

North Yorkshire County Council

Business and Environmental Services

Planning and Regulatory Functions Committee

23 July 2019

**C5/2019/20294/NYCC - PLANNING APPLICATION FOR THE PURPOSES OF THE
INSTALLATION OF 1.2 M HIGH BLACK WELD MESH FENCING ON TOP OF
EXISTING STONE BOUNDARY WALL (TOTAL HEIGHT 2.1 M) AND THE
BLOCKING UP OF THE EXISTING PEDESTRIAN GATEWAY/STEPPED ACCESS
USING MATCHING STONE ON LAND AT WATER STREET CP SCHOOL, ELLIOT
STREET, SKIPTON, BD23 1PE
ON BEHALF OF CORPORATE DIRECTOR, CHILDREN AND YOUNG PEOPLE'S
SERVICES
(CRAVEN DISTRICT) (SKIPTON WEST 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 installation of 1.2 m high black weld mesh fencing on top of existing stone boundary wall (total height 2.1 m) and the blocking up of the existing pedestrian gateway/stepped access using matching stone on land at Water Street CP School, Elliot Street, Skipton, BD23 1PE on behalf of Corporate Director, Children and Young People's Services.
- 1.2 This application is subject to one objection having been raised by local resident in respect of this proposal on the grounds of impact on residential amenity and is, therefore, reported to this Committee for determination.

2.0 Background

Site Description

- 2.1 Water Street Community Primary School is located towards the north-west of the settlement of Skipton and lies within Skipton Conservation Area. The school has a site area of approximately 0.35 hectares, with the school building located towards the south-east of the site and playground to the north and west. The school is accessed from Elliot Street via a gated entrance and towards the west of the school site is a vehicular entrance and car park.
- 2.2 The application site is located within a residential area. The site consists of a two storey main school building, situated south-east of the site and a single storey prefabricated classroom unit, located along the western boundary and positioned approx. 5 metres north-west of the main school building. The temporary classroom unit has planning permission to remain on the school site until 12 June 2023.
- 2.3 The school and the surrounding properties are constructed from local stone under slate pitched roofs. Along the boundary of the school site to the west, north and south, there are several two storey residential properties. The nearest residential properties from the proposed development lie approximately 5 metres north west on Prospect Place, 12 metres west on St Stephen's Close, 13 metres north on Primrose Hill and 14 metres south on Elliot Street. To the south of the school site is a public highway known as Elliot Street, which connects Water Street to the east and St. Stephen's Close to the west.

- 2.4 The topography of the area makes the location of the site at raised level from Water Street to the east, with rise in the land from east-west direction. Due to the topography of the land, the site is divided among three distinct levels. The highest of which is towards the west where the hard standing playground for the school is located and a temporary classroom unit is also situated in this area. Along the east of the hard standing area, there is 1.5 metre high metal railing which provides separation to the below middle level. This middle level is approximately 2 metres lower than the ground level to the west and has the second area of hard standing. The lowest level of the site is to the north of school building and east of the other two levels. This area consists of landscaped gravel walkways, several trees and shrubs.
- 2.5 The boundary treatment of the site consists of a 2 metre high green mesh fence towards the north, a 0.9 metre high stone wall towards the west and south, part of the stone wall towards the south also has a mesh fence above the stone wall and towards the east there is a 1.5 metre high evergreen hedge. The north of the school building is also screened by mature trees.
- 2.6 A plan showing the application site is attached to this report.

Planning History

- 2.7 The planning history relating to the proposed development site relevant to the determination of this application is as follows:-
- C5/2018/19887/NYCC, 28 January 2019, Replacement of 2 external windows, creation of access door, construction of 2 external steps including retaining walls, widening of existing footpath, soft and hard landscaping works – Granted
 - C5/2017/18258/NYCC, 20 July 2017, Retention of prefabricated classroom unit 1290 (69 sq. metres) for a further 6 years – Granted
 - C5/63/2012/13109, 07 January 2013, Erection of a single storey extension and associated landscaping – Granted
 - C5/63/2011/11731, 27 July 2011, Retention of Spooner Unit 1290 – Granted
 - C5/63/2011/11342, 22 March 2011, Erection of a black welded metal mesh fence, 2 metre high, on Elliott Street – Granted
 - C5/63/2010/11207, 10 January 2011, A retrospective planning application for the development of a landscaped science garden to include three landscaped structures, low connecting arched walkway, timber pergola, a trellis structure, curved wall – Granted
 - C5/63/2009/9343, 24 June 2009, Small extension to school to form entrance area and storage – Granted
 - C5/63/2008/8636, 13 June 2008, Retention of temporary (Spooner unit 1290) classroom – Granted
 - C5/63/2006/6610, 3 October 2006, Erection of small panel antenna – Granted
 - C5/63/2005/5427, 18 July 2005, Retention of a Spooner prefabricated Unit No.1 – Granted
 - C5/63/2003/3360, 2 September 2003, Insertion of Velux rooflights above new IT classroom to provide sufficient lighting and ventilation to comply with building regs. – Granted
 - C5/63/2002/2171, 18 July 2002, Retention of a spooner unit No.1 – Granted

3.0 The proposal

- 3.1 Planning permission is sought for the installation of 1.2 m high black weld mesh fencing on top of existing stone boundary wall (total height 2.1 m) and the blocking up of the existing pedestrian gateway/stepped access using matching stone on land at Water Street CP School, Elliot Street, Skipton, BD23 1PE on behalf of the Corporate Director, Children and Young People's Services.

- 3.2 The proposal is for 30 metres weld mesh boundary fencing to be installed along the boundary facing Elliot Street and St Stephen's Close. The proposed fence would be erected on top of the existing stone boundary wall up to a height of 1.2 metres being 2.1 metres high in total at its highest point. The proposed fence would be coloured black to match the existing fencing and would be fixed back into the existing stone wall within the school boundary.
- 3.3 The proposal also includes blocking up of the existing pedestrian gate on Prospect Place using matching stone and removal of the existing stepped access leading to the pedestrian gate.
- 3.4 The school states this is required due to safety concerns and the proposed scheme would provide security, privacy, improve safe guarding for the site users and prevent trespassers.

4.0 Consultations

The consultee responses summarised within this section of the report relate to responses to consultation undertaken on the 11 March 2019 and the subsequent re-consultation on 11 April 2019 following the receipt of amended plans and description relating to the amendments of the proposed scheme (i.e. 3m high fence omitted from the proposal).

- 4.1 **Craven District Council (Planning)** – A response was received on 13 March 2019 stating *'The applications seeks to erect 3m high black weld mesh boundary fencing, 1.2m high fencing on top of an existing stone boundary wall to a total height of 2.1m, and the blocking up of an existing pedestrian access off Prospect Place. It is understood that the proposal is being introduced to allow the greater safeguarding of pupils of the school.'*

It is respectfully requested that the amenity of neighbouring occupiers is taken into account in particular the occupiers of No's 19-23 Primrose Hill to the north of the 3m proposed fencing. It is recognised that this potential harm to the amenity of the occupiers of these properties must be weighed against the benefits the development would developer in terms of safeguarding the school, having particular regard to paragraph 95 of the NPPF.'

A re-consultation response was received on 16 April 2019 stating *'In light of the amended works proposed for the scheme the Local Planning Authority wish to withdraw their previous concern and would wish to provide no further comments.'*

- 4.2 **Conservation Officer (Craven District Council)** – No response has been received to either the initial consultation or the subsequent re-consultation.
- 4.3 **Environmental Health Officer (Craven)** – A response was received on 15 March 2019 stating *'I have not identified any potential Environmental Protection issues that would give cause for concern.'*
- 4.4 **Skipton Town Council** – No response has been received to either the initial consultation or the subsequent re-consultation.
- 4.5 **NYCC Heritage – Ecology** – A response was received on 11 March 2019 stating no comments in regards to the proposal. A re-consultation response was received on 11 April 2019 stating that there were no further comments to make.
- 4.6 **NYCC Heritage - Principal Landscape Architect** – A response to re-consultation was received on 12 April 2019 stating *'The proposed weldmesh fence should be of the same design and colour as the existing fence. On that basis I would have no Landscape objection.'*

4.7 **Highway Authority** – A response was received on 2 April 2019 stating no objections to the proposed development. A re-consultation response was received on 23 April 2019 stating no objections to the proposal.

4.8 **NYCC Arboricultural Officer** – A response to re-consultation was received on 23 April 2019 stating *'I can confirm that I have no further comments from an Arboricultural perspective.'*

4.9 **NY Police - Designing Out Crime Officer**- A response was received on 19 March 2019 stating *'Although it is acknowledged that the main purpose of the application is to improve the security from within the school site in terms of safeguarding, there is an opportunity to enhance the security of the school to prevent unauthorised access to the school grounds. With this in mind, when removing the pedestrian access gate on Prospect Place, consideration could be given to increasing the height of the boundary treatment at this location, in a similar way to those on Elliot St & St Stephen's Close.'*

It is important that when erecting fencing above an existing wall, that careful consideration takes place to ensure that it is positioned in such a way to prevent the wall from being used as a climbing aid.'

A re-consultation response was received on 11 April 2019 stating that there were no further comments to add to the original response.

Notifications

4.10 **County Cllr. Andy Solloway** – Was notified of the application on 11 March 2019 and on 11 April 2019.

5.0 Advertisement and representations

5.1 This application has been advertised by means of three Site Notices posted on 21/03/2019 (responses to which expired on 11 April 2019). The Site Notices were posted in the following locations:

- Elliot Street, south of the application site;
- St. Stephen's Close, west of the application site;
- Prospect Place, north-west of the application site.

5.2 A Press Notice appeared in the Craven Herald on 21 March 2019 (responses to which expired on 11 April 2019).

5.3 Neighbour Notification letters of the original proposed scheme were sent on 11 March 2019 and the period in which to make representations expired on 1 April 2019. The following properties received a neighbour notification letter:

- 1-8 (inclusive) Prospect Place, Skipton, North Yorkshire, BD23 1NX;
- 1, 2, 3, 4, 5, 6, 8 St Stephen's Close, Skipton, North Yorkshire, BD23 1PF;
- 11-25 (odd numbers only) Primrose Hill, Skipton, North Yorkshire, BD23 1NR.

5.4 A total of 2 letters of representation have been received to the original proposed scheme, raising objections/comments on the grounds of:-

- The height of the fence been higher than the existing (Comment from a resident of Primrose Hill);
- It would give the feeling that residents are "fenced in" as similar experience at the rear of our properties which abut St Stephen's CP School playgrounds which we were not consulted. Children are well supervised, don't feel there is any risk of children being kidnapped. Reconsider the fencing aspect and refuse its construction. Residents will be left feeling fenced in 365 days of the year (Objection from a resident of St Stephen's Close).

- 5.5 The occupiers of the residential properties listed above were notified of the revised scheme. Re-consultation neighbour notification letters were sent on 11 April 2019 in regards to the amended plans and description, the period to make representations expired on 25 April 2019. No further representations have been received in response to the subsequent neighbour notification letter.

6.0 Planning policy and guidance

The Development Plan

- 6.1 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 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.

- 6.2 The *Development Plan* for the determination of this particular application comprises the 'saved' policies of the Craven District Council (outside the Yorkshire Dales National Park) Local Plan (1999).

- 6.3 In regards to the emerging Craven Local Plan, it was submitted to the Secretary of State on 27th March 2018 which is at an advanced stage and therefore weight can be given to it. The draft policies most relevant include:

- Draft Policy SD1 – The presumption in favour of sustainable development;
- Draft Policy ENV2 – Heritage;
- Draft Policy ENV3 – Good Design;
- Draft Policy INF2 – Community Facilities and Social Spaces.

- 6.4 While the Draft Craven Local Plan is at an advanced stage, paragraph 48 of the NPPF (2019) states that the weight that should be given to draft policies will depend upon *'the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given)'* and *'the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).'*

- 6.5 Therefore the draft policies referred above are considered to be relevant in the determination of this application. However there are unresolved objections to some policies and an assessment of the significance of those objections has not yet been made. For this reason it is considered beneficial to adopt a precautionary approach and consider that whilst some weight can be given to those policies that have no outstanding objections, the greater weight should remain with the 'saved' policies and the NPPF.

- 6.6 A review of these 'saved' policies indicate that none are relevant to the determination of this application.

Other policy considerations:

National Planning Policy

- 6.7 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) (revised February 2019)

National Planning Policy Framework

- 6.8 The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied.
- 6.9 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:
- a) *'an economic objective – 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;*
 - b) *a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; 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*
 - c) *an environmental objective – 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.'*
- 6.10 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.'*
- 6.11 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.
- 6.12 Paragraph 92 within Section 8 (Promoting healthy and Safe Communities) of the NPPF states that *'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.'*

- 6.13 Paragraph 94 within Section 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 should 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.'*
- 6.14 Paragraphs 124-127 within Section 12 (Achieving Well Designed Places) 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 users; 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 Section 12 (Achieving Well Designed Places) of the NPPF 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, 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 192 within Section 16 (Conserving and enhancing the historic environment) of the NPPF states that *'in 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.'*

- 6.17 Paragraph 193 within Section 16 (Conserving and enhancing the historic environment) of the NPPF 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.'*
- 6.18 Paragraph 194 within Section 16 (Conserving and enhancing the historic environment) of the NPPF 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.'*
- 6.19 Paragraph 195 within Section 16 (Conserving and enhancing the historic environment) of the NPPF states that *'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.'*
- 6.20 Paragraph 196 within Section 16 (Conserving and enhancing the historic environment) of the NPPF 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.'*
- 6.21 Paragraph 201 within Section 16 (Conserving and enhancing the historic environment) of the NPPF states that *'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)

- 6.22 On 6th 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: -

Conserving and Enhancing the Historic Environment

- 6.23 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.
- 6.24 'Conservation' in terms of heritage policy is defined in the Glossary of the National Planning Policy Framework as *'The process of maintaining and managing change to a heritage asset in a way that sustains and, where appropriate, enhances its significance.'*

Design

- 6.25 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.
- 6.26 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.'*

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 following:

Principle of the proposed development

- 7.2 The applicant states in the Design & Access Statement that the proposed development is required to provide the school with security, safety and privacy to its user. The proposed scheme will minimise risks with regards to health and safety and improve safeguarding for the site occupants.
- 7.3 It is considered that the existing boundary treatment (low-level boundary wall along Elliott Street and St Stephen's Close) is inadequate in terms of site security and the prevention of unauthorised access to the site. Additionally the existing pedestrian gateway (off Prospect Place) and stepped access is considered a risk to the safeguarding of the pupils as it offers potential as a ladder for students to leave the site.

7.4 The principle of improving school facilities receives support within the NPPF in both securing sustainable development and supporting the need to alter/enhance schools. Therefore it is considered that the proposal is in accordance with the NPPF (2019). Furthermore the school is a community facility, hence the proposal is considered to be consistent with the aims of paragraph 94 of the NPPF which seeks to ensure that development on schools are considered positively and should be given great weight when being determined. Paragraph 92 also seeks to support development of community facilities and this school can be considered as such.

7.5 It is acknowledged that whilst the school building is contribution to the character of the area, however the proposed development is small scale in nature. It is therefore considered that the proposed development is acceptable in principle. However the County Planning Authority did have concerns in relation to the original proposed scheme.

Revised scheme

7.6 The original proposal differed from that now under consideration in that a 3m high fencing along the northern boundary was also to be installed to the rear of the residential properties on Primrose Hill. The amenity space (garden) to the rear of these properties is significantly small and limited, hence it was not considered to be acceptable due to creating sense of enclosure.

7.7 Resident(s) on Primrose Hill highlighted a concern that the 3 metres high fence would extend above the existing boundary fence and as a result the fence would be imposing and unsightly.

7.8 It was considered that the proposed 3 metres high fencing to the rear of these residential properties was excessive and there was potential for the fence to have an overbearing impact upon the neighbouring residential properties. Furthermore due to the topography of the site being higher than the rear of these residential properties and given the size of the rear garden, this would have exacerbated the impact on the residential amenity.

7.9 The proposed 3 metres high fencing was also considered to have an impact on the visual amenity and the character of the area. Furthermore the proposal was not considered to enhance or preserve the wider Skipton Conservation Area.

7.10 Following the site visit and discussion with the agent/applicant, the application has been revised in order to address the concerns referred above by omitting the 3 metres high fence along the northern boundary.

7.11 It is considered that the amendments have resulted in better design and as such the revised scheme is acceptable in principle.

Site Security

7.12 It is considered that security measures need to be proportionate to the threats faced and appropriate to the needs of the school. In the Design & Access Statement, which accompanies the planning application, the applicant highlights a number of issues/concerns arising from unauthorised access and low level boundary treatment, causing risk to health and safety of pupils and staff.

- 7.13 The current boundary treatment comprises either stone walls approx. 0.9 – 1.0 metre high or 1.8 metre high fence. The existing stone wall along Elliot Street and St Stephen's Close is low level (approx. 0.9m high) which provides a foothold for climbing and has insufficient fall protection, hence causing health and safety issue. Additionally the existing pedestrian gateway (off Prospect Place) and stepped access also provides ease of unauthorised access to the site and potential as a ladder for students to leave the site. Therefore it is considered to be inadequate in terms of site security and the prevention of unauthorised access to the site.
- 7.14 The proposed fencing would be located on the southern and western boundary of the site facing Elliot Street and St Stephen's Close. The fencing would be constructed using black welded metal mesh and will measure 1.2 metres above the height of the existing wall (making total height of 2.1m). It is considered that the proposed weld mesh fencing would be robust and difficult to climb and as such the fence would protect against casual trespass and improve the safety of the site occupants. Furthermore the proposed weld mesh fence has a lightweight design and would be relatively transparent in nature allowing good levels of visibility into and out of the site for surveillance. The security of the site is a material planning consideration and it is considered that the proposal accords with the guidance contained within Section 12 of the National Planning Policy Framework (NPPF) (2019) entitled '*Achieving Well Designed Places*'.
- 7.15 It is acknowledged that the blocking up of the existing pedestrian gateway on Prospect Place and removal of stepped access could not keep out an intruder intent on scaling a height of approx. 0.9m but it would protect against casual trespass and safeguard the pupils from leaving the site. Furthermore any potential intruder would be overlooked by the windows of residential properties on Prospect Place and therefore the site benefits from clear natural surveillance.
- 7.16 The NY Police – Designing Out Crime Officer suggest that the boundary treatment at Prospect Place, following removal of pedestrian access gate, it should be increased in a similar way to those on Elliot Street and St Stephen's Close. It is acknowledged that the boundary treatment at this location is low level (approx. 0.9m) which may present security risk. However the potential risk has to be considered against the visual impact upon the street scene and wider Conservation Area. In this instance, it is considered that due to the topography of the site and the site benefiting from a good level of natural surveillance from the nearby residential properties, it should help to deter trespassers from the potential risk arising due to a low level boundary wall.

Design & Impact upon the street scene and Conservation Area

- 7.17 It is considered that the proposed development is sought to provide a local public service in regards to safeguarding, meeting the needs of the school and providing security to the user of the site.
- 7.18 It is acknowledged that the proposed fencing would be visible from parts of Elliot Street and St Stephen's Close. Additionally the site is within the limits of the Skipton Conservation Area and as such it is important to use materials and a design which is sympathetic to the character of the area and preserve the character of the designated area. However given the lightweight design of the fence (black weld mesh), it is considered that the proposed fence would not have a detrimental impact on the visual amenity of the street scene or wider Conservation Area. Furthermore part of the existing boundary treatment facing Elliot Street (south of the site), there is black weld mesh fencing and it is similar to those proposed. It is therefore considered that the proposed fencing would be in keeping with the existing fencing and sympathetic to the character of the school and Conservation Area.

- 7.19 The proposed blocking up of pedestrian access gate is also considered to be acceptable as the materials proposed would match the existing wall and as such would be in keeping with the existing boundary treatment on Prospect Place.
- 7.20 Section 16 of the NPPF set out the framework for decision making in planning applications relating to heritage assets and this application takes account of the relevant considerations within this section. In this instance the key heritage asset is the Skipton Conservation Area.
- 7.21 The school is located within a designated Conservation Area and as such the character of the school building should therefore be protected whilst acknowledging that the school needs to also function as an educational facility, safeguarding its occupants and its wider social role within the local community. Paragraph 192 of the NPPF confirms that planning authorities should take account of the positive contribution that heritage assets can make to sustainable communities. Whilst paragraphs 193 and 194 of the NPPF state that the balance of the proposals public benefit must be carefully considered against what harm it may have upon the designated areas and buildings to which the proposal may have an impact. Furthermore Paragraph 201 acknowledges that not all parts of a designated area will '*necessarily contribute to its significance*'.
- 7.22 The NPPF clearly states that designated areas must be protected however if they are not detrimentally harmed then proposals should be supported. Furthermore, the NPPF requires Planning Authorities to give 'great weight' to proposals that seek to expand or alter schools and facilities which are 'community' based. It is acknowledged that the site is located within a designated Conservation Area, however, due to the nature and scale of the proposed scheme it is not considered to harm this designated area in any significantly detrimental way. Furthermore the proposal will allow continued enjoyment and use of the building and improve safeguarding of the users of the school. On this basis, the balance between protecting designated assets and encouraging and supporting development for community facilities is a fundamental part of the determination of this proposal. Overall the proposal is considered to be acceptable in terms of design, appearance and scale in relation to both the original building and the wider Conservation Area and in accordance with Section 16 of the NPPF.
- 7.23 In line with the Planning (Listed Building and Conservation Area) Act 1990 special regard is given to preserving the heritage asset. In this instance the harm to the significance of the designated asset is outweighed by the public benefit identified and therefore in the absence of any evidence to suggest this proposal would result in a significantly detrimental impact upon the character of the designated Conservation Area, it is considered that the proposal should be supported and recommended for approval. On balance, the proposal is considered to be in-keeping with the principles of the NPPF (2019), NPPG (2014) and with the Planning (Listed Building and Conservation Area) Act 1990, which seek to preserve heritage assets whilst adding considerable weight in support of this application.

Neighbouring Amenity

- 7.24 In regards to the proposed black weld mesh fencing, the nearest residential properties are located opposite to the west (12 metres) and to the south (14 metres) of the site, along St Stephen's Close.
- 7.25 An objection raised by a local resident of St Stephen's Close states that the proposed fence would give a feeling of residents are fenced in 365 days of the year. Also have similar experience at the rear of their properties which abut St Stephen's CP School playgrounds.

- 7.26 It is considered that given the existing gradient of the pavement, separation distance and the type of proposed fencing being a lightweight design and relatively transparent in nature, it is not considered that the proposed fencing would have detrimental impact on the amenity of nearby residential properties. Additionally the impact of the mesh fencing would not have a significant harm upon the openness of the site given the type of fence being lightweight and transparent and not a solid visual barrier. It is therefore considered that the proposal would not have an adverse impact on the residential amenities.
- 7.26 In regards to the comments relating to similar experience at the rear of properties which about St Stephen's CP School playgrounds and we were not consulted, St Stephen's CP School is an Academy, hence any developments for this school would have been determined by the Craven District Council, including consultation. As this appears to be outside the jurisdiction of North Yorkshire County Council (NYCC), it cannot be addressed within this report in regards to not being consulted for the fence erected at the playgrounds of St Stephen's CP School.
- 7.27 However having checked the Craven District Council planning history on their website, it appears that an application was validated on 4 June 2015 for a proposal relating to '*Provision of 1.8m high steel railings to part of the site perimeter in order to resolve on-going safeguarding issues (amended design and height)*' and the decision shows '*Permission not required.*' It should be noted that schools do have permitted development rights which allows them to erect a fence up to 2m in height provided it is not adjacent to highway.
- 7.28 The proposal for blocking up of pedestrian access gate on Prospect Place is not considered to detrimentally affect the amenity of neighbouring residential properties due to the nature of the proposed scheme.

Highways & Site Access

- 7.29 The proposed scheme does not alter the existing vehicular and pedestrian site access arrangement. Additionally, the proposal will not affect the car parking requirements or the car parking facilities for the school and as such will have no impact on highways safety.
- 7.30 The proposed scheme would help to clearly define the pedestrian access point to the site and would allow the school to control and improve pedestrian access and egress onto the school site. Additionally the proposal would deter casual trespass and unauthorised access during and outside of school hours.
- 7.31 The Highway Authority has raised no objections or concerns to the proposed scheme. It is therefore considered that the proposal would improve the site safety without interference with the public highway.

Trees

- 7.32 The proposed new fencing will follow the line of the existing fence and it is considered there should be no adverse impact on any of the mature trees which shall remain in situ along the boundary of the site. The Design & Access Statement states '*Mechanical means of post excavation will not be permitted within the root protection zone of a retained mature tree. Hand digging only will be permitted.*' It also states that care and assessment would be carried out where any fencing will interfere with the overhanging branches. The County Council's Arboricultural Officer has raised no objections or concerns to the proposed scheme. To ensure that trees would not be adversely impacted by the development, a planning condition will be attached to any grant of planning permission.

8.0 Conclusion

- 8.1 The proposed 1.2 metre high black weld mesh boundary fencing exhibits a lightweight design, hence it would be relatively transparent in nature when viewed from a distance. The fence would visually integrate with the existing fence along the site boundary and as such would have a sympathetic relationship with the frontage of the school. Additionally the proposal for blocking up of the existing pedestrian access gateway is considered to be acceptable in terms of design and appearance as the proposed material would match the existing. It is therefore considered that the proposed development would be in keeping with the form, character and appearance of the surrounding settlement, would not have an adverse affect on the amenity of adjoining residents.
- 8.2 Furthermore the erection of the fence and blocking up of pedestrian access gate would prevent intruders and trespassers accessing the site, hence improving health and safety of the occupants of the site and safeguarding the school.
- 8.3 It is therefore considered that there are no material planning considerations to warrant the refusal of this application for the installation of 1.2 m high black weld mesh fencing on top of existing stone boundary wall (total height 2.1 m) and the blocking up of the existing pedestrian gateway/stepped access using matching stone.
- 8.4 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. it is considered that the proposed development will not adversely affect the character of the local area and the Skipton Conservation Area;
 - ii. it is considered that the proposed development would not adversely impact upon neighbouring residential amenity; and
 - iii. it is considered that the proposed development is in accordance with NPPF (2019) and NPPG (2014)

- 9.2 It is recommended 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.

Reason: 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. The development hereby permitted shall be carried out in accordance with the application details dated 8 January 2019 (amended 3 April 2019) and the following approved documents and drawings:

Ref.	Date	Title
7913	Feb 2019	Location Plan
No reference	Dec 2018	Block Plan Revised
E2356/05 A	Feb 2019	Boundary Fencing Works – Existing Plan
E2356/06 Rev. A	Dec 2018	Boundary Fencing Works – Elevations/Details

E2356/07	Dec 2018	Pedestrian Gateway Works – Elevations/Details
No reference	Dec 2018	Site Compound Plan
No reference	No date	Design & Access Statement including Heritage Statement
No reference	03 Apr 2019	Email from Helen Horton with photo showing stonework for gateway

Reason: To ensure that the development is carried out in accordance with the application details.

- The materials to be used in the construction of the fence hereby permitted shall match, in materials, colour and finish, to those used in the existing fence facing Elliot Street.

Reason: In the interests of visual amenity and the character and appearance of the area.

- The external brickwork for the development hereby permitted shall be constructed to match that of the existing boundary wall in terms of its colour, texture, face bond, size, jointing and pointing.

Reason: In the interests of visual amenity and the character and appearance of the area.

- Any excavation works for postholes adjacent to any tree along the boundary of the site shall utilise hand dig methods to avoid excessive damage to the tree roots.

Reason: To ensure that the trees within the area of proposed development are not damaged during the installation of the fencing and the character and amenity of the area are not impaired.

- Any pruning or crown lifting works should be carried out prior to works commencing and should be carried out in accordance with BS 3998 (2010): British Standard Recommendations for Tree Work.

Reason: To ensure protection during construction works of trees which are to be retained on and near the site and in the interests of visual amenity.

Informatives:

- Nesting Birds
Any tree surgery/felling should be undertaken outside the bird breeding season (March to August) wherever possible, to ensure compliance with the Wildlife & Countryside Act 1981 (as amended). If this is not possible, a suitable experience ecologist should check for the presence of nesting birds beforehand.
- Bats
Should bats be found at any time during works, work shall stop immediately and Natural England or an experienced licensed bat surveyor shall be contacted for advice.

Explanation: Bats and their roost sites are fully protected at all times under the Wildlife & Countryside Act 1981 (as amended) and under the Conservation of Habitats and Species Regulations 2017 (as amended).

**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.

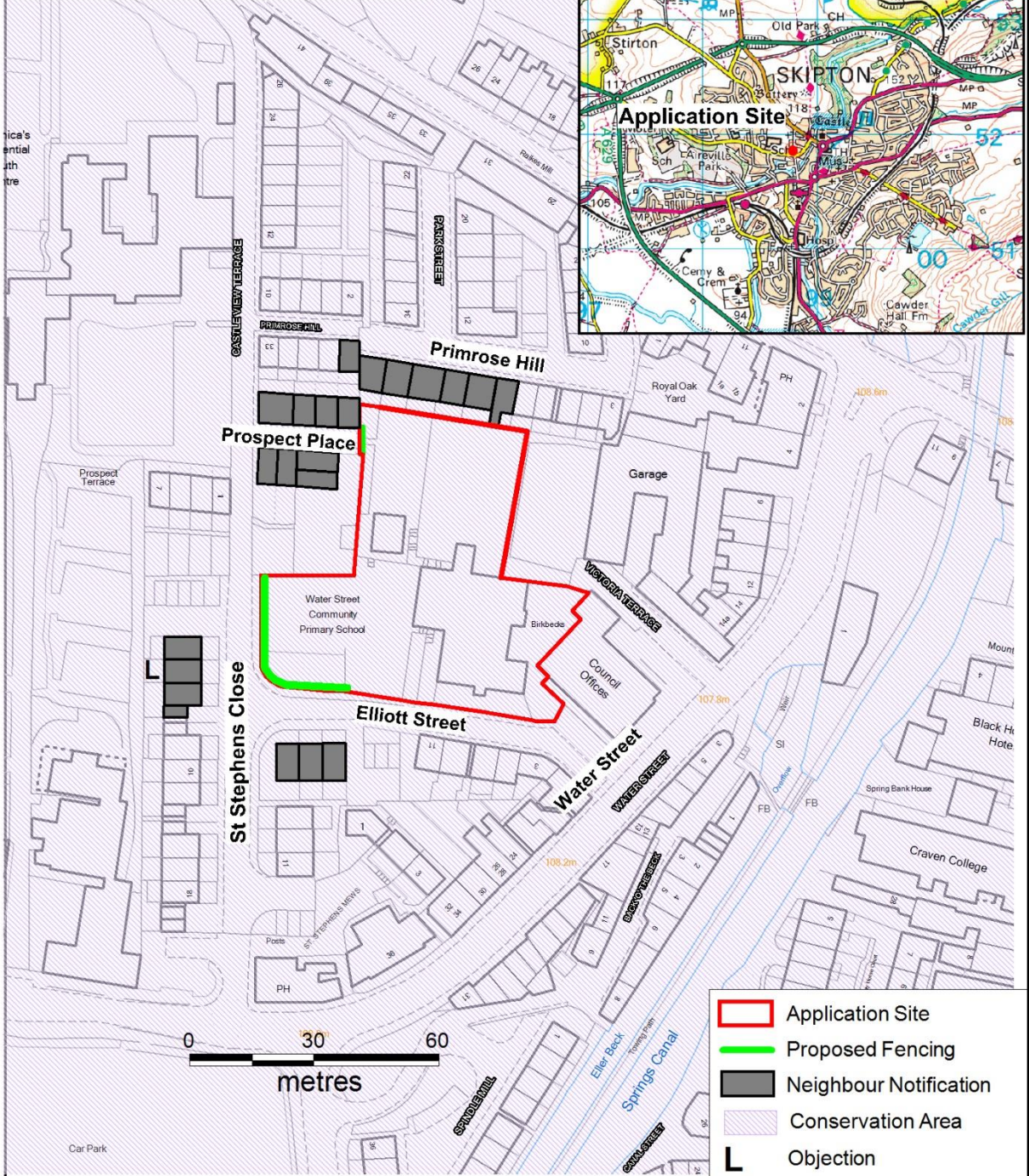
DAVID BOWE
Corporate Director, Business and Environmental Services

Author of report: Sukaina Devraj

Background Documents to this Report:

1. Planning Application Ref Number: C5/2019/20294/NYCC (NY/2019/0036/FUL) registered as valid on 07 March 2019. 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/PlanAppDisp.aspx?recno=10780>
2. Consultation responses received.
3. Representations received.

Water Street CP School



- Application Site
- Proposed Fencing
- Neighbour Notification
- Conservation Area
- L Objection

Application No : C5/2019/20294/NYCC

Title: installation of 1.2 m high black weld mesh fencing on top of existing stone boundary wall (total height 2.1 m) and the blocking up of the existing pedestrian gateway/stepped access using matching stone at Water Street CP School, Elliot Street, Skipton, BD23 1PE



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

Scale : 1:1250
Date : July 2019
Filename : Water Street
Compilation & Analysis : SD/JB

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Proposed Fence Elevation

approx 1.2m

approx 0.9m

line of pavement

Typical elevation showing existing 0.9m high stone boundary wall with 1.2m high Weld-mesh panel system above (shown purple on plan)

Photo of Elliott St from playground showing existing metal fencing (shown blue on plan)

Photo of Elliott St from playground showing existing stone wall where metal fencing is proposed (shown purple on plan)

approx 0.9m

line of pavement

Typical extract showing existing 0.9m high stone boundary wall (shown purple on plan)

North Yorkshire County Council

Water Street Community Primary School

Boundary/Fencing Works - Elevations/Details

NTS	HLH	AP	Dec 2018
Rev 1		Rev 1	
E2386		E2386/05	
Rev 1	Rev 1	Rev 1	Rev 1

Pedestrian Gateway/Stepped Access Details

approx 0.9m

line of pavement beyond

land graded to match existing (either side of steps)

stone wall to playground to be built up to line through with existing

Typical extract showing gateway and stepped access removed as proposed (shown green on plan)

Existing gateway/stepped access to be blocked off (green)

approx 0.9m

line of pavement beyond

Typical extract showing existing gateway and stepped access (shown green on plan)

North Yorkshire County Council

Water Street Community Primary School

Pedestrian Gateway Works - Elevations/Details

NTS	HLH	AP	Dec 2018
Rev 1		Rev 1	
E2386		E2386/07	
Rev 1	Rev 1	Rev 1	Rev 1