

**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:	2025/62/90960/E
Site Address:	Orchard Primary Academy, Princess Road, Chickenley, Dewsbury, WF12 8QT
Description:	Extension to existing car park and resurfacing works
Recommending Officer:	Jennifer Booth

DECISION – Full Conditional Permission

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

Kirsty Nicholls

AUTHORISED OFFICER

Date: 3-NOV-2025

OFFICER REPORT

Site Description

Orchard Primary Academy is a single storey red brick building sited in school grounds. The surrounding properties are part of a residential estate.

Description of Proposal

The application is seeking planning permission to extend and resurface the car park within the existing grounds to the front of the building. The area currently has parking and grassed areas on the way into the school that do not form playgrounds. The scheme would enhance the access and parking.

The existing vehicle entrance would be widened with the railings adjusted to match with gates controlled from reception. A new pedestrian entrance would be formed along the north side of the car park. Parking for 16 cars including a disabled space would be formed around a one way system.

Relevant Planning History

2011/90730 – Air conditioning units on kitchen roof - approved

History of negotiations

Kirklees Development Management Charter together with the National Planning Policy Framework and the DMPO 2024 encourages negotiation/engagement between Local Planning Authorities and agents/applicants, this is only within the scope of the application under consideration. Further information in the form of a travel plan was requested and provided.

Representations

The application was advertised by neighbour letters, which expired on 23/05/2025

As a result of the above publicity, no representations have been received.

Consultation Responses

K.C. Highways – informal discussions. Requested a travel plan which was provided. Then requested a more detailed travel plan.

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 on the Kirklees Local Plan Proposals Map

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 22** – Parking
- **LP 24** - Design
- **LP 30** - Biodiversity
- **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 2024, 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 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:

NPPF Paragraph 11 and LP1 outline a presumption in favour of sustainable development. Paragraph 8 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation. The dimensions of sustainable development will be considered throughout the proposal. Paragraph 11 concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be explored.

The site, being urban green space is subject to consideration of the impact of the development in light of this land allocation. Policy LP61 of the Kirklees Local Plan is relevant and states that development proposals which would result in the loss of urban green space (as identified on the Policies Map) will only be permitted where:

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

Paragraph 104 of the NPPF sets out the approach to assessing development, which is proposed upon existing open space, and sets out the same criteria

as outlined within LP61. The proposal would be along the alignment of existing boundary treatments, as such it would not result in the loss of urban green space.

Given the above, it is considered that the proposed development is acceptable in principle, having regard to the aforementioned policies.

Impact on visual amenity:

Section 12 of the NPPF discusses good design. Good design is a key aspect of sustainable development, it creates better places in which to live and work and helps to make development acceptable to communities. Local Plan Policies LP1, LP2 and most importantly LP24, are all also relevant. All the policies seek to achieve good quality design that retains a sense of local identity, which is in keeping with the scale of development in the local area and is visually attractive. Local Plan Policy LP24(a) states that all proposals should promote good design by ensuring the following: 'the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape'.

The proposal seeks to enlarge the existing staff parking area located to the front of the school and include a pedestrian gate and path along the north side of the parking area. This would involve an extension of the current tarmac surface, resulting in the loss of a modest portion of the existing lawned areas. However, the scale of the proposed increase is limited in the context of the overall size of the school site and its grounds. The area in question currently functions as part of the vehicular and pedestrian access into the school and is not utilised as a designated play or recreational area for pupils.

In terms of visual impact, the proposal is considered to be acceptable. The changes would be contained within the existing developed envelope of the school site and would not result in a significant alteration to the character or appearance of the area. As such, the development is considered to accord with Policy LP24 of the Kirklees Local Plan, which seeks to ensure that proposals contribute to the form, function, and quality of the built environment and maintain a high standard of design that respects the visual amenity of the area.

The site lies within land designated as Urban Green Space. However, the proposed extension to the parking area is modest and directly associated with the existing school use. It does not encroach significantly into open green areas and retains the general openness of the site. As such, the proposal is not considered to conflict with the urban green space designation and is consistent with the criteria set out in Policy LP61 of the Kirklees Local Plan.

Furthermore, the proposal aligns with the principles of Chapter 12 of the National Planning Policy Framework, which encourages the creation of high-quality developments that are sympathetic to local character, support local facilities, and contribute positively to places. The development maintains an appropriate balance between functional requirements and the preservation of the site's overall character and openness.

Having taken the above into account, the proposals would not cause any significant harm to the visual amenity of either the host dwelling or the wider street scene, complying with Policies LP24 and LP61 of the Kirklees Local Plan 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.

In terms of residential amenity, it is considered that the proposed works would not give rise to any significant adverse impacts. The nature of the development – an extension to the existing staff parking area – is modest in scale and limited to surface-level works. Furthermore, the site is separated from the nearest residential properties on the opposite side of Princess Road by a public highway, which provides a clear physical and visual buffer. As such, the proposal would not result in any undue noise, disturbance, overlooking, or loss of privacy for neighbouring occupiers. The development is therefore considered to comply with the aims of Policy LP24 of the Kirklees Local Plan, which requires proposals to ensure a high standard of amenity for future and neighbouring occupiers. It also aligns with the guidance in Chapter 12 of the National Planning Policy Framework, which promotes well-designed places that function well for current and future users without harming the living conditions of existing communities.

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 Chapter 12 of the National Planning Policy Framework.

Impact on highway safety:

The school currently has a small staff parking area to the front, and the proposal would increase this provision to 16 spaces, including the addition of a dedicated disabled parking bay with a separate pedestrian path and gate. The submitted plans indicate a clear and practical layout, with the access point reconfigured to provide separate ingress and egress routes, facilitating a one-way clockwise circulation within the site. This arrangement is expected to improve the flow of vehicles and reduce potential conflicts at the site entrance.

Highways Development Management initially requested a travel plan, which was duly provided. Following this, a request was made for a more detailed version, particularly in light of the proposal to improve and separate the existing access arrangements for both pedestrians and vehicles, alongside an increase in parking provision. However, having reviewed the scale and nature of the development, Officers consider that the level of detail now being sought is disproportionate to the limited scope of the proposal. As such, it is not considered reasonable to require a more comprehensive travel plan in this instance and that the plan provided is proportionate and acceptable, providing adequate detail to support the proposal.

Given that the proposal represents an increase in parking capacity with a well-considered and safe access layout, it is considered to comply with Policy LP21 of the Kirklees Local Plan, which seeks to ensure that development proposals support safe and efficient access for all users. The scheme also aligns with Policy LP24, which requires that the design of development contributes positively to highway safety and the functionality of spaces for both users and the surrounding area.

Other matters:

Biodiversity

A Biodiversity Net Gain (BNG) of 10% for developments is a mandatory requirement in England under the Environment Act 2021, subject to some limited exceptions. Unless exempt, every planning permission for minor sites granted pursuant to an application submitted after 02 April 2024 is deemed to have been granted subject to a pre-commencement condition requiring a Biodiversity Gain Plan to be submitted and approved by the local planning authority prior to commencement of the development.

The BNG report and metric have been reviewed by the Biodiversity Officer and are considered to be reasonable and acceptable. The site will attain a net gain of 0.09 biodiversity units (10.02% net gain), with low to medium distinctiveness habitat through the creation of grassland and individual trees; and due to habitat being enhanced with grassland.

Carbon Budget

The proposal is a small scale development to an existing school. As such, no special measures were required in terms of the planning application with regards to carbon emissions. However, there are controls in terms of Building Regulations which will need to be adhered to as part of the construction process which will require compliance with national standards.

There are no other matters for consideration.

Representations:

None

Negotiations:

None

Proposed conditions

Along with the standard timescale condition, which is a requirement of Section 91 of the Town and Country Planning Act 1990, it is considered appropriate to add the following conditions.

Accordance with the approved plans to ensure the development is carried out in line with the officer's assessment.

Conclusion:

This application to enhance the car park, provide a pedestrian access and enlarge the vehicle access whilst increasing the parking provision at Orchard Primary Academy 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: 2025/90960

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 LP24 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

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	Web ID	Date Received
Location Plan	AA-01	1085379	28/04/2025
Existing & Proposed Plans	Section 278 Layout	1084263	28/04/2025
Proposed Plans	E22378- 02	1084265	28/04/2025
Travel Plan	-	-	23/07/2025
Biodiversity Statement	-	1095756	14/07/2025
BNG Details	-	1084266	28/04/2025

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 2024 and otherwise actively engaged with the applicant in dealing with the application.

Further information in the form of a travel plan was requested and provided.

Report Dated 03/10/2024

