
Report of the Head of Planning and Development**STRATEGIC PLANNING COMMITTEE****Date: 21-Nov-2019****Subject: Planning Application 2019/92912 Erection of single storey ancillary building Batley Girls High School Visual Arts College, Windmill Lane, Birstall, Batley, WF17 0LD****APPLICANT**Mark Limbert, BGHS
Visual Arts College**DATE VALID**

05-Sep-2019

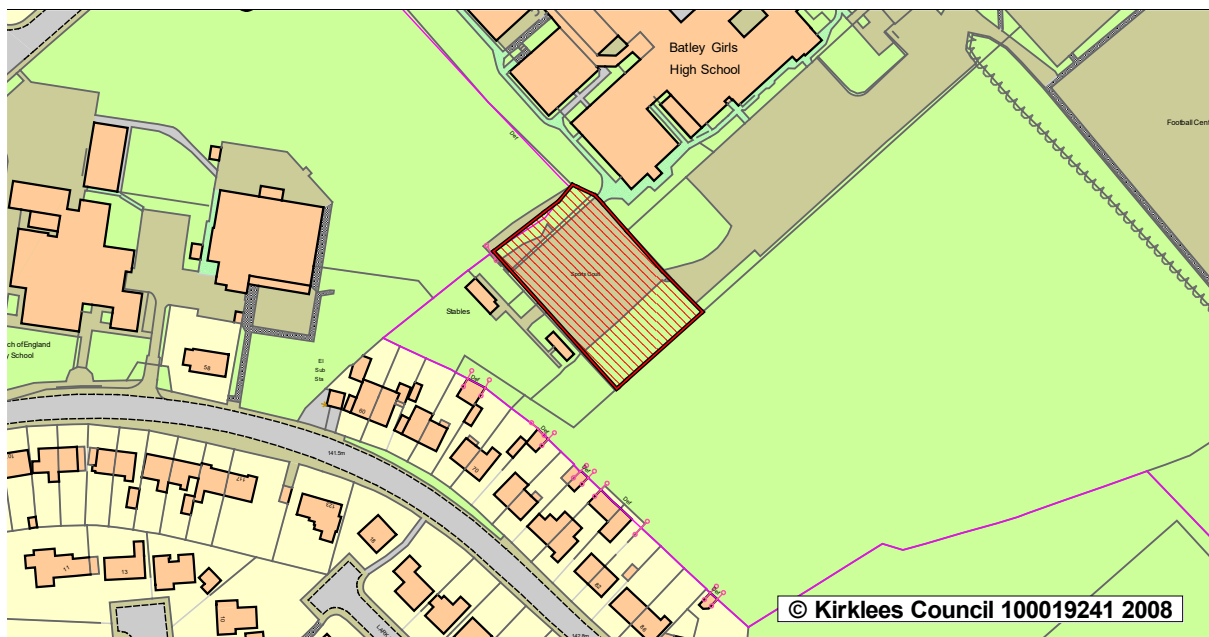
TARGET DATE

05-Dec-2019

EXTENSION EXPIRY DATE

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

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

LOCATION PLAN

Map not to scale – for identification purposes only

Electoral Wards Affected: Birstall and Birkenshaw

Y

Ward Members consulted
(referred to in report)

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 is a full planning application seeking the erection of single storey ancillary building to serve as an examination hall for Batley Girls High School Visual Arts College, Windmill Lane, Birstall, Batley.
- 1.2 The application is brought to Strategic Planning Committee as the site area exceeds 0.5 ha and comprises of non-residential development and its approval would represent a departure from the development plan.

2.0 SITE AND SURROUNDINGS:

- 2.1 The application site is to the rear of Batley Girls' High School Visual Arts College, Windmill Lane, Birstall, Batley. The application site is associated with the school and consists of 2no. redundant tarmac netball courts and grassed strip, defined by security fencing. The site is relatively flat, with the wider area sloping gently from north-west to south east.
- 2.2 The school consists of a relatively modern complex of purpose built school buildings, which are mainly single storey and built with flat roofs of various levels. It appears to have been extended on numerous occasions and has several small courtyards and open corridors.
- 2.3 The school fronts onto Windmill Lane where there is access and parking. The main car park is located to the rear of the building; the access road runs from Windmill Lane around the east of the site. Beyond the car park to the south lie playing fields. To the east of the site, there are prefabricated buildings and beyond is Batley Sports Centre. To the west is a Community Farm and beyond is Windmill Church of England Primary School and their grounds, along with interwar semi-detached dwellings on Upper Batley Lane. The wider area is largely residential in character.

3.0 PROPOSAL:

- 3.1 The proposal seeks full planning permission for the erection of a purpose built exam hall. The large open plan hall will provide sufficient space for the school's pupils to sit exams (the school has a 1325 capacity) throughout the year. Associated with the main exam hall a suite of complimentary rooms will provide environments for aural exams, specialist presentations etc. Although primarily intended for exams, the space will also provide an assembly space for the school outside exam times.
- 3.2 The proposed building provides an open exam hall space for 210 candidates with an ancillary 30 person space and associated booths within a 30 x 43m single storey block.
- 3.3 The internal layout has been based on exam best practice. The exam hall accommodates individual desks arranged in lines with aisles for invigilators. The space is accessed by a common corridor which also serves the smaller spaces and sanitary provision. The building is orientated with a primary access to address the footpath link to the school.
- 3.4 The proposed exam hall has a functional appearance. It consists of a shallow pitched steel portal frame will support grey trapezoidal profiled composite cladding to roof and walls with a lighter contrasting entrance elevation facing the school. Doors and windows have high cills which will be integrated into the envelope with pressings to match. A perimeter footpath will allow exit from colour matched escape doors.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

- 4.1 It should be noted that earlier in the year, the applicant made the same planning application on the school's playing fields (Reference: 2019/91781). However, after objections from Sports England and from neighbouring residential properties the applicant decided to withdraw the planning application. A change in the red line boundary has resulted in this new planning application.
- 4.2 There have been several other planning applications relating to works at the school; however none of these are relevant for this planning application.

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

- 5.1 In addition, to the negotiations as described in paragraph 4.1, officers sought further clarification as to the current use and operation of the redundant netball courts.
- 5.2 At the request from the Lead Local Flood Authority, additional information was sought regarding the proposed drainage scheme.

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)

6.2 The site is Urban Green Space on the Local Plan Policies Map (Reference: UG313). The relevant policies include:

- LP1 – Presumption in favour of sustainable development
- LP2 – Place shaping
- LP3 – Location of new development
- LP21 – Highway safety and access
- LP22 – Parking
- LP24 – Design
- LP27 – Flood risk
- LP30 – Biodiversity and geodiversity
- LP47 – Healthy, active and safe lifestyles
- LP49 – Educational and health care needs
- LP50 – Sports and physical activity
- LP51 – Protection and improvement of air quality
- LP52 – Protection and improvement of environmental quality
- LP53 – Contaminated and unstable land
- LP56 – Facilities for outdoor sport, outdoor recreation and cemeteries

Supplementary Planning Guidance / Documents

6.3 The following are Supplementary Planning Guidance / Documents relevant to the proposal:

- Kirklees Council Playing Pitch Strategy
- Sport England Playing Fields Policy and Guidance Document (March 2018)

National Planning Guidance

6.4 National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF), published 19th February 2019, the National Design Guide published 1st October 2019 and the Planning Practice Guidance Suite (PPGS), first launched 6th March 2014, together with Circulars, Ministerial Statements and associated technical guidance.

6.5 The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- Chapter 2 – Achieving sustainable development
- Chapter 4 – Decision-making
- Chapter 8 – Promoting healthy and safe communities
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal changes
- Chapter 15 – Conserving and enhancing the natural environment

7.0 PUBLIC/LOCAL RESPONSE:

7.1 The application was advertised in the local press, and by the posting of neighbour notification letters, in addition to site notices. The consultation period ended on Friday 25th October 2019.

- 7.2 Two letters of public representation were received and can be found in full on the council's website. The following is a summary of the concerns raised;
- Adverse impact on existing issues associated with the school in relation to parking, local traffic and on highway safety.
 - The new area sits on raised land above the houses which not only has potential for ground water flooding into the neighbouring property but also affects the privacy of the houses.
 - The proposed site is still located within a residential area and the surrounding area is extremely rural and I object to this being the first steps of many to ruin our green and pleasant land.
 - The site may not be used for netball but at break times this area is used regularly by the schoolchildren as an outdoor rest area where they can gather safely and relax in a secure space. Therefore this could push them out into the surrounding streets?
 - They already have use of the sports centre main hall so why build more?
 - This building will have an impact on the Urban Green Space, and as the report states "the budget offers limited opportunity for landscaping" I suggest the application be withdrawn and utilise the existing facilities.
- 7.3 All three Ward Councillors were notified of this application, however no comments have been received.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

K.C. Highways Development Management – The scheme does not affect staffing or pupil numbers and does not reduce the off-street parking provision. As such, the proposal is acceptable from a highways perspective, subject to the imposition of a planning condition seeking further details for a construction access.

Sport England – Satisfied that the proposed development meets exception 3 of their playing fields policy and therefore does not wish to raise an objection.

Lead Local Flood Authority – No objections-further information has been submitted and will be commented on in the planning update.

8.2 Non-statutory:

K.C. Building Control – No objection.

K.C. Ecology – No objection.

K.C. Environmental Health – No objection and requests a planning condition for reporting of unexpected contamination.

K.C. Public Health – No objections but would like to understand what measures will be put in place for the provision of outdoor/ play space during school break times and for physical activity following the loss of space proposed in the development.

K.C. Sport & Physical Activity – No objection as long as the scheme did not compromise playtime activity at break times. There are halls available for netball/other court sports that could be easily be utilised.

K.C. Trees – No objection.

The Coal Authority – No objection.

West Yorkshire Police – Comments provided in relation to site security, building materials, building construction, external lighting, CCTV, intruder alarms.

National Counter Terrorism Police - Advice provided.

Yorkshire Water – No objections

9.0 MAIN ISSUES

- Principle of development
- Loss of playing space
- Urban design issues
- Residential amenity
- Landscape and biodiversity issues
- Highway issues
- Flood risk and drainage issues
- Other matters
- Planning obligations
- Representations

10.0 APPRAISAL

Principle of development

- 10.1 Planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 10.2 The site is designated in the Local Plan as Urban Green Space (UGS) on the Local Plan Policies Map (Reference: UG313). Therefore, policy LP61 (Urban green space) is central to the consideration of the proposed development. This policy states that development proposals which would result in the loss of UGS will only be permitted where:
- a) *an assessment shows the open space is clearly no longer required to meet local needs for open space, sport or recreational facilities and does not make an important contribution in terms of visual amenity, landscape or biodiversity value; or*
 - b) *replacement open space, sport or recreation facilities which are equivalent or better in size and quality are provided elsewhere within an easily accessible location for existing and potential new users; or*
 - c) *the proposal is for an alternative open space, sport or recreation use that is needed to help address identified deficiencies and clearly outweighs the loss of the existing green space"*
- 10.3 This local policy basis is consistent with paragraph 96 of NPPF, which recognises that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of local communities. Furthermore, paragraph 97 of the NPPF is clear that existing open space, sport and recreational facilities 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.*

- 10.4 No detailed assessment has been provided as to how the proposal would specifically address the criteria of policy LP61 of the Local Plan and paragraph 97 of the NPPF. However, the Planning Support Statement explains that the School has undertaken a review of the existing facilities available and the needs of the pupils are catered for within the immediate vicinity as the school benefits from close proximity to the adjacent Batley Sports and Tennis Centre with four external courts and a full size Multi Use Games Area training pitch. The Statement goes on to explain how consultations have taken place with both Sports England and Kirklees regarding the loss of the courts and although there is a well documented lack of facilities in the area the tarmac surfaced netball courts are not considered fit for purpose and are no longer used.
- 10.5 It should also be acknowledged that the development of an exam hall would mean that the school would no longer require the use of the sports hall at Batley Sports and Tennis Centre for pupils to sit their exams. This in turn, would potentially 'free up' the sports hall during periods of examinations for sports and leisure uses.
- 10.6 Local Plan policy LP49 states that proposals for new or enhanced education facilities will be permitted where they (a) meet an identified deficiency in provision and (b) the scale, range, quality and accessibility of education facilities are improved. This policy corresponds with paragraph 94 criteria (a) of the NPPF states that Local Planning Authorities should attach great weight to the need to create, expand or alter schools through the decisions on applications. Therefore, in this instance, it is considered that the need for an examination hall to improve the school's education facilities outweighs the impact on Urban Green Space. Thus, this material consideration justifies a departure from the Local Plan. Subsequently, officers consider that this development would be acceptable in principle subject to their being no significant detrimental impact on other matters outlined later on in this report.

Loss of playing space

- 10.7 Although, officers have not objected to the planning application, they have queried if play time activity at break times and space for physical activity will be affected by the proposal?
- 10.8 The Assistant Head responsible for Facilities at Batley Girls' High School has confirmed that the school do not use the netball courts as they are outdoor. Instead, they use the adjacent Batley Sports and Tennis Centre for netball, which has the necessary capacity. The netball courts are currently not used by the students during the normal day, unless there is an evacuation (which is moving to the rear field once works starts). There is fencing and a gate restricting access to the area, and it can only be opened by staff (or when triggered to release by the fire alarm). Furthermore, the netball courts are located outside the school's designated 'secure perimeter' for play time activity.
- 10.9 As the proposal will not mean an increase in pupil numbers or mean the loss of a 'current' playing space it is considered that there would not be an adverse effect on the school's play time activity at break times and space for physical activity. Furthermore, this application would likely be to the benefit to the school and the wider community as the Batley Sports and Tennis Centre sports hall will be available for sports and recreation during the exam season.

- 10.10 The proposal would not result in the loss of a playing field and Sport England do not raise any objections to the planning application. Officers consider that the proposal would accord with Local Plan policies LP47, LP50 and chapter 8 of the NPPF in promoting healthy, active and safe lifestyles.

Urban design issues

- 10.11 The previous application proposed an examination hall sited some distance from the school buildings. This application site is immediately located to the south west corner of the school buildings and would therefore, read as being part of the school buildings.
- 10.12 The application site does not have a street frontage and is well enclosed by residential dwelling houses to the south west, a Primary School to the north west and the Batley Girls High School itself to the north east. The building is a large, shallow pitched roof, single storey building at a height no greater than 5.7 metres. Officers consider that the proposal would not have any visual impact on the Upper Batley Lane and Windmill Lane street scenes. As such, it is considered that the proposed building is appropriately located and of an appropriate scale, form and height.
- 10.13 The surrounding townscape is characterised by varying design and styles from different periods. The proposed exam hall would consist of a brick plinth with a steel portal frame that would support grey trapezoidal profiled composite cladding to roof and walls with a lighter contrasting entrance elevation facing the school. Doors and windows have high cills which will be integrated into the envelope with pressings to match. The design of the proposed buildings is considered to be functional and modern and given the varied character and design of surrounding development, is considered to be acceptable within this setting.
- 10.14 The National Counter Terrorism Police officer and the West Yorkshire Police Architectural Liaison officer have both assessed the proposals and provided advice and guidance in relation to site security, building materials, building construction, external lighting, CCTV and intruder alarms. The comments made are advisory and have been referred to the applicant. It is considered that the site can be satisfactorily developed whilst minimising the risk of crime and terrorism through enhanced security and well-designed security features in accordance with LP24 (e).
- 10.15 It is therefore considered that in terms of design, this proposal would accord with policy LP24 of the Local Plan, the National Design Guide and chapter 12 of the NPPF.

Residential amenity

- 10.16 The nearest residential dwellings to the application site can be found to the west and south and are associated with Upper Batley Lane. The proposed exam hall is in excess of 40 metres to the nearest residential dwelling house habitable room window, with an intervening Community Farm and boundary vegetation. The applicant explains how the school will seek to improve the existing, intervening landscape, which could be secured by condition.

- 10.17 Officers consider that the proposals would not have any impact on residential amenity in terms of privacy, overshadowing and overbearing as an appropriate separation distance has been achieved. Furthermore Environmental Health officers have not raised any issues, such as noise and external lighting. It is therefore considered that this proposal in relation to residential amenity would accord with policy LP24 of the Local Plan, the National Design Guide and chapter 12 of the NPPF.

Landscape and biodiversity issues

- 10.18 The proposal would mean the loss of a tarmac area used for netball courts and a strip of grassland that is part of the school's playing fields. There are no trees or other landscape features that would be lost as part of this planning application. Therefore it can be considered that the area of land to be lost has limited landscape quality or ecological value, nor is it within a Bat Alert Area. Furthermore, no objections have been received from the council's Tree or Biodiversity officers.
- 10.19 Also, the planning application is immediately sited to the south west of the school buildings and would be seen in context of such buildings. Although, there would be the loss of some Urban Green Space, it is considered that given the location of the application site there would be no adverse impact on the landscape character or setting of the school and the wider residential area.
- 10.20 Moreover, the applicant has explained within the Design and Access Statement that additional planting would reinforce existing landscaped areas, which could be secured by planning condition. These measures would help to assimilate it into the landscape and screen the building from neighbouring residential dwelling houses. Additionally, the supplementary planting would aid in enhancing the ecological value of the school grounds.
- 10.21 Officers consider that the proposal would accord with Local Plan policies LP24, LP30 and LP32 as well as chapter 12 of the NPPF.

Highway issues

- 10.22 The proposed building is ancillary to the main school building and is intended to improve the conditions for the existing pupils during the examination season. The scheme does not affect staffing or pupil numbers and so there is no anticipated increase in vehicle movements associated with this application. Additionally, the application does not reduce the off-street parking provision. A planning condition is recommended to ensure that the ancillary building cannot be converted in the future, without the necessary planning permission considering any potential increase in pupil and staff numbers and any resulting highways implications.
- 10.23 Highways Development Management officers have raised no objections but have requested a planning condition requiring a schedule of the means of access to the site for construction traffic and to be agreed prior to construction. It is considered that the proposal is acceptable from a highways perspective and in accordance with policies LP21, LP22 and LP24 of the Local Plan as well as the Highways Design Guide SPD.

Flood risk and drainage issues

- 10.24 The site lies within Zone 1 of the Environment Agency Flood Map and is therefore at low risk from fluvial flooding. The NPPF indicates that the proposed use of this site is acceptable within Flood Zone 1.
- 10.25 The Strategic Flood Risk Assessment identifies the application site as being within a Critical Drainage Area. Policy LP28 of the Local Plan explains how developments in such areas may require a lower run-off rate to be agreed to reflect volume control, local surface water risks, water course capacity and flood risk further downstream.
- 10.26 It is proposed that the drainage of the ancillary building will connect into the existing drainage systems and provide a 30% improvement on the discharge rate into the mains sewers. Additional sustainable drainage will also be provided for the paths that connect the building with the school.
- 10.27 Yorkshire Water have not raised any objections. Comments are yet to be provided by the Lead Local Flood Authority. However, it is considered that subject to the imposition of appropriate planning conditions an acceptable drainage solution can be achieved in accordance with Local Plan policy LP28 and NPPF chapter 14.

Other Matters

Land contamination:

- 10.28 The site is not on the council's contaminated land maps as having a previously contaminating use. The applicant has submitted a Phase I contaminated land report, which indicates limited off site contaminative uses that would not affect the development. Environmental health officers have reviewed the report and agree with this conclusion. Nonetheless, in the interest of safety, a condition is to be imposed relating to unexpected contamination, to comply with the aims and objectives of Local Plan policy LP53 and chapter 15 of the NPPF.

Climate change:

- 10.29 Chapter 12 of the Local Plan relates to climate change and states that: *"Effective spatial planning is an important part of a successful response to climate changes as it can influence the delivery of appropriately sited green infrastructure and the emission of greenhouse gases. Planning can also help increase resilience to climate change impact through the location, mix and design of development."* This is also reflected in the NPPF as a core land use planning principle. The NPPF emphasises that responding to climate change is central to the economic, social and environmental dimensions of sustainable development. This application has been assessed taking into account the requirements summarised and provides opportunity for development that is considered to meet the dimensions of sustainable development.

Minerals safeguarding

- 10.30 The application site is within a mineral safeguarding area relating to surface coal resource (SCR) with sandstone and/or clay and shale. Local Plan policy LP38 states that surface development at the application site will only be permitted where it has been demonstrated that certain criteria apply. Criterion c of policy LP38 is relevant, and allows for approval of the proposed development, as there is an overriding need. In this instance, the school have identified a specific requirement for dedicated examination hall to maintain and improve their performance.

Representations

- 10.31 As previously outlined two objections have been received with regard to this proposal. The issues raised have been noted above and a response to each is summarised below:

Adverse impact on existing issues associated with the school in relation to parking, local traffic and on highway safety.

Officer Response: The proposal looks to enhance the school working environment and would not result in an increase in pupil or staff numbers. As such, there would be no adverse impact on parking, local traffic and on highway safety.

The new area sits on raised land above the houses which not only has potential for ground water flooding into the neighbouring property but also affects the privacy of the houses.

Officer Response: The 2 storey dwelling houses at Upper Batley Lane occupy land that is at approximately 140m Above Ordnance Datum (AOD) whilst the netball courts occupy land at approximately 140m AOD. However, the proposed exam hall will be single storey in height and approximately 30 metres from the neighbouring residential dwelling houses garden boundaries. Given the intervening distances it is not considered that the proposal will have an adverse impact on privacy of houses or on ground water flooding.

The proposed site is still located within a residential area and the surrounding area is extremely rural and I object to this being the first steps of many to ruin our green and pleasant land.

Officer Response: The site is taking place on redundant netball courts within school grounds and not within open countryside or on land designated for its landscape quality. The building is sited adjacent to the main school building and as such it would be seen in context with the school.

The site may not be used for netball but at break times this area is used regularly by the schoolchildren as an outdoor rest area where they can gather safely and relax in a secure space. Therefore this could push them out into the surrounding streets?

Officer Response: The Assistant Head responsible for Facilities at Batley Girls' High School has explained that the netball courts are currently not used by the students during the normal day, unless there is an evacuation (which is moving to the rear field once works starts). There is fencing and a gate restricting access to the area, and it can only be opened by staff (or when triggered to release by the fire alarm).

They already have use of the sports centre main hall so why build more?

Officer Response: The school currently use the adjacent Batley Sports and Tennis Centre sports hall during the examination season. As such, the sports hall cannot be used for sports and recreation during exam season. Also, during the exam season, staff have to constantly set up the tables and chairs for the exams and then put them away for evening sports and recreation events. Finally, the school have identified a specific need to maintain and improve their performance and are looking for the council to help them deliver a dedicated exam space, which accords with the provisions of paragraph 94 of the NPPF.

This building will have an impact on the Urban Green Space, and as the report states “the budget offers limited opportunity for landscaping” I suggest the application be withdrawn and utilise the existing facilities.

Officer Response: The applicant has agreed to submit a landscape scheme as part of a prior to occupation planning condition. As explained above, there is a specific need for such a space to maintain and improve the performance of pupils. Furthermore, there would be a wider benefit to the community in relation to the sports hall potentially being available for sports and recreation during the exam season.

Planning obligations

10.32 None are required as part of this planning application.

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 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.
- 11.3 The application is designated as an Urban Green Space in the recently adopted Local Plan. Development would be contrary to Local Plan policy LP61. However, it is considered that there are material considerations which would outweigh the harm and justify a departure from the Local Plan. These material considerations consist of a recognised need for an education facility to provide an examination hall to help maintain and improve the school’s performance, which accords with Local Plan policy LP49 and paragraph 94 of The NPPF.
- 11.4 The design of this development is considered to be acceptable and sustainable and the proposal would not result in any significant detrimental impact to local amenity, local ecology/biodiversity in the immediate vicinity or the local highway network.
- 11.5 In such circumstances it is considered that there are no adverse impacts of granting permission which would significantly and demonstrably outweigh the benefits when assessed against the policies in this framework taken as a whole, or that specific NPPF policies indicate development should be restricted. In such circumstances the application is recommended for approval.

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

1. Three years to commence development
2. Approved plans and documents
3. Building materials
4. Landscaping
5. Protection of trees
6. Time limitations regarding the removal of vegetation
7. Land contamination
8. Drainage maintenance and management
9. Flood risk and drainage
10. Construction access and management plan
11. Ancillary building use restriction

Background Papers:

Application and history files.

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2019/92912>

Certificate of Ownership –Certificate A signed.