KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE

DEVELOPMENT MANAGEMENT

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

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS

Reference No:	**2025/62/90035/W**
Site Address:	Newsome Academy, Castle Avenue, Newsome, Huddersfield, HD4 6JN
Description:	Installation of external air source heat pump, installation of roof mounted PV panels and erection of associated acoustic fencing including associated works.
Recommending Officer:	Elenya Jackson

DECISION – CONDITIONAL FULL PERMISSION

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

John Holmes

AUTHORISED OFFICER

Date: 5th June 2025

OFFICER REPORT

Site Description

Newsome Academy, Castle Avenue, Newsome, Huddersfield, HD4 6JN is a secondary school set in sizeable grounds and split over several buildings.

The main vehicular access is taken from the north-east of the site from Castle Avenue and provides access to the staff car park which is located infront of the school building. There are several pedestrian accesses with the main student entrance being taken from the east of the building.

Description of Proposal

This application has been received for the installation of an external air source heat pump, installation of roof mounted PV panels and erection of associated acoustic fencing including associated works.

The air source heat pump would be located to the south west of the building with the acoustic fence being located on its northern, southern and western side and a hit and miss fence on eastern elevation . The acoustic fence would be 3m tall.

The solar panels would be located across the roof of the existing building.

Relevant Planning History

No relevant planning history.

History of negotiations

Kirklees Development Management Charter together with the National Planning Policy Framework and the DMPO 2015 encourages negotiation/engagement between Local Planning Authorities and agents/applicants, this is only within the scope of the application under consideration.

No alterations were considered necessary in this case.

Representations

In accordance with the Council's Development Management Charter, which encompasses the requirements of the Town and country Planning (Development Management Procedure) Order 2015 (as amended) the application was advertised by site notice which expired on 11/05/2025.

No representations have been received.

Consultation Responses

KC Environmental Health - No objection subject to condition
KC Ecology – No objection

Para (f) of Schedule 4 of the Town and Country Planning (Development Management Procedure) Order 2015 (as amended) requires that Sport England is consulted about development which

> *'is likely to prejudice the use, or lead to the loss of use, of land being used as a playing field or is on land which has been used as a playing field at any time in the last 5 years before the making of the relevant application and which remains undeveloped or is allocated for use as a playing field in a development plan or involves replacement of the grass surface of a playing pitch on a playing field.'*

In this case the proposal is on an area of grassed land, between an artificially surfaced pitch and the school buildings. The artificial pitch has been in place since at least 2012. As such this small area of grass land is not considered to trigger the requirement for consultation with Sport England in this case.

Policy

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

The site is allocated as urban green space and within the Strategic Green Infrastructure Network within the Kirklees Local Plan.

On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target; however, it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

Kirklees Local Plan Policies

- **LP 1** - Achieving Sustainable Development
- **LP 2** - Place Shaping
- **LP 3** - Location of New Development

- **LP 7** - Efficient and Effective Use of Land
- **LP 21** - Highways and Access
- **LP 22** - Parking
- **LP 24** - Design
- **LP 30** - Biodiversity and Geodiversity
- **LP 49 -** Educational and Health Care Needs
- **LP 52** - Protection and Improvement of Environmental Quality
- **LP 53** - Contaminated and Unstable Land
- **LP 61** - Urban Green Space

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published December 2023, and the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- Chapter 2 – Achieving sustainable development
- Chapter 8 – Promoting healthy and safe communities
- Chapter 12 – Achieving well-designed and beautiful places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment

Assessment

Principle of development including urban green space:

Chapter 2 of the NPPF introduces the presumption in favour of sustainable development, which is the focus of policy LP1 of the Kirklees Local Plan (KLP). This policy stipulates that proposals that accord with policies in the KLP will be approved without delay, unless material considerations indicate otherwise. Policy LP24 of the KLP is the overarching policy in relation to the design of all proposals, requiring them to respect the appearance and character of the existing development in the surrounding area as well as to protect the amenity of the future and neighbouring occupiers, to promote highway safety and sustainability.

This application is seeking planning permission for the erection of an air source heat pump and associated fencing.

The site is allocated as urban green space (UGS) in the adopted Kirklees Local Plan. Sites in educational use, such as the grounds of schools and colleges, have been allocated as UGS where they contain playing fields and

sports pitches. This is because they represent an extensive and valuable open space asset important for meeting both educational and outdoor sport needs.

This application proposes an air source heat pump in close proximity to the existing buildings on site. The proposal would not utilise any of the space currently used for a sports pitches.

Impact on Urban Green Space

Local Plan Policy LP61 does not permit development which would result in the loss of urban green space, unless specific exceptions can be met. The policy states that:

> *"Development proposals which would result in the loss of urban green space (as identified on the Policies Map) will only be permitted where:*
>
> *a. an assessment shows the open space is clearly no longer required to meet local needs for open space, sport or recreational facilities and does not make an important contribution in terms of visual amenity, landscape or biodiversity value; or*
> *a. replacement open space, sport or recreation facilities which are equivalent or better in size and quality are provided elsewhere within an easily accessible location for existing and potential new users; or*
> *b. the proposal is for an alternative open space, sport or recreation use that is needed to help address identified deficiencies and clearly outweighs the loss of the existing green space.*
>
> *The protection set out in this policy also applies to smaller valuable green spaces not identified on the Policies Map."*

The proposed alterations would be on the roof plane of the building and the pump would positioned on an area of land which is grassland. Erecting the structure in this location would result in a marginal loss of green space that is actively serving an open space function, meaning that this element of the proposal would not accord with Policy LP61; however material considerations are considered to exist in this case which indicate that the development would be acceptable namely these being as follows:

- The proposal would see contribution of renewable energy which has a beneficial impact in relation to carbon reduction of the site.
- Fact the land serves little purpose given its size / shape and scale
- The proposal would not lead to a significant loss of usable UGS given it is to a part of the site surrounded by existing development of the wider site

- Siting the proposal closer to buildings could impact upon the function of the school as a result of noise and the location is a balance between loss of UGS and mitigating impact of the heat pumps when balanced against the benefits for renewable energy provision.

On balance it is considered that weight can be afforded the above listed factors as constituting material a consideration which, in this case, leads to the conclusion that refusal on the basis of non compliance with policy LP61 could not be substantiated. The development has beneficial elements which are considered to outweigh the impact in terms of loss of UGS in this case.

In this case, the principle of development is considered acceptable, and the proposal shall now be assessed against all other material planning considerations, including visual and residential amenity, as well as highway safety. These issues along with other policy considerations will be addressed below

Impact on visual amenity:

Policy LP24 ‘a) the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape’ and ‘e) the risk of crime is minimised by enhanced security’ are relevant. Policies within Chapter 12 of the NPPF highlights similar themes.

The proposed solar panels would be located on the roof plane of the host building and therefore would not be prominent. It is considered that the proposal would have an acceptable visual impact.

The proposed air source heat pump would be screened from the north east and south by the host building. It is considered that the design of the proposal would not be overly discordant to existing development on site. Landscaping is also proposed (as part of the BNG assessment) which would have a beneficial impact visually.

Having taken the above into account, the proposal would not cause any significant harm to the visual amenity of either the host dwelling or the wider street scene, complying with Policy LP24 of the Kirklees Local Plan (a) in terms of the form, scale and layout and the aims of chapter 12 of the National Planning Policy Framework.

Impact on residential amenity:

Consideration in relation to the impact on the residential amenity of neighbouring occupants shall now be set out, taking into account policy LP24 c), which sets out that proposals should promote good design by, amongst other things, extensions minimising impact on residential amenity of future and neighbouring occupiers.

Policy LP52 is considered to be of relevance and sets out that development must be considered in relation to potential for increases from pollution, in this case the relevant possible increases could relate to noise, light & odour emissions.

The proposed fencing installation would represent operational development attendant to an existing use and would not introduce any amenity impacts beyond this use. The nature of the proposal would not result in any impact relating overlooking overshadowing loss of light or overbearing,

KC Environmental Heath have been consulted on the application due to its potential to have an impact on noise levels in the vicinity. They have raised no objections providing that conditions are imposed on the application. Specifically they recommend that before the development is first brought into use all works which form part of the sound attenuation scheme as specified in the Noise Impact Assessment authored by Nova Acoustics dated 01 November 32024 Ref NP-011680 rev03 shall be completed.

Taking account of the submitted information, scale and nature of the proposal and response of the Environmental Health Team it is considered that subject to inclusion of the recommended condition the proposal would have an acceptable impact with regard to noise.

Having considered the above factors, the proposals are not considered to result in any adverse impact upon the residential amenity of any surrounding neighbouring occupants, complying with Policy LP24 of the Kirklees Local Plan (b) in terms of the amenities of neighbouring properties and Paragraph 135 (f) of the National Planning Policy Framework.

Impact on highway safety:

Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 9 of the NPPF relate to access and highway safety and are considered to be relevant to the consideration of this application.

The proposal would be for development to the roof of the host property and not interfere with the highway network. The location is also away from parking provision on site and would not impact site access. Therefore, the proposal would have an acceptable impact and would accord with LP22 and LP21 of the Kirklees Local Plan.

Other matters:

Ecology

In terms of Biodiversity Net Gain as set out by the statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021). The development is considered to be development for which a BNG assessment is required to be undertaken.

Chapter 15 of the National Planning Policy Framework is 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 that proposals protect Habitats and Species of Principal Importance.

A Biodiversity Net Gain Assessment has been submitted as part of this application (dated 14th March 2025). This sets out at Appendix 4 a post development habitat plan which would see modified grassland and scattered trees as well as introduced shrub. This would lead to a net gain of 20%.

KC Ecology have been consulted on the application and have raised no concerns providing conditions are imposed on the application. Specifically they set out that The BNG report is reasonable and acceptable. They advise that the site will attain a net gain of 0.1 biodiversity units, with a medium distinctiveness due to a tree to be planted. They advise that they consider that the onsite element of the BNG proposal will not result in significant onsite gain as it would be delivered by and therefore does not need to be secured for 30 years but could be secured by a simple landscaping condition, if appropriate, to ensure it is provided and maintained for an aftercare period.

Based on the information available, this permission is considered to be one which requires the approval of a biodiversity gain plan as required by Schedule 7A of the town and Country Planning Act 1990 (as amended). The submitted plan has been concluded acceptable by the Council's Ecologist and it is therefore considered that on the basis that a condition of any approval requires the BNG measures of the submitted Biodiversity Net Gain Assessment are undertaken the proposal will meet this requirement.

It is noted that the Ecology Team recommend informative notes relating to bats and birds and these will be included as such.

On the basis of the inclusion of a condition requiring the BNG measures to be undertaken, it is considered the required biodiversity net gain plan would be in place and secured as part of this development (satisfying the requirements of the condition in place by law) and the proposal would have an acceptable impact in this regard.

Carbon Budget

The proposal would have a beneficial impact through introducing renewable energy measures.

There are no other matters for consideration.

Representations:

None

Negotiations:

None

Conclusion:

This application for the installation of external air source heat pump, installation of roof mounted PV panels and erection of associated acoustic fencing including associated works has been assessed against relevant policies in the development plan as listed in the policy section of the report, the National Planning Policy Framework and other material considerations. Given the acceptable design and lack of harm in terms of visual and residential amenity, the proposals are considered to be acceptable.

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.

As set out above, this application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

Recommendation **Approve**
Decision Authorisation - Delegated Powers
Application Number: 2025/90035
Officer Recommendation: Approve
Conditions and Reasons

1. The development hereby permitted shall be begun within three years of the date of this permission.
Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.
Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policy LP2, LP2, LP3, LP7, LP21, LP22, LP24, LP30, LP52, & LP61 of the Kirklees Local Plan and policies within Chapters 2, 8, 12, 14 & 15 of the National Planning Policy Framework.

3. Before the development is first brought into use all works which form part of the sound attenuation scheme as specified in the Noise Impact Assessment authored by Nova Acoustics dated 01 November 32024 Ref NP-011680 rev03 shall be completed and retained thereafter.

Reason: To protect the amenity of occupiers of the proposed development from noise or disturbance from nearby noise generating premises to accord with the aims of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

4. The development shall be completed in accordance with the Biodiversity Net Gain Assessment authored by Rebecca Gane on 14/03/2025 to deliver 0.1 habitat units on site, and associated landscaping scheme which forms part of the submitted Biodiversity Net Gain Assessment, which shall be retained for the lifetime of the development. Following competition of the landscaping scheme all areas of soft landscaping shall be retained as soft landscaping for the lifetime of the development. If, within a period of at least five years from planting, any tree, shrub or hedge shall die, become diseased or be removed, it shall be replaced with others of similar size and species.
Reason: To ensure the development would make the appropriate contribution to biodiversity and to ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity to accord with Policy LP24 & LP30 of the Kirklees Local Plan policies within Chapter 15 of the National Planning Policy Framework and ensure a biodiversity gain plan as required by Schedule 7A of the town and Country Planning Act 1990 (as amended) is in place.

NOTE: All works should be timed to occur outside nesting bird season (typically March to August, inclusive). If this is not possible all potential bird nesting opportunities must be checked by a suitably experienced ecologist within 24 hours prior to works. If any active nests are found, the ecologist should advise on suitable species1specific works exclusion zones. The exclusion zones should be regularly monitored by the ecologist and remain in place until the young have fledged the nest or the nests are otherwise deserted.

NOTE: Due to its location, a bat roost may be present on site. Bats are a European protected species under regulations of the Conservation of Habitats and Species Regulations 2017. It is an offence for anyone intentionally to kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not. If bats are discovered on site development shall cease and the applicant is advised to contact Natural England for advice.

NOTE: The granting of planning permission does not override any private legal rights or consents that may be required. It is the responsibility of the applicant / developer to ensure that all appropriate consents are in place prior to any development commencing; during the period of construction existing access for neighbouring properties is maintained; and no damage is caused to the access driveway or surrounding properties.

NOTE: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration,

repair or maintenance of buildings, structures or roads shall not take place outside the hours of:

07.30 and 18.30 hours, Mondays to Fridays
08.00 and 13.00hours, Saturdays

With no working Sundays or Public Holidays

In some cases, different site specific hours of operation may be appropriate. Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which the works may be carried out.

Plans and specifications schedule: -

Plan Type	Reference	Version	Date Received
Proposed Site Plan	90(02)	A	18.03.2025
Existing site Plan	90(03)		18.03.2025
Existing and proposed sections	00(01)		18.03.2025
Proposed elevations	90(01)	A	12.05.2025
Biodiversity Net Gain Assessment			18.03.2025
Noise impact assessment			18.03.2025

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Planning Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. As the scheme as submitted was considered acceptable, no changes were sought.