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:	**2022/62/92117/W**
Site Address:	Linthwaite Ardron Memorial Ce Va Junior And Infant School, Church Lane, Linthwaite, Huddersfield, HD7 5TA
Description:	Erection of new security mesh fencing
Recommending Officer:	Ellie Worth

DECISION – Conditional Full Approval

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.

Stuart Howden

AUTHORISED OFFICER

Date: 12th October 2022

Site description
The application relates to Linthwaite Ardron Memorial Ce Va Junior and Infant School and the former Vicarage, 2 Church Lane Linthwaite, which was converted from residential to education (as part of application 2018/93936), forming part of the wider school complex. The main school buildings appear to have been significantly extended over the years. Access is taken off of Church Lane, with the road also being used by Colne Valley High School.

To the west of the site are residential properties, along with a graveyard to the north west. The site is situated within the Green Belt on the Kirklees Local Plan and is also adjacent to Christ Church (to the north) which forms a Grade II Listed Building. There are a number of protected trees within the vicinity of the site

Description of Proposal
Planning permission is sought for the erection of a new security mesh fence around the main school building and the former Vicarage at no. 2 Church Lane. This has been detailed on Plan ref proposed fencing drawing 2022 v.1.

The perimeter fencing would be constructed from welded mesh in the colour green. New pedestrian and vehicular gates are also proposed, which will replace some of those already in situ.

The fencing would be a maximum of 2.4m in height. Such an arrangement is typical for school development.

History of negotiations/amendments sought
The application was originally submitted with no tree information and therefore a Tree Plan (including Aboricultural Method Statement) was received on 3rd October 2022.

Relevant Planning History
Various applications have been submitted at the site, the most recent being:
2018/93936: Change of use from residential to education – Granted.
2011/92154: Erection of non-illuminated signs – Granted.

Neighbouring properties:
2022/91199: Certificate of lawfulness for proposed erection of canopy (Colne Valley High School)
2016/93942: Installation of cladding to first floor – Granted (Colne Valley High School)
2000/92245: Erection of extension to existing classrooms include a link corridor – Granted (Colne Valley High School)

Representations
The application has been advertised by site notice, neighbour notification letters and the press.
Final publicity expires: 3rd September 2022.
As a result of the above publicity, no representations have been received.

Consultation Responses
KC Trees – Following receipt of the Impact Assessment and Method Statement no objections are raised, subject to a condition being attached to the decision notice to state that the development shall be completed in accordance with the aforementioned document.

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 situated within the Green Belt on the Kirklees Local Plan, with part of the security fence, also being adjacent to the Grade II Listed Building at Christ Church (1 Church Lane). The site is also within close proximity to a number of protected trees

Kirklees Local Plan
• LP 1 – Achieving sustainable development
• LP 2 – Place shaping
• LP21 – Highway safety
• LP22 – Parking
• LP24 – Design
• LP51 – Biodiversity and Geodiversity
• LP33 – Trees
• LP35 – Historic Environment
• LP47 – Healthy, active and safe lifestyles
• LP49 – Educational and health care needs
• LP52 – Protection and improvement of environmental quality
• LP57 – The extension, alteration or replacement of existing buildings

National Policies and Guidance:
National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 20th July 2021, 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 4 – Decision Making
• Chapter 9 – Promoting Sustainable Transport
• Chapter 12 – Achieving Well-Designed Places
• Chapter 13 – Protecting Green Belt Land
• Chapter 15 – Conserving and Enhancing the Natural Environment
• Chapter 16 – Conserving and Enhancing the Historic Environment

Assessment

The following matters are considered in the assessment below:
1. Principle of development (including visual amenity and heritage)
2. Impact on residential amenity
3. Impact on highways
4. Other matters
5. Representations
6. Conclusions

1. Principle of development (including visual amenity and heritage)

Green Belt

The application site is located within the Green Belt and represents an alteration within the grounds of the existing school. Therefore, Chapter 13 of the NPPF is relevant, which sets out that *"the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence."* Paragraph 149 of the NPPF sets out that development in the Green Belt in inappropriate, but that there are exceptions to this with one such exception being Paragraph 149 g:

"limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would: – not have a greater impact on the openness of the Green Belt than the existing development."

This exception is echoed by Policy LP59 of the Kirklees Local Plan

In this case, the fence would be erected along the curtilage of the main school buildings and the former Vicarage and therefore would not introduce any significant new built form. The fence would also be constructed from welded mesh, which is relatively light weight in its appearance, allowing for views to still be maintained.

The fence is considered to be a typical arrangement for school developments and therefore Officers are satisfied that the works would not result in a greater impact upon the openness of the Green Belt.

Education

Furthermore, as an educational facility, Policies LP47 (Healthy, active and safe lifestyles) and LP49 (Educational and health care needs) are relevant. The erection of a fence around school ground is therefore regarded to create 'an environment which supports healthy, active and safe communities' and may assist in access to 'play, sports, leisure and cultural facilities' to be in 'close proximity to other community facilities for education'.

Furthermore, Policy LP49 of the Kirklees Local plan also states that proposals for new or enhanced education facilities will be permitted where they (a) meet an identified deficiency in provision and (b) the scale, range, quality and accessibility of education facilities are improved. This policy coincides with paragraph 95 criteria (a) of the NPPF states that Local Planning Authorities

should attach great weight to the need to create, expand or alter schools through the decisions on applications

In this instance, the fence is required in order to enhance safety and security at the school, following their latest report from OFSTEAD. Therefore, for this reason, Officers consider the proposal to accord with Policies LP47 and LP49 of the Kirklees Local Plan and the aims of Chapter 8 of the NPPF and therefore weight can be afforded to them.

Visual Amenity

The NPPF offers guidance relating to design in Chapter 12 (achieving well designed places) whereby 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.

The fence would have a green finish and would be in keeping with the boundary treatment in which currently exists at Colne Valley High School and other schools within the vicinity. The fence is considered to be a typical arrangement for school developments and therefore Officers are satisfied that the works would not cause detrimental harm to the visual amenities of the locality.

Historic Environment

As outlined above, part of the security fence to the north of the former Vicarage would affect the setting of the Grade II Listed Building.

Therefore, Section 66 of the Planning (Listed Buildings & Conservations Areas) Act (1990) states that for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

This is reiterated in Policy LP35 of the Local Plan and Chapter 16 of the National Planning Policy Framework regarding the historic environment.

Furthermore, Policy LP35 of the Kirklees Local Plan states *"development proposals affecting a designated heritage asset…should preserve or enhance the significance of the asset. In cases likely to result in substantial harm or loss, development will only be permitted where it can be demonstrated that*

the proposals would bring substantial public benefits that clearly outweigh the harm".

In this instance, due to the design of the fence and its limited height, there would be no detrimental impact upon the adjacent heritage asset. Its green finish would also allow the fence to harmonise with the backdrop of the surrounding trees and therefore, it would not appear as a stark feature within the wider landscape.

Therefore, having taken into account the above, the impact upon the openness of the green belt, visual amenity and the adjacent heritage asset would be minimal. As such, the works are considered to comply with Policies LP24, LP35, LP47, LP49 and LP59 of KLP and Chapters 12, 13 and 16 of the NPPF.

2. Impact on residential amenity

The impact of the proposal on the amenity of surrounding properties needs to be considered in relation to Policy LP24 of the Local Plan which seeks to *"provide a high standard of amenity for future and neighbouring occupiers; including maintaining appropriate distances between buildings."*

In this case, given the nature of the development proposed, its siting and the overall height and style of the fencing, Officers are satisfied that there would be no undue impact to neighbouring residential amenity, in the formation of overbearing, loss of light, loss of outlook or overshadowing. As such, the application would comply with the aims of Policy LP24 of the KLP and Chapter 12 of the NPPF.

4. Impact on highway safety

Turning to highway safety, Local Plan Policies LP21 and LP22 are relevant and seek to ensure that proposals do not have a detrimental impact on highway safety and provide sufficient parking. 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.

In this instance, the proposal will not reduce parking for the school or have any effect in terms of highway safety given the nature of the scheme. As such, the perimeter fencing would not represent any additional harm in terms of highway safety and as such complies with Policy LP21 and LP22 of the Kirklees Local Plan and the aims of the NPPF.

5. Other matters

Climate change

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 instance the applicant has not submitted a supplementary statement or other information to explain how the proposed development would help to address or combat climate change effects. Nonetheless, as it relates to a fence rather than a new build, it would not give rise to an intensification of the use of the site. As such, it is considered that its implications for carbon emissions are negligible.

Trees
There are a number of protected trees in which line the site to where the fencing is shown. As such, KC Trees have been formally consulted.

In this case, the Officer has noted that the trees surrounding the site are of value and significance to the area and therefore has requested details, in order for a full assessment to be made.

As such, a Tree survey (including an Arboricultural Impact Assessment and Method Statement) was received on 3rd October. The submitted tree information provides a good assessment of the trees and impacts of the proposals. The fencing proposed will not require the removal of any protected or significant trees and those to be removed were small, short lived species that provide only limited long term contribution to the site.

The Officer is also assured that the details of tree protection, will prevent harm to the retained trees on the site, in particular from the excavation of post holes and use of post-fix style concrete. The fencing can be installed without harming the amenity value provided by the trees or altering the setting of the adjacent building, with regards to trees.

Therefore, to ensure the tree protection measures, in particular post hole detail, is complied with, a condition is requested to ensure that the development is completed in accordance with the recommendations within the tree survey. This is to accord with Policy LP33 of the KLP and the aims of Chapter 15 of the NPPF.

6. Representations
None received as a result of the above publicity.

7. Conclusion
The NPPF has introduced a presumption if 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

proposed development would constitute sustainable development and is therefore recommended for approval.

Recommendation: Approve

Decision Authorisation - Delegated Powers
Application Number: 2022/92117
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 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, LP33, LP35, LP47, LP49, LP52 and LP59 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

3. The development shall be completed in accordance with the advice and directions (recommendations) contained in the Arboricultural Impact Assessment and Method Statement, reference (AIA-1572-1, Tree Care Consultancy). These shall be implemented and maintained throughout the development.
Reason: To protect trees in the interests of visual amenity and to accord with the requirements of Policies LP24 and LP33 of the Local Plan and advice within Chapter 12 of the National Planning Policy Framework.

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 13.00 hours 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 work may be carried out.

NOTE: Please note that the granting of planning permission does not overrule private legal rights of ownership and it is your responsibility to ensure you have the legal right to carry out the approved works as construction and maintenance or parking of vehicles may involve access to land outside your ownership or subject to private rights of way.

Plans and specifications schedule:

Plan Type	Reference	Version	Date Received
Location plan (showing school boundary)	18610-101	-	28th June 2022
Location plan	18610-102	A	13th July 2022
Proposed elevations	18610-103	-	28th June 2022
Proposed fence drawing	2022 v.1	-	22nd June 2022
Ariel view	-	-	22nd June 2022
Arboricultural Impact Assessment by Tree Care Consultancy dated September 2022	AIA-1572-1	-	3rd October 2022

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. In this instance, the application was originally submitted with no tree information and therefore a Tree Plan (including Aboricultural Method Statement) was received on 3rd October 2022 and considered acceptable.

Dated: 11th October 2022