
Report of the Head of Planning and Development

STRATEGIC PLANNING COMMITTEE

Date: 03-Aug-2023

Subject: Planning Application 2023/91092 Demolition of existing school and erection of new school; improvements to existing access and formation of internal access road and turning head; formation of car park, children's outdoor play areas and associated landscaping St Peters Ce Va Junior Infant and Early Years School, Field Head Lane, Birstall, Batley, WF17 9HN

APPLICANT

The Church of England
(Diocese of Leeds)

DATE VALID

11-Apr-2023

TARGET DATE

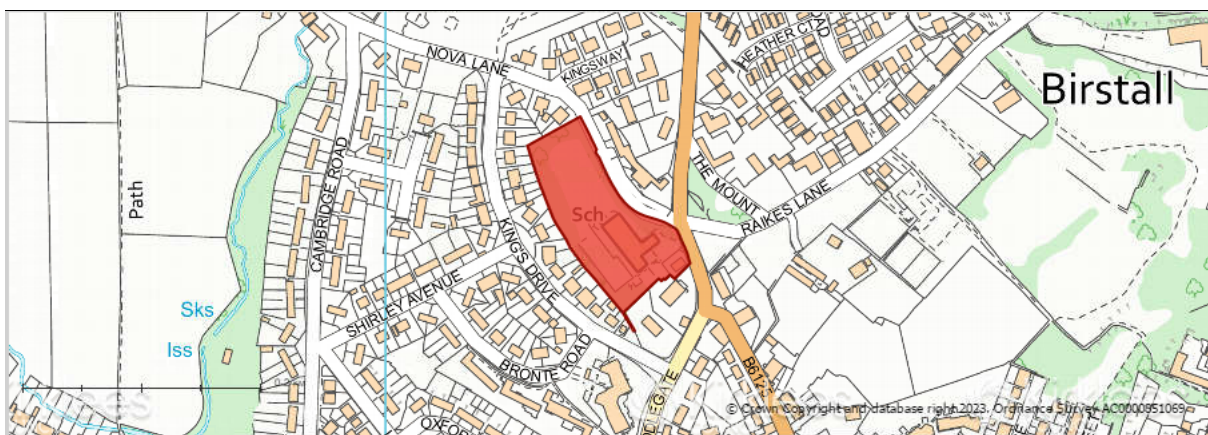
11-Jul-2023

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.

[Public speaking at committee link](#)

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral wards affected: Birstall and Birkenshaw

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 This application seeks full planning permission for the demolition of the existing school and the erection of a new school. This would also consist of improvements and re-arrangement of the site's existing access, internal road, car parking, landscaping, and play areas.
- 1.2 The application is brought to the strategic planning committee, in accordance with the Delegation Agreement, because the site falls within land allocated as Urban Green Space, therefore representing a departure from the development plan, and has a site area over 0.5ha.

2.0 SITE AND SURROUNDINGS

- 2.1 St Peters C Of E Junior, Infant and Early Years School is located north-west of the centre of Birstall in a predominantly residential area. The topography of the area generally falls downwards from east to west.
- 2.2 The application site has an irregular, roughly rectangular, shape. Nova Lane runs along the site's north-east boundary, on a higher ground level. Residential properties located all around the site, with residential properties accessed from Nova Lane, Kings Drive and Middlegate being on the north, west, and south boundaries respectively. The residential properties are largely on a lower ground level than the application site.
- 2.3 There is woodland within the site, being situated around most of the site's boundary (north, west, and south) with the only break being to the east at the access from Middlegate road. Within the site, the school building and ancillary functions (play area, parking, caretakers house) are all located in the south-east half. The north-west half of the site, outside of the tree-belt, is a grassed play area.
- 2.4 The main school building is part two-storey, part single storey brick-built school building with a flat roof. It has a floor area of 1,454sqm. The school provides education for children aged 3 to 11. The school has a capacity for 210 pupils for ages 4 to 11 years and 26 (full time equivariant) nursery places.

2.5 The existing school opening hours are as follows:

- 0745 Gates Open
- 0845 Registration
- 1500 Nursery Day Ends
- 1515 School Day Ends

There are ten parking spaces on site and one disabled bay, however there is no vehicular drop off/pick up facility within the school grounds. The car park is for staff use only. For safety reasons, the vehicular access gate is closed between 0825 and 0900 and again between 1455 and 1530. Children, other than those attending breakfast club, arrive at the school from 0830 onwards. The children currently all arrive on foot or by car. The applicant states:

The numbers of children arriving on foot is split evenly between the two pedestrian access points. The majority of cars dropping children off park along either Middlegate or King's Drive.

2.6 The school is located adjacent to the Birstall Conservation Area and directly south of New Hall and The Barn, Grade II Listed buildings.

3.0 PROPOSAL

3.1 The new school is to be built in the site's northern half, currently hosting the grassed play area. It would be two storeys, offering 1,609sqm of floor space (956sqm on the ground floor and 653sqm on the first floor). The ground floor would comprise of the school reception and offices, the nursery and infant teaching rooms and spaces, the school hall, kitchen, toilets and cloakrooms. The first floor would comprise of the junior teaching rooms and spaces, the library, staffroom, toilets and cloakrooms.

3.2 The building would be predominantly faced in buff brick, with dark brick detailing on certain elevations. The proposed roof would comprise of a flat green roof. Rooflights are proposed on the roof above the school hall with large areas of the remaining roof to be covered by PV solar panels (set at an angle to maximise solar gain) with a vegetation barrier to be installed around the perimeter of the roof.

3.3 Ancillary buildings / structures include a new substation, located adjacent to the caretaker's bungalow, and bin-store that would be adjacent to the new building.

3.4 External works include the site's existing access being widened to 7m. The existing boundary wall is to be set back in places (using the same natural stone materials) to improve sightlines. The footway would also be widened to 2m where feasible. The access would lead to 12 car parking spaces and an extended access road to the school's new location further from the access. This would terminate at a turning head, where deliveries / refuse collection may take place, along with two disabled parking bays. A sheltered cycle store which would accommodate up to 12 cycles for the use of staff and pupils is proposed adjacent to the school entrance.

- 3.5 The proposals also incorporate outdoor play areas for the children. These areas include an Early Years playground, a main playground and a separate hard outdoor PE area. The early years playground would be to the new building's north, with the other play areas to the south. Security fencing, 2.4m in height, would be sited around the site. The hard outdoor PE area would have 3.5m high mesh fencing. The site's existing boundary treatment, specifically that adjoining neighbouring properties, would be retained. The remainder of the site comprises of soft landscaped areas incorporating new and existing trees and vegetation. A retaining wall, 18.8m at the highest point, would separate the car park from the new play areas. It would be faced in buff brick to make the main building.
- 3.6 The applicant has commented that the school will retain its provision of teaching children aged 3 to 11 (reception to year 6) and will continue to employ 31 members of staff. The numbers of children (210) are to remain unchanged. The school start and finish times would also remain the same.
- 3.7 An initial construction phasing strategy has been provided. Due to the operational needs of the school, i.e., the school must remain open at all times, bar school holidays, to ensure ongoing education, the existing building must be retained and be operational during the construction of the new. Following completion of the new building demolition of the existing building may take place, followed by the delivery of the proposed play areas / facilities on its footprint.

4.0 RELEVANT PLANNING HISTORY (including enforcement history)

4.1 Application Site

2000/93203: Erection of classroom extension – Granted

2014/91679: Erection of single storey extension – Granted

2017/92004: Change of use from Caretaker's bungalow to educational use (within a Conservation Area) – Granted

4.2 Surrounding Area

Various applications relating to householder extensions, listed building consents and works to trees within a Conservation Area. None are deemed relevant to the current proposal.

4.3 Enforcement History

None.

5.0 HISTORY OF NEGOTIATIONS (including revisions to the scheme)

- 5.1 The applicant sought pre-application advice for the re-development of the site (app ref. 2022/20124) in January 2022. A meeting took place in April 2022 and a formal advice letter issued May 2022. In summary, the letter advised the applicant that the proposal would be a departure of local Urban Green Space policy and adequate justification would be required to justify such a departure. It was accepted that educational benefit would carry positive weight and may form adequate justification, but the applicant would be required to substantiate such a position at application stage. Other advice and/or details on expectations was offered on matters such as design and impact on neighbours, with input from the Council's technical consultees such as Highways, Drainage, and Ecology also provided.
- 5.2 The current application was received April 2023. Officers undertook their initial assessment and identified several areas of concern. This included, but is not limited to, the elevations of the building being deemed unattractive, opportunities to improve the access further, and the loss of mature trees on the site's boundary adjacent to the Nova Lane / Field Head Lane junction.
- 5.3 A virtual meeting to run through initial thoughts / concerns was held in May 2023 (including attendance by local Cllr Smaje), with amended details provided shortly thereafter to address issues identified. An in-person meeting was held in June 2023 to cover more substantial / outstanding issues. This resulted in a further suite of amended plans, received early July 2023.
- 5.4 The details received in early July 2023 were subject to an additional public representation period. On assessment of the details provided, officers considered the proposal to be in a position which may be accepted.

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 27th February 2019).

Kirklees Local Plan (2019) and Supplementary Planning Guidance / Documents

- 6.2 The application site is Urban Green Space (UG308) in the Kirklees Local Plan. The site is mostly outside of the Birstall Conservation Area, with the exemption of the caretaker's bungalow that is within the CA. The CA's boundary runs along the site's shared boundary with Nova Lane and Middlegate, and the residential properties the Old Vicarage and The New Vicarage to the east.

6.3 Relevant Local Plan policies are:

- **LP1** – Presumption in favour of sustainable development
- **LP2** – Place shaping
- **LP3** – Location of new development
- **LP7** – Efficient and effective use of land and buildings
- **LP19** – Strategic transport infrastructure
- **LP20** – Sustainable travel
- **LP21** – Highways and access
- **LP22** – Parking
- **LP23** – Core walking and cycling network
- **LP24** – Design
- **LP26** – Renewable and low carbon energy
- **LP27** – Flood risk
- **LP28** – Drainage
- **LP30** – Biodiversity and geodiversity
- **LP32** – Landscape
- **LP33** – Trees
- **LP35** – Historic environment
- **LP38** – Mineral safeguarding
- **LP47** – Healthy, active and safe styles
- **LP49** – Educational and health care needs
- **LP50** – Sport and physical activity
- **LP51** – Protection and improvement of local air quality
- **LP52** – Protection and improvement of environmental quality
- **LP53** – Contaminated and unstable land
- **LP61** – Urban green space

6.4 The following are relevant Supplementary Planning Documents or other guidance documents published by, or with, Kirklees Council;

Supplementary Planning Documents

- Highways Design Guide SPD (2019)

Guidance documents

- Biodiversity Net Gain Technical Advice Note (2021)
- Planning Applications Climate Change Guidance (2021)
- West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance (2016)
- Waste Management Design Guide for New Developments (2020)
- Green Streets® Principles for the West Yorkshire Transport Fund

National Planning Guidance

6.5 National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) 2021, published 20th July 2021, 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 4** – Decision-making
- **Chapter 8** – Promoting healthy and safe communities
- **Chapter 9** – Promoting sustainable transport
- **Chapter 11** – Making effective use of land
- **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
- **Chapter 16** – Conserving and enhancing the historic environment

6.6 Other relevant national guidance and documents:

- MHCLG: National Design Guide (2021)
- DCLG: Technical housing standards – nationally described space standard (2015)

Climate change

6.7 The Council approved Climate Emergency measures at its meeting of full Council on the 16th of January 2019, and the West Yorkshire Combined Authority has pledged that the Leeds City Region would reach net zero carbon emissions by 2038. A draft Carbon Emission Reduction Pathways Technical Report (July 2020, Element Energy), setting out how carbon reductions might be achieved, has been published by the West Yorkshire Combined Authority.

6.8 On the 12th of 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 would use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

7.0 PUBLIC/LOCAL RESPONSE

The applicant’s statement of community involvement

7.1 Prior to the submission of the application the applicant undertook pre-application engagement with the local community. This included a drop in event on the 16th of March 2023 (re-arranged from the originally planned 9th, due to weather). This was advertised via leaflets delivered to neighbouring properties (57 total), via a sign at the school and on the school website. It is estimated that between 30 and 40 local residents and parents attended the event.

7.2 A feedback form was offered to attendees, of which 22 were complete. The applicant offers the following summary and comments on their findings:

The majority of the feedback to the proposals was hugely positive. Concerns and issues raised by residents on the feedback forms have been addressed in the submission documents for the application.

7.3 The applicant acknowledged an error where they failed to notify local ward members as part of the pre-application. The applicant has apologised for this oversight directly to the members.

Public representation

7.4 The application has been advertised as a major development via site notices and through neighbour letters to properties bordering the site, along with being advertised within a local newspaper. This is in line with the Council's adopted Statement of Community Involvement.

7.5 The application was amended during its lifetime and a period of re-consultation, via neighbour letters, was undertaken. These were sent to all neighbouring residents, as well as to those who provided comments to the original period of representation.

7.6 The end date for public comments was the 20th of July 2023. In total six public comments were received. The following is a summary of the comments made:

- Perimeter fencing should be green, to blend in with the trees.
- Existing trees on the site need to be cut back and managed on shared boundaries and Nova Lane. Some are covered in Ivy and are dying, leading to safety concerns.
- The new building is close to many trees, which will result in tree nuisance and will damage the school in short order.
- A total of 12 cycle space is inadequate for 210 pupils and 31 staff. Furthermore, cycle storage should be adjacent to the building and covered.
- Surrounding roads should be limited to 20mph.
- Local bus stops should be improved to promote bus use.
- The school building would cause overlooking of neighbouring land. The tree-belt is nearly all deciduous trees so offer limited screening in winter months. None of the new planting within the tree-belt is ever-green, so would not address this.
- Concerns over lighting pollution upon neighbouring dwellings: this should be on posts facing into the site, as opposed to being installed on the building facing outwards.
- Concerns about drainage, as the field will be replaced with hard standing. Requesting that adequate drainage be installed to prevent issues for properties on a lower land level.
- Parent parking at present is a 'rear and dangerous problem' that is risking the safety of children on Kings Drive and Bronte Road. Parents park irresponsibly, such as parking on grass verges, in private parking areas, or blocking drives, and this leads to conflict between residents and parents, as well as issues for access by emergency services.
- Concerns over HGV / contractor vehicles on local roads.

- 7.7 The site is within Birstall and Birkenshaw ward, where members are Cllr Joshua Sheard, Cllr Elizabeth Smaje and Cllr Mark Thompson.
- 7.8 Cllr Elizabeth Smaje noted that the applicant had not included Cllrs in the pre-application engagement. This led to a meeting between the applicant and Cllr Smaje, with the case officer in attendance. Cllr Smaje expressed concerns over the changes to the access, wanting to ensure the Conservation Area would not be harmed, and questioned the need for the enlarged school. The applicant responded on each of these points, which are detailed in the following assessment.

8.0 CONSULTATION RESPONSES

8.1 Statutory

K.C. Highways: Expressed initial concerns and sought greater improvements to highway safety relating to the site access and local roads. No objection subject to conditions.

K.C. Lead Local Flood Authority: The drainage arrangements are acceptable in principle. No objection subject to conditions.

8.2 Non-statutory

K.C. Conservation and Design: Expressed initial concerns and provided input on design matters. Following amendments, no objection.

K.C. Crime Prevention: Advice offered and conditions to ensure appropriate crime mitigation requested.

K.C. Ecology: Adequate survey work and assessment undertaken. Based on initial proposal, identified that an off-site contribution would be required to achieve 10% net gain. Following amendments by the applicant it was confirmed 10% net gain could be secured on site. No objection subject to conditions.

K.C. Environmental Health: Have given due regard to various relevant potential sources of pollution, including noise, lighting, and contaminated land. No objection subject to conditions.

K.C. Highways (Waste): Expressed initial concerns over the size of the bin-store and its accessibility. This feedback was provided to the application, who amended the details accordingly. Based on amended details, no objection subject to conditions.

K.C. Landscape: Landscaping is attractive and welcomed. Initial concern over loss of mature tree adjacent access, which has been addressed via amendment. No objection subject to conditions.

K.C. Planning Policy: Confirmed that the proposal would be a departure from Urban Green Space policy (LP61). However, also accepted that educational benefits are a material consideration which may outweigh the harm caused subject to planning officer's assessment of all material considerations.

K.C. Public Health: Confirmed that the proposal does not trigger a need for a Health Impact Assessment.

K.C. Trees: Initial concern over loss of mature tree adjacent access, which has been addressed via amendment. Other tree works are considered necessary / justified within the submitted Arboricultural Reports. No objection subject to conditions.

Historic England: Offer 'no comment'.

Sport England: In accordance with Sport England guidance the site does not constitute a 'playing field' (due to its size). As such, as confirmed in their comments, Sport England are not a statutory consultee on the proposal> as such, they offer 'no formal comment'. They do however direct officers to their general guidance and advise relating to impacts on sporting provision.

Yorkshire Water: No objection subject to conditions.

9.0 MAIN ISSUES

- Principle of development
- Urban design
- Residential amenity
- Highway
- Drainage and flood risk
- Planning obligations
- Other matters
- Representations

10.0 APPRAISAL

Principle of development

- 10.1 Paragraph 47 of the National Planning Policy Framework (the Framework), which is a material consideration in planning decisions, confirms that planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. This approach is confirmed within Policy LP1 of the Kirklees Local Plan, which states that when considering development proposals, the Council would take a positive approach that reflects the presumption in favour of sustainable development contained within the Framework. Policy LP1 also clarifies that proposals that accord with the policies in the Kirklees Local Plan would be approved without delay, unless material considerations indicate otherwise.

Land allocation (Urban green space)

- 10.2 The site falls within Urban Green Space as allocated within the Kirklees Local Plan. Therefore, Policy LP61 is relevant. The policy states:

'Development proposals which would result in the loss of urban green space (as identified on the Policies Map) would 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 the existing green space.*

The protection set out in this policy also applies to smaller valuable green spaces not identified on the Policies Map.”

Consideration must first be given to whether the proposal results in a ‘loss of urban green space’.

- 10.3 The new school is proposed to be constructed on the existing school playing field in the northern part of the site and this is proposed to be replaced by a new all-weather pitch hard outdoor PE area and a new hard surface informal social area. These proposed outdoor areas are predominantly within existing hard surfaced play areas in the southern part of the site, but also impinge into the footprint of the existing school building. Overall, the site would reduce the amount of green space, replaced by built footprint and hard surfacing. Therefore, the proposal would therefore result in a definitive loss of Urban Green Space.
- 10.4 As the proposal represents a loss of Urban green Space, due regard should be given to whether any of the exemptions of LP61(a), (b) or (c) apply.
- 10.5 The Planning Statement, which accompanies this application, states that *“this existing field is not regularly used by the school for sport and recreation as for much of the year it is deemed too wet and muddy and therefore unsuitable for use”*. On this basis the applicant considers that criterion (a) of policy LP61 is met in that the school playing field as a greenspace is no longer required by the school.
- 10.6 Officers are of the view that this argument is not sufficient to meet policy LP61 criterion (a): it is not accepted that the school no longer requires outdoor playing/recreational space within the school grounds, particularly as this proposal includes replacement provision in the form of a new all-weather hard outdoor PE area and hard informal social area for outdoor play, demonstrating a need for such areas. Therefore LP61(a) is not deemed applicable.
- 10.7 Progressing to criterion (b), development proposals may only be permitted where the loss of open space, sport or recreation facilities are replaced by facilities which are equivalent or better in both size and quality.

- 10.8 The proposal would result in the loss of a large area of open green space, circa 2,150sqm in size. While areas of planting and green space would still be present around the site, these are small in scale. Comparing the quality of a playing field to planted areas are difficult, but given the substantial size difference and different typology, it is deemed reasonable to consider the quality lesser. In terms of the proposed hard informal social outdoor area, this is to be located on existing outdoor play space within the school grounds, and in effect represents an enhancement to the existing outdoor play area provision rather than part replacement for the existing school playing field. Furthermore, the hard informal social area is proposed to be 432sqm in size; again, taken together with the proposed new all-weather pitch, these are significantly smaller in size than the playing field proposed to be replaced.
- 10.9 Overall, the proposal represents a significant reduction in the amount of open space that will be available compared to the existing situation. The development would result in the loss of the school playing field, does not include like-for-like replacement open space provision of the same size, and would result in the overall net loss of open space, and as such represents a departure from the development plan. Therefore, Local Plan policy LP61(b) is not met.
- 10.10 Criterion LP61(c) does not apply as the proposal is not for an alternative open space, sport, or recreation use needed to help address identified open space deficiencies.
- 10.11 In summary, the proposal would result in the loss of designated Urban Green Space without providing adequate replacement. Therefore, officers conclude that the proposal would not comply with LP61. This weighs against the proposal. Conversely, the Local Planning Authority may depart from development plan policy where material considerations indicate that the plan should not be followed. Due regard to such material considerations will be given throughout this assessment.

Impact on sport provision

- 10.12 Local Plan Policy LP47 states:

‘The council will, with its partners, create an environment which supports healthy, active and safe communities and reduces inequality. Healthy, active and safe lifestyles will be enabled by [the relevant sub-points being]:

a. facilitating access to a range of high quality, well maintained and accessible open spaces and play, sports, leisure and cultural facilities;

c. the protection and improvement of the stock of playing pitches.’

- 10.13 Local Plan Policy LP50 states:

‘The council will seek to protect, enhance and support new and existing open spaces, outdoor and indoor sport and leisure facilities where appropriate, encouraging everyone in Kirklees to be as physically active as possible and promoting a healthier lifestyle for all.’

10.14 Paragraph 99 of the NPPF states:

99. Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or

b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or

c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

10.15 While there is open grass to the north of the site, this is not recognised by either Sport England or the LPA as a formal playing pitch (for planning purposes). Sport England have commented:

Aerial photos taken across a number of years clearly show that the green space at site being used to accommodate a football pitch. Having taken measurements it is clear that the pitch's area is less than 0.2Ha and given the shape and dimensions of the greenspace it would not be possible to set out a larger playing pitch.

In light of the above, Sport England considers that (in planning terms) the application site does not contain a playing field. The proposed development does not therefore fall within our statutory remit (Statutory Instrument 2015/595), therefore Sport England has not provided a detailed response in this case, but would wish to give the following advice to aid the assessment of this application.

10.16 Although the site does not constitute a formal playing pitch, Sport England advise that the site may still be considered a sports facility and considered in the context of Paragraph 99.

10.17 The current grassed pitch is used for informal play and infrequent PE lessons. Its use is weather and season dependant. It is used by the school only, with no community use. The proposed all weather / hard surface facilities would be usable all year around, with the applicant stating:

the proposals would significantly increase the amount of hard informal social areas for the children to enjoy during outdoor play times and the amount of hard outdoor PE space would also be increased (+432m² and +241m² respectively).

As a result, the new and larger all-weather hard outdoor PE area would be much more practical for use all year round. This area has been designed to be 37 x 18.5m, which is a typical dimension for a 5- a-side football pitch based on Sport England Guidance. The functionality and accessibility of all outdoor spaces for the school would therefore be greatly improved through the proposed scheme

- 10.18 Officers concur with the above comments. The current playing field (reiterated as not being to playing pitch standard), while in theory an attractive sporting / recreation provision, would in practise have limited day to day use for the school's young students. In this case, the proposed facilities would be an appropriate alternative sports and recreation provision, the benefits of which would clearly outweigh the limited harm to local sports through the loss of the grassed area.
- 10.19 Policy LP50 requires consideration of whether a community use of new sports facilities is appropriate. In this case, no formal sport pitches are proposed. As a combined nursery / primary school, with the proposed facilities that are to be delivered being designed for young children, officers do not consider it necessary or appropriate to seek an enforced community use, although the school would be free to pursue this if desired.
- 10.20 In summary, the proposal will result in the loss of a sizable area of grass that has an infrequent sports / recreation use by the school's students (only). While this grassed area would be lost and not replaced like-for-like, the proposed all-weather facilities would offer a more practical day-to-day use for students and result in a net positive for the school's sports and recreation provision. Accordingly, the proposal is deemed to comply with the aims and objectives of LP47, LP50, and paragraph 99 of the NPPF.

Education development

- 10.21 National Planning Policy Framework recognises the importance of ensuring that there is a sufficient choice of school places available to meet the needs of existing and new communities, and that councils should give great weight to the need to create, expand or alter schools; (paragraph 95) and work with school promoters to identify and resolve key planning issues before applications are submitted (paragraph 96).
- 10.22 The relevant Local Plan Policy for education facilities is LP49. It outlines the following:

Proposals for new or enhanced education facilities would be permitted where:

- a. they would 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.*
- 10.23 The school has been selected by the Department for Education for its School Rebuilding Programme. The programme carries out major rebuilding and refurbishment projects at schools and colleges across England, with buildings prioritised according to their condition. The existing school was built circa 1960 and is in a poor state of repair and its facilities are no longer fit for modern purpose. This includes, but is not limited to, insufficient staff and student amenities, accessibility facilities, and class rooms / circulation spaces being too small. During the feasibility stage, it was determined that St. Peter's should be rebuilt rather than refurbished, due to its age and condition making it fundamentally unsuitable for modern use.

- 10.24 The Planning Statement describes how the new school will be increased in size from 1,454sqm to 1,728sqm, but would not result in an increase in student numbers. The additional floor space that the new school would provide would improve the learning environment for pupils due to its modern, high-quality provision of contemporary facilities. For example, although the number of staff and pupils will remain the same, the proposal would provide additional teaching rooms and ancillary spaces which will give staff and pupils more space and access to better facilities such as a medical room and a reprographics room.
- 10.25 This meets the internal space standards and facility provision which the DfE now requires of new schools and represents an improvement to the scale and range of facilities. The Planning Statement also identifies that the staff facilities are currently inadequate and proposes an improvement to staff rooms, will provide a lift and wider circulation spaces to meet the latest DfE guidance, and also looks to enhance green spaces with soft landscaping proposed around the site including areas of wildflowers and native shrub. In addition to this, the roof of the school would comprise a green roof, a welcomed ecological / quality enhancement.
- 10.26 Returning to policy LP49, the proposal would meet identified (by the national Department for Education) deficiencies in provision, through delivering facilities that comply with modern standards, thereby comply with LP49(a). Overall, the development would improve the scale, range, quality and accessibility of the site's education facilities, as required by LP49(b). In regards to LP49(c), the proposal seeks to upgrade an existing site and therefore has an established and defined catchment. Transport considerations are addressed in paragraphs 10.90, but in summary the proposal is deemed a net improvement in this regard.
- 10.27 The proposal fully complies with the objectives of LP49. In accordance with paragraph 95 of the NPPF great weight should be attributed in favour of a development which supports / improves education.

Sustainable development and climate change

- 10.28 As set out at paragraph 7 of the NPPF, the purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF goes on to provide commentary on the environmental, social and economic aspects of sustainable development, all of which are relevant to planning decisions
- 10.29 The application is supported by a Climate Change Statement which details what consideration has been given to measures to limit harmful impacts. This includes, but is not limited to:
- The new school building will not be supplied with fossil fuels, and will be an all-electric development using photovoltaics to produce enough renewable energy to offset the core carbon demand.
 - We will endeavour to utilise local suppliers and materials where possible for the Project, along with recycling of existing Site materials

- The building block has been designed to DfE layout and environmental standards to use space as efficiently as possible. The window provision and internal layout has been designed to efficiently meet the requirements for daylight and thermal comfort for school buildings. Building U-Values and air tightness calculations are proposed to be better than those required in the building regulations
- The building floor level has been determined through the design process to minimise the need for retaining structure and allow for gravity fed drainage away from the building. A green roof and below ground surface water attenuation control run off and discharge rates into the local network.
- 10% ecological net gain shall be provided on site.

10.30 The above provisions are welcomed. The intention to have no fossil fuel supply is notable and a condition requiring the delivery of the solar panels, as put forward by the applicant is recommended, to ensure compliance with LP24 and LP26.

Principle of development; conclusion

10.31 The site is Urban Green Space, which the proposal would result in the partial loss of. The proposal therefore represents a departure from Policy LP63 of the Local Plan.

10.32 The proposal would change the site's sporting provision, removing a large grass pitch and replacing it with smaller all-weather facilities. While smaller in scale, the current grassed area has limited practical use compared to the proposal facilities. As such the proposal would not conflict with LP47, LP50 or paragraph 99 of the NPPF.

10.33 The proposal would address an identified deficiency in local education and represent a notable improvement to education facilities, complying with the aims of policy LP49. In accordance with paragraph 95 of the NPPF great weight should be attributed in favour of a development which supports / improves education.

10.34 Planning permission decisions must be taken in accordance with the development plan, unless there are material considerations that indicate otherwise. In this case the harm of this loss is minimal and the public benefits of the proposal, to local education, are deemed to clearly outweigh the harm caused to the site as Urban Green Space. Furthermore, adequate consideration of, and mitigation for, climate change has been evidenced. Therefore, the principle of development is deemed to be acceptable. Consideration must be given to the local impact, outlined below.

Phasing of the development

10.35 As previously noted, the school has been selected by the Department for Education for its School Rebuilding Programme. It was determined early in the design process that the school should be rebuilt rather than refurbished, due to its age and condition not being conducive to modern standards.

- 10.36 The construction phase of the development would be prolonged, up to 18 months. To ensure minimum disruption to the education of the school's existing students, the new school must be built alongside the existing school, while it remains open. Only when the new school is complete and students transferred over, can demolition of the existing school take place.
- 10.37 An option for the school to be built within 2 to 3 metres of the existing school, on the existing playground, was considered but discounted as a number of significant disadvantages were identified. These included:
- The logistical difficulties and disruption to the school during construction due to the proximity of the existing, live school building.
 - The loss of hard play during construction.
 - The increased health and safety risks and safeguarding issues.
 - The close proximity of adjacent residential properties to the new school and the impact this would have.
 - The overshadowing of roof solar panels and parts of the school building due to the close proximity of the trees.
 - Limited space for expansion in the future.
- 10.38 Ultimately, the applicant concluded that the proposed approach (development on the site's existing north field) would represent the least impactful and most beneficial approach, with reasons including:
- Segregation between the construction activity/traffic and school activity considered to be more achievable.
 - Limited impact on the school operations during construction.
 - Easier and better health and safety management during construction.
 - No requirements for temporary accommodation elsewhere (which could have been for a period of around 18 months while the new school was being built).
 - The two-storey approach maximises the useable outdoor space, as well as the available construction space.
- 10.39 Officers concur with the above, and agree that the proposed location is the most appropriate and logical, to ensure minimal disruption to the education of students. However, a comprehensive Phasing, including demolition, and Construction Management Plan, in the interest of securing appropriate provision and timings, ensuring resident amenity, and student safety is recommended via condition.

Urban design, including the historic environment.

- 10.40 Chapters 11 and 12 of the NPPF, and Local Plan policies LP2, LP7 and LP24 are relevant to the proposed development in relation to design, as is the and National Design Guide.
- 10.41 Consideration must also be given to the historic environment. The Birstall Conservation Area partly encroaches into the site (encompassing the caretaker's bungalow to the east) and runs along the north and east boundaries elsewhere. Furthermore, the residential properties New Hall and The Barn are located north of the site (on Nova Lane); each is Grade 2 listed, although The Barn is listed by association with New Hall.
- 10.42 Sections 66 and 72 of the Planning (Listed Buildings & Conservation Areas) Act 1990 introduce a general duty in respect of listed buildings and conservation areas respectively. S66 requires the decision maker to 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. S72 requires the decision maker to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. Additionally, LP35 and NPPF Chapter 16 outline the principle of development and restrictions for development in the historic environment. Chapter 16 requires great weight to be given to the conservation of designated heritage assets where a proposed development has impact of on the significance of the heritage asset (paragraph 199).
- 10.43 The NPPF confirms that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 202 of the Framework states that where a development proposal would 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 including, where appropriate, securing its optimum viable use.
- 10.44 These policies require consideration of an identified heritage asset's specific heritage value. The applicant's Heritage Impact Assessment includes a detailed assessment on both the Conservation Area's significance and that of the listed buildings. The following is a summary of the significance of the listed buildings:
- New Hall has historic interest on the basis of its age as it is a Georgian house that helps illustrate the development of Birstall in this period. Notable significant design features include use of a traditional and restrained palette of materials (stone) and the polite symmetrical frontage of the house.
 - The converted barn retains the legibility of its former use and therefore retains some significance, albeit at a lower level compared to the house as it is a much-altered ancillary building.

- Historic maps suggest the site hosted an orchard / garden which may have been associated with New Hall. The presence of Nova Lane, separating the land, brings this into question however. If any connection existed, it has been lost through the construction of the school and the associated landscaping, with there being no visual historic association.

10.45 The following is a summary of the significance of Birstall Conservation Area, again as identified by the applicant's heritage impact assessment and using the Council's Birstall Conservation Area; Area Appraisal:

- Birstall is a fine example of an early Market Town which has evolved into a small textile town with its own identity, and not under the shadow of another place' and that 'The historic street pattern, the origins of which partly date from Roman times, still prevails. This street pattern is an essential component of Birstall conservation area and should be preserved in its present form.
- It can also be surmised that Birstall's significance derives from its diverse history of occupation, and its textile industry set within the varied topography of the Spen Valley. The main thoroughfare was designated a conservation area where many historic buildings portray vernacular architecture that includes local stone and slate roofing.
- There are important views that contribute to the significance of Birstall Conservation Area. Views within and along the High Street and Market Place, situated in the centre of Birstall, are important in understanding the form and layout of the village and inform the historical context of the village's thoroughfare. The topography of Birstall helps extend the key views and vistas, with the steep hill of Middlegate, along with the heightened grounds of St Peter's Church graveyard also providing raised views overlooking Birstall.
- The stone wall which borders the school from the conservation area acts as a visual barrier. Although the fabric of the school boundary wall is in keeping with the fabric found elsewhere in the conservation area, it also acts as an effective physical and visual barrier to the modern school buildings and modern landscape of the school site from the conservation area.

10.46 The identified elements which constitute the heritage value of the heritage assets will be considered, where necessary, throughout this assessment followed by a conclusion on whether the proposal prejudices the heritage value.

Demolition of existing school

10.47 The existing school was built circa 1960. It has limited architectural interest and is dated in appearance. Debatably its removal could be seen as a positive, as the current building is not attractive design, nor in keeping with the architectural design of the area. This is picked up within the applicant's HIA, where it is stated:

The reason why the school slightly impinges in views where it can be glimpsed derives from the extensive bright blue colour finish to cladding etc and the white finish to the heavy fascia boards to the flat roof, which is incongruous in this area where the colour palette is otherwise essentially natural, traditional and muted.

However, any harm from the school (as existing) is limited by virtue of the screening from other buildings, the stone boundary wall on Middlegate, and trees. Nonetheless, officers conclude that the demolition of the school causes no harm, either to visual amenity in general, or the historic environment.

Erection of new school block

- 10.48 The new school block is to be in the north half of the site, replacing the current pitch. The choice of location is directed by the need to build the new building while keeping the existing school open, as detailed in paragraph 10.35 – 10.39, to ensure continuous education of students. The loss of the open pitch, due to its limited prominence in the wider area, is not considered detrimental to visual amenity of the built environment, nor would it be harmful to any of the heritage assets.
- 10.49 The footprint of the new building would be kept a reasonable distance from the site's boundary and, importantly, the woodland buffer zones. None of the boundary trees are to be removed to facilitate the new building; those proposed to be removed around the new building are due to arboricultural grounds (tree health / safety etc.). Tree loss and replacement is considered further in paragraphs 10.63 and 10.64. By virtue of the topography, screening from trees, and existing built development, the school will continue to be well screened and have limited prominence in the area. The layout of the new building is considered acceptable.
- 10.50 The new school is to be two storeys with a parapeted flat roof, akin to the existing building. However, the new building would have an internal area 156sqm greater than the existing school (existing 1,454sqm, proposed 1,610sqm). This increased floor area is due to ensuring the new school complies with modern (Department for Education) school standards, that the existing school fails to comply with. This includes, but is not limited to, minimum classroom sizes, corridor widths, and teacher facilities. Discussions with the applicant has confirmed that the new building is as small as it can be, while complying with the Department for Education's modern space standards. Two storey buildings are typical in the area; however, the massing and footprint of the building would be larger than most structures in the area. Nonetheless, this is to be expected from a school building and that proposed is not substantially greater in size than the existing building on site and would not cause it to appear incongruous in the setting. The size and height of the building is deemed appropriate.

- 10.51 Officers have discussed the architectural features and materials of the building at length with the applicant, requesting several amendments from that initially proposed. Window locations are influenced by the internal layout, that is itself dictated by ensuring compliance with Department for Education standards. Overall window positions have been aligned where possible to ensure visually attractive vertical and horizontal alignment. Extruded brickwork around the windows has been used to reflect window alignment and add further design interest on elevations. Projections, both minor and more notable, are present on the larger west and east elevations, to add depth and visual relief to otherwise flat walls.
- 10.52 The building's rear elevation, the east elevation, would face towards Nova Lane and the heritage assets. As the rear elevation, the elevation is less articulated and somewhat plain. This led to initial concerns from the Conservation officers that there would be harm caused due to poor quality. Due to space requirements, the site's layout, and the building's internal layout, the east elevation being the building's rear is necessary. Through discussions mitigation has been incorporated, including adding an additional window and the above-mentioned extruding header brickwork. Metal cladding was removed. These improvements, plus the varied material pallet and depth, result in a simple, yet not unattractive rear elevation. By virtue of these changes, planning and Conservation officers are satisfied that there would be no material harm to the heritage assets.
- 10.53 Following amendments, the material pallet has been simplified, removing areas of metal cladding that were deemed incongruous and unattractive. The materials are now proposed as a mixture of predominantly buff brick, with detailing provided by darker tone bricks. Buff brick as the main material is considered appropriate: to the north / east buildings are predominantly stone, and those to the south / west are mostly red brick. Buff brick is considered a suitable transition material that compromises and suitably transitions between the two pre-existing material pallets. The use of darker tone bricks, in moderation, is considered acceptable to add architectural interest. A condition for samples of the materials, to ensure suitable quality end products are used, is recommended.
- 10.54 The roof is to include a green roof (vegetated base) and solar panels, modern features not typical in the historic environment. While Nova Lane, the Conservation Area, and Listed Buildings are on a higher ground level than the site, they are not so high to have a clear view of the (two storey) roof of the building. Views towards the solar panels and green roof would be further limited by the site's 1.4m high parapet, greater than the 0.8m high solar panels and nominal height of the green roof vegetation. Furthermore, the solar panels will be south facing, with Nova Lane / listed buildings to the north, preventing concerns of glint / glare. Such features are typical of modern developments and are welcomed; they would not harm the identified heritage values of the heritage assets.
- 10.55 Overall, officers consider the new block to be well designed, being an attractive building that would harmonise well with the character of the built environment. While a modern intervention, it is concluded that the building would not conflict or prejudice any of the considerations that form the heritage significance of the Birstall Conservation Area or adjacent listed buildings.

Works to boundary

- 10.56 The site's boundary to Middlegate is a traditional natural stone wall, with stone copings, that is circa 1.8m in height. The point of vehicular access from Middlegate is a steel framed gate (painted blue). As noted in paragraph 10.45, this wall contributes to the heritage value of the Birstall Conservation Area directly. It also provides indirectly benefits, by screening and limiting views towards the school as exiting; if not present, the existing school's appearance would cause greater harm to views within and into the Conservation Area.
- 10.57 Notwithstanding its heritage value, the wall's height, and location results in very poor vehicle access arrangements for the school. This includes sightlines of 11m to the right and 31m to the left. The wall is to be partly demolished to improve the site's access and well as widen the footway around it, to improve pedestrian safety. This is considered further in paragraph 10.90, but in summary the alterations are a notable highway safety improvement.
- 10.58 The loss of the wall would cause harm to Birstall Conservation Area. However, it is proposed to re-build it, using natural stone (reclaimed from the existing wall, where possible). This includes the stone pillars and coping stones.
- 10.59 While the wall would no longer be original, the wall's construction and origin itself is not of heritage significance: it's the good design and quality that contribute to the conservation area, and indirectly its screening of the current school. These can be replicated through the re-building of the wall, while ensuring the public benefits to highway safety. Therefore, by virtue of the wall being re-built to the same quality (securable via condition), officers consider the impact to the Conservation Area to be neutral, while gaining notable public benefits.

Landscaping and other external works

- 10.60 Existing ground levels are to be modified across the site to facilitate the development. This includes the existing playing pitch being raised, up to circa 2.2m, to form a level plateau to host the new building and the formation of a retaining wall within the south half (separating the car park from the play areas). While these level alterations are not insignificant, they will be well contained within the site. The changes will be largely imperceptible from outside the site, not resulting in impacts upon visual amenity. When viewed within the site, the level changes are part of the site's comprehensive re-development, are proposed to be addressed logically, and would not be visually unacceptable.
- 10.61 Fencing / walling along the site's boundary to neighbouring land is to be retained as existing. New fencing is proposed within the site to form secure perimeters (2.4m in height) around children play areas, with taller sports fencing around the outdoor play area (3.5m in height). Such fencing is typical for modern schools and around sports facilities, and raises no concerns.
- 10.62 Trees within the site are neither within a Conservation Area, nor benefit from a Tree Preservation Order. Nonetheless LP33 establishes principle to retain trees wherever feasible and, if removal is necessary, seek mitigatory re-planting.

- 10.63 The proposal's tree loss is kept to a minimum. In total four individual trees are to be removed and the partial removal of young trees within three tree groups are to be removed to facilitate the development. Notably, a mature ash and sycamore that are of good quality and amenity value alongside Nova Lane are to be felled. Their removal is necessary to enable the access road to the school. Relocating the access road further from the trees would require more substantial retaining works within the site and reduce the size of the children's play area. Officers consider the removal to be justified as it is expected that the road would lead to the school's frontage. As noted, the trees are not within the Conservation Area, but are adjacent to it: officers are satisfied that the minimal removal of trees on the boundary would not harm the identified heritage significance of the Conservation Area. Several other trees spread around the site are to be felled or require pruning works due to existing ill-health and safety. A condition requiring the development to be done in accordance with the submitted Arboricultural Reports is recommended.
- 10.64 A comprehensive landscaping strategy has been provided. In addition to low level planting throughout the site it includes 30 replacement trees, some within the Nova Lane tree-belt, others spread within the site. K.C. Landscaping consider the landscaping proposals to be acceptable (following amendments that removed potentially invasive species) in principle. However, specifics, such as species mixture and the size and species of the proposed trees have not been provided. A condition requiring full technical details and for the landscaping to be undertaken prior to occupation (within the first planting season) is recommended. No details on landscaping management and maintenance have been provided and are likewise required via condition.

Summary of heritage impacts and urban design

- 10.65 The proposed development is considered to have a neutral impact upon the identified heritage value of the nearby listed buildings. None of their fabric would be affected and the site is removed and isolated away from the listed buildings so as to not cause material harm to their setting.
- 10.66 While partly within and adjacent to the Birstall Conservation Area, subject to the site's boundary wall / access onto Middlegate being re-built to a suitable standard which is to be secured via condition, the proposal is considered to have a neutral impact on the identified heritage value of the CA.
- 10.67 For the reasons explored through this assessment, it is concluded that the proposal would not materially impact upon the features of nearby heritage assets that make them special (their heritage value). The proposed development is considered to promote good design which would respect and enhance the character of the townscape. It is therefore considered to comply with the objectives of Policies LP24 and LP35 of the Local Plan, and guidance within chapters 12 and 16 of the NPPF.

Residential Amenity

- 10.68 Local Plan policy LP24 requires developments to provide a high standard of amenity for future and neighbouring occupiers, including by maintaining appropriate distances between buildings.
- 10.69 Residential properties are located surrounding the site in each direction.

- 10.70 Residential properties on Nova Lane to the east are at a higher ground level than the site. The minimum separation distance would be 26m. This distance, plus the lower ground level and intervening woodland, is considered sufficient to prevent materially harmful overbearing, overlooking, or overshadowing.
- 10.71 Properties to the west are on Kings Drive and back onto the site, with 22 houses sharing a boundary with the site. Of these 22, approximately seven would be in-line with the new school. These dwellings are on a lower ground level to the site, with the difference to be further increased due to the proposal seeking to raise the site's ground level by up to 2.2m, to facilities a level plateau for the new school. As a result, the proposed school would be at a notably higher ground level than the properties on Kings Drive. The proposed building is, although only two storeys, larger in mass compared to the predominant domestic scale properties in the area.
- 10.72 The minimum separation distance between the new school and properties on Kings Drive is 30m. Under a 'clear earth' scenario (i.e., removing existing vegetation and buildings), the new school would be prominently visible from the rear elevation. Given its location and height, it has the potential to be prominently visible. The visibility would however be reduced by the site's boundary tree belt, which varies between 10 and 14m in thickness. This is a substantial boundary that would reduce the prominence and visual impacts of the new school.
- 10.73 Giving due regard to the separation distance and mature woodland boundary, officers are satisfied that, when viewed from the rear windows and gardens of properties on Kings Drive, the new school building would not appear overbearing, in a way that would detract from the amenity value of occupiers. These mitigating factors likewise prevent concerns of overlooking upon existing residents, or harmful overshadowing by virtue of the new school being to the north and north-east.
- 10.74 Turning to other physical works, such as the retaining wall to form the access road, and fencing within the site, these are smaller scale, contained within the site and well removed from 3rd party dwellings. As such, they are not expected to cause harmful overbearing, overlooking, or overshadowing. Fencing etc. on the boundaries are to be retained as existing, which is securable via condition.
- 10.75 Due regard must also be given to sources of environmental pollution, including noise, odour, and light.
- 10.76 A school would be considered a potential noise pollutant, attributed to children at play. However, it must be acknowledged that the site is an existing school and therefore, for parts of the site at least, there would be no material change in circumstances or a reduction in noise. This includes the southern portion of the site, which currently hosts outdoor play and would remain so. The northern part of the site, being grassed, hosts infrequent PE use but is now proposed as the main nursery and reception play area. For this nursery and reception play area it has been identified that, in the worst-case scenario, proposed typical playground sound levels may be expected to be up to 10dB higher than existing typical playground sound levels at the nearest noise sensitive receptors. A 10dB level above background is considered by guidance to *'likely be an indication of a significant adverse impact'*. Officers asked the applicant to consider methods to manage and/or mitigate the noise impact.

10.77 The applicant gave regard to an acoustic fence. Various locations for the fence were considered, including along the schools' frontage, within the woodland or upon the boundary with neighbouring properties: these were discounted due to impacts on the woodland, use of the school and/or the amenity of neighbours. The applicant confirmed that, to achieve the required noise mitigation, a 3.0m high acoustic fence would be needed around the nursery play area. However, this too was deemed undesirable, with the applicant commenting:

Overall, we believe that the proposal to enclose the Early Years / reception play area with a 3-metre acoustic fence to reduce noise for neighbouring properties would greatly reduce the value of the Early Years / reception play area. This space is such an important facility in the development of these young people's education and it needs to be designed as such. It provides fresh air and outdoor space with a direct connection to the surrounding nature, something that this site is fortunate to have in abundance. The appreciation and enhancement of natural areas, and the health and wellbeing link we increasingly acknowledge these areas to have is a key priority on most new build schemes and for most local authorities. The design team have worked hard to retain the existing trees and vegetation and integrate the proposed school into these areas.

10.78 Officers do not disagree with the above, and conclude surrounding a nursery play area with 3.0m high fencing would not be conducive to a healthy and attractive play environment to young children. As physical mitigation measures are undesirable, consideration was given to management measures.

10.79 The applicant raises that the 10db raise is 'worst case scenario', and likely to typically be lower. They also note that the use would be limited to school times (0835 – 1500), and only certain controlled times within the day. These are:

- 0930 – 1000 Structured Play
- 1020 – 1055 Structured Play
- 1200 – 1230 Lunch Time
- 1330 – 1430 Structured Play

The above are subject to weather and the majority of the above are 'structured play', which the applicant defines as:

It should be noted that structured outdoor play is very different from normal play times. Firstly, the numbers of children outside at any one time is smaller than during normal lunch time play when more children are outside. Secondly, the type of play is structured and fully supervised by adults at all times. The activities involved in the structured play and the numbers of children participating in the activities would result in much lower noise levels than during normal play times. Essentially, the outside areas used during the structured play are more akin to an outdoor classroom rather than a 'playground'.

10.80 Preventing any outdoor play in the north of the site is impracticable and it is undesirable to have nursery / reception children with or near older children. Therefore, an alternative location for the play area is not feasible. Ultimately a balanced decision must be reached on this issue, weighing the proposal's benefits to children vs the potential impacts to residents.

- 10.81 The benefits of good outdoor facilities to children are important and, as per the NPPF, great weight should be given to supporting education facilities. In regard to the impact on neighbours, it has the potential to result in harm, although the harm would be during limited windows during school time and the work week only. Officers propose a condition which allows the school to operate for 12 months without dedicated physical mitigation measures. This is to demonstrate whether their source management measures are successful. If, after the 12 months, complaints and/or issues of nuisance have been identified then a further scheme of mitigation measures (which may or may not require acoustic fencing) would be sought. Officers consider this condition to be a reasonable compromise, balancing the needs of education and the children alongside reasonable protection for residents.
- 10.82 The proposal includes 3.5m high weldmesh ball-stop fencing to the outdoor PE area: K.C. Environmental Health recommend a condition to ensure this is installed in accordance with the Design Guidance Note from Sport England - Artificial Grass Pitch (AGP) Acoustics - Planning Implications document. This is to ensure ball strike does not cause loud vibrating noise. Another condition, limiting the noise of the site's roof plant, is also requested.
- 10.83 The new block would include dining and kitchen areas for students / staff and therefore would involve the preparation and cooking of food. As there is existing residential amenity nearby, there is the potential to generate odours that may have an adverse impact on the amenity at nearby properties. A condition relating to odour management and mitigation is recommended to ensure no harmful odour pollution is caused.
- 10.84 A lighting plan has been provided; however, it does not go into sufficient detail and only defines lighting 'zones'. It does not provide detail Lux details. Lighting plans must balance the considerations of ecology, safety, and amenity. A condition for such a lighting plan is therefore recommended.
- 10.85 A condition requiring the submission and approval of a Construction (Environmental) Management Plan (C(E)MP) is recommended. The necessary discharge of conditions submission would need to sufficiently address the potential amenity impacts of construction work at this site, including cumulative amenity impacts should other nearby sites be developed at the same time. Details of dust suppression measures would need to be included in the C(E)MP. An informative regarding hours of noisy construction work is recommended.
- 10.86 In summary, subject to the proposed conditions, the proposed development is not considered materially detrimental to the amenity of neighbouring residents. the application is deemed to comply with LP24 of the Kirklees Local Plan

Highway

- 10.87 Local Plan policy LP21 requires development proposals to demonstrate that they can accommodate sustainable modes of transport and can be accessed effectively and safely by all users. The policy also states that new development would normally be permitted where safe and suitable access to the site can be achieved for all people, and where the residual cumulative impacts of development are not severe.

- 10.88 Paragraph 108 of the NPPF states that, in assessing applications for development, it should be ensured that appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, that safe and suitable access to the site can be achieved for all users, and that any significant impacts from the development on the transport network (in terms of capacity and congestion), or highway safety, can be cost-effectively mitigated to an acceptable degree. Paragraph 109 of the NPPF adds that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highways safety, or if the residual cumulative impacts on the road network would be severe.
- 10.89 Consideration is first given to traffic generation. As the site is already run as an education facility, the use is established as is its level of traffic movements. The proposal would result in a net increase of 156sqm of educational floor space at the school. However, the proposal is not intended to increase either student or staff numbers, which are currently 210 pupils for ages 4 to 11 years and 26 FTE nursery places, plus 31 members of staff. The additional floorspace is to comply with modern spacing standards that the existing school falls below. Given that the applicant's assessment is based on there being no material change, it is recommended that the retention of the existing maximum student and staff numbers be secured via condition.
- 10.90 Vehicular access to the site is to remain via the current point onto Middlegate. However, the current access is to be improved. The width of the access is to be increased from 5.0m to 7.5m. The sightlines would be increased from 11m (right) and 31m (left) to 28m (right) and 43m (left). The 28m to the right remains below standard but is as high as can reasonably be achieved without requiring substantial groundworks that would have knock on affects to adjacent land / buildings. The increase in the sightlines is notable and is considered acceptable. As part of the access improvement works the width of the pavement on Nova Lane would be increased to 2m where feasible (due to avoiding root protection areas and again working within topography constraints) around the entrance, to the benefit of pedestrians.
- 10.91 The above works require the demolition and/or partial re-construction of the existing boundary wall. These works and their implementation are to be secured via condition.
- 10.92 Regarding parking, the school currently has 10 formal parking spaces. Informally, these are often doubled up via tandem parking. The car park is for staff use only and no drop-off/pick-up facility are provided on site. The proposal would increase the number of parking bays to 12. The Council do not hold parking standards for schools, requiring a case-by-case assessment. Officers and K.C. Highways are of the view that 12 parking spaces (with the informal option of tandem parking remaining) is insufficient for a school of the proposed size. Conversely, 12 spaces do represent an increase over the existing situation, while the number of staff is not to increase. Limitations on providing further additional parking include the shape of the land, ensuring adequate outdoor space, and the need to install retaining structures for levels. Given the proposal would not increase the number of students or staff, while the low level of parking is noted, officers are satisfied further parking cannot be reasonably accommodated and the proposed level of parking is on balance considered acceptable.

- 10.93 The current school has no dedicated student drop off / pick up facilities. This remains the case for the proposed development. Officers have discussed this with the applicant and concede there is no feasible method of achieving on-site student drop-off and pick up due to site constraints.
- 10.94 At present student pick up / drop off takes places on local roads, principally Kings Drive to the site's south where the school has a secondary pedestrian access. The Council's Highway Safety do however have records of incidents caused by parents using Nova Lane, which is narrow and deemed unsuitable for such use, as well as on Kings Drive due to poor parking and conflicts with residents. Officers have raised concerns over this matter to the applicant, seeking measures to control parent parking on Kings Drive and Nova Lane. The applicant has refused, stating these are existing issued that would not be materially affected by the development, due to the number of students and staff remaining the same.
- 10.95 While the applicant's argument is noted, ultimately officers disagree and consider assessment of parent parking's impact on the local road network and, if necessary, mitigation measures to be reasonable. It is proposed that this be secured via condition. This is in the interest of highway safety and ensuring the proposed development has appropriate access arrangement. The school's current access arrangements are poor and well below modern expectations. As per Highway Safety's data, it is evident that there is an existing access issue that the proposed development would propagate if not addressed. As a current application the proposal is being assessed against modern policy and therefore appropriate access arrangements must be secured.
- 10.96 In terms of sustainable methods of travel, the site is an existing school and the proposal would not represent a material intensification in use given that staff and student numbers are to remain the same. However, the application is supported by a Travel Plan. This proposes a 10% modal shift over 5 years away from car movements, with measures including (but not limited to):
- The TPC will issue walk isochrones to staff and parents/guardians of existing/prospective pupils, to demonstrate to staff and pupils how long walk trips to/from the Site may take. The TPC will also promote the health and wellbeing benefits of regular walk trips to staff and pupils.
 - St Peters C of E Primary School is currently signed up to the Living Street WOW initiative. Living Streets is the UK charity for everyday walking. 'WOW the Walk to School challenge' requires children to log their method of travel to school through an interactive WOW travel tracker. Children that undertake journeys by walk/wheel, cycle or scoot, once a week for a month are rewarded with a badge. The scheme also includes Park and Stride journeys where parents/guardians park further from the school and undertake a walk trip (typically 5 to 10 minutes) to the school gates. This helps to reduce congestion and pollution in the vicinity of the school and incorporates a walking trip to the school.

- Bikeability and Scooter training is currently provided by the school. Pupils are required to pass level 2 of the Bikeability course in order to cycle to school. This training will continue to be offered at the new school to provide positive encouragement for pupils to cycle to school.
- Promotional events and literature will be arranged by the TPC, to encourage cycling, and emphasising the health benefits
- The TPC will provide information staff and parents/guardians regarding the routes and frequencies of bus services calling at these stops, including highlighting services that are useful for school start and finish times
- The new staff/pupil Induction Pack prepared by the TPC, and issued to all new staff, and parents/guardians of pupils new to the school will include information on bus services. This will include bus stop locations, routes & destinations, and frequency of services.

10.97 A condition requiring the development to operate in accordance with the travel plan is recommended.

10.98 Notwithstanding the above, the proposed cycle parking is deemed insufficient. The proposal includes 12 cycle parking spaces as Sheffield stands, which is considered inadequate. National cycle guidance LTN 1/20 suggest a rate of 1:20 cycle spaces per staff, and 1:10 for students at all educational institutes. This would equate to 22 cycle spaces. Acknowledging however, that this site is a primary / nursery school, as opposed to high school or college, where student cycling is expected to be lower, a minimum provision of 18 spaces is deemed a reasonable compromise. Furthermore, these must be adequately secure from crime and the elements. Therefore, a condition for details of a minimum of adequately secured 18 cycle parking spaces is recommended.

10.99 Servicing of the site includes twice weekly refuse collection and daily food deliveries. At present, delivery and refuse vehicles access the site and require complicated turning manoeuvres within the small car parking area.

10.100 The proposal includes dedicated turning facilities for service vehicles. For most vehicles the on-site turning is acceptable. However, the swept path plan shows that an 11.85m refuse vehicle turning would encroach nominally on a pedestrian area. In mitigation the applicant has said:

there are bollards to demarcate the actual pedestrian walkway adjacent to the building which does not stray into the bin waggon overrun areas, and you will also note that the secure fence line position means that school children would actually have no access to the school drive area / turning head

The applicant considers the arrangements to be acceptable. Furthermore, they highlight that the overlap is nominal and a vast improvement over the current arrangements. However, they have stated it may be feasible to accommodate turning and intends to provide an updated swept path plan, but it would likely reduce the size of the play area and is not their preference. An alternative that officers would consider appropriate would be a condition for a refuse collection plan, to ensure refuse collection takes place in a way that ensures no risk to pedestrians / students. Further details shall be provided in the update to members.

- 10.101 Given the scale and nature of the development, officers recommend a Construction Management Plan be secured via condition. This is to ensure the development does not cause harm to local highway safety and efficiency. This would be required pre-commencement, given the need to ensure appropriate measures from the start of works.
- 10.102 In summary, subject to the recommended conditions, officers are satisfied that the development would not cause harm to the safe and efficient operation of the Highway, in accordance with the aims and objectives of Policies LP21 and LP22 of the Kirklees Local Plan.

Drainage and flood risk

- 10.103 The application is supported by a comprehensive Flood Risk Assessment and Drainage Strategy which has been reviewed by the Lead Local Flood Authority.
- 10.104 The site is within Flood Zone 1. Appropriate regard has been given to whether other potential sources of flooding exist; these have been discounted. Due regard has also been given to surface water flood routing (exceedance event) through the site.
- 10.105 A detailed drainage strategy for the development has been provided and is considered acceptable by LLFA officers. The proposed attenuation tank, point of discharge, and discharge rate comply with relevant guidance and policy and are acceptable. Their implementation may be secured via condition.
- 10.106 As the site falls under a single ownership, management and maintenance responsibility will rest with the land owner and a S106 for a management company is not deemed necessary. The submitted FRA and Drainage Strategy includes management and maintenance details for the abovementioned future drainage infrastructure, which is welcomed.
- 10.107 A Temporary Surface Water strategy has been provided up front and the LLFA confirm it is to be acceptable. Likewise, a condition requiring adherence to it is recommended.
- 10.108 The proposal includes large cooking facilities. K.C. Environmental Health and Yorkshire Water have requested that a condition be imposed requiring details of grease / fat traps be imposed which officers support as a recommendation.
- 10.109 The proposal is considered to comply with the aims and objectives of LP27 and LP28.

Ecology

- 10.110 The Ecological Impact Assessment (EclA) provides a comprehensive assessment of the site, laying out the potential impacts on the habitats and species at the site, brought about by the proposed development. The habitats on site consist of the school buildings and associated playgrounds, car parking and introduced planting. Small areas of grassland and woodland are present at the site, providing much of the boundary habitats. Overall, the habitats on site are common and widespread. There will be a low impact on the woodland through pruning and the loss of trees, as detailed in paragraph 10.63 to accommodate the development and new access road, however most of the trees and woodland will be retained. Given the availability of habitats within the wider area, comprising gardens and large areas of grassland and woodland to the north, east and west, it is considered that the loss of these small areas of habitat will have a minimal ecological impact.
- 10.111 The EclA determines that the site provides minimal opportunities for protected species, however, significant vegetation removal/pruning has the potential to disturb nesting birds, therefore it is recommended that this is completed outside of the bird breeding season, securable via condition. The EclA lays out a number of mitigation and enhancement measures, which can be secured via a suitably worded condition.
- 10.112 Stray light pollution may impact on the habitat value of adjacent woodland. While some lighting details have been provided, they do not provide a detailed lux plan. A condition for a detailed lighting assessment, which will also need to consider amenity and security, is therefore recommended.
- 10.113 The above considers the proposal's direct impacts on local habitat and species. Policy also requires development to result in a net gain to local ecology, in this case a 10% gain using the DEFRA Metric. Following amendments and further details being provided, the applicant has confirmed that the development can deliver the 10% net-gain on site (negating the need for delivery in the area and/or an off-site financial contribution) the delivery of the 10% is to be secured via condition.
- 10.114 Subject to securing the above-mentioned conditions, officers consider that the proposal would comply with the aims and objectives of Policy LP30 of the Kirklees Local Plan.

Other Matters

Air quality

- 10.115 The development is not in a location, nor of a large enough scale, to require an Air Quality Impact Assessment.
- 10.116 Notwithstanding the above, in accordance with government guidance on air quality mitigation, outlined within the NPPG and Chapter 15 of the NPPF, and local policy contained within LP24(d) and LP51 and the West Yorkshire Low Emission Strategy Planning Guidance seeks to mitigate Air Quality harm. Given the scale and nature of the development officers seek the provision of electric vehicle charging points on new development that includes car parking. The purpose of this is to promote modes of transport with low impact on air quality.

10.117 The applicant has proposed the delivery of two EVCP. Of the 14 parking bays (inc. two accessible bays), this represents a delivery of 15%, which is considered acceptable. No details of specifications have been provided, therefore a condition securing a minimum delivery of two EVCP, at an appropriate specification, is recommended.

10.118 Subject to a condition requiring this provision, the proposal is considered to comply with LP24(d) and LP51 of the Local Plan.

Contaminated land

10.119 Due to the scale of the development and sensitive end users, due regard must be given to ground contamination.

10.120 The applicant has submitted Phase 1 ground investigation reports which have been reviewed by K.C. Environmental Health. The Phase 1 has been accepted; however, it identifies that a Phase 2 report is required to further investigate and, if necessary, identify necessary remediation measures. Accordingly, Environmental Health recommends conditions relating to further ground investigations. Subject to the imposition of these conditions' officers are satisfied that the proposal complies with the aims and objectives of LP53.

Crime Mitigation

10.121 The West Yorkshire Police Liaison officer has made a number of comments and recommendations, particularly with regards to site security, rear access security and boundary treatments. Some of these comments, such as fencing location and design, are material considerations to planning. These have been considered by the applicant and incorporated through the amendments.

10.122 Further details on lighting are required and must appropriately balance impacts on the amenity of neighbours, ecology, and security. While some details of lighting have been provided, they are insufficient in detail and are to be sought via condition.

10.123 Other comments, such as window specifications and locks, go beyond the remit of planning and are not to be secured via condition. Nonetheless, the applicant has been aware of the advice.

10.124 For the reason given above, officers are satisfied that the proposal, subject to condition, complies with the aims and objectives of LP24(e).

Representations

10.125 The following are responses to the matters raised within the public representations received, which have not been previously addressed within this assessment.

- Perimeter fencing should be green, to blend in with the trees.

Response: No new fencing is proposed around the site. Fencing is proposed within the site, but away from the boundary. Insisting on new fencing being green in colour is unnecessary.

- Existing trees on the site need to be cut back and managed on shared boundaries and Nova Lane. Some are covered in Ivy and are dying, leading to safety concerns.

Response: Tree management such as the above goes beyond the remit of this application.

- The new building is close to many trees, which will result in tree nuisance and will damage the school in short order.

Response: This is deemed a management and maintenance issue for the applicant and outside the remit of the planning application.

- Surrounding roads should be limited to 20mph.
- Local bus stops should be improved to promote bus use.

Response: Such works are not considered reasonable or necessary to make the proposal acceptable in planning terms.

- The school building would cause overlooking of neighbouring land. The tree-belt is nearly all deciduous trees so offer limited screening in winter months. None of the new planting within the tree-belt is ever-green, so would not address this.

Response: This is noted. While the tree-belt is helpful mitigation, ultimately officers consider the separation distance sufficient in its own right to prevent harm.

11.0 CONCLUSION

11.1 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.

11.2 The site is Urban Green Space, which the proposal would result in the partial loss of. The proposal therefore represents a departure from the Local Plan. Planning permission decisions must be taken in accordance with the development plan, unless there are material considerations that indicate otherwise. In this case the harm of this loss is minimal and the public benefits of the proposal, to local education, are considered to clearly outweigh the harm caused. Therefore, the principle of development is deemed to be acceptable.

11.3 The site is adjacent to heritage assets. Nonetheless, the proposal is considered well designed and attractive. It would not therefore harm the historic environment and would harmonise well with the built environment.

11.4 Subject to the conditions referenced through this assessment and listed below the proposed development is not deemed harmful to the amenity of residents, nor would it harm the safe and effective operation of the highway, subject to the recommended conditions. Other material considerations have been assessed, including drainage and ecology, and likewise have been demonstrated to have acceptable impacts.

11.5 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, subject to conditions.

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. Development to be carried out in accordance with the approved plans and specifications
3. Solar panels to be provided as proposed
4. Phasing strategy to be provided
5. Construction Management Plan to be provided
6. Solar panels to be provided.
7. Condition for materials to be provided.
8. Boundary stone wall to be re-built, with access improvements.
9. Works to be done in accordance with Arb reports
10. Landscaping strategy to be submitted and implement in first season after occupation
11. Landscaping management and maintenance to be provided.
12. Fencing / boundaries to be done in accordance with plans.
13. Odour mitigation plan
14. Review of noise mitigation measures after 12 months.
15. 3.5m high weldmesh ballstop Design Guidance Note from Sport England Artificial Grass Pitch (AGP) Acoustics
16. Roof plant noise limit.
17. Staff and student maximum numbers
18. HW survey of local road network and parent parking habits. If necessary, mitigation to be implemented.
19. Development to operate in accordance with travel plan
20. Details of minimum secure 18 cycle parking spaces to be provided.
21. Drainage system to be installed in accordance with approved details.
22. Temporary surface water to be managed in accordance with submitted details.
23. Kitchen discharge to go via fat / grease trap.
24. Lighting strategy to be provided (ecology, amenity, and security).
25. Site clearance outside of bird breeding.
26. EclA enhancement measures to be implemented.
27. 10% net gain to be delivered on site.
28. Contaminated land investigations
29. Minimum two EVCP to be provided at required spec

Background Papers

Application and history files

Available at:

[Planning application details | Kirklees Council](#)

Certificate of Ownership

Certificate B signed.