

**North Yorkshire County Council**

**Business and Environmental Services**

**Planning and Regulatory Functions Committee**

**15 MAY 2018**

**C6/18/00092/CMA - Planning application for the purposes of the demolition of two single temporary classroom units (135 sq. metres) and installation of one double permanent prefabricated classroom unit (178 sq. metres) 6 no. wall mounted external lighting, 2 external steps, footpaths, fan coil units and soft landscaping on land at Kirkby Malzeard Church of England Primary School, Church Bank, Kirkby Malzeard, HG4 3RT on behalf of Corporate Director, Children and Young People's Services (Harrogate District) (Masham & Fountains electoral division)**

**Report of the Corporate Director – Business and Environmental Services**

**1.0 Purpose of the report**

- 1.1 To determine a planning application for the demolition of two single temporary classroom units (135 sq. metres) and installation of one double permanent prefabricated classroom unit (178 sq. metres) 6 No. wall mounted external lighting, 2 external steps, footpaths, fan coil units and soft landscaping on land at Kirkby Malzeard Church of England Primary School, Church Bank, Kirkby Malzeard, HG4 3RT on behalf of Corporate Director, Children and Young People's Services.
- 1.2 This application is subject to an objection having been raised in respect of this proposal on the grounds of concerns over loss of light and is, therefore, reported to this Committee for determination.

**2.0 Background**

Site Description

- 2.1 Kirkby Malzeard C of E Primary School is located towards the north-east of the settlement of Kirkby Malzeard. The school has a site area of 1.42 hectares, with the main school building located to the east of the site.
- 2.2 The school was built in 1970 and is constructed of buff brick with a green/grey mineral felt flat roof.
- 2.3 To the east of the school site is the school car park and the public highway Church Street, to the east of which is St Andrew's Church. To the west of the school site are agricultural fields and to the south are residential properties located along Church Street, Main Street and Manor Court. Kirkby Malzeard pre-school is located within the school site, to the west of the main school buildings, and north is Church Bank on which a handful of residential properties are located.
- 2.4 The boundary of the school site consists of a two metre high deciduous hedge to the north, a 1.5 metre high stone wall to the east, 1.5 metre high timber fencing, hedgerow and mature trees to the south and 1.5 metre high deciduous hedge to the west.
- 2.5 Located nine metres to the west of the main school building are two prefabricated classroom units. These are partially subject of this application.
- 2.6 A plan showing the application site is attached to this report.

### Planning History

- 2.7 There is no planning history relating to the proposed development site relevant to the determination of this application.

### **3.0 The proposal**

- 3.1 Planning permission is sought for the demolition of two single temporary classroom units (135 sq. metres) and installation of one double permanent prefabricated classroom unit (178 sq. metres) 6 No. wall mounted external lighting, 2 external steps, footpaths, fan coil units and soft landscaping on land at Kirkby Malzeard Church of England Primary School, Church Bank, Kirkby Malzeard, HG4 3RT on behalf of the Corporate Director, Children and Young People's Services.
- 3.2 The new classroom unit is a single storey prefabricated building to a standard design that is commonly seen at many schools. The unit will measure approximately 9.85 metres in width by 18.1 metres in length, and 3.85 metres in height, totalling approximately 178 square metres.
- 3.3 The new prefabricated classroom unit will be single storey with a low pitched felt roof to maintain the appearance, scale and proportion of the existing temporary classroom unit structure. The unit will be steel framed and clad in composite insulated sheeting and is proposed to be finished in Vandyke Brown (BC 08B29) colour. The windows are PVCu (white) and external doors (brown) are steel.
- 3.4 External Lighting will illuminate the perimeter of the building, with a maximum lighting level of 10 Lux. Time periods for illumination will be controlled by time clocks as well as 'dusk till dawn' sensors ensuring optimal usage and energy efficiency and minimising nuisance to any neighbours.
- 3.5 The school is accessed off Church Street which forms the schools main entrance, however this entrance to the school site does not provide a practical access route to be utilised during building work, therefore an existing entrance onto the school field is proposed to be utilised off Manor Court to the south west. A temporary access route will be created across the school field which will be made good when the works are complete, and sufficient traffic control measures are proposed to be implemented during this period, to reduce conflict with school users.
- 3.6 The school has identified the need to improved disabled access at the school and this proposal forms an integral part of that by enabling step-free access to the proposed new building by way of a ramp. The unit be used as teaching accommodation.

### **4.0 Consultations**

- 4.1 The consultee responses summarised within this section of the report relate to responses to the consultation undertaken on the 8 January 2018 and a re-consultation with the Lead Local flood Authority on 10 April 2018 following the receipt of further amended information relating to site drainage.
- 4.2 **Harrogate Borough Council (Planning)** – confirmed no objections.
- 4.3 **Kirkby Malzeard, Laverton & Dallowgill Parish Council** – did not respond.
- 4.4 **Environmental Health Officer (Harrogate)** - confirmed no observations.
- 4.5 **NYCC Heritage – Ecology** – requested that new external lighting is directed away from trees, hedges or other buildings to avoid disruption to bat foraging activity in the surrounding area.

- 4.6 **NYCC Heritage - Principal Landscape Architect** – confirmed no objections and asked that a condition be put on any grant of planning permission to require the temporary access across the school playing field to be restored on completion of works.
- 4.7 **NYCC Arboricultural Officer** – confirmed no objections.
- 4.8 **Highway Authority** – requested a number conditions to be attached to any grant of planning permission. These include improvements to Manor Court access, precautions to prevent mud on the highway, a highways condition survey and onsite parking/storage information.
- 4.9 **Sport England** – confirmed no objections.
- 4.10 **SUDS & Development Control Officer** – requested additional information to be submitted before an informed decision could be made.
- 4.11 Following receipt of the requested information, the SUDS Officer requested that three conditions be added to any grant of planning permission to include details of drainage layout, storage requirements and exceedance flow route details. The Applicant confirmed agreement with such conditions.
- 4.12 **Nidderdale AONB** – did not respond.

#### Notifications

- 4.13 **County Cllr. Margaret Atkinson** – was notified of the application.

### **5.0 Advertisement and representations**

- 5.1 This application has been advertised by means of four site notices posted on 8 January 2018 (responses to which expired on 29 Jan 2018). The Site Notices were posted in the following locations:
- School entrance gate;
  - On Church Lane;
  - On Manor Court; and
  - On Main Street
- 5.2 Neighbour Notification letters were sent on 8 January 2018 and the period in which to make representations expired on 29 January 2018. The following properties received a neighbour notification letter:
- 1 – 6 Manor Court (inclusive), Kirkby Malzeard;
  - Eight properties on Main Street (south of the school playing field); and
  - Four properties on Church Street.
- 5.3 One letter of representation has been received from the neighbouring Pre-School which occupies an area of the school site to the north of the proposed development area, raising objections on the grounds of concerns over loss of light and overshadowing to the Pre-School, due to the proposed location of the unit and topography of the land.
- 5.4 47 letters of support have been received raising support for improved facilities at the school, many on the grounds of the need for improvement to disabled access to provide suitable access for a child using a wheelchair at the school, which the existing units currently do not.

## 6.0 Planning policy and guidance

### National Planning Policy

- 6.1 The policy relevant to the determination of this particular planning application provided at the national level is contained within the National Planning Policy Framework (NPPF) (published March 2012).

### National Planning Policy Framework (NPPF)

- 6.2 The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied.
- 6.3 The overriding theme of Government policy in the NPPF is to apply a presumption in favour of sustainable development. For decision-making this means approving development proposals that accord with the development plan without delay (if plans are up-to-date and consistent with the NPPF). The Government has set down its intention with respect to sustainable development stating its approach as *"making the necessary decisions now to realise our vision of stimulating economic growth and tackling the deficit, maximising wellbeing and protecting our environment, without negatively impacting on the ability of future generations to do the same"*. The Government defines sustainable development as that which fulfils the following three roles:
- **An economic role** – development should contribute to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation;
  - **A social role** – development supporting strong, vibrant and healthy communities; and,
  - **An environmental role** – development that contributes to protecting and enhancing the natural, built and historic environment and as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution and mitigate and adapt to climate change including moving to a low carbon economy.
- 6.4 The NPPF advises that when making decisions, development proposals should be approved that accord with the Development Plan and when the Development Plan is absent, silent or relevant policies are out of date, permission should be granted unless:
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
  - specific policies in this framework indicate development should be restricted.
- 6.5 This national policy seeks to ensure that there are positive improvements in people's quality of life including improving the conditions in which people live, work, travel and take leisure.
- 6.6 Paragraph 17 within the Core Planning Principles of the NPPF states factors which should underpin planning decision. The relevant policies for this proposed development include:
- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
  - take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.

- 6.7 Paragraphs 56-58 within Section 7 (Requiring Good Design) of the NPPF states that 'good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'. It also states that planning policies and decision should aim to 'ensure that developments:
- will function well and add well to the overall quality of the area, not just for the short term but over the lifetime of the development;
  - establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
  - optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;
  - respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
  - create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and
  - are visually attractive as a result of good architecture and appropriate landscaping'.

Indeed paragraph 64 states that 'permission should be refused for development of poor design'.

- 6.8 However, paragraph 60 states that 'Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness' and paragraph 61 states that 'Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment'.

- 6.9 Paragraph 61 also states that "*Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment*".

- 6.10 Paragraph 70 within Section 8 (Promoting healthy communities) of the NPPF states that planning policies and decisions should "*plan positively for the provision and use of shared space, community facilities and other local services to enhance the sustainability of communities and residential environments*".

- 6.11 The NPPF further advises at paragraph 72 on the importance of ensuring that a sufficient quantity of school places for children is available for existing and new communities. Furthermore it is advised that 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'.

#### National Planning Practice Guidance (PPG) (2014)

- 6.12 On 6 March 2014 the Department for Communities and Local Government (DCLG) launched the National Planning Practice Guidance (PPG) web-based resource. This was accompanied by a Written Ministerial Statement which includes a list of the previous planning practice guidance documents cancelled. The NPPG supports the national policy contained within the NPPF. The guidance relevant to the determination of this application is contained within the following sections: -

### Design

- 6.13 This states how good design is essential to sustainable development with reference to the importance of it being functional, in that it relates well to its surrounding environment, and is designed so that it delivers its intended purpose whilst maintaining a distinctive character. It though must also “*reflect an areas function, history, culture and its potential need for change*”. Ensuring a development can:
- deliver a wide range of planning objectives;
  - enhance the quality of buildings and spaces, by considering amongst other things form and function; efficiency and effectiveness and their impact on wellbeing;
  - address the need for different uses sympathetically.
- 6.14 The size of individual buildings should be carefully considered, as their design will affect the overshadowing and overlooking of others; local character and skylines.

### The Development Plan

- 6.15 Notwithstanding that the abovementioned national planning policy is a significant material consideration, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each planning application in accordance with the planning policies that comprise the Development Plan unless material considerations indicate otherwise. In this instance, therefore, the Development Plan consists of policies contained within a number of planning documents. These documents include:
- any extant planning policies contained within Plan(s) adopted by the County and District (or Borough) Councils ‘saved’ under direction of the Secretary of State; and,
  - any planning policies contained within Development Plan Documents adopted under the Local Development Framework regime.
- 6.16 The Development Plan for the determination of this particular application comprises the following:
- The extant policies of the Harrogate District Core Strategy (2009); and
  - The ‘saved’ policies of the Harrogate Borough Local Plan (2001).
- 6.17 The Harrogate District Core Strategy (2009) has particular relevance in the determination of this application and the policies most relevant include:
- Policy SG4 – Design and Impact;
  - Policy C1 – Inclusive Communities.
- 6.18 Within the Harrogate Core Strategy Policy SG4, “*Design and Impact*” with regards to residential amenity it states “*the scale, density, layout and design should make the most efficient use of land*”, and that the “*visual, residential and general amenity should be protected and where possible enhanced*”. This policy is consistent with the NPPF’s objectives of presumption in favour of sustainable development, as outlined in paragraph 17 of the Framework, which relates to the importance of achieving a good quality of design to ensure a good quality and standard of amenity for all existing and future occupants. Therefore, full weight can be given to this policy in the determination of this application.
- 6.19 Another relevant policy stated in Harrogate’s Cores Strategy (2009) is Policy C1 titled “*Inclusive communities*” it advises “*the use and development of land will be assessed having regard to community needs within the District, with particular importance placed on the following specific needs identified through the Harrogate District Community Plan and other relevant strategies and plans:*
- a. *elderly people, especially in terms of open market housing, health, sport and recreation;*
  - b. *young people, especially in terms of affordable housing, higher education/training and sport, leisure, cultural and entertainment facilities;*

- c. *the rural population especially in terms of affordable housing and access to services;*
- d. *disabled people, especially in terms of access to services and mobility.”*

- 6.20 In this instance, parts ‘b’, ‘c’ and ‘d’ of this policy are considered relevant to the determination of this application they relate to the provision of facilities related to the provision of education and the improvement of services for disabled people.
- 6.21 It is therefore considered that Policy C1 ‘b’ and ‘c’ of the Harrogate District Core Strategy (2009) are consistent with the National Planning Policy Framework (2012) and therefore full weight can be applied in determining this application.
- 6.22 In addition to the Harrogate District Core Strategy (2009) the Harrogate District Local Plan (2001) also warrants consideration in relation to this proposal. The policies most relevant are:-
- ‘Saved’ Policy HD20 titled “Design of New Development and Redevelopment”.
  - ‘Saved’ Policy R1 titled “Existing Recreation Open Space”.
- 6.23 ‘Saved’ Policy HD20, titled ‘Design of New Development and Redevelopment’, from the Harrogate Local Plan (2001) advises that proposals must take into account the following design principles:
- *New buildings must make a positive contribution to the spatial quality of the area and their siting and density should respect the area’s character and layout;*
  - *‘The use and application of building materials should respect materials of neighbouring and the local area;*
  - *New development should respect the local distinctiveness of existing buildings, settlements and their landscape setting;*
  - *New buildings should respect the scale, proportions and height of neighbouring properties;*
  - *New building design should respect, but not necessarily mimic, the character of their surroundings and, in important location, should make a particularly strong contribution to the visual quality of the area;*
  - *The use and application of building materials should respect materials of neighbouring buildings and the local area;*
  - *Special consideration will be given to the needs of disabled and other inconvenienced persons, particularly in proposed developments to which there will be public access;*
  - *New development should respect the privacy and amenity of nearby residents and occupiers of adjacent buildings;*
  - *New development should maximise the opportunities for conservation of energy and resources through design, layout, orientation and construction;*
  - *New development should, through design, layout and lighting, pay particular attention to the provision of a safe environment’.*
- 6.24 This Policy is considered partially consistent with the NPPF’s objectives of achieving sustainable development through good design, as outlined in Chapter 7, in particular as detailed in paragraphs 56 and 58, which relate to development respecting the character of the area. It is noted, that the NPPF states that *‘planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation’*. Paragraph 61 states *‘Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment’*.

- 6.25 Furthermore, paragraph 64 states that '*Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions*'. In terms of the design aims of Policy HD20, it is therefore considered that the policy is broadly consistent with the aims of the National Planning Policy Framework (2012) and, therefore, partial weight should be afforded Policy HD20 in relation to the determination of this application.
- 6.26 'Saved' Policy R1 titled "Existing Recreation Open Space" advises that development proposals which involve the loss of existing recreational open space will not be permitted unless in the case of playing fields, where sports and recreation facilities can best be retained and enhanced through the development of a small part of the site. This policy is considered consistent with the NPPF paragraph 74 which seeks lost playing field being replaced by equivalent provision.

## **7.0 Planning considerations**

- 7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each planning application in accordance with the planning policies that comprise the Development Plan unless material considerations indicate otherwise. In light of the abovementioned policies the main considerations in this instance are the principle of the proposed development, the need for the development, location, design, residential amenity, loss of light/overshadowing impact, highways matters and impact upon the playing field.

### Principle of the proposed development

- 7.2 The principle of improving school facilities with the new classroom unit receives support within the NPPF in securing sustainable development, whilst supporting the need to alter/enhance schools as stated in paragraph 72. Sustainable development in this instance, is considered to be the support of a community facility by ensuring local people have adequate school place provision for their children. Therefore, in terms of sustainable development the proposal is considered consistent with the NPPF. Policy C1 of the Harrogate District Core Strategy also seeks to support development of community facilities and accordingly this policy is considered to support the principle of the proposal.
- 7.3 The principle of developing school facilities receives support within the NPPF in both securing sustainable development whilst supporting the needs to alter/enhance schools. In this instance the proposals seek to enhance the existing school facilities which is therefore supportive of such proposals.
- 7.4 Given the aforementioned policy support, it is considered that the principle of this development is supported in a policy context, notwithstanding the consideration of all other material considerations.

### Need

- 7.5 The Applicant has affirmed that the school has identified the need to improve disabled access at the school and this proposal forms an integral part of that. The unit will be used as teaching accommodation which can be used by all students to create an inclusive environment. At present, the lack of disabled access to the existing two units means that disabled students cannot utilise these classrooms. This is compliant with policy C1 of Harrogate's Cores Strategy (2009) titled "*Inclusive communities*" which supports the use of development for community needs including children, education and disabled people in terms of access to services and mobility.
- 7.6 This is further endorsed by the consultation responses received which support the application and the 47 letters of support, many of which refer to the need for the improved facilities at the school.



### Location

- 7.7 The location of the new classroom unit has been determined due to the topography of the land which slightly slopes down to the north, and the need for the ramped access to the unit. Varying locations have been considered during this project, however that which is proposed is the most viable in terms of creating the required disabled access.
- 7.8 The new unit is proposed to be located to the west of the main school building and playground, partially in the place of an existing unit which is proposed to be removed. Kirkby Malzeard Pre-School is located approximately 6-8 metres to the north of the proposed unit at a slightly lower gradient of up to one metre.
- 7.9 It is considered that the location of the unit has been investigated in order to create the most viable solution to the lack of disabled access of the school, which is compliant with policy C1 of Harrogate's Cores Strategy (2009) titled "*Inclusive communities*" which supports the use of development for community needs including children, education and disabled people in terms of access to services and mobility.

### Design

- 7.10 It is considered that the scale and external finish of the development is sympathetic to the existing school site and the two units which it is proposed to replace. The visual impact of the proposal is lessened because the proposed new unit will mirror the general profile of a standard prefabricated classroom unit, including those two which are to be replaced. The unit has been designed to accommodate disabled access to both classrooms and is of a height and scale which is in keeping with the existing school buildings so as not to affect the sky line. The low pitched roof lessens the impact of the development further, with the profile of the unit being sympathetic to the existing two units which it will replace. The proposed development would not conflict with the existing school building and is not inappropriate for a school site and therefore it is considered that the design and scale of the development is acceptable and consistent with NPPF Paragraph 58 and Planning Practice Guidance (2014).
- 7.11 Furthermore, the proposal is considered compliant with Policy SG4 of the Harrogate District Core Strategy and 'Saved' Policy HD20 of the Harrogate District Local Plan. Policy SG4 seeks proposals to make efficient use of the land and in this instance it is considered that the proposal meets this criteria and consequently merits support. 'Saved' Policy HD20 seeks buildings to make a positive contribution to the spatial quality of the area and this developments design respects the scale and visual quality of buildings in the surrounding area.

### Residential amenity

- 7.12 The nearest residential properties are located on Church Street, Main Street and Manor Court to the south, south west and east. The nearest properties on Church Street are afforded views into the school site facing west over the playing field, a number of properties on Main Street are afforded partial views looking over the playing field towards the north, however a two metre high deciduous hedge screens the majority. A couple of the properties on Manor Court have views out onto the playing field towards the east, but none directly overlook the proposed development area. It is noted above that the visual impact of the development is limited, in part due to the limited views that exist from surrounding residential properties and public spaces.
- 7.13 The use of the development on the school site for teaching provision is considered unlikely to generate any noise or other environmental impacts which would be of detriment to local residential amenity.

- 7.14 It is considered that once constructed, the new unit would be unlikely to appear out of place in regards to the existing school buildings. To this effect, it is considered that there would be no visual impact upon local amenity resulting from the proposed development, being consistent with NPPF paragraph 70 in regards to 'not undermining quality of life'.
- 7.15 The orientation of the existing building, the position/profile of the proposed unit and the boundary treatment mean that external views of the proposal from public vantage points would be limited. It is considered that the likelihood of any significant loss to residential amenity as a consequence of the implementation of this application is unlikely, which is in compliance with Harrogate Core Strategy Policy SG4 in regards to the 'scale, density, layout and design should make the most efficient use of land'.

Loss of light/ overshadowing – amenity

- 7.16 It is acknowledged that the objection received from Kirkby Malzeard Pre-School is predominantly in relation to the potential overshadowing that the new classroom unit may cause to the Pre-School.
- 7.17 The 'Design' section of the National Planning Practice Guidance (PPG) states that good design is essential to sustainable development with reference to the importance of it being functional, in that it relates well to its surrounding environment, and is designed so that it delivers its intended purpose. However, the size of individual buildings should be carefully considered, as their design may affect the overshadowing and overlooking of others; local character and skylines.
- 7.18 As explained above, the design and location of the proposed classroom unit has been carefully considered and the most viable in terms of creating the required disabled access at the school, is reflected in the proposal.
- 7.19 Generally there is no rule of thumb in terms of separation distances, and there is no specific local or national policy which would restrict this. In planning terms the LPA needs to be satisfied that there are no significant concerns in terms of amenity resulting from a loss of light or overshadowing. This is separate and distinct from a right to light which is a civil matter outside of the planning process.
- 7.20 Many local planning authorities use the Building Research Establishment (BRE) Report "*Site layout planning for daylight and sunlight: a guide to good practice*" to assess the impact of new development on daylight and sunlight, as this gives non-mandatory guidance on loss of light to existing buildings and gardens. The BRE Guidelines state that if a proposed building obstructs both the 45 degree lines in height and depth and the 25 degree line in height, it may cause noticeable loss of light.
- 7.21 The applicants have carried out an assessment in line with this best practice guidance, which demonstrates that there would be no significant loss of light or overshadowing.

Highways matters- Traffic and transport

- 7.22 Whilst it is noted that the development does not seek to cater for additional pupil or staff numbers, it is noted that the existing entrance to the school site does not provide a practical access route to be utilised during building work, therefore an existing entrance onto the school field to the south is to be utilised off Manor Court. A temporary access route will be created across the school field which will be made good when the works are complete. Sufficient traffic control measures will be implemented at this stage, to reduce conflict with school users and local residents. Consideration has been given to the impact of the proposed development on the public highway including Manor Court, which is located to the south west of the school site and it is proposed to create a temporary access across the playing field.

7.23 During consultation, the Highways Authority considered the potential impact upon the public highway, specifically Manor Court and confirmed no objections to the proposals but requested a number of conditions and one informative be added to any grant of planning permission. These conditions request works to be undertaken to the existing access onto Manor Court and a licence to do such works; precautions to prevent mud on the highway during the works; a highway condition survey; and details of on-site parking and materials storage.

7.24 The temporary access to be utilised across the school field from Manor Court for the duration of the works is deemed to be acceptable by the Highway Authority if these conditions are applied and for these reasons it is considered that following the implementation of these measures, there will be no adverse impact upon the local highways network. This is further endorsed as no letters of representation have been received by residents of Manor Court who were notified of the proposals.

7.25 It is therefore considered that the development is in accordance with 'Saved' Policy R1 of the Harrogate District Local Plan (2001) titled "Existing Recreation Open Space" and will not have a detrimental impact on the use of the surrounding playing fields.

#### Impact upon the playing field

7.26 It is noted that the new unit will encroach onto existing playing field, including the use of part of the playing field as temporary access during construction and the loss of a small area in the location of the new unit. However, it is proposed that the area lost by the proposed development would be accounted for and 'made good' with the removal of the existing two units to compensate for this loss.

7.27 This is further endorsed by the consultation response from Sport England, who confirmed that they are satisfied that the proposed development meets Sport England Policy E3, whereby "*The proposed development affects only land incapable of forming, or forming part of, a playing pitch, and does not result in the loss of, or inability to make use of any playing pitch (including the maintenance of adequate safety margins), a reduction in the size of the playing area of any playing pitch or the loss of any other sporting/ancillary facility on the site.*".

7.28 It is therefore considered that the development is in accordance with policy C1 of the Harrogate District Core Strategy in terms of the importance of sport and leisure facilities in the locality.

## **8.0 Conclusion**

8.1 There are no material planning considerations to warrant the refusal of this application for the demolition of two single temporary classroom units (135 sq. metres) and installation of one double permanent prefabricated classroom unit (178 sq. metres) 6 No. wall mounted external lighting, 2 external steps, footpaths, fan coil units and soft landscaping.

8.2 For the reasons mentioned above, it is therefore considered that, the proposed development is compliant with the policies which comprise the Development Plan currently in force for the area and all other relevant material considerations.

## **9.0 Recommendation**

9.1 For the following reason(s):

- i. the proposed development would not result in an adverse impact upon local amenity;
- ii. the proposed development would not result in an adverse impact upon the character of the local area or the local highway network;

- iii. the proposed development would not result in an adverse impact on the playing field;
- iv. the proposed development is consistent with the principles of the NPPF, NPPG and accords with 'saved' Policies HD20 and R1 of the Harrogate District Local Plan (2001) and Policies C1 and SG4 of the Harrogate Core Strategy (2009).

That, **PLANNING PERMISSION BE GRANTED** subject to the following conditions:

#### Conditions

1. The development to which this permission relates must be implemented no later than the expiration of three years from the date of this Decision Notice.
2. The development hereby permitted shall be carried out in strict accordance with the application details dated 14<sup>th</sup> December 2017 and the following approved documents and drawings;
  - Location Plan ref. 17009/A/050.001(P1), dated 8 December 2017;
  - Existing Site Plan (Part) ref. 17009/A/050.003 (P1), dated 8 December 2017;
  - Proposed Site Plan (Part) ref. 17009/A/050.004 (P1), dated 8 December 2017;
  - Proposed Floor Plan and Elevations of PCU ref. 17009/A/140.001 (P1), dated 18 December 2017;
  - Ecology Scoping Report, dated 21 December 2017;
  - Design & Access Statement ref. 17009/A/900.001 (P1), dated 14 December 2017;
  - Drainage Technical Note ref. 40748\_KM-TEN 01, dated April 2018
3. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access(es) to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements
  - c. The existing access onto Manor Court shall be improved by first installing an additional 5m of tarmac into the site in accordance with the Standard Detail E6 and the remaining length of the construction track to the works area shall be constructed using compacted type 1 material.
4. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority in consultation with the Highway Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority in consultation with the Highway Authority agrees in writing to their withdrawal.
5. Unless otherwise approved in writing by the Local Planning Authority, there shall be no HCVs brought onto the site until a survey recording the condition of the existing highway has been carried out in a manner approved in writing by the Local Planning Authority in consultation with the Highway Authority.

6. Unless approved otherwise in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of:
  - a. on-site parking capable of accommodating all staff and sub-contractors vehicles
  - b. clear of the public highway
  - c. on-site materials storage area capable of accommodating all materials required for the operation of the site.
  - d. The approved areas shall be kept available for their intended use at all times that construction works are in operation.
7. Development shall not commence until a scheme detailing foul and surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The scheme shall detail phasing of the development and phasing of drainage provision, where appropriate. Principles of sustainable urban drainage shall be employed wherever possible. The works shall be implemented in accordance with the approved phasing. No part or phase of the development shall be brought into use until the drainage works approved for that part or phase has been completed.
8. Storage shall be provided to accommodate the minimum 1 in 100 year plus climate change critical storm event. The scheme shall include a detailed maintenance and management regime for the storage facility. No part of the development shall be brought into use until the development flow restriction works comprising the approved scheme has been completed. The approved maintenance and management scheme shall be implemented throughout the lifetime of the development.
9. No development shall take place until an appropriate Exceedance Flow Plan for the site has been submitted to and approved in writing by the Local Planning Authority. Site design must be such that when SuDS features fail or are exceeded, exceedance flows do not cause flooding of properties on or off site. This is achieved by designing suitable ground exceedance or flood pathways. Runoff must be completely contained within the drainage system (including areas designed to hold or convey water) for all events up to a 1 in 30 year event. The design of the site must ensure that flows resulting from rainfall in excess of a 1 in 100 year rainfall event are managed in exceedance routes that avoid risk to people and property both on and off site.
10. Upon completion of the construction works the area of playing field on which the temporary access has been utilised shall be reinstated to its previous condition.

#### Reasons

1. To comply with Section 91 of Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To ensure that the development is carried out in accordance with the application details.
3. To ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.
4. To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
5. In the interests of highway safety and the general amenity of the area.
6. To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.

7. To ensure the provision of adequate and sustainable means of drainage in the interests of amenity and flood risk.
8. To mitigate additional flood impact from the development proposals and ensure that flood risk is not increased elsewhere.
9. To prevent flooding to properties during extreme flood events and to mitigate against the risk of flooding on and off the site.
10. In the interests of visual amenity and to ensure that the development is carried out in accordance with the application details.

#### Informatives

1. You are advised that a separate licence will be required from the Highway Authority in order to allow any works in the adopted highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council, the Highway Authority, is available at the County Council's offices. The local office of the Highway Authority will also be pleased to provide the detailed constructional specification referred to in this condition.

### **Statement of Compliance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015**

*In determining this planning application, the County Planning Authority has worked with the applicant adopting a positive and proactive manner. The County Council offers the opportunity for pre-application discussion on applications and the applicant, in this case, chose not to take up this service. Proposals are assessed against the National Planning Policy Framework, Replacement Local Plan policies and Supplementary Planning Documents, which have been subject to proactive publicity and consultation prior to their adoption. During the course of the determination of this application, the applicant has been informed of the existence of all consultation responses and representations made in a timely manner which provided the applicant/agent with the opportunity to respond to any matters raised. The County Planning Authority has sought solutions to problems arising by liaising with consultees, considering other representations received and liaising with the applicant as necessary. Where appropriate, changes to the proposal were sought when the statutory determination timescale allowed.*

DAVID BOWE

Corporate Director, Business and Environmental Services

Author of report: Amy Taylor

Background Documents to this Report:

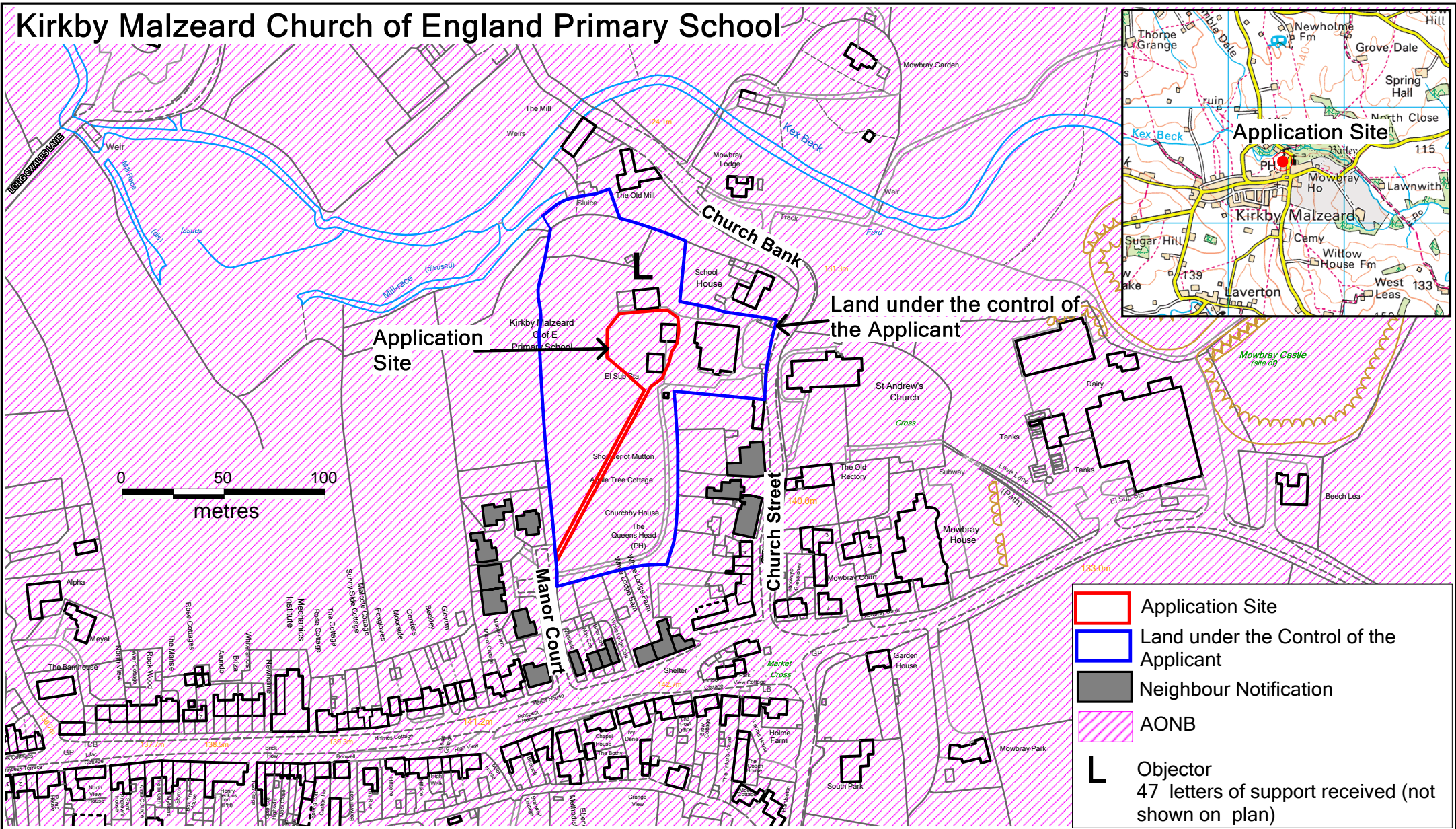
1. Planning Application Ref Number: C6/18/00092/CMA (NY/2017/0327/FUL) registered as valid on 4 January 2018. Application documents can be found on the County Council's Online Planning Register by using the following web link:  
<https://onlineplanningregister.northyorks.gov.uk/register/>
2. Consultation responses received.
3. Representations received.

Appendix A – Site Location, constraints and representations

Appendix B – Proposed Site Plan

Appendix C – Proposed Floor Plan & Elevations

# Kirkby Malzeard Church of England Primary School



Title:demolition of two single temporary classroom units (135 sq. metres) and installation of one double permanent prefabricated classroom unit (178 sq. metres) 6 No. wall mounted external lighting, 2 external steps, footpaths, fan coil units and soft landscaping at Kirkby Malzeard Church of England Primary School

Application No : C6/18/00092/CMA

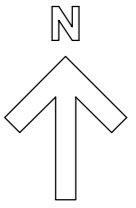
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Business & Environmental Services,  
North Yorkshire County Council  
County Hall, Northallerton,  
North Yorkshire. DL7 8AH

Scale : 1:2,500  
Date : May 2018  
Filename : Kirky Mazleard  
Compilation & Analysis : AT/JB

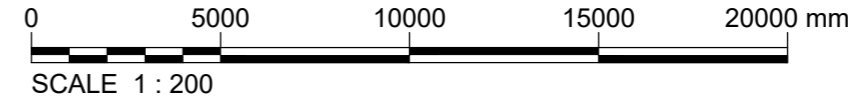
**Notes**  
 This Drawing is an instrument of service and shall remain the property of Align Property Partners. It may not be reproduced or copied in any form. It shall not be used for the construction, enlargement or alteration of a building or area other than the said project without the authorisation of the issuing office.  
 Contractors shall verify and be responsible for all dimensions and conditions and shall report any discrepancies to the issuing office before proceeding with any work. Drawings shall not be scaled.



New Surface Water and Foul Water Drainage to be taken to existing surface water and foul water manholes



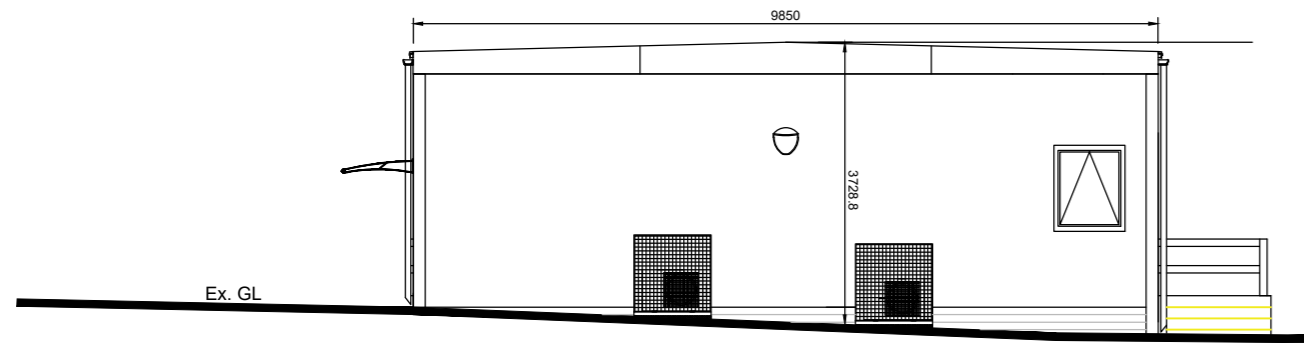
**PROPOSED (PART) SITE PLAN 1:200**



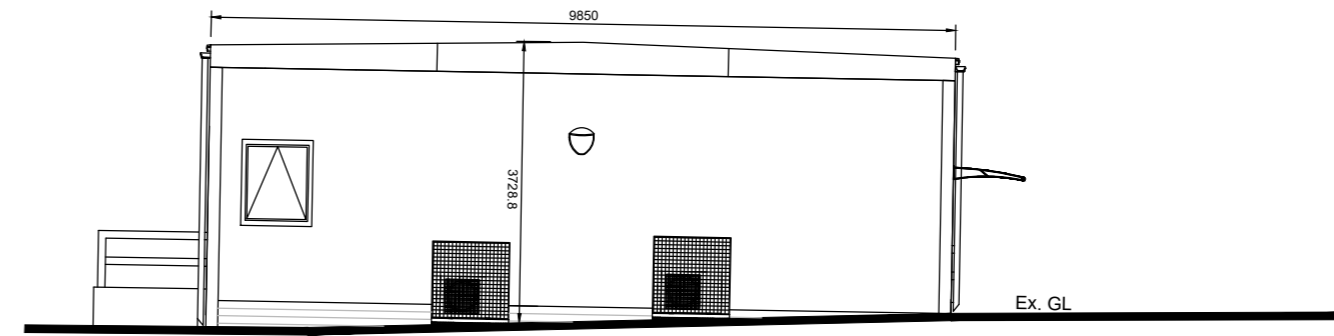
P1	Planning Application	RA	BJL	DJS
Ver.	Details	Author & Date	Checked & Date	Approv'd & Date
Mount View, Standard Way, Northallerton, North Yorkshire, DL6 2YD Tel: 01609 797373				
Client				
NORTH YORKSHIRE COUNTY COUNCIL				
Project name				
Replacement of two existing TCU's with one Double PCU at Kirby Malzeard C of E PS				
Drawing Title				
Proposed Site Plan(Part)				
Purpose				
Planning Application				
Scale	Drawn	Checked	Approved	
1:200	RA	BJL	DJS	
Original Size	Date	Date	Date	
A2	08/12/17	18/12/17	08/12/17	
Drawing Number				Version
17009/A/050.004				P1



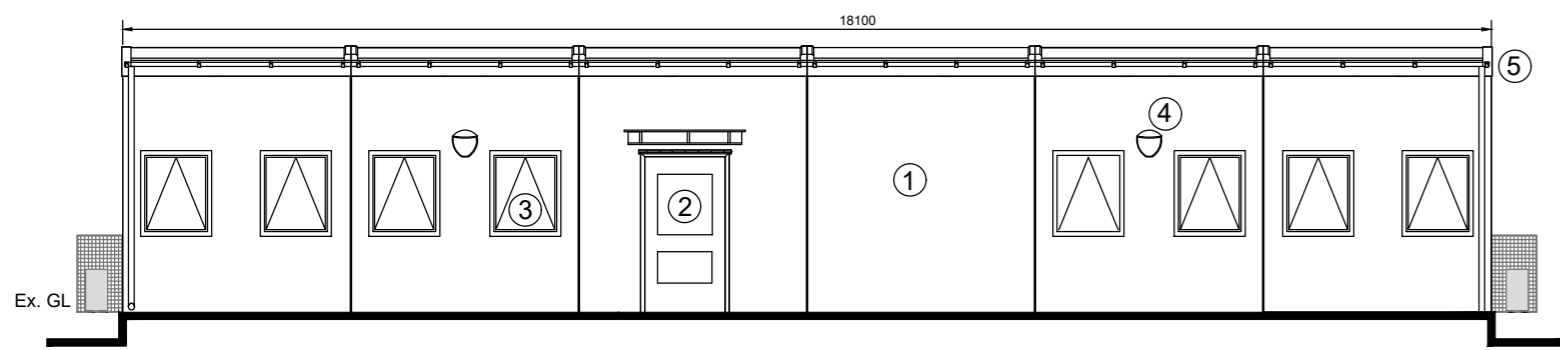
**Notes**  
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 Contractors shall verify and be responsible for all dimensions and conditions and shall report any discrepancies to the issuing office before proceeding with any work. Drawings shall not be scaled.



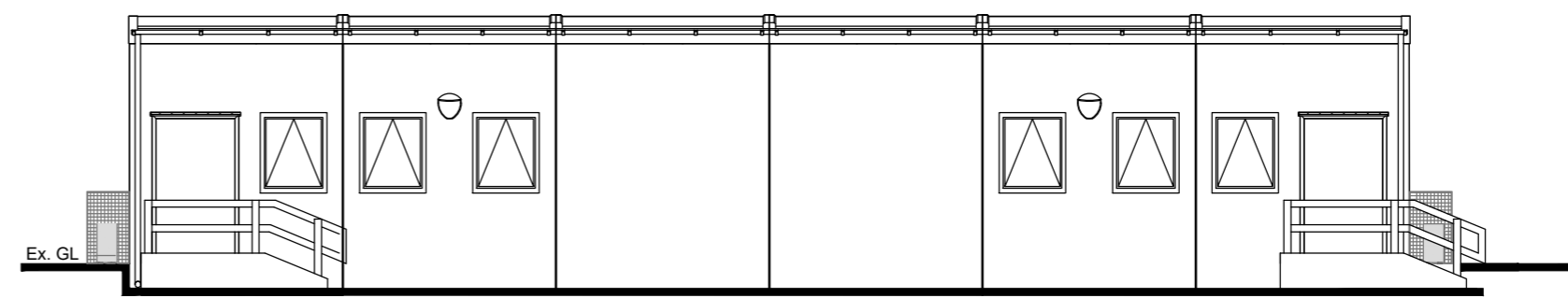
**PROPOSED EAST ELEVATION**



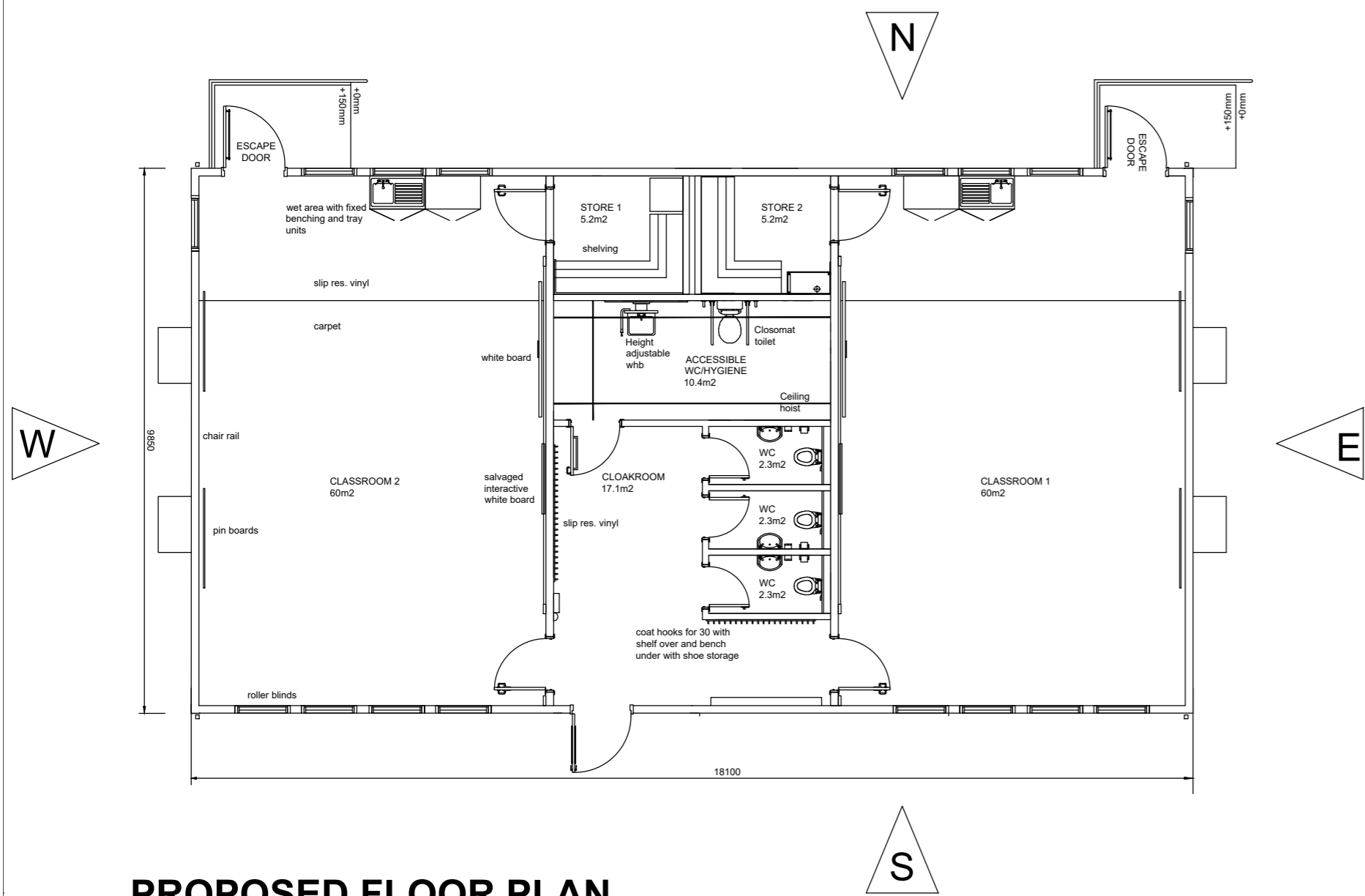
**PROPOSED WEST ELEVATION**



**PROPOSED SOUTH ELEVATION**



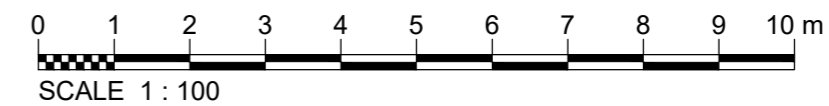
**PROPOSED NORTH ELEVATION**



**PROPOSED FLOOR PLAN**  
 Scale 1:100

**Schedule of finishes:**

- ① Walls - Steel framed modular construction. Clad in composite insulated steel (Vandyke Brown BS 08B29)
- ② Windows - PVCu (white)
- ③ Doors - External doors are steel (brown)
- ④ External Lights - Die cast aluminum body finished in titanium polyester powdered coat. Frosted or opal polycarbonate diffuser held against gasket by damp proof screws.
- ⑤ Gutter and rainwater goods - Black UPVC



P1	Planning Application	RA	BJL	DJS
Ver.	Details	Author & Date	Checked & Date	Approv'd & Date
Mount View, Standard Way, Northallerton, North Yorkshire, DL6 2YD Tel: 01609 797373				
Client				
NORTH YORKSHIRE COUNTY COUNCIL				
Project name				
Replacement of two existing TCU's with one Double PCU at Kirby Malzeard C of E PS				
Drawing Title				
Proposed Floor Plan and Elevations of PCU				
Purpose				
Planning Application				
Scale	Drawn	Checked	Approved	
1:100	RA	BJL	DJS	
Original Size	Date	Date	Date	
A2	08/12/17	18/12/17	08/12/17	
Drawing Number				Version
17009/A/140.001				P1