
Report of the Head of Planning and Development

STRATEGIC PLANNING COMMITTEE

Date: 18-Nov-2021

Subject: Planning Application 2021/92478 Erection of perimeter fencing Royds Hall Community School, Luck Lane, Paddock, Huddersfield, HD3 4HA

APPLICANT

Joe Tingle, Kirklees
Schools Services Ltd

DATE VALID

22-Jul-2021

TARGET DATE

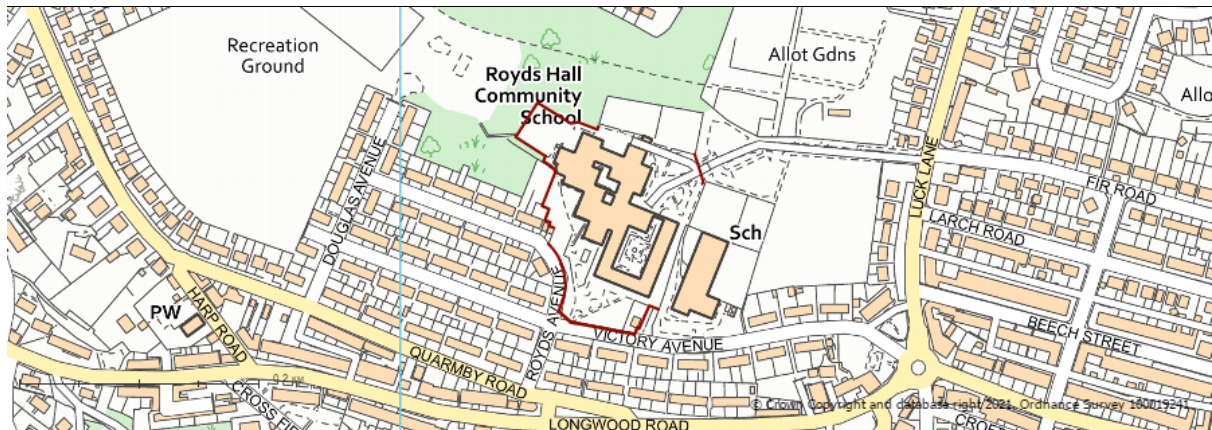
16-Sep-2021

EXTENSION EXPIRY DATE

Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

<http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf>

LOCATION PLAN



Map not to scale – for identification only

Electoral wards affected: Golcar

Ward Councillors consulted: Yes

Public or private: Public

RECOMMENDATION:

DELEGATE approval of the application and the issuing of the decision notice to the Head of Planning and Development in order to complete the list of conditions including those contained within this report.

1.0 INTRODUCTION:

- 1.1 Full planning permission is sought for the erection of perimeter fencing to Royds Hall Community School, Luck Lane, Paddock, Huddersfield, HD3 4HA.
- 1.2 The application is brought to this Strategic Planning Committee for determination at the request of Officers following a received petition of 100 signees. The application site is situated on Urban Green Space under LP61 (Urban green space): Local Plan reference UG117 and is on a site of over 0.5ha.

2.0 SITE AND SURROUNDINGS:

- 2.1 The application relates to Royds Hall Community School, which is set within the former villa known as Royds Hall, a Grade II listed building dating from the mid-19th century. The building is set in large grounds, set well back from the roads, with the grounds being associated with the school. The villa was extended during the early part of the 20th century and is now surrounded by the more modern buildings, which vary in design and form.
- 2.2 The site is set within an educational setting, with the school and its grounds also being allocated as Urban Green Space on the Kirklees Local Plan.
- 2.3 There is a large lawned playing field to the far east, one car park serving the school to the east and northeast, a tarmacked tennis/other sports courts north of the campus and a small car park serving the school (northwest). The tarmacked tennis court/playing field is fenced off with green mesh fencing. Pedestrian access can be taken from various points surrounding the site however, vehicular access is taken from the south (Victory Avenue) and from the east (Luck Lane).
- 2.4 Several Tree Preservation Orders (TPOs), both for individual trees and group of trees exist, which are within the campus. Most group TPOs are bordering the school grounds, in particular to the north, south and northeast.
- 2.5 Part of the site boundary is adjacent to a Historic Landfill site and within a buffer zone to the west of the site.
- 2.6 To the far east of its border, there is a Listed Building at 132 Luck Lane, which is a mid c19 former lodge.
- 2.7 It is set within designated Urban Green Space (UGS) which includes Middle Wood (north and northwest of the campus), Douglas Avenue Recreation Ground (west) and Luck Lane Allotments (northeast) in its immediate setting. The lawned playing fields to the east of the campus are UGS and used for educational purposes.

- 2.8 Outside of its border is a claimed Public Right of Way (HUD/dmno app44/10) to the north, which runs outside the School grounds in Middle Wood and partially in the Luck Lane Allotment Gardens. There is an adopted PROW footpath (HUD/39/10) between Victory Avenue and Longwood Road to the southeast. There is an un-adopted footpath from the access road off Luck Lane which provides access to the UGS to the north of the road.
- 2.9 Adjacent to Royds Hall Community School and to the southeast of its campus grounds, is Luck Lane Primary School which is fenced off using green mesh fencing. Otherwise excluding the Urban Green Space grounds, the area is mainly residential bordering the campus (west, south and east).

3.0 PROPOSAL:

- 3.1 The proposal seeks full planning permission for the erection of a perimeter fence, to improve safeguarding for its pupils during the school day, to increase security against unauthorised peoples to the school and minimise a risk of vandalism and damage to school property after school hours. Currently, the existing fencing can be climbed over easily.
- 3.2 The proposed perimeter fence would be 2.4m in height from ground level. It would comprise metal weldmesh Eclipse-60 panel system fencing around the perimeter of the school in sections and be dark green in colour. It would not encompass Luck Lane Primary School's grounds. It would have several access gates for both pedestrians and vehicular access. The fence style would match existing fencing found elsewhere within school grounds, including to the tennis courts.
- 3.3 The proposed fence would be in two sections:
- A 23.6m span (approximate) fence section with gates between the tennis court and the existing green fencing situated between the boundary of Royds Hall Community School and Luck Lane Primary School (northeast);
A 380m span (approximate) fence along the campus south border by Victory Avenue and continuing along Royds Avenue (southwest) to the west border of the campus grounds to include the northwest car park to fully enclose by joining the existing tennis courts green fencing. This would have gated access at points to serve pedestrians.
- 3.4 The proposed fence sections would not be abutting any PROWs. However, they would be adjacent to TPOs.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

- 4.1 There have been numerous applications on site for extensions, new buildings, upgrading sports facilities/playing fields. The most relevant to this application are as follows:
- 2015/90565 – Listed Building Consent for relocation of a gate pier and wall. Granted.
 - 2015/90564 – Erection of new primary school building, improvements to access and upgrading of sports pitches. Approved
 - 96/93089 – Upgrading of External Sports Facilities including Rugby, Football, Hockey, Cricket, Running Track And Mountain Bike Track, Erection of Additional Changing Rooms, Meeting Room and Toilets, New Entrance, Landscaping, Car Parking and Security Fencing (Listed Building). Approved.

4.2 Green security fencing was given permission within 96/93089 and later for 2015/90564.

5.0 HISTORY OF NEGOTIATIONS (including revisions to the scheme):

5.1 No amendments have been sought during the life of the application.

6.0 PLANNING POLICY:

6.1 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 27/02/2019).

6.2 The site is situated on Urban Green Space on the Kirklees Local Plan. Kirklees Local Plan (2019):

6.3 The most relevant policies are:

- LP1 – Presumption in favour of sustainable development
- LP2 – Place shaping
- LP3 – Location of new development
- LP21 – Highways and access
- LP22 – Parking
- LP24 – Design
- LP33 – Trees
- LP35 – Historic environment
- LP47 – Healthy, active and safe lifestyles
- LP49 – Educational and health care needs
- LP50 – Sport and physical activity
- LP53 – Contaminated and unstable land
- LP61 – Urban Green Space

National Planning Guidance:

6.4 National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF), published 20/07/2021, the National Design Guide published 01/10/2019 and the Planning Practice Guidance Suite (PPGS), first launched 06/03/2014, together with Circulars, Ministerial Statements and associated technical guidance.

6.5 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 14 – Meeting the challenge of climate change, flooding and coastal changes
- Chapter 15 – Conserving and enhancing the natural environment
- Chapter 16 – Conserving and enhancing the historic environment

Other Guidance

6.6 National Design Guide (2019)

7.0 PUBLIC/LOCAL RESPONSE:

7.1 The application has been advertised by site notice, neighbour notification letters and the press. The consultation period ended on 27/08/2021 for neighbour letters and 03/09/2021 for Press.

7.2 As a result of the above publicity, one representation and one petition with 100 signees have been received at the time of writing the report by 06/10/2021.

7.3 The comments received are as summarised:

- 4 meter plus high fence would visually appear as a prison style enclosure fence.
- Trees would be damaged and hindered in growth as a result and they are protected under a TPO.
- Local access to the forest would be restricted.
- Heritage and government guidelines ensure all Grade II Listed Buildings keep all walls, boundaries, and grounds consistent with the original design and appropriate materials.

7.4 It is noted that the height of the fence would be 2.4m in height not 4m plus in height.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

None

8.2 Non-statutory:

KC Conservation & Design: Royds Hall School has been extended over the years, with different phases of construction from the original building in the centre of the site to more recent extensions. The Grade II Listed Building former Lodge at Luck Lane is not affected by the proposal. Weldmesh fencing is a modern boundary treatment which will enclose an existing open space and cause slight harm to the significance of the early 20th century elements of the listed building. However, this approach is reversible if necessary and the public benefits of providing a safe environment for the children outweighs this slight harm and therefore the Conservation and Design Team have no objections to this proposal.

KC Crime Prevention: No objections, would assist in enhancing site security.

KC Environmental Health: No Objections. Conditions to be applied on reporting of unexpected contamination to the Local Planning Authority.

KC Trees: A Method Statement was submitted and the proposal would be supported, considering that Trees would be protected from harm during construction if followed. Should consent be granted, a condition should be attached to follow the statement to avoid harm.

9.0 MAIN ISSUES

- Principle of development
- Urban Green Space
- Education
- Design
- Historic Environment
- Trees
- Residential amenity
- Environmental Health
- Highway issues
- Other matters
- Representations
- Planning Obligations

10.0 APPRAISAL

Principle of development

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

Urban Green Space

- 10.2 The site is designated as Urban Green Space (UGS) in the Kirklees Local Plan and therefore, Policy LP61 (Urban green space) is relevant. The proposal seeks to erect a perimeter fence of 2.4m height within the school grounds where pre-existing fences of restricted heights of 0.5-1m exist without gates, specifically adjacent to car-parks, buildings, existing fences and grounds not designated for sports and/or recreation. It should be considered whether this would lead to a loss of urban green space or whether it would have a material impact on the safety and security of the UGS in use should consent be refused.
- 10.3 The area of the UGS is designated for educational uses providing Royds Hall Community School with schools grounds, playing fields and car park. The erection of a perimeter fence would replace low fencing along Victory Avenue and Royds Avenue (south and southwest of the campus grounds. It would be sited to the rear of private householder garden boundaries on Royds Avenue and encircle the car park to the west to join existing green fencing around the tennis court and tarmacked playing area to the north. The fence will then be erected between the tarmacked playing field's fence and the Luck Lane Primary school fencing (to the northeast) completing the perimeter with existing green fencing.
- 10.4 This would exclude the main car park to the northeast, the large lawned playing fields to the east of the campus which would sit outside the perimeter fencing. There is an informal footpath outside of the proposed perimeter fencing providing access to Middle Wood/Recreation Grounds and the Allotments off the access road from Luck Lane which would remain accessible.

- 10.5 The proposal would consist of infill perimeter fencing between two existing green fenced areas (tennis court and tarmacked playing area to the north and Luck Lane Primary School) and encircle the south and west inner boundary of Royds Hall Community School campus to provide secure fencing for safeguarding. Currently the grounds are open to the public with multiple access routes/pathways which undermine security and safeguarding oversight.
- 10.6 The remaining areas outside of the perimeter fencing would be considered to aid the statutory safeguarding responsibility of the School to provide safe and secure grounds for its students and staff whilst allowing access to remaining UGS in the form of Allotments, Middle Wood and the Recreation Ground and lawned playing fields for educational use.
- 10.7 It is therefore considered that the proposal seeks to strike a balance between providing public access to the wider UGS and the safety and security of the privately owned educational UGS and school grounds for educational and safeguarding purposes. The proposal would not lead to a material loss of urban green space, would not affect the extent or function of the public UGS and would provide Royds Hall Community School with the means to increase the safety and security of the UGS within School grounds. This would therefore not conflict with LP61 of the Kirklees Local Plan.

Education

- 10.8 As an educational facility, LP47 (Healthy, active and safe lifestyles) and LP49 (Educational and health care needs) are relevant. The erection of a fence around school grounds could be 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'*.
- 10.9 Consideration will also therefore need to be given to LP49 and paragraph 95 (a) of the NPPF, in which Councils must give *'great weight to the need to create, expand or alter schools'* to ensure appropriate school provision in which the application for fencing would address identified safeguarding and crime prevention needs in its alteration.
- 10.10 As a result 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, in promoting healthy, active and safe communities.

Design

- 10.11 Policy LP24 (Design) of the Local Plan is relevant to the assessment of this proposal, specifically *'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'*. In this instance, there are existing green fences around the tennis courts and Luck Lane Primary School. There are also steel metal fences of 1m height and wooden low fences of 0.5m height approximately. A 2.4m fence assisted by gated access would offer considerably more crime prevention benefits than the pre-existing 0.5-1m high fences, which can be vaulted or stepped over and open routes where no gates exist.

- 10.12 With regard to Chapter 12 of the NPPF under paragraph 130 c) and f), decisions should ensure that developments are *'sympathetic to local character and history, including the surrounding built environment and landscape setting'* and leading to the creation of *'places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience'*.
- 10.13 Officers consider that the proposed green mesh fencing would be in keeping with the existing green mesh fencing around the tennis court and tarmacked playing area to the north and Luck Lane Primary School to the east, being of similar material, height and design.
- 10.14 Officers have considered the proposal's design to be in accordance with existing fence forms and details in and around the heritage asset and landscape. The proposal could be regarded to provide a cohesive, lightweight, visually transparent scheme. Set against trees/green growth, it would not have any adverse visual impact on the school whilst also providing a high standard of safety for current and future students.
- 10.15 As a result, officers consider the proposal to accord with Policies LP24 of the Kirklees Local Plan under a) and e) and the aims of Chapter 12 of the NPPF, in achieving well-designed places.

Historic Environment

- 10.16 Turning to the Grade II Listed Royds Hall, set within the school grounds, and the Grade II 132 Luck Lane east of the outer boundary of the school grounds, S.66 of the Listed Building and Conservation Areas Act is relevant for decision makers. S.66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest.
- 10.17 The Kirklees Local Plan policy, LP35 (Historic environment) should also be carefully considered, with the presence of two Grade II Listed Buildings of historic significance and the slight harm as a consequence of the construction of the fence, as identified by the Conservation & Design Officer. Attention should turn to whether the proposed fence would be *'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'* under LP35.
- 10.18 In addition, paragraph 202 of the NPPF sets out that in development proposals leading to *'less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.'*
- 10.19 Royds Hall is set within school grounds with extensions and buildings surrounding it to the east, south and west of similar heights screening it from view. The most visible elevation of the Listed Building is to the northeast with its entrance portal and when traversing from east to west the access road

taken off Luck Lane, the two storey elevation is partially screened by mature trees protected by TPOs and is on rising ground and the pre-existing fences to the Primary School and Playing fields are on lower ground, which mitigates their visual impact as visitors approach. The proposed infill section of fencing to the northeast would be 55m distance from Royds Hall and would in turn be partially screened by the mature trees in between.

- 10.20 132 Luck Lane is approximately 165m distance from the proposed site of the perimeter fencing to the northeast of the school grounds and is set at the beginning of the access road from Luck Lane screened by high hedging and a mature tree within its immediate setting.
- 10.21 Viewed from 132 Luck Lane towards Royds Hall, the existing green mesh fencing around Luck Lane Primary School and the tarmacked playing field adjacent to the Listed Building blends in with the background of the school aided by its open transparent mesh. The visible elements of the fencing from this distance are the posts whereby features of the building beyond are still visible between the posts. The access road is currently partially fenced with low grey metal fencing which is continued at the boundary of the Allotments softened by green hedging. Officers consider this proposal to have no harm to the immediate setting and views of or from 132 Luck Lane.
- 10.22 Viewed from Royds Hall, the proposed perimeter fencing section to the northeast between the existing green mesh fencing of the tarmacked playing field and Luck Lane Primary School would be considered to be infill fencing which would be of harmonising green mesh design and similarly match in height, material and colour. The pre-existing green metal fencing has a separation distance of 55m north to the tarmacked playing field and 25m west to the Luck Lane Primary School fencing which is in turn partially screened by the TPOs. The slight harm of this additional infill fencing would be mitigated by the TPOs in between the development and the Listed Building and the current adjacent boundary treatment of the tarmacked playing field and the Primary school.
- 10.23 To the south and west of Royds Hall from Victory Avenue and Royds Avenue, views of the Listed Building's elevations are hidden by its surrounding modern buildings and subsequent extensions. It cannot be viewed from those roads accordingly. The boundary treatment of Royds Hall Community School are currently low wooden fencing of no historic significance 0.5m height approximately. The boundary treatment of Luck Lane Primary School is green mesh fencing similar to what is proposed. As such, this proposal would have no harm to the setting of the Listed Building or views being screened by the surrounding non-Listed Buildings and existing examples of green mesh fencing would harmonise with the Primary School's boundary treatment.
- 10.24 The proposal does not seek to remove any historic walls, fences or gates of historic significance linked to the Listed Building. Its remaining historic elevation are visible from the northeast as the other elevations are screened heavily by the surrounding buildings of two-three storeys in height. Overall, the proposal is assessed to result in less than substantial harm to the setting of the Listed Buildings. In accordance with the Framework, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

- 10.25 Given the above, officers have considered the public benefits. These include the additional positive impact on security and safeguarding for school attendees and property, visual impact to be mitigated by its lightweight structure, set against green screening and the existing green fencing around the tennis court and adjacent Luck Lane Primary School, thereby providing a cohesive appearance. The reversibility of the fence should it be required is also noted. As such.
- 10.26 These educational benefits are considered to constitute a material planning consideration that outweigh the less than substantial harm to the Listed Building having regard to S.66, and sufficient to justify the proposal having regard to Policy LP35 and paragraph 202 of the NPPF. It would preserve the heritage assets and their setting and any features of special architectural or historic interest such that the proposal is considered to be acceptable.

Trees

- 10.27 Several trees are on and surrounding the site benefiting from the group and individual TPOs. They are sited to the boundary of Royds Hall Community School adjacent to Royds Avenue and Victory Avenue and to the north of the campus surrounding the car park to the northwest and north of the fenced tennis court/tarmacked playing field and northeast of the school grounds' main car park. There are TPOs immediately northeast of the Listed Building.
- 10.28 A supplied Method Statement states that the line of the fence will be carefully assessed to limit the amount of excavation occurring under trees. Where digging is required, it would be undertaken by hand to avoid de-barking, breaking, splitting, splintering or shattering the roots of the trees. No roots of 25mm or greater would be cut through without the approved consent gained by the Trees Officer to limit impact. Roots under 25mm would be cut to a point 150m beyond the nearest edge of the construction toward the tree(s) pruned cleaning with no ragged edges.
- 10.29 Post holes would be lined with heavy grade polythene sheeting to prevent the leaching of concrete into the soil or contamination of the roots.
- 10.30 The Tree Officer has confirmed that these measures should suffice to protect trees and a condition to be attached to have the works to be carried out to be compliant with the Method Statement to protect Trees protected under TPOs
- 10.31 The Condition applied to the Method Statement would be in compliance with policy LP33 of the Kirklees Local Plan.

Crime Prevention

- 10.32 Crime Prevention confirmed that the proposed boundary treatments are acceptable and would assist with the site security.

Residential Amenity

- 10.33 The nearest residential dwellings to the proposed development are those located along Royds Avenue and Victory Avenue to the south and southwest and Luck Lane to the east. In this instance, the proposed fence would be constructed of lightweight, see-through material. It would be green in colour and set against the open fields and trees, thereby reducing its visual impact. It

would also be set within school grounds where existing examples of similar green metal fencing had been previously approved. For these reasons, the proposal is not considered to have any material impact upon residential amenity in terms of overshadowing, overlooking, and overbearing.

Environmental Health

- 10.34 Environmental Health have raised no objection to the scheme. However, they have recommended that a condition to be placed on the reporting of unexpected contamination to the Local Planning Authority should any be discovered.

Other matters:

Climate change

- 10.35 It is considered that the proposed development would not have a significant negative impact in the context of the climate change emergency. While there would be no additional landscaping or planting as part of this application, the existing trees which line the curtilage of the school (and which positively contribute towards better air quality) would not be removed. In summary, it is considered that the scheme provides sufficient opportunity to meet the dimensions of sustainable development and the conditioned Trees Method Statement would confer sufficient protection to TPOs, which are of positive benefit in mitigating the impacts of climate change.

Representations

- 10.36 As a result of the above publicity, one representation and one petition with 100 6signees have been received.

- 10.37 The issues raised have been considered as follows:

- 4 meter plus high fence would visually appear as a prison style enclosure fence

Response: The fence would be 2.4m in height. Furthermore, the visual appearance has been assessed within the Design section of this report.

- Trees would be damaged and hindered in growth as a result and they are protected under a TPO

Response: This has been assessed by the Trees Officer supported by the Method Statement and no objections have been offered providing a recommended condition is placed:

The construction of the proposed shall be completed in accordance with the advice and directions contained in the Method Statement, reference (Termstall Fencing Contractors, ref Don 5289/21, dated 21/07/21). These shall be implemented and maintained throughout the construction phase.

Reason: *To protect trees in the interests of visual amenity and to accord with the requirements of the Kirklees Local Plan Policy LP33 and advice within the National Planning Policy Framework.*

- Local access to the forest would be restricted

Response: The grounds are for an educational facility and the proposal is set within its grounds and therefore this is not a material planning consideration. The section on Education in the assessment has considered the impact on safety.

- Heritage and government guidelines ensure all Grade II Listed Buildings keep all walls, boundaries, and grounds consistent with the original design and appropriate materials.

Response: The impact has been assessed within the Historic Environment section of the assessment.

11.0 CONCLUSION

- 11.1 The application site is designated as an Urban Green Space in the Local Plan and within the setting of a Listed Building. However, it is considered that there are material considerations and public benefits, which outweigh the development's harm to the Listed Building and justify the erection of a perimeter fence under the Local Plan and the NPPF as set out in the report. These material considerations consist of a recognised need for improved educational facilities at the site, which accord with Policy LP49 of the KLP and Paragraph 95a) of the NPPF.
- 11.2 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 recommended for approval.

12.0 CONDITIONS

(Summary list. Full wording of conditions including any amendments/additions to be delegated to the Head of Planning and Development)

1. Three years to commence development.
2. Approved plans and documents.
3. External materials.
4. The removal of the fence (and land to be restored) should it no longer be needed.
5. Construction in accordance with the Method Statement for tree protection.
6. Dealing with unexpected contamination.

Background Papers:

Application and history files.

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2021%2f92478>

Certificate of Ownership – Certificate A has been signed.