

**North Yorkshire County Council**

**Business and Environmental Services**

**Planning and Regulatory Functions Committee**

**13 APRIL 2021**

**C8/2020/1036/CPO - PLANNING APPLICATION FOR THE PURPOSES OF THE  
ERECTION OF TIMBER SHELTER (20.25 SQ. METRES) AND HARDSTANDING (24  
SQ.METRES) TO CREATE RECREATIONAL SPACE ON LAND AT LONGMANS HILL  
CP SCHOOL, MYRTLE AVENUE, SELBY, YO8 9BG  
ON BEHALF OF LONGMANS HILL CP SCHOOL  
(SELBY DISTRICT) (SELBY BARLBY ELECTORAL DIVISION)**

**Report of the Corporate Director – Business and Environmental Services**

**1.0 Purpose of the report**

- 1.1 To determine a planning application for the erection of timber shelter (20.25 sq. metres) and hardstanding (24 sq.metres) to create recreational space on land at Longmans Hill CP School, Myrtle Avenue, Selby, YO8 9BG on behalf of Longmans Hill CP School.
- 1.2 This application is subject to an objection having been raised in respect of this proposal on the grounds of proposed location having affects on residential amenity is, therefore, reported to this Committee for determination.

**2.0 Background**

Site Description

- 2.1 Longmans Hill CP School is located to the south of Selby Town Centre. The School sits between the A19 and the A1041, the public highways which connect the School with the Town Centre and the villages of Barlby to the north and Brayton to the South.
- 2.2 The School is predominately a single storey development constructed from buff coloured brick in a stretcher bond formation. The main school building has both mono pitched sections of roof, which are covered in concrete tiles and flat roof, which is covered in grey mineral felt. The sections of mono pitched roof reach a height of 6.4 metres, several parts of which are clad with white timber panels and echo the white timber frames of the glazed windows.
- 2.3 The school is located within a largely residential area, with residential dwellings surrounding the school site on all boundary sides. Located approximately 12 metres to the north of the application site are the nearest residential dwellings to the application site along Myrtle Avenue, these dwellings are two storey semi-detached dwellings. South of the school site there is a public highway: Parkways; which separates the residential properties to the south of the school with the school site.
- 2.4 Within the boundary of the school, to the south of the application site there is a large area of green playing space. The topography of this area of land is uneven as it descends in a north south direction. At the bottom of this decline, along the southern

edge of the school site the boundary is defined by a 3.5-metre-high perennial hedge. West of the application site is a small area of hard standing which provides space for staff car parking, this hard standing extends around the north-western corner of the site whilst to the north of the application site there is a grassed open area. The boundary on the northern edge of the school site consists of a 2 metre fence. In addition to this there are several semi-mature deciduous trees which sit between the boundary fence and the application site. East of the application site is the majority of the school complex and beyond that a large area of hard standing which is currently used as a playground and contains a wooden multi sports wall on the north eastern side of the school complex.

- 2.5 The site is situated within Flood zones 2 and 3 and within the Shire group of internal drainage boards. A plan showing the application site is attached to this report.

### Planning History

- 2.6 The planning history relating to the proposed development site relevant to the determination of this application is as follows: -
- C8/20/244.C/PA received on the 8<sup>th</sup> November 1989 for an Extension to the existing school, to provide two additional classrooms, toilets and cloakrooms with minor alterations in existing school and creation of additional hard play area and additional car area; the application was granted on the 1<sup>st</sup> February 1990 and works have been implemented onsite;
  - C8/20/244D/PA received on the 11<sup>th</sup> February 2002 for the erection of a replacement boundary fence; the application was granted on the 5<sup>th</sup> April 2002;
  - C8/20/244E/PA received on the 25<sup>th</sup> March 2003 for the erection of a Bin storage are; the application was granted on the 24<sup>th</sup> June 2003;
  - C8/20/244F/PA received on the 16<sup>th</sup> March 2009 for the erection of a shelter with a polycarbonate roof; the application was granted on the 24<sup>th</sup> August 2009 and works have been implemented onsite.

## **3.0 The proposal**

- 3.1 Planning permission is sought for the erection of timber shelter (20.25 sq. metres) and hardstanding (24 sq.metres) to create recreational space on land at Longmans Hill CP School, Myrtle Avenue, Selby, YO8 9BG on behalf of the Longmans Hill CP School.
- 3.2 The shelter and hardstanding are proposed to be situated to the north of the school site. The proposed development area is situated to the north-west corner of the existing school playground which is 12.3 metres away from the nearest properties on Myrtle Avenue which share the northern school boundary and 15.9 metres to the north east of the main school building.
- 3.3 The proposed development would be a three-sided cedar treated timber construction with cedar shingle roof. This would be built on top of an existing small wall which is 0.13 metres high and situated in the playground area. The shelter would be 4.5 metres in length, 4.5 metres in width x 2.5 metres in height and under it there would be a sheltered workstation made from timber, comprising of a table and two benches would be constructed comprising of table section with a maximum height of 0.57 metres, width of 1.5 metres and length of 2.1 metres. It would be constructed over an area of existing hard standing with its open elevation positioned facing south to connect with the existing playground.
- 3.4 Associated works would also be constructed including an outside workstation comprising of a table and two benches comprising a table section with a maximum
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height of 0.57 metres, width of 1.5 metres and length of 2.1 metres. Along with two planters each with dimensions of 0.49 metres height, 2.07 metres length and 0.69 metres, a trellis of 2.42 metres height, 1.56 metres width and 2.05 metres length and a bird station of 1.8 metres height and 0.68 metres width, would also be erected all constructed of treated cedar timber to match the proposed timber structure.

- 3.5 24 square metres of hard standing would be created using self-binding gravel in a curved shape from the existing playground multipurpose goal end to the south-east of the proposed development area to the proposed timber structure to the north-west of the development area and which would be 4.5 metres wide throughout. The proposed planters, outside workstation, bird feeder and trellis would all be situated on this area. Paled timber railed fencing of 4.5 metres in length and 1.5 metres in height would separate the area from the existing playground.
- 3.6 The proposed main structure would have rainwater products attached which would discharge onto the existing surface into the existing drains in the same manner as the surface water currently does. The addition of the structures are unlikely to have an effect on this due to their nature, location and size.
- 3.7 No trees are proposed to be removed or felled as part of this proposal and tree protection plans have been submitted as part of the application.
- 3.8 The applicant states that it along with the associated works would be used as a mindfulness area for the children to have a quiet area to reflect, draw or colour and improve facilities and services that the school can offer to its current pupils. The proposal also aims to utilise an area which currently does not have a functional use at the school site.

#### **4.0 Consultations**

- 4.1 The consultee responses summarised within this section of the report relate to responses to consultation undertaken on the 24 September 2020:
- 4.2 **Selby District Council (Planning)** – Provided comment on the 12 November 2020 to note that the site of the proposed development is located within the development limits of Selby and the principle of development is acceptable within this location. They noted that the site is within Flood Zone 2 and is accompanied by a Flood Risk Assessment. At the time of their response they also noted that the Arboricultural Officer's comments were outstanding and welcomed their opinion on the impact on existing trees, and if necessary/appropriate details of any proposed mitigation as necessary.
- 4.3 **Highway Authority** -no response received to date.
- 4.4 **Brayton Parish Council** -no response received to date.
- 4.5 **NYCC Heritage - Principal Landscape Architect**- Confirmed on the 26 October 2020 that there are no landscape objections to the overall principle of the proposed scheme provided that the existing trees are sufficiently protected and retained. Pre – commencement conditions were suggested relating to providing an Arboricultural method statement to include root protection zones if details were not provided prior to any determination of this application.
- 4.6 **NYCC Heritage - Ecology** – Confirmed on the 24 September 2020 that there are no concerns in relation to Ecology in relation to the proposed application, however, it was noted to consult with NYCC Arboricultural team regarding working methods with trees.

- 4.7 **Selby Area IDB** – confirmed on the 28 September 2020 that if the surface water were to be disposed of via a soakaway system, the IDB would have no objection in principle.
- 4.8 **Environment Agency - Leeds Office** -no response received to date.
- 4.9 **NYCC Arboricultural Officer** – following consultation on 24 September 2020 requested further information relating to an arboricultural method statement being provided. On the 22 February 2021 following receipt from the applicant of requested information the NYCC Arboricultural Officer was re consulted and confirmed that they have no objections to the proposal.

#### Notifications

- 4.10 **County Cllr. Clifford Lunn** – was notified of the application on the 24 September 2020.

### 5.0 Advertisement and representations

- 5.1 This application has been advertised by means of a Site Notice posted on 24 September 2020 (responses to which expired on 28 October 2020). The Site Notices were posted in the following locations: On a lamppost on the public footpath outside the School entrance off Myrtle Avenue.
- 5.2 Neighbour Notification letters were sent on 24 September 2020 and the period in which to make representations expired on 15 October 2020. The following properties received a neighbour notification letter:
- 50, 52, 54, 56, 58, 60, 62, 64, 66, 68, 70, 72 and 74 Myrtle Avenue, Selby YO8 9BG.
- 5.3 One letter of representation has been received raising objections on the grounds of: the unsuitable location proposed which would cause a negative impact to residential amenity.

### 6.0 Planning policy and guidance

#### The Development Plan

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each planning application in accordance with the planning policies that comprise the Development Plan unless material considerations indicate otherwise. In this instance, therefore, the *Development Plan* consists of policies contained within a number of planning documents. These documents include:
- any extant planning policies contained within Plan(s) adopted by the County and District (or Borough) Councils 'saved' under direction of the Secretary of State; and,
  - any planning policies contained within *Development Plan* Documents adopted under the Local Development Framework regime.
- 6.2 The *Development Plan* for the determination of this particular application comprises the following:
- The extant policies of the Selby District Core Strategy Local Plan (2013);
  - The 'saved' policies of the Selby District Local Plan (2005);

- 6.3 The Selby District Core Strategy Local Plan (2013) has particular relevance in the determination of this application and the policies most relevant include:
- SP1 - Presumption in Favour of Sustainable Development;
  - SP18 – Protecting and Enhancing the Environment;
  - SP19 - Design Quality.
- 6.4 Policy SP1 of the Selby District Core Strategy Local Plan states a positive approach taking into account the presumption of sustainable development would be required, working pro-actively with developers to improve the locality's in regards to the economic, social and environmental conditions in the area. Further stating applications must accord with the local plan and relevant NPPF policies. Finally stating they must take further account of any adverse impacts of granting permission which would outweigh the benefits against the NPPF and specific policies within the framework.
- 6.5 Policy SP1 is in line with paragraph 11 of the NPPF which states that 'plans should positively seek opportunities to meet the development needs of their area, and be sufficiently flexible to adapt to rapid change'. The planning policy guidance through design also adds support through stating that good quality design is considered to be 'an integral part of sustainable development', which adds further weight to the support of the relevance of this policy in the determination of this application.
- 6.6 Policy SP18 of the Selby District Core Strategy Local Plan seeks to sustain the high quality and local distinctiveness of the natural and manmade environment. The policy sets out that safeguarding and enhancing the historic and natural environment is important in the determination of any planning application. Acknowledging the importance of the landscape character and setting of the area. The policy states this also includes promoting stewardship of wildlife safeguarding protected sites and ensuring developments retain and protect features of biological importance, seeking to produce a net gain and encouraging positive biodiversity actions as defined by the local biodiversity action plan. This policy is generally considered to be consistent with paragraphs 170 and 180 within Chapter 15 (Conserving and Enhancing the Natural Environment) of the NPPF and therefore substantial weight can be given to this Policy in the determination of this application.
- 6.7 Policy SP19 of the Selby District Core Strategy Local Plan states development would be required to enhance community cohesion by way of high quality designs with regard to local character, identity and context of its surroundings, including historic townscapes, settlement patterns and the open countryside. Proposals where appropriate should consider design codes and Neighbourhood Plans to achieve good design. The policy also sets out the principles to achieve design quality for both residential and non-residential development. Additionally, it promotes open spaces and green infrastructure that contribute to the health and social well-being of the local community. It also seeks to prevent development from contributing to unacceptable levels of light or noise pollution.
- 6.8 This policy is in line with Paragraph 127 within Chapter 12 (Achieving Well Designed Places) of the NPPF which also states that proposed developments must have the ability to '*function well and add to the overall quality of the area, not just for the short term but over the lifetime of the developments*'. As well as National Planning Practice Guidance for Design which states that development should '*Enhance the quality of buildings and spaces, by considering amongst other things form and function*'. Therefore, it is considered that full weight can be given to this Policy in the determination of this application.
- 6.9 Furthermore, the Selby District Local Plan (adopted 2005) has particular relevance in the determination of this application and the 'saved' policies most relevant include:
- ENV1 – titled 'Quality of Development';

- ENV2 – titled ‘Environmental Pollution and Contaminated Land’;
- CS2- titled ‘Educational Establishments’.

- 6.10 Saved’ Policy ENV1, advises that *‘proposals for the development will be permitted provided a good quality of development would be achieved.’* The plan further advises that when considering proposals, considerations will take into account of the effect on the character and amenity of neighbouring properties, the relationship of the proposal to the highway network, the layout and design of the proposal, the potential loss or impact on habitats in the area and the accessibility of the site.
- 6.11 This policy is consistent with the NPPF’s objectives of a presumption in favour of sustainable development, as outlined in Paragraph 131 of the Framework. This paragraph relates to the importance of achieving high quality design to ensure a good quality and standard of amenity for all existing and future occupants, and therefore is given significant weight in determination of this application.
- 6.12 Saved Policy ENV2 titled ‘Environmental Pollution and Contaminated Land’ states that ‘Proposals for development which would give rise to, or would be affected by, unacceptable levels of noise, nuisance, contamination or other environmental pollution including groundwater pollution will not be permitted unless satisfactory remedial or preventative measures are incorporated as an integral element in the scheme’. Policy ENV2 shows consistency with paragraph 55 of the NPPF and paragraph 180 of the NPPF which states that decision should ‘ensure that new development is appropriate for its location’ and should ‘avoid noise giving rise to significant adverse impacts on health and the quality of life’.
- 6.13 ‘Saved’ Policy CS2 of the Selby District Local Plan advises that development for new schools and other educational establishments, and the extension of existing premises, will be supported, provided the proposal (1) would be located within or adjacent to defined developments limits; (2) provide adequate access, car parking and areas for safe setting down and collection of pupils off the highway; (3) would not create conditions prejudicial to highway safety or have a significant adverse effect on local amenity; (4) the internal design would permit the dual use of sports and other facilities; (5) a satisfactory amount of open space and playing fields is incorporated within the development to meet the needs of pupils and the local community; and (6) would achieve a standard of design, materials and landscaping which is appropriate to its locality, and would not have a significant adverse effect on the character or appearance of the surrounding area.
- 6.14 This policy is also consistent with the NPPF’s objectives of presumption in favour of sustainable development, which relates to the importance of achieving a good quality of design to ensure a good quality and standard of amenity for all existing and future occupants and is therefore full weight is given to this policy in the determination of this application.

Other policy considerations:

National Planning Policy

- 6.15 The policy relevant to the determination of this particular planning application provided at the national level is contained within the following documents:
- National Planning Policy Framework (NPPF) (published July 2018)

National Planning Policy Framework

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

- 6.17 Within the NPPF, paragraph 11 of the Framework advises development proposals that accord with the development plan should be approved without delay, with permission should be granted unless there is a clear reason for refusing the application and any adverse impacts would demonstrably outweigh the benefits.
- 6.18 This national policy seeks to ensure that there are positive improvements in people's quality of life including improving the conditions in which people live, work, travel and take leisure.
- 6.19 Paragraph 55 of the NPPF states that '*Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.*'
- 6.20 Paragraph 92 within Chapter 9 (Promoting healthy and Safe Communities) of the NPPF states social, recreational and cultural facilities decisions should enhance the sustainability of communities and residential environments and take into account strategies to improve public health and well-being of society and ensure an integrated approach to considering the location of housing, economic uses and community facilities. Planning positively for the provision of community services and facilities to enhance sustainability within community environments is also encouraged.
- 6.21 Paragraph 94 within Chapter 8 (Promoting healthy and Safe communities) of the NPPF states that there is great importance of ensuring sufficient choice of school places are available to meet the needs of a community. Specifying that planning authorities must take "*proactive, positive and collaborative approach*" to meeting this requirement giving great weight to create schools through the preparation of plans and decisions on applications.
- 6.22 Paragraph 96 within Chapter 8 (Promoting Healthy and Safe Communities) of the NPPF promotes identifying opportunities for sport and physical activity and states that access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities.
- 6.23 Paragraphs 124-27 within Chapter 12 (Achieving Well Designed Places) of the NPPF state that local plans should include robust and comprehensive policies setting out a clear design vision and expectations of development. This should make sure developments add to the overall quality of the area throughout the lifetime of the development; ensure that they function well and add to the overall quality of an area, are visually attractive through good landscaping and layout; are sympathetic to the locality and landscape setting and any historic character to the local area; establish a good sense of place; optimise the potential of the site and create places which are safe, inclusive and accessible and do not undermine quality of life.
- 6.24 Paragraphs 130 within Chapter 12 (Achieving Well Designed Places) of the NPPF states development of poor design which does not improve the character and quality of an area or take into account local design then planning permission should be refused. Where design clearly accords with plan policies design should not be a valid reason to object to a proposal. Further to this, it states it should be ensured that the quality of development is not lessened after being granted permission as a result of details being approved to an already permitted scheme.
- 6.25 Paragraph 131 within Chapter 12 (Achieving Well Designed Places) of the NPPF states that great weight should be given to outstanding or innovative designs that promote high levels of sustainability or improve standard of design in an area, provided it fits with the overall form and layout of its surroundings.

- 6.26 Paragraph 149 within Chapter 14 (Meeting the challenge of climate change, flooding and coastal change) of the NPPF states that Plans should take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk, coastal change, water supply, biodiversity and landscapes, and the risk of overheating from rising temperatures.
- 6.27 Paragraph 155 within Chapter 14 (Meeting the challenge of climate change, flooding and coastal change) states that Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. Further guidance is given stating that where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.
- 6.28 Paragraph 170 within Chapter 15 (Conserving and Enhancing the Natural Environment) of the NPPF sets out principles for determining planning applications to conserve and enhance biodiversity. These include protecting and enhancing valued landscapes, biodiversity and soil, recognising the intrinsic character of an area and its benefits, minimising impacts on and providing net gains for biodiversity, preventing development being affected by unacceptable levels of soil, air, water or noise pollution.
- 6.29 Paragraph 180 within Chapter 15 (Conserving and Enhancing the Natural Environment) notes that decisions should ensure developments are appropriate for their locations taking into account impacts of pollution on health and the natural environment, as well as the sensitivity of the wider site. Therefore, the NPPF states developments should mitigate and reduce potential adverse impacts resulting from noise and avoid noise being a significant adverse impact on the health and quality of life in the area, furthermore the paragraph also states the impact of light pollution on local amenity should also be limited and mitigated where necessary.

#### National Planning Practice Guidance (PPG) (2014)

- 6.30 On 6<sup>th</sup> 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: -

#### Natural Environment

- 6.31 This section explains key issues in implementing policy to protect biodiversity, including local requirements. It reiterates that the NPPF is clear sustainable development includes achieving net gains for biodiversity and nature with a core principle being to conserve and enhance the natural environment.

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

- 6.32 This states how all open space of public value should be taken into account in planning for a new development. This can take many forms and have many benefits including health and wellbeing, ecological and contribute to green infrastructure. It is also important in achieving sustainable development.

#### Design

- 6.33 This states how good quality design is an integral part of sustainable development and that planning should drive up standards across all forms of development as a core planning principle, plan-makers and decision takers should always seek to secure high quality design.

- 6.34 Achieving good design is about creating places, buildings, or spaces that work well for everyone, look good, last well, and will adapt to the needs of future generations. Good design responds in a practical and creative way to both the function and identity of a place. It puts land, water, drainage, energy, community, economic, infrastructure and
- 6.35 Within the PPG, further guidance is offered in relation to what constitutes a 'well-designed place', to ensure that they are 'successful and valued'.
- 6.36 On this, reference is made to the importance of a 'well-designed place' being functional, in that it relates well to its surrounding environment, and is designed so that it delivers its intended purpose whilst maintaining a distinctive character. It is noted however, that distinctiveness is 'not solely about the built environment – it also reflects an area's function, history, culture and its potential need for change'. However, the extent to which a development will respond to and integrate with, the character of the surrounding area is noted to be 'an important design objective'.

## 7.0 Planning considerations

- 7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each planning application in accordance with the planning policies that comprise the *Development Plan* unless material considerations indicate otherwise. In light of the abovementioned policies the main considerations in this instance are principle of development, design, location, local amenity, flood risk and open space and recreation.

### Principle of the proposed development

- 7.2 The applicant has confirmed that the proposed development is required to enable the school to provide a multifunctional outdoor recreational area to be used by children. The principle of improving educational facilities receives support within the NPPF in both securing sustainable development, whilst supporting the need to alter/enhance schools. Furthermore the existing schools playing field would be protected from development and the works are deemed essential to the ability to meet the educational requirements of its pupils. This proposal is deemed to be in compliance with this policy as it would upgrade the school and its grounds, creating a safer environment for learning.
- 7.3 The proposal therefore is in line with the NPPF in terms of Paragraph 94 with the need to alter or expand schools given great weight. It is also consistent with Paragraph 11 of the NPPF and in compliance with extant Policy SP1 of the Selby District Core Strategy Local Plan (2013) due to the application being considered to offer sustainable development and is 'fit-for-purpose'. and 'saved' Policy CS2 of the Selby District Local Plan (2005) through delivering sufficient community services to meet the local needs.
- 7.4 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

- 7.5 It is noted that the design of the wooden structures are of limited architectural merit and will be constructed with temporary materials, however it is not considered to be of poor design or would detract from the context of the application site. It is also viewed as in keeping with the existing site and is considered that the development is in accordance with the wider setting through design and scale using materials, which complement the setting. The design proposed is also deemed to be fit for purpose and the proposed location due to the existing boundary treatments prevent the development from being

overlooked, and due to the outlook of the open sided elevation, looking southwards pupils and teachers cannot see into the neighbouring properties ensuring the residents' privacy. This design feature is in accordance with Policy CS2 of the Selby District Local Plan through utilising design, materials and landscaping appropriate to the locality and not having a significant adverse effect on local amenity.

- 7.6 The proposed development would utilise an existing developed area which currently does not have a function or use for the school. Through the design of the proposal incorporating the existing small stone wall and hard standing in the development would be consistent with paragraphs 92 and 130 of the NPPF through planning positively and meeting an opportunity to improve the quality and function of the area. It would also in accordance with paragraph 131 of the NPPF which states that great weight should be given to applications which help raise the standard of design more generally in an area.
- 7.7 Therefore it is considered the proposed design is consistent with paragraph 127 of the NPPF in terms of design due to the enhancement of the schools general amenity and it being of an appropriate design, optimising the use of the site. It is also in compliance with the design and character elements of Selby District Core Strategy Local Plan Policy SP19 in regards to enhancing community cohesion and 'saved' Policy CS2 of the Selby District Local Plan in regards to design which adds further weight in support of the application.

#### Location and Local amenity

- 7.8 A number of properties on Myrtle Avenue would be able to see the proposed development, although their views would be limited due to existing boundary treatments including 2 metre high fencing and established vegetation including hedgerows and trees both within the school grounds and within the grounds of residential properties. The objection received noted that the proposal would result in loss of light to nearby properties. The northern elevation of the proposed wooden structure is proposed to be 4.5 metres in height and would be situated 7.8 metres away from the nearest residential boundary, however, is 30 metres away from the nearest residential dwelling. Existing trees on the site including T2 a Common Alder, T3 a Silver Birch and T4 a Common Oak already provide screening due to their canopy diameters and established heights of 10 metres each. It is therefore viewed that the development is not considered to be overbearing and would not result in any loss of residential amenity. Furthermore, the proposal is considered to be appropriate in terms of scale and nature and would not detract from the existing school building or associated structures; and would only be visible to local properties at second storey level. It is considered that the proposal would improve the current outdoor areas and the functionality of the school, in terms of the provision of creating sheltered outdoor breakout and teaching areas, without adversely affecting the character of the school site or residential amenity.
- 7.9 Concerns were raised during the consultation period regarding noise levels at the site being potentially amplified due to the proposed development. It is noted that the proposal does not seek to introduce any new uses of the application site which is already presently used as a play ground/ breakout area. Instead the proposal seeks to provide cover for some of this area to enable use in any weather conditions. As such, the proposed development is unlikely to introduce any usage likely to give rise to noise levels above and beyond those presently generated at the school site which is in accordance with Policy SP19 of the Selby District Core Strategy Local Plan, and therefore no additional conditions are required to be implemented relating to noise controls. As such the proposed development is again likely to have a negligible impact upon local amenity.
- 7.10 Furthermore, it is noted that the main proposed structure would cover existing hard surfaced area of the school site. The development would not change the current

boundaries to the nearest residential properties to the north with the nearest proposed elevation being positioned 7.8 metres away from the nearest residential boundary and 30 metres away from the nearest residential dwelling. As such it is considered that the development would only result in a very minor alteration to the outlook of the school grounds. Therefore, once completed the works would not have an over-bearing impact upon any of the residential properties located to the north of the school site, nor lead to any sense of loss of privacy or loss of light due to development. This is considered in-keeping with the principles of the NPPF which advises that developments should 'not undermine quality of life', and also with the protection of amenity element of 'saved' Policy ENV1 of the Selby District Local Plan which seeks to prevent the creation of any adverse impacts of a development upon adjoining occupiers, adding further weight in support of the application.

- 7.11 For the reasons detailed above, it is considered that the proposed development will not result in an adverse impact upon the residential amenity and is compliant with the principles of the NPPF Paragraphs 55, 127 and 180, the Planning Practice Guidance and Selby District Local Plan (2005) policies ENV1 and ENV2, which seek to ensure that developments do not result in an adverse impact upon local amenity, adding further weight in support of the application.

#### Flood risk and drainage

- 7.12 It is acknowledged that the application site is within flood Zones 2 and 3 and the application was subject to consultation with both the Environment Agency and the Selby Internal Drainage Board. It is considered that the proposed development creates a total floor space of 44.25 square metres and rainwater products attached to the proposed structure would discharge onto the existing surface into the existing drains in the same manner as the surface water currently does and therefore the impacts upon flood risk and drainage would be limited. Therefore, it is considered that the proposed development is acceptable in terms of flood risk and drainage and is in accordance with the paragraphs 149, 155 and 180 of the NPPF.

#### Open space, sport and recreation

- 7.13 The development is to enable the pupils and teachers at the school to make more use of the open space within the school grounds. It will encourage pupils to make use of outdoor recreational space and fresh air, observe birds and wildlife and provide an additional learning facility for the school.
- 7.14 Paragraph 92 of the NPPF promotes development which provides the social, recreational and cultural facilities and services to the community which is needed, the justification for the development has been produced by the applicant in the supporting statement as the need to enhance school facilities. The provision of creating outdoor seating and working areas which can be utilised for both recreational and teaching overall meets the objectives of paragraphs 92, 94, 96, 124 and 127 of the NPPF. Policy SP18 of the Selby District Core Strategy Local Plan seeks to ensure developments retain and protect features of biological interest such as trees, and seeks to produce a net gain and encourage positive biodiversity actions in development. The proposed development is consistent with the requirements of this policy through protecting the existing trees in the area and incorporating features within the design such as planters which would improve the biological net gain in the area. This policy is also generally considered to be consistent with paragraphs 170 and 180 within Chapter 15 (Conserving and Enhancing the Natural Environment) of the NPPF and is therefore given substantial weight. The provision of this development would promote greater use of the open space which exists at the school and help promote healthy lifestyles for the pupils and make the school an appealing place to send children, therefore helping the sustainability of the area. This is supported through planning practice guidance and paragraphs 94 and 96 of the NPPF which notes the great weight that should be given

to proposals which aim to alter and enhance schools and that access to high quality open spaces are important for the health and well-being of communities.

## **8.0 Conclusion**

- 8.1 There are no material planning considerations to warrant the refusal of this application for the erection of timber shelter (20.25 sq. metres) and hardstanding (24 sq.metres) to create recreational space
- 8.2 For the reasons mentioned above, it is therefore considered that, the proposed development is compliant with the policies which comprise the Development Plan currently in force for the area and all other relevant material considerations.
- 8.3 Obligations under the Equality Act 2010  
The County Planning Authority in carrying out its duties must have regard to the obligations placed upon it under the Equality Act and due regard has, therefore, been had to the requirements of Section 149 (Public Sector Equality Duty) to safeguard against unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Act. It also requires public bodies to advance equality of opportunity between people who share a protected characteristic and people who do not share it; and foster good relations between people who share a protected characteristic and people who do not share it. It is considered that the proposed development would not give rise to significant adverse effects upon the communities in the area or socioeconomic factors, particularly those with 'protected characteristics' by virtue that the impacts of the proposal can be mitigated so that they would not have a significant impact on groups with 'protected characteristics'.
- 8.4 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.
- 8.5 Having had due regard to the Human Rights Act, the relevant issues arising from the proposed development have been assessed as the potential effects upon those living within the vicinity of the site namely those affecting the right to the peaceful enjoyment of one's property and the right to respect for private and family life and homes, and considering the limited interference with those rights is in accordance with the law, necessary and in the public interest.

## **9.0 Recommendation**

9.1 For the following reason(s):

- i. the proposed development would not result in an adverse impact upon local amenity;
- ii. the principle of the proposal improves the amenity of the school;
- iii. the proposed development would not result in an adverse impact upon the local area;

- iv. The proposed development is consistent with the NPPF, PPG and compliant with extant policies SP1, SP18 and SP19 of the Selby District Core Strategy Local Plan and 'saved' policies ENV1, ENV2 and CS2 of the Selby District Local Plan (2005).

That, **PLANNING PERMISSION BE GRANTED** for the purposes of the application for the erection of timber shelter (20.25 sq. metres) and hardstanding (24 sq.metres), 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 11 March 2020 and the following approved documents and drawings:

<b><u>Ref.</u></b>	<b><u>Date</u></b>	<b><u>Title</u></b>
Site Location Plan 1:1250 Longman's Hill Primary School	19/06/2020	Location Plan
Longman's Hill Community Primary School Site Block Plan Rev 2 (1:200)	20/08/2020	Block Plan
9770 Longman's Hill	24/10/2019	Plan View
9770 Longman's Hill	24/10/2019	Labelled Perspective Drawing
Myrtle Avenue	09/03/2020	Flood Zone Map
Longman's Hill Community Primary School	03/07/2020	Flood Risk Assessment Statement
9819 Longman's Hill	09/04/2020	Plan Elevations
9819 Rev A	20/08/2020	Plan Elevations – Dimensions
Supporting Statement	17/09/2020	Supporting Statement
BA10572AIA	10/02/2021	Impact Assessment
BA10572TPP	10/02/2021	Tree Protection Plan
BA10572TS	10/02/2021	Tree Survey and Constraints Plan

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

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

***Reason:** In the interests of public amenity.*

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

*In determining this planning application, the County Planning Authority has worked with the applicant adopting a positive and proactive manner. The County Council offers the opportunity for pre-application discussion on applications and the applicant, in this case, chose 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: C8/2020/1036/CPO (NY/2020/0029/FUL) registered as valid on 17/09/2020. Application documents can be found on the County Council's Online Planning Register by using the following web link:  
<https://onlineplanningregister.northyorks.gov.uk/register/>
2. Consultation responses received.
3. Representations received.

Author of report: Emma Coverdale



Longman's Hill Primary School  
Site Location Plan  
1:1250



South Elevation - Existing  
scale 1:100 @ A1

A  
03



South Elevation - Proposed  
scale 1:100 @ A1

B  
03



East Elevation - Existing  
scale 1:100 @ A1

A  
04



East Elevation - Proposed  
scale 1:100 @ A1

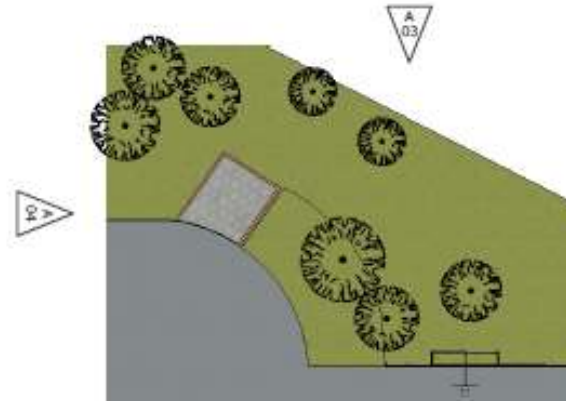
B  
04



Trees removed for clarity

Plan Elevation - Existing  
NOT TO SCALE

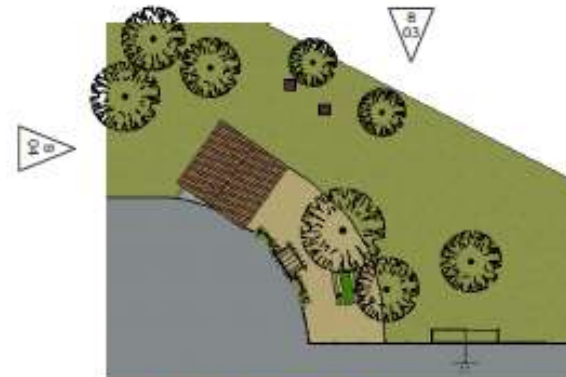
A  
03



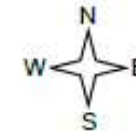
Trees for illustrative purposes only

Plan Elevation - Proposed  
NOT TO SCALE

B  
03



Trees for illustrative purposes only



**playscheme**  
creators of outdoor play environments



play-scheme.co.uk	Project : Longman's Hill Primary School	Date : 09.04.2020
	Contact : 3D	
	Drawn By : DB	
	Scheme Name : Outdoor Development	Ref. No : 9819
	Drawing Name : Plan Elevations	Purpose of Revision :