



## Report of the Chief Planning Officer

### SOUTH AND WEST PLANS PANEL

17<sup>th</sup> March 2022

**Subject:** 21/09894/FU – Bramhope Primary School, Tredgold Crescent, Bramhope - Proposed alterations and extension to existing school including new landscaping and reconfiguration of site access and car parking, new 2.4m boundary fencing.

**APPLICANT**

Bramhope Primary School

**DATE VALID**

08.12.2021

**TARGET DATE**

TBA

**Electoral Wards Affected:**

Adel & Wharfedale

Yes

Ward Members consulted  
(referred to in report)

**Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

**RECOMMENDATION: GRANT PERMISSION subject to the following conditions:**

Conditions

1. Time limit
2. Approved Plans
3. Materials to be agreed
4. Surface materials
5. Tree protection
6. Landscaping
7. Aftercare for landscaping
8. Travel plan
9. Cycle storage
10. Surface and seal
11. Provision for contractors
12. Construction practice
13. EVCP
14. Car parking service management plan

15. Off-site highway works
16. Post occupation highway monitoring
17. Drainage
18. Bird nesting season
19. Biodiversity measures
20. Replacement trees
21. Community use agreement

## **1.0 INTRODUCTION:**

- 1.1 The application is presented to Plans Panel following comments received from Cllr Flynn who, although supportive of the need to provide additional school places, has objected to development due to concerns that the proposals will adversely impact on the local highway network and the need for appropriate off-site highway mitigation measures to be put in place. Cllr Flynn has also raised concerns in terms of a lack of enforceable measures to mitigate against poor and dangerous driving.

## **2.0 PROPOSAL:**

- 2.1 The school is expanding from 1.5 form-entry (FE) to 2FE. The proposal seeks to create two new build extensions and infilling works as well as a car park extension to provide additional car parking spaces, other works include a new main entrance off Breary Rise. The extension and alterations will increase the school's net capacity to 420 pupils, an increase of 92 pupils. Additionally, up to 6 Full-Time Equivalent (FTE) posts will be created as part of the proposal.
- 2.2 The school currently has a Published Admission Number (PAN) of 40 pupils per year group with a net capacity of 280 pupils. The proposed development seeks to increase net capacity up to 420 pupils (60 PAN). However, the school has been oversubscribed for some time and has previously provided bulge cohorts for 20 extra pupils for the past 2 years and as a result, there are currently a total of 328. The proposal therefore seeks to add 92 pupils over a period of 5 years.

## **3.0 SITE AND SURROUNDINGS:**

- 3.1 The application relates to Bramhope Primary School which lies partly in the urban area and also within the designated Green Belt. The school is characterised by two main buildings which are split to form different key year groups. The first building relates to the original primary school, accessed off Tredgold Crescent which shares a vehicular access with an adjoining medical centre located to the south east. This is referred to as a key stage 2 building and is constructed from brick built, flat roofed and partly two storey. This block sits within the urban area.
- 3.2 The other main building is accessed off Breary Rise and is referred to as a key stage 1 building. This is constructed from artificial stone, flat roofed and single storey. This building accommodates a nursery, the reception classes and the infant's classrooms for years one and two and their learning areas. This block is located in the Green Belt, as is the car park, positioned to the north of this building.
- 3.3 The school is bounded by residential properties to the north, east and west with an existing medical practice forming part of the eastern boundary. The buildings are divided by an undesignated footpath which is open to the public and used to access the medical centre. To the south, the school is bounded by farmland of open character with a mix of hedgerow, tree and hedgerow and woodland boundaries. The topography of the land falls gradually north to south. Wrapping around the perimeter of the school are mature trees which form an attractive and valuable visual screen.

#### **4.0 RELEVANT PLANNING HISTORY:**

4.1 There is no planning history relevant to the determination of this application.

#### **5.0 HISTORY OF NEGOTIATIONS:**

5.1 Discussions have taken place with the applicant, LCC projects team and Ward Members. Cllr C Anderson supports the development in principle but has sought provision for the replacement footpath / enhancement of surrounding paths to compensate for the loss of the current access link between the school and medical centre. It has been suggested that S106/CIL monies be used to do this. Concerns have also been raised in relation to potential highway impacts and the need to ensure sufficient mitigation measures are put in place.

5.2 Cllr Flynn, although supportive of the objective to provide additional school places, has objected to development due to concerns relating to impact on the highway network and the need for appropriate off-site highway mitigation measures to be put in place. Cllr Flynn has also raised concerns in terms of a lack of enforceable measures to mitigate against poor and dangerous driving. Concerns are also raised in relation to the effectiveness of the travel plan and future school numbers based on additional planned housing growth in the area.

#### **6.0 PUBLIC/LOCAL RESPONSE:**

6.1 The application has been advertised by multiple site notices on three occasions. The first notices were posted on the 18.1.22, the second 11.2.22 and the third on the 23.2.22.

6.2 The application was initially readvertised as the original notices did not refer to this proposal as a departure from the development plan. The most recent notices were posted to include perimeter fencing in the description.

6.3 In terms of representations received, 65 have been submitted to date. 17 are representations of support, 4 are general comments and 44 are objections.

6.4 Cllr Flynn – As noted above.

6.5 Bramhope and Carlton Parish Council object to the proposal on the following grounds:-

New car park in the Green Belt is inappropriate development, development is not sustainable, no VSC have been demonstrated. Boundary fencing is inappropriate in the Green Belt and should be reduced in height, replacement landscaping and tree planting is not enough to mitigate against harm caused, proposed highway works will just displace the problem somewhere else on the network and amendments are sought, an enforcement package is required to properly police measures proposed, travel plan requires changes and robust and measurable targets. Finally, in terms of school numbers, it is considered that this is overstated, and the planned increase exceeds the demand required for the Bramhope catchment area.

6.6 BRACE (Bramhope Residents Against Congestion Expansion) consisting of 310 local residents. Summary of concerns relate to seriously flawed transport statement, inaccurate traffic audit, travel plan will not reduce the number of cars, traffic statement overstates connectivity as highly accessible, poorly considered off site

highway mitigation measures, cycling is not safe in the area, safeguarding applies to all residents not just children, needs and rights of the wider community need to be considered, closure of footpath within the school site is contested, proposals will be harmful to the health and well-being of the village as a whole, proposals involve unnecessary and obtrusive fencing which will create an overbearing feeling, process has been undemocratic and obstructive, public consultation – pre app and post submission has been poor and planning notices have been posted in non-prominent locations.

- 6.7 The wider objections relate to highway concerns, highway safety, congestion, travel plan is inadequate, loss of permissive footpath which provides access for the infirm to health care, need for boundary fencing where it adjoins residential boundaries and the height and design of such, fencing harmful to children’s mental health, traffic calming measures will detract from the character of the area, issues raised relating to the cost of enforcing traffic regulations and the need for provision for deliveries, trades people, friends and family visits, Miller Homes plans to build a new school should be honoured, access is required for emergency vehicles, lack of streetlighting in the area, proposals to deal with congestion push the problem somewhere else and do not deal with the issues, expansion of the school will increase its catchment area, environmental damage, loss of trees, inadequate EVCP’s, environmental credentials of the building are not sufficient and carbon neutral, inadequate public engagement and lack of transparency.
- 6.8 The representations of support relate to the need to safeguard children and to provide a secure perimeter, it is inappropriate for the general public to cut through a school site, school is oversubscribed, and new school places are needed in the area.
- 6.9 The neutral comments relate to supporting the application in principle but raise concerns about inevitable increased car parking, village hall car park should be used as a possible parent drop off, pavement parking should be prevented as it forces parents and children onto the road and size of catchment area. Concerns have also been raised about the loss of the footpath to the medical centre and the impact this will have on vulnerable people.

## 7.0 CONSULTATIONS RESPONSES:

### Statutory Consultations

Sport England – No objection subject to condition requiring community use

### Non-Statutory Consultations

Conservation – No comment

Flood Risk Management – No objection in principle

Highways – No objections in principle subject to conditions

Landscape – Tree survey and AIA reports reviewed, and further clarification sought.

Network Rail – consulted in error

PROW - A Definitive Map Modification Order application to add a footpath to the definitive map and statement has been received by PROW. The footpath runs from Breary Rise to Tredgold Crescent, Bramhope. It is understood that 21 user evidence forms to date. As such, we would prefer for the route be diverted rather than be extinguished. An alternative route should be considered here. However, it is unclear if this is possible based on the plans submitted. A Public Path Diversion/Extinguishment Order, under Section 257 of the Town and Country Planning Act 1990, will be required in order to enable the development to occur.

The right of way should not be altered until the PPO has been confirmed. The granting of Planning Permission does not permit the developer to divert or extinguish a public right of way, only a Public Path Order can do this. Failure to get a Public Path Order could result in enforcement action being taken. If the applicant requires the footpath to be closed for safeguarding reasons, then a Public Path Order under Section 118B and 119B of the Highways Act 1980 should be applied for.

Ramblers Leeds Group – Request that close attention is paid to the consequences of the loss of a convenient unrecorded path which for many years has served not only as access to the school but as a convenient safe route for local residents moving between the health centre and other facilities in the village. The details provided in the present application do not consider sufficiently the movements of pedestrian traffic which are likely to result from the changes on the school site. In particular, the lack of a footway on a part of Breary Lane and the absence of secure crossings must be further considered despite the conclusions reached in the Travel Plan.

Travel wise – Travel plan is considered to be acceptable in principle.

## **8.0 PLANNING POLICIES:**

- 8.1 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 Development Plan for Leeds currently comprises the Core Strategy (amended 2019), the Site Allocations Plan (2019), saved policies within the Leeds Unitary Development Plan (Review 2006) (included as Appendix 3 of the SAP) and the Natural Resources and Waste Development Plan Document (2013) (NRWLP), The Aire Valley Area Action Plan and any made Neighbourhood Plan.

### Local Planning Policy

- 8.2 The Core Strategy 2014 (as amended by the Core Strategy Selective Review 2019) sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. For the purposes of decision-making in relation to this application, the following Core Strategy (amended 2019) policies are relevant:

General Policy – Sustainable Development and the NPPF  
Spatial Policy 1 – Location of Development  
G6- Protection and redevelopment of existing green space  
G8 – Protection of important species and habitats  
G9 -Biodiversity improvements  
EN5 – Managing Flood Risk  
EN8 – Electric Vehicle Charging Infrastructure

P9 - Community facilities and other service  
P10 – Design  
P12 – Landscape  
T1 – Transport management  
T2 – Accessibility requirements and new development

8.3 The Site Allocations Plan was adopted in July 2019. Following a statutory challenge, Policy HG2, so far as it relates to sites which immediately before the adoption of the SAP were within the green belt, has been remitted to the Secretary of State and is to be treated as not adopted. All other policies within the SAP remain adopted and should be afforded full weight. The site is covered by a G6 Green Space allocation in the SAP (site reference G738) and is also identified, in part, as Green Belt.

8.4 The following saved UDPR policies are also relevant:

GP5	Seeks to ensure that development proposals resolve detailed planning considerations, including amenity
BD3	Disabled access to new buildings
BD4	Plant equipment
BD5	Seeks to ensure new development protects amenity
BD6	Seeks to ensure that development proposals respect the scale, form and detail of the original building
LD1	Landscaping
N33	Development within the Green Belt

8.5 The Natural Resources and Waste Local Plan (NRWLP) was adopted by Leeds City Council on 16th January 2013 and is part of the Local Development Framework. The Plan sets out where land is needed to enable the City to manage resources, like trees, minerals, energy, waste and water over the next 15 years, and identifies specific actions which will help use natural resources in a more efficient way. No NRWLP policies are relevant.

#### Neighbourhood Planning

8.6 There is no neighborhood plan relevant to the development:

#### Supplementary Planning Guidance

- Sustainable Design and Construction (2011)
- Parking (2016)
- Street Design (2009)
- Designing for Community Safety (2007)
- Neighbourhoods for Living (2003)
- Sustainable Drainage in Leeds (2004)

#### National Planning Policy

8.7 The National Planning Policy Framework (2021) (the Framework) sets out the Government's planning policies for England and how these are expected to be applied. The Framework must be taken into account in the preparation of local and neighbourhood plans and is a material consideration in planning decisions.

- 8.8 The introduction of the Framework has not changed the legal requirement that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The policy guidance in Annex 1 to the Framework is that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the policies in the plan to the policies in the Framework, the greater the weight that may be given. It is considered that the local planning policies mentioned above are consistent with the wider aims of the Framework.
- 8.9 The following sections of the Framework are most relevant for the purposes of determining this application:
- 2. Achieving sustainable development;
  - 4. Decision-making;
  - 12. Achieving well-designed places;
  - 13. Protecting Green Belt land;
- 8.10 Paragraph 92 of the NPPF supports the provision of community facilities and other local services in order to enhance the sustainability of communities: To deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:
- plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;
  - guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;
  - ensure that established shops, facilities and services are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community; and
  - ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.
- 8.11 Paragraph 95 attaches great weight to the need to create, expand or alter schools:
- The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:
- give great weight to the need to create, expand or alter schools; and
  - work with schools' promoters to identify and resolve key planning issues before applications are submitted.
- 8.12 Paragraph 96 requires faster delivery of public service infrastructure such as further education colleges, hospitals and criminal justice accommodation, local planning authorities should also work proactively and positively with promoters,

delivery partners and statutory bodies to plan for required facilities and resolve key planning issues before applications are submitted.

- 8.13 Paragraph 124 of the NPPF relates to the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development *acceptable to communities*. *Being clear about design expectations, and how these will be tested, is essential for achieving this*. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.
- 8.14 Paragraph 126 states the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.
- 8.15 Paragraph 131 Adds that trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined<sup>50</sup>, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible. Applicants and local planning authorities should work with highways officers and tree officers to ensure that the right trees are planted in the right places, and solutions are found that are compatible with highways standards and the needs of different users.
- 8.16 In assessing school developments the decision maker must also be mindful of a policy statement issued jointly by the Secretary of State for Education and the Secretary of State for Communities and Local Government on 15th August 2011. This sets out the Government's commitment to support the development of state-funded schools and their delivery through the planning system. It states that the Government is firmly committed to ensuring there is sufficient provision to meet growing demand for state-funded school places, increasing choice and opportunity in state-funded education and raising educational standards. It goes on to say that the Government believes that the planning system should operate in a positive manner when dealing with proposals for the creation, expansion, and alteration of state-funded schools, and that the following principles should apply with immediate effect:
- i) There should be a presumption in favour of the development of state-funded schools, as expressed in the National Planning Policy Framework.
  - ii) Local authorities should give full and thorough consideration to the importance of enabling the development of state-funded schools in their planning decisions. The Secretary of State will attach significant weight

to the need to establish and develop state-funded schools when determining applications and appeals that come before him for decision.

## **9.0 MAIN ISSUES:**

- 1) Green Belt
- 2) Impact on playing pitches
- 3) Design and visual impact
- 4) Neighbouring Amenity
- 5) Highways
- 6) Landscape
- 7) Ecology
- 8) Other issues
- 9) VSC, Planning Balance and Conclusion

## **10.0 APPRAISAL:**

### Green Belt

- 10.1 The site is located within the Green Belt and therefore attention should be drawn to the policies which are most relevant in this case. In this case development plan policy N33 states that, except in very special circumstances, approval will only be given in the Green Belt for certain categories of development which do not include new schools or extensions to existing schools.
- 10.2 The guidance within the NPPF sets of the main objectives of Green Belt policy as being:
- to check the unrestricted sprawl of large built-up areas;
  - to prevent neighbouring towns merging into one another;
  - to assist in safeguarding the countryside from encroachment;
  - to preserve the setting and special character of historic towns; and
  - to assist in urban regeneration, by encouraging the recycling of derelict and other urban land
- 10.3 The essential characteristics of Green Belt are their openness and their permanence. Paragraph 147 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 notes when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 10.4 Paragraph 149 of the Framework indicates that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt, save for the noted exceptions. Paragraph 150 provides for other development within the Green Belt (aside from the noted exceptions) that might not be inappropriate, provided they preserve the openness and do not conflict with the purposes of including land in the Green Belt. This Development, when considered as a whole, does not fall within the exceptions listed at either paragraph 149 or paragraph 150.
- 10.5 The main issues in relation to this application are therefore;

- (i) whether the proposal constitutes inappropriate development in the Green Belt as set out in the Development Plan and having regard to national policy set out in the Framework. This document advises that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances, and;
- (ii) if it is inappropriate development, whether the harm by reason of inappropriateness, and any other harm is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

10.6 The construction of the proposed extensions will result in a modest enlargement of the school building and will not result in any disproportionate addition over and above the size of the original building.

10.7 The alterations to the site access and enlargement of a car park in the Green Belt is regarded as inappropriate development. Fences and gates are not listed as noted exceptions also to Green Belt policy. It is therefore concluded that the installation of the fencing and gates would be inappropriate development for the purposes of paragraphs 149 and 150 of the Framework. Inappropriate development is not normally acceptable unless there are very special circumstances to justify allowing the development to proceed.

10.8 In this case, the alternative would have been to expand the school entirely within the area outside of the Green Belt. In terms of the practicalities of this, it is considered that such an alternative would not be feasible or operationally sustainable given the way the site functions. In addition, there is currently an under provision of staff car parking and to increase the size of the school, without any additional car parking, would only serve to exacerbate existing parking issues.

10.9 The application has been submitted with a supporting statement where the applicant has put forward a case for very special circumstances as a justification to outweigh any harm caused by reason of inappropriateness and harm to the openness of the Green Belt.

10.10 The supporting statement states:

*In addition to the increase in the number of families with children under the age of 5, the demand for primary school places in Bramhope is set to increase in the coming years as a result of the housing development in Breary Lane East, Bramhope. The new housing development, which has planning permission for 319 homes, is now under construction and while it will take several years to be fully built and occupied, the proposed expansion seeks to ensure that the school can meet the anticipated demand in future years.*

*The proposed development is key to accommodating the expansion in pupil admission at Bramhope Primary School. As outlined above, the school has a capacity of 280 pupils (40 PAN) but for the past two years it has been required to provide additional space for extra pupils, resulting in a total number of 328 pupils on roll. Given that the school has been oversubscribed for the last 2 years, the proposed expansion seeks to add 92 pupils over a period of 5 years, with the first intake being September 2022.*

*There are also a number of operational and cultural issues to address at the school with the proposed development. The split site has resulted in an undesirable cultural split for staff and pupils and operational difficulties for the school, particularly around dining arrangements.*

*The site lacks a consistent perimeter boundary which allows members of the public easy access to the site and poses major security and safeguarding risks for the school. This is exacerbated by the undesignated path which dissects the site. The critical nature of these risks makes addressing them an essential element of the proposed development.*

*The scheme has been designed to create a link between the two separate buildings by removing an existing undesignated access and creating a landscaped footway between the two school buildings. In addition, along the perimeter of the site, the proposal involves providing a secure boundary fence of 2.4 weld mesh fencing to improve security and safeguarding on the site.*

- 10.11 In terms of the built form, the proposal would provide 131.8 m<sup>2</sup> of accommodation (gross internal floor area) as follows:
- The KS1 Hall extension: 88.8m<sup>2</sup>
  - New Head's Office and KS1 SEN Room: 35.4 m<sup>2</sup>
  - Infilling of the KS1 entrance recess to improve the school entrance security: 4 m<sup>2</sup>
  - Infilling of the former KS2 entrance recess to increase the floor area in the proposed new Learning Resource Centre: 3.6 m<sup>2</sup>
- 10.12 The new build elements to the KS1 building (in the Green Belt) are described as follows:
- 10.13 The first is a modest two storey flat roofed extension to tie into the existing hall. The hall is to be extended along its southern elevation with a wraparound canopy along the western and southern elevation of the extension. Although mainly to be constructed from matching facing brick, part of the southern elevation of the hall extension will however be rendered and the sliding doors will be double glazed, powder coated aluminium.
- 10.14 The second element is a single storey extension to the north west of the building to provide office space adjacent to the new school entrance and a room for special educational needs (SEN) provision. The works also show infilling and extending the entrance recess to improve the school security. Changes to the entrance also involve an external canopy. The external facing areas will be largely brickwork to match existing.
- 10.15 Works proposed to the KS2 element largely involve the reconfiguration of existing space to create two new classrooms. The proposal shows one entrance door recess to be infilled on the east elevation. The external materials will be designed to match the existing.
- 10.16 The proposal involves minor extensions and changes to the external elevations of the buildings, which, insofar as the extensions in the green belt relate, are considered not to harm or injure its openness; firstly, due to the quantum of development proposed and secondly due to the scale and massing of the existing building.
- 10.17 In terms of the proposed car park extension, which encompasses the land to the west of the KS1 building. The area of new car parking which encroaches into the

Green Belt measures some 520m<sup>2</sup>, and it abuts parts of the site that are already developed (existing car park and KS1 building). The layout of existing car park off Breary Rise is also to be reconfigured together with a new front entrance to the school. It is understood the current layout does not operate in the most efficient manner. There is also only one disabled space and no electric vehicle charging points. The reconfigured and extended car park has therefore been designed to service all school staff and visitor vehicles and it will remove any additional school parking demand from impacting on the medical centre car park or the adjacent streets.

- 10.18 The extension to the car park will, encroach into an area of open land and cause some visual intrusion and harm. Consequently, cars parked in this area will also cause further harm and injure the openness of the Green Belt. This harm must also be weighed against the broader environmental improvements which are proposed.
- 10.19 In terms of boundary treatment measures, a 2.4 weld mesh fence is proposed to enclose the site in order to provide a secure boundary line this is also a standard DfE requirement. Consequently, such a feature is common to most school sites whether in the Green Belt or not. Permitted development rights would also allow a 2m fence to be erected without the need for planning permission, as the proposal exceeds this threshold, planning permission is required in this instance, albeit, the fall-back position should be recognised. In this context, it is considered that a 2.4m perimeter fence will cause limited harm to the openness of the Green Belt.
- 10.20 As the proposal would constitute inappropriate development in the Green Belt, the NPPF states that inappropriate development is by definition harmful to the Green Belt, unless Very Special Circumstances exist.
- 10.21 There are a number of factors within the application which could, individually or cumulatively, amount to very special circumstances, these relate to the need to provide additional school places in the catchment area, which cannot be provided elsewhere, as well as the need to provide a safe and secure environment for its pupils. Safeguarding and the need for additional school places are matters that will weigh heavily in favour of the proposal.

#### Impact on playing pitches

- 10.22 It is understood that the proposal prejudices the use, or leads to the loss of use, of land being used as a playing field or has been used as a playing field in the last five years, as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595). This area is also allocated as G6 land in the Site Allocations Plan.
- 10.23 The consultation with Sport England is therefore a statutory requirement. Sport England has considered the application in light of the National Planning Policy Framework (in particular Paragraph 99), and against its own playing fields policy, which states: 'Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of:
- all or any part of a playing field, or
  - land which has been used as a playing field and remains undeveloped, or
  - land allocated for use as a playing field.

Unless, in the judgement of Sport England, the development as a whole meets with one or more of five specific exceptions.'

10.24 The proposal includes a new car park that will extend onto the school's playing field. Sport England has assessed the proposal against their exceptions in Playing Fields Policy:

- a) Exception E1 – Not applicable. It has not been demonstrated that there is an excess of playing pitches in the catchment in terms of both school and community playing pitch provision.
- b) Exception E2 – Not applicable. The proposals are not ancillary to the principal use of the site as a playing field.
- c) Exception E3 – Not applicable. The area of playing field proposed for the car park could be marked out with a pitch or part of a pitch.
- d) Exception E4 – Not applicable. There are no current proposals to provide an equivalent or better replacement grass playing field.
- e) Exception E5 – Not applicable. The car park is not a sports facility.

Sport England is mindful of the following characteristics that relate to this site and this planning application:

- The area has not formed part of a playing pitch and has not been marked out for a pitch. This is confirmed by historic aerial images of the site dating back to 2002.
- The area of playing field is bordered by a road to the north and trees and a building to the south creating a narrow strip of playing field. This limits its ability to be marked out with a pitch.
- The school's playing field has large areas that can be marked out with pitches of different sizes and orientations and this is evidenced in historic aerial images of the playing field.
- As mitigation for the loss of the playing field, if the site is made available for community use, the proposed car parking could be used by community users and would support the sporting use of the playing field.

10.25 In light of the above characteristics relating to this site and this proposal, on this occasion, and subject to the site being made available for community use, Sport England is satisfied that there will be no harm to sport and recreation provision on the site. Sport England therefore raises no objection to the proposed development

10.26 In wider planning terms, the loss of G6 land, as a consequence of the development, is also not considered to cause any demonstrable planning harm due to the fact that it is not regarded as a usable area. Although of visual benefit, the loss of the land will be mitigated by the wider sports pitches being made available for community use. This is considered to represent an improvement in terms of offering a wider community benefit and therefore would justify the loss of G6 in the context described and also satisfy broader planning policy considerations.

#### Design and visual impact

10.27 As noted above, the proposed extensions, infilling works, canopies, new entrance and footpath connections are of a very modest scale and will have limited visual

impact. Wider associated works involve relocating the school's main entrance and expanding the current parking provisions at Breary Rise from 19 bays to 38 including a new 2.4m perimeter fence.

- 10.28 In terms of scale and massing of the extensions and infilling respond to the existing context. The design and architectural treatment are calm and considered are also responsive to the existing context. The proposed materials are considered be durable and respond to the existing context and fabric of the building. Alterations to the front of the building (KS1) to create a new entrance feature will improve access and permeability. A canopy feature will also help define the front entrance as well as offering shelter. Canopies are also provided on part of the southern elevation where this relates to the new hall extension. This will not only offer shelter but also provide visual articulation as well.
- 10.29 Works to the site entrance to provide improved access as well as the extension of the car park off Breary Rise are also an acceptable design solution and will cause no visual harm sufficient to warrant the refusal of this application. Indeed, existing tree and landscaping cover will act as a visual buffer to some degree, although it is accepted that some of the vegetation will be lost as a consequence of the proposals. It is considered therefore that the existing buffer planting is augmented by additional landscaping to help soften the impact of the development. The boundary treatment proposed will be powder coated weld mesh fencing which is a common design solution for schools and DfE requirement. It is considered that this is also acceptable, and combined with an appropriate landscape strategy, can be satisfactorily integrated into the landscape.
- 10.30 Overall, the proposal is considered to be acceptable in visual terms and will cause no planning harm in this regard. The proposed development would have no significant detrimental effect on the character and appearance of the surrounding area. The proposal is therefore compliant with development policies P10 and P11 of the development plan in this regard.

#### Neighbouring Amenity

- 10.31 Core Strategy Policy P10 and saved UDP Policy GP5 require that development should protect amenity whilst Policy BD5 requires that "all new buildings should be designed with consideration given to both their own amenity and that of their surroundings".
- 10.32 The proposed development has been considered in terms of its impact upon the residential amenity afforded to nearby residents. The development is located within an area of predominantly residential character. In assessing the impact, the proposed development will have upon the living conditions of surrounding residents, it is considered that there is no direct overlooking /overshadowing issues and the separation distances involved are sufficient to protect the living conditions of surrounding occupiers.
- 10.33 The introduction of additional pupils, associated staff, servicing and parent / guardian comings and goings will inevitably be exacerbated by such a change, but this will be modest and limited, and therefore any such increase in noise/activity and associated disturbance will be negligible when compared to the existing arrangement. Furthermore, in the context of the sites existing use and urban location, the expansion of the school is both necessary and is of a sufficient size to accommodate such an increase without causing material planning harm. Additionally, schools are commonly located in residential areas and this site is no different. On this basis it is

considered that no planning harm will be caused to demonstrably affect the living conditions of existing residents.

- 10.34 In terms of noise, the application has been accompanied by a Noise Impact Assessment. This report concludes that the proposals are expected to cause no noise related nuisance issues.
- 10.35 Although no consultation has taken place with Environmental Health, it is not uncommon for conditions relating to plant details and controls over noise, dust and mud from construction activities to be imposed. These have therefore been imposed.

### Highways

- 10.36 The planning submission has been supported by a Transport Statement and draft Travel Plan. The proposal and supporting documentation have been assessed by the council's highway engineer.
- 10.37 The proposal seeks to add new build extensions to the existing school and reconfigurations, including a new main entrance off Breary Rise. The extension and alterations will increase the school's net capacity to 420 pupils, an increase of 92 pupils. Additionally, up to 6 Full-Time Equivalent (FTE) posts will be created as part of the proposal. The local highway authority's Traffic Management Team have been consulted regarding the effect of the existing school operation on the local highway network. A package of off-site traffic management measures is proposed to support the development.
- 10.38 The proposal will see the existing Breary Rise access closed to parents and allocated for school and nursery staff only. This is to be enforced by a School Street Order to prohibit access other than to exempted vehicles during drop-off and pick-up times on Breary Rise.
- 10.39 The access will be gated with access requiring a fob or via intercom. This will facilitate an expansion of the car park, and remove pupil drop off and pick up in this car park. The Tredgold Crescent entrance will be re-allocated for short stay nursery drop off and pick up, along with Chevin Medical Practice users. The proposal is to maintain the existing pedestrian access via Breary Rise and Tredgold Crescent. This proposal is acceptable.
- 10.40 The Transport Statement advises that the existing refuse collection arrangements and other deliveries currently take place via the Breary Rise entrance. It is advised that there would be no increase in the number of service vehicles as a result of the proposed extension. A swept path analysis has been provided showing a refuse vehicle can enter and exit the site in a forward gear. This arrangement is acceptable.
- 10.41 The school currently uses the Tredgold Crescent car park and the Breary Rise car park. The proposal seeks to end the school's usage of the 6 tandem spaces (i.e. for 12 cars) within the Tredgold Crescent car park for long-stay staff parking and prevent parent (drop-off/pickup) access to the Breary Rise car park to facilitate an expansion of this car park.
- 10.42 A total of 38 parking spaces will be provided to serve the school and nurse in the Breary Rise car park. This is an increase of 19 spaces to existing provision. The council's Parking SPD guidelines indicate that 1 car parking space should be provided per 1 FTE staff member. Therefore, the proposed parking provision is in line with these guidelines, hence acceptable. The 6 individually accessible spaces to

be provided at Tredgold Crescent would be allocated for nursery parents drop-off and pick-up only (i.e. short-stay). Intercom and fob access into the school grounds for nursery parents will be provided for this car park. Removing long-stay staff parking at Tredgold Crescent would reduce conflict with parking associated with the Bramhope Medical Centre.

- 10.43 The proposal includes the provision of 2 Electric Charging Points, and 2 cable enabled parking spaces, in line with Policy EN8 of the Core Strategy. The submitted plans show the dimensions and position of charging points are considered to be acceptable.
- 10.44 The conclusions drawn in the Transport Statement report are generally accepted. In terms of traffic generation, the additional 92 pupils enrolled over a five-year period would result in 34 vehicular trips at year five. This is based on the current car mode share of 37%, obtained from the most recent school travel survey. With the travel plan measures and the proposed off-site highway works (as detailed further below) to manage the surrounding network, the traffic impact of the proposals would not be severe in accordance with the NPPF.
- 10.45 The submitted Travel Plan has been considered by colleagues in the council's Influencing Travel Behaviour Team. The Travel Plan aims to reduce single occupancy journeys to the site, setting targets for both staff and pupil travel which will be monitored and reviewed over a 5 years period. This is considered to be acceptable.
- 10.46 A supporting plan detailing proposed off-site highway works has been submitted. Extensive discussions were held with the Council's Traffic Team regarding improvements that could be made to encourage walking to school and to ensure that the proposed extension does not have a detrimental impact on highway safety. The proposed measures are as follows: -
- A School Street Order to prohibit access other than to exempted vehicles during drop-off and pick-up times on Breary Rise. Existing residents will still be able to access and park on Breary Rise.
  - Introduction of No Waiting at Any Time Orders (double-yellow lines) to prohibit car parking around and adjacent to local junctions.
  - Introduction of Limited Waiting Times (single-yellow line) on Tredgold Avenue and Tredgold Crescent.
  - Widen existing traffic islands on Leeds Road to 2m.
  - Provide informal crossing points with dropped kerbs and tactile pavements on the approaches to the school.
- 10.47 Leeds City Councils Parking Services have been consulted to ensure that the new parking restrictions can be regularly enforced.
- 10.48 The Transport Statement includes an analysis of the personal injury accidents covering the external highway network within the radius of the school. The analysis has confirmed that there are no existing road safety issues attributed to the operation of Bramhope Primary School or that would be exacerbated by the proposed

development. The incidents that have occurred within the study area indicate no significant clusters or patterns that can be attributed to the operation of the school.

- 10.49 Overall, it is considered that an objection to the scheme on the grounds of an unacceptable highway impact would not be justified in this case. On this basis no highway objection has been received subject to planning conditions and development plan policies T2 and T24 are considered to be satisfied.

### Landscape

- 10.50 The applicant has carried out a full tree survey and AIA. The council's landscape architect has assessed this information and recognises that the loss of trees to accommodate this proposed development is regrettable, but it is accepted that it is not feasible to carry out the development as proposed without some tree loss and impact on the landscape.
- 10.51 During the consultation process amendment and clarification has been sought to address initial comments received from the council's landscape architect.
- 10.52 It is noted from the tree survey that within the site there are 85 individual trees and 30 groups of trees, shrubs or hedges. Of the surveyed trees: 3 trees are retention category 'U' (trees for removal), 1 tree is retention category 'A' (high quality value), 17 trees and 4 groups are retention category 'B' (good quality), and the remaining 90 trees and groups are retention category 'C' (average quality).
- 10.53 In terms of direct tree impacts in order to facilitate the proposed development, 8 of these would need to be removed. The trees and groups that require removal are T22, T84, T85, T86, T87, T88, T89 and G90. Of the trees and groups to be removed, T84 and T88 are category 'B'. The remaining trees to be removed are category 'C'. The tree survey also states that, regardless of the development proposals, some trees have defects and require management. Trees, T23, T76 and T94 are dead, or have severely limited long-term prospects, and need to be removed.
- 10.54 The visual importance of these trees will mean that their removal will have a significant impact on the visual amenity of the area, albeit the majority of mature landscaping throughout the site is retained. As part of a mitigation strategy replacement trees will be required around the school site.
- 10.55 As a result of further Ward Member consultation, the initial landscape layout, which indicated that 21 replacement trees would be provided has been amended to 35 replacement trees which would be policy compliant. The replacement planting has been designed to help screen the proposed car parking area and these will be of a semi mature standard. To supplement this a wider landscaping strategy will also be required and this can be conditioned as part of any planning approval.
- 10.56 Notwithstanding this, a draft landscaping scheme has been submitted as part of this application. New planting and landscaping are proposed to the front of the school to create a new entrance feature off Breary Rise. The landscape strategy, as mentioned above, also shows additional new trees to help screen the proposed extended car park. In addition, trees, and scrub planting are proposed along gaps to rear of the southern boundary create a more robust landscape buffer. A landscape footpath is also shown linking the KS1 and KS2 buildings. It is

acknowledged however that as a large proportion of the site is covered by playing fields, there is limited scope for further planting.

- 10.57 It is also considered that the trees shown as retained can be safeguarded by appropriate tree protection measures. Against this background, on balance, no objections have been raised. Additionally, given the intricate work proposed around trees and RPA's, it is recommended that this is overseen by an arboriculturist to ensure that measures set out in the AIA and method statement are properly implemented. Against this background the proposal is considered to be acceptable development plan policy LD1 is satisfied.

#### Ecology

- 10.58 The applicant has submitted an ecology report in support of the application. In summary, the findings of the report are accepted together with the mitigation measures proposed. It is also considered that additional conditions should also be imposed requiring biodiversity improvements and net gain requirements as set out in Core Strategy Policy P9 together with details of a construction environmental management plan. On this basis it is considered that there are no objections in this regard and the impact of the development upon the local environment and wildlife can be mitigated and enhanced with the planning conditions referenced above and the scheme therefore complies with Core Strategy Policy G9.

#### Other issues

- 10.59 Ward Members together with the Local Parish Council have reiterated concerns raised by local residents relating to the loss of the footway which connects Breary Rise to Tredgold Crescent which also serves to provide access to the local medical centre and shops.
- 10.60 Whilst it is understood over the years, the path has been used by the members of the public as a shortcut to access the adjacent Chevin Medical Centre, the path does include two sets of steps, so whilst it may be more convenient, it is only suitable for able-bodied users.
- 10.61 As a consequence, the school currently lacks a secure boundary line allowing unrestricted access into a sensitive environment. This poses a significant risk and safeguarding issues for the school. In order to address this issue and provide a secure perimeter, the applicant proposes that the undesignated path that runs through the school grounds is to be closed and a 2.4m weld mesh erected around the perimeter of the school.
- 10.62 As part of the consultation process, the council's public rights of way officer (PROW) have been consulted. PROW's comments state that their preference is for the route be diverted rather than be extinguished and have suggested that an alternative route should be considered.
- 10.63 The footpath running through Bramhope Primary school site has not previously been registered with the Council prior to the planning application being submitted. However, the submission of the application triggered a claim from a member of the public and the path has now been noted as a 'claimed right of way' and is shown as a 'non-definitive' footpath on the Councils records. A definitive map modification Order has also been registered. The route currently has no legal status, but the claims constitute a 'Discovery of Evidence' which the Council is duty bound to investigate. This duty would cease if the claimed route is legally closed. The

planning application proposes the closure of the path and considers it necessary to enable development to proceed, given the safe guarding needs of the school. If the planning application is successful it will be necessary to legally extinguish the claimed right of way through S257 of the Town & Country Planning Act.

- 10.64 It is also understood that the path should not be altered until the (PPO) has been determined. The granting of planning permission will not permit the applicant to divert or extinguish a public right of way, only a Public Path Order can do this.
- 10.65 The consideration of this issue is a separate legal matter to the processing of this planning application. The granting of planning permission will not permit the applicant to divert or extinguish this claimed public right of way. Similarly, nor should an application to add this claimed right of way to the definitive map, serve to prevent the determination of this planning application.
- 10.66 Although, colleagues in PROW have suggested that the claimed footpath should be diverted, it is not clear how this could be achieved as there are no obvious alternatives. Cllr C. Anderson has asked for consideration to be given to upgrading / resurfacing surrounding public rights of way in compensation for the loss of the pedestrian access link from Breary Rise to Tredgold Crescent.
- 10.67 In considering this, and notwithstanding the above stated footpath claim, it would not seem necessary or reasonable to insist on such measures being required in order to make the development acceptable in planning terms nor would it seem fairly and reasonably related in scale and kind to the development.
- 10.68 The council's project team, responsible for procuring this project, have however been approached directly to consider voluntarily offering to undertake wider footpath improvement works. It is understood however that this falls outside of the scope of the project and there is insufficient funding available to pursue such suggested measures.
- 10.69 Objector's comments also raise concerns about the perimeter fencing being harmful to children's well-being and their mental health, as already stated, the modest secure perimeter fence is essential to safeguard children and without it poses a major security risk by allowing unfettered access.
- 10.70 In terms of the proposed off-site highway works, some objectors have raised the issue of parking for deliveries / tradesman and family of friends. The introduction of TROs will prohibit access other than for residents and school/nursery staff during drop-off and pick-up times on Breary Rise, but equally remove access for parents to the existing drop off / pick up area. This does of course have an impact on other road users, but the use of such orders is normally restricted to 30 minutes either side of the start and close of the school day. On balance, this would seem to provide more benefit than harm to residents living on Breary Rise as no doubt road users, other than school related traffic, would typically seek to avoid peak times in any event.
- 10.71 Elsewhere it is proposed that TRO's are introduced with no waiting at any time orders at key junctions with yellow lines to prohibit car parking around or adjacent local junctions and to provide a break in car parking and therefore space to provide two-way passing movements on some stretches of the surrounding network.
- 10.72 Proposals also included existing traffic islands on Leeds Road, to be widened where large numbers of children and parents with prams and pushchairs may need

to be accommodated. Informal crossing points on the approach to the school with dropped curbs and tactile paving are also shown as part of the suggested works.

- 10.73 Although the initial draft highways mitigation plan showed a zebra crossing on Breary Lane this has now been omitted. The crossing had been considered with the proposals but was subsequently discounted due to limited visibility as vehicles travel down Breary Lane from Moor Road/Church Hill.
- 10.74 In terms of the highway works, some of the objector's comments state that these works will cause visual harm and that these works will not be effective as it is questioned how they will be enforced.
- 10.75 In terms of the visual impact, it is considered that these kinds of works / measures are typically located in urban areas and particularly so around schools, and this development is no different.
- 10.76 Compliance with these measures is of course reliant on road users obeying the law. Orders are legally enforceable, and tickets are often issued where such orders are not being complied with. Parking enforcement around schools is often difficult, and this is a problem across the whole city.
- 10.77 Leeds City Council has a list of around 100 priority schools that the Parking Services Team work actively police. Following issues raised by Ward Members, Bramhope Primary School will be added to the priority list once any such orders have been ratified by legal order. If there are a lot of contraventions then the priority of the school is raised, and the visits become more regular. If the restrictions are well observed then the priority drops, although the school stays on the priority list.
- 10.78 Objector's comments made in relation to the sustainability of the building are not considered relevant in this instance as a material planning consideration. Core Strategy EN1 requires all major developments to reduce the total predicted carbon dioxide emissions to achieve 20% less than the Building Regulations Target Emission Rate and provide a minimum of 10% of the predicted energy needs of the development from low carbon energy. As this is a minor development, in terms of new floor space created, this policy has not been applied.
- 10.79 With regard to comments made in relation to school numbers and offering school places outside of the catchment area, the school currently has a Published Admission Number (PAN) of 40 pupils per year group with a net capacity of 280 pupils. The proposed development seeks to increase net capacity up to 420 pupils (60 PAN). However, the school has been required to provide additional space for 20 extra pupils for the past 2 years and a total 328 pupils are currently on the school roll. Given that the school has been oversubscribed for the last 2 years the proposed expansion seeks to add 92 pupils over a period of 5 years, with the first cohort taking place September 2022.
- 10.80 The majority of new pupils will come from Bramhope catchment area. In terms of the admission of children from outside of Bramhope, whilst it is difficult to predict where the children are going to come from, in line with the school's admissions policy, applications from pupils that live within the school catchment receive a higher priority than those from the pupils who live in areas outside of the catchment boundaries.
- 10.81 Comments have also been received relating to the Miller Homes housing site off the A660 and that a new school should have been provided as part of the

development to cater for the increased demand on school places. It is understood that as part of that development, a related S106 requires a parcel of adjacent land to be reserved for the purpose of providing a two-form entry primary school. It is understood that this land is available should a provider come forward to build a new school. This is not the proposal however which is under consideration and this application must be determined therefore on its own individual planning merits.

10.82 In terms of comments which relate to public engagement and how the application has been advertised, it is noted that the applicant carried out a community engagement exercise prior to the submission of the application. This was virtual meeting due to covid related restrictions. The proposals were also made available on line. In terms of the publicity of the application itself, this has been carried out on three separate occasions with notices posted on lamp posts surrounding the site.

## **11.0 VERY SPECIAL CIRCUMSTANCES, PLANNING BALANCE AND CONCLUSION:**

11.1 As mentioned earlier in this report, the proposal would constitute inappropriate development in the Green Belt. As a consequence, it would cause harm to the openness of the Green Belt. Paragraph 148 of the NPPF states that substantial weight is to be given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. Apart from the Green Belt, no other harm arises in this case.

11.2 Against this harm, it is necessary to balance the other considerations. In this case, these are very substantial, and the school requires a safe and secure environment for its pupils in order for the school to meet its duty of care in this regard. In addition to this there is also growing demand for additional school places in the catchment area. It is understood there are currently no other alternative, viable and deliverable options to meet this demand in the catchment area.

11.3 Drawing these factors together, these considerations weigh heavily in favour of the development and outweigh the definitional harm and any other identified harm. It is therefore considered that very special circumstances exist which justify the development.

11.4 The proposed development is considered to be acceptable in broader planning terms and lies within an area of size to accommodate such a proposal without having a detrimental impact upon both the visual and residential amenity of the area as well as its general character. Overall, it is considered that the proposed scheme is of an acceptable quality in design terms and delivers new and essential teaching accommodation.

11.5 The scheme also offers off-site measures to improve both pedestrian safety and highway improvements which will help mitigate against any potential traffic impacts should they arise. The proposal will also result in the loss of some existing trees, although new planting will serve to off-set some of this harm.

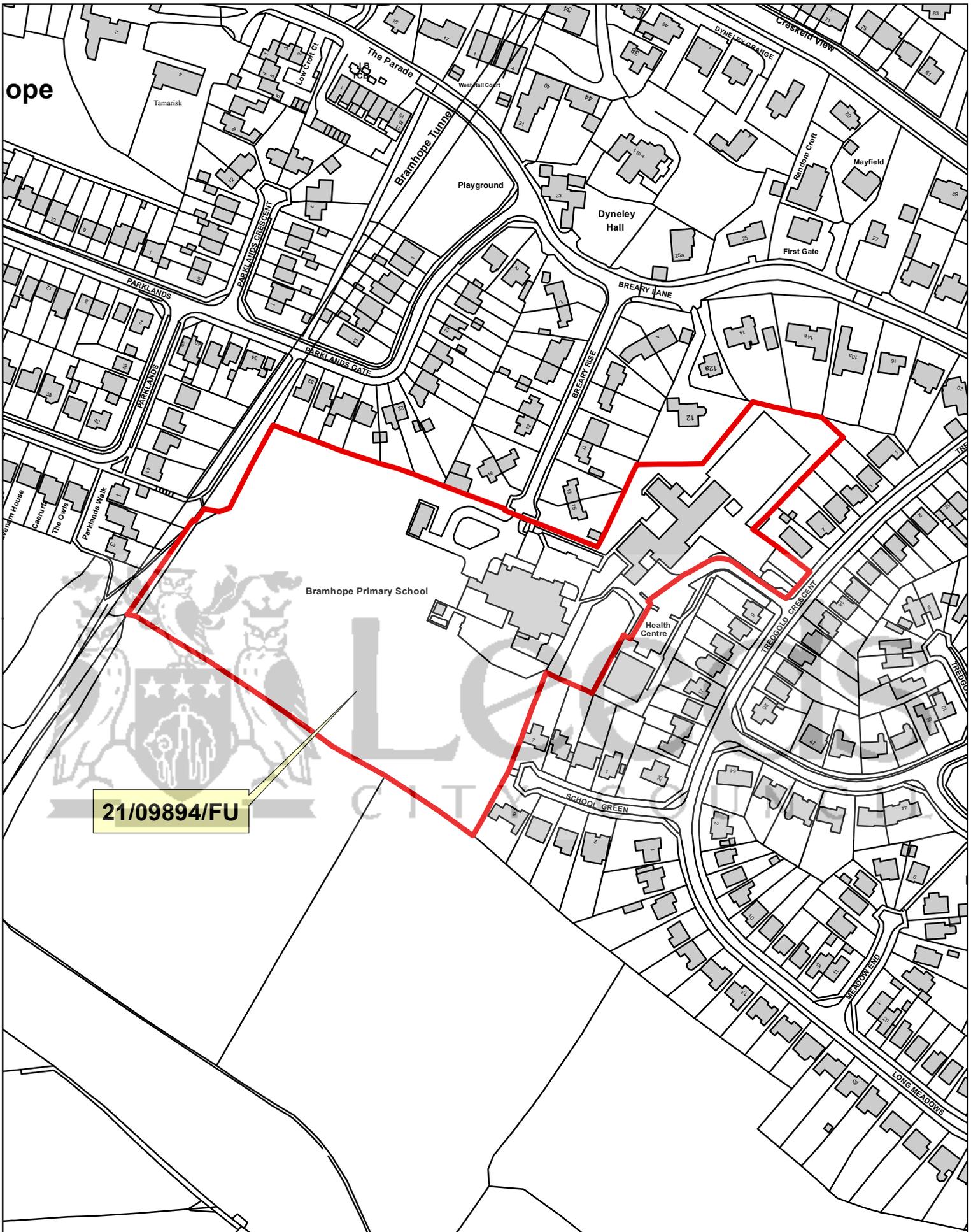
11.6 The scheme also meets the council's policies in respect of biodiversity, landscaping and replacement tree planting and these are all factors that weigh in favour of the proposal. Against this background it is considered that the development is acceptable in planning terms, and it is recommended that the application is supported.

**Background Papers:**

Application files

Certificate of ownership:

Certificate A signed by the agent



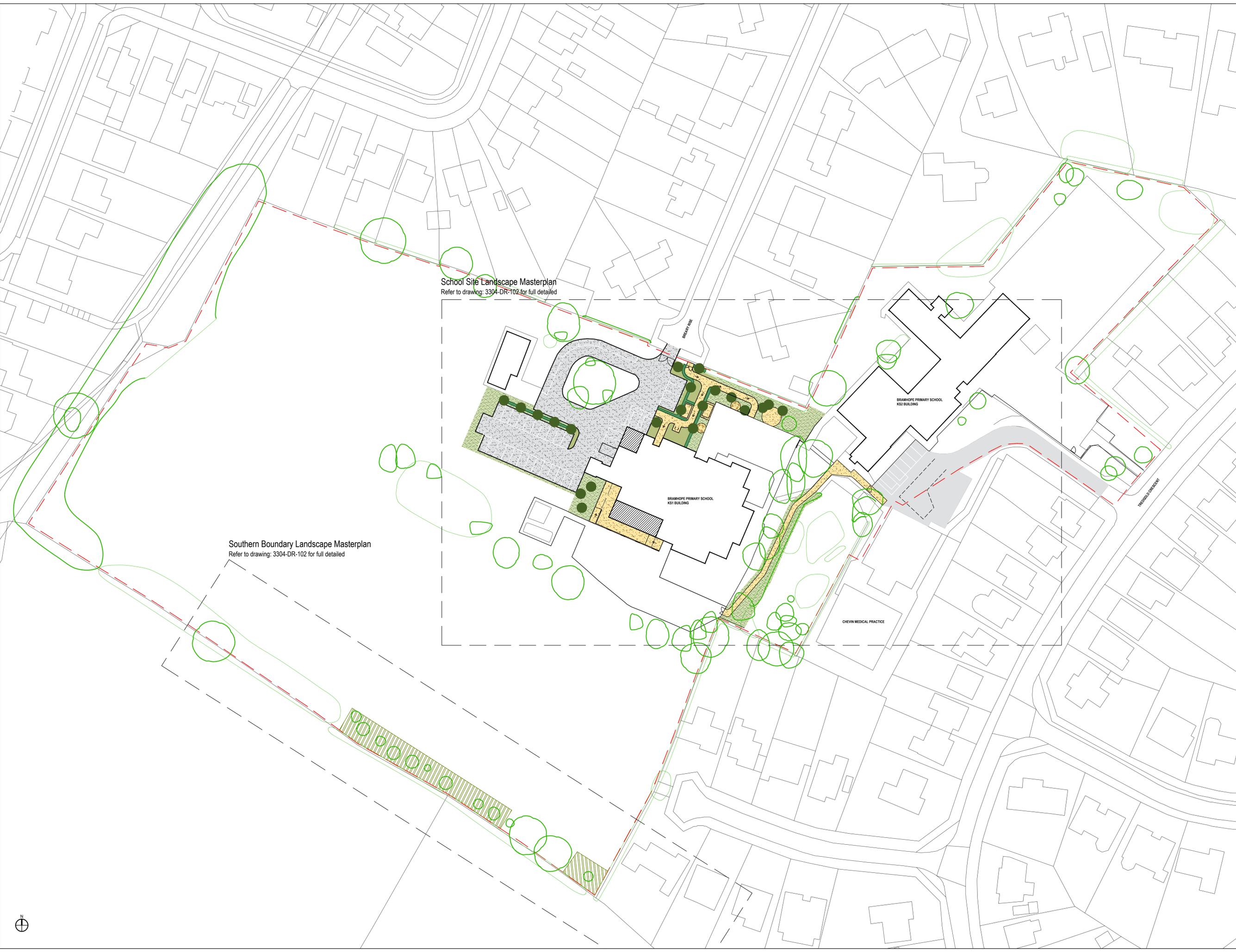
# SOUTH AND WEST PLANS PANEL

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PRODUCED BY CITY DEVELOPMENT, GIS MAPPING & DATA TEAM, LEEDS CITY COUNCIL

SCALE : 1 / 2500





School Site Landscape Masterplan  
Refer to drawing: 3304-DR-102 for full detailed

Southern Boundary Landscape Masterplan  
Refer to drawing: 3304-DR-102 for full detailed

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<http://www.hse.gov.uk/construction/2015/responsibilities.htm>  
It is your responsibility as client to make yourself aware of your role within CDM 2015 and act accordingly.

**KEY**

Application Boundary

**NOTES**

- Refer to Tree Survey and Arboricultural Impact Assessment for full details of existing trees including those proposed for removal.
- Refer to drawings 3304-DR-102-104 for full details regarding landscape proposals.
- Refer to drawings 3576 1258 KS1 GF Plan as Proposed and 3576 124D KS2 GF Plan as Proposed for full details.

REVISION NO	REVISION DESCRIPTION	DATE	CHECKED BY	DATE
C				

PURPOSE OF ISSUE	RIBA STAGE
PL - Planning Submission	3

DRAWING STATUS  
S2 - Suitable for Information

PROJECT TITLE  
Bramhope Primary School, Bramhope

CLIENT  
Walter West Builders

DRAWING TITLE	SCALE
Site Layout Plan	1:500

DATE	DRAWN BY	CHECKED BY	APPROVED BY
06.12.21	JC	LH	JC

DRAWING NUMBER	PROJECT NO	TYPE	UNIQUE NO	REVISION
3304 - DR - 101 - C				

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