

**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:	2023/62/91729/W
Site Address:	Nether Hall Learning Campus High School, Nether Hall Avenue, Rawthorpe, Huddersfield, HD5 9PG
Description:	Erection of 3m high security mesh fencing
Recommending Officer:	Teresa Harlow

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: 25th July 2023

SITE AND SURROUNDINGS:

The proposed location for the new fencing sits within the learning campus comprising of the High School, a Primary School and an Infant School. Netherhall Learning Campus is a federation of 4 schools which share the same campus in Rawthorpe. The federation was formed in 2008, and includes Netherhall St. James Infant & Nursery School, Netherhall Junior School, Netherhall High School and the Creative and Media Studio School. This application applies to the West of the High School.

Netherhall High School is situated within its own grounds off Netherhall Avenue. The main vehicular access is from Nether Crescent to the North of the site, with the main pedestrian access also from the North. Pedestrian access is also provided off Rawthorpe Terrace to the East of the site and Rawthorpe Lane to the South.

The area surrounding the school is predominantly residential and to the South of the High School there are playing fields and Netherhall Infant School and Netherhall Junior School.

The site is not within a Conservation area and the school is not noted as a building of historical importance.

The site is in flood zone 1 and there are no PROWs in the vicinity of the site.

Around the High School boundary is currently a metal palisade type fence metal approximately 2.4m high. There is gated access off Rawthorpe Terrace and Rawthorpe Lane. Vehicular access is also restricted by gates.

The areas to be fenced comprise open space/hardstanding which is not connected to a playing pitch/playing field. The soft landscaped area is principally an undulating landscaped area with some play equipment. It has hooped topped fencing of 1m in height at the moment and some elements of palisade fencing. There is also a steep banking close by which leads to the upper fields.

The hardsurfaced areas within the application site to be secured are principally a rear service yard with some pedestrian access points from the school to the play area. There is also a steel container shown to be retained. A small area to the west of the school (where there is a pedestrian path) – is also shown to be secured with a single pedestrian access gate and 3m fence. This is the pathway at the bottom of a steep embankment and the embankment itself to adjoin existing security fencing at the top of the slope – and adjacent the playing field.

PROPOSAL:

The new gates and fencing are proposed to provide a very secure space/access from the school to the small amenity/play area. The proposed fence is to be 3 metres high from ground level and will have posts placed at approximately 2.4m centres. The fence panels will be placed as such that where a gradient occurs in the landscaping, the fence height will be 3m as a minimum, even where there is a gradient. It would be anti-climb weld mesh in green.

There is some existing palisade fencing along the perimeter that will be removed in addition to all the metal bow-top fencing.

RELEVANT PLANNING HISTORY (including enforcement history):

None relevant to this application for fencing.

HISTORY OF NEGOTIATIONS (including revisions to the scheme):

None

PLANNING 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 on Urban Green Space on the Kirklees Local Plan.

Kirklees Local Plan (2019):

- LP1 – Presumption in favour of sustainable development
- LP2 – Place shaping
- LP3 – Location of new development
- LP21 – Highways and access
- LP22 – Parking
- LP24 – Design
- LP49 – Educational and health care needs
- LP50 - Sports
- LP 61 – Urban Green Space

Supplementary Planning Guidance / Documents:

- Highways Design Guide SPD

National Planning Guidance:

National planning policy and guidance set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF), published 20/07/2021 the National Design Guide published July 2021 and the Planning Practice Guidance Suite (PPGS), first launched 06/03/2014, 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 8 – Promoting healthy and safe communities
- Chapter 12 – Achieving well-designed places
- Chapter 15 – Conserving and enhancing the natural environment

PUBLIC/LOCAL RESPONSE:

The application has been advertised by neighbour notification letter with the closing date for comments being 24th July 2023.

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

CONSULTATION RESPONSES:

Statutory:

None

Non-statutory:

None

MAIN ISSUES

- Principle of development
- Urban Green Space/Playing Fields
- Education
- Design
- Crime prevention
- Residential amenity
- Highway issues
- Other matters
- Representations

APPRAISAL

Principle of development

Planning law requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise.

Policy LP1 of the KLP states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in chapter 2 of the National Planning Policy Framework.

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”.

Urban Greenspace/Playing Fields

The site is designated as Urban Green Space (UGS) in the Kirklees Local Plan and therefore, Policy LP61 UGS is relevant. The application is simply for fencing and there would be no loss of UGS. Some of the fencing is on hardsurfaces, and otherwise would principally re-fence or add extra security to soft landscaped play area.

KC Planning Policy Officers, commenting on other applications for security fencing to serve schools situated in UGS elsewhere in the district, have concluded that as a result of the proposed works, there would be no overall loss of green space and therefore have previously raised no objections proposals for fencing.

It is therefore considered that the proposed fencing and gates which would provide safe and secure school grounds for educational and safeguarding purposes. This would not lead to a material loss of UGS and would not affect the extent or function of the public UGS. It therefore would not conflict with Policy LP61 of the Kirklees Local Plan.

In respect of playing fields, Policy LP50 of the Local Plan states that sport and leisure facilities will be protected. Development should avoid prejudicing the use of, all/part of a playing field.

The submitted plans, and case officer’s site visit, confirmed that the proposed fencing and gates would not inhibit the direct use of the adjacent playing fields, which are at a much higher ground level and well-separated from the fencing (including run-off areas). The Local Planning Authority are satisfied that sport and leisure facilities will be protected and that the proposed development would not inhibit or adversely affect the provision of playing pitches within the school’s grounds. The development would accord with Policy LP50 of the Local Plan.

Education

As an educational facility, LP47 (Healthy, active and safe lifestyles) and LP49 (Educational and health care needs) are relevant. The erection of fencing and gates to support SEN pupils could be regarded to create *'an environment which supports healthy, active and safe communities'*.

Weight is also afforded to LP49 and paragraph 95 (a) of the NPPF, in which Council's must give *'great weight to the need to create, expand or later schools'* to ensure that appropriate school provision in which the application for fencing would address safeguarding and crime prevention needs in its alteration.

As a result, Officer's consider the proposal would accord with Policy LP47 and LP49 of the Kirklees Local Plan as well as the aims of Chapter 8 of the NPPF, in promoting healthy, active and safe communities. Subject to being considered acceptable in relation to all other relevant considerations (discussed in the following report) the proposal is considered to be acceptable in principle in accordance with the aforementioned policies.

Design

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.

In this instance, the fencing is in a discreet location central to the school grounds and would have no material impact on townscape or landscape. The design and location of the fence is specifically to support SEN and would have 'incident' prevention benefits that the existing 1m bow top fencing and pedestrian pathways in the area of the school would not.

In conclusion, Officers consider that the proposal would accord with Policy LP24 of the Kirklees Local Plan under (a) and (e) of Chapter 12 of the NPPF in terms of achieving well-designed places.

Trees

Policy LP33 of the Kirklees Local Plan states that the Council will not grant planning permission for developments which directly or indirectly threaten trees or woodlands of significant amenity.

There are a number of semi mature trees within the soft landscaped play area. The trees are not protected via a Tree Preservation Order and it is considered that the works would not negatively conflict with the existing soft landscaping, to the extent that this proposal would be deemed unacceptable. The trees do not provide public amenity as they are largely hidden from public view by the topography of the site and their location in the midst of the campus. This proposal is therefore considered to be in accordance with Policy LP33 of the Local Plan and Chapter 15 of the NPPF.

Crime prevention

Policy LP24 sets out that proposals should promote good design by ensuring the risk of crime is minimised by enhanced security, and the promotion of well-defined routes, overlooked streets and places, high levels of activity, and well-designed security features.

The new metal fencing would improve safeguarding for the SEN pupils during the school day and hinder attempts of these students to leave the school campus. It will act as a deterrent for trespassers after school hours and on the weekends, improving the security of the building.

The development accords with Policy LP24 of the Local Plan and Chapter 8 of the NPPF.

Residential amenity

Policy LP24 of the Kirklees Local Plan and policies within Chapter 12 of the National Planning Policy Framework seeks to ensure development has an acceptable impact upon the amenity of neighbouring occupiers

There are no residential properties within the vicinity of the application site that it is considered would be significantly impacted upon by the proposal. The development is therefore considered acceptable in this regard.

Highway issues

Policy LP21 of the Kirklees Local Plan relates to Highway Safety and is considered relevant in the consideration of this proposal.

The proposed fencing and gates are limited to a small area to the rear of the school. Principally the fencing would be located on informal grassed areas. Where it is on a hard-surfaced area, it is proposed to include a set of double gates that would provide vehicular access into a service yard. Pedestrian routes would be maintained but secured with gates.

The proposed development would not detrimentally impact highway safety and would not hinder safe access within the site. The development would accord with Policy LP21 of the Local Plan.

Other matters:

Climate change

It is considered that the proposed development would not have a significant negative impact in the context of climate change emergency. While there would be no additional landscaping or planting as part of this application, the existing trees and soft landscape would be largely unaffected, once

construction works are complete. In summary it is considered that the scheme provides sufficient opportunity to meet the dimensions of sustainable development. There are no proposals to remove any of the existing landscaping and therefore the proposal is considered policy compliant.

Representations

None

CONCLUSION

The application site is designated as Urban Green Space within the Kirklees Local Plan. It is recognised that there is a need to provide specific facilities to support SEN pupils at the site, in this case a security fence and gate which accords with Policy LP49 and Paragraph 95a of the NPPF. The erection of a fence would not reduce green space and would not prejudice the amount or quality of playing pitches or playing field available at the site. It has been concluded that the approval of this application would accord with Policies LP49, LP50 and LP61 of the Local Plan.

Furthermore, 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. In such circumstances it is considered that there are no adverse impacts of granting permission which would significantly and demonstrably outweigh the benefits when assessed against the policies in this framework taken as a whole, or that specific NPPF policies indicate development should be restricted. In such circumstances, the application is supported.

Recommendation: Approve

Decision Authorisation – Delegated Powers

Application Number – 2023/91729

Officer Recommendation – Conditional Full Permission

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: Pursuant to the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

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 LP2, LP3, LP21, LP22, LP24, LP33, LP47, LP49, LP50 and LP61 of the Kirklees Local Plan and to accord with Policies within Chapters 2, 4, 8, 12, 14 and 15 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan	03-201 P01		16 th June 2023
Existing Block Plan	03-300		13 th June 2023
Proposed Block Plan and elevation image	03-350		13 th June 2023
Design Statement, includes full elevational details of the boundary treatment	BC.HUD.2023.00134.003		13 th June 2023

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. The applicant was not contacted during the course of the application as the details submitted were considered acceptable on submission.

Report Dated:

25th July 2023

Coal – low

