

North Yorkshire County Council

Business and Environmental Services

Planning and Regulatory Functions Committee

28 MARCH 2023

**C6/22/04004/CMA - PLANNING APPLICATION FOR THE PURPOSES OF THE DEMOLITION OF AN EXISTING PRE-FABRICATED CLASSROOM UNIT AND ERECTION OF A PERMANENT SINGLE STOREY PRE-FABRICATED CLASSROOM UNIT, EXTERNAL FIXED WALL LIGHTS, FAN COIL UNITS, RE-LOCATION OF NURTURE ROOM, REMOVAL OF A TREE, PAVED HARDSTANDING, TREE PLANTING AND HARD AND SOFT LANDSCAPING WORKS ON LAND AT GREAT OUSEBURN COMMUNITY PRIMARY SCHOOL, MAIN STREET, GREAT OUSEBURN, NORTH YORKSHIRE, YO26 9RG
ON BEHALF OF CORPORATE DIRECTOR, CHILDREN AND YOUNG PEOPLE'S SERVICES
(HARROGATE DISTRICT) (OUSEBURN ELECTORAL DIVISION)**

Report of the Corporate Director – Business and Environmental Services

1.0 Purpose of the report

- 1.1 To determine a planning application for the demolition of an existing pre-fabricated classroom unit and erection of a permanent single storey pre-fabricated classroom unit, external fixed wall lights, fan coil units, re-location of nurture room, removal of a tree, paved hardstanding, tree planting and hard and soft landscaping works on land at Great Ouseburn Community Primary School, Main Street, Great Ouseburn, North Yorkshire, YO26 9RG on behalf of Corporate Director, Children and Young People's Services.
- 1.2 This application is subject to three objections having been raised in respect of this proposal on the grounds of lighting, design and landscaping and is, therefore, reported to this Committee for determination.

2.0 Background

Site Description

- 2.1 The application site relates to Great Ouseburn CP School which is located within the village of Great Ouseburn. Great Ouseburn CP School is a non-denominational school for students aged between 3 and 11 years of age and currently caters for 96 students with a total capacity of 82 students.
- 2.2 The application site is within a residential part of the village which consists principally of two storey residential properties constructed of local cut stone and some of brick construction, with tiled pitched roofs. The site is bounded by the public highway of Main Street to the north of the site. The nearest properties which share a boundary with the school are to the north-west (Dunstan Grange) and (Ousemead) to the west. The application site consists of the main school building of Great Ouseburn CP School, the conservation area appraisal (adopted 16th September 2009) refers to the school as being established in 1854 and describes the building as an 'attractive Victorian school house', the building is stone built and has pitched slate covered roofs.

- 2.3 The school site is on a raised level from the public highway with a 1-metre-high metal rail fence running along the northern boundary of the school frontage. There are two entry points to the school; one connects directly towards the main building at the site, whilst the other is a gated parking entrance flanked by 1-metre-high local stone walling. This entry leads directly towards the school playing field astro pitch.
- 2.4 The school itself is located to the east of the site and has a temporary classroom unit to the west of the application site which is subject to this application. The school has an area off recreational use towards the centre and a single tree and grassed area to the west of the prefabricated unit used as a playground.
- 2.5 According to the Environment Agency's, the site is located 130 and 134 metres south from category 2 and 3 groundwater Source Protection Zones respectively. The nearest listed building (Wingate Cottage) is located 36 metres north-east from the proposed development. Moreover, the site is also located within the Great Ouseburn Conservation area.
- 2.6 A plan showing the application site is attached to this report.

Planning History

- 2.7 The planning history relating to the proposed development site relevant to the determination of this application is as follows: -
- C6/80/114/L/CMA, 13 March 2013, erection of a new single prefabricated classroom unit and access and the removal of an existing temporary classroom unit. Granted and implemented.

3.0 The Proposal

- 3.1 Planning permission is sought for the demolition of an existing pre-fabricated classroom unit and erection of a permanent single storey pre-fabricated classroom unit, external fixed wall lights, fan coil units, re-location of existing nurture room, removal of a tree, incorporation of additional paved hardstanding, tree planting and hard and soft landscaping works on land at Great Ouseburn Community Primary School.
- 3.2 The proposal is for the demolition of an existing prefabricated classroom unit which measures, in its entirety, 88 square metres in size to the west of Great Ouseburn Community Primary School. The building is to be replaced with a larger footprint building, 9.8 metres in width in the western elevation and 18.1 metres in length in southern elevation (177.38 square metres), measuring 3.5 metres at its highest point. This new prefabricated unit would be located in the same area and would be made up of two teaching classrooms, each measuring 60 metres squared. These two teaching rooms would sit within the same prefabricated unit and would share lobby/cloakroom space and toilet accommodations between them, with separate teaching storage rooms in each classroom. The proposed classrooms would provide a minimum of 30 spaces.
- 3.3 The proposed building would be single storey with a low-pitched roof (min. pitch, 1.5 degrees) to maintain the appearance, scale and proportion of the existing temporary classroom unit structure. The building would feature a hypalon roof covering, clear polycarbonate canopy, plastic coated steel brown external cladding and external wall light fittings as well as external plant fan coil units. Windows would be UPVC white double-glazed and located in the west and east elevations to achieve the required cross flow ventilation and mimic the current arrangement on site to not cause any further noise disturbances. Other external features include steel doors which would

be coated blue (the internal door would have a veneer finish) and rainwater downpipes would feature a black finish.

- 3.4 External lighting would illuminate the perimeter of the building, with a maximum lighting level of 10 Lux. Time periods for illumination would be controlled by time clock sensors ensuring optimal usage and energy efficiency. Although the rear escape routes are required to be sufficiently lit during the winter months if an emergency situation would occur, it has been agreed by the applicant after consultation with the Harrogate Environmental Health Officer that the external artificial lighting shall not be operated during the hours of daylight or between the hours of 21:00 and 07:00 on any day of the week, minimising nuisance to any neighbours.
- 3.5 Some changes to the site plan have been made during the course of processing the application due to both neighbour objection and recommendations by the Harrogate EHO. It has been determined by the applicant to place the external fan coil units on the south facing wall of the proposed prefabricated unit. The applicant has affirmed that the maximum cumulative noise would not exceed 51 decibels. The fan coil units are now proposed to face an open green field site towards the south and the unit itself would act as an acoustic barrier, causing no increased disturbance to the neighbouring properties bordering the application site.
- 3.6 The proposal also includes hard and soft landscaping. In terms of hard landscaping, it has been decided by the applicant to add an extension of hardstanding around the new prefabricated building to provide safe and compact ground for the pupils that would attend the building. The total hard standing for this scheme, measures approximately 285 square metres, located towards the north, east and south faces of the proposed prefabricated building. The west side has been left without hard standing, allowing for the grassed area to remain partially intact. This western grass seeded play area would have its overall sized reduced to make space for the proposed unit, with additional landscaping measures including the removal of an existing tree (Common Oak. Good condition, Category B1, 40+ years life expectancy). This loss is proposed to be compensated by a tree replacement scheme at a rate of 3 to 1 for each tree removed as recommended by the County Council's Principal Landscape Architect.
- 3.7 In order to install the new prefabricated unit, the southern area would completely remove the two picnic benches and temporarily remove the timber posts and bench to make way for the construction phase. Additional works include the relocation of the nurture room to the south which would be placed towards the northern boundary in front of the new proposed prefabricated building, replacing the existing three sheds and sitting to the right of a larger shed proposed in the plans. Lastly, new large timber planters to the north are proposed to replace previous planters at the site, located to the right of the nurture room with a new section of hedgerow proposed to be planted towards the northeast of the western school site, bounded by Dunstan Grange in order to increase neighbour privacy.

4.0 Consultations

- 4.1 The consultee responses summarised within this section of the report relate to responses to consultation undertaken on the 14 October 2022 and the subsequent re-consultation on the 11 November 2022 and 23 January 2023 following the receipt of further/amended information relating to the Existing and Proposed Site Plan, Biodiversity Net Gain Report, Contractors Compound and Access Plan.
- 4.2 **Harrogate Borough Council** – a response was received on 16 November 2022 stating that they have no objection to the application.

4.3 **Great Ouseburn Parish** – at the time of writing this report no correspondence has been received in relation to this application.

4.4 **NYCC Heritage – Principal Landscape Architect** – responded to the initial consultation on the 27 October 2022 that the proposed scheme was a concern. Commenting *‘my first impression is that the site seems over-developed with loss of external play space, loss of soft grass social areas, loss of existing trees, increased buildings and hard paved surfaces’*. As well as *‘The proposed classroom building is notably closer to the rear of existing residential property with access, doors and windows on the facing elevation. There is a hedgerow and tree noted on the survey plans to the north side boundary. Sufficient space and stand-off does not seem to be provided to ensure that the existing hedgerow and tree are protected, to maintain separation, screening and to protect residential amenity’*.

Further observations included comments on the disappointment that an existing tree (Common Oak. Good condition, Category B1, 40+ years life expectancy) is proposed to be removed from the site, due to the importance of trees to school sites, general amenity and special consideration placed upon it by the Great Ouseburn Conservation area which it sits within. The Principal Landscape officer recommended that if the application were to be approved that suitably worded planning conditions should ensure the retention of the existing trees and hedgerows. This condition would also include the requirement for a detailed landscaping scheme together with details for establishment maintenance.

On the 25 November 2022 a response to the re-consultation was received, which commented on the schemes first large amendment, also referred to within the documents as ‘Existing and Proposed Site Plan Revision 2’, which mostly alleviated past concerns with the application’s first scheme. In particular, improvements to the stand-off and protection of the northern boundary. It is stated by the Principal Landscape Architect that if the scheme were to be approved it is recommended that the following conditions be implemented:

- *‘Detailed hard and soft landscaping scheme; soft works planted in the first available planting season; to include 5-year defects replacement for all planting and tree replacement.*
- *Retention of all existing trees and hedgerows shown on plans to be retained.*
- *Arboricultural Method Statement and Tree Protection Plan. Temporary tree protection to be in place for the duration of the construction works.*
- *Tree replacement scheme at a rate of 3 to 1, for each tree removed.’*

4.5 **NYCC Heritage – Ecology** – responded to the initial consultation on the 15 October 2022 stating that: *‘As the main school building was determined to be of moderate suitability for roosting bats, two additional bat activity surveys will be required to determine whether the building is in active use by bats. These will only be required if evidence of bat activity is detected in the existing suspended ceiling void. The findings of this effort will determine the mitigation or compensation measures required for bats by the proposed works and whether the redevelopment will require a EPSL bat licence’*

It was also requested by the consultee that the applicant demonstrates how the proposed development would deliver net gains for biodiversity in line with requirements of the NPPF; commenting how: *‘The PEA contains baseline calculation but no post-development figures making it impossible to tell whether net gain would be achieved’*.

On the 16 January 2023, in response to re-consultation, it was clarified that no bat surveys would be required as the proposed development would not be carried out in the main school building. Regarding the Biodiversity Net Gain (BNG) report, the NYCC Ecology team approved the report they were provided with by the applicant and are happy for a condition to be placed for a BNG plan to be submitted for approval.

In the light of new information, NYCC Ecology was requested to provide further comment. This information concerned how the applicant is looking to offset the habitat

loss that the school development will cause, by developing a wildlife/nature area at another school or schools due to the schools relatively small and restrictive nature to allow for it. Since this would require a Section 106 due to the offset taking place outside the application boundary, further delaying the application process, the applicant reconsidered their position and would prefer to offset it within the site boundary. NYCC Ecology as previously mentioned were requested for comment. Their comment states that:

'In terms of area-based habitats, there is a deficit of 32%, according to their ecologist's calculation. In terms of hedgerows, which are calculated separately, ample net gain would be provided.

We do not object to the proposed development and have no over-riding concerns. We recognise that in achieving a nearly 50% net gain for hedgerows, the applicant has tried to do what they consider feasible within the confines of the site. In the long-term, it's expected that developers will be able to purchase credits from third-party providers to cover biodiversity deficits but as far as I know, this is not yet an option in North Yorkshire.

In the circumstances, NYCC will have to weigh-up the inability to deliver one aspect of BNG within the wider planning balance'.

- 4.6 **Highway Authority** - responded to the initial consultation on the 24 November 2022 stating concerns in regard to: 1. Increased number of pupils due to the proposed development, 2. Availability of car parking and 3. How mud on the highway would be dealt with. On the 18 January 2023, it was confirmed by Highway Authority that points 1 and 3 were addressed by the applicant and for an updated Construction Management Plan to be submitted reflecting where the car parking spaces, wheel washing facilities, welfare units and storage would be located. The Highway Authority's final response was received on the 20 January 2023, in which it is stated that the plan submitted by the applicant addressed the concerns, recommending for plan drawing titled 'Proposed Contractors Compound Plan' no. 21007-APP-XX-XX-DR-B-000040 Version T1 to be conditioned with the plans.
- 4.7 **Harrogate Conservation Officer** - at the time of writing this report no correspondence has been received in relation to this application.
- 4.8 **NYCC Arboricultural Officer** - responded on the 15 October 2022 stating that *'in regard to the above application I confirm that I concur with the comments made by the NYCC Principal Landscape Architect dated 22/11/2022 and do not wish to make any additional comments at this time'*.
- 4.9 **Harrogate Environmental Health Officer (Harrogate)** - responded to the initial consultation on the 17 October 2022 recommending refusal for the application on the grounds of noise. Comments concerned the 4 external fan coil units, which, if placed on the northern face of the proposed prefabricated unit, would not have the proper acoustic shield to mitigate the effects to nearby residents. It is stated by the Harrogate Environmental Health Officer that the noise rating for the development would be 60db, expressing that *'this noise rating taking into account the background levels likely to be experienced in the area would not be acceptable at the nearest noise sensitive premises and would likely give rise to a noise nuisance and so I am unable to recommend the approval of this application on the grounds of substantial loss of residential amenity'*, which concluded the officers comments in relation to the schemes noise levels. Further comments related to external lighting suggesting that the location, height, direction and type would illuminate the surrounding light sensitive residential premises.

On the 11 November 2022, a re-consultation response was received, commenting on the new, but not final, site plan named 'Existing & Proposed Site Plan Revision 2'; although the objection still stands on the grounds of amenity loss to the occupants of noise sensitive premises in close proximity and lack of information. Further comments

criticise the hedgerow to the northeast corner put in place to mitigate noise, which the consultee makes clear, will not provide any acoustic benefit to mitigate noise from the external fan coil units. The following condition was recommended in respect of the external lighting:

- **Condition- External Lighting Hours of Use:** *The external artificial lighting hereby approved shall not be operated during the hours of daylight or between the hours of 21:00 and 07:00 on any day of the week’.*

A response to the final re-consultation in regard to the new and final site plan named ‘Existing & Proposed Site Plan Revision 3’ was received on the 1 February 2023 which stated: ‘given the revised location and the shielding the building will now provide I am satisfied that a condition specifying an appropriate sound level can be met and so rather than recommend refusal I would recommend the following conditions’. These are:

- **‘Condition - BS4142 limit on external sound levels produced by fixed external plant:**
The rating level of sound emitted from fixed plant associated with the development shall not exceed background sound levels by more than 5dB(A) between the hours of 0700-2300 (taken as a one-hour LA90 at any sound sensitive premises) and shall not exceed the background sound level between 2300-0700 (taken as a 15 minute LA90 at any sound sensitive premises). All measurements shall be made in accordance with the methodology of BS 4142:2014+A1:2019 (Methods for rating and assessing industrial and commercial sound) and/or its subsequent amendments. Where access to the nearest sound sensitive property is not possible, measurements and calculations shall be for an appropriate location and corrected to establish the noise levels at the sound sensitive premises which include garden areas for the daytime period.
- **Condition – External Lighting Hours of Use:** *The external artificial lighting hereby approved shall not be operated during the hours of daylight or between the hours of 21:00 and 07:00 on any day of the week’.*

- 4.10 **Sport England** – at the time of writing this report, no correspondence has been received in relation to this application.

Notifications

- 4.11 Cllr Arnold Warneken – was notified of the application on the 14 October 2022, to which no response was received.

5.0 Advertisement and representations

- 5.1 This application has been advertised by means of a Site Notice posted on 13 October 2022 (responses to which expired on 3 November 2022). The Site Notice was posted in the following location: at the front entrance of the school, posted on the left side metal fence bounded by Main Street. A Press Notice appeared in the Harrogate Advertiser on 20 October 2022 (responses to which expired on 10 Nov 2022).

- 5.2 Neighbour Notification letters were sent on 14 October 2022 and the period in which to make representations expired on 4 November 2022. The following properties received a neighbour notification letter:

- Meadow Court, Main Street, Great Ouseburn, York, North Yorkshire, YO26 9RG
- Lake View Cottage, Main Street, Great Ouseburn, York, North Yorkshire, YO26 9RQ
- Lake View Bungalow, Main Street, Great Ouseburn, York, North Yorkshire, YO26 9RQ
- Dunstan Grange, Main Street, Great Ouseburn, York, North Yorkshire, YO26 9RG
- St Imoges, Main Street, Great Ouseburn, York, North Yorkshire, YO26 9RQ
- Wingate Cottage, Main Street, Great Ouseburn, York, North Yorkshire, YO26 9RQ
- Ousemead, Main Street, Great Ouseburn, York, North Yorkshire, YO26 9RG

A total of 3 letters of representation have been received raising objections on the grounds of:

- Noise impact from external fan coil units
- Traffic and Parking
- Siting of garden room and shed
- Location of the new prefabricated building
- Landscape and Net Bio-diversity loss
- Prefabricated building external lighting
- Increased capacity of children attending the school
- Surface water management from the roof

A total of 20 letters of support have been received raising support on the grounds of:

- Importance of the school for the children
- Update to building premises to accommodate the students learning.
- Larger space for the current capacity of children attending the school

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:

6.3 The Harrogate District Local Plan 2014-2035 (2020). This has particular relevance in the determination of this application and the policies most relevant include: Policy TI1, CC1, CC4, HP2, HP3, HP4, HP8, NE3, NE4, NE7.

6.4 **Policy TI1 (Sustainable Transport)** – states *'The council will work in partnership with other authorities, transport providers, developers and local groups to promote a sustainable and improved transport system which is safe, reliable, and convenient and will:*

B) Seek reductions in traffic congestion in Harrogate, Knaresborough and Ripon.

C) Promote improvements to public transport, including the provision of better parking at rail stations and park and ride facilities, the creation of walking and cycling routes, provision of electric vehicle charging points for both cars and bikes, the Harrogate car-share scheme and measures to reduce air pollution.

D) Ensure development proposals seek to minimise the need to travel and achieve more sustainable travel behaviour by requiring all developments which will generate significant amounts of traffic to be supported by a transport statement or transport assessment and a travel plan.

E) Locate, as far as possible, the majority of future development so that it is accessible to a station on the Leeds-Harrogate-York railway or within the key bus service corridor.

F) Improve accessibility in rural areas.

G) Undertake a Strategic Transport Priorities Study for the district in order to set out the council's priorities for sustainable transport'.

6.5 This policy is consistent with Paragraph 111 within Chapter 9 (Promoting Sustainable Transport) of the NPPF which states that *'Development should only be prevented or refused*

on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'. Therefore it is considered that this policy should be given full weight in the determination of this planning application.

6.6 Policy CC1 (Flood Risk and Sustainable Development) – states '*Development proposals will not be permitted where they would have an adverse effect on watercourses or increase the risk of flooding elsewhere.*

Development will only be permitted where it has an acceptably low risk of being affected by flooding when assessed through sequential testing against the most up-to-date Environment Agency flood risk maps and the Harrogate District Level 1 Strategic Flood Risk Assessment (SFRA) maps. Development layout within the site should be subject to the sequential approach, with the highest vulnerability development located in areas at lowest flood risk within the site.

Proposals within Flood Zone 3a(i) will be assessed in accordance with national policies relating to Flood Zone 3a but with all of the following additional restrictions:

- A) No new highly vulnerable or more vulnerable uses will be permitted*
- B) Less vulnerable uses may only be permitted provided that the sequential test has been passed*
- C) Where extensions are linked operationally to an existing business or, where redevelopment of a site provides buildings with the same or a smaller footprint*
- D) All proposals will be expected to include flood mitigation measures to be identified through a site-specific Flood Risk Assessment including consideration of the creation of additional sustainable flood storage areas*
- E) Development will not be permitted on any part of the site identified through a site-specific Flood Risk Assessment as performing a functional floodplain role.*

Where required by national guidance, proposals for development should be accompanied by a site-specific flood risk assessment (FRA). The FRA should demonstrate that the development will be safe, including access, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

All development will be required to ensure that there is no increase in surface water flow rate run off. Priority should be given to incorporating sustainable drainage systems (SuDS) to manage surface water drainage, unless it is proven that SuDS are not appropriate. Where SuDS are provided arrangements must be put in place for their whole life management and maintenance.

Proposals involving building over existing culverts, or the culverting or canalisation of water courses will not be permitted unless it can be demonstrated to be in the interests of public safety or to provide essential infrastructure, and that there will be no detrimental effect on flood risk and biodiversity. Where feasible, development proposals should incorporate re-opening of culverts, modification of canalised water courses and consideration of mitigation measures to achieve a more natural and maintainable state.

6.7 This policy is consistent with Paragraph 154 within Chapter 14 (Meeting the challenge of climate change, flooding and coastal change) of the NPPF which states that '*new development should be planned for in ways that: a) avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure and b) can help to reduce greenhouse gas emissions, such as through its location, orientation and design. Any local requirements for the sustainability of buildings should reflect the Government's policy for national technical standards*'. Therefore, this policy should be given full weight in the determination of this planning application.

6.8 Policy CC4 (Sustainable Design) – states '*The council requires all developments to be designed to reduce both the extent and the impacts of climate change; it will promote zero carbon development and encourage all developments to meet the highest technically feasible and financially viable environmental standards during construction and occupation:*

- A. All developments are required to reduce carbon dioxide emissions through the following sequence of priorities, as set out in the energy hierarchy:*
 - i. Energy Reduction; then*

- ii. *Energy Efficiency; then*
- iii. *Renewable energy; then*
- iv. *Low carbon energy; then*
- v. *Conventional energy*

B. The council:

1. *Expects new developments to incorporate passive design measures that reduce the need for artificial lighting and heating, cooling and ventilation systems through siting, design, layout and building orientation.*
2. *Will support proposals to improve the energy efficiency of existing buildings that comply with all relevant aspects of this policy and other relevant policies in the plan’.*

6.9 This policy is consistent with Paragraph 130 within Chapter 12 (Achieving Well Designed Places) of the NPPF which states that decisions should ensure that developments will add to the overall quality of the area, are visually attractive, are sympathetic to local character and history, will establish and maintain a strong sense of place and create safe places that are safe with a high standard of amenity for existing and future users. Further consistency can be found in Paragraph 134 which states ‘*development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design*’. Therefore, this policy should be given full weight in the determination of this planning application.

6.10 **Policy HP2 (Heritage Assets)** – states that ‘*proposals for development that would affect heritage assets (designated and non-designated) will be determined in accordance with national planning policy.*

Applicants should:

- A) *Ensure that proposals affecting a heritage asset, or its setting, protect or enhance those features which contribute to its special architectural or historic interest.*
- B) *...*
- C) *Ensure that proposals affecting a conservation area protect and, where appropriate, enhance those elements that have been identified as making a positive contribution to the character and special architectural or historic interest of the area and its setting.*
- D) *...*
- E) *...*
- F) *...*
- G) *Development affecting archaeological sites of less than national importance should conserve those elements which contribute to their significance in line with the importance of the remains.*

Harm to elements which contribute to the significance of a designated heritage asset or archaeological site of national importance will be permitted only where this is clearly justified and outweighed by the public benefits of the proposal. Substantial harm or total loss to the significance of such assets will be permitted only in exceptional circumstances.

Proposals which would remove, harm or undermine the significance of a non-designated heritage asset will be permitted only where the benefits are considered sufficient to outweigh the harm.

Schemes that help to ensure a sustainable future for the district's heritage assets, especially those identified as being at greatest risk of loss or decay, will be supported’.

6.11 This policy is consistent with the objectives of Chapter 16 of the NPPF (Conserving and Enhancing the Historic Environment) in particular paragraphs 206 and 207. Paragraph 206 looks for opportunities for new development within Conservation Areas, and within the setting of heritage assets, to enhance or better reveal their significance. Paragraph 207, on the other hand, focuses on the loss of buildings to make positive contribution towards the significance of Conservation Areas. Policy HP2 is additional in compliance with paragraphs including 194 ,195, 197,198 ,200 ,201 and 202 which support the

protection and mitigation of harm to heritage assets and how they should be considered during the planning process, therefore full weight should be given to this policy.

- 6.12 **Policy HP3 (Local Distinctiveness)** – states that *‘Development should incorporate high quality building, urban and landscape design that protects, enhances or reinforces those characteristics, qualities and features that contribute to the local distinctiveness of the district’s rural and urban environments. In particular, development should:*
- A. *Respect the spatial qualities of the local area, including the scale, appearance and use of spaces about and between buildings or structures, visual relationships, views and vistas.*
 - B. *Respond positively to the building density, building footprints, built form, building orientation, building height and grain of the context, including the manner in which this context has developed and changed over time.*
 - C. *Take account of the contribution of the natural environment, including biodiversity, landscape, and green and blue infrastructure.*
 - D. *Take account of the contribution of fenestration, roofscape, detailing, trees and planting, the palette and application of materials, traditional building techniques, and evidence of past and present activity to local distinctiveness.*
 - E. *Where a departure from this approach can be justified in design terms, incorporate design of exceptional quality which would significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area.*
- 6.13 This policy is consistent with Paragraph 130 within Chapter 12 (Achieving Well Designed Places) of the NPPF which states that decisions should ensure that developments will add to the overall quality of the area, are visually attractive, are sympathetic to local character and history, will establish or maintain a strong sense of place and create safe places that are safe with a high standard of amenity for existing and future users. Further consistency can be found in Paragraph 134 which states *‘development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design’*. Therefore, this policy should be given full weight in the determination of this planning application.
- 6.14 **Policy HP4 (Protecting Amenity)** – states that *‘development proposals should be designed to ensure that they will not result in significant adverse impacts on the amenity of occupiers and neighbours.*
- Amenity considerations will include the impacts of development on:*
- A. *Overlooking and loss of privacy.*
 - B. *Overbearing and loss of light; and*
 - C. *Vibration, fumes, odour noise and other disturbance.*
- The individual and cumulative impacts of development proposals on amenity will be considered.*
- New residential development should incorporate well-designed and located private and/or communal outdoor amenity space which is of an adequate size for the likely occupancy of the proposed dwellings’.*
- 6.15 This policy is generally considered to be consistent with paragraphs 174 and 185 within Chapter 15 (Conserving and Enhancing the Natural Environment) of the NPPF which details how policies should contribute and enhance the natural and local environment as well as ensuring its suitability to the surrounding location. Therefore, it is considered that full weight can be given to this policy in the determination of this application.
- 6.16 **Policy HP8 (Protecting and Enhancement of Community Facilities)** – states that... *‘Proposals involving the improvement of existing community facilities by way of redevelopment or extension will be supported unless it would:*

- A. *Cause unacceptable adverse impacts on the amenities of neighbouring occupiers; or*
- B. *Have an unacceptable impact on the operation of the highway network.*

6.17 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 93 which states that planning policies and decisions should '*plan positively for the provision and use of shared space, community facilities and other local services to enhance the sustainability of communities and residential environments.* Further support can be found within paragraph 95 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 HP8 is considered to be consistent with the NPPF's objectives due to its relation to the delivery of facilities linked to the provision of education. Therefore, it is considered that full weight can be given to this policy in the determination of this application.

6.18 **Policy NE3 (Protecting the Natural Environment)** – states that '*Proposals that protect and enhance features of ecological and geological interest and provide net gains in biodiversity will be supported.*

This will be achieved by:

- A. *Considering proposals which would have a direct or indirect impact on a site protected under international or national legislation, including its features of interest or species, within the context of the statutory protection afforded to them.*
- B. *Permitting development that affects the interest features of local sites only where an appraisal has considered alternate sites and demonstrated that significant harm can be avoided, adequately mitigated, or, if either criteria cannot be achieved, compensated for.*
- C. *Permitting proposals which would impact on UK priority habitats and priority species, or priority habitats, networks and species identified in the Harrogate Biodiversity Action Plan, or successive document, only where significant harm can be avoided or adequately mitigated for;*
- D. *Refusing planning permission for development resulting in the loss or deterioration of irreplaceable habitats, including historic wetlands and species-rich grasslands, ancient woodland, including ancient semi-natural woodland and plantations on ancient woodland, and aged or veteran trees, unless the need for and benefits of the development in that location clearly outweigh the loss.*
- E. *Requiring proposals for major developments to avoid any net loss of biodiversity and supporting schemes which achieve a net gain.*
- F. *Requiring proposals to increase connectivity of habitats by locating features which enlarge, connect or support existing green corridors and natural and semi-natural green spaces in line with policy NE5 Green and Blue Infrastructure and the Green Infrastructure Supplementary Planning Document (2014) (or successive document);*
- G. *Requiring proposals to make use of opportunities to restore and re-create priority habitats and other natural habitats within development schemes.*

6.19 This policy is in line with paragraphs 174 and 180 within Chapter 15 (Conserving and enhancing the natural environment) of the NPPF, Paragraph 174 deals with enhancing the natural and local environment whilst Paragraph 180 ensures that development is appropriate for its location. Therefore, it is considered that full weight can be given to this policy in the determination of this application.

6.20 **Policy NE4 (Landscape Character)** – states that '*Proposals that will protect, enhance or restore the landscape character of Harrogate district for its own intrinsic beauty and for its benefit to the economic, environmental and social well-being of the district will be supported. This will be achieved:*

- A. *Requiring that development has particular regard to maintaining the aesthetic and biodiversity qualities of the natural and man-made heritage within the landscape such as trees and woodland, hedgerows, walls, buildings, watercourses, ponds, reservoirs, lakes, ecological networks or other topographical features.*
- B. *Requiring that development proposals are informed by and are sympathetic to the distinctive landscape character areas as identified in the Harrogate District Landscape Character Assessment and that proposals respect the distribution and form of settlements and buildings in their landscape setting.*
- C. *Requiring that development proposals protect and/or enhance the character, appearance and local distinctiveness of the landscape and consider the ambiance of the area, including nocturnal character, level and type of activity and tranquillity, sense of enclosure/exposure.*
- D. *Requiring that visually sensitive skylines, hills and valley sides and visual amenity are protected and/or enhanced.*
- E. *Resisting development which would harm or be detrimental to the character of the local and wider landscape or the setting of a settlement.*

The council will work with landowners and statutory agencies to encourage land management practices 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.

- F. *Avoid significant loss of key characteristics that contribute to the quality of the special landscape area and the setting of Harrogate, Knaresborough and Ripon.*
- G. *Ensure that development proposals that are not subject to policies HS6, HS7 and HS9 are linked to existing settlements and are designed to integrate the urban edge with the countryside and to enhance the appearance of the urban fringe’.*

6.21 This policy is generally considered to be consistent with paragraphs 174 and 185 within Chapter 15 (Conserving and Enhancing the Natural Environment) of the NPPF detailing how policies should contribute and enhance the natural and local environment as well as ensuring its suitability to the surrounding location. Therefore, it is considered that full weight can be given to this policy in the determination of this application.

6.22 **Policy NE7 (Trees and Woodland)** – states that *‘development should protect and enhance existing trees that have wildlife, landscape, historic, amenity, productive or cultural value or contribute to the character and/or setting of a settlement, unless there are clear and demonstrable reasons why removal would aid delivery of a better development.*

Proposals that would result in the loss of, or damage to ancient or veteran trees or trees that are subject to a tree preservation order (TPO) will not be permitted unless:

- A. *There is an overriding need for the development that outweighs the loss or harm; and*
- B. *Development is location specific and there is no preferable alternative location.*

Development that results in the loss of, or damage to trees will be required to provide replacement trees on-site or, if this is not possible, compensatory planting off-site that is equivalent to the public value of the trees to be removed.

New development should be designed to ensure a satisfactory relationship between buildings and new and existing trees, which both safeguards the future health of the trees and avoids unacceptable impacts on residential amenity’.

6.23 This policy is in line with Paragraph 131 of Chapter 12 (Achieving well-designed places) of the NPPF which expresses the importance of trees to the character and quality of urban environments, stating it should be ensured *‘that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible’.* However this policy is not fully compliant with the NPPF as paragraph

180, specifically section c) states that ‘*development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists*’ whereas the policy does not include as much detail such as mentioning the wholly exceptional reasons for the loss of ancient woodland and ancient or veteran trees. Due to this difference, it is considered that some weight can be given to this policy in the determination of this application.

Other policy considerations:

National Planning Policy

- 6.24 The policy relevant to the determination of this particular planning application provided at the national level is contained within the following documents:
- National Planning Policy Framework (NPPF) (published July 2021)
 - National Planning Practice Guidance (PPG) (2014)

National Planning Policy Framework

- 6.25 The National Planning Policy Framework (NPPF) sets out the Government’s planning policies for England and how these are expected to be applied.
- 6.26 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.’*
- 6.27 **Paragraph 11:** States that ‘*plans and decisions should apply a presumption in favour of sustainable development.*
- For decision-taking this means c) approving development proposals that accord with an up-to-date development plan without delay; or*
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁸, granting permission unless:**
- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or**
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole’.**
- 6.28 **Paragraph 55:** states that ‘*Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition’.*
- 6.29 **Paragraph 92:** states that ‘planning policies and decisions should aim to achieve healthy, inclusive and safe places which:

- a) promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other – for example through mixed-use developments, strong neighbourhood centres, street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages.
- b) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of attractive, well-designed, clear and legible pedestrian and cycle routes, and high-quality public space, which encourage the active and continual use of public areas.
- c) enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling’.

- 6.30 **Paragraph 93:** states that in order *‘to provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:*
- a) *plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;*
 - b) *take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community;*
 - c) *guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community’s ability to meet its day-to-day needs;*
 - d) *ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community; and*
 - e) *ensure an integrated approach to considering the location of housing, economic uses and community facilities and services’.*
- 6.31 **Paragraph 95:** states that *‘it is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:*
- a) *give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications; and*
 - b) *work with school promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted’.*
- 6.32 **Paragraph 104:** states that *‘Transport issues should be considered from the earliest stages of plan-making and development proposals, so that:*
- a) *the potential impacts of development on transport networks can be addressed.*
 - b) *opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised – for example in relation to the scale, location or density of development that can be accommodated.*
 - c) *opportunities to promote walking, cycling and public transport use are identified and pursued.*
 - d) *the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains.*
 - e) *patterns of movement, streets, parking and other transport considerations are integral to the design of schemes and contribute to making high quality places.*
- 6.33 **Paragraph 111:** states that *‘development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe’.*

- 6.34 **Paragraph 126:** states that *‘the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process’.*
- 6.35 **Paragraph 127:** states that *‘plans should, at the most appropriate level, set out a clear design vision and expectations, so that applicants have as much certainty as possible about what is likely to be acceptable. Design policies should be developed with local communities, so they reflect local aspirations, and are grounded in an understanding and evaluation of each area’s defining characteristics. Neighbourhood planning groups can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development, both through their own plans and by engaging in the production of design policy, guidance and codes by local planning authorities and developers’.*
- 6.36 **Paragraph 128:** states that *‘to provide maximum clarity about design expectations at an early stage, all local planning authorities should prepare design guides or codes consistent with the principles set out in the National Design Guide and National Model Design Code, and which reflect local character and design preferences. Design guides and codes provide a local framework for creating beautiful and distinctive places with a consistent and high-quality standard of design. Their geographic coverage, level of detail and degree of prescription should be tailored to the circumstances and scale of change in each place and should allow a suitable degree of variety’.*
- 6.37 **Paragraph 129:** states that *‘Design guides and codes can be prepared at an area-wide, neighbourhood or site-specific scale, and to carry weight in decision-making should be produced either as part of a plan or as supplementary planning documents. Landowners and developers may contribute to these exercises but may also choose to prepare design codes in support of a planning application for sites they wish to develop. Whoever prepares them, all guides and codes should be based on effective community engagement and reflect local aspirations for the development of their area, taking into account the guidance contained in the National Design Guide and the National Model Design Code. These national documents should be used to guide decisions on applications in the absence of locally produced design guides or design codes’.*
- 6.38 **Paragraph 130:** states that *‘planning policies and decisions should ensure that developments:*
- a) *will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
 - b) *are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
 - c) *are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
 - d) *establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
 - e) *optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
 - f) *create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users⁴⁹; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience’.*
- 6.39 **Paragraph 131:** states that *‘Trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change.*

Planning policies and decisions should ensure that new streets are tree-lined⁵⁰, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible. Applicants and local planning authorities should work with highways officers and tree officers to ensure that the right trees are planted in the right places, and solutions are found that are compatible with highways standards and the needs of different users’.

- 6.40 **Paragraph 134:** states that *‘Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:*
- a) *development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or*
 - b) *outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings’.*
- 6.41 **Paragraph 154:** states that: *‘new development should be planned for in ways that:*
- a) *avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure.*
 - b) *can help to reduce greenhouse gas emissions, such as through its location, orientation and design. Any local requirements for the sustainability of buildings should reflect the Government’s policy for national technical standards.*
- 6.42 **Paragraph 174:** states that: *‘Planning policies and decisions should contribute to and enhance the natural and local environment by:*
- a) *protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);*
 - b) *recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;*
 - c) *maintaining the character of the undeveloped coast, while improving public access to it where appropriate;*
 - d) *minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;*
 - e) *preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and*
 - f) *remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate’.*
- 6.43 **Paragraph 180:** states that: *‘When determining planning applications, local planning authorities should apply the following principles:*
- a) *if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*
 - b) *development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the*

features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;

- c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and
 - d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate’.
- 6.44 **Paragraph 185:** states that ‘*Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:*
- a) *mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life,*
 - b) *identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and*
 - c) *limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation’.*
- 6.45 **Paragraph 194:** states that ‘*in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation’.*
- 6.46 **Paragraph 195:** states that ‘*local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset’s conservation and any aspect of the proposal’.*
- 6.47 **Paragraph 197:** states that ‘*in determining applications, local planning authorities should take account of:*
- a) *the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.*
 - b) *the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality.*
 - c) *the desirability of new development making a positive contribution to local character and distinctiveness.*
- 6.48 **Paragraph 198:** states that ‘*In considering any applications to remove or alter a historic statue, plaque, memorial or monument (whether listed or not), local planning authorities should have regard to the importance of their retention in situ and, where appropriate, of explaining their historic and social context rather than removal’.*
- 6.49 **Paragraph 200:** states that ‘*Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:*
- a) *grade II listed buildings, or grade II registered parks or gardens, should be exceptional*

b) *assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.*

6.50 **Paragraph 201:** states that *'Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:*

- a) *the nature of the heritage asset prevents all reasonable uses of the site.*
- b) *no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation.*
- c) *conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible.*
- d) *the harm or loss is outweighed by the benefit of bringing the site back into use.*

6.51 **Paragraph 202:** 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'.*

6.52 **Paragraph 206:** states that *'Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably'.*

6.53 **Paragraph 207:** states that *'Not all elements of a Conservation Area or World Heritage Site will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 201 or less than substantial harm under paragraph 202, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole'.*

National Planning Practice Guidance (PPG) (2014)

6.54 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: -

- Climate Change
- Flood Risk
- Healthy and safe communities
- Historic environment
- Natural Environment
- Design
- Light Pollution
- Noise

6.55 Conserving and enhancing the historic environment

It is stated that authorities should set out their Local Plan with a positive strategy for the conservation and enjoyment of the historic environment. Heritage assets may be affected by direct physical change or by change in their setting; therefore, it is important to assess the significance of a heritage asset and the contribution to its setting. Furthermore, all heritage assets settings may have more significance than the extent

of their curtilage. The guidance also requires authorities to consider the implications of cumulative change and whether a development materially detracts from the asset.

6.56 Design

Good design is an integral part of sustainable development and 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.

6.57 Light Pollution

It is stated that artificial lighting needs to be considered when a development may increase levels of lighting or would be sensitive to an increase of it. Where necessary, development proposals in the vicinity of existing activities may need to put suitable mitigation measures in place to avoid those activities having a significant adverse effect on residents or users of the proposed scheme, mitigation measures should also be in place where the proposed scheme were to shine light to already existing developments.

6.58 Health and Wellbeing

Planning Practice Guidance states that healthy communities should enhance the physical and mental health of the community and, where appropriate, encourage: *'The creation of healthy living environments for people of all ages which supports social interaction. It meets the needs of children and young people to grow and develop, as well as being adaptable to the needs of an increasingly elderly population and those with dementia and other sensory or mobility impairments.'*

6.59 Noise

The PPG states that mineral planning authorities should take account of the prevailing acoustic environment and in doing so consider:

- Whether or not a significant adverse effect is occurring or likely to occur.
- Whether or not an adverse effect is occurring or likely to occur; and
- Whether or not a good standard of amenity can be achieved.

In line with the Explanatory Note of the Noise Policy Statement for England, this would include identifying whether the overall effect of the noise exposure would be above or below the significant observed adverse effect level and the lowest observed adverse effect level for the given situation. As noise is a complex technical issue, it may be appropriate to seek experienced specialist assistance when applying this policy.

6.60 Open space, sports and recreation facilities, public rights of way and local green space

The PPG states that open space should be taken into account in planning for new development and considering proposals that may affect it. It provides health and recreational benefits to people living and working nearby as well as ecological, landscape and sustainable development values.

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 set out in the paragraphs that follow below and include:

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 to meet the current needs and over capacity of students attending it, which at present holds 96 total students against the total capacity to only provide for 82. This proposed development intends to demolish the existing prefabricated building (88 metres squared) which exists to the west of the

school site and erect a single storey prefabricated building, which the applicant states would provide a minimum 30 places with a cloakroom space, toilet provision and an appropriate amount of storage for teaching supplies. The proposed gross internal floor area of the unit would measure 170 metres squared and would be made up of two classrooms each measuring 60 metres squared to meet the required teaching space. The proposal therefore seeks to improve existing facilities in order to fulfil the needs of the school and to function at the required level in terms of delivering services and facilities. The applicant considers that the proposed scheme would address the needs of the existing pupils and staff, providing them with a more suitable teaching environment. The proposal has received support through 20 letters of representation highlighting: the importance of the school for the children, the need for an update to the premises to accommodate student learning and larger space for the current number of children attending the school.

- 7.3 The bordering residential properties of Dunstan Grange and Ousemead have objected and have made representations concerning the suitability of the proposed scheme within the context of landscape in the school grounds, due to over-development within the confined space and loss of external play space, loss of soft grass social area, loss of existing trees, increased hard paved surfaces and the location of the proposed prefabricated building.
- 7.4 It is considered that the proposed development is in accordance with Policy HP8 (Protection and Enhancement of Community Facilities) of the Harrogate District Local Plan as the policy supports '*proposals involving the improvement of existing community facilities by way of redevelopment or extension*' unless it would cause unacceptable harm or adverse effects to the neighbouring occupier or the highway network. As stated throughout the report, although impacts have been created, these have been adequately met through appropriate conditions, which would be put in place to control, lessen and remove the impacts arising from the proposed development. Furthermore, the site plan has undergone two revisions with Revision 3 staying as the final amendment to the existing & proposed site plan, these revisions have amended and taken into account the issues raised by the NYCC Principal Landscape Architect and Harrogate's Environmental Health Officer, to produce the 'Existing & Proposed Site Plan Revision 3' document, reducing the issues raised. Throughout the report the design, visual impact, noise, light pollution, biodiversity, natural environment and the landscape character of the site area are further discussed in detail, considering the representations made as well as the nature of the proposed scheme. The scheme is further supported by paragraph 95 of the NPPF due to the need to alter or expand schools and the improved teaching facilities that would come as a result of the scheme and paragraph 93 due to the need for additional teaching space to meet the school's current need for teaching space to meet the current number of pupils attending the school. Given the aforementioned policy support, it is considered that the principle of this development is supported in a policy context, notwithstanding the consideration of all other material considerations.

Design and visual impact

- 7.5 The proposed development is proposed to be located towards the west of the school site, which is currently occupied by an existing prefabricated unit. The existing unit would be demolished to make way for the new unit, addition of surrounding hard standing, repositioning of the Nurture Room and insertion of planters and a shed. It is noted that the footprint of the proposed scheme would be almost double the existing unit as the footprint scales from the original 88 metres squared to the proposed 170 metres squared.
- 7.6 The proposed development would comprise of the same materials and finish further stated below, with a low-pitched roof (1.5 degrees) to maintain the appearance, scale and height of the existing temporary classroom unit structure. The proposed single

storey prefabricated classroom unit replacement would feature a hypalon roof covering, clear polycarbonate canopy, plastic coated steel brown external cladding and external wall light fittings as well as external plant fan coil units. Windows would be UPVC white double-glazed and located in the west and east to achieve the required crossflow ventilation and mimic the current arrangement on site so as to not cause any further noise disturbances. Other external features include the steel doors which would be coated blue (the internal door would have a veneer finish) and rainwater downpipes featuring a black finish. The Nurture Room would remain the same design-wise (grey pitched roof with a pale, neutral colour) although relocated towards the northern boundary of the site. It is therefore considered that there would be minimal impact to the amenity of the area, as it sits further back than the three existing sheds at the school site.

- 7.7 It is considered that, once constructed, the new development would be more in keeping with its setting and unlikely to appear out of place in regard to the existing school buildings which is consistent with Policy HP3 of the Harrogate District Local Plan, as it enhances and reinforces the local characterises by respecting the spatial qualities of the area, through its scale appearance and use of spaces as well as respecting the surrounding building density and built form through its height and orientation away from the neighbouring properties. It was ultimately proposed for the temporary unit to be repositioned 6.47 metres further away from the northern boundary facing Dunstan Grange and 3.84 metres from the Ousemead property to increase privacy and mitigate further issues to amenity resulting from proximity. The replacement of a temporary structure is also supported through the Design section in the National Planning Practice Guidance. Although the proposed development does not implement any outstanding sustainable design practices, it would help to mitigate the increase of carbon through the use of its passive ventilation created by its window placement, which would allow for effective cooling. The use of external fan coils within its design would further reduce energy consumption, which is considered sustainable in this case. It is therefore considered that the proposed development has been designed to reduce the extent and impact of climate change through the use of energy reduction in the form of cross ventilation and energy efficiency through the use of the external fan coils. It is therefore considered that the proposed prefabricated building is in accordance with Policy CC4 section A in terms of carbon reduction and section B which states *'the council expects new developments to incorporate passive design measures that reduce the need for artificial lighting and heating, cooling and ventilation systems through siting, design, layout and building orientation'*. To this effect, it is considered that there would be limited visual impact upon local amenity resulting from the proposed development, as the design is in keeping with the principles of good design outlined within the NPPF and the NPPG and accords with Policy HP3 of the Harrogate District Local Plan which seeks to protect the character of the area. It is therefore considered that the retention of existing prefabricated unit is acceptable and consistent with paragraphs 126-130 of the NPPF and PPG guidance due to its in keeping with general amenity and design, adding to the overall quality of the area and sympathetic to the surrounding built environment. Further compliance is found within paragraph 134 which states that 'development that is not well designed should be refused' unless the development such as the one proposed reflects local design policies. Additionally it should be taken into account that the proposed prefabricated building is considered to be safe and compliant with paragraph 92 of the NPPF as its designs enhances its functionality while also creating an appealing visual aesthetic which ultimately does not undermine the quality of the surrounding community.

Local amenity (noise, light pollution, odour and dust)

- 7.8 It is acknowledged that the works comprising the demolition and removal of the existing unit and construction of the new permanent classrooms and associated rooms could result in additional noise being generated for the temporary period in which construction works are proposed to take place. However, as stated in condition 3 within

this report, it is proposed that the hours of construction be restricted to ensure minimal impact on residential amenity. The nearest residential properties are located 10 metres from the proposed development and are directly bounding the school perimeter. Due to the positions of the residential properties, the potential impact of the proposed development upon local amenity is an important consideration in the determination of this application. Both bordering properties (Dunstan Grange and Ousemead) have objected to the application on the grounds of disturbance to amenity due to noise, light pollution.

- 7.9 The creation of the new structure on the school site for teaching provision is considered unlikely to generate any additional noise. Furthermore, the school has not indicated any plans to increase the number of pupils attending the school as the scheme has been proposed to match and provide for the already existing excess currently attending the premises. Therefore, there would be no noise issues arising from the scheme regarding pupil numbers. Concerns were raised originally by the Harrogate Environmental Health Officer and the neighbouring properties due to the proposed external fan coil units that would face the northern boundary within the first submitted scheme. It was stated by the Harrogate EHO that the four external fan coil units would not be acoustically shielded from nearby residents by the proposed prefabricated classroom, as the only mitigation measures within the original plan consisted of existing boundary screening between the site and the adjacent residential premises, made up of hedges which would provide no acoustic benefit. The plan has since been changed accordingly to take into account these comments particularly relating to improving stand-off and protection of the northern boundary, supported by Policy HP3 through its respect of the spatial qualities of the local area. The four external fan coil units in the updated scheme (Existing & Proposed Site Plan Final Revision 3 (amended)) face the southern boundary of the site towards an open greenfield area, helping to mitigate any noise that might arise and affecting the properties of Dunstan Grange and Ousemead. This updated scheme has resulted in Harrogate Environmental Health Officer removing the original objection, as it was stated that the revised location and shielding the building would now provide, satisfies his original comments and rather than recommending refusal, the scheme is recommended to follow this condition instead:
- 7.10 *'The rating level of sound emitted from fixed plant associated with the development shall not exceed background sound levels by more than 5dB(A) between the hours of 0700-2300 (taken as a one-hour LA90 at any sound sensitive premises) and shall not exceed the background sound level between 2300-0700 (taken as a 15 minute LA90 at any sound sensitive premises). All measurements shall be made in accordance with the methodology of BS 4142:2014+A1:2019 (Methods for rating and assessing industrial and commercial sound) and/or its subsequent amendments. Where access to the nearest sound sensitive property is not possible, measurements and calculations shall be for an appropriate location and corrected to establish the noise levels at the sound sensitive premises which include garden areas for the daytime period.'*
- 7.11 External lighting is included in the proposal. However, although it originally received comments from the Harrogate Environmental Health Officer due to its location, height, direction and type as to illuminate the light sensitive residential premises in close proximity, it has now been considered that lighting would not continue to pose any issues due to the proposed prefabricated unit's relocation further back from neighbouring premises. The proposed prefabricated building would now sit 3.84 metres from the western boundary with the Ousemead property and 6.48 metres from the northern boundary facing Dunstan Grange. Lighting is proposed to be run on sensor/timers to avoid being used outside of school operation, as well as following condition 6 recommend by the Harrogate Environmental Health Officer to control the hours of use, which if approved would not be operated during the hours of daylight or between the hours of 21:00 and 07:00 on any day of the week.

- 7.12 It is considered that the proposed prefabricated unit in relation to the noise and light pollution from its external fan unit and outdoor lighting is compliant with Policy HP4 of the Harrogate District Local Plan. This is due to the repositioning of the prefabricated unit away from the bordering properties which originally objected to these matters and the positioning of the external fan units which now face the southern boundary of the site towards an open greenfield area, which would mitigate the overall sound emitted to surrounding properties, compliant with paragraph 174 by *'preventing new and existing development from contributing to, being put at unacceptable risk from or being adversely affected by, unacceptable levels of soil, air, water or noise pollution'*. Additional mitigation measures in the form of imposed conditions recommended by the Harrogate Environmental Health Officer which would limit the sound emitted as well as controlling lighting hours, compliant with paragraph 185 which states that new development should *'limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation'*. To this effect, it is considered that there would be limited visual and audible impact upon local amenity resulting from the proposed development.

Biodiversity, Habitats and Natural Environment

- 7.13 Consideration of biodiversity, habitats and nature conservation has been taken into account with the consultation of NYCC Ecology. It is acknowledged that the proposed development would have an impact upon the western boundary, as the scheme includes, the removal of grassed areas, an existing tree to be replaced by the prefabricated unit, creation of hard standing around the proposed unit and the addition of a hedgerow to the northeast of the northern boundary with Dunstan Grange to provide further privacy to the property. Letters of representation regarding issues in relation to Net Biodiversity loss have been received, and are addressed below.
- 7.14 It was requested by the NYCC Ecology team for the applicant to demonstrate how the proposed development would deliver net gains for biodiversity in line with the requirements of the NPPF para 174 d). The BNG report submitted by the applicant showed that there would be a 32% deficit in area-based habitats, however NYCC Ecology stated that although this loss exists, net gain would be provided with the addition of the northern hedgerow which would nearly achieve a 50% net gain for hedgerows. Although biodiversity net gain has not been fully accomplished on the site, as it's not currently a statutory requirement, it is still nevertheless considered to be acceptable by NYCC Ecology and in compliance with Policy NE3 (Protecting the Natural Environment) of the Harrogate District Local Plan as the development has adequately mitigated this loss through the addition of the hedgerow. This is consistent with NPPF Paragraph 180. This is because, although there has been some loss to biodiversity, this loss has been adequately mitigated through the implementation of a hedgerow to the northwest of the site, achieving a 50% net gain for hedgerows at the site, which can be considered to resolve the initial issues in relation to the net biodiversity loss highlighted in the letters of representation. Further consistency can be found within Paragraph 185, as the development can be considered to be appropriate for its location, as it has taken into account the likely effects of the scheme on the natural environment and has adequately mitigated and reduced the overall impacts on the site.

Impact upon the Natural Environment and Landscape

- 7.15 The letters of representation received further objected on the grounds of impacts on landscape and surface water runoff from the proposed prefabricated unit's roof. In regard to these and further impacts that may have arisen from the proposal upon the landscape, consideration has been given through the consultation of NYCC's Principal Landscape Architect and Arboriculture Officers. Initial consultation with the Principal Landscape Architect resulted in concerns being raised regarding the over development of the site, loss of external play space, loss of soft grass social areas, loss of an existing

tree (Common Oak, in good condition, Category B1, 40+ years life expectancy) and increased hard paving surfaces. It is stated by the Principal Landscape Architect that while the loss of the grassed area and the removal of the existing tree may not be significant in terms of overall acreage or impact, it is important to note that these area are still relatively sizeable and play a significant role in the ecosystem of the site. The grassed area and tree provide important habitat and forage for local wildlife as well as shade and aesthetic value to the landscape. Their removal would result in a noticeable change to the site character and surrounding environment. However, it is considered that the proposed development outweighs the loss of the grassed land and after the amendment of the original scheme including changes to hard standing, further reduced in size to allow for a greater proportion of grass at the site. This change has resulted in the original proposal of 310 metres squared to be reduced to approximately 285 metres squared. Additionally, through the subsequent Revision 2 and with the final Revision 3 plans of the existing and proposed development, these concerns were overcome. In particular, those relating to the standoff and protection of the northern boundary as the original plans did not provide enough space and standoff to ensure that the existing hedgerow and tree were protected or that separation was maintained to allow for proper screening of the surrounding residential housing, which would, in turn, protect local amenity instead of having an adverse impact upon it. In terms of surface water runoff from the proposed prefabricated unit, it can be determined that due to the prefabricated unit's relocation further back from neighbouring premises, which now sits 3.84 metres from the western boundary with the Ousemead property and 6.48 metres from the northern boundary facing Dunstan Grange, that issues in relation to water runoff from the unit's roof would be minimal. Additional concerns were raised in regard to the removal of the existing tree to the west side of the site. The site lies within the Great Ouseburn Conservation Area where trees are a special consideration and are automatically protected in order to preserve the special character of the area. This is supported by Policy NE7 of the Harrogate District Local Plan which places importance on the protection and enhancement of existing trees , supported by Paragraph 131 of the NPPF which prioritizes the significance of the retention of trees and for opportunities to incorporate trees in developments. In this regard the Principal Landscape Architect has recommended conditions be put in place if the scheme were to be approved. This includes:

- 7.16 *'1.Detailed hard and soft landscaping scheme; soft works planted in the first available planting season; to include 5 year defects replacement for all planting and tree replacement.
2.Retention of all existing trees and hedgerows shown on plans to be retained
3.Arboricultural Method Statement and Tree Protection Plan. Temporary tree protection to be in place for the duration of the construction works.
4.Tree replacement scheme at a rate of 3 to 1, for each tree removed.'*

The Arboricultural officer concurs with the comments made by the NYCC Principal Landscape Architect. Additional support can be found within paragraph 180 of the NPPF as the tree in question is not considered to be an ancient or veteran tree, with point d) further stating that development which enhances biodiversity should be supported. It can be gathered that the loss of the tree for the purpose of the proposed development is justified and supported.

- 7.17 With reference to the overall landscape character of the proposed scheme, it can be considered that subject to the recommended conditions, the proposed scheme would not have a detrimental impact upon the landscape. The prefabricated building itself would maintain the same features as the original building. Although occupying a larger section of the original site, there would be no detrimental effects to the area in line with Policy NE4 of the Harrogate District Local Plan concerning the protection, enhancement and restoration of the landscape character of Harrogate district. Policy NE4 gains support from Paragraph 174 which places importance in the protection and enhancement of natural and local environments as well as Paragraph 185 which, by reason of changes and amendments to the original plan, have ultimately shaped the

proposed development and, through the addition of conditions to support it, has ensured that the development would be appropriate for its location whilst taking into account the likely effects on the wider area and the potential sensitivity of the site to impacts that could arise from the scheme.

The Historic Environment

- 7.18 In the context of this planning application, the designated heritage asset is the Great Ouseburn Conservation Area within which the site is located. The specific test for consideration is whether the proposed development would give rise to a circumstance where substantial harm to the interests or the significance of the designated heritage asset would arise, as a result of the effects of the development. Where a proposed development is deemed to lead to less than substantial harm, the assessment of the development must be weighed against the local benefits that would come from the proposal.
- 7.19 In regard to the Great Ouseburn Conservation Area, the design and impact of the proposed prefabricated building is considered to be in accordance with Policy HP2 (Heritage Assets) of the Harrogate District local plan which states that it should be ensured that *'proposals affecting a conservation area protect and, where appropriate, enhance those elements that have been identified as making a positive contribution to the character and special architectural or historic interest of the area and its setting'*. In this case, the proposed prefabricated unit would not create any issues to the Great Ouseburn Conservation Area as there would not be any major demolition works and it has been designed to respect the areas character which as elaborated in the design and visual impact section, would be sympathetic to the surrounding built environment. It can therefore be considered that the proposed works would be justified to be carried out on the site.
- 7.20 Although the proposed development, in principle, has been justified, it should be weighed against paragraphs 206 and 207. These paragraphs advise that any new development that would be implemented or removed from the Conservation Area should have its significance taken into account. In regard to the demolition of the existing prefabricated building and the construction that would follow, it can be concluded that the removal of the building itself would not result in any adverse impact to the Conservation Area as there would be no substantial harm done, due to its relatively low significance to the Great Ouseburn Conservation Area as a whole. This removal is additionally justified by the erection of a similar structure, which would in turn complement its surroundings. The only notable negative impact arising from the proposed development would be the removal of the existing tree to the west. However, as elaborated in Section 7.19, this could be compensated for through conditions.
- 7.21 The design of the proposed works is considered to be both sympathetic and in-keeping with the existing school site and the Conservation Area. As such, it is felt that the works would not result in substantial harm to the significance of the Conservation Area. Therefore, the proposal is considered to be in-keeping with Policy HP2 of the Harrogate District Local Plan., Paragraphs 206 and 207 of the NPPF and the PPG.
- 7.22 It should be noted that heritage assets to the northeast of the proposed development site exist. The nearest listed building (Wingate Cottage), although located 36 metres away, with limited visuals to the site, should be considered, to assess the effects of the proposed development, in accordance with paragraph 195 of the NPPF. It is considered that the proposed development is in line with Policy HP2 of the Harrogate District Local Plan as the effects arising from the development have been weighed against the terms highlighted within Paragraph 199 – 205 of the NPPF which consider the potential impacts of the proposed development on heritage assets. It can be considered that the proposed is in accordance with paragraph 199 which states that *'great weight should be given to the asset's conservation'* and paragraph 200 which 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'. This is due to the fact that the development would not create any substantial harm to the heritage asset, as there would be limited effects from any visual issues, which would not warrant it to be considered as a significant issue, with the only noticeable effect to the heritage asset being the initial temporary noise from the demolition and the subsequent construction of the proposed development, which due to its temporary nature would not cause any lasting effects to the heritage asset, in line with paragraph 197 of the NPPF.

Open space, sport and recreation

- 7.23 In regard to the impact of the proposal upon the existing school playing space, although very minimal due to there being additional playing space in the form of an Astro turf (all-weather play area), the development would still be removing previous grassed areas in use by students attending the school, as well as the tree to the west of the site which provided further green space and summer shade. Sport England was initially consulted for comment, although there was no response, the proposed space removed would not be considered sufficient enough for it to be considered of importance to Sport England. It can be considered that the proposed development is in accordance with Policy HP8 (Protecting and Enhancement of Community Facilities) which states that *'proposals involving the improvement of existing community facilities by way of redevelopment or extension will be supported'* unless it causes unacceptable adverse impacts to the neighbouring occupiers or the highway network. This is because, whilst it is unfortunate that there would be a loss of green area within the school, the proposed development would outweigh this loss due to the addition of teaching space which would improve the school teaching capabilities as well as cater to the current number of students attending the school, effectively improving the existing site and Great Ouseburn CP School provision of education. To this effect, it is considered that there would be limited impact upon the school's open space and recreation areas resulting from the proposed development, with further support found in Paragraph 93 of the NPPF which ensures that the provision and use of open space is planned positively to enhance the sustainability of communities. The western area, although impacted the most by the development, would still have usable green space for pupils to enjoy towards the northern and western borders surrounding the proposed prefabricated building with other available space for recreation found towards the centre of the site with the provision of an Astro turf (all-weather play area).

Highways matters – Traffic and transport

- 7.24 A total of three letters of representation have been received objecting to the proposal, with all three of them stating that the proposed development would cause an unacceptable increase of traffic leading towards a lack of parking provision for the surrounding community as a result of the development. Therefore, it is considered that the proposed development is in compliance with Policy TL1 of the Harrogate District Local Plan which aims for sustainable transport as the proposed development would not create any adverse effects to the community. In regard to Policy TL1, The Highway Authority have commented in relation to highway safety and capacity. The impact of the proposal on the road network and the construction vehicles using Main St for access, would not have a significant impact on the road network so long as conditions are applied to manage the construction phase. It has been recommended by the Highway Authority to add Condition 4 titled 'Proposed Contractors Compound Plan' which details the contractors access route from the main road across the site to the compound area and parking, which is in accordance with paragraph 104 of the NPPF. Additional details include the location of the contractor's compound, welfare facilities and contractor parking space inside the site as well as the access route to and from the compound to the work area. The plan has included a wheel washing station which would be used to clean any mud encountered on site from the vehicles. This would ensure that no mud would be left on the public road and other highway networks

mitigating any effects to the local community, supported by paragraph 111 of the NPPF, as there would be no significant negative impact on highway safety or on the road network. It should be noted that the provision of the development would be done to better improve the facilities and teaching provision for the schools existing students, which would lead to no significant change to the amount of traffic and parking in the surrounding area once construction has been completed.

Flood Risk

- 7.25 It has been expressed within the list of objections from neighbouring properties, that the additional risk of minor flooding in the site area could potentially be caused by the increased hard surfacing and surface water run off from the larger roof proposed for the new prefabricated building. It is considered that the proposed development is in line with Policy CC1 of the Harrogate District Local Plan due to the relative low risk of flooding that exists at the site, mainly due to the relatively minor development proposed at the site, which reasons why flooding consultees were not consulted for this application. Although there has been an increase in the built development at the site, this proposed increase would not warrant any changes to the risk of flooding, as well as no significant issues arising, as the site lies 250 metres from the Internal Drainage Board Area, with the closest flood zones according to the Environment Agency's, located 130 and 134 metres south from category 2 and 3 groundwater Source Protection Zones respectively, further in accordance with paragraph 154 of the NPPF as there wouldn't be an increase in the vulnerability of the site from impacts arising from climate change.

8.0 Conclusion

- 8.1 The proposed development includes objections from three neighbouring residents which bound and sit directly next to the site's location, on the grounds that the proposed development would affect local amenity through further impact due to noise and light levels, as well as the general location of the development, which would in turn affect local landscape. After careful consideration of the national planning policy and guidance, it is considered that the proposed development at the school is acceptable and should be given great weight to the need to create, expand and alter as suggested in paragraph 95 of the NPPF, outweighing the proposed loss of the tree and grassed areas at the school site.
- 8.2 It is therefore considered that there are no material planning considerations to warrant the refusal of this application for the demolition of an existing prefabricated classroom unit and erection of a permanent single storey prefabricated classroom unit, external fixed wall lights, fan coil units, re-location of nurture room, removal of tree, paved hardstanding, tree planting and hard and soft landscaping works.
- 8.3 For the reasons mentioned above, it is therefore considered that, the proposed development is compliant with the policies which comprise the Development Plan currently in force for the area and all other relevant material considerations.
- 8.4 Obligation 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 socio-economic factors, particularly those with '*protected characteristics*' by virtue that the impacts of the proposal can be mitigated so that they will not have a significant impact on groups with '*protected characteristics*'.

8.5 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.

- 8.6 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 reasons:

- i. the principle of the proposal improves the facilities and amenity of the school;
- ii. it is considered that the proposed development will not adversely affect the character of the local area;
- iii. it is considered that the proposed development would not adversely impact upon local amenity; and
- iv. it is considered that the proposed development is in accordance with policies T11, CC1, CC4, HP2, HP3, HP4, HP8, NE3, NE4, NE7 of the Harrogate District Local Plan 2020 and Paragraphs 11, 55, 92, 93, 95, 104, 111, 126, 127, 128, 129, 130, 131, 134, 154, 174, 180, 185, 194, 195, 197, 198, 200, 201, 202, 206, and 207 of the National Planning Policy Framework (NPPF) (published July 2021)

9.2 It is recommended that, **PLANNING PERMISSION BE GRANTED** subject to the following conditions:

Conditions:

1. The development to which this permission relates must be implemented no later than the expiration of three years from the date of this Decision Notice.

Reason: *To comply with Section 91 of Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.*

2. The development hereby permitted shall be carried out in accordance with the application details dated 6 October 2022 and the following approved documents and drawings:

Ref.	Date	Title
21007.A.001	05/10/21	Site Location Plan
21007-A-010	16/11/22	Existing and Proposed Site Plan Version P3
21007	29/09/22	Design and Access Statement & Heritage Statement
21007.A.121	05/10/21	Existing Single TCU to be demolished External Elevations
21007.A.122	05/10/21	Proposed Double PCU External Elevations
21007-APP-XX-XX-DR-B-000040	18/11/22	Proposed Contractors Compound Plan
BA11330AIA		Arboricultural Impact Assessment
BA11330TPP		Tree Protection Plan
APP-21-13	04/12/22	Biodiversity Net Gain Report
APP-21-13	23/09/22	Preliminary Ecological Appraisal
S22-01994	05/08/22	Asbestos Refurbishment Survey

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

3. No construction, demolition or any other works shall take place except between the following times:

08:00 – 18:00 Mondays to Fridays

08:00 – 13:00 Saturdays

and at no time on Sunday and Bank (or public) Holidays

Reason: *In the general interest of residential amenity*

4. The development hereby approved, shall be carried out in accordance with the construction management drawings set out in the 'Proposed Contractors Compound Plan', ref 21007-APP-XX-XX-DR-B-000040, dated 18 November 2022.

Reason: *In the interests of highway safety and visual amenity*

5. For the duration of the development the rating level of sound emitted from fixed plant associated with the development shall not exceed background sound levels by more than 5dB(A) between the hours of 0700-2300 (taken as a one hour LA90 at any sound sensitive premises) and shall not exceed the background sound level between 2300-0700 (taken as a 15 minute LA90 at any sound sensitive premises). All measurements shall be made in accordance with the methodology of BS

4142:2014+A1:2019 (Methods for rating and assessing industrial and commercial sound) and/or its subsequent amendments.

Where access to the nearest sound sensitive property is not possible, measurements and calculations shall be for an appropriate location and corrected to establish the noise levels at the sound sensitive premises which include garden areas for the daytime period.

Reason: *In the general interest of residential amenity*

6. The external artificial lighting hereby approved shall not be operated during the hours of daylight or between the hours of 21:00 and 07:00 on any day of the week.

Reason: *In the general interest of residential amenity*

7. Within 3 months of the commencement of the development details of hard and soft landscape works and a management and maintenance scheme shall be submitted to the County Planning Authority for approval in writing. These details shall include:

Hard landscape works:

- a) Existing site features proposed to be retained or restored including trees, hedgerows, walls, fences, artefacts and structures,
- b) Hard surfacing layout and materials
- c) Minor artefacts and structures (e.g., furniture, refuse or other storage units, signs, lighting etc.)

Soft landscape works:

- a) Planting plants including the quantity, size, species, and positions or density of all trees to be planted, how they will be planted and protected and the proposed time of planting.
- b) Compensatory tree planting at a ratio of three replacement trees for every one tree removed.

Reason: *To protect the amenity of the area and to ensure the provision and establishment of acceptable landscaping.*

8. All planting, seeding or turfing contained in the approved details of landscaping shall be carried out in the first available planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner. Any trees, plants or hedge which, within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species and shall thereafter be retained and maintained for a period of 5 years.

Reason: *To safeguard the character of the site in the interests of visual amenity and to ensure the provision and establishment of acceptable landscaping*

9. Prior to the commencement of development, a written Arboricultural Method Statement and Tree Protection Plan shall be submitted to the County Planning Authority for approval in writing. The approved works shall thereafter be carried out in accordance with the approved documents.

Reason: *This is a pre-commencement condition and is required given the particular circumstance and imposed to ensure the protection and preservation of trees, hedges, bushes and other natural features during construction works.*

10. No operations shall commence on site in connection with the development hereby approved (including any demolition work, soil moving or any operations involving the use of motorised vehicles or construction machinery) until the root protection area (RPA) works required by the approved tree protection scheme are in place.

Reason: *To ensure that trees, shrubs and other natural features to be retained area adequately protected from damage to health and stability throughout the construction period in the interests of amenity*

11. Existing trees must be protected and retained during the duration of the construction works. If any retained tree is removed, uprooted or destroyed or dies, another tree must be planted at the same place and that tree must be of such size and species, and must be planted at such time, as may be specified in writing by the County Planning Authority.

Reason: *To ensure protection during construction works of trees and hedges which are to be retained on or near the site in order to ensure that the character and visual amenity of the area is not impaired.*

12. Prior to the commencement of development, a Biodiversity Net Gain Report shall be submitted to, and approved in writing by the County Planning Authority. The report shall include details to demonstrate how biodiversity net gain/enhancement will be incorporated.

Reason: *This is a pre-commencement condition and is required given the particular circumstance and imposed to ensure the implementation of biodiversity net gains into the scheme.*

Informative

As stated in the PPG Guidance - Trees in a conservation area that are not protected by an Order are protected by the provisions in section 211 of the Town and Country Planning Act 1990. These provisions require people to notify the local planning authority, using a 'section 211 notice', 6 weeks before carrying out certain work on such trees, unless an exception applies. The work may go ahead before the end of the 6-week period if the local planning authority gives consent. This notice period gives the authority an opportunity to consider whether to make an Order on the tree. Further information can be found at: <https://www.gov.uk/guidance/tree-preservation-orders-and-trees-in-conservation-areas#decision-for-tree-protection-in-conservation-areas>

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: C6/22/04004/CMA (NY/2022/0210/FUL) registered as valid on 7 October 2022. 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.

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Appendix A – Committee Plan

