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:	**2025/62/92575/W**
Site Address:	Netherton Infant And Nursery School, Netherton Moor Road, Netherton, Huddersfield, HD4 7JE
Description:	Installation of 3 air source heat pumps
Recommending Officer:	Molly Storer

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: 19th November 2025

Officer Report

Site Description

The application site refers Netherton Infant And Nursery School located in the area of Netherton, Huddersfield. The school is bordered by green fields to the west and residential areas to the north, east and south. The building is surrounded by hard standing with a lawned area to the west within the red line boundary.

Description of Proposal

Planning permission is sought for the installation of 3.no Air Source Heat Pump's (ASHP's).

The proposed plant units are to be housed in a compound on top of the flat roof (approx. 3.7m building height) and will be surrounded by a 2.5m high fence. This is to the west of the building.

The description of proposed works sets out that the ASHP model would be a Mitsubishi Ecodan CAHV-R450YA-HPB.

Dimensions of ASHP's:

- Width – 1750mm
- Depth – 740mm
- Height – 1710mm

The ASHP's will be situated on a frame which measures 330mm in height on top of the flat roof.

An assessment of the noise output of the development has been submitted as part of the application.

History of Negotiations

None.

Relevant Planning History

2010/90300 - Erection of shelter – Conditional Full Permission.

2011/90131 - Erection of kitchen extension – Granted.

2012/92055 - Erection of outdoor covered area – Conditional Full Permission.

Representations

We are currently undertaking statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, we have publicised this application via site notice.

The application was advertised by neighbour letters, which expired on 17th October 2025.

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

Consultation Responses

KC Environmental Health – No objection, subject to condition.

The applicant has submitted a Noise Impact Assessment authored by Nova Acoustics dated 12 September 2025 Ref NP-013172. This included a noise survey; assessment of the existing background sound climate and the predicted noise emissions associated with the proposed development. In addition it includes measures required to mitigate noise impact from the proposed development.

K.C. Environmental Health stated that the information is accepted subject to a condition to secure the mitigation measures.

Policy/Legislation

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 application site is located within an area of Urban Green Space within the Kirklees Local Plan however LP61 would not be applicable in this instance as the ASHP's would be positioned on top of the building and therefore would not affect the Urban Green Space. As such the following is considered to be relevant in the consideration of this application:

Kirklees Local Plan:

- LP1 – Achieving Sustainable Development
- LP2 – Place Shaping
- LP21 – Highway Safety
- LP22 – Parking Provision
- LP24 – Design
- LP26 – Renewable and Low Carbon Energy
- LP51 – Protection and Improvement of Local Air Quality
- LP52 – Protection and Improvement of Environmental Quality

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, together with Circulars, Parliamentary 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 4 – Decision-Making
- Chapter 9 – Promoting Sustainable Transport
- Chapter 12 – Achieving Well-Designed Places
- Chapter 14 – Meeting the Challenge of Climate Change, Flooding and Coastal Change
- Chapter 15 – Conserving and Enhancing the Natural Environment

Legislation

The Town & Country Planning Act 1990 (as amended).
The Planning and Compulsory Purchase Act 2004.

<u>Assessment.</u>

1) Principle of Development

Chapter 2 of the NPPF states that: *"Planning policies and decisions should play an active role in guiding development towards sustainable solutions…"*

Chapter 2 of the NPPF goes onto further state that objectives should: *"support strong, vibrant and healthy communities, providing the supply of housing required to meet the needs of present and future generations; and by fostering a well-designed and safe built environment…"*

In line with the NPPF, Policy LP1 of the Kirklees Local Plan (KLP) declares that: *"…the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF."*

Policy LP1 goes further and states: *"The council will always work pro-actively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area."*

Policy LP2 sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan. Policy LP24 of the KLP is relevant and states that *"good design should be at the core of all proposals in the district".*

The proposal would be upon a school building within land allocated urban green space, given the proposal is upon existing built form in this instance, it can be stated that the principle of development in this application could be acceptable in principle, subject to the assessment of impacts on visual and residential amenity, as well as highway safety and any other impacts that may arise. These will be discussed below.

2) Impact on Visual Amenity

The NPPF offers guidance relating to design in chapter 12 (achieving well designed places) states *"The creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."*

Paragraph 135 of the NPPF is of relevance, in particular the following parts:-

- *'b) Planning policies and decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping'*
- *'c) Planning policies and decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change'*

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.

LP24 states that proposals should promote good design by ensuring:

- *'a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape…'*

In terms of the size of the proposed ASHP's, they are not excessive considering the scale of the school. It is proposed to be located on top of an existing flat roof section of the existing school, within a screening compound which will provide noise mitigation, to the west of the existing school building. The location of the ASHP's would be ~37m away from the nearest highway, Netherton Moor Road and therefore positioned away from public viewpoints.

The product information guide suggests that the ASHP would be off-white in colour.

It should also be noted that, Policy LP26 of the Kirklees Local Plan established a general principle in favour of renewable and low carbon energy which weighs in favour of the proposal.

In summary, it has been concluded that the ASHP would be of a satisfactory design quality and would not cause material harm to the visual amenities of the locality that would warrant refusal taking account of their siting within the roofscape and the fact the proposal contribute to a lower carbon emissions output from the site.

Therefore it is concluded that, on balance, the proposed development is considered to comply with Chapter 12 of the NPPF, LP2 and LP24 of the Kirklees Local Plan and Key Design Principles 1 and 2 of the House Extensions and Alterations SPD.

3) Impact on Residential Amenity

Section B and C of LP24 states that alterations to existing buildings should: *"…maintain appropriate distances between buildings"* and *"…minimise impact on residential amenity of future and neighbouring occupiers."*

Further to this, Paragraph 135 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 size and scale of the proposal and nature of the development is such that it would not be unduly oppressive / overbearing, lead to overshadowing or impact upon the privacy of neighbouring occupiers.

<u>*Noise:*</u>

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. Specifically LP52 states the following:

'Proposals which have the potential to increase pollution from noise, vibration, light, dust, odour, shadow flicker, chemicals and other forms of pollution or to increase pollution to soil or 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, so as to ensure it does not reduce the quality of life and well-being of people to an unacceptable level or have unacceptable impacts on the environment. Such developments which cannot incorporate suitable and sustainable mitigation measures which reduce pollution levels to an acceptable level to protect the quality of life and well-being of people or protect the environment will not be permitted. Where possible, all new development should improve the existing environment.'

Paragraph 191 of the NPPF, contained within Chapter 15, sets out that proposals should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to

significant adverse impacts on health and the quality of life. This is echoed within Kirklees Local Plan Policy LP24 which states that: -

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

It is considered that the properties most likely to be affected by the proposed development are numbers 98-102 Moor Lane to the north and numbers 2-8 Summer Street to the south, the proposal suggests a separation distance from the proposed location of the air source heat pump and the properties at Moor Lane to be approximately 40m, and 27m to the properties on Summer Lane.

Given the location within the curtilage of the school and its size/scale, it is concluded that the installation of the ASHP would not result in any undue impacts of overbearing or overshadowing for the occupiers of these neighbouring properties, and it would not detriment their neighbouring privacy in any way.

With regard to noise calculations, the applicant submitted the following information –

- Noise Impact Assessment
- Product information sheet for the unit
- Product information sheet for the frame which they will be situated on.
- Location plan, Proposed Plant Layout plan and Proposed ASHP Elevations and Block Plan.

The Noise Impact Assessment explains that a noise survey has been undertaken to establish the prevailing background sound levels at the closest Noise Sensitive Receptors ('NSR'). It states that that the noise climate in the area is low and predominantly made up of intermittent road traffic along Netherton Moor Road. The proposed plant units are to be housed in a compound on top of the flat roof (approx. 3.7m building height) and will be surrounded by a 2.5m high fence. The plans show that the proposed ASHP units will be located approximately 6m from the closest sensitive room. As such, an assessment was to ensure low levels of impact within the school building. It was concluded that plant noise is not predicted to exceed 46dBA at the nearest window based on a distance of 6m between to the ASHP units and considering the proposed compound screening.

The assessment then made recommendations to mitigate the impact:

- The fence installation should be 2.5m tall and be close-boarded with a minimum surface mass of 15kg/m2.
- The fencing should be internally lined a minimum of a Class C acoustic absorption product (50mm Stratocell Whisper FR absorptive panels or similar absorptive material) to minimise undesired reflections.
- The make and model of ASHP should not be altered. If alterations to the specification and location of the unit are required, then further assessment should be undertaken.
- The proposed units are required to operate on the COP Mode exclusively.
- The proposed units do not operate outside of the hours of 06:00 – 18:00. If alterations to the operating schedule are required, then further assessment should be undertaken.

K.C. Environmental Health accepted this information and support the scheme subject to a condition to secure the mitigation measures. It is considered that, having regard to the submitted detail, and response of the Environmental Health Team, on the basis of the inclusion of the recommended conditions the proposal would have an acceptable impact in terms of noise.

Whilst one of the measures restricts the hours of use, it is considered necessary this is included as a stand-alone condition to ensure it could be suitably ensured by any grant of permission. Given it is stated as a requirement within the submitted noise assessment this condition is considered to be necessary and it is considered a proportionate approach of the LPA to require this as a stand-alone condition in this case, with other measures set out in section 5 of the submitted noise assessment required to be secured by a condition that the scheme is undertaken in accordance with the noise mitigation measures.

For these reasons, the proposal is considered to have an acceptable impact on residential amenity, and subject to condition would accord with Chapters 12 and 15 of the NPPF and policies LP24 & LP52 of the Kirklees Local Plan.

4) Impact on Highway Safety

Policies LP21 and LP22 of the Kirklees Local Plan relate to access and highway safety and are considered to be relevant to the consideration of this application. The Council's adopted Highway Design Guide and Key Design Principle 15 of the adopted House Extensions & Alterations SPD which seek to ensure acceptable levels of off-street parking are retained are also considered to be of relevance.

The proposed scheme would not alter the existing parking arrangements at the site or access to and from the adjoining highway.

In turn, the proposal would appropriately accord with Chapter 9 of the NPPF, LP21 and LP22 of the Kirklees Local Plan and Key Design Principle 15 of the House Extensions and Alterations SPD.

5) Other Matters

Climate Change:

Principle 8 of the Kirklees House Extensions and Alterations SPD states that extensions and alterations should, where practicable, maximise energy efficiency. Principle 9 goes on to highlight that the use of innovative construction materials and techniques, including reclaimed and recycled materials should be used where possible. Furthermore, Principles 10 and 11 request that extensions and alterations consider the use of renewable energy and designing water retention into the proposals.

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.

In this case, the application is for ASHP's, which would provide a low carbon energy source which, in turn, would reduce the carbon footprint at the property. Therefore, the proposed development is considered to comply with Chapter 14 of the NPPF and Policies LP26 and LP51 of the Kirklees Local Plan.

6) Representations

No representations were received as a result of publicity.

7) Conclusion

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice. This application has been assessed against relevant policies in the development plan and other material considerations.

It is considered that the development would constitute sustainable development and is therefore recommended for approval.

Recommendation: **Approve**

Decision Authorisation: Delegated Powers

Application Number: 2025/92575

Officer Recommendation: Approve

<u>Conditions and Reasons:</u>

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 Policies LP1, LP2, LP21, LP22, LP24, LP26, LP51 and LP52 of the Kirklees Local Plan, Principles of the Council's adopted House Extensions and Alterations SPD and policies within Chapters 2, 4, 12, 14, 15 of the National Planning Policy Framework.

3. The development shall not be brought into use until all of the mitigation measures specified in section 5 of the submitted Noise Impact Assessment authored by Nova Acoustics dated 12 September 2025 Ref NP-013172 have been carried out in full and completed. Upon completion these measures shall be thereafter retained.
Reason: To ensure the proposed development does not cause harmful noise pollution within neighbouring noise sensitive locations, in the interest of amenity, to comply with the aims and objectives of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

4. The approved air source heat pumps shall not operated outside the hours of 06:00 and 18:00.
Reason: To ensure the proposed development does not cause harmful noise pollution within neighbouring noise sensitive locations, in the interest of amenity, to comply with the aims and objectives of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

Note: Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice

when it is satisfied that a statutory nuisance exists or is likely to occur or recur. Failure to comply with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

Plans and specifications schedule: -

Plan Type	**Reference**	**Version**	**Date Received**
Location Plan	EDD ZZ ZZ DR A (00)01	-	15/09/2025
Proposed Plant Layout	25318-GAH-Z1-XX-DR-M-0005	-	15/09/2025
Proposed ASHP Elevations and Block Plan	EDD ZZ ZZ DR A (20)01	-	15/09/2025
Noise Impact Assessment	NP-013172rev01	-	09/10/2025
Product Information Sheet ASHP	CAHV-R450YA-HPB - Ecodan Air Source Heat Pump	-	15/09/2025
Product Information Sheet Frame	-	-	15/09/2025
Application form	-	-	15/09/2025

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 Authority have, where possible, made a preapplication advice service available, complied with the Kirklees Development Management Charter 2024 and otherwise actively engaged with the applicant in dealing with the application. Information relating to noise was submitted as part of the application.