

**KIRKLEES METROPOLITAN COUNCIL  
INVESTMENT & REGENERATION SERVICE**

**DEVELOPMENT MANAGEMENT**

**Town and Country Planning Act 1990 (as amended) – SECTION 70**

**DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS**

**Reference No:** 2021/62/92174/W

**Site Address:** Moor End Academy, Dryclough Road, Crosland Moor,  
Huddersfield, HD4 5JA

**Description:** Erection of two temporary modular buildings and  
demolition of existing modular building

**Recommending Officer:** Katie Chew

**DECISION – Full Conditional Permission**

**I hereby authorise the approval of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.**

Neil Bearcroft

***AUTHORISED OFFICER***

**Date: 03-Aug-2021**

## **Officer Report**

### **Site Description**

Moor End Academy, Druclough Road, Crosland Moor, Huddersfield, HD4 5JA

The application site relates to Moor End Academy a high school located in Crosland Moor. The proposed location of the two temporary modular buildings applied for within this application comprises of a hardstanding play area located to the north west of the main campus. The site as a whole is large in size and benefits from a cluster of buildings all related to educational facilities at the school. 2 large car parks can be found along the western side of the school, with pedestrian access available to the north, south and west. Vehicular access is taken from Dryclough Road.

### **Description of Proposal**

The application seeks planning permission for the erection of two temporary modular buildings and demolition of existing modular building.

The existing modular building is to be removed and replaced with a temporary modular building identified within the submitted plans as 'Block A'. Block A is to comprise of 3 classrooms, a meeting room, 3 offices, cleaning room and W.C. The building is to measure 9.6m x 29.9m, with a height of 3.5m.

A second modular building is also proposed to the north of the existing modular building. This new building is to comprise of a kitchen, canteen, store and WC. The building is to measure 12m x 33.2m, with a height of 3.5m.

The proposed buildings are to be constructed from plastisol-coated galvanised steel cladding, with the roof being made from profiled aluminium zinc coated steel.

### **History of negotiations/amendments received**

No amendments were sought in this instance.

### **Relevant Planning History**

2016/92020 – Erection of modular building. Approved 11<sup>th</sup> August 2016.

2009/93625 – Erection of 2 timber shelters. Approved 5<sup>th</sup> March 2010.

2003/92421 – Erection of boundary fencing. Approved 16<sup>th</sup> September 2003.

2000/92024 – Erection of glazed entrance lobby and formation of new store. Permitted development 11<sup>th</sup> July 2000.

## **Representations**

Final publicity date expires:

Neighbour Letters - Expired 7<sup>th</sup> July 2021

**Officer note:** We are currently undertaking the legal statutory publicity requirements as set out at Table 1 in the Kirklees Development Management Charter. As such, we have publicised this application via neighbour notification letters, details of which are outlined above. It is also important to note that whilst the application is to be located on Urban Green Space, the proposals are not considered to be a departure from the Kirklees Local Plan as the modular buildings are to replace an existing building and be located in areas of existing hardstanding which are currently used as picnic areas. Therefore the proposals will not result in the loss of green space.

## **Consultation Responses**

**KC Ecology Unit** - No comments received within statutory timescales.

## **Parish/Town Council Comments**

N/A.

## **Local Ward Members**

N/A.

## **Planning Policy Background**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27<sup>th</sup> February 2019).

The application site is situated on Urban Green Space in the Kirklees Local Plan and within a twice buffer zone.

## **Kirklees Local Plan (LP):**

- **LP1 – Achieving Sustainable Development**
- **LP2 – Place Shaping**
- **LP3 – Location of New Development**
- **LP21 – Highways and Access**
- **LP22 - Parking**
- **LP24 – Design**
- **LP47 – Healthy, Active and Safe Lifestyles**
- **LP49 – Educational and Health Care Needs**
- **LP50 – Sport and Physical Activity**

- **LP52 – Protection and Improvement of Environmental Quality**
- **LP61 – Urban Greenspace**

### **National Policies and Guidance:**

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) updated 20<sup>th</sup> July 2021, the Planning Practice Guidance Suite (PPGS) first launched 6<sup>th</sup> March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications. Most specifically in this instance, the below chapters are of most relevance:

- 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

National Design Guide (2019)

### **Summary of Principal Planning Issues**

The following matters are considered in the assessment below –

- 1) Principle of development
- 1) Scale, design and visual impact of the proposed development
- 2) Impact of the proposed development upon the privacy and amenity of neighbouring properties
- 3) Impact on highway safety
- 4) Other matters
- 5) Conclusion

### **1 – Principle of Development:**

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

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 Urban Green Space 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'.*

This local policy basis is consistent with 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 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; or*  
*b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity or quality in a suitable location; or*  
*the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use'.*

In light of the above and the from looking at the information submitted to support this application, it is in officer's opinion that as the proposals are to be located in areas of existing hardstanding within the school and thus would not result in the loss of green space that would be used for open space, sport or recreational activities. The proposals are therefore not considered to represent a departure from the development plan. The proposals would also not lead to the loss of any form of playfield as defined in Schedule 4 of The Town and Country Planning (Development Management Procedure) (England) Order 2015, and therefore it is not necessary to consult with Sport England.

The modular buildings are 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 attached great weight to the need to create, expand or alter schools through the decisions on applications.

Having taken the above into account, it is considered that 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.

## **2 - Impact on Visual Amenity:**

Section 12 of the NPPF discusses good design. Good design is a key aspect of sustainable development, it creates better places in which to live and work and helps to make development acceptable to communities. Local Plan Policies LP1, LP2 and most importantly LP24, are all also relevant. All the policies seek to achieve good quality design that retains a sense of local identity, which is in keeping with the scale of development in the local area and is visually attractive.

The applicant is seeking permission for 2 modular educational buildings which would be ancillary to the main school and viewed amongst the existing built form at Moor End Academy. The proposed modular buildings are functional and utilitarian in design, and whilst the buildings are to be large in scale and size, and openly visible from neighbouring streets such as Wellfield Bank, the proposed buildings would be viewed in the general context of the site, and against the existing school buildings which vary in height but are all large in scale and size.

As temporary buildings their appearance is not a comparable quality to other adjacent permanent buildings however, given their proposed location, use and temporary timeframe of 5 years, it is considered that the proposal would not appear as a dominant structure, or that it would significantly detract from the visual amenity of the area in this instance.

For the above reasons the proposals are considered to accord with Policy LP24 of the Kirklees Local Plan, Chapter 12 of the National Planning Policy Framework, and the National Design Guide.

## **3 - Impact on Residential Amenity:**

The National Planning Policy Framework states that Local Planning Authorities should seek to achieve a good standard of amenity for all existing and future occupants of land and buildings. This is echoed within Kirklees Local Plan Policy LP24 which states that: -

*'proposals should provide a high standard of amenity for future and neighbouring occupiers, including maintaining appropriate distances between buildings and the creation of development-free buffer zones between housing and employment uses incorporating means of screening where necessary'*.

The nearest residential dwellings to the proposed development are those located on Gilbert Grove to the north east. In this instance, the proposed modular building would be located 30+ metres away from the nearest dwelling and would be situated amongst other existing educational buildings and facilities relating to the school. For the above reasons it is considered that the

proposals would not have any material impact upon residential amenity in terms of overshadowing, overlooking or being overbearing in nature.

Furthermore, within the submitted information provided it is suggested that the development would not result in an increased number of staff or pupils but that the buildings would increase the quantity and quality of teaching space, create additional offices and a meeting room, and more than double the capacity of indoor dining facilities. It is therefore considered that the modular buildings would not provide any significant and additional noise or activity to the school and that they would have an acceptable impact on residential amenity, complying with the aims of Policies LP24 and LP52 of the Kirklees Local Plan, the National Design Guide and Chapter 12 of the NPPF.

#### **4 - Impact on Highway Safety:**

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.

The proposed buildings would be ancillary to the main school and would be located to the north of the site away from existing access and parking facilities. Furthermore, it is not anticipated that the proposals would see an increase in staff or pupil numbers or an increase in vehicular movements to and from site. For these reasons the proposal is considered to comply with Local Plan Policies LP21 and LP22, and the guidance contained within the National Planning Policy Framework.

#### **Other Matters:**

##### Climate Change

On 12<sup>th</sup> 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.

It is considered that the proposed development would not have a significant negative impact in the context of the climate change emergency. The new modular buildings would be sufficiently robust structures for their intended use, but they 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 proposed development

would therefore comply with Policy LP51 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

### Biodiversity

Whilst the application site is located within an twice buffer zone, given the nature of the site being used as a public school, and that the area proposed for the buildings consists of existing hardstanding, it is considered unlikely that the proposals would impact upon nesting twice.

### Time Limit

As stated within the submitted Design & Access Statement the applicant is seeking temporary planning permission for 5 years. Given that the buildings are of temporary construction which would not be acceptable for a prolonged period on visual amenity grounds, it is considered necessary to condition a temporary planning permission.

There are no other matters for consideration.

### **6 - Conclusion:**

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.

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the proposed development would constitute sustainable development and is therefore recommended for approval.

### **Recommendation:**

Approve.

## Decision Authorisation - Delegated Powers

Application Number: 2021/92174

Officer Recommendation: Approve.

### **Conditions & Reasons:**

1. The development hereby permitted shall be begun within three years of the date of this permission.  
**Reason:** To ensure compliance with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
1. The development hereby approved shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.  
**Reason:** For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP2, LP21, LP22, LP24 and LP52 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.
2. The permission hereby granted shall be for a limited period only to expire on 18<sup>th</sup> August 2026 and on the expiration of this period the buildings shall be permanently removed from the site unless an

application is made to the Local Planning Authority to extend this period.

**Reason:** The application relates to buildings constructed from temporary materials and therefore would not be acceptable on a permanent basis in the interests of visual amenity. This is to accord with the aims of Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

**Plans and specifications schedule:-**

<b>Plan Type</b>	<b>Reference</b>	<b>Web ID</b>	<b>Date Received</b>
Existing Location & Block Plan	DLMEAELBP	-	26 <sup>th</sup> May 2021
Proposed Location & Block Plan	DLMEAPLBP	-	26 <sup>th</sup> May 2021
Block A	DLPEBLOCKA	-	26 <sup>th</sup> May 2021
Block B	DLPEBLOCKB	-	26 <sup>th</sup> May 2021
Design & Access Statement – Supporting Information	-	-	26 <sup>th</sup> May 2021

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Authority have, where possible, made a preapplication advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. No amendments have been sought in this instance as the proposals were considered to be acceptable upon submission.

Report Dated:

03/08/2021

