



Report of the Chief Planning Officer

SOUTH AND WEST PLANS PANEL

27th October 2022

Subject: 22/04149/FU – Proposed 2.4m high perimeter fencing to existing school playing fields and five gates for access and maintenance, Guiseley School, Fieldhead Road, Guiseley.

APPLICANT	DATE VALID	TARGET DATE
Guiseley School	14.6.22	TBA

Electoral Wards Affected:

Guiseley & Rawdon

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:

1. Time limit
2. Approved Plans
3. Materials to be agreed
4. Tree protection measures
5. Landscaping Scheme
6. Aftercare for landscaping
7. Provision for contractors
8. Hedgehog access/ protection measures

9. Gates to open inwards

INTRODUCTION:

1. This is a full planning application for 2.4m high perimeter fencing to existing school playing fields and five gates for access and maintenance.
2. The application is presented to Plans Panel following requests from Cllrs Alderson and Wadsworth on the grounds of loss of privacy, parking, increased traffic, noise, design and appearance and loss of access to greenspace.
3. The Ward Members are also of the view that given that there are two applications on this site relating to proposed development on Guiseley School playing fields, many of the concerns expressed towards this application are linked to amenity, car parking, light pollution and noise nuisance are also relevant. Given the large numbers of constituents who have registered views on this application it is considered that the following points regarding accountability and transparency are relevant:
 - Residents will have the opportunity to attend and state their case to the panel.
 - The panel will be streamed live and will be available on You Tube enabling a large number of interested people to watch proceedings either live or retrospectively.
 - The process will be completely transparent which is extremely important given the interest and concerns this proposal has attracted.
4. In addition, concerns have also been raised about how this application has been handled from a procedural point of view in terms of whether consultation with the local community has been transparent and thorough enough.
5. Cllr Thomson has also asked that the application is determined at Plans Panel on the grounds of the significant level of local interest and to ensure transparency in the decision-making process.

PROPOSAL:

6. The proposal relates to perimeter fencing of 2.4m in height with gates for access and maintenance. The design of such is a green weld mesh solution which is also typical of many schools across the city. The school playing fields are currently open in nature with unrestricted access. The applicant has cited safeguarding as well as health and safety reasons as their justification to enclose these playing pitches.
7. In a supporting statement presented by the school reference is made to various safeguarding legislation and the duty of care the school has to protect its pupils. In addition, it is also highlighted that there has been an increase in SEND pupils (Special Educational Needs and Disability) attending the school. The SEND code of practice, is a legally binding and statutory guidance for schools which was introduced in 2014. Over the last 8 years it has slowly seen students with SEND being

given the opportunity to have provision in mainstream schools when previously they would have been directed to specialist settings. This has seen an increase in vulnerable students who may be a 'flight risk' and require secure perimeter fencing.

8. It is also noted from the statement presented by the school that despite various attempts to secure funding, previous governing bodies have been unsuccessful. In 2020 it was recognised that for almost a decade, Guiseley School had received the least funding of schools in Leeds. Nonetheless, the Headteacher immediately put together a plan to resolve these issues. This started with perimeter fencing at the front of the school, which was erected in 2018. A secure line around the buildings was designed as part of the DfE building project 2019-20. The last element being a secure perimeter around the school playing fields in 2021. A Covid-19 and asbestos related delay has resulted in the building completion and perimeter fencing application being delayed until 2022.
9. Specifically in relation to the justification put forward on safeguarding grounds and the necessity for the fencing the school has submitted the following statement.

Potential for immediate physical threat of harm from intruders on site

Having no fencing around the school playing fields means the potential for intruders to access site is a real risk the school has to mitigate against on a daily basis. This is not an unrealised concern. A number of intruder issues have taken place over the last 3 years:

- July 2020 – Two male adult intruders attempted to infiltrate the school sports day attempting to gain access to students. Fortunately, the school 'Safer Schools Police Officer' was on site at the time and able to escort them off-site.*
- August 2021 – Male adult intruders entered the field to take pictures of students*
- July 2022 – Male adult taking pictures of students attending Healthy Holidays Club and sharing them on social media.*

Potential for physical harm from intruders on site leaving harmful materials

- Injury during PE sessions caused due to broken glass being left on the fields (several incidents) – this is difficult for site staff to see/identify on site.*
- Injury during PE lessons due to aluminium cans being left on site, if these are not all removed before the fields are cut the shredded aluminium causes a serious threat to cuts.*
- Rarer, but on occasion we have had to remove used syringes from the school playing fields prior to students accessing them*
- Dog faeces left by dog walkers. More and more regularly dog walkers are using the fields, probably believing these to be public spaces. We are seeing increasing fouling issues. Dog faeces can pose a significant health risk, particularly for children as their immune systems are less developed. Children are also more likely to come into*

contact with soil or sand that contains dog faeces. All faeces contain bacteria that can cause stomach upsets, but the greatest risk is from toxocariasis.

- Dogs are also regularly let loose on the fields during lessons/extracurricular and the danger that poses students in terms of possible attacks/bites is obvious. Owners fail to see the issue when we ask them to both put their dog on a lead and remove them from the playing fields. These people can sometimes be aggressive with staff.*
- We have also experienced more bizarre issues such as someone hitting golf balls across the playing fields during a lesson. Again, the member of the public was aggressive when challenged.*

Vulnerable students requiring perimeter fencing

Increasingly, secondary schools are receiving applications from students who would have previously been considered unable to access mainstream education. Under the SEND code of practice schools have a legal responsibility to make adjustments to support these students to access mainstream education.

Increasingly we have either taken through application or been directed to take by virtue of being the named school on an Educational Health Care Plan (EHCP) students who require perimeter fencing to be in place.

Whilst we can safely report we have this around schools' buildings, this is not the case with our playing fields. Whilst we can sometimes mitigate the impact of such requirements through additional or 1-1 staffing, the cost of this is prejudicial to the effective provision of education of other students in the school. On occasion, this has also resulted in the school not being able to deliver PE lessons with peers, for some of the most vulnerable students in school. This potentially leaves us not only unable to deliver against the legal requirements SEND Code of practice but arguably leaves us contravening the Equality's Act of 2010.

This has again happened this year. Guiseley School has been directed to admit a student with a EHCP. The accompanying documentation requires us to have a 'secure fence' which for a key part of the curriculum (PE) we cannot adhere to.

Harm to Social Emotional and Mental Health and access to the Curriculum

As we are likely all aware, PE lessons have a huge positive impact on student's health and positive well-being. This in turn has an impact on attainment, outcomes and life chances.¹ mental health. Access to Physical Education is being highly restricted for students at Guiseley School. As mentioned previously, KCSIE defines a part of safeguarding as "Taking action to enable all children to have the best outcomes."

Last academic year PE lessons had to be cancelled for the following reasons:

- Quad bikes being used on the playing fields, churning up football pitches rendering them unusable for several days until the school was able to pay for remedial work.*

• *Litter – especially glass and cans as mentioned previously. (We are hugely grateful to the work of the Litter-Free Guiseley Campaign.)*

• *Vandalism – goalposts, rugby posts, artificial cricket pitches, jump pits and run ups are regularly vandalised leaving them unusable. A set of goalposts were damaged and unusable within 6 weeks of being installed last academic year.*

• *The quality of the pitches is extremely poor due to overuse of the goals by the public. No grass, considerable divots and undulations in the surface leads to large puddles in the goal mouths after wet weather. We are unable to repair these effectively as we cannot secure the areas from the public. This has a detrimental effect on not only curriculum lessons but also our considerable extra-curricular programme, where we have incurred extra transport costs as our pitches are unplayable or worse the cancellation of fixtures for our students, meaning they are being unfairly disadvantaged in comparison to all our other local educational providers.*

The total of cancelled lessons was 26. This represents an entire term of PE lessons, negatively impacting student wellbeing.

Furthermore, the considerable yearly ongoing cost of replacing damaged vandalised equipment, staff time spent on clearing up the fields, and repairing fields where possible, is money that is taken from the school funding, money that is provided for and should be used to provide an education for our students.

This is a considerable factor prejudicial to the provision of education to our students.'

SITE AND SURROUNDINGS:

10. The application site comprises Guiseley School playing fields which are located to the north-west of the main school campus. The area to be enclosed amounts to circa 3.7 ha. of land which is mainly laid out as grass sports pitches with trees and hedges located on the boundaries and separating the playing pitches. To the north, the site is adjacent to Green Meadows Academy and to the east, the site adjoins the rear of the residential properties fronting Aldersyde Road. A designated footpath separates the wider school site which runs along its south-eastern boundary with Fieldhead Drive to the south-west and Bradford Road to the west with housing beyond. The site itself is relatively flat, albeit, set down from Bradford Road itself and enclosed with a stone wall with a gated vehicular access entrance.

11. RELEVANT PLANNING HISTORY

22/03466/FU - Proposed new artificial grass pitch with floodlighting; new emergency access; relocation of existing long jumps; associated landscaping works. Pending determination.

18/06203/FU - Demolition of existing main school and erection of two new three storey school buildings, relocation of hard courts; reconfiguration and increase in car parking provision; and associated landscaping. Approved 23.1.19

PUBLIC/LOCAL RESPONSE:

12. The application has been advertised by site notices on the 2nd August 2022. At the time of writing 30 representations have been received, these include 4 in support and 26 objections.

13. The comments in support of the application relate to the need to protect and safeguard pupils, the works will help reduce anti-social activities, disturbance, litter and prevent dog fouling.

14. The objections relate to the loss of open land which has been used by the community for decades, loss of visual amenity with unsightly fencing which would be oppressive and over-bearing, use of the public footpath will be affected due to its enclosed nature and fear of crime, will works will have a negative impact upon adjoining conservation area, impact on wildlife and drainage in terms of surface water flooding. Concerns are also raised in relation to suggested inaccurate drainage comments received from the Lead Local Flood Authority and no details of borehole tests or land contamination reports have been provided. Further comments received relate to the loss of a community resource, inadequate accessible green space in the area, the unnecessary expense of the development, potential impact on trees / hedges and resulting loss of privacy and increased noise, application is vague, loss of public access to sport and no details of any community agreement have been provided, the school are not the owners of the land; no evidence has been provided relating to anti-social activities and safeguarding issues. The application is linked to another development for a 3 pitch with flood lighting and the applications are being considered in an underhanded manner. The proposal has not been advertised correctly with no notices publicised.

CONSULTATION RESPONSES:

Statutory:

Sport England – No objection

Non-statutory:

Conservation team – standing advice offered requiring the application to be determined in accordance with local and national legislation and guidance.

FRM (Flood Risk Management) – No objection as no modification is to be made to existing surface water drainage.

Highways – No objection

PROW – No objection providing the footpath remains open at all times.

Landscape -No objection in principle subject to conditions relating to construction access, construction management and additional tree planting to help augment the development into the landscape.

Local Plans - No objection in principle.

PLANNING POLICIES:

15. 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 determination of this application is unaffected by the challenge to the SAP.
16. Section 38 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 is made up of the adopted Site Allocations Plan (2019), the Core Strategy (as amended 2019), saved policies from the Leeds Unitary Development Plan (Review 2006) (UDP), Aire Valley Leeds Area Action Plan (2017) and the Natural Resources and Waste Development Plan Document (DPD), adopted January 2013 and any made Neighbourhood Plans.
17. There is no made Neighbourhood Plan however, the site lies within the boundary of the Aireborough Neighbourhood Area. This designation gives the Aireborough Neighbourhood Development Forum the right to prepare a neighbourhood development plan for the Aireborough Neighbourhood Area.
18. The application site forms part of a wider area designated as green space on the Policies Map (G1338) as shown in the Site Allocations Plan within the green space typology of outdoor sport.

Core Strategy

19. The Core Strategy is the development plan for the whole of the Leeds district. The following core strategy policies are relevant: -

GS1 Greenspace

G3 Standards for open space, sport and recreation

G6 Protection of greenspace

G8 'Protection of important species and habitats' states development proposals that affect priority species or habitats will need to be assessed.

P10 Seeks to ensure that new development is well designed and respects its context.

P11- Conservation areas

P12 'Landscape' confirms the character, quality and biodiversity of townscapes and landscapes should be conserved and enhanced to protect distinctiveness.

Relevant saved UDPR policies include

GP5: Development proposals should resolve detailed planning considerations.

N6: Protected playing pitches

N19 Development adjacent to conservation areas should preserve or enhance the character and appearance of the area.

T5: Safe and secure access for pedestrians and cyclists to new development.

The following Natural Resources and Waste Local Plan policies are relevant:

LAND2: Relates to development and trees and requires replacement planting where a loss occurs.

Tranmere Park Conservation Area Appraisal and Management Plan -May 2013

Supplementary Planning Guidance:

SPD (Supplementary Planning Document)

Street Design Guide

Neighbourhoods for Living

National Planning Guidance:

20. The revised National Planning Policy Framework (NPPF), published in February 2019, and the National Planning Practice Guidance (NPPG), published March 2014, replaces previous Planning Policy Guidance/Statements in setting out the Government's planning policies for England and how these are expected to be applied. One of the key principles at the heart of the Framework is a presumption in favour of Sustainable Development.
21. The introduction of the NPPF 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 NPPF 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 NPPF.
22. The Planning Practice Guidance (PPG) provides comment on the application of policies within the NPPF. The PPG also provides guidance in relation to the imposition of planning conditions. It sets out that conditions should only be imposed where they are necessary, relevant to planning and; to the development to be permitted; enforceable; precise and; reasonable in all other respects. The Neighbourhood Planning Act 2017 requires that for all applications determined after October 2018 any pre-commencement conditions are agreed in advance with applicants.

23.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.

24.Paragraph 94 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.

25.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

KEY ISSUES

- Principle of development
- Design and visual impact
- Impact on residential amenity
- Highways
- Other matters
- Conclusion

Principle of development

26. Section 38(6) of the Planning & Compulsory Purchase Act 2004, indicates that in considering planning applications, the determination must be made in accordance with the plan unless material considerations indicate otherwise.
27. In terms of land use, the application site forms part of a wider area designated as protected playing pitches by UDP Policy N6, which was designated some time ago. This is overlain by Policy GS1 in the Site Allocations Plan (site reference G1338 with the green space typology of Outdoor Sport). At the time of the preparation of the Core Strategy and the Site Allocations Plan, the intention was to supersede the Policy N6 (protected playing pitches) designation in the UDP as a result of the green space designations in the SAP (GS1). However, inadvertently, this was never expressly stated in either the Core Strategy or the Site Allocations Plan. The outcome of this is that both policies N6 and GS1 are relevant policy considerations in this instance.
28. Policy GS1 in the Site Allocations Plan (SAP) states “DESIGNATION/PROTECTION OF GREEN SPACE THE SITE ALLOCATIONS PLAN DESIGNATES SITES IN A GREEN SPACE USE IN ACCORDANCE WITH POLICY G6 OF THE CORE STRATEGY. THESE ARE SHOWN ON THE POLICIES MAP”.
29. Core strategy policy G6 relates to the protection and redevelopment of existing green space protects green space from development unless one of three criteria is met including
- (i) There is an adequate supply of accessible green space/open space within the analysis area and the development site offers no potential for use as an alternative deficient open space type, as illustrated in the Leeds Open Space, Sport and Recreation Assessment, or,
 - (ii) The green space/open space is replaced by an area of at least equal size, accessibility and quality in the same locality; or

- (iii) Where supported by evidence and in the delivery of wider planning benefits, redevelopment proposals demonstrate a clear relationship to improvements of existing green space quality in the same locality.

30. Similarly, UDP Policy N6 relates to the development of playing pitches which will not be permitted unless two criteria are satisfied.

- i. THERE IS A DEMONSTRABLE NET GAIN TO OVERALL PITCH QUALITY AND PROVISION BY PART REDEVELOPMENT OF A SITE OR SUITABLE RELOCATION WITHIN THE SAME LOCALITY OF THE CITY, CONSISTENT WITH THE SITE'S FUNCTIONS;
- ii. OR ii. THERE IS NO SHORTAGE OF PITCHES IN AN AREA IN RELATION TO PITCH DEMAND LOCALLY, IN THE CONTEXT OF THE CITY'S NEEDS, AND CITY WIDE, AND DEVELOPMENT WOULD NOT CONFLICT WITH UDP POLICIES CONCERNING PROTECTION OF THE GREEN BELT, PROTECTION AND ENHANCEMENT OF GREENSPACE AND PROVISION OF ADDITIONAL GREENSPACE, URBAN GREEN CORRIDORS AND OTHER OPEN LAND (POLICIES N1 TO N5 INCLUSIVE, N8 TO N11 INCLUSIVE AND N32)

31. In this case, as the use of the land for outdoor sport is not affected by the perimeter fence, which is proposed to enclose the school playing fields, there will be no impact on their use or any other change of use of the land involved. As part of the planning approval to redevelop the wider school site, under planning reference 18/06203/FU, condition 27 required the approval of a community use agreement. This has been subsequently discharged under reference 19/06519/COND and approved on the 20.2.20 and is also unaffected by this proposal.

32. Some objectors to the planning application have stated that the playing pitches should be publicly accessible. There is no reference in the Core Strategy which says that all existing designated green space is publicly accessible and the Green Space Supporting Information which accompanies the SAP at paragraph 6.1 recognises that in calculating the surpluses and deficiencies of green space provision in local areas that schools do not usually provide access to the general public "Areas of outdoor sport within the boundary of educational establishments are designated green space in the SAP and shown on the proposals map, but are not included in the assessment of surpluses and deficiencies as they are generally not available for wider community use". Paragraph 5.2.22 of the UDP which accompanies UDP Policy N6 states that: "Playing fields, pitches, courts and greens perform a special function for formal outdoor sport and recreation, allied to that of greenspace. Where the public has full access to a playing field (for example within a park), the playing field has been included within the protected greenspace designation (Policy N1) on the Proposals Map. Elsewhere, playing pitches without full public informal access, including private playing fields, have been identified with a separate notation as Protected Playing

Fields on the Proposals Map.” The site was designated as protected playing pitches under Policy N6 of the UDP which was originally adopted in 2001, this recognises the historic nature of the playing fields performing a function as private playing fields used for the purposes of the school. On this basis, the site is not designated as public open space albeit it can be used by the local community /sports clubs etc. via the approved community use agreement at times when it is not required by the school.

33. Given the existing land use and designation of the site, the proposed enclosure of the playing pitches will not prejudice or restricts its current use. The land is not designated as public open space and as such the principle of the development is considered to be acceptable in planning policy terms. Furthermore, Part 2 of Class A of the GPDO allows schools specifically to erect any part of a gate, wall or fence up to 2 metres in height above ground level provided it does not create an obstruction to the view of persons using the highway as to be likely to cause danger to such persons.
34. In relation to Sport England, as the proposal relates to land used as a protected playing field as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595). 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,
35. In the judgement of Sport England, the development as a whole meet with one or more of five specific exceptions.
36. The proposal is for a 2.4m high perimeter fencing to existing school playing fields and five gates for access and maintenance that will surround a playing field that aerial images shows is marked out with athletics, football, rugby and cricket.
37. As part of the assessment of this consultation, Sport England has sought the views of the respective pitch sport National Governing Bodies for Sport. These governing bodies act as Sport England's technical advisors in respect of their sport and their sport facilities. The comments of the Football Foundation (FF), who provide comments on behalf of the Football Association (FA) comments have been summarised as:

38. This application for perimeter fencing would, if approved, help to protect and support facilities proposed within an adjacent application (22/03466/FU) which FF is supporting. No objection.
39. The proposed fence is not foreseen to have a detrimental impact on football pitches or safety margins retained within the playing field. It would have a positive effect in preventing potential unauthorised use/misuse and would help to protect any potential future investment made into improving grass pitch quality for school and community use in future. No objection.
40. The comments of the Rugby Football Union (RFU) have been summarised as:
41. As far as the RFU is aware the proposed fence will not have any impact on the rugby union pitch or its safety margins. No objection
42. The comments of England Athletics (EA) have been summarised as:
43. No objections from Athletics at the time of writing.
44. No comments have been received from the England Cricket Board (ECB).
45. The plans show that the location of the fence will be around the perimeter of the playing field within the boundary treatment where it exists. Given the comments of the FF, RFU and EA above, the location of the fence will not impact on their sports. The FF have also commented that the fence would have a positive effect in preventing potential unauthorised use/misuse and would help to protect any potential future investment made into improving grass pitch quality for school and community use in future. Having assessed the application, Sport England is satisfied that the proposed development meets exception 2 of their playing fields policy, in that: 'The proposed development is for ancillary facilities supporting the principal use of the site as a playing field and does not affect the quantity or quality of playing pitches or otherwise adversely affect their use.'
46. This being the case, Sport England has no objection.

Design and Visual impact

47. The application site lies adjacent to Tranmere Park Estate Conservation Area which runs along the western boundary of the application site.
48. Policy N19 of the RUDP requires development proposals adjacent to conservation areas to preserve or enhance the character and appearance of the area.
49. The proposed boundary fencing is essentially 'open in nature' comprising of a mesh system with open views through it and therefore visually permeable but, provides an essential secure boundary to the schools playing pitches. The fence is to be coloured green to blend in with both existing vegetation and any additional planting to be provided as part of any landscaping scheme.

50. Along the southern and eastern boundary, the proposed fencing would be inconspicuous as it would be screened by substantial mature hedging /vegetation. The northern boundary is more open in nature and the fencing would be visible from long distance views. Given the open nature and colour of the fencing this will blend into the wider background and cause no planning harm. In relation to the western boundary, which runs parallel with Bradford Road and where the site is adjacent to part of the Tranmere Park Conservation Area, the school field is markedly lower than the adjacent public highway and the stone wall. Furthermore, the fencing is to be inset by some 2-3m which would mean the fencing would only be partly visible when viewed at human level from within the conservation area. As the fence is set back from the stone wall there is also the opportunity to introduce tree planting which will provide further screening.
51. The boundary treatment proposed is a common design solution for schools and its height and design is typical of the DfE's standard requirement for such works. In this context, the proposal is suitably and sensitively designed to help preserve the character of the conservation area. It is considered that the proposed development is not out of keeping with the character of the immediate residential area. The proposed development has been assessed in relation to its surroundings, topography, views, vistas and landmarks. It is considered that the proposal satisfies planning policies P10, P11 and N19 in this regard and represents an acceptable design solution.

Residential amenity

52. The proposed development has been considered in terms of its impact upon the residential amenity afforded to nearby residents. There is no change of use of the land involved nor will the intensity of use change as a consequence of the approval of this application. The proposed fence would be positioned a considerable distance away from the nearest dwellings and in any event is separated by either trees or vegetation and on the western flank of the site, Bradford Road. In this context it is considered that the living conditions of occupiers of neighbouring properties are unaffected, and the proposal will not lead to any increased level of use or associated noise, loss of privacy or increased parking or comings and goings. It is therefore considered that the proposal will cause no additional harm in this regard. As such surrounding occupiers are unaffected by this proposal. It is considered that the living conditions of surrounding residents have been safeguarded in this regard and policy GP5 of the Revised UDP is satisfied.

Highways

53. No objections have been raised on highway safety grounds. Additionally, no objection has been received from public rights of way relating to the use of the adjacent public right of way providing this is not obstructed. On this basis highway planning policy T5 is satisfied.

Other matters

54. In terms of the impact upon wildlife, it is considered that the development will cause no material planning harm. A condition is to be imposed to ensure that hedgehogs are protected by ensuring that the fence is to be designed in a hedgehog friendly way. Although objectors have raised concerns relating to surface water flooding and flooding events in the locality, it is considered that the erection of a fence, as proposed, will not contribute towards causing any further drainage issues. Furthermore, the council's drainage engineer has raised no objection to the proposed development. Although objectors have questioned the council's drainage engineers assessment of the application, given the nature of the works proposed, in the context that no modification to surface water run-off is proposed and the works involved will not affect existing run-off rates, this is not considered to be material to the determination of the application. In respect of borehole testing results and land contamination reports, again, given the nature of this application and the limited extent of ground-breaking involved, it would be unreasonable and unnecessary to ask the applicant to provide this level of detail.
55. The use of the playing pitches is unaffected by this proposal and the school's existing community use agreement will still apply to the use of these pitches. No floodlighting is proposed as part of this application. The layout of the fencing has been designed to ensure that existing trees and hedging are to remain, and their long-term survival will not be affected by this proposal. A condition is to be imposed requiring tree /hedging protection measures to be introduced. The fencing proposed is transparent in nature and has an open feel, this will not lead to the enclosure of the exiting footpath nor do the proposals affect its use. Colleagues in public rights of way have raised no objection to this application providing the footpath remains open at all times and gates open inwards to prevent any obstruction.
56. Objectors have also raised the issue that the school has produced no evidence of any incidents relating to safeguarding or issues of anti-social behaviour. Although no evidence would be required to support such a planning application, the applicant has submitted a statement setting out their justification and events which have led to the submission of this application. The issue of unnecessary expenditure being incurred by the school has also been raised by objectors, in this regard it is considered that this is matter for the school in terms of how it spends its own budget, but this is clearly aimed at protecting its students.
57. Comments have also been raised by objectors referring to how the application has been publicised and its relationship with a pending application which relates to the use of part of the site included within this application (22/03466/FU) for a new artificial grass pitch with floodlighting; new emergency access; relocation of existing long jumps; associated landscaping works.
58. The application has been advertised in accordance with planning procedures. The application has been advertised in the Yorkshire Evening Post on the 15.7.22 and by several site notices located around the site on the 2.8.22.

59. It is acknowledged that both this application and 22/03466/FU have attracted a number of public comments and although they relate, in part, to a shared site, they are ultimately two separate planning applications and as such must be determined on their own individual planning merits. Whilst it may have been preferable for each application to be considered on the same panel agenda (22/03466/FU has also been referred by Ward Members for determination by Plans Panel) they are at different planning stages. It would therefore be unreasonable to delay the determination of this application as it is ready to be determined and also unfair to the applicant.

CONCLUSION

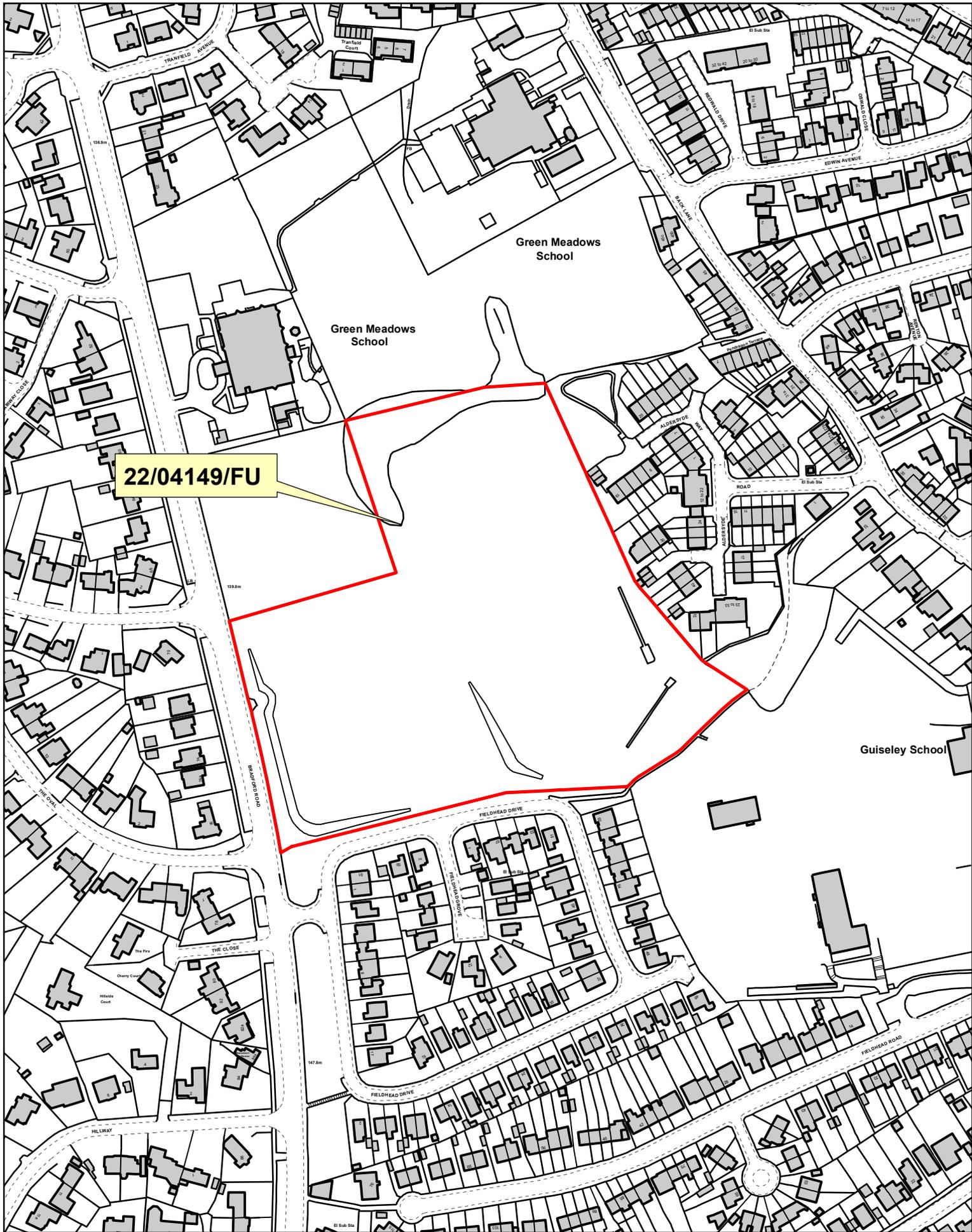
60. It is clear from the weight of public objection that the loss of public open access to this land is a key concern and a sensitive matter. Conversely, based on the justification presented by the school, as the school fields lack a consistent secure perimeter boundary, this poses a major security and safeguarding risk for them.

61. In balancing these considerations, it is evident that in planning land use terms, the site is allocated as greenspace in the Core Strategy albeit with a sport and recreation typology and is also designated as protected playing pitches within the UDP. The land is not designated as public open space. The use of the fields is therefore unaffected by this proposal and community access will remain via an extant community use agreement associated with the recent redevelopment of the school. The safety of the children must be of paramount importance and as such 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. Drawing these factors together, these considerations weigh heavily in favour of the development.

62. Cognisance must also be given to the applicant's fall-back position which in this case would allow for the enclosure of the land as presented with a 2m high fence without the need to apply for planning permission. This is a material consideration as it would allow the principle of enclosing the land to be carried out and thus remove open general public access in any event.

63. Overall, the proposed development is considered to be acceptable in wider planning terms and lies within an area of sufficient 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.

64. Against this background it is considered that the development complies with the development plan when read as a whole. All material matters raised by third parties as summarised have been considered, and those that are not material in planning terms have been identified in the report and acknowledged as such. It is recommended that the application is approved subject to the conditions set out above.



SOUTH AND WEST PLANS PANEL

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