

Proposed SEMH School at the site of the Former Deighton Centre

Planning Statement

Kirklees Council

November 2023

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1.0 Introduction

Background to Planning Application

- 1.1 This Planning Statement has been prepared by Lichfields on behalf of Kirklees Council (“The Applicant”) to accompany a full planning application for Joseph Norton Academy, a new social, emotional and mental health school (SEMH) school located on land off Deighton Road, Huddersfield.
- 1.2 This application seeks full planning permission for the following development:
- “Development of the former Deighton Centre (previously Deighton High School), comprising a Social Emotional and Mental Health School (Use Class F1), comprising two storey and single storey educational buildings, roof mounted photo - voltaic panels, sensory garden spaces, multi-use games areas, landscaping, hardstanding areas, carparking, access with secure fencing and ancillary development, land off Deighton Road, Huddersfield, HD2 1JP.”*
- 1.3 This use of this site for educational and training purposes has long been established. The site initially operated as a school until 1992, before operating as a training centre until 2014. The building was demolished in 2015 and the site has remained vacant ever since.
- 1.4 There is a demonstrable need for additional Social Emotional and Mental Health (SEMH) spaces within the Kirklees area. The current proposal represents an important opportunity to accommodate urgently needed SEMH spaces within a purpose-built school, centrally located within the district that is capable of catering for the long-term needs of the students.
- 1.5 Having regard to Section 38(6) of the Planning and Compulsory Purchase Act 2004, this Planning Statement considers the proposal with respect to the relevant policies contained within the Development Plan, relevant national planning policy, and other relevant material considerations.

Application Submission

- 1.6 This Statement should be read alongside the following drawings and documents which have been prepared to accompany the planning application submission:
- Completed Application Form and Ownership Certificate;
 - Planning Statement (This Document);
 - Cover Letter;
 - CIL Form;
 - Architectural Plans (**Appendix 01**);
 - Landscape Plans (**Appendix 01**);
 - Detailed Planting Plan (**Appendix 01**);
 - Air Quality Impact Assessment, prepared by BWB Consulting

- Arboricultural Assessment, prepared by FCPR
- Arboricultural Method Statement, prepared by FCPR
- Climate Change Statement, prepared by Frank Shaw Associates and Anderson Green
- Coal Mining Risk Assessment, prepared by HSP Consulting
- Design and Access Statement, prepared by Frank Shaw Associates
- Ecological Impact Assessment including Biodiversity Net Gain Assessment, prepared by Arbtech
- Flood Risk Assessment, prepared by HSP Consulting
- Health Impact Assessment, prepared by Lichfields
- Land Contamination Report Phase I, prepared by HSP Consulting
- Land Contamination Report Phase II, prepared by HSP Consulting
- Landscape Statement, prepared by Colour
- Noise Impact Assessment, prepared by Apex Acoustics
- Preliminary Ecological Appraisal, prepared by Arbtech
- Statement of Community Involvement, prepared by Kirklees Council
- Sustainable Drainage Statement, prepared by BWB Consulting
- Transport Assessment, prepared by BWB Consulting
- Travel Plan, prepared by BWB Consulting

Structure of the Report

1.7 This Planning Statement is structured as follows:

- **Section 2.0** provides an overview of the site, surroundings and planning context;
- **Section 3.0** provides an overview of the community consultation exercise;
- **Section 4.0** provides details of the proposed development;
- **Section 5.0** sets out the statutory planning policy context;
- **Section 6.0** assesses the proposal against the planning policy context and sets out the justification for the proposed development; and
- **Section 7.0** concludes the assessment.

2.0 Site Context

Site Location

- 2.1 The application site (the Site) is shown in **Figure 2.1 below**.
- 2.2 In summary, the application site is located within Deighton, some 3km to the north- east of Huddersfield town centre.
- 2.3 A Site Location Plan is also submitted alongside this planning application (**Drawing No. 22308-FSA-XX-XX-DR-A-1000**).

Figure 2.1 Indicative Proposal Site Location



Source: Google Earth

Site and Surroundings

- 2.4 The Site, which has an approximate area of 2.22 hectares, was formerly occupied by a three-storey secondary school known as Deighton High School. The school closed in 1992, after which the building was used as training centre for the Council before finally closing in 2014. The building was demolished in 2015 and the Site has remained vacant ever since, save for some isolated hardstanding areas (some of which are now covered in vegetation), that have remained in situ.
- 2.5 The Site is bounded: to the north by existing residential areas (Wiggan Lane and Tenter Hill Lane); to the west by a primary school (Christ Church Academy) and existing residential areas beyond (Wood View); to the south by a mixture of residential (Deighton Road) and leisure uses (Deighton Sports Arena); and to the east by existing sports fields.
- 2.6 The Site slopes from its south-western corner (137m AOD) to its northeastern corner (123m AOD).

- 2.7 The northern section of the Site includes an area of mature woodland. Self-set and mature trees also exist in isolated sections across the Site. None of the trees on Site are protected by Tree Preservation Orders.
- 2.8 The Kirklees Public Rights of Way Map shows that there are no public rights of way through the site. Footpath HUD/37/20 runs along the site's western boundary and footpath HUD/37/40 runs parallel with the site's northern boundary.
- 2.9 The Site lies wholly within Flood Zone 1 meaning that it is at the lowest risk of flooding.

Planning History

- 2.10 The Kirklees Council Planning Portal has been reviewed to establish the Site's planning history. From this, it is noted that an application for "*Prior notification for demolition of existing buildings*" was approved in December 2014 (ref. 2014/N/93572/W).
- 2.11 There have been no subsequent planning applications on this site.

Pre-Application Advice (ref. 2023/20757)

- 2.12 The applicant has engaged with Kirklees Council as part of a formal pre-application request (ref. 2023/20757). A Pre-Application meeting was held with Officers on the 25th July 2023. This was attended by the case officer and members of the project team, together with representatives from West Yorkshire Designing Out Crime Officer, Counter Terrorism Security Advisor Officer, Highways Officer, Environmental Health Officer, and Principal Flood Risk Officer.
- 2.13 A written pre-application response was provided on the 25th August 2023 which included feedback from the case officer taking account of statutory consultees internal to the Council. The pre application response is set out in full at Appendix 2 to this Statement. The following extracts highlight the principal aspects of feedback.
- 2.14 "*At application stage, you would need to submit supporting information to demonstrate that the proposed development would achieve net gains in respect of all three sustainable development objectives (economic, social and environmental).*"
- 2.15 "*Chapters 2, 9, 14 and 15 of the NPPF are particularly relevant to your proposal in relation to climate change, as are Local Plan policies LP1, LP20, LP21, LP24, LP26, LP27 and LP28, and the vision and strategic objectives set out in chapter 4 of the Local Plan. The council approved Climate Emergency measures at its meeting of full Council on 16/01/2019, and you may also be aware of the West Yorkshire Combined Authority's pledge for the Leeds City Region to reach net zero carbon emissions by 2038. Your forthcoming submissions must respond positively to these policies and initiatives.*"
- 2.16 "*Local Plan Policy LP65 (housing allocations) states that planning permission would be expected to be granted if the proposal accords with the development principles set out in the relevant allocation box and all relevant Local Plan policies. The proposal would take up the full allocation area which would therefore prevent the indicative 88 dwelling capacity from being delivered. The issue therefore is that the proposal represents a departure from the Local Plan and justification would need to be provided to render this*

acceptable.’...’ ‘Therefore, you would need to present a case that there is a greater need for the proposed education facility that would outweigh the pressing need for housing.’

- 2.17 *“Given the site’s constraints, a bespoke design based on careful consideration of the site and its context, would be necessary. Please note that scanned-in sketches of earlier (but rejected) iterations of your proposal can be included in your forthcoming Design and Access Statement – these often prove very useful in explaining how the final proposal was arrived at.”*
- 2.18 *“Given the site’s location and the changes in topography, it is recommended that a muted material palette be proposed. Natural stone and a buff brick are the prevailing materials in the area and have contributed to good quality development in most instances locally. As a modern school building, a contemporary twist may be acceptable, but this would need to complement the nearby stone and brickwork.”*
- 2.19 *“Careful consideration should be given to boundary treatments, especially, where this would run alongside the public footpath. The need to ensure a secure perimeter for SEMH school is, however, accepted.”*
- 2.20 *“The use of roof-mounted solar panels has been discussed in the pre-application meeting. This would be welcomed in principle in relation to climate change mitigation, however appropriate consideration would need to be given to screen their visual impact (and potential glint / glare) due to Ashbrow Road’s elevated position”.*
- 2.21 *“Measures would be necessary to encourage the use of sustainable modes of transport. A development which was entirely reliant on users travelling by private car is unlikely to be considered sustainable. At application stage, adequate provision for pedestrians and cyclists should be demonstrated. Cycle storage, electric vehicle charging points, and other measures would be required. Officers appreciate that this would likely be for staff members rather than students.”*
- 2.22 *“With respect to residential amenity, Section B of Local Plan Policy LP24 states that proposal should promote good design by ensuring they provide a high standard of amenity for future and neighbouring occupiers, including maintaining appropriate distances between buildings.”*
- 2.23 *Within the feedback the case officer acknowledged that “the proposal for a new SEMH school on the allocated housing site would be considered a departure from the local plan however in outline that this could be supported provided adequate justification was provided quantifying the need for the facilities balanced against the loss of the housing allocation setting out the growing need for specialist educational facilities and the identified shortage in the district.”*
- 2.24 *The case officer also emphasised the need for a planning application to demonstrate net gains in economic, social and environmental, sustainable development objectives, responding to local initiatives in relation to the Climate Emergency. A proposal which achieves energy savings, a high BREEAM rating, and utilises sustainable modes of transport were noted to attract positive weight.*

- 2.25 Further comments were also provided outlining requirements for further assessments in relation to Drainage and Flood Risk, Ecology, Trees and Landscaping, Air Quality, Contamination and Public Health.
- 2.26 Following receipt of the Council's comments during the pre-application stage, a number of important updates have been made to the proposed scheme/ to the information contained within the final plans. These changes include:
- 1 Additional sustainable design features have now been added across the site - PV panels have been added to the roof, additional EV charging points have been added to the car park and additional sustainable design features have been added internally throughout the building itself.
 - 2 Clarification that the MUGA pitches will only be used by the school is now provided within this document.
 - 3 The external materials of the building have been refined to ensure that they fully complement the local vernacular.
 - 4 The boundary treatments across the Site, including those along the public footpath have been refined and clarity has been provided on the plans as to the type of boundary treatments being proposed across the Site.
 - 5 A School Travel Plan has been prepared which confirms the measures that will be put in place to minimise the use of private cars by the teaching staff.

Public Consultation

- 2.27 Public Consultation took place between the 12th June 2023 and the 23rd July 2023. This included hosting three drop-in sessions for members of the public and a survey allowing members of the public and key stakeholders to comment on the scheme. Comments were generally supportive and have been taken into account in preparing this planning application.
- 2.28 Full details of the Public Consultation activities and responses can be viewed within the 'Statement of Community Consultation' submitted with this application.
- 2.29 The broad themes of the comments were:
- The importance of creating more special school places
 - Benefits of the site's central location within Kirklees
 - Positive that derelict land was being utilised
- 2.30 Concerns were raised regarding:
- The choice of location with Kirklees
 - Impacts on local community space
 - Pupil cohort
 - Traffic
 - Anti-social behaviour

- 2.31 The scheme design has addressed each of the above key concerns raised as part of this public consultation. This Planning Statement sets out the rationale for the site selection, and addresses any potential, albeit very limited, impacts on local community space. In addition, the school is for children and young people who have SEMH needs, which will bring substantial benefits and investment to the area. The Site has also been carefully designed to avoid any anti-social behaviour. Furthermore, the submitted Transport Statement confirms that there will be no adverse highways impacts as a result of this proposal.

3.0 The Proposed Development

3.1 This application seeks full planning permission for a new social, emotional and mental health school (SEMH) at the site of the former Deighton Centre.

3.2 The planning application description of development is as follows:

“Development of the former Deighton Centre (previously Deighton High School), comprising a Social Emotional and Mental Health School (Use Class F1), comprising two storey and single storey educational buildings, roof mounted photo - voltaic panels, sensory garden spaces, multi-use games areas, landscaping, hardstanding areas, carparking, access with secure fencing and ancillary development, including a substation at land off Deighton Road, Huddersfield, HD2 1JP.”

3.3 The proposed new school provides purpose-built facilities, tailored to meet student’s everyday needs, by providing an environment where students are able to manage their behaviours. Specialist facilities such as recovery and intervention rooms, decentralised dining rooms, specialist rooms for construction, music, food technology, class gardens and outdoor learning area are designed to meet the students’ needs.

Overview of the Proposed Development

Purpose

3.4 Improving the outcomes for children with special educational and additional needs in Kirklees sits at the heart of the Council’s Inclusive Ambitions which seek to address key inequality issues in Kirklees. Investing in and working with children and young people and their families at the earliest opportunity, will support the Council to help them in achieving their best possible life outcomes. Achieving these outcomes, will help all children and young people who live and are educated in Kirklees to have the best start in life; make good educational progress, have high aspirations and good life opportunities. This includes children and young people with Special Educational Needs and Disabilities (SEND).

3.5 This proposal is for a new Social Emotional and Mental Health (SEMH) school catering to children and young people with SEND needs. The proposal will provide a replacement for the existing SEMH provision at Joseph Norton Academy in Scissett, located on the outskirts of Huddersfield, which provides 63 places for children with SEMH needs. The Scissett facility is at capacity and consequently creates challenges in delivering an effective offer for children and young people with SEMH needs. The school is no longer fit for purpose and additional places are urgently needed to meet the current and projected growth of children with an Education Health and Care Plan for very complex SEMH needs.

3.6 A new purpose-built Joseph Norton Academy will provide the best possible facilities for up to 132 students with SEND needs, contributing to meeting needs across the Kirklees district as a whole. A range of students across Key Stages 1 to 5 will attend the school.

3.7 A new school in this location will provide a purpose-built facility within a protective environment where students are able to manage their behaviours and have sufficient breakout space (both inside and outdoors) to learn and develop. The specialist school accommodation will include provision for recovery and intervention rooms, decentralised

dining rooms, specialist rooms for construction, music, food technology, class gardens and outdoor learning area are designed to meet the students' needs.

The Site and its Benefits

- 3.8 The application site was chosen following a detailed site finding exercise during which the Council analysed approximately 20 sites, with Officers taking a considered and balanced view in relation to a range of factors –including the potential alternative strategic uses for each site; Local Plan status; size; geographical location; accessibility; impact on the highways network and road safety; planning constraints and overall deliverability, with the Site scoring highest on all criteria.
- 3.9 This exercise concluded that the Site exhibited a range of positive characteristics, including:
- The Site is ideally positioned to serve all parts of the district.
 - The Site previously supported a High School, meaning that a planning and highways precedent already exists for using this site as a School.
 - The size and configuration of the Site lends itself perfectly to accommodating a purpose-built School with outdoor recreational space that meets the future specialist needs of the students.
 - The Site benefits from existing access infrastructure. The set back nature of the site also means that the school's drop off and pick up requirements can easily be met without negatively impacting the highways network.
 - There is sufficient space within the Site for providing an efficient and fit-for-purpose pick-up / drop-off points for students and parking for staff as well as good transport links for independent travel.
 - The Site's sheltered outlook towards the north/north-west is ideal for re-providing the outdoor facilities that already exist at Joseph Norton Academy (but in an enhanced manner), providing positive opportunities for SEMH pupils.
 - The Site is already cleared of buildings but benefits from an existing footprint that is readily available for additional building works.
 - The Site benefits from excellent access to surrounding urban green spaces, woodland and space for outdoor learning opportunities.
 - The Site can be developed without impacting on the neighbouring Deighton Sports Centre or its associated playing fields.

Overview of the Proposed Development

- 3.10 The proposed development is fully described in the accompanying Design and Access Statement and the detailed plans set out within **Appendix 01**.
- 3.11 The proposal can be summarised as follows:
- Erection of a part single, part two-storey school measuring 3,974m² in size and comprising 17 general teaching classrooms, 1 art room, 1 General Food Technology Room, 1 music/movement/drama rooms, 1 small multi-purpose space, 1 multi-skills

workshop, animal husbandry classroom, main sports hall, 3 dining areas, kitchen, various storage areas and sanitary areas.

- 2 X Multi-use Games Area (MUGA) for school use only.
- 1 X Small Outdoor learning area (including associated outbuildings).
- 111 No. Car Parking Spaces (includes 6 EV parking spaces and 8 accessible parking spaces), 6 mini-bus parking bays (including EV charging points), 4 motorcycle bays and Bicycle Storage Facility.
- Substation & 50m² Sprinkler Compound.
- Ancillary External Storage Buildings.
- Outdoor play areas.

Site Layout

- 3.12 The layout, configuration, design and orientation of each of the spaces across the Site have been carefully designed with specialist input from Kirklees Council, the educational operator and members of the architect, ecology, arboricultural, landscape architect, transport and engineering team. The objective is to create a calm, welcoming and safe space for students, teachers and visitors to the Site.
- 3.13 The main school building is located centrally within the site.
- 3.14 Two main car parks are located within the south-east corner of the site.
- 3.15 2 Multi-use Games Areas are provided to the west of the main school building, alongside outdoor play areas and a small outdoor learning area.

Design

- 3.16 The main school building comprises a central two-storey block with two single-storey teaching wings.
- 3.17 A part single, part two-storey design has been chosen to minimise the mass and bulk of the building when viewed from the surrounding area and to add interest to the skyline.
- 3.18 The external building materials have been chosen to reflect the Site's predominately residential setting. Consequently, the building's predominant material finish is a weathered brick in buff colour, complementing the natural stone finishes seen elsewhere within the surrounding area. Glazed feature bricks have been used on several of the recessed areas to add interest to the building and to give it a modern finish. **(Figure 3.1).**
- 3.19 Extensive landscaping has been incorporated throughout the site. Landscaping has been carefully chosen to provide physical and visual links to the surrounding landscape context, all the while creating a calm and naturalistic setting for the students **(Figure 3.2).**
- 3.20 Boundary treatments have been carefully chosen to create safe enclosed spaces for the students whilst also minimising visual impact on the surrounding area and the public rights of way adjoining the Site.

Figure 3.1 Proposed Front Entrance Point



Source: Extract from Design and Access Statement

Figure 3.2 Proposed Building Design



Source: Extract from Design and Access Statement

Outdoor Recreational Area

3.21

The classrooms on the ground floor have each been designed with direct access to their own outdoor gardens. These areas are intended to provide safe, calming (not stimulating spaces) for each of the year groups and to form natural extensions of the indoor classrooms.

- 3.22 The outdoor areas comprise of a series of formal and informal outdoor learning spaces, each of which will play an important part in the student's overall development.
- 3.23 The levels in the north-eastern section of the Site, together with the extensive space requirements of the outdoor gardens (particularly those relating to disabled access) means that an area of 293m² of land, allocated as Urban Green Space within the Local Plan, is required to be enclosed as part of the new school boundary. The area immediately east of this will also be reprofiled to provide a new spectator bank for the adjoining playing fields. **(Figure 3.3 below).**
- 3.24 The proposed banking will be maintained by a strimmer at key times during the year and maintained as part of the wider maintenance of the general playing field land.
- 3.25 Whilst the potential extension of the outdoor play area north rather than east was explored, it was eliminated following the realisation that it resulted in a worse BNG outcome.
- 3.26 The rationale for this design solution is discussed in further detail in Section 5.0.

Figure 3.3: Proposed works to Urban Green Space



Access / Car Parking

- 3.27 The site is accessed off Deighton Road, via an existing access road shared with Deighton Sports Arena.
- 3.28 The site is accessed through a gated entrance where an internal access road provides access to the site's visitor and staff car parking spaces, comprising an eastern car park and a western car park.
- 3.29 A drop-off lane is located adjacent to the school building entrance which provides space for up to 14 queuing cars during drop-off and pick-up periods. Drop-off is a key part of the safeguarding strategy. Therefore, the car park and drop-off areas are secured within the school grounds and at the front of the building.
- 3.30 6 minibus spaces are also provided within the car park which includes provision for EV charging.

- 3.31 8 accessible car parking spaces and 6 EV charging spaces for cars are provided near to the school building entrance.

4.0 Planning Policy Context

- 4.1 The purpose of this section of the Planning Statement is to provide an overview of the planning policy framework as it relates to the Proposed Development and identify the main policies which guide the consideration of the planning application. The application of policy and interaction between planning policy at the national and local level is material in the consideration of the planning application.
- 4.2 The Government is committed to a plan-led system, with the Statutory Development Plan forming the basis of all planning decisions. Accordingly, policy and plans play an important role in determining any planning application.
- 4.3 Compliance with policy in the Development Plan does not mean that a scheme must strictly comply with each and every policy but rather that the Development Plan has to be read as a whole and a judgment made as to whether the proposal complies with it. Applications for planning permission are determined in accordance with the approved Development Plan unless material considerations indicate otherwise.
- 4.4 This section of the Statement therefore details the planning policy context for the application, describing the Development Plan policies relevant to the consideration of the Proposed Development, as well as providing an account of the prevailing national policy guidance and other documents that represent material considerations.

Statutory Development Plan

- 4.5 Section 70(2) of the 1990 Town and Country Planning Act and Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications are to be determined in accordance with the Statutory Development Plan unless material considerations indicate otherwise.
- 4.1 The Statutory Development Plan for Kirklees comprises the Kirklees Local Plan (adopted February 2019). The Kirklees Local Plan (KLP) is formed by the Strategy and Policies document, Allocations and Designations document and associated Policies Map. The KLP sets out strategic-level planning policies intended to guide the delivery of development and investment in the Kirklees district up to 2031.
- 4.2 Other material considerations include the National Planning Policy Framework (2021).

Relevant Local Plan Policies

Kirklees Vision

- 4.3 The Local Plan (Section 4) sets out the vision for Kirklees. *‘In 2031, Kirklees will be a great place to live, work and invest in, delivered through an integrated approach to housing and employment. Development will have taken place in a sustainable way (balancing economic, social and environmental priorities) and by making efficient and effective use of land and buildings supported by necessary infrastructure and with minimal effect on the environment.’*
- 4.4 *‘People will have access to a range of local facilities including services, health-care and education provision, and adequate infrastructure. Places will be well-connected*

encouraging sustainable travel including increased opportunities for walking and cycling and improved links to other parts of the Leeds City Region and beyond.'

4.5 *'The local character and distinctiveness of Kirklees and its places will be retained. The natural, built and historic environment will be maintained and enhanced through high quality, inclusive design and safe environments, opportunities for play and sport, the protection and enhancement of green infrastructure....'*

4.6 Strategic objectives highlighted in Section 4.5 include:

- 1 Support the growth and diversification of the economy, to increase skill levels and employment opportunities including the provision of a high-quality communication infrastructure.
- 2 Improve transport links within and between Kirklees towns and with neighbouring towns and cities, giving priority to public transport, and to cycling and walking, providing an efficient highway network which supports the district's economy.
- 3 Tackle inequality and give all residents the opportunity of a healthy lifestyle, free from crime and to achieve their potential in work and education.
- 4 Protect and improve green infrastructure to support health and well-being, giving residents access to good quality open spaces, sport and recreation opportunities, and to support habitats, allowing wildlife to flourish.
- 5 Promote development that helps to reduce and mitigate climate change, and development which is adapted so that the potential impact from climate change is reduced and to help the transition towards a low carbon economy.
- 6 Protect and enhance the characteristics of the built, natural and historic environment, and local distinctiveness which contribute to the character of Kirklees, including the South Pennine Moors, Moorland fringe and the area's industrial heritage.
- 7 Promote the re-use of existing buildings and the use of brownfield land to meet development needs and support the regeneration of areas.

4.7 In addition, Section 12 concerns Climate Change. The Plan sets out *'Effective spatial planning is an important part of a successful response to climate change as it can influence the delivery of appropriately sited green infrastructure and the emission of greenhouse gases. Planning can also help increase resilience to climate change impact through the location, mix and design of development. Addressing climate change is one of the core land use planning principles which the National Planning Policy Framework (NPPF) expects to underpin both plan-making and decision-taking. To be found sound, Local Plans need to reflect this principle and enable the delivery of sustainable development in accordance with the policies in the NPPF.'*

4.8 The main planning policies of relevance to this application include:

- Policy LP1 - The Presumption in Favour of Sustainable Development, with the Council taking a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.

- Policy LP3 - Location of New Development reflecting the presumption in favour of sustainable development, including providing access to a range of transport choices and access to local services.
- Policy LP7 - Efficient and effective use of land and buildings, including encouraging the efficient use of previously developed land in sustainable locations provided it is not of high environmental value.
- Policy LP20 - Sustainable Travel. New development will be located in accordance with the spatial development strategy to ensure the need to travel is reduced and that essential travel needs can be met by forms of sustainable transport other than the private car. Proposals will be supported where alternative modes of transport such as public transport, cycling and walking serve the development. The policy sets out a user hierarchy a) pedestrians; b) cyclists; c) public transport; and d) private vehicles.
- Policy LP21 - Highways and Access where proposal shall demonstrate that they can accommodate sustainable modes of transport and be accessed effectively and safely by all users. Proposal shall ensure the safe and efficient flow of traffic within the development and on the surrounding highway network.
- Policy LP22 - Parking and its provision in new development to be determined taking account of availability of public transport, accessibility of the site, location and use of the development and disabled user needs.
- Policy LP24 - Good design should be at the core of all proposal in the district and should be considered at the outset of the development process, ensuring that design forms part of pre-application consultation of a proposal, securing high quality, green, accessible, inclusive and safe design.
- Policy LP27 - Flood Risk sets out the policy criteria for directing development towards the lowest probability of flooding following a sequential risk-based approach. Proposal must be supported by an appropriate site-specific Flood Risk Assessment in line with national planning policy.
- Policy LP28 - Drainage sets out that the presumption is that Sustainable Drainage Systems will be used to assist in achieving on brownfield sites a minimum 30% reduction in surface water runoff where previous positive surface water connections from the site can be proven.
- Policy LP30 - Biodiversity and Geodiversity, the protection and enhancement of biodiversity in Kirklees including the incorporation of biodiversity enhancement measures.
- Policy LP31 - Strategic Green Infrastructure Network. Within the identified Strategic Green Infrastructure Network, priority will be given to safeguarding and enhancing green infrastructure networks, green infrastructure assets and the range of functions they provide.
- Policy LP32 - Landscape. Proposal should be designed to take into account and seek to enhance the landscape character of the area.
- Policy LP33 - Trees. The Council will not grant planning permission for developments which directly or indirectly threaten trees or woodlands of significant amenity.

- Policy LP47 - Healthy, Active and Safe Lifestyles for healthy, safe, active and safe communities, reducing inequality. including encouraging the co-location of facilities so that different types of open space and facilities for sport and recreation can be located next to each other and in close proximity to other community facilities for education and health;
- Policy LP48 - Community Facilities and Services. Community facilities should be provided in accessible locations where they can minimise the need to travel or they can be made accessible by walking, cycling and public transport. Proposal will be supported for development that protects, retains or enhances provision, quality or accessibility of existing community, education, leisure and cultural facilities that meets the needs of all members of the community.
- Policy LP49 - Educational and Healthcare Needs Proposals for new or enhanced education facilities will be permitted where: a) they will meet an identified deficiency in provision; b). the scale, range, quality and accessibility of education facilities are improved; c). they are well related to the catchment they are intended to serve to minimise the need to travel or they can be made accessible by walking, cycling and public transport.
- Policy LP51 - Protection and Improvement of Local Air Quality. Development will be expected to demonstrate that it is not likely to result, directly or indirectly, in an increase in air pollution which would have an unacceptable impact on the natural and built environment or to people.
- Policy LP52 - Protection and Improvement of Environmental Quality. The provision of evidence to show that impacts have been evaluated and measures incorporated into the proposal to mitigate for these.
- Policy LP61 - Urban Green Space. Development proposal which would result in the loss of urban green space shall only be permitted where an assessment shows the open space is clearly no longer required to meet local needs, replacement open space is provided elsewhere to offset the loss, the proposal is for an alternatively open, sport or recreation use that is needed to address deficiencies and clearly outweighs the loss of the existing green space.
- Policy LP65 - Residential Allocation (Allocation HS17 - Land north of Deighton Road, Deighton).

Other Material Considerations

National Planning Policy

- 4.9 The National Planning Policy Framework (July 2021) sets out the Government's economic, environmental, and social planning policies for England and is a material consideration for planning applications.
- 4.10 Paragraph 8 sets out the three overarching objectives of the planning system which are interdependent and need to be pursued in mutually supportive ways:
- a *an economic objective by helping to build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right*

places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure.

- b a social objective by supporting strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open space that reflect current future needs and support communities' health, social and cultural well-being.*
- c an environmental objective to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.*

4.11 Paragraph 10 outlines that the presumption in favour of sustainable development is at the heart of the NPPF. Paragraph 11 states that for decision-taking this means approving development proposals that accord with an up-to-date development plan without delay.

4.12 Paragraph 68 outlines that *"planning policies should identify a sufficient supply and mix of sites, taking into account their availability, suitability and likely economic viability"*. In addition, to maintain housing supply and delivery *"Local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies."*

4.13 Paragraph 95 outlines the importance of sufficient school places being provided to meet the needs of existing communities and the need to expand or alter schools. It 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 this requirement, and to development that will widen choice in education. They should:*

- a give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications; and*
- b work with school promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted."*

4.14 Paragraph 122 of the NPPF states that: *"Planning policies and decisions need to reflect changes in the demand for land. They should be informed by regular reviews of both the land allocated for development in plans, and of land availability. Where the local planning authority considers there to be no reasonable prospect of an application coming forward for the use allocated in a plan:*

- a "it should, as part of plan updates, reallocate the land for a more deliverable use that can help to address identified needs (or, if appropriate, deallocate a site which is undeveloped); and*
- b in the interim, prior to updating the plan, applications for alternative uses on the land should be supported, where the proposed use would contribute to meeting an unmet need for development in the area".*

5.0 **Planning Assessment**

- 5.1 The Proposed Development is assessed with reference to policies set out within the adopted Development Plan. It is not the intention to address every aspect of the guidance that could have some bearing on the Proposed Development, but rather to identify those matters that are particularly relevant in assessing the compatibility of the proposal with key elements of the policy or guidance.
- 5.2 The NPPF 2021 sets out the Government's planning policies for England. It is a material consideration in planning decisions. The NPPF provides for a presumption in favour of sustainable development and encourages the approval of development proposals that accord with the development plan without delay.
- 5.3 This section of the report assesses the Proposed Development against the relevant policies identified in Section 4.0.

Key Planning Considerations

- 5.4 Within the context of the above, the following key planning considerations are identified as relevant to the consideration of this application:
- Principle of Development
 - Sustainable Development and Climate Change
 - Design and Landscaping
 - Amenity
 - Air Quality
 - Access and Highways
 - Drainage, Surface Water and Flood Risk
 - Ecology
 - Trees
 - Public Health

Principle of Development

- 5.5 This section sets the case for the development, taking into account the provisions of the development plan.

Site Allocation and Urban Green Space

- 5.6 The Site falls within an area allocated for residential development (HS17) with respect to which, development plan Policy LP65 (Housing Allocations) applies. LP65 provides that planning permission should be granted if the proposal accords with the development principles set out within the relevant allocation box and all other relevant Local Plan policies. The current proposal would effectively take up the full allocation area, therefore preventing the indicative 88 dwellings from being delivered. The current proposal therefore represents a departure from the Local Plan.

- 5.7 Whilst the Kirklees Local Plan, adopted in 2019, provides for at least five years' housing land supply, a five-year housing land supply can be demonstrated without the inclusion of the Site. It is however acknowledged that the Site (HS17) could still be required later in the plan period and therefore alternative justification is still required.
- 5.8 In addition, some 293m² of the Site falls within an area allocated as Urban Green Space (UGS), to which Local Plan Policy LP61 applies. Policy LP61 states that development proposals that result in the loss of UGS will only be permitted where a) an assessment demonstrates that the space is no longer required to meet local needs; b) replacement open space, sport or recreational facilities of equivalent or better size and quality are provided elsewhere; c) the proposal is for an alternative open space, sport or recreation use and clearly outweighs the loss.
- 5.9 A case must therefore be presented to confirm that the need for the education facility outweighs the pressing need for housing and that an alternative use is acceptable. A case must also be made that the area of urban green space lost can be justified. Both cases are outlined in detail below.

Education Need

- 5.10 There is strong and clear policy support to support at the national level for alternative land uses on land that meets an unmet need and to support applications that result in the creation of new school spaces.
- 5.11 Paragraph 122(b) of the NPPF acknowledges that planning policies and decisions should reflect changes in demand for land and allow for '*applications for alternative uses on the land to be supported where the proposed use would contribute to meeting and unmet need for development in the area*'.
- 5.12 Paragraph 95 of the NPPF requires LPAs to give great weight to the need to create schools through decisions on planning applications.
- 5.13 By way of context, improving the outcomes for children with special educational and additional needs in Kirklees sits at the heart of the Council's Inclusive Ambitions which seek to address key inequality issues in Kirklees. Investing in and working with children and young people and their families at the earliest opportunity, will support the Council to help them in achieving their best possible life outcomes. Achieving these outcomes will help all children and young people who live and are educated in Kirklees to have the best start in life; make good educational progress, and have high aspirations and good life opportunities. This includes children and young people with Special Educational Needs and Disabilities (SEND). Within Kirklees, this educationally focussed need is significant. The Council has previously reported¹ that there has been a 44% rise in children with an Education, Health and Care Plan (EHCP) in Kirklees since 2015 with a 47% rise in requests for Kirklees special school placements since 2020. At the time of the reporting 2021, 179 children and young people were being educated outside of Kirklees or in independent settings. This provision comes at a significant cost to the Council.

¹ Kirklees Council's Cabinet Report (October 2021) , Special Educational Needs and Disabilities (SEND) – Capital investment and rebuild of 2 Special Schools

- 5.14 It is demonstrated by the Council that there is a significant increase in demand for SEMH school places in the district. Furthermore, the report¹ outlines that fixed and permanent exclusions in the SEND cohort have risen and are above national trends. The Council has acknowledged that this is a complex issue, and that the unmet needs of many young people are considered a significant cause, resulting from the requirement for more places and better facilities. Reducing exclusions is a key priority in Kirklees to better support young people with SEND needs.
- 5.15 This proposal is for a new Social Emotional and Mental Health (SEMH) school catering to children and young people with SEND needs. The proposal will provide a replacement for the existing SEMH provision at Joseph Norton Academy in Scissett, located on the outskirts of the district, which provides 63 places for children with SEMH needs. This facility is at capacity, and that accommodation creates challenges in delivering an effective offer for children and young people with SEMH needs. This existing provision is no longer fit for purpose and additional places are urgently needed to meet the current and projected growth of children with an Education Health and Care Plan for very complex SEMH needs.
- 5.16 Policy LP49 (a) provides that proposal for new or enhanced education facilities will be permitted where they will meet an identified deficiency in provision. The urgent need to address the deficiency in provision has been identified and reported upon by the Council. The deficiency in school capacity and rate of exclusions for SEND students needs to be overcome, through the development of new modern facilities. This is a key feature of SEND requirements in the district.
- 5.17 The choice of site follows review and consideration by the Council of around 20 sites with Officers taking a considered and balanced view in relation to a range of factors –including the potential alternative strategic uses for each site; including Local Plan status; size; geographical location; accessibility by road and pedestrian means; impact on the highways network and road safety; planning constraints and overall deliverability.
- 5.18 A new purpose-built Joseph Norton Academy located at the Deighton site will provide the best possible facilities for up to 132 students with SEMH contributing to meeting needs across the Kirklees district. A range of students across Key Stages 1 to 5 will attend the school. The new school in this location would provide a purpose-built facility tailored to students' needs by providing a protective environment where students are able to manage their behaviours, providing breakout space for students both inside and outdoors, and ensuring student safety needs are met, at all times. The specialist school accommodation will include provision for recovery and intervention rooms, decentralised dining rooms, specialist rooms for construction, music, food technology, class gardens and outdoor learning area are designed to meet the students' needs. The improvement in specialised facilities proposed meets a need that is current and cannot be met at the existing academy site.
- 5.19 Locationally, the Deighton site, is sustainably located and would meet the need for the new SEMH facility by geographically being centrally located within Kirklees, making the facility accessible to all parts of the district, including those who live in the outskirts, in accord with Policy LP49 (b).

Design Requirements

- 5.20 As noted within Section 3.0 of this report, the proposal seeks to enclose 293m² of UGS

which is wholly necessary to support the specialist design requirements of the students.

5.21 Whilst the ground levels in this area mean that this part of the Urban Green Space is not used as part of a playing pitch, this space is used as a spectator area for those attending events on the adjoining playing fields and therefore nonetheless has an important recreational function. The illustrative section (see Figure 3.3 above) confirms how the landform would change.

5.22 In accordance with the tests set out in Policy LP61, the 293m² of UGS land which would be lost to development would be offset by the release of some 2,560m² of woodland (allocated for housing development) within the Site's northern boundary for permanent use as open green space. This is a net gain of 2,267m² (or approximately nine times the area of land that would be lost). Planting on this land will also be strengthened to make a more attractive species-rich space for the community.

5.23 In addition, further justification contributes to meeting the policy test of LP61. These material considerations are set out in detail in the accompanying Design & Access Statement and Landscape Statement, but essentially can be summarised as follows:

- Outdoor play space is a fundamental part of this specialist educational facility and the overall learning experience for those attending the school. Environmental triggers can have a significant effect on student well-being and behaviour. It is therefore essential that all elements of the outdoor environment are designed as carefully as possible.
- The area of banking that is lost is extremely minimal, measuring on average 8.25m in width. It also sits at the very outer edge of the wider UGS ensuring it has minimal impact on the overall operation of this area of land.
- The levels in this area of the UGS means that it does not form part of a wider playing pitch, but remains one of the many ancillary spectator areas found across the wider site.
- The land immediately east of the lost UGS will be reprofiled to provide a new spectator area. The majority of this area will have a gradient of 1:3, with a small section (measuring approximately 35m long) that has a 1:2 gradient. The perimeter fence has been located at the top of the bank to make this space more useable, with a single line of broadleaved trees added to screen it from view from the wider area.
- A total of 27 alternative design scenarios for the external space, car parking and drop-off areas were run to try and avoid the loss of this UGS, but all resulted in a worse BNG outcome/failed to meet the specialist design needs of the students.
- Accessibility for those less able students was a major consideration of the design. To achieve accessible gradients within the outdoor play space, it was necessary to extend the north-eastern corner of the site east and to reprofile the land immediately next to it.
- The proposal include measures to repair and reprovise the existing steps thereby improving access between the top and bottom of the existing bank.
- In terms of visual impact from adjacent and UGS, the loss of an average of 8.25m of slope is judged not to be perceptible.

5.24 The proposed design response is wholly necessary to support the specialist design requirements of the students, that the adverse impacts of encroaching into the adjoining

UGS is very limited and that it is more than offset by the large area of land that is being released from the school boundary back into public use.

- 5.25 In summary, this section has confirmed that there is a demonstrable need for SEND educational spaces within the district and that this need far outweighs the impact of the loss of 88 dwellings, meaning that a departure from the plan is therefore justified in this instance. This section has also demonstrated that the replacement of the 293m² of UGS with 2560m² of land from the school's northern boundary into wider public open space use satisfies the requirements of Policy LP61 and can therefore be supported.

Sustainable Location

- 5.26 Whilst the students in the main will need to be brought to and from the school to meet their individual needs, the Site is very well located and is served by the strategic road network. Not all students will be able to use sustainable forms of travel and may arrive by car or other vehicles, however, the site is located within a 10-minute walk to Deighton train station, which provides hourly services to Huddersfield and Leeds and there are also numerous bus stops located within a 10-minute walk providing services towards Huddersfield.
- 5.27 Sufficient cycle parking for staff will also be provided on site for those who decide to commute to work by bike. Sufficient Electric Vehicle charging spaces will also be provided on site. Therefore, the site is accessible by sustainable transport modes for staff to commute to the school in accordance with Policy LP49(c).
- 5.28 With respect to the Principle of Development, in summary, the site chosen for the proposed Joseph Norton Academy is situated on land allocated for residential development within the Local Plan together with some 293m² of Urban Green Space. The proposal represents a departure from the plan for which a case has to be made to demonstrate that there is a greater need for the proposed education facility that would outweigh the pressing need for new housing and the loss of Urban Green Space to the development.
- 5.29 The analysis has evidenced that there is an urgent strategic need for expanded specialist school provision to serve the district which stems from an established and important unmet need for improved SEMH education in the Kirklees district. There is an existing and growing deficit of education capacity for SEMH students with fixed and permanent exclusions in the SEND cohort having risen and are now above national trends. Meeting this need will provide substantial benefits for students with SEND needs in Kirklees.
- 5.30 Improving the outcomes for children with special educational and additional needs in Kirklees sits at the heart of the Council's 'Inclusive Ambitions' to address key inequality issues in the district. It has been demonstrated that this need can be acceptably met by the proposed development, which is itself very well located centrally within the district and may be accessed sustainably by staff and students. The proposal therefore is consistent with the Local Plan when read as a whole, taking account of Policies LP48, LP49, LP61 and LP65 and NPPF paragraph 95 and 122.

Sustainable Development and Climate Change

- 5.31 Paragraph 8 of the NPPF sets out three overarching objectives to achieve sustainable development:

- a *An economic objective*
- b *A social objective*
- c *An environmental objective*

5.32 Kirklees Council has declared a Climate Emergency and the West Yorkshire Combined Authority has pledged to reach net zero by 2038.

5.33 In accordance with Policies LP1, LP20, LP21, LP24, LP26, LP27 and LP28, the proposal has been designed to meet climate change and sustainability requirements in line with the council's objectives.

Economic

5.34 The accompanying Health Impact Assessment outlines a range of economic benefits resulting from the proposal. These include:

- The proposed development is expected to support 99 permanent jobs (gross) when operational. When taking into account indirect and induced employment – that is, employment supported by the school's spending in the supply chain and from spending of wages of staff – a further 45 jobs could be supported. This indicates a total of 144 jobs (gross) could be supported by the school once operational.
- A number of training opportunities may also be provided to newly trained teachers looking to enter the labour market. This is unlikely to comprise a significant section of the staff but will nonetheless provide clear benefits to the individuals accessing such opportunities. Naturally, continuous increases in experience will be gained for all employees throughout the operation of the school.

Social

5.35 Whilst the specialist needs of the students mean that opportunities to involve the community with the school will be limited, every effort will still nonetheless be made to increase the site's overall contribution to the community, where possible. In summary, the social benefits of the proposal can be summarised as follows:

- The proposal will result in an improved quantity and quality of SEMH school places within the district for those with SEMH needs. The purpose-built school will have facilities that are fit for purpose, meet the longer-term needs of students within a highly accessible location within the district.
- The reprofiled UGS area will provide a newly improved spectator bank for those watching recreational activities on the adjoining playing fields.
- The proposal will release 2560m² of existing school land back into wider public use.

Environmental

5.36 The submitted 'Climate Change Statement' and the Design & Access Statement sets out the measures that have been introduced to reduce the proposal's overall climate impact and the efficiencies that have been embedded within the building's overall design to ensure that it goes beyond those measures already required under the Building Regulations. These measures include:

- The proposal will far exceed many of the BREEAM certification criteria.
- The ‘Thermal Envelope’ of the school has been designed over the current requirements for building regulations and a highly performing air permeability value of 2m³/hr/m² will help to further promote energy conservation.
- Daylight provision has been built into the teaching spaces to reduce reliance on artificial lighting.
- Design optimisation of the building has been catered for through changes to the building orientation, the thermal performance of the envelope and the fenestration glazing development.
- Heat will be generated via efficient air source heat pumps which will provide 100% of the heating energy required for the building and 100% of the kitchen domestic hot water provision. The building’s energy performance is A rated with a score of 7. Measures to reduce energy demand have been incorporated including A full Building Energy and Management System will be provided to provide efficient control and energy monitoring of the building.
- A roof-mounted PV array will be provided
- Control and monitoring of water consumption and provision of low-flow appliances. External irrigation supplies will be primarily fed from above-ground rainwater collection tanks.
- A total of 12 EV charging points will be provided on site which represents 10% of total onsite provision.

5.37 This Site was specifically chosen due to its more centralised location within the district. Unlike the existing school, which sits at the edge of the district and is only accessible to a limited number of people, the application Site holds a more central position within the district meaning that it is more readily accessible to a greater number of students and employees.

5.38 In addition to being centrally located in Kirklees, the accompanying Transport Assessment also confirms that the site is highly accessible using public transport and within walking distance of several public transport modes, including bus stops along Deighton Road and Deighton train station. Cycle parking is also provided on-site. The Travel Plan sets out measures designed to encourage people to travel to the site by sustainable transport modes.

Design and Landscaping

5.39 Policy LP24 sets out requirements for good design in development proposals.

5.40 The accompanying Design and Access Statement demonstrates the evolution of the scheme design, and how the design has responded to site-specific constraints, scheme requirements for SEMH users and pre-application comments.

5.41 The main school building is located centrally on the site and is two storeys in height. To complement the modern/ contemporary nature of the building design and character of the area, the material choice has been carefully selected to be simple in pallet and minimal in types, with the predominant material being weathered brick.

- 5.42 Outdoor spaces have been designed to meet the student's needs whilst incorporating new and existing landscaping into the proposed scheme design in accordance. A Landscaping Statement accompanies this application which sets out the design evolution and rationale for the landscaping and playground design, alongside the proposed planting mix. It also sets out how ecological mitigations have been considered during the design process.
- 5.43 A boundary treatment plan has been provided. This demonstrates that appropriate boundary treatment options have been considered, whilst meeting the requirement for a secure boundary to meet the needs of the school.
- 5.44 The Design and Access Statement also outlines how secure design principles have been incorporated into the design. This includes:
- 2.4m high boundary fences to create a secure external playing area and second line of defence to the school building.
 - Open views from staff areas looking over the approach to the building, including pedestrian entrances, parking and cycle storage.
 - Access controlled pedestrian entrances into the site.
- 5.45 Solar panels have been provided on the roof of the school building. These are obscured by the parapet and therefore will have no adverse visual impact.
- 5.46 In summary, the scheme incorporates a high-quality design that responds to its setting and specific design requirements for a SEMH school, satisfying policy LP24 of the Kirklees Local Plan.

Amenity

- 5.47 Policy LP24 sets out that development should provide a high standard of amenity for future and neighbouring occupiers. The proposed school building is positioned in the centre of the site which provides separation between neighbouring properties which include a school and sports arena. To the north, an established mature woodland provides screening to residential properties located beyond it. In addition, new and existing landscaping will provide further screening between neighbouring properties and the proposed development.
- 5.48 The submitted Noise Impact Assessment, prepared by Apex Acoustics, has identified nearby noise-sensitive receptors and has conducted an assessment of existing and predicted noise levels. The report concludes that *"the noise levels from activities associated with the MUGAs are predicted to be below the noise limits proposed within this report for compliance with the aims of the National Planning Policy Framework (NPPF)"*. The MUGAs will be for school use only which will restrict the hours of the day that they will be used. The MUGAs will not be used for evening, weekend or community use.
- 5.49 The report also outlines that whilst *"At this stage in the development, exact mechanical plant specifications are unavailable; plant noise limits for the cumulative impact of all proposed plant associated with the new teaching block at the nearest noise sensitive location are proposed to reduce the risk of an adverse impact."*
- 5.50 Therefore, the proposed scheme will have no adverse impact on the amenity of neighbouring occupiers resulting from noise in accordance with Policy LP24.

Air Quality

- 5.51 Local Plan policy LP51 –Protection and Improvement of Local Air Quality sets out the policy criteria which must be met.
- 5.52 An air quality assessment has been prepared to assess the potential effects of the development upon air quality and associated impacts upon sensitive receptors during both the construction stage and operational phase of the development.
- 5.53 The reporting demonstrates that with respect to construction phase of development, the residual impacts (with the employment of mitigation measures as recommend) from the construction phase are considered to be ‘not significant’ and therefore accord with the policy test.
- 5.54 Given the Site is not located within the Kirklees AQMA and is not situated adjacent to a main A-Road, it can be considered that vehicle exhaust pollutant concentrations at the Site are likely to be below the monitored pollutant concentrations and are below the current relevant air quality objectives for England. The Site is therefore considered to be suitable for the proposed use and accords with Local Plan policy LP51.

Access and Highways

- 5.55 A Transport Assessment and Travel Plan accompany this submission.
- 5.56 The site is located in Deighton and within accessible distances to public transport modes. There are two bus stops located within 400m of the site which is within walking distance. Deighton train station is located 850m from the Site which is within acceptable cycling distance. In addition, 12 electric vehicle charging points and cycle storage facilities are provided on site.
- 5.57 The Transport Assessment identifies that the level of development traffic would not have a detrimental impact on the local road network based on an assessment of estimated traffic generations associated with the proposed development.
- 5.58 The main consideration for this proposal relates to queuing vehicles waiting to drop off and pick up pupils and whether these can be accommodated due to the nature of the school. Drop-off and pick-up are key elements of the SEMH school. The proposal incorporates a drop-off and pick-up area with the capacity for 14 cars. There is also an internal queuing length capacity for approximately 50 cars. It concludes that it is considered that the proposed layout provides more than sufficient queuing capacity within the confines of the site.
- 5.59 In response to pre-application comments, Swept Path analysis plots have been provided which demonstrate that a Kirklees refuse vehicle can safely access the site and reach the waste collection and storage point.
- 5.60 A Travel Plan has been submitted which contains a set of recommendations for the necessary aims, objectives, targets and measures to reduce the number of single occupancy car trips generated by the proposed development and increase the number of pedestrian, cycle and public transport trips. It also includes proposed methods for implementing and monitoring travel patterns and updating the Travel Plan report over a five-year period, such as preparing a Travel Plan Coordination and preparing an Action Plan.

- 5.61 In summary, the Transport Assessment confirms that *“the development can be accessed in a safe manner and would have a negligible impact on the operation of the local highway network”* in accordance with Policies LP20, LP21 and LP22.

Drainage, Surface Water and Flood Risk

- 5.62 The site is located in Flood Zone 1, however as the site area is greater than 1ha, a site-specific flood risk assessment has been prepared to accompany this application.
- 5.63 The submitted flood risk assessment demonstrates that the site is:
- i. To be at the lowest risk of tidal/fluviial flooding;*
 - ii. To be at a low/negligible risk of groundwater flooding;*
 - iii. To be at the lowest risk of surface water flooding; and,*
 - iv. To require surface water discharge attenuation of both quantity and quality.*
- 5.64 This demonstrates that the proposal will be safe throughout the lifetime of the development and would not increase flood risk elsewhere, considering the impacts of climate change, in accordance with Policy LP27.
- 5.65 Policy LP28 sets out policy in relation to drainage. It states that for proposals on brownfield sites there should be a minimum 30% reduction in surface water run-off where previous positive surface water connections from the site can be proven. New connections will be subject to at least greenfield restrictions.
- 5.66 The Sustainable Drainage Statement confirms that the drainage design complies with relevant local and national standards for the hierarchy of discharge, run off rate and volume criterion. The new development is shown to provide attenuated storage to accommodate the 1 in 100-year +40% climate change storm with no flooding expected for the associated critical storms in accordance with Policy LP27 and LP28.

Ecology

- 5.67 Policy LP30 seeks to protect and enhance biodiversity within Kirklees and provide biodiversity net gains through good design.
- 5.68 The policies map identifies that the site is within the Strategic Green Infrastructure Network. In accordance with Policy LP31 measures have been taken to safeguard and enhance green infrastructure networks, green infrastructure assets and their functions.
- 5.69 A Preliminary Ecological Appraisal accompanies this planning application. It confirms that there are no statutorily designated sites within 2km of the site.
- 5.70 It also outlines that there are no notable habitats within the site, however, woodland habitats are present directly adjacent to the site and encroach onto the site boundary in places. Some of the aforementioned woodland is also designated as ancient woodland. Other habitats within the site are common and widespread and have low ecological value. No protected or notable plant species were recorded during the survey. In addition, no amphibian or reptile species were identified.

5.71 It notes that:

- Boundary trees/woodland areas could be used by local bat populations for foraging and commuting and that these could also be used by bats dispersing from nearby roosts outside of the site.
- The wooded areas will likely provide suitable nesting and foraging habitat for common birds. However, no evidence of nests were noted around the site boundaries.
- The areas of scrub may provide some suitable foraging habitat for common birds.
- The woodland areas to the north may provide more suitable habitat for invertebrates but that overall, the site is considered unlikely to support large communities or notable species of invertebrates due to the semi urban location of the site along with the managed nature of large areas.

5.72 Building upon the Preliminary Ecological Appraisal (PEA), the Ecological Impact Assessment recommends habitat creation and enhancement opportunities to be incorporated into the development, including habitats beneficial to amphibians, reptiles, hedgehogs, birds and invertebrates.

5.73 The submitted Landscape Statement sets out Ecological Mitigations which will be implemented. This includes:

- Habitat creation opportunities for hedgehogs, such as planting fruit bearing trees are proposed and gaps within fences
- Habitat creation and enhancement opportunities have been incorporated into the proposed development which would be beneficial for invertebrates such as habitat rich planting around the pond
- A bee hotel is proposed
- Proposed bird and bat boxes are proposed on existing trees.

Biodiversity Net Gain

5.74 Arbtech Consulting Ltd undertook a biodiversity net gain assessment of the proposals to establish whether the scheme would result in a net biodiversity gain or a net biodiversity loss. Utilising the most up to date DEFRA Biodiversity Metric (i.e. Metric 4.0), this assessment confirmed that the proposals would result in a:

- +10.58% gain in habitat units
- +100% gain in linear units (default when the baseline is 0).

5.75 This gain is achieved through a combination of on and off-site measures.

5.76 On-site measures include a combination of enhanced woodland, native scrub planting and new hedgerows.

5.77 Off-site measures include the enhancement of an area of 0.13ha of existing woodland to the immediate north of the school site (See Appendix 3 of the accompanying 'File Note:BNG' for full details). This area, which is also within the applicant's ownership (but outside of the planning application boundary) will be created and maintained for a period of at least 30 years and secured through a Section 106 Agreement.

- 5.78 Whilst the application site area is 2.22ha, the BNG calculation has been calculated on the area of 1.97 ha which does not include the existing drive and the additional 3m wide access works on the eastern boundary.

Trees

- 5.79 Policy LP33 seeks to retain valuable and important trees and outlines that proposals will need to comply with relevant standards regarding the protection of trees. The submitted Arboricultural Assessment concludes that *“While the development does require the removal of trees their removal would not detract from the distinctiveness of site and their removal would be mitigated for through appropriate new tree planting and landscaping to maximise visual amenity and environmental benefits.”*. The submitted Arboricultural Method Statement outlines methods to suitably protect retained trees at the site, detailing the methodology by which the construction operation will be carried out, whilst safeguarding trees in a satisfactory condition during the proposed works. This satisfies the provisions of Policy LP33.

Ground Conditions

- 5.80 Policy LP52 sets out that *“where environmentally sensitive development would be subject to significant levels of pollution, must be accompanied by evidence to show that the impacts have been evaluated and measures have been incorporated to prevent or reduce the pollution”* and Policy LP53 outlines an appropriate land contamination assessment and/or land instability risk assessment will be required on land suspected of being contaminated or unstable and that measures should be incorporated to remediate the land.
- 5.81 A Phase II Geo-Environmental Assessment Report which accompanies this planning application undertakes an intrusive ground investigation at the site to investigate the existing ground conditions and provide information on likely constraints to development, preliminary parameters for design and recommendations for any mitigation measures to support a planning application.
- 5.82 It identifies that traditional strip/pad foundations are unlikely to be suitable in the areas where soft strata / deep Made Ground have been identified and that following further testing any foundation assessment should be updated. It also identifies that levels for lead and polyaromatic hydrocarbons were exceeded in some locations. In areas of buildings and hardstanding, the risk will be negligible as this caps and breaks the source, however, in soft landscaped areas, a cover system should be provided. In summary, the reporting identifies that the proposed development with mitigation integral to the scheme will not result in harm to the environment and therefore accords with Policy LP52.

Public Health

- 5.83 Policy LP47 outlines that the council will, with its partners, create an environment which supports healthy, active and safe communities and reduces inequality.” and sets out that Health Impact Assessments (HIA) should be carried out for proposals that are likely to have an impact on the health and wellbeing of communities.

5.84 A HIA has been prepared to identify, assess and present any potential effects on the health of the population arising from the proposed development in accordance with Kirklees' Rapid Health Impact Assessment Guidance.

5.85 It demonstrates that the key impacts are overwhelmingly positive.

5.86 Substantial beneficial impacts include:

- The provision of safe and secure play areas and environments for the pupils of the school; and
- Accessibility of the school for all, taking into account the need for careful design to minimise triggers for pupils;

5.87 Moderate beneficial impacts include:

- The provision of safe and secure play areas and environments for the pupils of the school; and
- Accessibility of the school for all, taking into account the need for careful design to minimise triggers for pupils;

5.88 The proposal is likely to have significant long-term health benefits for recipient pupils.

5.89 Only one adverse impact is anticipated, in relation to the temporary uplift in noise during the construction phase, however it is not considered significant due to the short-term nature.

5.90 The proposed development will therefore make a positive contribution to healthy, active and safe communities and a reduction in inequality in accordance with Policy LP47.

Analysis and Planning Balance

5.91 The policy assessment demonstrates that there is departure from the Local Plan as well as substantial benefits associated with this scheme. The remaining section of this report therefore undertakes a planning balance to determine accordance with the development plan when read as a whole, taking account of material considerations.

5.92 The impacts of this scheme are considered to be as follows:

- The Site is allocated for residential use (Ref HS17). The proposal would prevent 88 dwellings from being released on this site. The current proposal therefore represents a departure from the plan.
- The proposal results in the loss of 293m² of allocated UGS. The current proposal therefore represents a departure from the plan with respect to this loss, however as set out below this loss is outweighed by the provision of open space which would itself otherwise have been lost to residential development.
- Whilst the proposal will achieve the equivalent of 10% BNG through a combination of on-site and financial contributions, the proposals do not achieve 10% BNG on the Site itself.

5.93 The material issues that weigh in favour of the development are as follows:

- Paragraph 95 of the NPPF states that LPAs should apply great weight to the need to create new school spaces. The current proposal represents an important opportunity to provide urgently needed special educational and additional needs spaces within Kirklees. The current SEMH provision at Joseph Norton Academy in Scissett is at capacity and outdated. It is also located on the outskirts of the district where it is less accessible to a large number of students. The proposed development represents an opportunity to provide a purpose-built facility that meets the everyday needs of the students in a readily accessible location. This carries great weight within the decision-making process.
- The proposal includes a number of important design measures to ensure that the final building reduces its impact on the climate. This should carry moderate weight within the decision-making process.
- The proposal will result in significant financial investment in the local area through the creation of new jobs, both during the construction and operation stage. This should carry moderate weight within the decision-making process.
- The proposal will make permanently available for use as open green space, some 2,560m² of woodland, currently forming part of the housing allocated area which would otherwise have been lost to development. This is a significant uplift in the extent of open space when compared to the area of UGS which would be lost to the proposed development. The extension of the outdoor area east into the UGS, rather than north into this woodland area, also avoids the need to remove an area of natural habitat from the Site. This aspect carries moderate weight within the decision-making process.
- The reprofiled nature of the UGS area along the north-eastern boundary of the Site will greatly improve the quality of this land as a spectator area for the adjoining playing fields. This should carry moderate weight within the decision-making process.
- The accessibility of the existing public right of way to the north of the Site will be significantly improved through the introduction of improved boundary treatments across the Site. This should carry moderate weight within the decision-making process.

5.94

It is therefore concluded that in consideration of site allocation the proposal is a departure from the development plan, this is outweighed by the need for the proposed development in this location, this will realise significant benefits to the district with respect to the Special Educational Need provision that will be made. In addition, the proposed development has been designed to a high standard which meets the Council's very high standards for sustainable development, according to the Council's Climate Change objectives.

6.0 Conclusion

- 6.1 This Planning Statement has been prepared to accompany a full planning application for a new SEMH school at the site of the Former Deighton Centre, Kirklees.
- 6.2 This Statement has assessed the proposed development with reference to the Statutory Development Plan, as well as other material considerations including national planning policy. It confirms that:
- There is a demonstrable, justified and established need for new SEMH places and improved provision of SEMH facilities in Kirklees, which on balance, outweighs the loss of development provided for by the allocation of the site within the adopted Local Plan.
 - There is encroachment into the UGS, however, this loss is minor in extent and is more than offset by the larger area of land being retained as open green space within the north of the site.
 - The scheme has been designed to high standards of sustainability and has considered the impacts of climate change in the design process.
 - The scheme incorporates a high-quality design that responds to its setting and specific design requirements for a SEMH school.
 - The technical reporting which supports the planning application demonstrates that the proposed development can be accommodated with no adverse impacts on amenity, air quality, highways, flood risk, ecology, ground conditions and public health.
- 6.3 The proposal would provide substantial benefits to children and young people with SEMH needs within Kirklees and would be a high-quality development within the district. It is demonstrated that when read as a whole the proposed development accords with the Kirklees Local Plan, accords with national policy and should be approved without delay

Appendix 1 Schedule of Plans and Documents

Appendix 1: Schedule of Plans and Documents

Plan	Reference
Architectural Plans	
Site Location Plan	22308-FSA-XX-XX-DR-A-1000
Existing Site Plan	22308-FSA-XX-XX-DR-A-1001
Proposed Site Plan	22308-FSA-XX-XX-DR-A-1002
Ground Floor Plan	22308-FSA-XX-00-DR-A-1010
First Floor Plan	22308-FSA-XX-01-DR-A-1110
Roof Plan	22308-FSA-XX-RF-DR-A-1210
Elevations	22308-FSA-XX-XX-DR-A-2000
Sections	22308-FSA-XX-XX-DR-A-3000
Landscaping Plans	
Existing Site Sections	L-2352-SEC-3000
Proposed Site Sections	L-2352-SEC-3100
Landscape Layout	L-2352-GAP-1000
Boundary Treatment Plan	L-2352-GAP-1100
Drainage	
Proposed Drainage	22308-BWB-XX-XX-DR-C-0500 S2 P03
Transport Plans	
EVCP Plan	L-2352-GAP-1200
Reports	
<ul style="list-style-type: none"> • Planning Statement, prepared by Lichfields • Air Quality Impact Assessment, prepared by BWB Consulting • Arboricultural Assessment, prepared by FCPR • Arboricultural Method Statement, prepared by FCPR • Climate Change Statement, prepared by Frank Shaw Associates and Anderson Green • Coal Mining Risk Assessment, prepared by HSP Consulting • Design and Access Statement, prepared by Frank Shaw Associates • Ecological Impact Assessment including Biodiversity Net Gain Assessment, prepared by Arbtech • Flood Risk Assessment, prepared by HSP Consulting • Health Impact Assessment, prepared by Lichfields • Land Contamination Report Phase I, prepared by HSP Consulting • Land Contamination Report Phase II, prepared by HSP Consulting • Landscape Statement, prepared by Colour • Noise Impact Assessment, prepared by Apex Acoustics • Preliminary Ecological Appraisal, prepared by Arbtech • Statement of Community Involvement, prepared by Kirklees Council • Sustainable Drainage Statement, prepared by BWB Consulting • Transport Assessment, prepared by BWB Consulting • Travel Plan, prepared by BWB Consulting 	

Appendix 2 Pre-application response

Enquiries to: Ellie Worth

Jonathan Standen
3rd Floor
15, St Paul's Street
Leeds
LS1 2JG

Kirklees Direct
Tel: 01484 414746
Email: Ellie.Worth@kirklees.gov.uk

Date: 25-Aug-2023
Our Ref: 2023/20757

Dear Mr Standen,

RE: Pre-application enquiry for the erection of an educational building at the former Deighton Centre, Deighton Road, Deighton, Huddersfield, HD2 1JP

1. Summary of proposal

The pre-application advice request relates to a redevelopment of the former Deighton Centre for educational purposes. This would include the construction of a new social, emotional and mental health school (SEMH). Other associated works would take place on the site, including the provision of parking, children's play areas and boundary treatment.

The advice in this letter is based on a desktop study of the area and a site visit.

A Teams meeting was held on 25/07/2023, to discuss consultees feedback, with the following attendees:

- Ellie Worth – Planning Officer
- Richard Thornton – West Yorkshire Police Designing Out Crime Officer
- Ismail Laher – Counter Terrorism Security Advisor Officer
- Chris Bembridge – Highways Development Management Officer
- Rebecca Muff – Environmental Health Officer
- Martin Stephenson – Principal Flood Risk Officer
- Aisling Kelly – planning agent
- Peter Gladstone – applicant
- Kerry Spencer – engineer
- Gary Kempston – architect
- Duncan Roberts – architect

2. Relevant Planning History

At the application site:

2014/93572 – Prior notification for demolition of existing buildings – Demolition details approved.

3. Land allocation and relevant planning policy

Kirklees Local Plan (KLP)

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27/02/2019).

The site is allocated for housing in the Kirklees Local Plan under ref H1657. The gross area comprises 2.52 hectares and the allocated site has an indicative capacity of 88 dwellings.

Relevant Local Plan policies include:

- LP1 – Presumption in favour of sustainable development
- LP2 – Place shaping
- LP3 – Location of new development
- LP7 – Efficient and effective use of land and buildings
- LP20 – Sustainable travel
- LP21 – Highways and access
- LP22 – Parking
- LP24 – Design
- LP28 – Drainage
- LP30 – Biodiversity and geodiversity
- LP32 – Landscape
- LP33 – Trees
- LP47 – Healthy, active and safe lifestyles
- LP49 – Educational and health care 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
- LP65 – Housing allocations

Local Plan documents can be viewed online at:

<http://www.kirklees.gov.uk/beta/planning-policy/local-plan.aspx>

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

Supplementary Planning Documents

- Highway Design Guide SPD (2019)

- Open Space SPD (2021)

Guidance documents

- Planning Applications Climate Change Guidance (2021)
- Biodiversity Net Gain Technical Advice Note (2021)
- Planning Applications Climate Change Guidance (2021)
- West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance (2016)
- Waste Management Design Guide for New Developments (2020)
- Green Streets Principles for the West Yorkshire Transport Fund

National Policies and Guidance

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF), published 20/07/2021, and the Planning Practice Guidance Suite (PPGS), first launched 06/03/2014, 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.

Relevant NPPF chapters include:

- Chapter 2 – Achieving sustainable development
- Chapter 4 – Decision-making
- Chapter 8 – Promoting healthy and safe communities
- Chapter 9 – Promoting sustainable transport
- Chapter 11 – Making effective use of land
- 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
- Chapter 16 – Conserving and enhancing the historic environment
- Chapter 17 – Facilitating the sustainable use of materials

Other relevant national guidance and documents include:

- MHCLG: National Design Guide (2021)

4. Consultations undertaken

Internal consultees

The below lists the internal groups consulted as part of this pre-application enquiry. Their feedback is contained within the following commentary:

- KC Trees
- KC Highways DM
- KC Ecology
- KC Lead Local Flood Authority
- KC Landscape
- KC Environmental Health
- KC Waste Strategy
- KC Public Health
- KC Policy

External consultees

The council does not consult external groups as part of the pre-application service (except for the West Yorkshire Police). Based on what is shown in your pre-application submission, the following external bodies would be consulted with at full application stage:

- Yorkshire Water
- Sport England
- Active Travel England

Ward members

Local ward members were notified of the pre-application, however no comments were received. The site falls within the Ashbrow ward, where the Members are:

- Councillor Zarina Amin
- Councillor James Homewood
- Councillor Amanda Pinnock

5. Relevant matters for consideration

Principle of development

Sustainable development

At application stage, you would need to submit supporting information to demonstrate that the proposed development would achieve net gains in respect of all three sustainable development objectives (economic, social and environmental).

Chapters 2, 9, 14 and 15 of the NPPF are particularly relevant to your proposals in relation to climate change, as are Local Plan policies LP1, LP20, LP21, LP24, LP26, LP27 and LP28, and the vision and strategic objectives set out in chapter 4 of the Local Plan. The council approved Climate Emergency measures at its meeting of full Council on 16/01/2019, and you may also be aware of the West Yorkshire Combined Authority's

pledge for the Leeds City Region to reach net zero carbon emissions by 2038. Your forthcoming submissions must respond positively to these policies and initiatives.

If you are able to demonstrate that the development would achieve energy savings and efficiencies beyond those that would already be required under the Building Regulations, this could attract positive weight in the balance of planning considerations.

Conformation that the proposed development would achieve a high BREEAM rating could also attract positive weight.

Green roofs to the proposed development could attract positive weight, if it is demonstrated that such provisions would be robust and beneficial (please note that sedum mats would not be viewed favourably), adequately designed for (in terms of substrate depths, loading, and support structure) and adequately maintained. The biodiversity contribution made by green roofs could count towards the necessary biodiversity net gain calculations.

Measures would be necessary to encourage the use of sustainable modes of transport. A development which was entirely reliant on users travelling by private car is unlikely to be considered sustainable. At application stage, adequate provision for pedestrians and cyclists should be demonstrated. Cycle storage, electric vehicle charging points, and other measures would be required. Officers appreciate that this would likely be for staff members rather than students.

Drainage and flood risk minimisation measures would need to account for climate change.

Housing allocation

The pre-application query relates to the construction of an educational building within a housing allocation (HS17) as set out above. The school would be a Social Emotional and Mental Health (SEMH) school catering to children and young people with Special Educational Needs and Disabilities (SEND).

Local Plan Policy LP65 (housing allocations) states that planning permission would be expected to be granted if the proposal accords with the development principles set out in the relevant allocation box and all relevant Local Plan policies. The proposal would take up the full allocation area which would therefore prevent the indicative 88 dwelling capacity from being delivered. The issue therefore is that the proposal represents a departure from the Local Plan and justification would need to be provided to render this acceptable.

NPPF chapter 11 para 122 is relevant. This states that:

Planning policies and decisions need to reflect changes in the demand for land. They should be informed by regular reviews of both the land allocated for development in plans, and of land availability. Where the local planning authority considers there to be no reasonable prospect of an application coming forward for the use allocated in a plan:

a) it should, as part of plan updates, reallocate the land for a more deliverable use that can help to address identified needs (or, if appropriate, deallocate a site which is undeveloped); and

b) in the interim, prior to updating the plan, applications for alternative uses on the land should be supported, where the proposed use would contribute to meeting an unmet need for development in the area.

Therefore, you would need to present a case that there is a greater need for the proposed education facility that would outweigh the pressing need for housing.

The site has limited planning history with no planning applications received since a 2014 demolition notification to remove the former Kirklees Council training centre. Prior to this the site has also operated as Deighton High School. The site is currently owned by Kirklees Council. It is noted that the site is not currently included within the five year housing land supply.

The submitted information sets out the argument that there is a growing need for specialist educational facilities such as those proposed and that there is an identified shortage within the district.

The NPPF (paragraph 95) states it is important that a sufficient choice of school places is available to meet the needs of existing and new communities, and that local planning authorities (LPAs) should take a proactive, positive and collaborative approach in meeting this requirement, and to development that will widen choice in education. Criterion (a) requires LPAs to give great weight to the need to create schools through decisions on planning applications. The NPPF is a material consideration and will need to be considered against the loss of a housing allocation.

Local Plan Policy LP49 also supports the creation of new education facilities where they meet an identified deficiency in provision; where the scale, range, quality and accessibility of education facilities are improved; and where they are well related to the catchment they are intended to serve to minimise the need to travel or can be accessed by sustainable transport methods.

Having regard to the information you have submitted, it is considered that the proposed departure from the Local Plan could be supported however adequate justification would need to be provided at application stage, quantifying the greater need for the facilities balanced against the loss of the housing allocation.

Urban design issues

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, beautiful and sustainable 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.”

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.

Policy LP24 of the KLP 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...”

No elevational drawings have been submitted, however there is a massing diagram within the supporting statement. The only plans provided to date include a site plan and floor plans. However, it appears that these plans may have progressed since the original submission of the pre application advice, as discussed in the Teams meeting.

Broadly speaking, in terms of layout, the plans show a central spine with two wings coming off it. The central part of the school would be two storeys in height as indicatively proposed. Officers do not consider there to be any significant design or aesthetic concerns with the proposed layout of this building, as we appreciate the need for ground floor accommodation. Each classroom would have an outdoor garden. A small MUGA is proposed to the south west of the building, along with a larger MUGA to the north. A farm is also proposed to the north west. Parking is proposed to the front and south of the school building, and access would be taken as existing past Deighton Sports Arena onto Deighton Road.

In light of the above, Officers would like to provide the following general feedback/advice:

- Given the site's constraints, a bespoke design based on careful consideration of the site and its context, would be necessary. Please note that scanned-in sketches of earlier (but rejected) iterations of your proposals can be included in your forthcoming Design and Access Statement – these often prove very useful in explaining how the final proposal was arrived at.
- Due regard should be given to the scale and height of the building, ensuring adequate spacing to the site's boundaries. Based on the information held at this time, a height greater than two storeys is likely to appear overly dominant within the site and may not be supported.
- Given the site's location and the changes in topography, it is recommended that a muted material palette be proposed. Natural stone and a buff brick are the prevailing

materials in the area and have contributed to good quality development in most instances locally. As a modern school building, a contemporary twist may be acceptable, but this would need to complement the nearby stone and brickwork.

- Careful consideration should be given to boundary treatments, especially, where this would run alongside the public footpath. The need to ensure a secure perimeter for SEMH school is, however, accepted.
- The use of roof-mounted solar panels has been discussed in the pre-application meeting. This would be welcomed in principle in relation to climate change mitigation, however appropriate consideration would need to be given to screen their visual impact (and potential glint / glare) due to Ashbrow Road's elevated position.
- The submitted drawings provide limited information, and it is understood the proposal is still being designed. Therefore, the LPA must reserve the right to comment in greater detail when more advanced plans are presented.

Impact on residential amenity

Section B of Local Plan Policy LP24 states that proposals should promote good design by ensuring they provide a high standard of amenity for future and neighbouring occupiers, including maintaining appropriate distances between buildings.

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 users.

The proposal relates to a sizable new building, which has the potential to cause overbearing, overshadowing, and/or overlooking impacts upon neighbouring dwellings. The nearest residential properties to the application site are 170, 174 and 176a Deighton Road which are adjacent to the existing access, Tenter Hill Farm located south of the site and 2 to 42 Tenter Hill Lane, located due north of the site.

Given the location of the site, the dwelling most likely to be impacted is Tenter Hill Farm, however, given the plans submitted, the school building has been proposed within the centre of the site and is likely to provide an adequate separation distance to this property. Whilst there is also existing vegetation, to enable a detailed assessment, cross-sectional plans should be provided which clearly show the relationship the new building would have with Tenter Hill Farm.

The dwellings to the north along Tenter Hill Lane appear to be obscured by the woodland area.

Lastly, the dwellings along Ashbrow Road would not be impacted by the proposed built form, due to the extensive access road which would be retained.

With regards to noise disturbance, Environmental Health officers have considered whether the proposal may adversely affect existing nearby noise sensitive receptors and to whether the development may be adversely affected by existing noise sources.

The submitted plan shows two MUGAs (Multi Use Games Areas) and there may therefore be concerns about the use of the proposed sites if operated as a defined MUGA. We would like to refer you to the Design Guidance Note from Sport England (“Artificial Grass Pitch (AGP) Acoustics - Planning Implications”) for typical noise emissions from the use of the proposed MUGA sites, and to consider the effect of their use along with ball strikes and the requirements to mitigate this impact. Measures to control this would be required and the applicant would need to ensure all pitch perimeter kickboards and fencing are installed in accordance with the Design Guidance Note. A condition would be recommended to ensure this is the case.

Officers would have less concern if these areas were more of a recreational area rather than a defined MUGA and the applicant is asked to clearly state the proposed use in any future planning application.

Although officers appreciate at this stage that no information has been provided regarding the hours of use of the MUGAs, there may be concerns if there would be any additional evening/weekend use by either the school or the community (as opposed to being only used during typical school times). Therefore, this would need to be clarified with any future planning application. If the proposal is to allow evening/weekend/community use, then a Noise Impact Assessment would likely be required to consider and mitigate against any noise from this use at these times. A Noise Management Plan would also need to be submitted to show what measures would be taken to manage these sites and prevent a loss of amenity to nearby residential properties. Officers would typically expect the plan to include:

- a) A facility for neighbours to report excessive noise or anti-social behaviour directly to the operator of the site and that all such complaints be logged and investigated upon receipt, and appropriate action taken promptly, and the complainant kept informed of progress.
- b) A system for training all staff to follow an action plan for dealing with complaints. This would include the ability to warn or ban user groups from the pitches.
- c) A method of informing users that swearing and anti-social behaviour is unacceptable, and that the operator of the site reserves the right to dismiss users from the pitch and ban their future use.
- d) A log of complaints which should be retained for at least a period of two years.

All noise assessments should be carried out by a competent person. Developers may wish to contact the Association of Noise Consultants <http://www.association-of-noise-consultants.co.uk/> (020 8253 4518) or the Institute of Acoustics <http://www.ioa.org.uk> (0300 999 9675) for a list of members.

External lighting (security and otherwise) is expected around the site. This would need to be controlled to minimise stray light / glare. Therefore, a Lighting Specification Assessment would be required to support your application. Given the site's proximity to woodland / surrounding trees, this would also need to give due regard to ecology.

A Construction (Environmental) Management Plan (C(E)MP) would be secured via condition (if planning permission is granted) to ensure appropriate arrangements for the construction phase, to avoid undue harm to the amenity of residents.

Highway safety and parking

Local Plan Policy LP21 is relevant and seeks to ensure that proposals do not have a detrimental 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.

KC Highways DM have been formally consulted as part of this pre application advice and have commented with the following:

"This is pre-application highways advice for an educational building with parking on an existing access on to C6107 Deighton Road, a 30mph two-way single carriageway local distributor road of approximately 7.7m width with footways on both sides and street lighting present.

There have been three injury accident collisions in the last five years along the stretch of road to either side of the access to the site: two slights and one fatal. There are speed cushions located along Deighton Road and this indicates that speeding may have been a safety issue on the road.

PROW footpaths HUD/37/20 and HUD/37/40 run adjacent to the boundary of the site. These should remain untouched and any changes to their appearance caused by fencing should be discussed and cleared with the Kirklees PROW team.

The site is approximately 340m from stops on a low frequency bus route and approximately 550m from stops on a high frequency bus route. Deighton railway station is approximately 880m from the site.

We would require a full Transport Statement with the application and the submission of a School Travel Plan (although this may be guided by the school travel plan officer rather than Highways DM). The Transport Statement should cover the following issues (this list isn't exclusive and other issues may arise with the full application details):

Adoption

It is not expected that any part of the site would be offered up for adoption, however if this is not the case then details should be provided to the Kirklees Section 38 team at the earliest opportunity.

The route to and from the waste storage/collection point should be made up to adoptable standards to allow an 11.22m refuse truck to safely access the site without causing damage to the surfacing of the roads or parking areas.

Trip Generation

The pre-application information indicates that the school would host 132 pupils with 90 staff in attendance. We would like to see details of the expected mode of travel to be taken by the pupils and the approximate number of vehicles that would be generated at arrival/departure times. This should feed into the parking demand which should be reflected in the parking provision at the site, for both staff/visitor parking and drop-off/pick-up demand.

Access

The access is via a private driveway that is shared with Deighton Sports Arena and playing fields. This access is approximately 5.2m wide and this should be enough for two cars to pass. There is a marked pedestrian route along the west side of the driveway between the highway and parking spaces.

The driveway links to the adopted highway network at a junction with C6107 Deighton Road, this has wide footways to either side allowing for enhanced visibility splays, however we would like to see that suitable visibility splays can be achieved based on a road speed of 30mph (2.4m x 43m along the nearside kerb line) and these should be clearly marked on a drawing.

We would request that the applicant provides swept path analysis plots to show that a Kirklees refuse vehicle (currently 11.22m) can safely access the site and reach the waste storage and collection point. We would also like to see a tracking diagram to show that all parts of the site are accessible to a fire and rescue vehicle, and these should be based on guidance supplied in West Yorkshire Fire and Rescue public advice – Access for Fire Appliances document FS-PAN010 dated 25/11/2020 (or the revised version due after Nov 2023).

The access from the adjacent school should be fully closed unless emergency access is required through the existing gate. If this is the case, then it should be addressed within the TS.

Gates

Any gates across the access should be set to open inwards only - this is indicated on drawing L-2352-GAP-1000 Rev 13. Access through the gates in the case of an emergency

should be made available as suggested in the West Yorkshire Fire and Rescue guidance document Access for Fire Appliances.

Parking

This should be informed by the trip generation and subsequent parking demand and should ensure that suitable numbers of spaces for both staff/visitor parking and drop-off/pick up are provided. It should aim to avoid any need for on-street parking or waiting and should avoid the need for the sports arena car parking to be used.

It may be recommended to consider school TRO markings at the entrance to the site on Deighton Road or other measures to manage parking at this location. It would also be useful for keeping the visibility splays free of obstruction.

The parking spaces should be at guidance sizes of 2.4m x 4.8m for a standard space with an additional 1200mm aisle and safety zone for mobility spaces. The spaces reserved for mini-buses should be of sufficient dimensions to safely take a mini-bus and allow for safe access/egress of the spaces. The mini-bus spaces shown on drawing L-2352-GAP-1000 Rev 13 appear to be the same dimensions as the adjacent car spaces and may not be suitable for a mini-bus.

To allow a 2.4m wide space the parking would require a 6m headway to allow vehicles to enter/exit spaces safely. If the headway is below 6m then the width of the parking spaces may need to be increased (this should be based on the minimum requirements observed using a swept path analysis. It should be noted that on drawing L-2352-GAP-1000 Rev 13 some of the spaces have less than 5m headroom and therefore may be difficult to enter/exit safely - this would make the spaces unattractive to drivers and may cause capacity issues (it is known that when above 90% capacity the efficiency of a car park quickly breaks down and this is when congestion and unsociable parking can occur).

Drop-off and collection spaces should be suitable in both size and number to service the expected demand. This would need to be assessed within the Transport Statement.

It should be noted that the Briefing Document (dated May 23) states that there would be 132 car parking spaces with 14 drop off spaces, however drawing No L-2352-GAP-1000 Rev 13 only shows 129 spaces and doesn't detail the number of drop off spaces available. Of the spaces shown on the drawing, 6 are for mini-buses, 14 are with EV charging points and 8 are mobility spaces.

Details of any parking management that may be required should also be provided within the TS and this may include any car-share spaces identified within the staff section of the Travel Plan.

On Drawing No L-2352-GAP-1000 Rev 13 the main car park is set up as a one-way circulatory system to allow the drop off areas to be used. The other car park does not

appear to be marked up as a one way gyratory - this may be advisable as the gyratory lane within the car park is relatively narrow and wouldn't allow two cars to pass.

The access and parking areas would need to be laid out, surfaced/sealed and provided with suitable drainage prior to first use of the site.

Construction Access Management Plan

As the access route to the site is shared with the sports arena, we would like to see a construction access management plan that indicates how access would be achieved to the site whilst maintaining access and safety for users of the sports arena and football pitches. This should include details of the location for parking for deliveries and contractors, storage of materials and staff welfare facilities, turning within the site to allow delivery vehicles to enter/exit the site in forward gear and wheel washing facilities to avoid mud or debris being dragged on to the access road or adopted highway for road safety reasons. This could be conditioned if not included with the application.

PROW

Officers would like to see information relating to how the proposals would impact the two PROW footpaths that border the site, especially in relation to boundary treatments and fencing. KC PROW have been formally consulted as part of this pre-application advice request, however, no response to date has been received".

With regards to waste storage and collection, the Council's Waste Strategy Team have also been formally consulted and have offered the following comments:

"Details of the new building are shown on Dwg L-2352-GAP-1000 Rev 13 Dated 24/05/2023.

Wastes from premises forming part of a university, school or other educational establishment are classified as Household Waste for which the WCA has a duty to collect but would make collection and disposal charges for that service. The WCA currently collects 3x1100ltrs wheeliebins fortnightly from the site.

Waste generated on site is likely to consist primarily of arisings from catering, refreshments / drinks and general municipal type wastes with less frequent collections of clinical / sanitary wastes. Provision should be made for storage of wastes arising on site, preferably with separate containers for residual and recyclates e.g., paper / cardboard and glass. On this basis the bin store should be large enough to accommodate additional wheeliebins.

- The proposed bin store on the plan is located to the north of the car parking area adjacent to a substation. The store is shown as containing 6x 1100ltrs wheeliebins. The bin store on the plan is approximately 5.4mx 4.5m. Guidance indicates the floor space for 1100ltrs wheeliebins is 1575mmx1190mm with space required to*

manoeuvre the bins within the store. The dimensions of the bin store may need increasing slightly. The store has a gate opening of 2m that is sufficient.

- The waste storage area should be secure to prevent unauthorised use, damage or theft. The doors to the bin store should be secured but enable access by facilities management and collection staff. Collection staff would require details of a keypad code if used to secure the store.*
- The store should have walls / fencing slightly higher than the bins and open access to allow users to see into the store before entering. The base of the store must be constructed to withstand point loading and movement impacts of larger bins over time, and to resist future rutting, pitting, cracking, or other such surface degradation that would impair bin manoeuvring. Additional information is required detailing design of the waste storage compound including storage capacity, screening, surfacing and security.*
- Waste storage presents a fire risk. Any wheeliebin storage locations should be carefully considered when undertaking a fire risk assessment and may need relocating away from buildings. Guidance indicates the store must be either 6m away from the building or be constructed of suitable material to contain and prevent the spread of fire. See BS5906:2005, Building Regs 2010 Part H6 and CFPA-E Guideline No 7:2022 F.*
- The route between the store and bin collection point needs to be a hard smooth surface. The drag out distance for wheeliebins from a bin store to the collection vehicle should preferably be under 10m and from the proposed plan this does appear to be acceptable.*
- As the proposal includes allotment gardens / raised beds, opportunities to encourage composting should be sought to better meet the council's 'clean and green' objectives for waste reduction".*

Other matters

Drainage and Flood Risk

The site is fully within Flood Zone 1. However, as the site area exceeds 1ha a site-specific flood risk assessment would be required to support any planning application for the proposed development. Rainfall event flood routing would need to be demonstrated.

A drainage strategy would also be required to support your application. Kirklees LPA and the Lead Local Flood Authority (LLFA) promote the drainage hierarchy. Proposals involving the redevelopment of brownfield land are expected to demonstrate a minimum 30% reduction in surface water run-off where previous positive surface water connections from the site can be proven. New connections would be subject to at least greenfield restrictions.

Early consideration should be given to ensuring appropriate siting for attenuation features, including their future management and maintenance, with details required at application stage.

Please be reminded of the play, recreation, amenity and biodiversity opportunities that on-site attenuation can create. SuDS features can be multi-purpose.

Ecology

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.

Policy LP30 of the Kirklees Local Plan requires proposals to protect Habitats and Species of Principal Importance.

In this case, the site lies within an area where bats are known to be present. Any ecological assessment undertaken at the site would need to consider potential impacts to this species group, for both roosting and foraging and commuting.

In the first instance, the applicant should engage a suitably qualified ecologist to undertake a Preliminary Ecological Appraisal (PEA) in accordance with national guidelines. This work should identify any important ecological features present (species or habitats) or make recommendations for further survey where this is necessary to determine presence/absence of a feature or to what extent a feature is important.

The purpose of a PEA is to ensure scheme designers have access to sufficient information to apply the ecological mitigation hierarchy. Accurate habitat survey would also be essential if a quantitative method of demonstrating a biodiversity net gain is to be used.

The results of the PEA, and any additional surveys, should be used to inform an ecological report to support the planning application. The most appropriate report format to support a planning application is an Ecological Impact Assessment (EclA) (CIEEM, 2017a and 2018). The standardised content and format of an EclA is defined in guidance by CIEEM (2018), and if followed would provide sufficient information to enable planning officers to understand if the proposals are in line with biodiversity policies.

In order to provide sufficient information to support a planning application, the EclA should include a characterisation of the impacts to important ecological features and identify any significant ecological effects resulting from these impacts.

In order to demonstrate a biodiversity net gain, the EclA should also include an accurate summary of the biodiversity net gain calculation using the Biodiversity Metric 4.0 (or most up to date version) to demonstrate how policy requirements would be met.

Trees and landscaping

Local Plan Policy LP33 is relevant. KC Trees have been formally consulted. Their comments are as follows:

“The proposed development site is heavily constrained by existing trees within it and around its perimeter.

These trees are not subject to a Tree Preservation Order (TPO) or within a Conservation Area.

However, the retention of trees and hedgerows that are present on or adjacent to a site is a consideration whether or not they are protected. As a result, a tree survey following the guidance in BS5837:2012 Trees in Relation to Design, Demolition and Construction would be needed.

A tree survey carried out by a reputable, qualified and experienced arboriculturist following the guidance in BS5837:2012 should be undertaken to record information about the trees on or adjacent to a site. The results of the tree survey, including material constraints arising from existing trees that merit retention, should be used (along with any other relevant baseline data) to inform feasibility studies and design options. For this reason, the tree survey should be completed and made available to designers prior to and/or independently of any specific proposals for development.

Tree surveys undertaken after a detailed design has been prepared, which may be the case here can identify significant conflicts: in such cases, the nature of and need for the proposed development should be set against the quality and values of affected trees. The extent to which the design can be modified to accommodate those trees that are of moderate and high amenity meriting retention should be carefully considered within the design/layout of the site and the Arboriculture Impact Assessment (AIA) and discuss options for minimising/mitigating the impacts on the trees at the site.

This is because the council would not grant planning permission for developments which directly or indirectly threaten trees or woodlands of significant amenity.

Once the design and layout has been able to accommodate the existing trees and the project arboriculturist has minimised the impacts on the retained trees, the development would need to be supported by a detailed Arboriculture Method Statement (AMS). The AMS should detail the methodology for the implementation of any aspect of development that is within the root protection area, or has the potential to result in loss of or damage to a tree to be retained.

Therefore, officers would expect the following as part of any future planning application:

- *BS5837:2012 guided tree survey*

- *Tree retention/removal plan (finalised)*
- *Retained trees and RPAs shown on all proposed layout plans.*
- *Strategic/master hard and soft landscape design, including species and location of new tree planting.*
- *Arboricultural impact assessment (AIA).*
- *Existing and proposed finished levels.*
- *Tree protection plan.*
- *Arboricultural method statement – heads of terms.*
- *Details for all special engineering within the RPA and other relevant construction details.*

The following would also foreseeably be subject to pre-commencement planning conditions unless they were agreed as part of the full planning application:

- *Alignment of utility apparatus (including drainage), where outside the RPA or where installed using a trenchless method.*
- *Dimensioned tree protection plan.*
- *Arboricultural method statement.*
- *Schedule of works to retained trees, e.g. access facilitation pruning.*
- *Detailed hard and soft landscape design.*
- *Arboricultural site monitoring schedule.*
- *Tree and landscape management plan.*
- *Landscape maintenance schedule.*

Alongside the above, any future planning application should be accompanied by a hard and soft landscape plan, including the farm and play areas, showing proposed surfacing, equipment and storage facilities, such as sheds and stores for games/play items.

In terms of soft landscaping, you should avoid using potentially invasive species. Relevant details can be obtained from Natural England [or organisations such as The GB Non-native Species Secretariat and Plantlife](#). Species selection is important and those which are potentially more invasive should be substituted for less potentially invasive species. Preference is for native and proven beneficial to pollinators where possible for this location.

Officers would need to see a management plan for the landscaping scheme to ensure the scheme successfully establishes. The management of newly establishing trees should include, but should not be limited to, a watering regime, monitoring of stakes and ties, formative pruning, replacement of failed or damaged trees.

Air Quality

The site of the proposed development is not within or adjacent to an Air Quality Management Area or near to any roads of concern, however officers have concerns regarding the additional vehicle trips that the development would generate. Therefore, an Air Quality Assessment would be required as part of any future planning application. It is

important that the proposed development does not adversely affect local air quality and/or impact any existing Air Quality Management Area.

In accordance with the West Yorkshire Low Emission Strategy (WYLES) – Technical Planning Guidance officers would expect the Air Quality Assessment to include the following:

- determine the impact that the development would have on local air quality and public health and identify the level of exposure through the change in pollution concentrations including cumulative impacts from other developments within the area arising from the proposal;
- as standard practice a sensitivity test to be carried out, using receptors close to the development site by running the model with baseline emission factors and backgrounds to give a worst-case scenario;
- detail the increase in traffic levels, trip rates and vehicle movements; and
- where required include a calculation of the monetary damages from the development and a fully costed mitigation plan detailing the proposed low emission mitigation measures. The monetary value of the damages should be reflected in money spent on the low emission mitigation measures and this should be in addition to the installation of Electric Vehicle Charging Points (EVCPs).

Useful Sources of information:

- Department of the Environment Food and Rural Affairs (DEFRA) Technical Guidance LAQM TG (16)
- West Yorkshire Low Emissions Strategy (WYLES) Air Quality & Emissions Technical Planning Guidance
- Department of the Environment Food and Rural Affairs (DEFRA) Air Quality Appraisal: Damage Cost Guidance - March 2021
- National Planning Policy Framework (NPPF) 2021

Contamination

The proposed development site is shown as being potentially contaminated from its former use (council's site reference 10/10) therefore, contaminated land issues need to be considered.

Officers would expect a current Phase 1 Contaminated Land Report (desk top study and site walkover) to be included with any future application for this development. If the agreed Phase 1 report has identified potential contaminated land risks, then a Phase 2 Intrusive Survey Report (and if necessary a Remediation Strategy report) would be required for approval before any ground works commence. If ground gas monitoring is necessary as part of the Phase 2 investigation the Phase 2 Report would not be considered acceptable unless the whole of the gas monitoring has been completed in accordance with current guidance. A report detailing only part of the gas monitoring would not be acceptable. The council would require the developer to demonstrate that any contamination at the site has

been remediated to a satisfactory standard before the new use commences. A verification report by a competent person would be required.

Where imported materials are to be used, a 'Verification Report' by a competent person shall be required for any topsoil or subsoil that has been imported onto the site.

In the absence of any necessary contaminated land information being provided with a future application, officers would recommend conditions requiring this information to be provided before groundworks commence.

All contamination reports shall be prepared in accordance with guidance contained in:

- *Land Contamination Risk Management (LCRM)*
- BS 10175:2011+ A2:2017 *Investigation of Potentially Contaminated Sites. Code of Practice*
- Development on Land Affected by Contamination - Technical Guidance for Developers, Landowners & Consultants - (v11.2) June 2020 by the Yorkshire and Lincolnshire Pollution Advisory Group

Electric vehicle charging points

Details of the provision of Electric Vehicle Charging Points (EVCP) at the development would need to be included with any future application. These proposals should meet the recommendations in the West Yorkshire Low Emission Strategy (WYLES) current at the time of the application.

For non-residential developments WYLES requires a standard EVCP for at least 10% of parking spaces.

For developments where some or all of the parking is likely to be used for shorter stay parking (30mins to 4 hours), Fast (7-23kW) or Rapid (43kW+) charging points would be more appropriate.

To ascertain how many of the retained existing parking spaces would need to be provided with EVCPs, please provide information at application stage regarding the number of staff and visitors likely to be present within the proposed development at any one time.

A standard EVCP needs to be capable of providing a continuous 16A, Mode 3 charging supply via a Type 2 socket. A continuous 32A supply would be more likely to be future proof and may be the required standard in the future.

In the absence of satisfactory proposals for EVCPs being submitted with an application, Environmental Health officers would recommend a condition requiring this information to be provided and approved before electrical works at the development commence.

Crime prevention

The West Yorkshire Police Designing Out Crime Officer has been consulted as part of this pre-application enquiry request and has provided the following comments.

“As part of any future planning application, the following security details are required:

- Window and glazing standards*
- Door and locking system standards, including access control systems*
- Any site CCTV and Lighting measures*
- Further details of the perimeter and site fencing systems and gates*
- Management plans for the safe drop off and pick of vulnerable students and site visitors”.*

Public Health

The application meets the Council's criteria for the submission of a rapid Health Impact Assessment (HIA), as the floor space would be greater than 1,000 sqm.

As such, the aforementioned assessment should be submitted as part of any future planning application. The guidance and template for the rapid HIA is attached to this pre-application response.

6. Pre-application public engagement

You are encouraged to carry out public consultation and engagement prior to submitting your planning application, in accordance with paragraph 40 of the NPPF. This should include occupants of the adjacent residential properties and commercial buildings.

The results of your pre-application consultation would need to be included in a Statement of Community Involvement to be submitted with your forthcoming planning application.

7. Planning obligations / heads of terms

Biodiversity net gain

If on-site ecological enhancements are unable to achieve a 10% net gain based on the DEFRA Biodiversity Metric 4.0, dependant on the level of the deficit, an off-site contribution may be considered. This would be dependent upon your calculations and the contribution cannot be calculated at this time.

Highways / sustainable travel

Depending on the application-stage feedback, highway enhancements and/or sustainable travel funding may need to be secured in connection with the proposed development.

8.Plans and validation checklist

The council published updated Validation Requirements for the Submission of Planning Applications document (also known as a 'local list') on 06/02/2023. The document sets out the information required to support a planning application. Applications which do not to comply with the document's requirements are unlikely to be validated. The document may be found at:

<https://www.kirklees.gov.uk/beta/planning-applications/pdf/validation-requirements-submission-of-planning-applications.pdf>

Based on the details held at this time, the following necessary supporting documents have been identified:

- An application form
- A full set of detailed drawings, including floor plans and elevations, site sections, existing and proposed land levels
- Design and Access Statement
- Planning Statement
- A Statement of Community Involvement
- Security measures – to include:
 - Window and glazing standards
 - Doors and locking systems, including access control systems
 - Any site CCTV and lighting measures
 - Further details of the perimeter and site fencing systems and gates
 - Management plans for the safe drop off and pick up of vulnerable students and site visitors
- Boundary treatment plan
- A School Travel Plan
- A Transport Statement (to include but not limited to):
 - Whether the site would be adopted
 - Trip generation
 - Access
 - Gates
 - Parking
 - Waste storage and collection
 - Construction Access Management Plan
 - PROW considerations
- Preliminary Ecological Appraisal (PEA) and an Ecological Impact Assessment (EcIA) (to demonstrate a 10% biodiversity net gain), along with a Biodiversity Metric spreadsheet (in Excel and publishable PDF formats)
- Drainage strategy
 - To include a future management plan for the maintenance of the water area
 - To include surface water flooding
 - Temporary drainage works

- An Air Quality Impact Assessment
- Contaminated land reports – Phase 1 (Desk top study and site walkover)
- A Noise Impact Assessment (if the proposal would involve evening/weekend/community use)
- A Noise Management Plan (see above)
- A Construction Environmental Management Plan
- A plan to show where EVCPs would be installed
- Details of any external lighting
- Details of waste storage and collection – including a swept path analysis for a refuse vehicle
- A landscape plan
- Tree Survey, Arboricultural Impact Assessment and Method Statement
- A Climate Change Statement
- A rapid Health Impact Assessment

9. Conclusion

I trust this information is of use to you in formulating a scheme for the site. In this instance, the site is designated for housing in the Kirklees Local Plan and therefore, the proposal would represent a departure from the Local Plan (in that it seeks to develop a housing allocation site for an alternate use - namely for specialist education facilities).

Although the proposal is a departure, significant weight should can be given to the creation of schools and its contribution towards widening educational choice in the district, as set out in the NPPF. You should therefore provide adequate justification that quantifies the need for the proposed facilities, and careful consideration is needed to balance the loss of housing against the alternative opportunity to fill an education need in the area.

Advice set out in this letter is provided in good faith, without prejudice to the formal consideration of any planning application, which would be subject to public consultation and would ultimately be decided by the council. It should also be noted that subsequent alterations to legislation or local, regional, and national policies might affect the advice given. Therefore, caution should be exercised in respect of pre-application advice which is not submitted within a short time of the council's advice letter.

Planning application fee

You can calculate how much the planning fee would be for your proposal [here](#)

Yours sincerely,

Mathias Franklin,
Head of Planning and Development

Mathias Franklin
Head of Planning and Development

Disclaimer

Any views or opinions expressed are in good faith, without prejudice to the formal consideration of any planning application, which will be subject to public consultation (which will include the relevant Town or Parish Council) and ultimately be decided by the Council.

It should be noted that subsequent alterations to legislation or local, regional and national policies might affect the advice given. You should be aware of the Council's Local Development Scheme which sets out the programme for developing its local plan. You are advised to seek further advice once any consultation drafts are published.

Caution should be exercised in respect of pre-application advice which is not submitted within a short time of the Council's advice letter.

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