49 of the Kirklees Local Plan and Government guidance with the NPPF and outweighs any impact upon Urban Green Space. Thus, this material consideration justifies a departure from the Local Plan.
- 10.11 Having taken into account the above, it has been considered that the proposal in principle would be acceptable, subject to there being no detrimental impact on the other material planning considerations in which will be assessed within more detail below.

Urban Design issues

- 10.12 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.”

- 10.13 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.

- 10.14 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”.

- 10.15 The proposals seek to construct a new two-storey teaching block to the south of the existing main school building. This block is to be somewhat simple in design, having a flat roof which reflects the existing buildings on the site. The teaching block is to be constructed using traditional brick/block cavity walls with red facing brick and rendered finish. Whilst the proposed red facing brick is considered to be similar in appearance to those used on the existing school and therefore deemed to be acceptable. Officers do consider the proposed render to be an inferior material as it does not tend to weather well, and the existing school campus has a consistent palette of brick. Nevertheless, officers consider on balance, given the limited public views of the site, that this material choice is acceptable on this occasion.

- 10.16 The building, as demonstrated on the proposed plans would be relatively small in size and scale when compared against the backdrop of the main school buildings. The new teaching block is to have a footprint of 16.4m x 13.8m, and an overall height of 8m. The proposed flat roof will also ensure that some of the bulk and massing of the building is reduced and in keeping with the existing built form. Officers acknowledge the high parapets which bound the teaching block and whilst it would be preferable for these to be reduced in their height, following discussions with the applicant's agent they have stated that they believe that there is a requirement for them to provide safe access for staff/contractors to the roof. However, Officers consider that there may be other solutions that might enable safe access without the need for such high structures. However, on balance, Officers accept the proposals as submitted.
- 10.17 Officers consider the proposed location and layout of the new teaching block to be suitable as it would be read amongst the existing school complex and is to be set away from the public highway and would be sufficiently screened by existing planting at the site, posing no detrimental impact on the wider streetscene. In addition, whilst large openings are proposed within the building, these are balanced in appearance and will aid in natural light penetration. Therefore, given the buildings proposed use, Officers have no concerns from a visual perspective.
- 10.18 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 & C of the Kirklees Local Plan Policy LP24 which states 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 teaching block, 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 200m away from the proposed development. Given this large separation distance, and the nature of the site as existing, Officers have no concerns with regards to the proposals appearing overbearing or causing harm in terms of overlooking or overshadowing on this neighbouring building.
- 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 The Council's Environmental Health Officers were consulted on the proposals who note that as the site is adjacent to existing residential properties all reasonable steps must be taken to minimise and mitigate adverse effects arising from construction-related activities which may lead to a loss of amenity, therefore they recommend that a Construction Environmental Management Plan is submitted prior to works commencing on the site. In addition, as there is limited information provided to confirm the presence of any fixed plant and equipment associated with the new building, a condition is also requested to secure a noise impact assessment, these are both required in the interests of protecting residential amenity.
- 10.25 In conclusion, taking the above into account it is considered that subject to conditions, the proposals would not result in significant and detrimental impacts on the privacy and amenity of any neighbouring occupants, complying with LP24(b) of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

Highway issues

- 10.26 Local Plan Policies LP21 and LP22 are relevant and seek to ensure that proposals do not have a detrimental impact to highway safety and provide sufficient parking. Furthermore, 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 The proposals are to utilise the existing access and parking arrangements at the site which are currently taken from Woodhouse Hall Road to the west of the site. No changes are proposed to the onsite parking arrangements. Woodhouse Hall Road is a single carriageway which serves the school and a number of residential properties. Double yellow line restrictions are present along its length, preventing loading and parking, with a turning head provided at its eastern end before the access to the school to enable vehicles to turn and exit the road in forward gear.
- 10.28 Given the nature of the application the Council's Highways officers were consulted on the proposals, the Highway Safety Section were also consulted and raised concerns regarding the safety of Woodhouse Hill Junction which is located to the west of the site and adjoins the main site entrance Woodhouse Hall Road. Whilst a Transport Statement is submitted alongside the application, Highways Officers conclude that the findings of this statement are not acceptable and that there are highway related objections to the proposed development whereby mitigation works will be required to improve the Woodhouse Hill junction which will result in a financial contribution of £50,000. This contribution is required to be used towards the supporting and match funding of road safety improvements on Woodhouse Hill Road within the vicinity of the school, including, but not limited to changes to the existing traffic calming and the installation of informal crossing locations on key pedestrian desire lines.

It is noted that works to this junction are already under consideration and are due to take place in the near future therefore, the contribution requested under this current application would support these upgrades whilst also mitigating any impact arising from the uplift in students at the site.

10.29 Subject to the above, the proposals are considered to be acceptable to Highways Development Management.

10.30 For the aforementioned reasons it is concluded that subject to the proposed contributions and conditions recommended, 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

Contaminated Land

10.31 With regard to land quality, paragraphs 174, 183 and 184 of the National Planning Policy Framework and policy LP53 of the Kirklees Local Plan which seeks to ensure land quality is maintained as part of new development.

10.32 The following documents have been submitted in support of the application:

- Phase 1 Environmental Desk Study by Rogers Geotechnical Ltd dated June 2022 (ref: C1349/22/EE/3839)
- Phase 2 Geo-Environmental Report by Rogers Geotechnical Services Ltd, dated July 2022 (ref: C1349/22/E/3843)
- Gas Monitoring Report by Rogers Geotechnical Services dated September 2022 (ref: C1349/21/E/GM)

10.33 Given the above, the Council's Environmental Health (ENVH) Officers were consulted, they raise no objections in respect of the submitted reports which confirm that soils at the site are generally uncontaminated with respect to the proposed end use. It is specified that site-won or imported material will be screened in accordance with the Yorkshire and Lincolnshire Pollution Advisory Group (YALPAG) guidance. In terms of ground gases, the site has been assigned as a CS2 site, i.e. it is considered that gas protection measures are necessary (CS2 for a Type B development). The report advises that the finalised designs for ground gas protection measures will be provided on technical drawings and included in a Phase 3 Remediation Statement report.

10.34 ENVH Officers accept the Phase 1 Environmental Desk Study by Rogers Geotechnical Ltd dated June 2022 (ref: C1349/22/EE/3839), Phase 2 Geo-Environmental Report by Rogers Geotechnical Services Ltd, dated July 2022 (ref: C1349/22/E/3843) and Gas Monitoring Report by Rogers Geotechnical Services dated September 2022 (ref: C1349/21/E/GM), they therefore consider that should planning permission be granted conditions relating to the submission of a Remediation Strategy/Verification Report be applied.

10.35 The implementation of these conditions is deemed to be sufficient to comply with the aims of LP53 of the Kirklees Local Plan and Chapter 15 of the NPPF.

Biodiversity

- 10.36 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.
- 10.37 Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance. 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.
- 10.38 A Preliminary Ecological Appraisal Report (PEAR) including a Biodiversity Net Gain calculation has been submitted with the application. The Council's Ecologist notes that the submitted reports provide a comprehensive assessment of the site and lay out the potential impacts on ecological receptors, brought about by the proposed development. Overall, the site is of limited ecological value, comprising of species poor modified grassland and areas of built form, with limited opportunities for protected species.
- 10.39 A Biodiversity Net Gain calculation has been submitted with the EclA, using the Biodiversity Metric 3.1 calculator tool. The construction of the proposed development is predicted to result in a loss of 0.09 Habitat Units (HU), a net percentage change of -21.90 percent (%). This decrease in biodiversity value is due to the loss of grassland - modified grassland and its replacement with predominantly urban - developed land; sealed surface and urban - artificial unvegetated, unsealed surface, which have a lower biodiversity value. The construction of the proposed development is predicted to result in a no net loss of 0.03 Hedgerow Units (HeU), a net percentage change of 0%.
- 10.40 The Council's Ecology Officer notes that the development proposals in their current form will result in a significant reduction in the biodiversity value of the site and therefore amendments have been made, taking into consideration the recommendations outlined within the PEAR to increase the biodiversity net gain at the site. These alterations include the provision of 2 bat boxes, a green roof system and the provision of additional new planting to the south of the site. A biodiversity net gain statement has also been provided, this outlines that the spoil resulting from the development would not be placed in the area included in the Ecus PEA and that alternative habitat creation/enhancement would be required to offset to deliver a 10% net gain in HU. The enhancement of an area of existing modified grassland located to the north of the proposed

development, has been agreed as an area for enhancement whereby a 0.02 ha area will be enhanced to other neutral grassland. This will be created through the sowing of an appropriate wildflower grassland seed mix on a section of the south-facing bank which will be managed appropriately to achieve a moderate condition. The Council's Ecologist has been consulted on this updated information; their comments will be included within the committee update once received.

- 10.41 In terms of the green roof system, limited details have been provided in regard to this element of the scheme. Officers requested the submission of section plans and details of the depth of the proposed substrate, as well as further information in terms of the types of species to be planted here. No plans were provided although the applicant's agent did note that the roof and structure has been designed for the loads of a green roof and that a building control application has been submitted to the Council which will form part of confirmation with compliance.
- 10.42 Whilst the above is noted, Officers would state that an inferior sedum mat would not be considered acceptable and that a growing substrate of at least 80mm would be necessary. Conditions are therefore recommended to ensure that full, detailed sections and loading information is provided prior to its installation, as well as outlining the species to be used within the roof and details of its maintenance. In the absence of full sections and details of the substrate depth, there is a possibility that the building may end up being higher than the currently proposed after a detailed design has been worked up, therefore conditions are considered necessary on this occasion.

Climate Change

- 10.43 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.
- 10.44 The applicant has submitted a Climate Change Statement, this document outlines that the proposals are to seek the installation of PV panels, air source heat pumps, and the use of low energy lighting and hybrid ventilation systems in classrooms. PIR sensors are also proposed to reduce the energy used when rooms are unoccupied, energy efficient whitegoods in staffrooms and the use of increase insulation thickness to improve u-values above Building Regulations requirements. Numerous other changes are also outlined within this statement, this can be viewed in full on the Council's website.
- 10.45 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.

Trees

- 10.46 Policy LP33 of the Kirklees Local Plan highlights that Local Planning Authorities should not grant planning permission for developments which directly or indirectly threaten trees or woodlands of significant amenity. This Policy sets also out that where trees loss is deemed to be accepted, developments will be required to submit a detailed mitigation scheme.
- 10.47 Whilst it is acknowledged that no trees within the application site are subject to a Tree Preservation Order, the Council's Trees Officer has raised concerns in respect of trees located to the east of the proposed teaching block, these trees are of moderate amenity value and would be impacted upon by the proposals both directly and indirectly. This is due to activities such as facilitation pruning, disturbance to the extremities of the rooting systems and changes in site levels and grading.
- 10.48 An Arboricultural Impact Assessment has not been carried out or provided alongside the submission and therefore trees directly adjacent to the proposed building (such as T5 and parts of G18) have not been given due consideration. Nevertheless, conditions could be attached which require the submission of an Arboricultural Method Statement prior to works commencing on site, and the submission of a detailed planting scheme/proposal for the new planting that is shown indicatively within submitted plans. Officers therefore consider that, the proposed conditions would provide sufficient mitigation, should planning permission be granted for the proposed teaching block in this location.

11.0 CONCLUSION

- 11.1 The application site is designated as an Urban Green Space in Local Plan and therefore development would be contrary to Policy LP61. However, it is considered that there are material considerations, which would outweigh the harm and justify a departure from the Local Plan. These material considerations consist of a recognised need for a modular classroom and improved educational facilities at the site, which accord with Policy LP49 of the KLP 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. Time Limit (three years)**
- 2. Development in accordance with approved plans**
- 3. Contaminated land investigation conditions**
- 4. Noise Assessment**
- 5. Construction Environmental Management Plan**
- 6. Travel Plan**
- 7. Scheme of mitigation works at Woodhouse Hill Junction**
- 8. Submission of an Arboricultural Method Statement prior to works commencing on site**
- 9. Submission of a detailed planting scheme/proposal for the new planting shown to the south**
- 10. Full, detailed sections of the proposed green roof should be submitted prior to its installation, this should also include loading information, species to be planted and details of its maintenance.**

Advisory notes as requested by consultees.

Background Papers:

Application and history files.

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<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2023/90509>

Certificate of Ownership – Certificate A signed.