



Agenda

Notice of a public meeting of

Planning and Regulatory Functions Committee

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

Date: Thursday, 29th April, 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. **Welcome, Introductions and apologies**
2. **Minutes of the Meeting held on 13 April 2021** (Pages 3 - 8)
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 Monday 26 April 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:-

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

Website: www.northyorks.gov.uk

- 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. **C3/20/01057/CPO - Planning application for the erection of a temporary building (6 years) for office use (20 sq. metres) on land at Settrington C Of E Primary School, Chapel Road, Settrington, Malton** (Pages 9 - 30)
6. **Other business which the Chairman agrees should be considered as a matter of urgency because of special circumstances.**

Barry Khan
Assistant Chief Executive
(Legal and Democratic Services)

County Hall
Northallerton

21 April 2021

The next formal meeting of the Committee is scheduled to take place at 10am on Tuesday 18th May 2021 – papers for this meeting will be published in due course and Members will be advised accordingly.

For all enquiries relating to this agenda or to register to speak at the meeting, please contact Stephen Loach, Democratic Services Officer on Tel: 01609 532216 or by e-mail at: stephen.loach@northyorks.gov.uk

North Yorkshire County Council

Planning and Regulatory Functions Committee

Minutes of the meeting held remotely via Microsoft Teams on 13 April 2021 at 10.00 am.

Present:-

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

Apologies were submitted by County Councillors David Hugill and Robert Heseltine.

One Member of the public was in attendance.

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

202 Welcome and Introductions

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

203. Minutes of the meeting held on 30 March 2021

Resolved -

That the Minutes of the meeting held on 30 March 2021, 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.

204. Declarations of Interest

There were no declarations of interest.

205. 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 applications below, there were no questions or statements from members of the public.

206. C8/2020/1036/CPO - Planning application for the erection of timber shelter (20.25 sq. metres) and hardstanding (24 sq.metres) to create recreational space on land at Longmans Hill CP School, Myrtle Avenue, Selby

Considered -

The report of the Corporate Director, Business and Environmental Services requesting Members to determine a planning application for the erection of timber shelter (20.25 sq. metres) and hardstanding (24 sq.metres) to create recreational space on land at Longmans Hill CP School, Myrtle Avenue, Selby.

The application was subject to an objection having been raised in respect of this proposal on the grounds of proposed location having effects on residential amenity and was, therefore, reported to this Committee for determination.

Jan Elcock (Headteacher) of Longmans Hill CP School provided the following statement directly to the Committee:-

Thank you for the opportunity to present a case on behalf of Longman's Hill School, Selby.

Our application is to add a 3 sided, open-fronted wooden structure to an already existing paved hardstanding. The wooden structure will be built on top of the low 3 sided wall (which is already in existence on the hardstanding) to create a covered shelter. This is located directly adjacent to our current playground and its back wall, which would be closest to the school boundary fence, will be 7.35m from the boundary. The total height when complete will be just 2.8m. We do not believe this will have any negative impact on neighbouring properties or gardens due to the low height, and overall distance from our boundary.

The shelter will be used as a break out space/ mindfulness area for all of our pupils to access. The location has been chosen because it is next to the playground, allowing pupils to access this freely at breaks/ lunch times whilst still under the supervision of staff monitoring the main playground area. Additionally, it is close to an area of trees on the premises, providing a unique opportunity for children to immerse themselves in the bird life whilst using the shelter.

The mindfulness shelter will be a much used resource at our school. We are supporting increasing numbers of children with mental health issues and the school closures and lockdowns this year have only magnified this issue. Promoting wellbeing and positive mental health is at the core of what we offer as a school. Ofsted are clear that schools must provide a broad and balanced curriculum and that developing children's 'character' should be a core feature of what a school offers. We believe that by offering children opportunities to learn to self-regulate and manage their feelings, we can meet this agenda.

The children have contributed to the design of this shelter and are excited about the project. We have had to complete numerous fundraising initiatives in order to be able to fund this project. The impact of this space will be significant; it will provide a quiet space for children to sit and reflect and just have some time to themselves out of very busy school days.

We hope that this planning application will be given appropriate consideration and we thank you for your time.

A representative of 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.

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

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

- Clarification was provided in relation to the location and footprint of the proposed shelter and its proximity to the nearest residential properties.
- Members noted that the location of the proposed shelter was already utilised as a playground for the school, therefore, the noise from the children playing was likely to be lessened by the shelter having side walls and a roof.
- It was noted that the shelter would not be visible from the front entrance of the school.
- Members were satisfied that the issues raised in objection to the application in relation to noise were fully addressed in the report.
- Members considered that the provision of the shelter would be a useful attribute to the school with it being available for outdoor lessons, and emphasised that it would only be utilised during school hours.
- It was clarified by the Head teacher that there had been no noise complaints submitted to the school from the nearby properties.
- It was considered inevitable that children would generate noise when in the playground, but the school was an intrinsic part of the local community, and the application would enhance the facilities and be of benefit to the school.

Resolved –

That the application be approved for the reasons stated in the report and in accordance with the Conditions outlined.

207. Application for the issue of a general safety certificate under the Safety of Sports Grounds Act 1975 in respect of the designated ground at the Harrogate Town Football Club, Wetherby Road, Harrogate.

Considered -

The report of the Corporate Director, Business and Environmental Services requesting Members to determine an application for the issue of a general safety certificate under the Safety of Sports Grounds Act 1975 in respect of the designated ground at the Harrogate Town Football Club, Wetherby Road, Harrogate.

The Divisional Trading Standards Officer presented the Committee report setting out the Regulation of Sports Grounds, the requirements of the Regulations and the County Council's role in relation to the issuing of issuing general safety certificates.

A description of the ground, details of inspections carried out in respect of the application, information in relation to the applicant, consultations that had taken place as a result of the application, the requirement for advertising following the issuing of a general safety certificate and the content of the certificate, were all outlined in the report and detailed in appendices to the report.

Members undertook a discussion of the application and the following issues and points

were highlighted during that discussion:-

- A Member asked how the issue of Match Day Stewards not been in attendance when they were required would be addressed. In response it was stated that the Stewards were provided through a contract with the Club, and more could be deployed on request. Should there be an issue in relation to accessing the ground, the kick-off could be delayed until sufficient Stewards arrived. There was also an opportunity to redeploy Stewards from less essential parts of the ground.
- In respect of the issue highlighted in the report regarding debris accumulating under the stand, it was stated that the issue was monitored continuously, including during match days, with issues reported back. It was emphasised took this issue very seriously in terms of fire safety, and made every effort to keep the area clear of debris.
- It was clarified that the ultimate responsibility for the safety of the ground lay with the Chairman and Board, despite the identification of the Safety Officer within the documentation.
- A Member asked why a COVID attendance plan was not included within the report. In response it was stated that this was in place as a separate document and had been developed through all the appropriate bodies and organisations, alongside the FGSA. The plan had been used earlier in the season when fans had been allowed into the ground. It was stated that the document could be provided to Members on request.
- A Member asked how this upgrade placed the club in comparison to other teams. In response it was stated that the Club had developed from a relatively small local team to the Football League, with the ground developed to match that achievement. The safety certificates were necessary in line with that expansion and enhancement. The development of the team was good for North Yorkshire.
- It was clarified that the maximum capacity for the ground was 5001.
- A Member asked whether contingency plans were in place for the team playing a club that would attract an attendance beyond the capacity. In response it was stated that such an occasion would be carefully controlled through ticketing arrangements. It was asked whether arrangements were in place for numbers of fans arriving without tickets on such occasions. In response it was outlined that on such occasions the situation would be managed by the Safety Advisory Group and led by the Police, using surveillance and intelligence provided to ensure the event was managed appropriately. A Member suggested that such an event was likely to be staged at a neutral venue, but other Members considered that would not be the case.
- In response to a Member it was stated that the certificate was issued on an indefinite basis. Amendments could be made to it, however, under delegated powers, with those being reported back to the Committee.

Resolved –

- (i) that a general safety certificate under the Safety of Sports Grounds Act 1975 be issued to Garry Plant in respect of the Harrogate Town Football Club subject to the condition that the COVID plan be a part of the operational plan.
- (ii) that Officers review the terms of the general safety certificate at least annually and make any amendments to capacity as required under the Officers' Delegation Scheme, with any amendments reported to the Planning and Regulatory Functions Committee following the annual meeting of the multi-agency Safety Advisory Group.

208. Publication by Local Authorities of Information about the handling of Planning Applications

Considered -

The report of the Corporate Director - Business and Environmental Services outlining the County Council's performance in the handling of 'County Matter' and County Council development planning applications for Quarter 3, the period 01 October to 31 December 2020.

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

Resolved -

That the report be noted.

The meeting concluded at 11.00am

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North Yorkshire County Council

Business and Environmental Services

Planning and Regulatory Functions Committee

29 APRIL 2021

**C3/20/01057/CPO - PLANNING APPLICATION FOR THE PURPOSES OF THE
ERECTION OF A TEMPORARY BUILDING (6 YEARS) FOR OFFICE USE (20 SQ.
METRES) ON LAND AT SETTRINGTON C OF E PRIMARY SCHOOL,
CHAPEL ROAD, SETTRINGTON, MALTON
YO17 8NB
ON BEHALF OF THE HEADTEACHER
(RYEDALE DISTRICT) (NORTON ELECTORAL DIVISION)**

Report of the Corporate Director – Business and Environmental Services

1.0 Purpose of the report

- 1.1 To determine a planning application for the erection of a temporary building (6 years) for office use (20 sq. metres) on land at Settrington C Of E Primary School, Chapel Road, Settrington, Malton YO17 8NB on behalf of the Head Teacher.
- 1.2 This application is subject to objections having been raised in respect of this proposal on the grounds of impact on landscape and the Conservation Area and is, therefore, reported to this Committee for determination.

2.0 Background

Site Description

- 2.1 Settrington All Saints CE Primary School is an educational facility which teaches children between the ages of 4 and 11 years of age. The School is constructed of both brick and local stone and has a Victorian architectural style and appearance. The school was previously extended in the late 1990s, 2007 and 2017 to provide additional teaching accommodation.
- 2.2 The school is located at a T-junction in the centre of the village of Settrington. The school stands on the northern side of Chapel Road and the nearest residential properties are those immediately to the west of the site, approximately 30 metres to the south east on the opposite side of the road and approximately 50 metres west, with the garden adjacent to the school, from the application site. The main school building is less than 9 metres from the public highway and the school boundary is less than 4 metres from the public highway. The playing field lies to the north of the main school building. The surrounding land to the north and east is open fields in agricultural use. The playground to the front of the school is enclosed by a white picket fence. The school has paid for use of the car park at the Village Hall, located across Chapel Road to the west of the 'T' junction so staff have somewhere safe to park their cars.
- 2.3 The school is not within a flood zone or designated environmental site. The school is located within the designated Settrington Conservation Area. A number of the houses within the Conservation Area are Grade II listed, this does not include the school building.

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

Planning History

2.5 The planning history relating to the proposed development site relevant to the determination of this application is as follows: -

- C3/17/01217/CPO, 27 September 2017. Demolition of existing HORSIA building (80m²) erection of single storey building (187m²) for purpose of classroom, kitchen and dining hall with 12no photovoltaic panels on south elevation, erection of canopy (26m²), erection of stone kiosk (5m²) creation of footpath, 4no external steps, relocation of 3no bins, installation of temporary classroom unit for the duration of the works (43m²) hard and soft landscaping (270m²). Granted 4 December 2017 and implemented.

3.0 The proposal

- 3.1 Planning permission is sought for the erection of a temporary building (6 years) for office use (20 sq. metres) on land at Settrington C Of E Primary School, Chapel Road, Settrington, Malton YO17 8NB on behalf of the Headteacher.
- 3.2 Settrington Church of England Primary School was appointed as a Research School in 2017, and as such provides support for schools in the area. As a result of this appointment meetings are held at the school site for the benefit of associated schools. The number of pupils attending the school is growing so the requirements for space for the pupils and these meetings has resulted in a reduction of space for the administration staff and the Headteacher. The current capacity of the school is 63 pupils but currently the numbers are up to 80 pupils. Recent pupil additions have been through appeal or because the school has been advised by the Local Authority that they could lose the appeal. The school often overtakes their Published Admission Number, (PAN), in reception as by the time the school has taken siblings of existing pupils from the catchment area the PAN is exceeded.
- 3.3 The proposal is to provide a new office building at the front of the school which will be used to host 'Research School' meetings and events and will also provide a facility for the Headteacher to hold consultations with parents. The wooden horses and artificial grass, currently occupying the space, will be moved prior to the installation of the proposed office. Considering the site as a whole there is no other location available for the proposed development. The field to the rear of the school is rented and not owned by the school. The area to the west of the school needs to be left clear as it is the access route for emergency services in case of fire in the kitchen building at the back of the school. The area to the east at the rear of the school is under power lines and is a key part of the children's play area as it is a football pitch.
- 3.4 During the previous development at the school, which was for a classroom rebuild and new kitchen in a new building to the rear of the school, a temporary Early Years classroom was erected at the front of the school, this was in place for 24 weeks while the new development was built. The proposed new office would be sited in the same position, in the south east part of the school site separate to the main school building, but would have a reduced footprint compared to the previous Early Years classroom, the new office would be 3.34 metres by 5.88 metres giving a total of 19.64 metres squared, which is approximately a third of the size of the previous temporary building.
- 3.5 The building is proposed to be constructed from sustainable timber and placed on LABC approved concrete plinths as a foundation so no excavation will be required, this will ensure that, if required, the building can be removed in one piece without any

lasting impact on the playground tarmac where it was sited. The walls are proposed to be made of solid timber engineered logs treated with weatherproof Osmo oil (light or dark oak stain) and the roof made up of shingle bitumen tiles, triple layered over weatherproof membrane on 24mm OSB. The windows are proposed to be double glazed units with painted wooden frames and the unit would have a wooden stable door. The lighting in the building would be in the form of a PIR operated LED strip lighting and no toilet facilities are proposed to be provided in the building. The opening times for the building would align with the school opening times of 8:15 in the morning until 16:15 in the afternoon on weekdays only. Due to the size of the building it is expected that the maximum number of people at any meeting will be no more than six. Any external parties attending these meetings will be able to park in the Village Hall car park across the road from the school, which the school has paid for the use of, and so there will be no impact on the public highway.

- 3.6 The north and south elevations are proposed to be 3.34 metres long and the east and west 5.88 metres long. The highest point of the roof would be 3.10 metres, with a width of 3.70 metres. The eastern wall would be near the eastern boundary fence of the school and would not include a window, the southern wall would be near the southern boundary fence and would include a window, the western wall would face into the playground at the front of the school with a window and a 1.43 metre covered entry point recessed into the building. The northern wall would be nearest the school building with a 1.0 metre recessed entry point under a covered canopy which includes the stable door into the unit.
- 3.7 Settrington School is situated within the Settrington Conservation Area and the design statement states that the office has been designed to fit sympathetically within its rural location. There are several examples of ancillary timber buildings around the village. The removable plinth foundations would be placed directly onto the existing tarmac yard. All door/window frames would be painted to match the school's existing paintwork. High quality roof shingles will produce a tiled effect. The walls would be constructed from sustainably sourced, engineered spruce timber logs which would be oak stained.

4.0 Consultations

The consultee responses summarised within this section of the report relate to responses to consultation undertaken on the 29 October 2020.

- 4.1 **Settrington Parish Council** - responded on 16 November 2020 and stated that they had no objection to the proposal.
- 4.2 **Ryedale District Council (Planning)** – responded on 19 November 2020 stating that *‘the School is within Settrington Conservation Area, the School is a very characterful 19th century building and makes a significant positive contribution to the Conservation Area and could be described as a Non Designated Heritage Asset. It is situated in a prominent position close to the road but also visually end stopping a ‘T’ junction giving both long and clear and public views, it has a balanced appearance and is single storey. The character of the Conservation Area is predominantly a rural village set in a wider agricultural landscape. It features predominantly domestic buildings to include stone built cottages and houses. The Conservation Area does feature timber buildings however these are traditionally constructed ancillary domestic outbuildings set in secondary/tertiary locations within domestic curtilages. They are generally unheated and without power.*

- 4.3 *The siting of the cabin is in a very prominent position and will be clearly viewed from public areas. It will create a visual distraction and result in a cluttered and alien appearance. It will create a discordant and intrusive feature in front of the balanced distinctive single storey building. The proposed development will neither preserve or enhance the conservation area and will cause harm to the designated heritage asset and also to the setting of the non-designated heritage asset.'*
- 4.4 *'Due to the prominent position of the proposed structure the degree of harm caused is on the mid/high point of less than substantial. According to the paragraph 193 of the NPPF '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. Paragraph 194 states '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.' Paragraph 196 states 'Where a development proposal will lead to less than substantial harm to the designation of the designated asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.' In conclusion, no heritage benefit has been justified or identified in this application and harm is caused to the Conservation Area. The District Council has strong objection to the siting of this cabin in this prominent position. Every effort should be made to site the building in a less prominent location.'*
- 4.5 **Ryedale - Conservation Officer** – at the time of writing this report no direct response had been received as comments in relation to the Conservation Area were provided as part of the Planning Officer's response.
- 4.6 **NYCC Heritage - Principal Landscape Architect** – response was received on 9 November 2020. Concerned with the application because it is likely to affect local character and setting of the Conservation Area:
- *this is a sensitive village within Settrington Conservation Area;*
 - *the building is not in-keeping with local building style;*
 - *the building is located at the front of the school off Chapel Road, in a visible location opposite the junction with Back Lane;*
 - *there is no natural screening of the site. There is limited space and separation from the frontage boundary;*
 - *the building is located within an existing hard play area on an already constrained school site. There is no information to explain how the external hard play and remaining use of the area would be affected, to demonstrate good design (external area guidelines as BB103).*
- 4.7 The Landscape comments were provided to the agent who responded to the points raised by stating:
- 1) *there are several timber buildings fronting the road in Settrington which have been part of the village for years;*
 - 2) *there are no objections or comments from the locality;*
 - 3) *the application is for a temporary building;*
 - 4) *during construction of an additional classroom block, a larger temporary building, which had planning approval, was erected in the same position, but much closer to the southern boundary, the eastern boundary and the main school building,*
 - 5) *the building referred to in 4) was a portacabin style of building not at all in keeping with its surroundings;*
 - 6) *the original suggestion from NYCC to solve the need for more space was that a shepherd's hut could be installed; this was rejected as it would not have been large enough for the proposed uses and would have been prohibitively expensive;*
 - 7) *based on the recommendation in 6) we have sourced a more suitable alternative but in a similar style to that suggested;*
 - 8) *the school is setting out to resolve the issue of a lack of inside space. The area proposed for the new building is little used for play as it is immediately outside the*

school office and is an access route to the rest of the outdoor play areas (which include hard surface areas as well as Astro-turfed pitch). There is a large playing field to the rear of the building as shown on the location plan. In addition, the school benefits from the village hall, playing area, tennis courts and cricket field just across the road which are used extensively for school activities (including school plays, after school activities eg football/tennis/cricket). The play horses currently on the proposed site will be re-located closer to the Early Years department; these children being those who most commonly use them. Outside space will be minimally impacted; however, internal space will be significantly increased.'

- 4.8 The agent's comments were provided to the Landscape Architect who responded with *'There is possibly a wider architectural/conservation area question in relation to some of the points raised which goes outside the issue of landscape and setting. However, in relation to landscape and external use of the school area I have the following comments to the points raised:*
- *Points 4 + 5) – the purpose of the previous temporary building was to facilitate the construction of new classroom elsewhere on the site. This application is not for that purpose with the same justification for temporary use. My concern is that this is not a temporary use with a solution, that the development is unsightly, is in a prominent location and not screened, that the development will become permanent without a solution being found.*
 - *Point 8) – Notwithstanding the points 4 + 5 above, the area of the application is currently used for hard play by the school. This is seen in the application photos and on google street view photos. There are government guidelines on the area of space recommended for external hard/soft play and social areas (BB103). The school should demonstrate that these guidelines are being met or that alternative provision is made, where reasonable and possible, particularly where an application is likely to impact on existing use.'*
- 4.9 The above comments were provide to the agent who responded asking if there was a possible solution or any mitigation the school could provide to deal with the issues raised by the Landscape Architect. The Landscape Architect responded that they did not have a solution, *'there is only approximately 3 metres between the school and the frontage fence. The proposed shed is forward of the building line and will be difficult to screen without affecting the existing play/circulation space, existing boundary fence and setting of the road frontage. The school could perhaps consider other locations in a less visible position (not on the road frontage/not within existing active play space)'*
- 4.10 The agent and school were made aware of the Landscape comments and have stated that there is no alternative location available for the proposed development on the school site as explained in paragraph 3.3 above.
- 4.11 **NYCC Heritage - Ecology** - at the time of writing this report no response had been received.
- 4.12 **NYCC Heritage – Archaeology** – response was received on 29 October 2020. They stated: *'The heritage statement submitted with the proposal states that the proposed building would be set on concrete pads lain on the existing tarmac surface. There will therefore be no ground disturbance and no impact on archaeological deposits should they be present. Therefore I have no objection to the proposal and have no further comments to make.'*
- 4.13 **Historic England** – response was received on 10 November 2020 and they stated they did not wish to offer any comments but suggested that the views of the specialist conservation and archaeological advisers.
- 4.14 **Sport England** – response was received on 23 December 2020 stating that the application did not fall within their statutory remit so have not provided a detailed response.

4.15 **County Cllr. Keane Duncan** was notified on 29 October 2020.

5.0 Advertisement and representations

5.1 This application has been advertised by means of 2 Site Notices posted on 29 October 2020 (responses to which expired on 19 November 2020). The Site Notices were posted in the following locations: next to each of the 2 entrance gates in the picket fence at the front of the school. A Press Notice appeared in the Malton Gazette & Herald on 4 November 2020 (responses to which expired on 25 November 2020).

5.2 Neighbour Notification letters were sent on 29 October 2020 and the period in which to make representations expired on 29 October 2020. The following properties received a neighbour notification letter:

- Half Century Cottage, 50 Back Lane, Settrington, Malton. YO17 8NP;
- School Cottage, 16 Chapel Road, Settrington, Malton. YO17 8NB;
- School House, 15 Chapel Road, Settrington, Malton. YO17 8NB;

5.3 A total of two letters of representation have been received one supporting the application and one raising objections on the grounds of:-

- The school is in the centre of the Settrington Conservation Area and is one of the jewels in Settrington's crown. To allow the building of a log cabin on the playground at the front of the school, highly visible from the main road would detract significantly from the visual attractiveness of the school so object to the proposal.
- The proposed building is totally alien to the local vernacular of the Settrington area which is typified by well-spaced out stone buildings with clay-pantiled roofs. Am unaware of any similar habitable timber buildings in the Conservation Area. The proposal would have a detrimental effect on the setting of the school as well as setting a dangerous precedent for future development in the village.
- It is proposed to site the new building on the playground and the children's play equipment would need to be removed.
- The supporting statement cites reasons for the new building as the need to have additional space for administration and room to hold meetings. Could consideration be given to the greater use of the village hall, on the opposite side of the road that is less than 10 metres from the school, or sited elsewhere in the school grounds.
- The importation of a timber cabin from Finland is not considered sustainable.
- There has been no mention of the installation of the utilities required for the proposed development.
- The proposal is for a temporary building, often temporary buildings become semi-permanent.

5.4 The letter of support is on the grounds of:-

- The inside space at the school is stretched to the limit and more pupils are being enrolled. Due to the lack of space support classes are being held standing up in the corridors immediately outside the children's toilets;
- Some administrative staff are having to work with laptops on their knees due to lack of office space;
- The current proposal is temporary giving time for a permanent solution to be identified;
- The school is a 'Research School' and as such has a duty to deliver training for neighbouring schools which needs to be hosted on site, this causes upheaval and disruption to the normal running of the school due to lack of appropriate space;

- The proposed timber building is an economic and practical solution and more attractive than the portacabin which was recently approved as a temporary building while the new Early Years department was erected.
- The proposed building is not directly in keeping with village architecture, but shares many features of ancillary agricultural buildings such as stables and fits within its rural location.

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 Ryedale Plan- Local Plan Strategy (2013);
- 6.3 It is worth noting that The Ryedale Local Plan Strategy is currently under periodic review but the policies in the adopted 2013 Local Plan are extant and applicable when considering development proposals. The Ryedale Local Plan Strategy (adopted 2013) has particular relevance in the determination of this application and the policies most relevant include:
- SP1 – General Location of Development and Settlement Hierarchy;
 - SP11 – Community Facilities and Services;
 - SP12 – Heritage;
 - SP13 – Landscapes;
 - SP16 – Design;
 - SP19 – Presumption in Favour of Sustainable Development;
 - SP20 – Generic Development Management Issues.
- 6.4 Policy SP1: 'General Location of Development and Settlement Hierarchy' states that Ryedale's future development requirements will be distributed and accommodated in line with a hierarchy of settlements which include Principal Town; Local Service Centres (Market Towns); Local Service Centres (Service Villages) and all other villages, hamlets and in the open countryside. Settrington comes under the heading of 'other villages' and for 'other villages' Policy SP1 states: *'In all other villages, hamlets and in the open countryside development will be restricted to that:*
- *Which is necessary to support a sustainable, vibrant and healthy rural economy and communities, or*
 - *Which can be justified in order to secure significant improvements to the environment or conservation of significant heritage assets in accordance with the National Enabling Development Policy and Policy SP12 of this Plan, or*
 - *Which is justified through the Neighbourhood Planning process.*
- Policy SP1 is a strategic policy which provides a breakdown of the settlement hierarchy in the Ryedale District and the development requirements for each type of settlement identified. Paragraph 20 in Chapter 3 (Plan-making) of the NPPF states *'Strategic policies should set out an overall strategy for the pattern, scale and quality of development, and make sufficient provision for:*

- c) *Community facilities (such as health, education and cultural infrastructure); and*
 d) *Conservation and enhancement of the natural, built and historic environment, including landscapes and green infrastructure, and planning measures to address climate change mitigation and adaptation.*

Therefore as Policy SP1 is a strategic policy which complies with the above paragraph full weight should be applied to this policy.

- 6.5 Policy SP11: 'Community Facilities and Services' states that proposals will be supported in service villages and other villages where *'Expansion and improvements to existing facilities in or outside development limits, provision of new facilities – within development limits, conversion of existing buildings outside of development limits or new provision outside of development limits where the facility is needed to serve the local area and could not be provided within development limits'*. NPPF Chapter 8 (Promoting healthy and safe communities) paragraph 92 adds weight to this policy and states that planning decisions should aim to *'ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community.'* Therefore, full weight should be applied to this policy.
- 6.6 Part of Policy SP12: 'Heritage' states *'Designated historic assets and their settings, including Listed Buildings, Conservation Areas, Scheduled Monuments and Registered Parks and Gardens will be conserved and where appropriate, enhanced. Development proposals which would result in substantial harm to or total loss of the significance of a designated heritage asset or to the archaeological significance of the Vale of Pickering will be resisted unless wholly exceptional circumstances can be demonstrated. Proposals which would result in less substantial harm will only be agreed where the public benefit of the proposal is considered to outweigh the harm and the extent of harm to the asset. In considering and negotiating development proposals, the Council will seek to protect other features of local historic value and interest throughout Ryedale having regard to the scale of any harm or loss and the significance of the heritage asset'* This policy reflects national policy in the NPPF so full weight should be applied to this policy.
- 6.7 The Landscape Character section of Policy SP13: Landscapes states *'Development proposals should contribute to the protection and enhancement of distinctive elements of landscape character that are the result of historical and cultural influences, natural features and aesthetic qualities including:*
- *The distribution and form of settlements and buildings in their landscape setting*
 - *The character of individual settlements, including building styles and materials*
 - *The pattern and presence of distinctive landscape features and natural elements (including field boundaries, woodland, habitat types, landforms, topography and watercourses)*
 - *Visually sensitive skylines, hill and valley sides*
 - *The ambience of the area, including nocturnal character, level and type of activity and tranquillity, sense of enclosure/exposure*
- The Council will work with landowners and statutory agencies to encourage land management practises that will protect and reinforce landscape character across the District and proposals which seek to restore areas of degraded landscape or individual landscape elements will be supported.'* The Policy SP13 accords with the NPPF so full weight should be afforded to this policy.
- 6.8 Policy SP16: Design states: *'Development proposals will be expected to create high quality durable places that are accessible, well integrated with their surroundings and which:*
- *Reinforce local distinctiveness*
 - *Provide a well-connected public realm which is accessible and useable by all, safe and easily navigated*
 - *Protect amenity and promote well-being*
- Additionally, the policy, to reinforce local distinctiveness, seeks to ensure that the scale, layout, location and siting of the proposed development respects the context of its surroundings.. This policy reflects national policy in the NPPF and so full weight should be afforded to this policy.

- 6.9 Policy SP19 – presumption in Favour of Sustainable Development seeks to ensure that development proposals are determined in accord with the NPPF and support sustainable development. In this case, the proposals seek to enhance an existing facility. Paragraphs 92 and 94 of the NPPF support this policy so full weight should be applied.
- 6.10 Policy SP20 – Generic Development Management Issues provide criteria by which development proposals must adhere to. The issues listed in the criteria include:
- (i) 'Character'
- *New development will respect the character and context of the immediate locality and the wider landscape/townscape character in terms of physical features and the type and variety of existing uses;*
 - *Proposed uses and activity will be compatible with the existing ambience of the immediate locality and the surrounding area and with neighbouring land uses and would not prejudice the continued operation of existing neighbouring land uses;*
 - *The cumulative impact of new development on the character of an area will also be considered.*
- (ii) Design
- *The design of new development will follow the principles established in Policy SP16. Extensions or alterations to existing buildings will be appropriate and sympathetic to the character and appearance of the existing building in terms of scale, form and use of materials.*
- (iii) Amenity and Safety
- *New development will not have a material adverse impact on the amenity of present or future occupants, the users or occupants of neighbouring land and buildings or the wider community by virtue of its design, use, location and proximity to neighbouring land uses. Impacts on amenity can include, for example, noise, dust, odour, light flicker, loss of privacy or natural daylight or be an overbearing presence.,*
- All three criteria issues are supported through paragraph 127 within chapter 12 (Achieving well-designed places), therefore it is considered that substantial weight should be given to this policy.

Other policy considerations:

National Planning Policy

- 6.11 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 February 2019)

National Planning Policy Framework

- 6.12 The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied.
- 6.13 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.'

- 6.14 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'.*
- 6.15 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.
- 6.16 Paragraph 55 within Section 4 (Decision – making) states that planning conditions should only be imposed where necessary and kept to a minimum, they should be relevant to planning and the development to be permitted and should be enforceable precise and reasonable. This national policy is relevant as conditions will be applied to this proposal if it is deemed acceptable development.
- 6.17 Paragraph 92 within Section 8 (Promoting healthy and safe communities) of the NPPF states that 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.
- 6.18 Paragraph 94 within Section 8 (Promoting healthy and safe communities) of the NPPF states that 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.
- 6.19 Paragraph 124-127 within Section 12 (Achieving Well Designed Places) of the NPPF states that 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.
- 6.20 Paragraph 130 within Section 12 (Achieving Well Designed Places) of the NPPF states that 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.

- 6.21 Paragraph 190 within Section 16 (Conserving and enhancing the historic environment) of 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, to avoid or minimise any conflict between the heritage asset's
- 6.22 Paragraph 192 within Section 16 (Conserving and enhancing the historic environment) of NPPF states: *"In determining planning applications, local planning authorities should take account of:*
- *the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
 - *the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
 - *the desirability of new development making a positive contribution to local character and distinctiveness*
- 6.23 Paragraph 193 within Section 16 (Conserving and enhancing the historic environment) of NPPF states: *'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.'*
- 6.24 Paragraph 194 within Section 16 (Conserving and enhancing the historic environment) of NPPF states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss to grade II listed buildings should be exceptional..'
- 6.25 Paragraph 196 within Section 16 (Conserving and enhancing the historic environment) of NPPF states: *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.'*
- 6.26 Paragraph 197 within Section 16 (Conserving and enhancing the historic environment) of NPPF states *'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighting applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'*
- 6.27 Paragraph 201 within Section 16 (Conserving and enhancing the historic environment) of NPPF states that not all elements of a Conservation Area will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area should be treated either as substantial harm under paragraph 195 or less than substantial harm under paragraph 196, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area.

National Planning Practice Guidance (PPG) (2014)

- 6.28 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

- 6.29 This states authorities should set out their Local Plan with a positive strategy for the conservation and enjoyment of the historic environment. Heritage assets may be affected by direct physical change or by change in their setting. Being able to properly assess the nature, extent and importance of the significance of a heritage asset, and the contribution of its setting, is very important to understanding the potential impact and acceptability of development proposals. The setting of a heritage asset and the asset's curtilage may not have the same extent. The extent and importance of setting is often expressed by reference to the visual relationship between the asset and the proposed development and associated visual/physical considerations. The guidance also requires authorities to consider the implications of cumulative change and whether a development materially detracts from the asset.
- 6.30 A conservation area is an area which has been designated because of its special architectural or historic interest, the character of which is desirable to preserve or enhance.

Design

- 6.31 Good quality design is an integral part of sustainable development. 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. 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.

Natural Environment – Landscape

- 6.32 Plans should recognize the intrinsic character and beauty of the countryside, and that strategic policies should provide for the conservation and enhancement of landscapes. Where landscapes have a particular local value, it is important for policies to identify their special characteristics and be supported by proportionate evidence. Policies may set out criteria against which proposals for development affecting these area will be assessed. Plans can also include policies to avoid adverse impacts on landscapes and set to set out necessary mitigation measures, such as appropriate design principles and visual screening, where necessary. The cumulative impacts of development on the landscape need to be considered carefully.

7.0 Planning considerations

- 7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each planning application in accordance with the planning policies that comprise the *Development Plan* unless material considerations indicate otherwise. In light of the abovementioned policies the main considerations in this instance are:

Principle of the proposed development

- 7.2 The proposed development is for the installation of a building for a temporary period of 6 years in the playground at the front of the school. The school has been appointed as a 'Research School' and provides support for other schools in the area. Part of the support role is to host meetings and events for other schools but currently to enable these meetings to take place the space allocated for the administration staff and the Headteacher has been reduced. The number of pupils using the school is also increasing which also has an impact on the space available, the capacity of the school

is set as 63 pupils but the current number is 80. The school is looking for a temporary solution to create more space in the form of a small meeting room, a permanent solution is not currently being looked at as the number of pupils who will attend the school go up and down and the additional space may not be required in the future. The room would also be used for other meetings such as parent consultations. It is considered that additional space is required for the school to continue to function at the required level in terms of school spaces and teaching facilities and to fulfil its role as a 'Research School', in terms of providing additional space the proposed development would provide a temporary solution.

- 7.3 The proposed enhancement of school facilities is considered to be in keeping with the principles of the NPPF in both securing sustainable development whilst supporting the need to alter/enhance schools to improve educational facilities. Therefore the principle of development is considered to be consistent with NPPF paragraphs 11, 92 and 94 as paragraph 92 deals with community facilities, of which the school is one, and paragraph 94 which promotes the need to expand or alter schools. The principle of the development is also supported by Policies SP1, SP11 and SP19 in the Ryedale Local Plan Strategy. SP1 states that development in 'other villages', of which Settrington is one, will be restricted to that '*which is necessary to support a sustainable vibrant and healthy rural economy and communities*'. Policy SP11 states that in 'other villages' proposals for community facilities and services will be supported for expansion or improvements to existing facilities. The school is a community facility which provides an important role in the village helping to make the village a sustainable place to live. The provision of additional space for the school is based on need and public benefit and is supported by local and national policy. Paragraph 11 of the NPPF and Policy SP19 support sustainable development.

Design, landscape and visual impact

- 7.4 The main school building is less than 9 metres from the public highway and the school boundary is less than 4 metres from the highway. The proposed development is a small wooden building proposed to be located between the main school building and the boundary fence in the south east corner of the playground to the front of the school with a white picket fence along the eastern and southern boundary. The proposed development is proposed to be placed on concrete plinths on the tarmac playground so no excavation would be required and the building would be able to be removed as a whole unit when required
- 7.5 The materials for the proposed development are not fully in line with the 'Settrington Design Statement' as timber is proposed to be used for the walls and so would not match and blend into the external texture and colour of the existing school building. Bitumen tiles are proposed to be used on the roof which would reflect the tiles on the school roof. The height of the ridgeline of the proposed development would not exceed the ridgeline of the existing building. The proposed development is small in scale and temporary in nature.
- 7.6 The County Council Landscape Architect objected to the proposal as the school is within Settrington Conservation Area, the development is not in keeping with the local building style, is located at the front of the school, forward of the building line of the school, in a prominent visible location close to the boundary fence, opposite the junction with Back Lane and with no natural screening.
- 7.7 Ryedale District Council Planning Department responded stating that due to the prominent position of the proposed structure, the degree of harm caused is on the mid/high point of less than substantial. Ryedale District Council have a strong objection to the siting of the proposed building in this prominent position and every effort should be made to site the building in a less prominent location.

- 7.8 The proposed development is small in scale compared to the main school building and is to be temporary in nature. The school is in the centre of Settrington Conservation Area and it is considered that ideally any new development, especially development which is going to be highly visible, should match or blend in with the style of the nearby buildings. The main school building is made up of light coloured building stone, but on the western side of the 'T' junction there is Settrington Village Hall which is another community facility. This is single storey with wooden cladding, and the proposed development is not dissimilar in this respect but of a much smaller scale. The location of the proposed development is to be slightly forward of the building line of the main school building. It is the location for the proposed development which has resulted in objections coming forward as the school lies within the Settrington Conservation Area and this will be considered in paragraph 7.10 below. As detailed in paragraph 3.3 above the applicant states that there is no other suitable location within the school site for the proposed development. While Paragraph 127 of the NPPF states that developments should be sympathetic to the local character and should not prevent innovation or change, Paragraph 130 states that development of poor design should be refused. The building itself is not considered to be of poor design and is not made of the same material as the main school building, yet it is able to complement the nearby Village Hall so it is considered that the development does not give rise to significant conflict with Paragraphs 127 and 130 of the NPPF. Policies SP13 and SP16 of the Ryedale Local Plan Strategy focus on the proposed development contributing to the distinctiveness of the area and Policy SP20 of that Strategy also states that the proposed development should consider the local context and type and variety of existing uses. It is acknowledged that while the proposed development would not enhance the landscape character of the area or reinforce its local distinctiveness it is nevertheless, given its temporary nature, small in scale and compatible with the nearby Village Hall, considered acceptable in terms of design, landscape and visual impact.

Local Amenity, visual impact, highway impact and flood risk

- 7.9 The proposed development is to be used for meetings during the usual school opening hours and a given the size of the room it will hold approximately six attendees. Any external visitors to the school will park in the Village Hall car park so there will be no impact on the public highway as a result of any additional vehicles. Given the purpose for the proposed development, it is considered that there will be no additional noise above the current levels. The objections received include comments on location of the proposed development and the fact that it does not match the style of the school. Responses stated that the building would be in a prominent location and highly visible. The proposed development would be in the school playground with a small amount in front of the building line for the school, it would be able to be viewed from the public highway but would not cause an obstruction to anyone using the 'T' junction and is currently screened from nearby residential properties by the planting in the properties gardens. The planting in nearby residential properties is not under the control of the school, if some of the planting was removed or reduced the level of impact on the properties could change which is justification for the proposed development being a temporary structure for a maximum of six years. The school is not within a flood risk zone and given that the proposed development is going to be raised off the ground on plinths and rainwater will flow freely under it so there is no increased risk of flooding. It is considered that the proposed development would have minimal impact on local amenity and visual impact and so is considered acceptable.

The Historic Environment in relation to the Conservation Area

- 7.10 A large part of Settrington village is within Settrington Conservation Area and this includes the whole of the school site. The County Council Archaeologist stated that since the development is going to be placed on concrete plinths, no damage to the

archaeological deposits should they be present would arise. The school is classed as a non-designated heritage asset by Ryedale District Council, they also state that the proposed building would neither preserve or enhance the Conservation Area and would cause harm to the designated heritage asset and also to the setting of the non-designated asset. They also stated that due to the prominent position of the proposed structure the degree of harm caused is on the mid/high point of less than substantial.

- 7.11 A primary consideration in relation to this application is whether the proposal is appropriate in its location within the setting of the Conservation Area. The general duty on the Planning Authority is to pay 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. NPPF paragraph 193 states that great weight should be given to the asset's conservation and the more important the asset the greater the weight should be. The relevant local policy is SP12 of the Ryedale Local Plan states that proposals which would result in less than substantial harm to a heritage asset, which includes Conservation Areas, will only be agreed where the public benefit of the proposal is considered to outweigh the harm to the asset.
- 7.12 The Conservation Area is characterised by the design of the buildings and materials used such as local building stone, clay pantiles and traditional style windows. There are also some wooden ancillary buildings located around the village so this timber structure would not be out of context. The proposal is small scale, temporary timber structure. It has been identified by Ryedale District Council that the degree of harm will be less than substantial and therefore paragraph 196 and 197 of the NPPF is engaged and requires the proposal to be weighed against the public benefits. Policy SP12 of the Ryedale Local Plan states that proposals in Conservation Areas which would result in less than substantial harm will only be agreed where the public benefit of the proposal will outweigh the harm to the asset which is in accord with the NPPF. The proposed development is located in the Conservation Area and is timber in design rather than stone to match school. There are other timber structures within the Conservation Area so this is not exceptional, and just outside the Conservation Area within sight if the school is the timber clad Village Hall. Paragraph 201 of the NPPF states that not all elements of a Conservation Area will necessarily contribute to its significance so the fact the design is not the same as the school is acceptable. The public benefit of the proposed development is to provide a temporary space for meetings to be held both with external visitors and consultations with parents to ease the burden on the space within the school as it is currently over capacity with pupil numbers. Therefore, it is considered that the public benefit of the proposal will outweigh any harm that could be caused to the Conservation Area.

Historic Environment in relation to Listed Buildings

- 7.13 Ryedale District Council has identified the school as a non-designated asset, and the degree of harm which would be caused by the prominent position of the proposed structure would be considered by them to be on the mid/high point of less than substantial. The significance of the school as a non designated asset should be taken into account in consideration of paragraph 197 of the NPPF. The proposed development will affect the setting of the school, as it is to be located within its grounds, although not in direct contact with the school building. The school is made up of local building stone and the proposed development is timber. Paragraph 201 of the NPPF states that not all elements of a Conservation Area will necessarily contribute to its significance so the fact the design is not the same as the school is acceptable. The proposed development is small in scale and temporary, the fact that no work needs to be undertaken for the installation of the proposed development as it is to be rested on concrete plinths is beneficial as when the structure is removed there will be no damage to the playground and the setting of the non-designated asset will not be affected.

- 7.14 A number of the buildings within the Conservation Area are Grade II listed so consideration should be given as to whether the proposal is appropriate in its location within the setting of a listed building. The general duty on the Planning Authority is to have special regard to the desirability of preserving the setting of a listed building 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 new development makes a positive contribution to the local character and distinctiveness of an area. NPPF para 193 states that great weight should be given to the asset's conservation and the more important the asset the greater the weight should be. 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 the designated heritage asset, its harm should be weighed against the public benefits of the proposal. In line with Paragraph 190 of the NPPF the heritage assets which could potentially be affected by the proposed development are the nearby Grade II listed buildings identified in paragraph 7.15 of this report, Paragraph 193 requires assessment of the impact of the development on the heritage assets, and the more important the asset the greater the weight should be to the conservation of the asset. Paragraph 194 states that any harm requires clear and convincing justification.
- 7.15 The nearest Grade II listed property to the school is approximately 30 metres from the school to the south east, known as Half Century Cottage or 50 Village Street at the junction of Chapel Road and Back Lane. The property is set back from the public highway with hedging around the boundary. It is considered that the proposed development would not have an adverse impact on the character and setting of this property especially since the development is separated from the school by Chapel Road and screening is afforded by boundary hedging of the property. 50 metres to the west of the school is a Grade II listed property known as School Cottage, or 16 Village Street, which is attached to School House, or 15 Village Street the rear garden of the property is adjacent to the western boundary of the school. The rear garden of School Cottage includes a range of mature trees and shrubs which provide screening when looking towards the school. The proposed development will also be largely shielded from view by this property as it is to be located on the eastern part of the playground and set back near the reception and administration area with only a small part being forward of the building line and potentially in the sight line of the property. Both of the buildings are designated as they were built in the 1800's using squared limestone with pantile roof's, the specific design of the buildings contribute to the status of the Conservation Area. Paragraph 193 requires the significance of a designated asset to be taken into account, and according to the listing both are listed for their special architectural or historic interest and contribution to the Conservation Area. Paragraph 194 requires that if a development poses any harm to a designated asset clear justification is required. The proposed development will not physically harm the listed buildings or their setting and it will be the visual impact which will have the greatest harm but this will be limited due to the distance from the properties and also the planting in place between the proposed development and the two properties. The small scale and temporary nature of the proposed development should be taken into consideration when assessing the potential harm on the nearby historic assets. It is considered that the proposed development will pose less than substantial harm on the nearby heritage assets therefore paragraph 196 of the NPPF is engaged as the public interest of the proposed development, by providing additional space for the school so lessening the burden on the school facilities due to the school having more pupils than it has capacity for, outweighs the potential harm on the heritage assets.

8.0 Conclusion

- 8.1 The principal considerations involve the weighing up the public benefit of the proposal, on the one hand, against the harm it would have on the landscape, heritage assets and Conservation Area on the other. The proposed development comprises a small scale timber building at 20 metres squared, lower in height than the main school building and a temporary structure. It is acknowledged that it would contrast with the school building, which is a non-designated heritage asset, and be prominent within the street scene. It is, however, considered to have a less than substantial harm on the historic character of the Conservation Area. The harm on the nearby designated assets, which are Grade II listed is also considered to be less than substantial. It is considered that the public benefit of the proposal, by providing more room at the school which is overcapacity, outweighs the potential harm, albeit on a temporary basis. This is supported by Policy SP12 of the Ryedale Local Plan and paragraph 196 and 197 of the NPPF.
- 8.2 It is considered that the material planning considerations warrant the approval of this application for the erection of a temporary building (6 years) for office use (20 sq. metres) on land at Settrington C Of E Primary School, Chapel Road, Settrington, Malton YO17 8NB.
- 8.3 The proposed development is considered to be compliant with the policies which comprise the Development Plan currently in force for the area and taking account of all other relevant material considerations. On balance, it is considered that the public benefit of the proposed development would outweigh the less than significant harm to the landscape character and setting of the Conservation Area.
- Obligations under the Equality Act 2010
- 8.4 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'.
- Obligations under the Human Rights Act
- 8.5 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.
- 8.6 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):

1. The proposal would improve school facilities;
2. The proposed development would not result in an adverse impact upon local amenity or the Conservation Area.
3. The proposed development is in general conformity with Policies SP1, SP11, SP12 and SP20 of the Ryedale Local Plan Strategy and Paragraphs 92, 94, 127, 130, 190, 192, 193, 194, 196, 197, and 201 of the NPPF

that the County Council recommends that **PLANNING PERMISSION BE GRANTED** subject to the following 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 17 September 2020 and the following approved documents and drawings:

Ref	Date	Title
-	-	Supporting Statement and Heritage Statement
TQRQM20283213015148	21 October 2020	Location Plan
TQRQM20286213505583	23 October 2020	Block Plan
-	-	Floor Plan
-	-	Elevations

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

3. The permission hereby granted is valid only for 6 years from the date of the decision notice and the building shall be removed from the site before that date with the ground reinstated to its condition prior to the development hereby authorised having taken place.

Reason: The building is temporary and will be removed at the end of the time period to remove the harm it imposes on the character of the Conservation Area..

4. The hereby approved meeting room shall only be used between 08:15 and 16:15 Monday to Friday. Use is not permitted on Saturdays, Sundays and Bank/Public Holidays.

Reason: In the interests of public amenity.

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

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

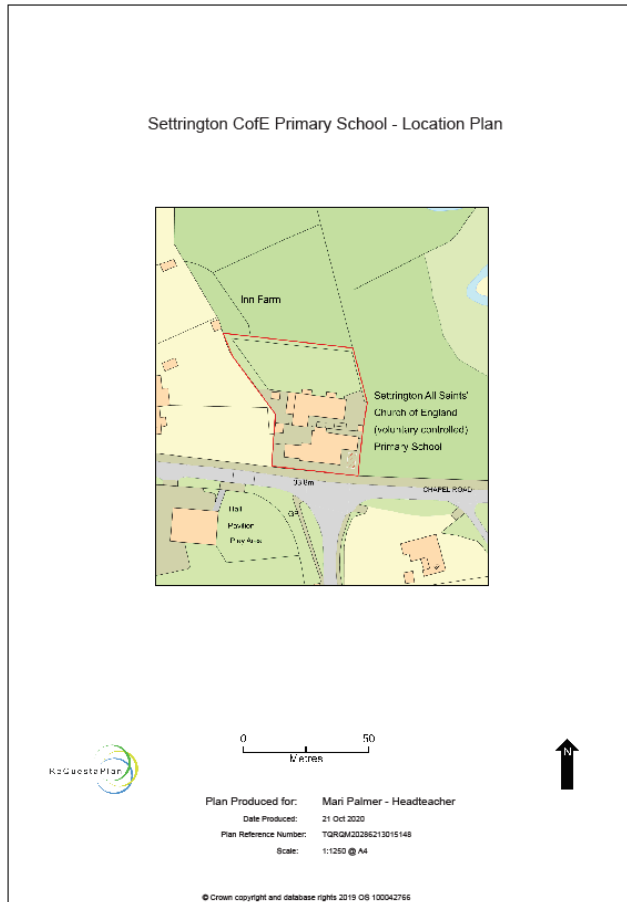
K BATTERSBY

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

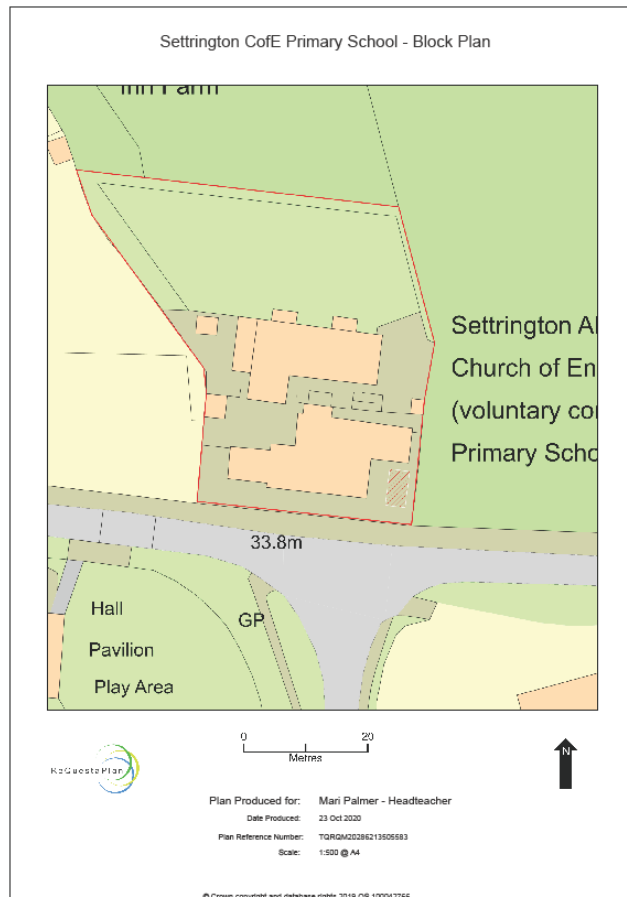
Background Documents to this Report:

1. Planning Application Ref Number: C3/20/01057/CPO (NY/2020/0147/FUL) registered as valid on 28 October 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: Joan Jackson



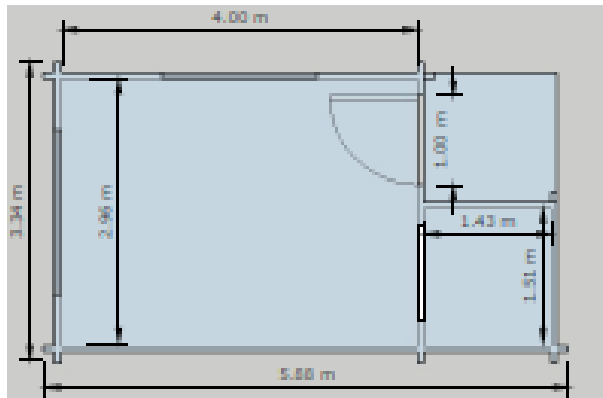
Location Plan



Block Plan

SETTRINGTON C-OF-E PRIMARY SCHOOL - OFFICE PROPOSED - FLOOR PLAN

SCALE 1:50

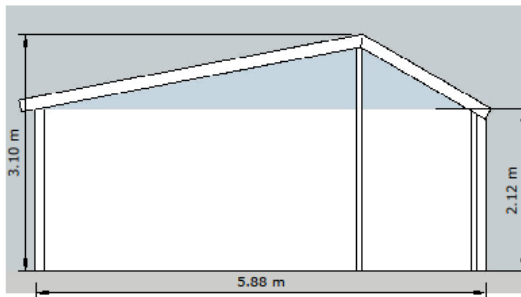


Floor Plan

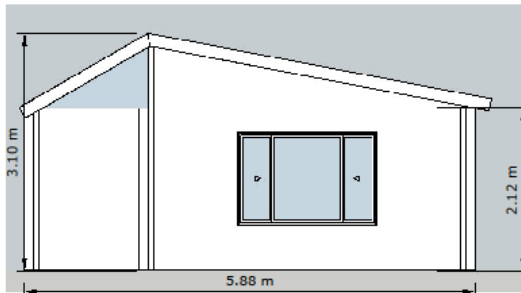
SETTRINGTON C-OF-E PRIMARY SCHOOL - PROPOSED OFFICE

SCALE 1:50

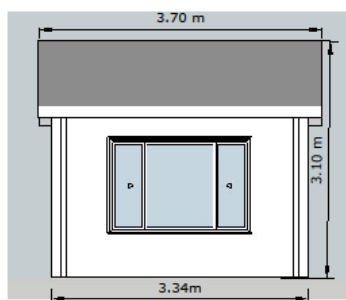
EAST ELEVATION



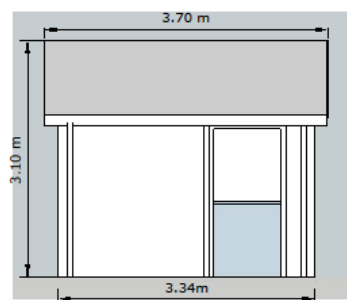
WEST ELEVATION



SOUTH ELEVATION



NORTH ELEVATION



Elevations

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