

North Yorkshire County Council

Business and Environmental Services

Planning and Regulatory Functions Committee

11 September 2018

C8/2018/0360/CPO - Planning application for the purposes of the removal and replacement of existing hedge and erection of 1.5 metre high green weld mesh fencing on land at Appleton Roebuck CP School, Main Street, Appleton Roebuck, Selby, YO23 7DN

**On behalf of Corporate Director, Children and Young People's Services (Selby district)
(Escrick 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 Removal and replacement of existing hedge and erection of 1.5 metre high green weld mesh fencing on land at Appleton Roebuck CP School, Main Street, Appleton Roebuck, Selby, YO23 7DN on behalf of Corporate Director, Children and Young People's Services.
- 1.2 This application is subject to objections from the Appleton Roebuck and Acaster Selby Parish Council and one local resident having been raised in respect of this proposal on the grounds of the impact on the character of the conservation area and visibility issues caused by the proposal and is, therefore, reported to this Committee for determination.

2.0 Background

- 2.1 A plan showing the application site is attached to this report.

Site Description

- 2.2 Appleton Roebuck Primary School is a small village school which serves the village of Appleton Roebuck and the surrounding rural area to the west of York. The school was built in 1817 and added to in 1841. The school is a predominately single storey, red brick, relatively modern building with a tiled pitched roof. The school is located in the north east of the site, with a pitched roof and has over the years had many extensions, as shown on Appendix A, the committee plan. The school has a large playing field and hardstanding playground to the west of the school building. To the south of the school building is a small grassed school area for play. Appleton Roebuck Primary School is a mixed school of Non-Denominational religion. There are approximately 100 children in school with a capacity of 120, their ages range from 4 to 11 years. The nearest residential properties are those of The Brockets 20 metres to the south and 1 Wheatley Cottage approximately 10 metres to the west of the application site.
- 2.3 The school stands within the Appleton Roebuck Conservation Area which was designated in February 2000 under Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The Conservation Area boundary encompasses the historic village based on Main Street and Chapel Green which mainly comprises 18th and 19th century buildings. The Appleton Roebuck Conservation Area Review report (2003) acknowledges that there is a *“considerable range to the type and form of these buildings which gives an historical and visual depth to the village.”*

- 2.4 The constraints relevant to the determination of this application are that the site is within Appleton Roebuck Conservation Area, it is within an Impact Risk Zone for a SSSI and inside the Appleton Roebuck and Copmanthorpe Internal Drainage Board area.
- 2.5 Furthermore the application site is 29 metres west and within the setting of the Church of All Saints which is a Grade II listed building. The listing describes the building as:
“Church. 1868. By J B and W Atkinson. Sandstone with red brick interior and ashlar dressings, plain tile roof. Gothic Revival style 4-bay nave with south porch, west bellcote, 2-bay chancel and north vestry. Offset buttresses. Plinth. Pointed-arched opening on nook shafts with foliate capitals. Plank door within pointed, hollow-chamfered surround. 2-light windows to north and south side with geometrical tracery under hood-moulds. Continuous impost band. West end has 2 similar, taller windows under hood- moulds. 3-light window with geometrical tracery to head under hood-mould to east end. Roof in 2 levels. Ashlar coping. Crosses to apex at east end of nave and chancel. Twin bellcote to west end. Interior. Hammer beam roof. Pointed chancel arch on black marble piers with foliate capitals and corbels. Chancel has foliate cornice. One window on south of nave by Kempe c1885. Pevsner N, Yorkshire, The West Riding, 1979, p 614.”

Planning History

- 2.6 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 Removal and replacement of existing hedge and erection of 1.5 metre high green weld mesh fencing on land at Appleton Roebuck CP School, Main Street, Appleton Roebuck, Selby, YO23 7DN on behalf of the Corporate Director, Children and Young People's Services.
- 3.2 This application is to remove and replace an existing hedgerow 40 metres in length consisting of ivy, holly and privet which is south of the school playing field. The hedge curves along the boundary of the school site at approximately 1.3 metres in height. The current hedge has large gaps where the hedge has died and the applicant states it is a safeguarding issue due to there being no fence behind the hedge at present. The proposal would also include the removal of a gate on the south western corner of the site.
- 3.3 The hedge would be replaced with 40 metres of Beech hedge at three plants per metre in a single row to allow sufficient room for roots to establish but close enough for a tightly knit hedge to grow quickly. Placed behind this there would be a 1.5 metre high green weld mesh security fence, as shown on Appendix B, the proposed planting plan. The agent states *“this would give an acceptable level of security but without an oppressive and intimidating appearance”*. There would be additional planting as compensation for the proposal being a single species Beech hedge. This compensation would be around the wildlife/pond area on the south east of the site with native species including viburnum, opulus, native dogwood and hawthorn.
- 3.4 The agent states the height of the fencing has been agreed upon in consultation with the Children and Young Peoples Service Health and Safety team who recommend a minimum 1.5 metre height for fencing when it adjoins a public boundary to reduce the risk of stranger reaching over the fencing and trespassers entering the premises.

4.0 Consultations

- 4.1 The consultees responses summarised within this section of the report relate to responses to the initial consultation on 23 March 2018 and the subsequent re-consultation (on 10 May 2018) following the receipt of amended information relating to moving the fence inside the hedge and lowering the height of the fence to 1.5 metres.
- 4.2 **Selby District Council (Planning)** – A response was received on 17 April 2018 stating no objections to the proposed development, although state the proposal should consider the Appleton Roebuck Neighbourhood Plan (December 2017).
- 4.3 **Appleton Roebuck and Copmanthorpe IDB** - no response received to date.
- 4.4 **NYCC Heritage - Ecology** – A response was received on 27 March 2018 stating it is disappointing that the existing mixed native hedge row is to be removed for a single species hedge which would result in a short term loss of nesting bird habitat. If the hedgerow cannot be retained there would need to be a condition or informative for this to be removed outside bird breeding season to prevent disturbance. Recommending the hedge should include a mix of native species providing a variety in terms of structure, food and shelter as compensation for the loss of the existing hedge. Further stating future management of the hedge must ensure that nesting birds are not disturbed e.g. by cutting outside of the nesting season, with compensation/enhancement could also be provided by including other areas of planting within the school grounds.
- 4.5 **NYCC Heritage - Principal Landscape Architect** – A response was received on 9 April 2018 stating the weldmesh fencing would not be in-keeping with other boundaries within the village and this is a prominent corner location in the village. The Landscape Architect states their recommendation would be that the existing hedgerow is retained and new fencing is installed to the rear of this to protect the local setting to fully screen the fencing. Further details of this are required before the application should be determined. A re-consultation response was received on 15 May 2018 stating no objections to the revised proposals and that the planting scheme should be undertaken in the first available planting season following completion of the fencing and plants should be protected against damage and failure for five years through condition.
- 4.6 **Selby Area IDB** – no response received to date.
- 4.7 **Natural England** – A response was received on 29 March 2018 stating no comments in regards to the application.
- 4.8 **Conservation Officer - Selby District Council** – No response received to date.
- 4.9 **Highway Authority** – a response was received on 4 April 2018 stating no local highway authority objections to the application.
- 4.10 **Appleton Roebuck and Acaster Selby Parish Council** – A response was received on 17 April 2018 objecting to the application stating the fence would be too tall and the hedge would eventually be cut above this level, it is unnecessary to be this high and would obstruct the view around the bend, contrary to the projects aims. They state a 1 metre hedge is realistic as old photos show this is what was historically at the school. Their second point states the fence should be inside the hedge as the fence is out of the character of the conservation area it is located within. A re-consultation response was received on 15 May 2018 reiterating the objection due to the height of the fence still being above one metre at 1.5 metres.

- 4.10.1 A further response was received on 9 July 2018 regarding the withdrawal of the waiting restrictions proposal on Main Street Opposite the school. The Parish Council has expressed concerns regarding their being no report which considers the problem of road safety, safety/security of the children, footpath, hedge and the effects of the hedge on traffic and signage. The Parish council recommend a consultation to discuss this to find a solution to best safeguard the safety of all and maintain/enhance the appearance of the Conservation Area. The Parish Council state a great 'one off' opportunity is being lost to consider the whole picture including the widening of the footpath, the location of the fence and traffic control.
- 4.11 **Sustrans - Cycling Network** – Were consulted on 29 May 2018 and no response has been received to date.
- 4.12 **Historic England** – Were consulted on 4 June 2018 and responded on the 6 June 2018 stating no comments in regards to the application.

Notifications

- 4.13 **County Cllr. Richard Musgrave** – was notified on 23 March 2018.

5.0 Advertisement and representations

- 5.1 This application has been advertised by means of a 2 Site Notices posted on 4 April 2018 (responses to which expired on 25 April 2018). The Site Notices were posted in the following locations: one at the school entrance north of the application site and another on the southern boundary of the school site. Further site notices were posted on 17 May 2018 (responses to which expired on 7 June 2018). A Press Notice appeared in the Selby Times/Post on 24 May 2018 (responses to which expired on 14 June 2018).
- 5.2 A Neighbour Notification letter was sent on 5 April 2018 and the period in which to make representations expired on 26 April 2018. A Neighbour re-consult letter was sent on 10 May 2018 expiring on 28 May 2018. The following property received a neighbour notification letter:
- 1 Wheatley Cottages, Main Street, Selby, North Yorkshire, YO23 7DQ
- 5.3 Further Neighbour Notification letters were sent on 18 May 2018 and the period in which to make representations expired on 8 June 2018. The following properties received a neighbour notification letter:
- All St Church, Main Street, Appleton Roebuck, York, YO23 7DN.
 - The Brocketts, Main Street, Selby, North Yorkshire, YO23 7DJ.
- 5.4 One letter of representation has been received raising objections on the grounds of:-
- The proposal would not fit within the character of the Appleton Roebuck Conservation Area.
 - The fence should only be one metre to match what has previously been in place, the 1.5 metre fence would not fit within the character of the area.
 - The impact the hedge and fence would have on the visibility of the road around the bend on Main Street in Appleton Roebuck.
- 5.5 The representation also bring up an issue which is not material to the planning application this is:
- There should be yellow lines on the road opposite the school to stop people parking on the bend making it unsafe, with traffic having to move into the middle of the road.

- 5.6 Two letters of representation have been received in support of the application on the grounds of:-
- Improving the safety of the path by putting a new hedge in place;
 - Improving the safety of children at the school;
 - Improving the aesthetics of the area with a new hedge as the current hedge is dead in places.

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 following documents:
- National Planning Policy Framework (NPPF) (published July 2018)

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 defines sustainable development as that which fulfils the following three roles:
- **an economic role** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;;
 - **a social role** – to support strong, vibrant and healthy communities; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
 - **an environmental role** – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.
- 6.4 Within the NPPF, paragraph 11 of the Framework advises that when making decisions, development proposals that accord with the development plan should be approved without delay and when the development plan is absent, silent or relevant policies are out of date, permission should be granted unless:
- i.) 'the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed'; or
 - ii.) 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'.
- 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 83 within Chapter 6 (Building a strong, competitive economy) of the NPPF states that local and neighbourhood plans should develop robust and comprehensive policies that set out the quality of development that will be expected for the area. Such policies should be based on stated objectives for the future of the area and an understanding and evaluation of its defining characteristics. Planning policies and decisions should aim to ensure that developments:
- a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;
 - b) the development and diversification of agricultural and other land-based rural businesses;
 - c) sustainable rural tourism and leisure developments which respect the character of the countryside; and
 - d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.
- 6.7 Paragraph 84 within Chapter 6 (Building a strong, competitive economy) of the NPPF states that “*Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.*”
- 6.8 Paragraph 91 within Chapter 9 (Promoting healthy and Safe Communities) of the NPPF states that Planning policies and decisions should aim to achieve healthy, inclusive and safe places which:
- a) promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other – for example through mixed-use developments, strong neighbourhood centres, street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages;
 - b) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas; and
 - c) enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.
- 6.9 Paragraph 92 within Chapter 9 (Promoting healthy and Safe Communities) of the NPPF states to provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:
- a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;
 - b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community;
 - c) 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;
 - d) ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community; and

- e) ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.
- 6.10 Paragraph 94 within Chapter 8 (Promoting healthy and Safe communities) of the NPPF states that *“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.”* Going on to specify planning authorities must take a *“proactive, positive and collaborative approach”* to meeting this requirement. They should:
- a) *give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications; and*
 - b) *work with schools promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted.*
- 6.11 Paragraph 95 within Chapter 9 (Promoting healthy and Safe Communities) of the NPPF states Planning policies and decisions should promote public safety and take into account wider security and defence requirements by:
- a) anticipating and addressing possible malicious threats and natural hazards, especially in locations where large numbers of people are expected to congregate⁴¹. Policies for relevant areas (such as town centre and regeneration frameworks), and the layout and design of developments, should be informed by the most up-to-date information available from the police and other agencies about the nature of potential threats and their implications. This includes appropriate and proportionate steps that can be taken to reduce vulnerability, increase resilience and ensure public safety and security; and
 - b) recognising and supporting development required for operational defence and security purposes, and ensuring that operational sites are not affected adversely by the impact of other development proposed in the area.
- 6.12 Paragraph 109 and 110 within Chapter 9 (Promoting Sustainable Transport) of the NPPF states *Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*
- 6.13 Paragraph 110 within Chapter 9 (Promoting Sustainable Transport) of the NPPF states *Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Within this context, applications for development should:*
- a) *give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;*
 - b) *address the needs of people with disabilities and reduced mobility in relation to all modes of transport;*
 - c) *create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;*
 - d) *allow for the efficient delivery of goods, and access by service and emergency vehicles; and*
 - e) *be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.*

- 6.14 Paragraph 124-27 within Section 7 (Requiring Good Design) of the NPPF states that local and neighbourhood plans should develop robust and comprehensive policies that set out a clear design vision and expectations of development that will be expected for the area. Such policies should be based on stated objectives and designed with local communities, so they reflect their local aspirations, and are grounded in an understanding and evaluation of each areas defining characteristics. Planning policies and decisions should aim to ensure that developments:
- a) *will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
 - b) *are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
 - c) *are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
 - d) *establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visits*
 - e) *optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
 - f) *create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users⁴⁶; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.*
- 6.15 Paragraph 130 within Chapter 7 (Requiring Good Design) of the NPPF states 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, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development. Local planning authorities should also seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used).
- 6.16 Paragraph 170 within Chapter 15 (Conserving and enhancing the natural environment) of the NPPF sets out a number of principles for determining planning applications which aims to conserve and enhance biodiversity. These include:
- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
 - b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
 - c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;
 - d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
 - e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air

- and water quality, taking into account relevant information such as river basin management plans; and
- f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.
- 6.17 Paragraph 175 within Chapter 15 (Conserving and enhancing the natural environment) of the NPPF states When determining planning applications, local planning authorities should apply the following principles:
- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
 - b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;
 - c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons⁵⁸ and a suitable compensation strategy exists; and
 - d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.
- 6.18 Within paragraph 180 of the Framework it is noted that Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:
- a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life⁶⁰;
 - b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and
 - c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.
- 6.19 Paragraph 190 within Chapter 16 (Conserving and enhancing the historic environment) of the NPPF states that *“Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset’s conservation and any aspect of the proposal.”*
- 6.20 Paragraph 192 within Chapter 16 (Conserving and enhancing the historic environment) of the NPPF states that when *determining applications, local planning authorities should take account of:*
- a) *the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*

- b) *the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
 - c) *the desirability of new development making a positive contribution to local character and distinctiveness.*
- 6.21 Paragraph 193 states that *“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.*
- 6.22 Paragraph 194 states that *Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:*
- a) *grade II listed buildings, or grade II registered parks or gardens, should be exceptional;*
 - b) *assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional*⁶³.
- 6.23 Paragraph 195 within Chapter 12 (Conserving and enhancing the historic environment) of the NPPF states *“Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:*
- a) *the nature of the heritage asset prevents all reasonable uses of the site; and*
 - b) *no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
 - c) *conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and*
 - d) *the harm or loss is outweighed by the benefit of bringing the site back into use.*
- 6.24 Paragraph 196 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 6.25 Paragraph 201 within Chapter 12 (Conserving and enhancing the historic environment) of the NPPF states *Not all elements of a Conservation Area or World Heritage Site will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 195 or less than substantial harm under paragraph 196, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole.*
- National Planning Practice Guidance (PPG) (2014)
- 6.26 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:

- 6.27 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 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.
- 6.28 It is noted within the guidance that good quality design is considered to be ‘*an integral part of sustainable development*’. To assist in the assessment of the design of a new development, it is noted that the following considerations be taken into account:
- ‘*Layout – the way in which buildings and spaces relate to each other;*
 - *Form – the shape of buildings;*
 - *Scale – the size of buildings;*
 - *Detailing – the important smaller elements of building and spaces*
 - *Materials – what a building is made from*’.

Conserving and Enhancing the Historic Environment:

- 6.29 This states authorities should set out their Local Plan with a positive strategy for the conservation and enjoyment of the historic environment. Heritage assets may be affected by direct physical change or by change in their setting; therefore it is important to assess the significance of a heritage asset and the contribution to its setting. Furthermore all heritage assets settings may have more significance than the extent of their curtilage. The guidance also requires authorities to consider the implications of cumulative change and whether a development materially detracts from the asset.

The Development Plan

- 6.30 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.
- 6.31 The Development Plan for the determination of this particular application comprises the following:
- The extant policies of the Selby District Core Strategy Local Plan (2013);
 - The ‘saved’ policies of the Selby District Local Plan (2005);
 - The extant policies of the Appleton Roebuck Neighbourhood Plan (2017)

- 6.32 The Selby District Core Strategy is the long-term strategic vision for how the District will be shaped by setting out a number of broad policies to guide development principles for the area.
- 6.33 The Core Strategy (2013) does not contain any policies specific to mineral or waste-related development ('County Matters'), but there are general development management policies which would usually be applicable to District-scale development which, in this instance, are relevant to the determination of this application. The policies considered relevant to the determination of this application are:
- SP1 - Presumption in Favour of Sustainable Development
 - SP18 - Protecting and Enhancing the Environment
 - SP19 - Design Quality
- 6.34 Policy SP1 states *'When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area. Planning applications that accord with the policies in the Local Plan (and, where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise. Where there are no policies relevant to the application or relevant policies are out of date (as defined by the NPPF (2012)) at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise – taking into account whether:*
- *Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or*
 - *Specific policies in that Framework indicate that development should be restricted'.*
- 6.35 Policy SP18 of the Selby District Core Strategy seeks to sustain the high quality and local distinctiveness of the natural and manmade environment. A number of points within Policy SP18 are of relevance to the proposed development, as follows:
 "The high quality and local distinctiveness of the natural and man-made environment will be sustained by (inter alia):
1. Safeguarding and, where possible, enhancing the historic and natural environment including the landscape character and setting of areas of acknowledged importance
 3. Promoting effective stewardship of the District's wildlife by:
 - a) Safeguarding international, national and locally protected sites for nature conservation, including SINCS, from inappropriate development.
 - b) Ensuring developments retain, protect and enhance features of biological and geological interest and provide appropriate management of these features and that unavoidable impacts are appropriately mitigated and compensated for, on or off-site
 - c) Ensuring development seeks to produce a net gain in biodiversity by designing-in wildlife and retaining the natural interest of a site where appropriate...
 5. *Identifying, protecting and enhancing locally distinctive landscapes, areas of tranquillity, public rights of way and access, open spaces and playing fields through Development Plan Documents.*
 6. *Encouraging incorporation of positive biodiversity actions, as defined in the local Biodiversity Action Plan, at the design stage of new developments or land uses.*

7. Ensuring that new development protects soil, air and water quality from all types of pollution.
 8. Ensuring developments minimise energy and water consumption, the use of non-renewable resources, and the amount of waste material”.
- 6.36 Policy SP19 of the Selby District Core Strategy states *‘Proposals for all new development will be expected to contribute to enhancing community cohesion by achieving high quality design and have regard to the local character, identity and context of its surroundings including historic townscapes, settlement patterns and the open countryside. Where appropriate schemes should take account of design codes and Neighbourhood Plans to inform good design. Both residential and non-residential development should meet the following key requirements:*
- a) *Make the best, most efficient use of land without compromising local distinctiveness, character and form;*
 - b) *Positively contribute to an area’s identity and heritage in terms of scale, density and layout;*
 - c) *Be accessible to all users and easy to get to and move through;*
 - d) *Create rights of way or improve them to make them more attractive to users, and facilitate sustainable access modes, including public transport, cycling and walking which minimise conflicts;*
 - e) *Incorporate new and existing landscaping as an integral part of the design of schemes, including off-site landscaping for large sites and sites on the edge of settlements where appropriate;*
 - f) *Promote access to open spaces and green infrastructure to support community gatherings and active lifestyles which contribute to the health and social well-being of the local community;*
 - g) *Have public and private spaces that are clearly distinguished, safe and secure, attractive and which complement the built form;*
 - h) *Minimise the risk of crime or fear of crime, particularly through active frontages and natural surveillance;*
 - i) *Create mixed use places with variety and choice that complement one another to encourage integrated living, and*
 - j) *Adopt sustainable construction principles in accordance with Policies SP15 and SP16.*
 - k) *Preventing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water, light or noise pollution or land instability.*
 - l) *Development schemes should seek to reflect the principles of nationally recognised design benchmarks to ensure that the best quality of design is achieved.’*

Selby District Local Plan

- 6.37 Notwithstanding the adoption of the Selby District Core Strategy Local Plan in 2013, referred to above, some of the policies in the existing Selby District Local Plan (adopted in 2005 and saved in 2008 by Direction of the Secretary of State) remain extant following the adoption of the Core Strategy.
- 6.38 Within the Selby District Local Plan, the ‘saved’ policies relevant to the determination of this application are:
- ENV1 – titled ‘Quality of Development’;
 - ENV21- Landscaping Requirements
 - CS2 – titled ‘Educational Establishments’.
- 6.39 ‘Saved’ Policy ENV1, advises that *‘proposals for development will be permitted provided a good quality of development would be achieved.’* The plan further advises that when considering proposals, considerations will take into account of *‘the effect upon the character of the area or amenity of adjoining occupiers’;* *‘the potential loss,*

or adverse effect upon significant buildings, related species, trees, wildlife habitats, archaeological or other features important to the character of the area’; the ‘relationship of the proposal to the highway network, the proposed means of access and arrangements to be made for car parking’; and the ‘standard of layout, design and materials in relation to the site and its surroundings and associated landscaping’. This policy is consistent with the NPPF’s objectives of presumption in favour of sustainable development, as outlined in paragraph 11 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 and therefore full weight is given to this policy in the determination of this application.

- 6.40 ‘Saved’ Policy ENV21 – Landscaping Requirements states that:
*“A) Where appropriate, proposals for development should incorporate landscaping as an integral element in the layout and design, including the retention of existing trees and hedgerows, and planting of native, locally occurring species.
B) The District Council may make tree preservation orders, impose planting conditions, or seek an agreement under Section 106 of the Town and Country Planning Act 1990 to ensure the protection and future maintenance and/or replacement of existing trees, hedgerows and proposed new planting”.*
- 6.41 This Policy is generally considered to be compliant with Chapter 15 of the NPPF in regards to Conserving and enhancing the natural environment.
- 6.42 Within the Selby District Local Plan, ‘Saved’ Policy CS2, advises that *‘proposals for the development of new schools and other educational establishments, and the extension of existing premises, will be permitted provided the proposal would ‘be situated within or adjacent to defined developments limits’; would not ‘create conditions prejudicial to highway safety or which would have a significant adverse effect on local amenity’; and would ‘achieve a standard of design, materials and landscaping appropriate to the locality and which would not have a significant adverse effect on the appearance or character of the surrounding area’.* This policy is also consistent with the NPPF’s objectives of presumption in favour of sustainable development, as outlined in paragraph 11 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 and is therefore full weight is given to this policy in the determination of this application.
- Appleton Roebuck Neighbourhood Plan (2017)
- 6.43 The Appleton Roebuck is the long-term strategic vision for how the Parish will be shaped by setting out a number of broad policies to guide development principles for the area. The document includes general development management policies which, in this instance, are relevant to the determination of this application. The policies considered relevant to the determination of this application are:
- CF2 - titled Appleton Roebuck Primary School;
 - DBE2 – titled Respecting Traditional Building Design and Scale;
 - DBE3 – titled Green Infrastructure;
 - ELH2 - titled Conserving, restoring and enhancing biodiversity;
 - ELH 4 regarding the Historic Rural Environment.
- 6.44 Policy CF2 in regards to Appleton Roebuck Primary School policy states:
*“a) The upgrade and growth of the school, its buildings and grounds, will be supported where proposals provide for the ongoing sustainability of the facility and contribute to the improvement of the school’s learning environment.
b) The school playing fields will be protected from development except for that which is deemed essential for expansion of the school’s capacity.”*

- 6.45 Policy DBE 2 in regards to Respecting Traditional Building Design and Scale states:
“Proposals for new development will:
- a) *Respect the overall palette of traditional designs and the character of the local area.*
 - b) *Respect the height, position, size and massing of existing buildings.*
 - c) *Ensure boundary treatments are in keeping with the tradition of the village and primarily involve hedgerows formed by native species.*
 - d) *Demonstrate how the recommendations set out in the Local Character Assessment will be respected.*

Modern architectural detailing, including environmental systems, can be accommodated in new development but should be carefully sited and designed to blend in with village character, avoiding street front elevations wherever practicable.”

- 6.46 Policy DBE 3 in regards to Green Infrastructure states:
“a) Proposals for new development must seek to integrate good practice in green infrastructure, including green spaces, new tree planting and landscaping.
b) Proposals must provide strong conservation measures in relation to existing landscape features, including mature trees, historic hedgerows, watercourses, rights of way, open spaces and protection of wildlife habitat and lifecycles.
c) Wherever possible, native species should be used for all new planting schemes.”

- 6.47 Policy ELH 2 in regards to Conserving, restoring and enhancing biodiversity states:
“Biodiversity will be conserved, restored and enhanced by ensuring that development:
- a) *Does not result in the fragmentation of habitats.*
 - b) *Maximises opportunities for the restoration and enhancement of habitats and improving connectivity between habitats*
 - c) *Maintains, creates and improves ecological networks and Green Infrastructure routes to assist the resilience of habitats and species in the face of climate change*
 - d) *Aims to conserve or enhance biodiversity through the prevention of loss of habitat or species and the incorporation of beneficial biodiversity features*
 - e) *Results in a net gain in biodiversity to be provided as part of new development schemes.*
 - f) *Uses native and locally characteristic species in landscaping schemes.*

- 6.47.1 *Proposals for development which would result in loss or significant harm to:*
- a) *Habitats or species included in the Selby Biodiversity Action Plan and priority species and habitat in the UK Biodiversity Action Plan*
 - b) *Local Sites of Importance for Nature Conservation*
 - c) *Ancient Woodland and Ancient/Veteran Trees*

6.47.2 *Will only be permitted where it can be demonstrated that there is a need for the development in that location and that the benefit of the development outweighs the loss and harm. Where loss and harm cannot be prevented or adequately mitigated, compensation for the loss/harm will be sought. Applications for planning permission will be refused where significant harm cannot be prevented, adequately mitigated against or compensated for.*

6.47.3 *Loss or harm to other nature conservation features should be avoided or mitigated. Compensation will be sought for the loss or damage to other nature conservation features which would result from the development proposed. Protected sites, including internationally and nationally protected sites and Sites of Importance for Nature Conservation are identified on the Policies Map.”*

- 6.48 Policy ELH 4 regarding the Historic Rural Environment states:
“Proposals for development that has an impact on the historic character of the parish will be supported only where it is modest in scale and reflects the character of its locality. Proposals should contribute to the protection and enhancement of distinctive elements of landscape character that are the result of historical and cultural influences, natural features and aesthetic qualities including:
- a) *The distribution and form of settlements and buildings in their landscape setting.*
 - b) *The character of individual settlements, including building styles and materials.*
 - c) *The pattern and presence of distinctive landscape features and natural elements (including field boundaries, woodland, habitat types, landforms, topography and watercourses).*
 - d) *Visually sensitive skylines, vistas and views.*
- 6.49 *Any proposals for development must be sensitively designed, particularly where it is visible in open landscapes and must utilise appropriate planting and screening in order to minimise visual intrusion. Land management practices that will protect and reinforce landscape character and proposals which seek to restore areas of degraded landscape or individual landscape elements will be supported.”*

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 principle of the development and need, design, local amenity, impact on the character of the area, habitats, nature conservation and protected species the historic environment and highways matters.

Principle of the proposed development and need

- 7.2 The applicant has confirmed that the proposed development is required to enable the school to provide a secure outdoor recreational area to be used by children. The principle of improving educational facilities receives support within the NPPF in both securing sustainable development, whilst supporting the need to alter/enhance schools. The Appleton Roebuck Neighbourhood Plan (2017) Objective 1 concerns supporting and enhancing community facilities which includes Policy CF2 in regards to Appleton Roebuck Primary School which states it should be ensured that proposals provide for the ongoing sustainability of the facility and contribute to the improvement of the schools learning environment. Furthermore stating the schools playing field would be protected from development except for that which is deemed essential for expansion of the schools capacity. This proposal is deemed in compliance with this policy as it would upgrade the school and its grounds, creating a safer environment for learning.

- 7.3 The proposal therefore is in line with the NPPF in terms of Paragraph 94 with the need to alter or expand schools given great weight. It is also consistent with Paragraph 11 of the NPPF and in compliance with extant policy SP1 of the Selby District Core Strategy Local Plan (2013) and ‘saved’ policy CS2 of the Selby District Local Plan (2005) through delivering sufficient community services to meet the local needs and the Appleton Roebuck Neighbourhood Plan (2017).

Design

- 7.4 The southern boundary comprises of a 1.3 metre high hedge, with two to three trees behind the hedge approximately four metres in height which would not be affected by the proposed development. The nearest residential properties are those on Main

Street approximately 20 metres to the south and 10 metres to the west of the application site.

- 7.5 The fencing is considered functional in design with the lightweight mesh design, the green finish meaning it is possible to view through the fencing, limiting its impacts. The enhancement to the school sites general amenity and it being of an appropriate design, scale and height optimising the use of the site make the proposal consistent with Paragraph 124-127 of the NPPF and PPG guidance in terms of design. The fencing and hedge are also in compliance with extant policy SP19 of the Selby District Core Strategy Local Plan (2013) in particular in regards to part H which states proposals should '*Minimise the risk of crime or fear of crime, particularly through active frontages and natural surveillance*', which is relevant due to the safeguarding requirements of the school to protect pupils.
- 7.6 The proposal is also considered in accordance with the Appleton Roebuck Neighbourhood Plan (2017) Policy DBE 2, due to the height, scale and position of the boundary treatment with fencing of this height is currently in use on the eastern boundary of the site albeit on top of a brick wall. It is therefore not out of the character of the area. The revised proposal, includes biodiversity enhancement on the site to mitigate the loss of the hedge by providing extra planting within the school grounds around the existing pond area adjacent to the new hedge with native species including viburnum opulus, native dogwood and hawthorn. This is in compliance with DBE2, DBE3 and ELH2 of the Appleton Roebuck Neighbourhood Plan and also in compliance with the Appleton Roebuck Village Design Statement Supplementary Planning Document (2012) which states appropriate hedgerow planting should conserve or enhance soft landscaped edges and in this instance it is considered replacing the existing hedge with a beech hedge is appropriate, as the proposal would have a positive impact on biodiversity through compensatory planting on the site, while also still mitigating the hard edge of a 1.5 metre fence behind it.

Local Amenity and Character of the Area

- 7.7 The closest residential properties to the application site are on Main Street approximately 15 metres to the south and west. The site is screened from residential properties to the north by the main school building. It is noted that the height of the fencing is 1.5 metres and can be seen from residential properties, the impact of the fencing is limited due to the hedgerow which would in time screen the fencing. This is in compliance with 'saved' policy ENV1 of the Selby District Local Plan (2005) as it is unlikely to impact upon the amenity, visual or otherwise, of the any nearby residential properties. Consequently, it is considered reasonable to conclude that amenity will not be affected in a significantly detrimental way as a result of this proposal being implemented.
- 7.8 The Parish Council in their consultation response have concerns regarding the fencing and its impact, whilst the fencing would be visible from a number of residential properties, the impact is not considered to be adverse and would have little impact on the character of the area to the south. Furthermore, it is considered that due to design of the proposed fence and hedge it would not appear as an incongruous feature and would not have a harmful impact on the appearance of the school. The new layout would also improve the safety of the footpath as the new hedge would not protrude out onto the public footpath as it does at present. This proposal is considered in accordance with Paragraph 124-27 and 180 of the NPPF and extant policy SP19 of the Selby District Core Strategy Local Plan (2013)
- 7.9 The height of the fencing is higher than the existing hedge and the hedge to be placed on site however this hedge will in time grow to better screen the fencing. Fencing of this height, albeit on top of a wall on the eastern boundary helps to justify this being an appropriate height for fencing on the site. Therefore the proposal is in

compliance with and 'saved' policy ENV1 and ENV25 of the Selby District Local Plan (2005) in terms improving the landscaping of the site by planting a new hedgerow to replace the current which encroaches on the pavement and in places has died. Therefore this is considered acceptable in terms of its effects on the character of the area.

Habitats, nature conservation and protected species

- 7.10 It is acknowledged that the proposed development may have an impact upon the southern boundary treatment vegetation and shrubs. However the NYCC Ecology consultation response has stated it is satisfied the proposed measures including the prevention of harm to nesting birds through the netting of the existing hedgerow and proposed compensatory planting for which details have been stated previously in paragraph 6.6 of this report. The response required the inclusion of informatives on any potential grant of planning permission given, in order to ensure there would be no detrimental harm with regards to nesting birds. Therefore, it is considered that with the inclusion of the above mentioned informatives to ensure the protection of any nesting birds, the proposed development would be acceptable. Therefore, it is considered that the proposed development is in accordance with paragraphs 170 and 175 of the NPPF due to the limited impact the proposed development would have upon the biodiversity, habitats, nature conservation and protected species. Furthermore the proposal is in compliance with the Appleton Roebuck Neighbourhood Plan (2017) Policy ELH4 in regards to conserving, restoring and enhancing biodiversity due to the compensatory planting which would mean the proposal has positive impact on the biodiversity of the area.

The Historic Environment

- 7.11 In acknowledging that Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is engaged in this particular instance, this is a relevant material consideration where heritage issues arise and one which requires that in 'considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses...'. The specific tests for consideration are whether the proposed development would give rise to a circumstance where substantial harm to the interests of either a listed building or structure or their settings or total loss of their significance would arise as a result of the effects of the development. Special regard must also be had the desirability of preserving any identified designated heritage asset. Where a proposed development is deemed to lead to less than substantial harm, the assessment of the development must be weighed against the attendant public benefits of a proposal.
- 7.12 In the context of this planning application the two designated heritage assets are the setting of the All Saints Church which is a Grade II listed building and Appleton Roebuck Conservation Area. It is noted that an objection has been raised in relation to the impacts of the proposal upon the Conservation Area by Appleton Roebuck Parish Council and one local resident. The application was subject to consultation with the Selby Conservation Officer who has not responded to the consultation and Historic England who offered no comments in regards to the application.
- 7.13 The above mentioned objection and concerns are noted. However, it is considered that the proposed design, scale and materials for the replacement hedge and fencing would not significantly detract from the Conservation Area or the listed building. It is acknowledged the proposed fencing would have limited design input however the need for this in terms of the safeguarding of the children and how in the long term the replacement hedge would screen the fencing mean that the proposal would have a limited impact upon the visual amenity of the area. Further to this the proposal would improve the existing historic street frontage though a new hedge of better quality

which is not dyeing in places and has no gaps, which would not spill over onto the public footpath, improving the safety of the path as well as the fence behind it improving the safety of the school site.

- 7.14 The proposal is in compliance with the Appleton Roebuck Neighbourhood Plan (2017) Policy ELH4 in regards to the Historic rural environment due to being modest in scale, respecting the character of the locality and would not have a significant impact on the visually sensitive view through the village. The hedge line is a distinctive landscape feature in the centre of the village and this proposal would keep to this having been designed as so the hedge would in time screen the fencing behind it.
- 7.15 Therefore it is considered that that the proposed development would result in less than substantial harm to the significance of setting of the Grade II listed building and Appleton Roebuck Conservation Area. On balance, the public benefit of the proposal improving the boundary treatment of the school and the safety of the staff and pupils would outweigh the limited impact it would have on the area. Therefore it is considered that the proposed development is consistent with the paragraphs 190, 192-196 and 201 of the NPPF, PPG guidance and in compliance with Selby Local Policy SP18 and SP19 and Saved Selby Policy ENV21 which seek to ensure that developments do not adversely impact upon designated heritage assets and their setting. The proposed development is considered to have minimal impact and on balance are negated by the public benefits of the proposal.

Highways Matters

- 7.16 The impact of the proposed development upon the public highways has been considered and it is acknowledged the development does not propose to alter the existing parking facilities on the school site and there is no proposed increase to the staffing or pupil numbers due to the application. The Highways Authority have raised no objection to the proposals and have not requested any conditions be attached to any decision notice issued in the interests of highway safety or to protect the general amenity of the area. The Parish Council state the withdrawal of the waiting restrictions proposal for Main Street opposite the school as an issue however this is not a material consideration as is a Highways not planning matter.
- 7.17 The Parish Council father state there is potential for the proposed development to impact on the visibility of the road users when driving around the bend however the Highways Authority have not brought visibility up as an issue in their consultation response so it is considered that the proposal in terms of this is acceptable. Furthermore as stated previously in the report the lack of double yellow lines on the opposite side of the road is not a planning issue, this is a highways and school management issue, which should not be dealt through this planning application. Therefore for the reason detailed above, it is considered that the proposed development would not adversely impact upon the local highway network and is compliant with the principles of the highway element of the 'Saved' Policies ENV1 and CS2 of the Selby District Local Plan.

8.0 Conclusion

- 8.1 There are no material planning considerations to warrant the refusal of this application for the Removal and replacement of existing hedge and erection of 1.5 metre high green weld mesh fencing.
- 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 will not result in an adverse impact upon the residential amenity, visual or otherwise, of existing or future occupants of the surrounding area;
- ii.) the proposed development will have a negligible impact upon the character of the school site and the Appleton Roebuck Conservation Area;
- iii.) the proposed development would not have any impact on the highway;
- iv.) the proposed development is in-compliance with the principles of the NPPF, PPG, Policies SP1, SP18 and SP19 of the Selby District Core Strategy, with 'saved' Policies ENV1 and CS2 of the Selby District Local Plan and the Appleton Roebuck Neighbourhood Plan.

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 9th May 2018 and the following approved documents and drawings;
 - Location Plan, Ref. E2301/01, dated March 2018;
 - Design and Access Statement including Heritage Statement (Revised), no ref, not dated;
 - Supporting Statement, no ref, not dated;
 - Proposed Site Plan, Ref E2301/06, not dated;
 - Installation - Elevations/Details, Ref. E2301/04 Rev A, dated March 2018;
 - Planting Plan/Details, Ref. E2301/05 Rev A, dated March 2018;
3. No works shall take place except between the following times:

08:00 – 18:00hrs Mondays to Fridays;
08:30 – 13:00hrs Saturdays

And at no times on Sunday and Bank (or Public) Holidays.
4. The planting scheme should be undertaken in the first available planting season following completion of the fencing. Any tree/shrub so planted which dies within five years of the date of planting shall be replaced to the satisfaction of the County Planning Authority.

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 protect local/residential amenity.

4. To safeguard the character of the site in the interests of visual amenity and to protect the health and condition of existing trees which are to be retained beyond the duration of the proposal.

Informative:

- The hedge should be removed outside bird breeding season to prevent disturbance of any nesting birds.

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 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.

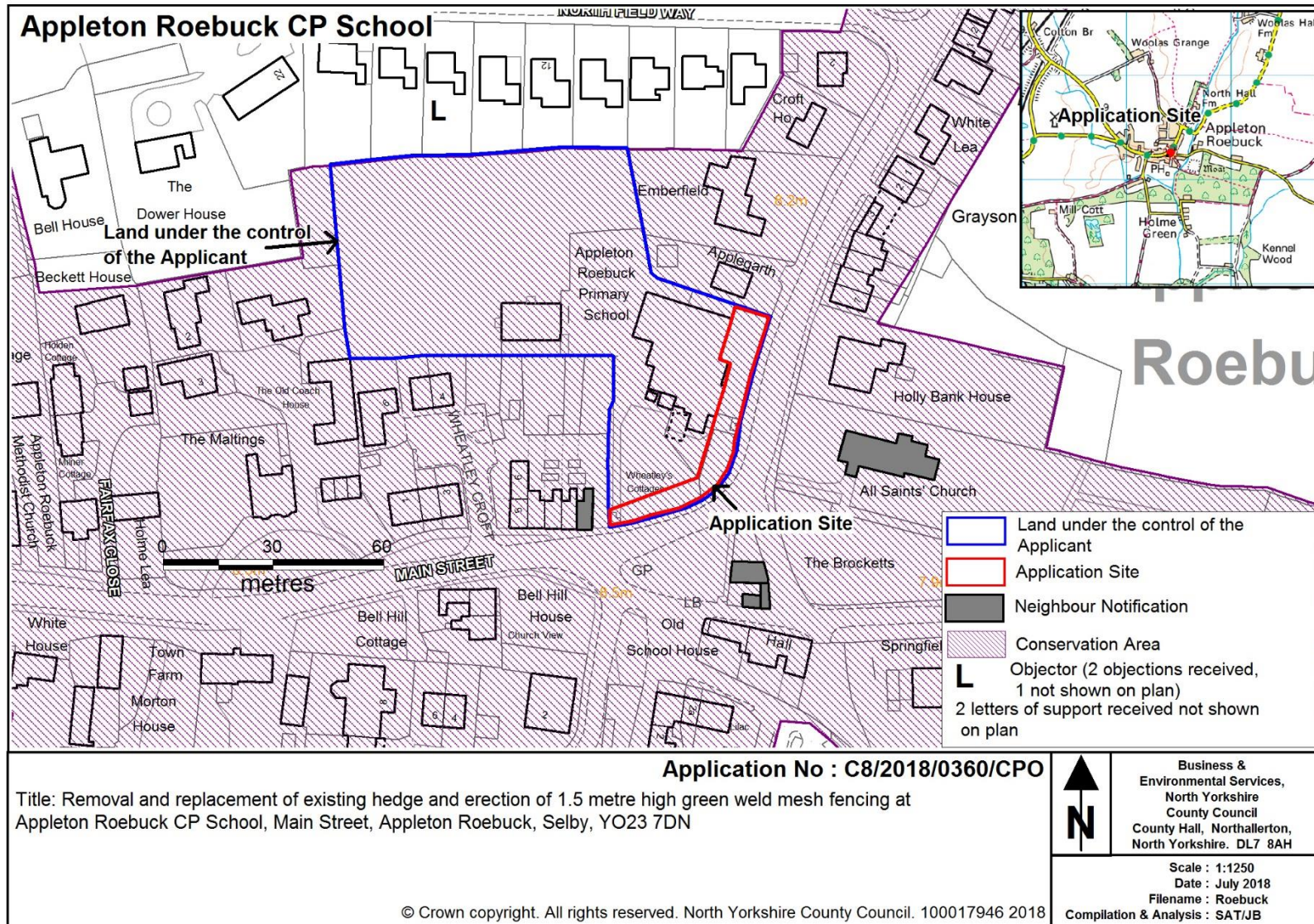
DAVID BOWE
Corporate Director, Business and Environmental Services

Author of report: Sam Till

Background Documents to this Report:

1. Planning Application Ref Number: INSERT C Ref. No C8/2018/0360/CPO (NYCC ref NY/2018/0076/FUL) registered as valid on 22 March 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 - Committee Plan



Appendix B – Proposed Site Plan

