



Agenda

Public Meeting of Planning and Regulatory Functions Committee

To: Councillors Peter Sowray (Chairman) David Blades (Vice-Chair), Eric Broadbent, Caroline Goodrick, Robert Heseltine, David Hugill, Mike Jordan, John McCartney, Zoe Metcalfe, Clive Pearson, and Chris Pearson.

Date: Tuesday, 9th February, 2021

Time: 10.00 am

Venue: Remote Meeting via Microsoft Teams

Pursuant to The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority Police and Crime Panel Meetings) (England and Wales) Regulations 2020, this meeting will be held using video conferencing with a live broadcast to the Council's YouTube site. Further information on this is available on the committee pages on the Council website - <https://democracy.northyorks.gov.uk/>

The meeting will be available to view once the meeting commences, via the following link - www.northyorks.gov.uk/livemeetings. Recording of previous live broadcast meetings are also available there.

Business

1. Chairman's Welcome, introductions and apologies
2. Minutes of the meeting held on 12th January 2021 and reconvened meeting held on 13th January 2021 (Pages 3 - 12)
3. Declarations of Interest

4. Public Questions or Statements

Members of the public may ask questions or make statements at this meeting if they have given notice of their question/statement to Stephen Loach of Democratic Services (contact details below) by midday on Thursday 4 February 2021. Each speaker should limit themselves to 3 minutes on any item. Members of the public who have given notice will be invited to speak:-

- at this point in the meeting if their questions/statements relate to matters which are not otherwise on the Agenda (subject to an overall time limit of 30 minutes); or
- when the relevant Agenda item is being considered if they wish to speak on a matter which is on the Agenda for this meeting

If you are exercising your right to speak at this meeting, but do not wish to be recorded, please inform the Chairman, who will instruct anyone who may be taking a recording to cease while you speak.

- 5. Planning application for the erection of a single storey classroom extension (113sq.m), open sided canopy (9sq. m), installation of 3no. Velux roof lights, external paving and associated landscaping (40sq.m) and removal of 4No trees with compensatory replacement works on land at Carleton Endowed Church Of England Primary School, School Lane, Carleton, Skipton, BD23 3DE** (Pages 13 - 42)
- 6. Items Dealt with under the Scheme of Delegation** (Pages 43 - 46)
- 7. Other business which the Chairman agrees should be considered as a matter of urgency because of special circumstances.**

For enquiries relating to this agenda please contact Stephen Loach Tel: 01609 532216
or e-mail stephen.loach@northyorks.gov.uk

Barry Khan
Assistant Chief Executive
(Legal and Democratic Services)
County Hall
Northallerton

1 February 2021

North Yorkshire County Council

Planning and Regulatory Functions Committee

Minutes of the meeting held remotely via Microsoft Teams on 12 January 2021 at 2.00 pm.

Present:-

County Councillors Peter Sowray (Chairman), David Blades, Caroline Goodrick, Robert Heseltine, Mike Jordan, John McCartney, Zoe Metcalfe, Chris Pearson and Clive Pearson

Apologies were submitted by County Councillors Eric Broadbent and David Hugill.

The meeting was available to watch live via the County Council's website and a recording of the meeting is now available on the website via the following link www.northyorks.gov.uk/livemeetings

Copies of all documents considered are in the Minute Book

170 Welcome and Introductions

The Chairman welcomed everyone to the meeting and those present introduced themselves.

171. Minutes of the meeting held on 15 December 2020

Resolved -

That the Minutes of the meeting held on 15 December 2020, having been printed and circulated, be taken as read and confirmed, to be signed by the Chairman as a correct record at the next available opportunity.

172. Declarations of Interest

There were no declarations of interest.

173. Public Questions or Statements

The representative of the Assistant Chief Executive (Legal and Democratic Services) stated that, other than those that had indicated that they wished to speak in relation to the application below, there were no questions or statements from members of the public.

174. Planning application for the purpose of the construction of a 3.9 km long two-way, single lane (with overtaking lanes) carriageway realignment on the A59 between the west of North Moor Road and Blubberhouses. The realignment lies north of the existing A59 and incorporates modifications to the junctions at North Moor Road, Hall Lane and Church Hill. The existing road from Blubberhouses to Botham's Farm and Paradise is proposed to be downgraded, reduced in width and, in turn, would function as a private access and public right of way for part of its length. The existing road from Paradise to where public footpath (ref. no. 15.14/4/1) joins the

existing A59 is proposed to be removed and returned to moorland habitat as part of the areas of land designated as Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) (under the EU Birds Directive). Associated works include the diversion of Hall Beck watercourse, landscaping, environmental mitigation, new culverts, 100 metre long retaining wall, SUDS drainage including two attenuation basins, replacement signage, construction of two underpasses, diversions to, and increase of 1,526 metres of bridleways and public rights of way on land at the A59 at Kex Gill from the west of the junction with North Moor Road and Blubberhouses

Considered -

The report of the Head of Planning Services requesting Members to determine a planning application for the purpose of the construction of a 3.9 km long two-way, single lane (with overtaking lanes) carriageway realignment on the A59 between the west of North Moor Road and Blubberhouses. The realignment lies north of the existing A59 and incorporates modifications to the junctions at North Moor Road, Hall Lane and Church Hill. The existing road from Blubberhouses to Botham's Farm and Paradise is proposed to be downgraded, reduced in width and, in turn, would function as a private access and public right of way for part of its length. The existing road from Paradise to where public footpath (ref. no. 15.14/4/1) joins the existing A59 is proposed to be removed and returned to moorland habitat as part of the areas of land designated as Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) (under the EU Birds Directive). Associated works include the diversion of Hall Beck watercourse, landscaping, environmental mitigation, new culverts, 100 metre long retaining wall, SUDS drainage including two attenuation basins, replacement signage, construction of two underpasses, diversions to, and increase of 1,526 metres of bridleways and public rights of way on land at the A59 at Kex Gill from the west of the junction with North Moor Road and Blubberhouses.

The application was subject to objections having been raised in respect of the proposal on the grounds of potential adverse impacts upon residential amenity arising from noise from the road, potential increase in adverse effects upon air quality and detrimental visual impacts as well as the potential for adverse economic impacts upon local business interests in addition to potential landscape impacts and impacts upon local flora and fauna and cultural heritage and was, therefore, brought before Members of this Committee for determination, in accordance with the County Council's adopted Officers' Delegation Scheme.

The Head of Planning Services briefly introduced the report.

The public speakers were invited by the Chairman to present their statements as follows:-

Against the application.

Lewis Williams – Planning and Sustainability Officer, Sibelco UK Ltd

Chair and members of the Planning Committee, thank you for providing me with the opportunity to speak. Sibelco is the owner of the surface and minerals within Blubberhouses Moor. The landholding extends over 1,000 hectares and is bisected by the re-aligned A59. The Moor is known to be underlain with significant reserves and resources of silica sand. Silica sand is a mineral rare in its occurrence across the UK. The NPPF defines it as an industrial mineral making its protection, extraction and best use nationally important. Sibelco considers the application is contrary to the Development Plan and the

NPPF, due to:

- Unestablished impacts on nationally important mineral resources; and
- Undeliverable mitigation measures.

The application should not be granted planning permission and deferred until further information is provided by the applicant. The application extends through land proposed as a Mineral Safeguarding Area. The NPPF states this land should be kept safeguarded from unnecessary sterilisation by non-mineral development. To consider sterilisation of mineral resources an applicant must prepare a Mineral Resource Assessment, which establishes the quality, quantity, economic value and viability of the mineral affected. The application does not contain a Mineral Resource Assessment. The applicant suggests that as only a small proportion of the Safeguarding Area will be affected, the proposal will have a limited impact on minerals. This conclusion is completely flawed as it overlooks that geology is highly variable and the occurrence of silica sand across the Safeguarding Area is not uniform. As such, borehole investigation is required to form an understanding of the mineral resource. Only then will the decision maker have the appropriate information to make a sound planning judgement on the merits of the scheme against the impacts of minerals sterilisation. While the Council has proposed condition 44 to mitigate this impact, with no knowledge of the mineral resource a judgement cannot be made on whether this is an effective measure. The condition does not meet the tests of the NPPF and does not substitute for the shortcomings of the application. It is difficult to understand how the Council could consider this approach sound. Extensive mitigation measures and a 30 year management plan are required to make the development acceptable. However, no evidence is provided as to how this mitigation will be delivered. It appears there is mitigation on Sibelco land yet no legal agreement is proposed to secure it. This renders the development undeliverable and contrary to the Development Plan Sibelco recognises the need for the application, but considers it is fundamentally lacking in key information critical to the decision making process. This is reflected by the alarming number of pre-commencement conditions proposed on material planning matters. Put simply, the application is ham fisted, rushed and ill-conceived. We feel obligated to make this statement to Members as our representations to the Council have been ignored. Such is our concern about the unfounded approach taken by the Council, we have notified the Secretary of State requesting the application be called in for determination. We stress that Members do not have sufficient information to soundly grant approval for this application.

Mr Tate – Blubberhouses Hall – Statement read out by the Clerk

Thank you for your email notification confirming when you will be reporting to Members of the County Council's Planning & Regulatory Functions Committee on 12th January. Given the nature of this project – a NYCC project – it can be regarded as an 'inside job' and, therefore, I do not believe the Council has adequately employed independent auditors to review the technical information, to ensure adequate checks and balances have been put in place to safeguard the sustainable interests of all stakeholders against the negative environmental impacts of the proposed scheme.

I find it hard to comprehend the independence and objectivity when the Council is acting as the applicant, the employer and instructor of external technical consultants and the presider of the same application. Thus, there is a great propensity, with a high degree of probability, for the technical reports to be biased. This is not to say the information contained in the reports is incorrect, just biased towards the interests of the applicant and the approver. Who has independently audited the technical reports forming part of the application, to ensure that the information is technically correct, unbiased and the negative impacts have been assessed in the best interests of all stakeholders?

There are significant shortcomings in your environmental impact assessment work. The technical reports fail to adequately and specifically address the environmental impacts at our property when taking into account the specific characteristics of our property, the proposed road alignment and elevation, periodic impacts from time and seasonality and loss of vegetation impacts.

The noise impact assessment, as just one example, does not specifically or adequately model the significant negative material impacts at our property.

Similarly, the technical reports do not specifically and adequately model the effects of PM2.5 at our property and do not take into account the planned removal of a vegetation corridor along the road route, where there will be a significant long-lasting negative material impact on the long-term exposure PM2.5 when considering the health effects attributable to long-term exposure to PM2.5 in relation to ischemic heart disease, lung cancer, chronic obstructive pulmonary (COPD), lower-respiratory infections (such as pneumonia), stroke, type 2 diabetes, and adverse birth outcomes. The technical reports fail to address these points.

Put simply, fine-particle air pollution is the largest driver of air pollution's burden of diseases worldwide and I do not believe the technical assessments adequately model these significant negative material impacts at our property, or any other affected property for that matter, and therefore it is incorrect for the Council to be dismissive of such impacts until they can be independently verified as not being the case.

The technical reports used to assess negative environmental impacts the do not adequately and specifically address the significant long-term negative material environmental impacts of the scheme proposals and for this reason I strongly object to the proposals. I would, therefore, urge the Members of the Committee to dismiss this application until such time the technical information has been independently verified by external auditors, to confirm that the technical information adequately and specifically addresses the negative environmental impacts to all stakeholders.

Failing to do this will no doubt pave the way for a judicial review of the scheme proposals.

Nick Horsley – Director of Planning, Industrial Minerals and MPA Wales – Mineral Products Association – Statement read out by the Clerk

"In September 2020, the MPA submitted representations raising a number of concerns requesting these matters be addressed by the applicant. Unfortunately, these concerns were not followed up and their substance has only partly been covered in the Officer's committee report.

Procedure

Planning policy support for the proposed development does not exist in any adopted Development Plan. Planning Applications which are not supported by development plan policies are known as "departures" for which there is a specific procedure requiring that the application is advertised as such. We raised this procedural flaw with the Council in our representation, but no response was received. Failure to follow the prescribed regulations renders any determination of this application procedurally unsound.

Delivery of mitigation measures

The committee report details the statutory landscape and nature conservation designations within which the proposed development falls. The impacts of the proposed development upon these designations have raised a number of concerns amongst statutory consultees and other local representations. To address these concerns and objections, the applicant has proposed an outline of environmental mitigation measures, both within the proposed development envelope and on land outside the applicant's interest, control or ownership. "Offsite" mitigation measures, are referred to in an OLEMMMP, the details and delivery of which are required by a proposed planning condition. However, Government Planning Guidance is clear. Planning conditions requiring works on land, not controlled by the applicant, fail the tests of reasonableness and enforceability. We would also add that the necessary mitigation proposed in the OLEMMMP cannot be delivered as the applicant has no interest or rights of access to the land in question. As such the applicant cannot deliver the mitigation measures outlined to address the concerns raised by many representations and more importantly cannot address the planning balance required under the "Exceptional Circumstance" and "IROPI" tests. Again, this would leave any determination open to challenge. Put simply, the development before you is undeliverable.

Silica Sand - A Mineral of National Importance

The applicant's assessment of geological impact, indicates only "neutral to minor adverse" during the construction to "slight adverse" during the operational phase. The sterilisation of a Nationally Important Mineral as defined in the NPPF, is more significant on both Blubberhouses Quarry and the Mineral Safeguarding Area. The Applicant's assessment of geological impacts cannot be deemed robust in the absence of the requisite Mineral Resource Assessment which accords with guidance provided by the Planning Officer's Society and the MPA.. This is not a matter for a planning condition as now proposed, but a pre-determining requirement to assess the true impact of the development. Furthermore, the Planning Inspector for the North Yorkshire Joint Minerals Plan at the EiP was very direct in requiring the Council to allocate Blubberhouses Quarry as a specific site for silica sand extraction, as reflected in the Council's proposed modification, yet the Council has procrastinated in making a decision on the Blubberhouses Quarry planning application submitted in 2011.

Request for Deferment

We request that Members defer this application until the above matters have been addressed or risk challenge to the determination."

Applicant and applicant's representatives.

Barrie Mason – Assistant Director – Highways and Transportation, NYCC – technical assistance from David Green, WSP.

The application route is of key strategic importance, linking east to west within the County and linking into the main arterial routes to neighbouring areas and country wide. In recent years the A59 route has been subject to road closures due to land slippages blocking the carriageway at Blubberhouses. This creates difficulties in terms of safety and travel disruption and has a severe knock-on effect for the local road network, adversely affecting local communities nearby. The landslips were increasing in frequency and each occasion required more expensive and more complex treatments to re-open the road. The complexity of the work required saw the road being closed for considerable

amounts of time, which in turn had a severe detrimental effect on connectivity and the local economy. Given the situation the County Council had sought a solution to the situation that would eliminate the need for continual repairs and address the landslip situation to provide long-term resilience for the route. A number of options to reroute the A59 had been explored and this application had emerged as the most feasible of providing long-term, sustainable, safe solution. It was recognised, throughout the development of the application, that this was an environmentally sensitive area, and an extensive programme of work has been included to protect, and enhance, the local environment, as landscape alterations are made to accommodate the rerouted highway. In relation to the Silica Sand mineral deposits every effort had been made to minimise the impact on the extraction of those, and assistance would be provided to remove these prior to the work, where possible. The public consultation exercise undertaken in relation to the application had seen over 90% support for the proposals.

The Head of Planning services presented the Committee report, highlighting the proposal, the site description, the consultations that have taken place, the advertisement and representations, planning guidance and policy and planning considerations. The report also provided a conclusion and recommendations. She provided details to address the issues that had been raised during the public questions/statements session.

Detailed plans, photographs and visual information were presented to complement the report.

The Head of Planning Services noted that the application had been referred by a third party to the Secretary of State for determination in relation to the issue concerning the Silica Sand Mineral reserves, as outlined earlier in the meeting, therefore a decision could still be made by Members on the application, but it would be dependent upon whether the Secretary of state decided to call-in the application for consideration.

Members undertook a detailed discussion of the application and the following issues and points were highlighted during that discussion:-

- It was clarified that the Committee should still make a decision on the application despite not yet knowing whether it would be called in by the Secretary of State, as the process would require the consideration and determination of the application by the relevant Planning Authority should it be called in.
- A Member noted that one of the public statements had referred to the application being a departure from the Development Plan and, therefore did not adhere to the relevant planning policies, and sought clarification on that in relation to moving forward in determining the application. In response it was clarified that this issue was not considered to be a departure from the Development Plan, and further it was advertised through it being the subject of an Environmental Statement.
- Members complemented the Head of Planning for her comprehensive, detailed report and presentation.
- It was noted by a Member that the Local Plan was yet to be adopted and wondered, therefore, how it could be adhered to in these circumstances. In response it was stated that as the Plan was going through the adoption process currently, the issues within the Plan that had been subject to representations were taken account of in the recommendations relating to the application.
- In terms of the Silica Sand mineral deposits it was asked, if the deposit was of such importance, why the quarry had been unused for a period of time, and was not currently being utilised, was this due to there being sufficient reserves available. In response it was noted that there were two major sources of the mineral within the

county, with one of those being at the Blubberhouses Quarry. There was, currently, a significant reserve, but this inactivity did not mean that the mineral would no longer be required to be extracted from the quarry. Members noted that there were around 9 disused quarries in that area and queried why the Silica sand resource had been raised as a significant matter in relation to the application. In response it was stated that the Blubberhouses Quarry was the only main source of Silica Sand and many of the other quarries highlighted produced building stone. Details of the positioning of the quarries and the mineral extracted from them were detailed in the presentation. It was noted that the Silica Sand reserves affected by the application would be allowed to be extracted prior to the commencement of the delivery of the road and it was noted that this only related to around 1.8% of the overall safeguarded area of deposits.

- Clarification was requested in relation to the whether the proposed carriageway would be more detrimental to Blubberhouses Hall due to the positioning in relation to the Hall. In response it was noted that the new layout would provide further distance to the Hall, from the road, the existing service road would be stopped up and a new one provided, and planting and screening would be put in place to mitigate against noise and visual impact.
- Members recognised that the project would have an impact on the environment and on the extraction of the Silica Sand mineral reserve, which had to be balanced against the need to provide a sustainable, effective route, with vital links to the main countrywide road network, the need to provide an effective east to west connection in the County, and the economic benefits of that. It was recognised that every effort had been made to mitigate the detrimental effects of providing the alternative route through careful planning and conditioning. It was noted that the Local Elected Member strongly supported the application. Members recognised the need for the route and for this to remain open throughout the year to be effective and reduce the impact on surrounding communities. They emphasised the need for an alternative route to be provided as quickly as possible and outlined their general support for the proposals.

At this stage of the Meeting the Live Broadcast facility ended. The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority Police and Crime Panel Meetings) (England and Wales) Regulations 2020 states in section 5 (2 to 4) that members of the committee must be able to be heard and where practicable seen by members of the public. As a result, the vote on the application, taken at the end of the meeting, was not taken in public and, therefore, was not legally binding.

The Meeting was, therefore, reconvened on 13th January 2021, to ensure that the vote on the application was undertaken whilst being broadcast live to the public, in line with the regulations, to ensure that this was legally binding.

A separate set of minutes for the reconvened meeting has been produced and a recording of the meeting is available on the following link www.northyorks.gov.uk/livemeetings

The meeting concluded at 16.18pm.

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North Yorkshire County Council

Planning and Regulatory Functions Committee

Minutes of the meeting held remotely via Microsoft Teams on 13 January 2021 at 4.00 pm.

This is the reconvened Meeting of the Planning and Regulatory Functions Committee held on the 12th January 2021. The reasons for reconvening the Meeting are outlined in the minutes from 12th January 2021 and in the minutes below.

Present:-

County Councillors Peter Sowray (Chairman), David Blades, Caroline Goodrick, Robert Heseltine, Mike Jordan, John McCartney, Zoe Metcalfe, Chris Pearson and Clive Pearson

Apologies were submitted by County Councillors Eric Broadbent and David Hugill.

The meeting was available to watch live via the County Council's website and a recording of the meeting is now available on the website via the following link www.northyorks.gov.uk/livemeetings

Copies of all documents considered are in the Minute Book

174 Welcome and Introductions

The Chairman welcomed everyone to the meeting and those present introduced themselves.

The Chairman explained the reasons for reconvening the meeting which are set out in Minute no. 176, below.

175. Declarations of Interest

There were no declarations of interest.

176. Reconvened meeting to enable a vote to be taken in public on the planning application for the purpose of the construction of a 3.9 km long two-way, single lane (with overtaking lanes) carriageway realignment on the A59 between the west of North Moor Road and Blubberhouses

The Democratic Services and Scrutiny Manager explained why the meeting of the Planning and Regulatory Functions Committee that was held on 12 January 2021 had been reconvened to enable a vote to take place in public on the planning application for the purpose of the construction of a 3.9 km long two-way, single lane (with overtaking lanes) carriageway realignment on the A59 between the west of North Moor Road and Blubberhouses.

He stated that, unbeknown to those involved at the time, the Live Broadcast facility of the 12th January 2021 meeting had ended prior to the vote on the application having been

taken. The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority Police and Crime Panel Meetings) (England and Wales) Regulations 2020 states in section 5 (2 to 4) that members of the committee must be able to be heard and, where practicable, seen by members of the public. As a result, the vote on the application was not taken in public and, therefore, was not legally binding.

The Meeting was, therefore, reconvened on 13th January 2021, to ensure that the vote on the application was undertaken whilst being broadcast live to the public, in line with the regulations, to ensure that this was legally binding.

Resolved –

That the report be noted and the arrangements that have been put in place to reconvene the Meeting of 12th January 2021, for the reasons state, be approved.

- 177. Planning application for the purpose of the construction of a 3.9 km long two-way, single lane (with overtaking lanes) carriageway realignment on the A59 between the west of North Moor Road and Blubberhouses. The realignment lies north of the existing A59 and incorporates modifications to the junctions at North Moor Road, Hall Lane and Church Hill. The existing road from Blubberhouses to Botham's Farm and Paradise is proposed to be downgraded, reduced in width and, in turn, would function as a private access and public right of way for part of its length. The existing road from Paradise to where public footpath (ref. no. 15.14/4/1) joins the existing A59 is proposed to be removed and returned to moorland habitat as part of the areas of land designated as Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) (under the EU Birds Directive). Associated works include the diversion of Hall Beck watercourse, landscaping, environmental mitigation, new culverts, 100 metre long retaining wall, SUDS drainage including two attenuation basins, replacement signage, construction of two underpasses, diversions to, and increase of 1,526 metres of bridleways and public rights of way on land at the A59 at Kex Gill from the west of the junction with North Moor Road and Blubberhouses**

A representative of the Assistant Chief Executive (Legal and Democratic Services) provided a brief summary of the application and discussion that had been comprehensively considered at the Meeting of the Committee held on 12th January 2021, and had been reconvened in line with the issues set out in Minute no. 176, above. Full details of the consideration of the application were available on the County Council's website, through the link highlighted, above, in these Minutes.

Resolved –

That the application be approved subject to the following:-

- (i) The Secretary of State determining whether to call-in the application for consideration;
- (ii) The successful completion of a legal agreement under Section 111 Local Government Act 1972, as detailed in the report; and
- (iii) Compliance with the conditions as detailed in the report.

The reconvened meeting concluded at 16.15pm.

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North Yorkshire County Council

Business and Environmental Services

Planning and Regulatory Functions Committee

09 FEBRUARY 2021

PLANNING APPLICATION FOR THE PURPOSES OF THE ERECTION OF A SINGLE STOREY CLASSROOM EXTENSION (113SQ.M), OPEN SIDED CANOPY (9SQ. M), INSTALLATION OF 3NO. VELUX ROOF LIGHTS, EXTERNAL PAVING AND ASSOCIATED LANDSCAPING (40SQ.M) AND REMOVAL OF 4NO TREES WITH COMPENSATORY REPLACEMENT WORKS ON LAND AT CARLETON ENDOWED CHURCH OF ENGLAND PRIMARY SCHOOL, SCHOOL LANE, CARLETON, SKIPTON, BD23 3DE ON BEHALF OF NORTH YORKSHIRE COUNTY COUNCIL CORPORATE DIRECTOR CHILDREN AND YOUNG PEOPLES SERVICE

1.0 Purpose of the report

- 1.1 To determine a planning application for the erection of a single storey classroom extension (113sq.m), open sided canopy (9sq. m), installation of 3no. Velux roof lights, external paving and associated landscaping (40sq.m) and removal of 4No trees with compensatory replacement works on land at Carleton Endowed Church Of England Primary School, School Lane, Carleton, Skipton, BD23 3DE on behalf of North Yorkshire County Council Corporate Director Children and Young Peoples Service.
- 1.2 This application is subject to two objections from the County Council's Principal Landscape Architect and Craven District Council having been raised in respect of this proposal on the grounds of landscape grounds, design, siting of proposal, loss of open space and protection and retention of existing trees and is, therefore, reported to this Committee for determination.

2.0 Background

Site Description

- 2.1 Carleton Endowed Church of England Primary School is located within the semi-rural village of Carleton in Craven, situated 1.5 miles south-west from the market town of Skipton. The school is accessed via a small road situated off Louvian Terrace which leads onto Carla Beck Lane. The site of the school buildings is set back from the access road, situated behind residential properties which front onto Carla Beck Lane to the south and Saint Mary's Church which is a Grade II listed building, to the north, and Church Close to the west. As of July 2020 the school had 191 pupils enrolled.
- 2.2 The site is situated within the Carleton in Craven Conservation Area and comprises the main school building which has original elements dating circa 19th Century, with playing field aspects to the east. The original school house building is recognisably Victorian with pitched roofs, with the extended school accommodation being predominantly of flat roof design together with aspects of pitched traditional slate roof with coursed sandstone walls, which match the palette of building materials used in other buildings within the Conservation Area. The original building has since been

altered and extended to the north with several modern extensions dating from 1964 and hard standing playground to the north of the site nearest to Saint Mary's Church.

- 2.3 The nearest residential property to the school site is number 1 Church Close which is situated 4 metres from the north-west boundary of the school site. The nearest properties along the eastern boundary of the school site are a mix of bungalow and two-storey houses, which are separated from the school buildings by the playing field. A public right of way footpath runs parallel to the northern boundary separating the school from Saint Mary's Church and Graveyard and agricultural fields to the north-east of the site. The school's boundary is indicated by a mix of stone wall and wooden five rail fence around the school site.
- 2.4 The site of the school is not situated within a flood zone. The school grounds do contain a number of trees to the site boundaries, however there are no Tree Preservation Orders recorded for the site.
- 2.5 A plan showing the application site is attached to this report.

Planning History

- 2.6 There is no planning history relating to the proposed development site within the NYCC database. However, there is planning history relating to the proposed development site relevant to the determination of this application that has previously been dealt with by the District Council and they are as follows: -
- *Craven District Council application 17/2000/0336 for the construction of office extension and new entrance with gate, dated 13 April 2000 and granted 02 June 2000;*
 - *Craven District Council application 17/2001/1196 for the construction of new library, computer room and link, dated 12 April 2001 and granted 30 May 2001;*
 - *Craven District Council application 17/2013/13980 for the construction of a single storey extension to create a new hygiene room to provide toilet, washing and changing facilities and creation of a new ramp to give access to the Schools sports field, dated 11 October 2013 and granted 13 February 2014.*

3.0 The proposal

- 3.1 Planning permission is sought for the erection of a single storey classroom extension (113sq.m), open sided canopy (9sq. m), installation of 3no. Velux roof lights, external paving and associated landscaping (40sq.m) and removal of 4No trees with compensatory replacement works on land at Carleton Endowed Church Of England Primary School, School Lane, Carleton, Skipton, BD23 3DE.
- 3.2 The proposal comprises numerous elements and these are summarised as follows;
- Additional single classroom extension to include cloakroom, toilets and store facilities along with link corridor;
 - Associated external works and drainage works;
 - Demolition of existing stone boundary wall, to northern aspect of the site;
 - New foul and surface water runs and connections;
 - 40 metres square of paving associated with new secondary entry and exit points;
 - 1.2 metre high railings and access gate;
 - 1 mounted wall light;
 - Removal of 4 trees (3 Ash and 1 Oak).

- 3.3 The applicant has stated that the development is required to provide additional teaching space and facilities to accommodate the current and projected future pupil intake within the Carleton Endowed Primary School catchment area. A number of applications for new housing development have been approved by the District Council over the past 3 years projecting an increase in families residing within the catchment area of the school which are projected to see an increase in pupil numbers attending Carleton Endowed Primary School. The Craven Local Plan also notes that currently the pupil to school ratio within Craven District is higher than the North Yorkshire average.
- 3.4 The proposed single storey classroom extension would be located to the north of the main school building upon an area that currently is not utilised by the school as playground/ playfield. The extension would create a new classroom space with cloakroom, pupil and staff toilet facilities, store room, wet bay and link corridor and essentially would increase the available accommodation the school has to offer its staff and pupils. The extension would be 132 metre² in area. The extension would be constructed of brick with random coursed pitched Yorkstone artificial stone to the western and eastern elevations and reclaimed stone to the main façade on the northern elevation. These materials are proposed to match the existing modern school building extension and blend with the existing boundary materials. A double glazed structure is also incorporated to form an enclosed link corridor at 8.4 metres in length whilst retaining the existing stone masonry wall. Contrasting rain screen - cladding will also be incorporated to the façade section of 3.5 metres in length interfacing with the existing school. The extension would include aluminium framed, double glazed door and window units. The roof would be single ply, grey coloured roof and would incorporate three pyramid shaped roof lights measuring 1 metre in width, 1 metre in length and 0.65 metres in height. The proposed classroom extension would be 3.2 metres in height, 6.5 metres in width and 14.1 metres in length. On the northern boundary where the classroom will form the boundary wall the height will be 3.6 metres, a 0.4 metre addition in height to create a parapet boundary. Through the development two further entrances would be constructed, one on the southern elevation and another on the western side of the proposed extension. The proposal would also incorporate three new 'Velux' roof lights measuring 1.04 metres in length and 0.63 metres in width to the west facing elevation of the existing modern classroom extension to compensate for loss of any natural light to the classroom due to the proposed extension
- 3.5 A concrete flag paving would also be proposed to the north-west corner creating a link from the existing playground to the proposed extension link corridor. This proposed area would be 1.8 metres in width and 6.1 metres in length. A further area of flag paving is proposed to wrap around the east and southern side of the proposed new classroom. These would also be 5.8 metres in length and 1.8 metres in width along the eastern side of the proposed classroom and 1.8 metres wide and 5.2 metres long along the southern side of the proposed new classroom.
- 3.6 The proposal also includes the installation of a wall light on the western elevation of the proposed extension and installation of 1.2 metre high steel bow top railings to the western boundary separating the existing playground with the proposed development.
- 3.7 Four trees are proposed to be removed as part of the proposal. One Oak (which is deemed of good quality and category A level) and three Ash trees (of which deemed one classed as category C level as low quality and two as category U classified as unsuitable for retention due to being of poor quality). All are currently located to the north of the site along the northern boundary between the existing wall, the school boundary and the public right of way footpath. Two trees in this area situated to the

east are proposed to be retained and protected during the works. New planting comprising a replacement 3:1 ratio proposed on the site although the exact details of all new planting would be conditioned (through condition 7) and require final details to be submitted for approval by the County Planning Authority.

- 3.8 The proposal would also involve the loss of some outdoor landscaped areas as a result of the classroom extension development. However, as this area of land that is being proposed to be built on is currently not used as playing field or playground by the school there would be no loss of playing field to the school caused by the development.

4.0 Consultations

The consultee responses summarised within this section of the report relate to responses to consultation undertaken on the 21 September 2020.

- 4.1 **Craven District Council (Planning)** - confirmed on the 28 October 2020 that they have no objection to the proposal. However, on the 19th January 2021 the District council wished to review their comments and change their opinion to a strong objection. They stated that in their Officer's opinion, the removal of a number of trees which contribute to the character and appearance of the conservation area of Carleton would be unacceptable. They also stated that the proposed building by way of its scale and design fails to reflect the historical character of this area of the conservation area and would introduce an alien feature into the area. It is also considered that the demolition of a section of historical wall would further erode the Conservation Area and adversely impact on the setting and significance of the nearby listed building.
- 4.2 **Highway Authority** – confirmed on the 8 October 2020 that there are no local highway authority objections to the proposed development and noted that *'The proposed development does not alter the existing access to the site. The volume of traffic will increase during times of drop off and pick up but will have minimal impact on the surrounding area consequently there are no Local Highway Authority Objections to the proposed development.'*
- 4.3 **Carleton Parish Council** – at the time of writing this report no correspondence has been received.
- 4.4 **NYCC Heritage - Principal Landscape Architect** - responded on the 09 October 2020 stating that they objected to the application on *'landscape grounds due to likely adverse impacts on landscape character, views and setting of Carleton village, setting of St Mary's Church and Carleton Conservation Area, loss of Open Space, protection and retention of existing trees (within a conservation area).'* And believes this is *'contrary to the NPPF and Craven Local Plan policies ENV1: Countryside and Landscape, ENV2: Heritage, ENV3 Good Design, INF3: Sport, Open Space and Recreation Facilities.'*
- 4.5 In relation to Landscape Character, Views and Setting of Carleton Village and Conservation Area the Principal Landscape Architect believes that the significance of the area seems understated within the planning application submission because there is intervisibility between the church and the school (especially during winter) and disregarded within the conclusions of the Heritage Assessment.
- 4.6 For the setting of St Mary's Church and Conservation area the Principal Landscape Architect questions the *'assumption that intervening views are screened by a single line of trees, therefore having no impact,'* and goes on to state that *'The proposed*

development will mean that views are only partially screened and filtered by a single line of deciduous trees. These views are particularly open during the winter months.'

- 4.7 In relation to Sport, Open Space and Recreational Facilities the Principal Landscape Architect has concerns that the proposed development *'will cause some loss and erosion of the Open Space.'*
- 4.8 Finally in relation to Protection and Retention of Existing Trees the Principal Landscape Architect states that there a number of other category A and Category B trees around the adjoining playing field where the temporary contractors compound and access is proposed and states that the plans submitted do not demonstrate protection of existing site trees; and that equivalent locations for replacement trees to protect the settlement edge/ character and setting of the church seem unlikely.
- 4.9 **Conservation Officer (Craven District Council)** – the District Council confirmed on the 25th November 2020 that currently it does not have a conservation officer in house to advise on such matters.
- 4.10 **NYCC Public Rights of Way Team** - confirmed on the 29 September 2020 that there is a Public Right of Way adjoining the application site boundary and provided an informative including *'Where public access is to be retained during the development period, it shall be kept free from obstruction and all persons working on the development site must be made aware that a Public Right of Way exists, and must have regard for the safety of Public Rights of Way users at all times.'*
- 4.11 **NYCC Heritage - Ecology** – responded on the 21 September 2020 stating that the site is of low ecological value and the main issue is to ensure that the loss of established trees is compensated for and compensation proposals will be needed. A condition was also recommended requiring adherence to the mitigation measures outlined in section 5/1 of the submitted Preliminary Ecological Appraisal (PEA) report by Naturally Wild, dated August 2020 (condition 12 and 16).
- 4.12 **NYCC Arboricultural Officer** – responded on the 05 January 2021 confirming that there is no objection to the removal of 4 trees to accommodate the proposal. Further comment was made stating a 3:1 ratio for replacement tree planting should be conditioned with agreement by the Local Authority on species choice, specification and planting locations. In relation to tree protection; they stated that the comments submitted by the Principal Landscape Architect should be used in conjunction with the details contained in the submitted tree protection plan (Drawing Number BA9922AIA) as a basis for the tree protection condition (condition 12) for any approval granted.

Notifications

- 4.13 County Cllr. Patrick Mulligan was notified of the planning application on 21st September 2020.

5.0 Advertisement and representations

- 5.1 This application has been advertised by means of two Site Notices posted on 17 September 2020 (responses to which expired on 16 October 2020). The Site Notices were posted in the following locations: one on a village notice board situated on Swan Street next to the junction leading to Chapel House Mews and one on a lamppost situated off Carla Beck Lane and West Road. A Press Notice appeared in the Craven Herald on the 21st September 2020 (responses to which expired on 22 October 2020).

5.2 Neighbour Notification letters were sent on 21 September 2020 and the period in which to make representations expired on 12 October 2020. The following properties received a neighbour notification letter:

- 1 Church Close, Carleton, Skipton, North Yorkshire, BD23 3DF;
- 2 Church Close, Carleton, Skipton, North Yorkshire, BD23 3DF;
- 3 Church Close, Carleton, Skipton, North Yorkshire, BD23 3DF;
- 4 Church Close, Carleton, Skipton, North Yorkshire, BD23 3DF;
- St Marys Church, School Lane, Carleton, Skipton, North Yorkshire, BD23 3DF;
- Rose Cottage, Carla Beck Lane, Carleton, Skipton, North Yorkshire, BD23 3DB;
- 1 St Marys Green, Carleton, Skipton, North Yorkshire, BD23 3DG;
- 2 St Marys Green, Carleton, Skipton, North Yorkshire, BD23 3DG;
- School House, School Lane, Carleton, Skipton, North Yorkshire BD23 3DE;
- The Old Library, School Lane, Carleton, Skipton, North Yorkshire BD23 3HG;
- 1 South View, Carla Beck Lane, Carleton, Skipton, North Yorkshire BD23 3DD;
- 2 South View, Carla Beck Lane, Carleton, Skipton, North Yorkshire BD23 3DD;
- 3 South View, Carla Beck Lane, Carleton, Skipton, North Yorkshire BD23 3DD;
- 6 Street Houses, Carla Beck Lane, Carleton, Skipton, North Yorkshire BD23 3DA;
- 7 Street Houses, Carla Beck Lane, Carleton, Skipton, North Yorkshire BD23 3DA;
- 8 Street Houses, Carla Beck Lane, Carleton, Skipton, North Yorkshire BD23 3DA.

5.3 One letter of representation has been received in relation to the planning application. The representation does not wish to object to the building works but stated concerns over contractor access and suggested that restrictions should be put in place if permission is granted for times in which contractors can access the site via Carla Beck Lane.

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 following:

- The extant policies of the Craven District Local Plan 2012 to 2032 (2019).

6.3 The Craven Local Plan (adopted 2019) has particular relevance in the determination of this application and the policies most relevant include:

- Policy SD1: The presumption in favour of sustainable development;
- Policy SD2: Meeting the challenge of Climate Change
- Policy ENV1: Countryside and Landscape;
- Policy ENV2: Heritage;
- Policy ENV3: Good Design;
- Policy ENV4: Biodiversity;
- Policy ENV9: Renewable and Low Carbon Energy;

- Policy ENV12: Footpaths, Bridleways and Cycle Routes;
- Policy INF2: Community Facilities and Social Spaces;
- Policy INF3: Sport, Open Space and Recreational Facilities;
- Policy INF4: Parking Provision;
- Policy INF6: Education Provision.

- 6.4 Policy SD1 of the Craven Local Plan advises that a positive approach taking into account the presumption in favour of sustainable development would be required, working pro-actively and co-operatively with developers to find solutions to secure sustainable development. It further states applications must accord with the local plan and relevant National Planning Policy Framework (NPPF) policies. Furthermore, it states that when there are no relevant policies to the application, or policies are out of date, the Council will grant permission unless material considerations indicate otherwise – taking into account whether:
- a) 'any adverse impacts of development would outweigh the benefits, when assessed against the national planning policy framework (taken as a whole); or*
- b) specific policies in the national planning policy framework indicate that development should be restricted'.*
- 6.5 Policy SD2 advises that the Craven Local Plan adopts proactive strategies to mitigate and adapt to climate change, when guiding developmental change in Craven in line with national planning policy. The local plan, through its policies seeks mitigation of climate change by promoting the reduction of the needs to travel and promotes low carbon design approaches to reduce energy consumption.
- 6.6 Policy ENV1 seeks to ensure that Craven's countryside and landscape is conserved and opportunities to restore and enhance the landscape are taken wherever possible. Development proposals should have regard to relevant landscape evidence and respond to the particular character area and type they are located within. Support will be given to proposals that benefit degraded landscapes, biodiversity, heritage, the public rights of way network, disabled access, dark skies and the form and setting of settlements. Exterior lighting proposed as part of any new development should be the minimum required and only appropriate to its purpose, so as to protect the area's natural surroundings.
- 6.7 Policy ENV2 advises that *'Craven's historic environment will be conserved and, where appropriate, enhanced and its potential to contribute towards the economic regeneration, tourism and education of the area fully exploited'*. The policy provides criteria for protecting the District's designated heritage assets, supporting proposals that would preserve or enhance the character or appearance of a Conservation Area and supporting proposals that will help to secure heritage assets, 'especially identified as being at greatest risk of loss or decay'. This policy is consistent with the objectives of Chapter 16 of the NPPF (Conserving and Enhancing the Historic Environment).
- 6.8 Policy ENV3 states that *'Good design will help to ensure that growth in Craven results in positive change, which benefits the local economy, environment and quality of life, including health and wellbeing'*. This Policy is considered to be consistent with the NPPF's objectives of presumption in favour of sustainable development, 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.
- 6.9 Policy ENV4 states that wherever possible, development should make a positive contribution towards achieving a net gain in biodiversity. There should be no adverse impact on any national or local designated sites and their settings, unless it has been demonstrated to the satisfaction of the local planning authority that the benefit of, and need for the development clearly outweighs the impact on the importance of the designation. Proposals should be supported that can increase trees and woodlands

by incorporating appropriate planting, using native and locally characteristic tree and plant species where possible, and retaining and integrating existing mature and healthy trees and hedgerows that make a positive contribution to the character, appearance and setting of an area.

- 6.10 Policy ENV9 supports development, which aims to help reduce carbon emissions and support sustainable development through supporting projects and infrastructure proposals that offer a good balance of economic, environmental and social benefits, and are not outweighed on balance by one or more negative impacts. Supporting proposals where the potential cumulative impacts are not found to be significantly adverse is promoted with further support being given to developments which harmonise with the local environment and respect the character of the immediate setting and wider landscape; whilst also safeguarding the amenity of local residents and communities, and ensuring that satisfactory mitigation can be achieved to minimise impacts
- 6.11 Policy ENV12 states that *'the local planning authority will support proposals that preserve and, wherever possible, enhance footpaths, bridleways, byways and cycle routes and their settings'. 'Particular support will be given to proposals which Avoid obstruction, diversion or confinement of existing footpaths, bridleways, byways and cycle routes.'*
- 6.12 Policy INF2 supports proposals for new or improved facilities where there is a local need, provided that proposals are appropriate in scale, well located, accessible and where there would be no significant adverse impact on residential amenity. The policy also supports innovative schemes including public realm enhancements that provide or improve places or recreation or social interaction.
- 6.13 Policy INF3 supports new or improved facilities, provided they are appropriate in scale, well located and accessible. The policy also requires housing and mixed-use developments to provide new or improved facilities, to cater for needs arising from the development, either directly or through financial contributions, subject to specific policy thresholds and criteria and in accordance with Appendix A of the Local Plan. Existing facilities are safeguarded by the policy and the loss of facilities is only supported in specific and limited circumstances.
- 6.14 Policy INF4 states that *'In drawing up and determining proposals for new development, relevant consideration will be given to any likely impacts on public off-street parking and parking on the public highway (on-street parking).'*
- 6.15 Policy INF6 states that *'Craven's growth will ensure that a sufficient choice of school places is available to meet the needs of existing and new residents'. The policy provides sub-sections detailing how the policy can be achieved. Part 'a' of Policy INF6 of Craven Local Plan is considered relevant to this application, which states 'Supporting proposals for the provision of new, replacement and extended or altered schools which are of a scale in keeping with the location, are accessible and accord with all relevant local plan policies and any relevant neighbourhood plan policies'.*
- 6.16 Chapter 8 of the National Planning Policy Framework (NPPF), entitled 'Promoting Healthy Communities', emphasizes the role that the planning system can have in achieving healthy, inclusive communities. Specifically, paragraph 92 states that planning policies and decisions should 'plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments'. As well as paragraph 94 of the NPPF which attaches great importance to ensuring that a choice of school places is available to meet the needs

of existing communities, and that great weight should be given to the need to expand and alter schools in order to meet that need. Policy INF6 'a' is consistent with the NPPF objectives as it relates to the delivery of facilities related to the provision of education and therefore full weight can be applied in determining this application.

Other policy considerations:

National Planning Policy

- 6.17 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 2019)

National Planning Policy Framework

- 6.18 The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied.
- 6.19 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.'
- 6.20 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*
 - i.) *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'.*
- 6.21 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.
- 6.22 Paragraph 92 within Chapter 9 (Promoting healthy and Safe Communities) of the NPPF states social, recreational and cultural facilities decisions should enhance the sustainability of communities and residential environments and take into account strategies to improve public health and well-being of society and ensure an integrated approach to considering the location of housing, economic uses and community facilities. Planning positively for the provision of community services and facilities to enhance sustainability within community environments is also encouraged.

- 6.23 Paragraph 94 within Chapter 8 (Promoting healthy and Safe communities) of the NPPF states that there is great importance of ensuring sufficient choice of school places are available to meet the needs of a community. Specifying that planning authorities must take *“proactive, positive and collaborative approach”* to meeting this requirement giving great weight to create schools through the preparation of plans and decisions on applications.
- 6.24 Paragraphs 124-27 within Chapter 12 (Achieving Well Designed Places) of the NPPF state that local plans should include robust and comprehensive policies setting out a clear design vision and expectations of development. This should make sure developments add to the overall quality of the area throughout the lifetime of the development; ensure that they function well and add to the overall quality of an area, are visually attractive through good landscaping and layout; are sympathetic to the locality and landscape setting and any historic character to the local area; establish a good sense of place; optimise the potential of the site and create places which are safe, inclusive and accessible and do not undermine quality of life.
- 6.25 Paragraphs 130 within Chapter 12 (Achieving Well Designed Places) of the NPPF states development of poor design which does not improve the character and quality of an area or take into account local design then planning permission should be refused. Where design clearly accords with plan policies design should not be a valid reason to object to a proposal. Further to this, it states it should be ensured that the quality of development is not lessened after being granted permission as a result of details being approved to an already permitted scheme.
- 6.26 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;”*
- 6.27 Paragraph 175 within Chapter 15 (Conserving and enhancing the natural environment) of the NPPF states that local planning authorities should apply the following principle in that development resulting in the loss or deterioration of irreplaceable habitats (such as ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy is proposed.
- 6.28 Paragraph 180 within Chapter 15 (Conserving and Enhancing the Natural Environment) notes that decisions should ensure developments are appropriate for their locations taking into account impacts of pollution on health and the natural environment, as well as the sensitivity of the wider site. Therefore, the NPPF states developments should mitigate and reduce potential adverse impacts resulting from noise and avoid noise being a significant adverse impact on the health and quality of life in the area, furthermore the paragraph also states the impact of light pollution on local amenity should also be limited and mitigated where necessary.
- 6.29 Paragraph 190 within Chapter 16 (Conserving and enhancing the historic environment) of the NPPF states that 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. It states that account of this should be taken 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.

- 6.30 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."
- 6.31 Paragraph 193 within Chapter 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."*
- 6.32 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 to grade II listed buildings should be exceptional.
- 6.33 Paragraph 196 within Chapter 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'.
- 6.34 Paragraph 202 within Chapter 16 (Conserving and enhancing the historic environment) notes that proposals should be assessed to see if the benefits of enabling a proposal which would otherwise conflict with policies but could secure conservation or heritage assets can outweigh any dis-benefits departing from any policies.

National Planning Practice Guidance (PPG) (2014)

- 6.35 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

- 6.36 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.

Design

- 6.37 Good quality design is an integral part of sustainable development and that planning

should drive up standards across all forms of development as a core planning principle, plan-makers and decision takers should always seek to secure high quality design.

- 6.38 Achieving good design is about creating places, buildings, or spaces that work well for everyone, look good, last well, and will adapt to the needs of future generations. Good design responds in a practical and creative way to both the function and identity of a place. It puts land, water, drainage, energy, community, economic, infrastructure and other such resources to the best possible use over the long as well as the short term.

7.0 Planning considerations

- 7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each planning application in accordance with the planning policies that comprise the *Development Plan* unless material considerations indicate otherwise. In light of the abovementioned policies the main considerations in this instance are the principle of the proposed development, design, visual impact, local amenity, historic environment and highway matters.

Principle of the proposed development

- 7.2 The proposed development seeks to improve and increase the existing classroom capacity and teaching facilities at the school. This results from predicted future demand for the school resulting from a general population increase in the local area and within the school's catchment area. It is also considered likely that increases in the construction of residential dwellings in the area will also contribute to an increased demand for school places. The proposed development would therefore contribute to providing the required, additional, teaching provision identified in the design and access statement that accompanied the application and has been referred to in paragraph 3.3 of this report. The proposal therefore seeks to improve existing facilities in order to meet the needs of the school and continue to function at the required level in terms of delivering services and facilities. The proposed scheme would address the needs of the existing pupils and staff, providing them with a more suitable means of teaching environment. The principle of improving school facilities receives support within the NPPF in both securing sustainable development and supporting the need to alter/enhance schools; hence, this element of the proposed development is considered to be consistent with the NPPF paragraphs 92 and 94.
- 7.3 Policy SD1 of the Craven Local Plan states that development that accords with the provisions of the local plan will be approved unless material considerations indicate otherwise. The Plan also seeks to ensure that development proposals are determined in accordance with the presumption of sustainable development contained in Paragraph 11 of the NPPF which states that for decision-taking this means approving development proposals that accord with an up-to-date development plan without delay.
- 7.4 Furthermore the school is a community facility, therefore the proposal is considered to be consistent with the aims of paragraph 94 of the NPPF which seeks to ensure that development of 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. Further support for the development is received within Policy INF6 of the Craven Local Plan which seeks to deliver facilities related to the provision of education by supporting proposals for the provision of extended or altered schools which are in scale and keeping with the location and accord with all relevant local plan policies. It is therefore considered that the proposed development is acceptable in principle, subject to the consideration of other matters.

Design and visual impact

- 7.5 The proposed extension would be located towards the north of the application site, which is currently bounded by a stone wall separating the school site from the public footpath. Access to the public right of way would be kept clear and maintained during construction through proposed condition number 6 to ensure that the development does not affect amenity to comply with Policy ENV12 of the Craven Local Plan. The area in which the development is proposed contains six trees in total with four proposed to be removed. The development area is also currently separated by a 1.5 metre wooden fence and gate away from the playing field to the east and the playground to the north-west.
- 7.6 The proposed extension is considered to be modest in comparison to the school's main host building due to it being a single storey structure and its height being lower than the main building due to a flat rather than pitched roof. Hence, it would not be seen as a dominant or unsympathetic addition to the existing building. Although a flat roof extension is not a preferred design style, its choice has been incorporated to limit the height of the proposed development to prevent the development from imposing further on the public right of way footpath or landscape views of the local area. The design of the roof is also reflective and sympathetic of some of the existing school's design characteristics and considerate to other nearby buildings including the listed building; and is considered suitable through limiting the height of the development and therefore restricting some of the protruding impact and of the development against the surrounding area. Although the main school building to the west and the more modern current extensions to the north have pitched roofs, a flat roof design is already established in the south-eastern section of the existing school. Additionally, the proposed extension would be constructed using reclaimed stone to match the boundary wall and course pitched artificial Yorkstone, which is intended to match the existing materials used on site; hence to prevent looking alien as references to the District Council's response. This would result in an extension and elevations that would match the existing school building and complement the existing materials within the setting of the development. The proposal is therefore considered to be in keeping with and in context with the existing building of the school site and in compliance with criterion a) of Policy ENV1 through respecting and restoring the character of the landscape area through carefully selected building materials and responding to characteristics within the village and conservation area.
- 7.7 Policy ENV1 of the Craven Local Plan also acknowledges that human and natural activity evolves over time and landscape character will also change over time and this is essential to maintaining the quality, distinctiveness and vitality of the local environment. The policy states that the council should enable settlements to grow, in this case, the proposal is being considerate to the design of the local area whilst meeting the local need to enhance the school facilities whilst also preserving and creating connection between the countryside and the built up areas of the village. However, it is noted that the design aspects of the proposal relating to the removal of northern boundary wall with replacement of the northern elevation would increase the height of the wall boundary through a 14 metre section and therefore, would change the landscape character relating to views; although as stated above, the materials (reclaimed stone) proposed to be used on this elevation would endeavour to mitigate this particular aspect. This, along with the removal of boundary wall section and trees do conflict with Policy ENV1 through not fully being able to safeguard listed in criterion a) or preserve all the natural or manmade features in the development area (the wall) listed in criterion b). In relation to criterion e) it is noted that the proposal would have a neutral impact on the public rights of way footpath to the north of the development as the proposal would preserve the use of the footpath for public use but would alter the

public view through the change of the boundary wall. However, criterion g) of Policy ENV1 states that settlements should be able to grow in ways that respect their form, distribution and landscape setting which are demonstrated of being considered through the design elements of the proposal. This is further supported through Policy ENV3 of the Craven Local Plan and criteria b), e), f), g) and t) through providing design that responds to particular local characteristics, respecting the existing and surrounding buildings and promotes positive change in areas which benefit local communities and quality of life. The removal aspects of the proposal in relation to the changes to the boundary wall and removal of trees are recognised as having an impact on the character and appearance of the conservation area as referenced by the District Council as an objection. It is acknowledged that these proposed removals are in conflict with criterion d) of Policy ENV3 which requires that 'Development should seek to enhance local distinctiveness through maintaining good aspects of the local environment, improving poorer aspects and adding new aspects that benefit the local environment'. However, this conflict can be mitigated against through proposed conditions 7 and 11 through ensuring materials including reclaimed stone on the northern elevation are used which enhance local distinctiveness and adding additional tree planting which would benefit the local environment.

- 7.8 The proposed extension would have a level of screening through the existing timber outbuildings to the west and the retention of trees to the north east of the proposed development. Further screening would be achieved by the existing boundary treatment and the school building itself as the extension would be sited behind the existing building, which would not be visible from the main highway, Carla Beck Lane. Four trees would be lost as a result of the development, including one grade A oak tree. However, mitigation is proposed and would be managed by condition at a replacement planting ratio of 3:1 through proposed condition number 7 to accord with Section 197 of the 1990 Town and Country Planning Act for compensation in respect of requirements as to replanting trees as well as paragraph 175 of the NPPF. Three out of the four trees that are proposed to be removed are deemed to be dead or of poor quality according to the applicant's arboricultural expert and NYCC's Arboricultural officer has no objection to the removal of the four trees to accommodate the proposal. Both the District Council and The Principal Landscape Officer did list as part of their objections the removal of trees. As a point of concern, The Principal Landscape Officer stated that further information would be required to demonstrate the protection plan to other existing trees within the contractors compound and the need for a plan for replacement tree planting. These concerns can be addressed through proposed conditions 7, 12, 13 and 15 to ensure that these concerns are met. It is noted that views from the public footpath would be changed through the proposed development when a section of the current boundary wall would be removed and rebuilt as the northern elevation of the proposed classroom. However, on balance, it is considered that the proposed development would not have a significant detrimental impact on the appearance of the street scene as the visual impacts are limited, which is consistent with Policy INF 2 of the Craven Local Plan; or the wider Conservation Area. Furthermore, the building material including the reclaimed stone, which is proposed, would respect the character of the surrounding built environment. Although the design does not ensure that the all of the aspects which contribute to the character of the Conservation Area can remain, in particular with reference to the required removal of trees and section of boundary wall, in compliance with Section 72 Planning (Listed Buildings and Conservation Areas) Act 1990, special attention has been shown to the desirability and enhancement of the area and the appearance of that area through materials and the scale of design for the proposed development. Any harm to the Conservation Area in terms of design is outweighed by the need to provide adequate facilities for schools. It is therefore considered that the proposal is acceptable in terms of design, appearance and scale as it would be proportionate to the main school building and will not detract from the character of the local area in which it would be located.

- 7.9 Alternative siting of the proposed development within the site was investigated by the Applicant as shown in 1.5.2 of the Justification Statement submitted and it is worth noting that the entire school playing field is identified in Policy INF3 of the Craven Local Plan. The scenarios found that siting towards the south, west or east would result in a potential loss of existing playground space which would conflict with Policy INF3 which has an emphasis on safeguarding existing sport, open spaces and playing pitches from unnecessary and avoidable loss. There would also be the potential for conflict with criterion A of Policy INF2 of the Craven Local Plan as alternative positioning of the proposed development would result in greater opportunity for the development to harm local residential amenity.
- 7.10 The proposed extension and associated works are therefore considered to be consistent with Paragraphs 124-127 and 130 of the NPPF and PPG guidance in terms of design due to it being of an appropriate design, optimising the use of the site and an enhancement to the school site's general amenity. Additionally, it is in compliance with aspects of policies ENV2 and ENV3 of the Craven Local Plan listed above, which seek to ensure that developments are sympathetic to historic forms of design and construction and gains full support through paragraph 94 of the NPPF which states that the need to need to alter and expand schools is given great weight.

Local amenity

- 7.11 No objections from the occupants of any neighbouring properties have been received in relation to this proposal. There has been one letter of comment as referenced in paragraph 5.3 above which references contractors access during construction works, however, this point can be mitigated through conditions 3, 4, 5, 6 and 15 to ensure that local amenity and access is not detrimentally affected during the construction phase. The proposal is not considered to detrimentally impact the amenity of the neighbouring properties due to the siting, nature of the proposed development and topography of the site which is lower than the adjacent neighbouring properties of Church Close. Furthermore, the majority of the proposal will be screened by boundary treatment including the stone wall between the public footpath and the school playground situated to the north west of the proposed development area and existing school building and as such it will not give rise to unacceptable overlooking of neighbouring properties.
- 7.12 External lighting is included in the proposal, however, given the low level height of 1.2 metres the additional lighting and positioning as lighting is only proposed on the western and eastern walls of the new extension and none are proposed on the wall backing onto the public footpath. The external light would be controlled via a photocell and digital time clock complete with a manual override switch located adjacent the upgraded consumer unit. This would permit manual switching on and off of the luminaires and also automatic switching via the time clock and external lighting sensor. The combination suggests they are unlikely to have an adverse impact upon residential amenity which is in compliance with Policy ENV1 of Craven Local Plan which requires that proposals protect local amenity and prevent negative impacts through excessive lighting schemes. The proposed extension also aims to utilise low embodied energy materials which have a green-low carbon accreditation and are designed to have a low carbon impact which again complies with policies SD2, ENV3 and ENV9 which support projects which offer a good balance of economic, environmental and social benefits; promote low carbon design approaches and safe guard the amenity of local residents and communities.
- 7.13 Overall, the proposal is generally consistent with the principles of the NPPF which advises that developments should 'enhance the sustainability of communities and residential environments' as stated in paragraph 92 of the NPPF. Paragraph 127 of the NPPF emphasises decisions should ensure a high standard of amenity for existing and

future users. Additionally, the proposal is in compliance with the protection of amenity elements of Policy ENV3 of the Craven Local Plan which seeks to ensure that developments protect the amenity of existing residents and business occupiers as well as create acceptable amenity conditions for future occupants.

The Historic Environment – in relation to the setting of the listed building

- 7.14 A primary consideration in relation to this application is whether the proposal is appropriate in its location within the setting of the listed building. The general duty on the Planning Authority to have special regard to the desirability of preserving the setting of a listed building is within section 66 of the Planning (listed Buildings and Conservation Areas) Act 1990. The NPPF and PPG advice is that when determining planning applications, Planning Authorities should take account of the desirability of sustaining heritage assets and ensuring that new development makes a positive contribution to the local character and distinctiveness of an area. In addition to this, the NPPF also goes on to state that where the development proposal would lead to a less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
- 7.15 The objections from both the District Council and from the County Council's Principal Landscape Architect concerns the views of the Grade II Listed Saint Mary's Church which may become particularly open during winter months and that, therefore, views of the listed building are perhaps more open than had been suggested within the submitted application details. The school is located within a 40 metre distance of St Mary's Church. As such, it is noted that the character of the surrounding area and the main school building should be protected whilst acknowledging that the school needs to also function as an educational facility and its wider social role within the local community.
- 7.16 The Principal Landscape Architect in his consultation response objecting to the application, states that the intervisibility between the church and the school have been disregarded within the conclusions of the Heritage Statement. This is acknowledged, however, the response from the agent's heritage consultant dated 28th October 2020 provided further information which states that *'The church itself is set considerably back from the main road and features a thick line of trees along its southern boundary. As noted in our Heritage Impact Assessment dated July 2020, the thick treeline is considered to provide adequate screening and in the winter months, only glimpsed views of development beyond would be possible primarily comprising the existing school building (i.e. the extension itself would not be discernible in isolation and would form part of the wider existing development).'*' In accordance with NPPF Paragraph 194, an assessment is required of the degree of any harm to the significance of a designated heritage asset from development proposed within its setting. The application shows that the development will not physically harm the listed building and the positive contribution the church has to the village is noted. It is, however, noted that the visual impact to Saint Mary's Church is the greatest harm to the listed building through the removal of trees, which currently do offer a level of screening, which does trigger paragraph 194 of the NPPF. However, it is worth noting that the view is not direct as the proposed development is positioned south east of Saint Mary's Church and existing trees, shed and wall within the Church boundary do provide some screening. The existing modern school extensions dating from 1964 are also currently visible to the church from the east and from the footpath from the north east and west. Although the height of the boundary wall will increase, the proposed roof height would be lower than the existing school. Paragraph 192 of the NPPF notes that account should be taken of the positive contribution that conservation of heritage assets can make to a sustainable community. The effect of the proposed development directly to the church is limited to outlook. The qualities of the church and its overall contribution

to Carleton Conservation Area would be unaffected. Paragraphs 195 and 196 of the NPPF state that the balance of the proposal's 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, and acknowledges in Paragraph 201 that not all parts of a designated area will '*necessarily contribute to its significance*'. In this case, there is clear justification of providing a development which offers public benefit to the community through providing additional teaching space to the local school, which is oversubscribed. This benefit outweighs the less than substantial harm caused by the development in relation to the setting of the listed building which is sited approximately 40 metres away. This is supported through criterion B of Policy ENV3, Policy SD1 and Policy INF6 of the Craven District Local Plan. Along with paragraph 94 of the NPPF which states that great weight should be given to proposals which aim to expand or alter schools

- 7.17 Through the design elements proposed and through condition 11 as suggested below, the proposed design of the new classroom structure can be mitigated to ensure that it complies with the distinct identity and character of the listed building, Conservation Area and village as referenced in Policy ENV2 of the Craven Local Plan. The mitigation measures would also limit any level of harm caused by the design to any nearby designated structures, which is in compliance with paragraphs 193 and 194 of the NPPF through considering any impact the design of the structure may have on Saint Mary's Church through encouraging use of materials which complement the surrounding structures already existing.
- 7.18 It is considered that the any impact upon St Mary's Church by the proposed development is, on balance, outweighed by the gain of the educational establishment. The loss in relation to the views to Saint Mary's Church is less than substantial to the area. The main school building dating from the 19th century already has a positive impact on the area and would screen the development from road views. The outlook to Saint Mary's Church to the north and north east over the River Aire and pasture landscape, is noted as a strong contribution to the character and appearance of Carleton Village, in the Carleton Conservation Area Appraisal would be unaffected and would be retained.
- 7.19 As such, it is considered that the development would result in a less than substantial harm on the setting of Saint Mary's Church, and so complies with the NPPF and PPG for Section 16 '*Conserving and enhancing the historic environment*'. Any harm caused by the development to the alteration of views from Saint Mary's Church is outweighed by the benefit of providing much needed teaching space and associated facilities for the site. It is also consistent with NPPF para 94 because the public need for the optimal use of the school is given great weight. It is also in compliance with the criteria of policies ENV1 (G), ENV2 (E), ENV3 (B and D) and Policy INF6 of the Craven Local Plan by protecting and enhancing Craven District's "*character, biodiversity, and heritage*" and promoting positive change which benefits the local area through satisfying the needs of the community while it would not have a significant adverse impact on local heritage.

The Historic Environment – in relation to the conservation area

- 7.20 In relation to the Conservation Area, the Principal Landscape Officer considers that there are likely to be adverse impacts on landscape character, the loss of open space and the protection The setting of Carleton Conservation Area, views to and from Saint Mary's Church (Grade II listed) and retention (loss) of trees within a Conservation Area on the historic edge of settlement, were also considerations raised by both the District Council and the County Council's Principal Landscape Officer. The general duty on the Planning Authority to have special attention to the desirability of preserving or

enhancing the character or appearance of the Conservation Area is within section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

- 7.21 In considering the duty it is acknowledged that a section of the proposed development, in particular the northern wall of the proposed classroom, would be visible from the public footpath which runs adjacent and is partially viewed from Saint Mary's Church. However, due to the proposed positioning of the classroom (which is not directly in front of the Church), existing features of the school site including the walled playground to the west and the existing vegetation including trees and bushes around St Mary's Church and graveyard, a level of screening would remain. Further, as the site is within the limits of the Carleton Conservation Area, it is important to use materials and a design which is sympathetic to the character of the area to preserve the character of the designated area.
- 7.22 It is noted that the increase in height for the section of stone boundary wall to be replaced would be greater than currently exists, changing from 1.4 metres high to 3.6 metres in height for a section of wall with a width of 14 metres alongside the Public Footpath. However, it is considered that this, in itself, would not cause encroachment onto the public rights of way, nor would there be substantial changes to the outlook to the green historic edge of the settlement, nor would there be a detrimental impact on the visual amenity of the street scene or wider Conservation Area. Furthermore, although the field boundary walls are noted as being a contributing heritage feature within the Carleton Conservation Area as shown in the Carleton draft Conservation Appraisal (2016), they are not listed structures and have been adapted over the decades. The open landscape to the north of Carleton Primary School in relation to the development would be relatively unaffected. The development would not change the vistas across to Skipton and the Dales beyond looking north to north east from the footpath boundary. The Conservation Area boundary line would be changed as the northern elevation of the school wall would create the new border for the 14 metre section. However, this area of boundary wall has limited existing views both from within Carleton Conservation area and from outside the Conservation Area due to its location. It is also noted that the proposed northern elevation of the classroom that would form the boundary line would incorporate reclaimed stone to be sympathetic and match the remaining wall. The public right of way footpath would not be reduced in width and would remain 6 metres wide between the graveyard and where the proposed development is to be sited and therefore is compliant with criterion A of Policy ENV12. The open landscape which is referred to as making a strong contribution in the Conservation Area Appraisal to the north of the settlement boundary would be unaffected through the proposed development. The majority of views from the footpath, in particular views from the crossing at River Aire, would be uninterrupted. It is also worth noting that the existing boundary treatments to the north of the site and around Saint Mary's Church do already have slight variations in height, materials and style together with established trees and shrubs within the church and graveyard. The Carleton Conservation Area does have characteristics of using stone for walls and buildings as noted in the Conservation Area Appraisal, however, other building styles and materials are used in the locality. It is therefore considered that the proposed development and changes would be considerate and sympathetic to the character of the school and the Conservation Area and the proposal would utilise materials which would complement the existing styles of the area and existing school buildings. This would accord with criterion A of Policy ENV3 through understanding the features of both built and natural environment and criterion B of Policy ENV3 through respecting existing form.
- 7.23 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 and paragraphs 193 and 194 of the NPPF state that the balance of the proposal's 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*'. The loss of some sections of field boundary wall is noted and due to a section of wall being removed along with the three trees, in particular the Grade A Oak, the changes are deemed as less than substantial harm due to the removal aspects. However, these losses have tried to be minimised as far as possible by the applicant in limiting the size/ amount that is required to be removed. Paragraph 202 of the NPPF requires authorities to assess if the benefits of a proposal that would conflict with planning policies could outweigh the disbenefits of departing from those policies. In this case the removal of a section of wall and its replacement with a higher wall, and the loss of the trees, requires the proposal to be assessed against paragraph 194 of the NPPF and acknowledge conflict with Policy ENV2 of the Craven Local Plan as the proposal is not fully preserving the character of the Conservation Area in this area and therefore is in conflict with citation c) of policy ENV2, however, complicity would be gained through criterion B of Policy ENV3 as the proposed materials used within the design would try to respect the existing form of the local area. Furthermore paragraph 94 of the NPPF requires Planning Authorities to give '*great weight*' to proposals that seek to expand or alter schools' and facilities which are '*community*'. The proposal would allow continued enjoyment and use of the building and improve accessibility for the users of the school. On this basis, the balance between protecting designated assets (the Conservation Area) 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 Chapter 16 of the NPPF.

- 7.24 It is noted that the Planning Practice Guidance confirms that it is the degree of the works, rather than the scale, which determines the extent of the harm. It is considered that alternative options such as positioning the development to the east of the school would have a greater harm and more detrimental effect upon the openness to the Conservation Area. The aspects related to the proposal that conflict with criterion b) of Policy ENV2 of the Craven Local Plan are overcome through Policy INF6 with the need to support proposals for altered schools and the need to ensure sufficient choice of school places are available. 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.
- 7.25 In this instance, the harm to the significance of the designated asset through the changes to the outlook of the Conservation Area and changes to openness raised by the District Council and Principal Landscape Architect are considered to be outweighed by the public benefit identified. The loss of a grade A Oak is acknowledged to be less than desirable. Trees do contribute to the Conservation Area and the built environment in general. Criterion b) of Policy ENV1, states harm to one of the elements contributing to the significance of the conservation area will only be permitted where this is outweighed by the public benefits of the proposal. However, also within criterion b) of Policy ENV1 of the Craven Local Plan, it states that proposals which secure enhancement of natural or man made features, would receive support. Through condition 7, the removal of trees can be mitigated to enable the proposal to accord with the elements of Policy ENV1 in criterion b) and with criterion a) part V of Policy ENV4 of the Craven Local Plan through increasing tree numbers in the Conservation Area. Further support can be seen through criterion c) of Policy ENV2 in relation to additional tree planting as the mitigation for a 3 to 1 replacement scheme would make a positive

contribution to the character of the Conservation Area. Through this condition the level of intervisibility and any potential visual harm commented by both the District Council and the Principal Landscape Architect can potentially be mitigated and used to improve the appearance of the Conservation Area as currently screening to the east of the site is limited following tree felling (reference 2020/22118/TCA permitted by the District Council on 4th December 2020). On balance, the proposal is considered to be in keeping with the principles of the NPPF and the duty contained in Section 72 in relation to conservation areas of the Planning (Listed Building and Conservation Area) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. Here it is worth noting that the proposed development does not alter the appearance of the area to any significant degree with the change to the existing boundary wall nor amend the outlook of the Conservation Area because the design, scale and materials being proposed are deemed sympathetic to the area and can be further mitigated through condition 11 to ensure that the local distinctiveness of the character of the area is protected and visual impact managed. Therefore, in the absence of any evidence to suggest that the benefits the proposal would generate for the community could not be outweighed by any substantial harm generated by the development to the character of the Conservation Area, it is considered that the proposal should be supported and recommended for approval. On balance, the proposal is considered to be in accordance with the principles of the NPPF, NPPG, local policies ENV1, ENV3, ENV12 and INF6 and with the Planning (Listed Buildings and Conservation Areas) Act 1990.

Highways matters

- 7.26 The consideration of the impact of the proposed development upon the public highway has been considered and the proposed scheme does not alter the existing vehicular and pedestrian site access arrangement. Additionally, the proposal would not affect the car parking requirements or the car parking facilities for the school and, as such, would have no impact on highway safety or the need for increased parking provision as considered in Policy INF4 of the Craven Local Plan.
- 7.27 The Highway Authority has raised no objections or concerns to the proposed scheme. Therefore, it is considered that the proposed development would have no adverse impact upon the public highway as the development would not affect the existing parking facilities on site. The temporary site access would be managed through proposed conditions 3, 4, 5, 6 and 15 to ensure that access times do not clash with school drop off or pick up times. Therefore, it is considered that the proposed development would be acceptable due to any potential impacts upon the public highways being short term and limited to the construction and implementation of the proposed development.

8.0 Conclusion

- 8.1 The assessment of material considerations within the overall 'planning balance' has been conveyed within Section 7.0 above. The proposed development receives support, or avoids conflict with, a number of 'development plan' policies as identified within the preceding sections of this report such as those policies which seek to prevent, minimise or mitigate against a number of potential harms.
- 8.2 Even with satisfactory implementation of the range of mitigation measures, there is also anticipated to be a certain degree of visual impact, particularly with regard to removal of assets which contribute to the conservation area, as explained earlier in this report. The identified effects of the proposed development are acknowledged to have certain degrees of impact upon the character of the area within the vicinity of the

proposed development. However, it is noted, there exists the consideration of the potential for harm to the landscape in general with less than substantial harm to heritage assets.

- 8.3 Very rarely are developments entirely without harm, or entirely without benefit. The question has to be one of balancing the important considerations and consequential areas of policy conflict against those arguments that weigh in favour of the proposed development and whether any of the identified harms, together or individually, warrant a determination that the proposed development is either in conflict or compliant with the 'development plan' as a whole.
- 8.4 The necessity to provide a solution to provide the current and future needs of the community in terms of school places following housing development in the area and the additional space required to ensure the functionality of the school continues to a high standard is compelling. The arguments for improvements to the school which are seen as a public benefit are considered to be sufficiently persuasive.
- 8.5 Therefore, the construction of an additional teaching space, is acknowledged is seen as a vital consideration. Provided any potential benefits of the proposal are maximised and any harms are avoided/minimised, mitigated or compensated for, is considered to be acceptable 'in principle' and, moreover, one of sufficient importance to materially outweigh other considerations which have been referred to in the paragraphs in Section 7 above; so much so that a decision in favour of its acceptability can be recommended in this particular instance.
- 8.6 When weighed in the 'planning balance', relating to the extant policies against which this proposal must be assessed, it is for the reasons explained in the preceding paragraphs, that the development, while giving rise to a degree of conflict with a number of policies, is, nevertheless, one for which there exists overriding public benefit; in particular the need to expand and alter schools and provide sufficient choice of school places for the community which are considered to outweigh conflicts that have arose through design and heritage matters.
- 8.7 For the reasons mentioned above, there are no material planning considerations to warrant the refusal of this application for the erection of a single storey classroom extension (113sq.m), open sided canopy (9sq. m), installation of 3no. Velux roof lights, external paving and associated landscaping (40sq.m) and removal of 4No trees with compensatory replacement works.
- 8.8 Obligations under the Equality Act 2010
The County Planning Authority in carrying out its duties must have regard to the obligations placed upon it under the Equality Act and due regard has, therefore, been had to the requirements of Section 149 (Public Sector Equality Duty) to safeguard against unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Act. It also requires public bodies to advance equality of opportunity between people who share a protected characteristic and people who do not share it; and foster good relations between people who share a protected characteristic and people who do not share it. It is considered that the proposed development would not give rise to significant adverse effects upon the communities in the area or socioeconomic factors, particularly those with 'protected characteristics' by virtue that the impacts of the proposal can be mitigated so that they would not have a significant impact on groups with 'protected characteristics'.

8.9 Obligations under the Human Rights Act

The Human Rights Act requires the County Council to take into account the rights of the public under the European Convention on Human Rights and prevents the Council from acting in a manner which is incompatible with those rights. Article 8 of the Convention provides that there shall be respect for an individual's private life and home save for that interference which is in accordance with the law and necessary in a democratic society in the interests of (inter alia) public safety and the economic wellbeing of the country. Article 1 of protocol 1 provides that an individual's peaceful enjoyment of their property shall not be interfered with save as is necessary in the public interest.

- 8.10 Having had due regard to the Human Rights Act, the relevant issues arising from the proposed development have been assessed as the potential effects upon those living within the vicinity of the site namely those affecting the right to the peaceful enjoyment of one's property and the right to respect for private and family life and homes, and considering the limited interference with those rights is in accordance with the law, necessary and in the public interest.

9.0 Recommendation

9.1 For the following reason(s):

- i. the proposed development would not result in an adverse impact upon local amenity;
- ii. it is considered that the proposed development will not adversely affect the character of the local area, the setting of the listed building or the Conservation Area;
- iii. the proposal is in compliance with the National Planning Policy Framework, the National Planning Practice Guidance and with extant Policies SD1, SD2, ENV1, ENV2, ENV3, ENV4, ENV9, ENV12, INF2, INF3, INF4 and INF6 of the Craven Local 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.

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 07/09/2020 and the following approved documents and drawings:

<u>Ref.</u>	<u>Date</u>	<u>Title</u>
19027.A.020 P2	10/03/2020	Proposed Site Plan
19027.A.010 P1	10/03/2020	Existing Site Plan
19027.A.030 P3	08/04/2020	Proposed External Works
19027-A-040 P3	22/06/2020	Proposed Contractors Compound and Site Plan
19027-A-025 P2	27/07/2020	Existing Block Plan
19027-A-026 P3	27/07/2020	Proposed Block Plan
19027-A-045 P2	27/07/2020	Enabling and Demolition Plan
19027-A-125 P2	31/07/2020	Existing Roof Plan
19027-A-130 P3	27/07/2020	Proposed Rood Plan

19027.A.001 P2	10/03/2020	Location Plan
19027-A-220 P3	27/07/2020	Existing and Proposed Elevations
DOC2021-46	July 2020	Heritage Impact Assessment
E3354 19027 P4	20/11/2020	Planning Design and Access Statement
BS5837 BA9922AIA	27/07/2020	Arboricultural Impact Assessment
BA9922TS	21/07/2020	Tree Survey & Constraints Plan
BA9922AIA	27/07/2020	Arboricultural Impact Assessment (AIA)
BA9922AIA	27/07/2020	Tree Protection Plan (TPP)
APP-20-06	August 2020	Preliminary Ecological Appraisal by Naturally Wild
S200619	July 2020	Phase 2: Site Investigation

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

3. No construction works shall take place except between the following times: 0800 – 1800hrs Monday to Friday;
0800 – 1200hrs Saturdays
And no construction operations shall take place on Sundays or Bank/Public Holidays.

Reason: In the interest of public amenity.

4. During construction works there shall be no:
Light goods vehicles exceeding 3.5 tonnes;
Medium goods vehicles up to 7.5 tonnes;
Heavy good vehicles exceeding 7.5 tonnes
Permitted to arrive, depart and be loaded between the hours of 08:00-09:00 and 15:00-16:00 on Mondays to Fridays during term time.

Reason: In the interests of both vehicle and pedestrian safety and the visual amenity of the area.

5. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the County Planning Authority in consultation with the Highway Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the County Planning Authority in consultation with the Highway Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the County Planning Authority in consultation with the Highway Authority agrees in writing to their withdrawal

Reason: To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.

6. Public access to the public rights of Way is to be retained during the development period, it shall be kept free from obstruction and all persons working on the development site must be made aware that a Public Right of Way exists, and must have regard for the safety of Public Rights of Way users at all times.

Reason: in the interests of public safety and local amenity.

7. Prior to commencement of the development, full details of soft landscape works must be submitted to and approved in writing by the County Planning Authority, which shall include a scheme for compensatory tree planting at a ratio of 3 replacement trees for every tree removed.

The scheme as approved shall be carried out in the first planting season following completion of the development. Any trees, shrubs or plants that die within a period of five years from completion of the development, or are removed and / or become seriously damaged or diseased in that period, shall be replaced (and if necessary continue to be replaced) in the first available planting season with others of a similar size and species, unless the County Planning Authority gives prior permission for any variation.

Soft landscape works shall include:-

- (a) planting plans
- (b) written specifications (including soil depths, cultivation and other operations associated with plant and grass establishment) and
- (c) schedules of plants noting species, planting sizes and proposed numbers/densities, means of support and protection.
- (d) details of maintenance and aftercare

Reason: *In the interest of public amenity*

8. Within three months of a decision notice, a scheme detailing foul and surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The scheme shall detail phasing of the development and phasing of drainage provision, where appropriate. Principles of sustainable urban drainage shall be employed wherever possible. The works shall be implemented in accordance with the approved phasing. No part or phase of the development shall be brought into use until the drainage works approved for that part or phase has been completed.

Reason: *To ensure the provision of adequate and sustainable means of drainage in the interests of amenity and flood risk*

9. Upon completion of the construction works the area of playing field on which the temporary access has been utilised shall be reinstated to its previous condition.

Reason: *In the interests of amenity and to ensure that the development is carried out in accordance with the application details.*

10. Tree clearance works should be carried out outside of the nesting season, which is defined as running from March to August, inclusive. If this is not feasible for any reason, a nesting bird survey must be carried out by a suitably qualified ecologist shortly prior to the start of works to ensure no active nests are present. In the event that any active nests are found during this survey or at any point during the works, a suitable exclusion zone should be put around the nest, with no work taking place in this area until such time as the nest can be confirmed as no longer active.

Reason: *To protect habitats and the local environment.*

11. No development shall commence on site until full details of building materials including reclaimed stone and artificial stone samples have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details.

Reason: *To safeguard the character of the site and conservation area in the interests of visual amenity.*

12. No works shall commence until all existing trees, hedges, bushes shown to be retained on the approved plans are fully safeguarded by protective fencing and ground protection in accordance with approved plans and specifications and the provisions of British Standard 5837 (2012) Trees in relation to design, demolition and construction, unless otherwise agreed in writing by the County Planning Authority. Such measures shall be retained for the duration of any demolition and/or approved works.

Reason: *to protect habitats and the local environment.*

13. No works or development shall commence until a written arboricultural method statement for a tree care plan has been submitted to and approved in writing by the County Planning Authority. Works or development shall then be carried out in accordance with the approved method statement.

Reason: *to protect the local environment and habitats.*

14. No equipment, machinery or materials shall be used, stored or burnt within any protected area. Ground levels within these areas shall not be altered, nor any excavations undertaken including the provision of any underground services, without the prior written approval of the County Planning Authority.

Reason: *to protect local amenity and the environment.*

15. Seven days written notice shall be given to the Local Planning Authority that the tree, site and construction site protection measures are in place prior to demolition and/or approved works, to allow inspection and approval of the works.

Reason: *To protect local amenity and the environment.*

16. Any removal of trees shall be undertaken outside the bird-nesting season (March to August inclusive for most species). If this is not possible a nesting bird survey must be carried out by a suitably qualified ecologist shortly prior to the start of works to ensure no active nests are present. In the event that any active nests are found during this survey or at any point during the works, a suitable exclusion zone should be put around the nest, with no work taking place in this area until such time as the nest can be confirmed as no longer active.

Reason: *In the interests of protecting wildlife and their habitats.*

No works are to be undertaken which will create an obstruction, either permanent or temporary, to the Public Right of Way adjacent to the proposed development. Applicants are advised to contact the County Council's Access and Public Rights of team at County Hall, Northallerton via paths@northyorks.gov.uk to obtain up-to-date information regarding the line of the route of the way. The applicant should discuss with the Highway Authority any proposals for altering the route.

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.

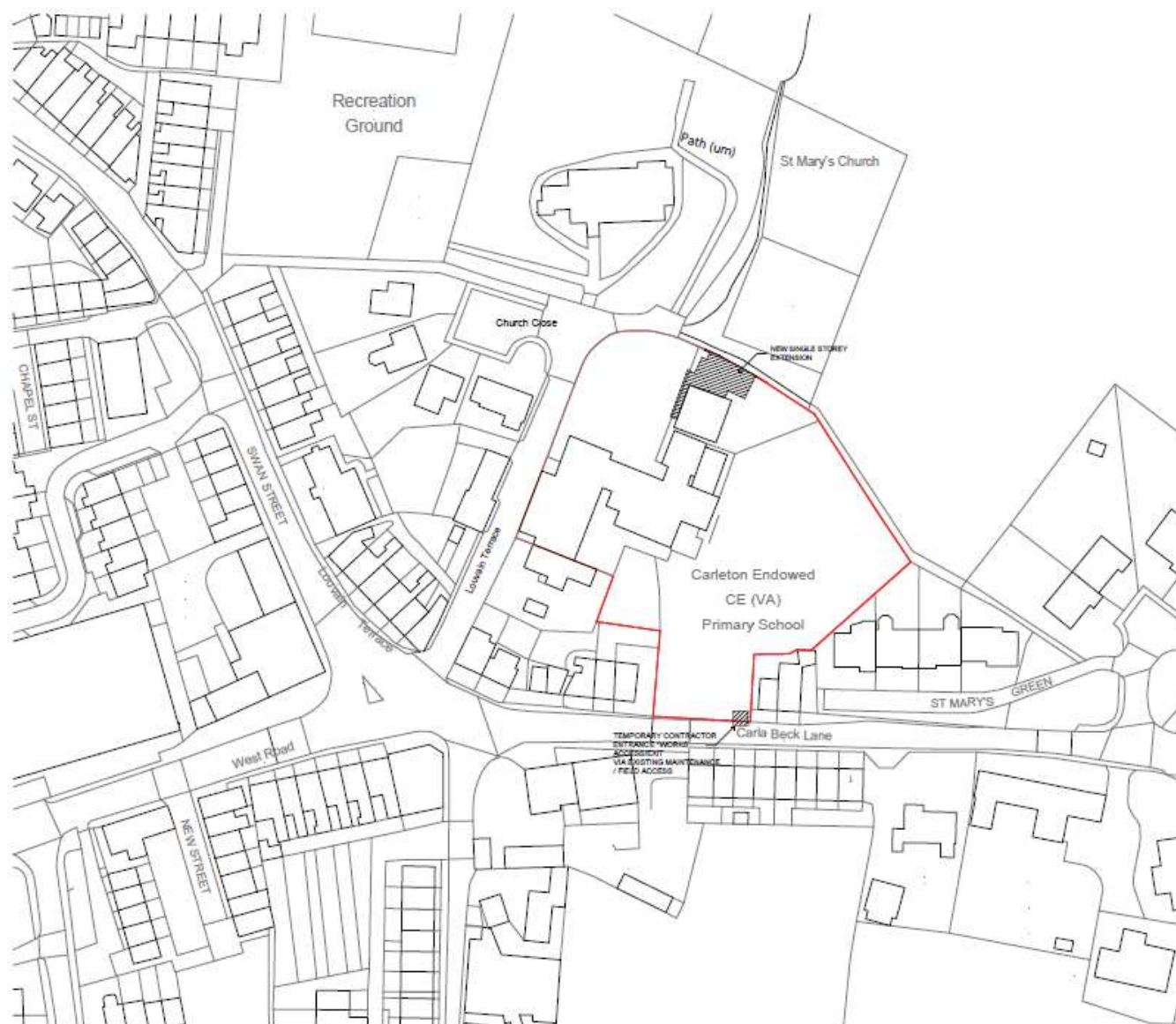
K BATTERSBY

Corporate Director, Business and Environmental Services
Growth, Planning and Trading Standards

Background Documents to this Report:

1. Planning Application Ref Number: C5/2020/22061/NYCC (NY/2020/0135/FUL) registered as valid on 07/09/2020. 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.

Author of report: Emma Coverdale



Location Plan
Scale 1:500

[illegible]

SITE ADDRESS:-
Carlisle Endowed C.E. Primary School,
Carlisle in Craven,
Skipton,
N Yorksire
BD23 3DE
OS Mapping Ref SD 87345-46727

KEY:-

20	10/20/2018	0.00	0.00	0.00
21	11/20/2018	0.00	0.00	0.00
22	12/20/2018	0.00	0.00	0.00



Most View: 20/20/2018, 10/20/2018, 11/20/2018

10/20/2018 11/20/2018

North Yorkshire County Council

Carlton Endowed CE Primary School
Stoke Classroom Extension

(Viewing in
Location Plan)

PLANNING				
Project	Phase	Location	Approved	Notes
Project Name	Phase	Location	Approved	Notes
Stoke Classroom Extension	1	10	10	10
Stoke Classroom Extension	2	10	10	10

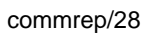
Project Name: STOKES CLASSROOM EXTENSION

Project Location: STOKES CLASSROOM EXTENSION

Project Phase: 1

Project Approved: 10

Project Notes: 10



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North Yorkshire County Council

Planning and Regulatory Functions Committee

9 February 2021

Items Dealt with under the Scheme of Delegation

Report of the Corporate Director – Business and Environmental Services

The Items reported below have been determined between:
20 October 2020 to 06 December 2020 Inclusive

A. County Council Development

NY/2020/0171/73 (C2/20/02369/CCC)

**Broomfield School, Broomfield Avenue,
Northallerton, North Yorkshire, DL7
8RG**

Decision Notice: 03 Dec 20

Retention of prefabricated classroom unit 1053 for a further 6 years (74 sq. metres)

PLANNING PERMISSION GRANTED subject conditions

NY/2020/0161/CLW (C5/20/22166/NYCC)

**Eller Beck Bridge, Water Street,
Skipton, North Yorkshire, BD23 1PQ**

Decision Notice: 23 Nov 2020

Application for a Certificate of Lawfulness for masonry and parapet repairs to the south arch of Eller Beck Bridge. Existing stone to be reused where practicable and any new stone to match existing in texture, density and colour.

CERTIFICATE ISSUED

NY/2020/0153/FUL (C2/20/02339/CCC)

**South Block, County Hall, Racecourse
Lane, Northallerton, North Yorkshire**

Decision Notice: 03 Dec 2020

Removal of 2 No. fans with cowls to South Block mansard roof and installation of replacement cowls only

PLANNING PERMISSION GRANTED subject conditions

NY/2020/0150/NMT

**Brompton On Swale Church Of England
Primary School, Brompton Park,
Brompton On Swale, DL10 7JW**

Decision Notice: 03 Nov 2020

Application for a non-material minor amendment for the electrical kiosk to be changed in construction and reduced in size to a GRP kiosk which relates to planning permission C1/19/00498/CM

Details APPROVED

NY/2020/0144/FUL (C1/20/00709/CM)

**Wensleydale School, Richmond Road,
Leyburn, DL8 5HY**

Decision Notice: 12 Nov 2020

Demolition of an existing single storey extension (8 sq. metres) and erection of new three storey purpose built lift shaft (6.1 sq. metres).

PLANNING PERMISSION GRANTED subject conditions

NY/2020/0133/73 (C6/20/04412/CMA)

**Bishop Monkton CE Primary School, St
John's Road, Bishop Monkton, North
Yorkshire, HG3 3QW**

Decision Notice: 26 Nov 2020

Variation of condition No. 1 of Planning Permission C6/17/03544/CMA for the permanent retention of a steel storage container

PLANNING PERMISSION GRANTED subject conditions

NY/2020/0110/FUL (C6/20/04025/FUL)

**Scotton Lingerfield Community Primary
School, Market Flat Lane, Scotton, HG5
9JA**

Decision Notice: 26 Nov 2020

Erection of 1.5 m high mesh perimeter fencing, 3 No. 1.5 m high gates and an increase to the boundary wall height to 1.5 metres.

PLANNING PERMISSION GRANTED subject conditions

NY/2020/0058/FUL (C3/20/00369/CPO)

**Malton School (West Wing), Middlecave
Road, Malton, YO17 7NH**

Decision Notice: 13 Nov 2020

Erection of a single storey classroom block (423 sq. metres), erection of a canopy (110.7 sq. metres), perimeter footpath (37.6m sq. metres), hardstanding (19.4 sq. metres), existing path to be relayed with new paving slabs (167.6 sq. metres), 2 metre high weld mesh fence and gates, external lighting and soft landscaping works.

PLANNING PERMISSION GRANTED subject conditions

B. County Matter Development

NY/2020/0117/FUL (C2/20/01936/CCC)

**Land to the south of Forest Lane, Alne,
YO61 1TU**

Decision Notice: 27 Nov 20

Construction and operation of a combined heat and power plant (1115 sq. metres)

PLANNING PERMISSION GRANTED subject conditions

NY/2019/0201/A27

**Land at Former Kellingley Colliery,
Turvers Lane, Kellingley, Selby, WF11
8DT**

Decision Notice: 13 Nov 20

Application for the approval of details reserved by condition No 44 of Planning Permission Ref. C8/2017/0455/CPO which relates to material samples.

Details APPROVED
NY/2018/0184/A27

**Went Edge Quarry, Smeaton Industrial
Estate, Kirk Smeaton**

Decision Notice: 04 Nov 2020

Retrospective Application for the approval of details reserved by condition No. 3 of Planning Permission Ref. C8/45/13AB/PA which relates to the re-location of the mineral washing plant.

Details APPROVED

To access the planning application details, consultation responses and a copy of the report and decision notice containing any planning conditions relevant to the development please access the County Council's Online Planning Register at the following web address:

<https://onlineplanningregister.northyorks.gov.uk/register/PlanAppSrch.aspx>

(Please enter the planning application reference number (NY/...) into the 'Application Reference' field).

KARL BATTERSBY
Corporate Director – Business and Environmental Services

Author of Report: Alice Gill

Background Documents: None

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