

**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: 2019/62/92106/E

Site Address: 58, Upper Batley Lane, Batley, WF17 0NP

Description: Change of use of dwelling for educational use

Recommending Officer: Olivia Roberts

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.

Rebecca Drake

AUTHORISED OFFICER

Date: 23-Sep-2019

Officer Report

Site Description

58 Upper Batley Lane is a small bungalow which is located to the south east of the grounds of Windmill Church of England Primary School. The site includes a garage to the rear which is accessed via a driveway that leads off Upper Batley Lane. The bungalow served a dwelling for the school care taker until the end of July 2018 since when the dwelling has been vacant.

The site is located within the grounds of Windmill Church of England Primary School in an otherwise predominantly residential area which comprises two storey, semi-detached brick built properties.

Description of Proposal

The proposal is for the change of use of the building from a caretaker's dwelling to an educational use.

No alterations are proposed as part of this application.

History of negotiations/amendments received

Additional information was sought from the agent regarding the use of the existing bungalow following the change of use. The agent confirmed that the bungalow would be used to provide additional teaching space as well as a meeting room which would be used by existing staff and pupils. The building may also be used by a community group which currently use the existing school building during school hours. The agent confirmed that, as such, the use of the building by the school would not increase the amount of the traffic or visitors to the school from existing.

The agent also stated that the curtilage of the bungalow would be used to provide safer access for staff and pupils between the two existing school buildings.

Relevant Planning History

No relevant planning history at the site.

Representations

The application was advertised by site notice and neighbour letters which expired on 17th August 2019.

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

Parish/Town Council: not applicable.

Consultation Responses

K.C. Highways Development Management – Informal discussion, no concern raised due to the proposed use of the building by existing staff and pupils.

K.C. Environmental Health – Informal discussion, no concerns raised due to the proposed use of the site.

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 located as Urban Greenspace on the Kirklees Local Plan.

Kirklees Local Plan (LP):

- LP 1 – Achieving sustainable development
- LP 2 – Place shaping
- LP 21 – Highways safety and access
- LP 22 – Parking
- LP 24 – Design
- LP 49 – Educational and health care needs
- 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 19th February 2019, 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 15 – Conserving and enhancing the natural environment

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 2) Impact on visual amenity
- 3) Impact on residential amenity
- 4) Impact on highway safety
- 5) Other matters
- 6) Representations
- 7) Conclusion

1 – Principle of development:

The application site is located within an area defined as Urban Green Space within the Kirklees Local Plan. As such, Chapter 8 of the NPPF along with Policy LP 61 of the Kirklees Local Plan apply. Policy LP 61 states the following:

“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 existing green space.”

Policy LP49 sets out the requirements for new or enhanced education facilities, detailing that development will be permitted where a proposal:

- a) 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.

Para 94 of the NPPF sets out that Local Planning Authorities should give great weight to the need to create, expand or alter schools in order to ensure that a sufficient choice of school places is available to meet the needs of the community. Local Planning Authorities are advised to take a proactive and positive approach to meeting this requirement and to development that will widen choice in education.

The application relates to the change of use of a caretakers buildings to educational uses which would be associated with Windmill Church of England Primary School. The application does not include any extensions or alterations and would not affect the footprint of the existing bungalow. The proposal would therefore not result in the loss of any Urban Green Space. It is considered that the change of use would facilitate and enhance the operation of the school, thus supporting the development of this established use by providing additional classroom and meeting space for use by the existing school. The applicant also states that the use of this site would also facilitate the creation of a safer access route between the two school buildings. The development therefore complies with Policy LP 61 of the Kirklees Local Plan and Chapter 8 of the NPPF.

The proposal would introduce additional teaching space at the school. The relocation of an existing meeting room into the existing bungalow would provide further teaching space within the existing school building. The proposal would facilitate an enhancement of the existing education facilities at the school and as such is considered to comply with Policy LP49 of the Kirklees Local Plan.

2 – Impact on visual amenity:

The application is for the change of use of a dwelling and does not include any extensions or external changes. It is therefore not considered that the proposal would have an impact on the visual amenity of the property or surrounding area.

Having taken the above into account, the proposed change of use 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 and the aims of chapter 12 of the National Planning Policy Framework.

3 – Impact on residential amenity:

Given the location of the site within the grounds of the existing school as well as its proposed use as additional classroom and meeting space, it is not considered that the development would have a significant impact on the residential amenity of the properties which are located to the east and south of the site. K.C. Environmental Health have been informally consulted and have raised no concerns.

Having considered the above factors, the proposal is 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 and Paragraph 127 (f) of the National Planning Policy Framework.

4 – Impact on highway safety:

The existing caretaker's bungalow would be used to provide additional teaching and meeting room space which would be used by existing staff and pupils of the school. The building would also be used by a community group which currently meet in the existing school building during school hours. The proposal would therefore not have an impact on the amount of traffic visiting the site. K.C. Highways have been informally consulted, and given the proposed use of the building, have raised no concerns regarding the proposal. As such, it is not considered that the scheme would represent any additional harm in terms of highway safety and as such complies with Policies LP21 and LP22 of the Kirklees Local Plan.

5 – Other matters:

No other matters were considered necessary as part of the proposal. The building is still within the ground of the main school campus and as such, would remain clearly associated with the school.

6 – Representations:

No representations were received during the course of the application.

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: 2019/92106

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 Policies LP1, LP2, LP21, LP22, LP24, LP49 and LP61 of the Kirklees Local Plan and the aims of the National Planning Policy Framework and the aims of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan			22/07/2019
Additional Information Regarding the Use of the Bungalow	Received in an email from the agent		18/09/2019

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 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.

Additional information was sought from the agent regarding the use of the existing bungalow following the change of use. The requested information was received from the agent by email and was considered sufficient to determine the application.

Report Dated: 20/09/2019