

Report Reference Number: 2021/1138/FUL

To: Planning Committee
Date: 11 May 2022
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APPLICATION NUMBER:	2021/1138/FUL	PARISH:	Saxton Cum Scarthingwell Parish Council
APPLICANT:	Mr Rick Weights	VALID DATE: EXPIRY DATE:	8th November 2021 11 th May 2022
PROPOSAL:	Erection of a playground shelter		
LOCATION:	Saxton C Of E Primary School Dam Lane Saxton Tadcaster North Yorkshire LS24 9QF		
RECOMMENDATION:	APPROVE		

This application has been brought before Planning Committee since it does not accord with Policy ENV29 of the Selby District Local Plan 2005. This policy states that proposals for the development of local amenity space will not be permitted. However, since the proposal would comply with all other relevant criteria and it is considered that there are material considerations which support the application, the recommendation is for approval.

1. INTRODUCTION AND BACKGROUND

Site and Context

- 1.1 The application site is located within the central part of Saxton village. It is adjacent to the grounds of the Grade I Listed All Saints Church to the north and east and there are residential properties to the south of the site and open fields to the west. The application site contains primary school with its grounds.
- 1.2 The site is located within the defined development limits of the Secondary Village of Saxton, within the Green Belt, Saxton Conservation Area and the Locally Important Landscape Area and there is one Grade I and seven Grade II listed buildings and structures within 100 metres of the application site.

- 1.3 The small area of school curtilage land to the east side of the school building is within the area defined in the SDLP as Local Amenity Space protected by Policy ENV29. This covers the open land area around the church. The proposed canopy would be constructed within this area. There was no evidence found on whether this enclosed area to the rear of the school building formed the original curtilage of the school. However, it is noted from a planning history search that this parcel of land was shown within the ownership of the Saxton C Of E Primary School since at least 2008. It is also noted from a Google Earth imagery search that this area has been enclosed by wooden fencing and used as a school yard/playground at some time between 2007 and 2013. Given the passage of time, the relationship of the school with the Church and following the verbal advice received from the Council's Planning Enforcement Team that it would not be expedient to enforce in this instance, it is considered that the use of the land as a school playground where the development is proposed is now established and a certificate of lawfulness would likely be granted. Moreover, its use as a playground open area for the early years of the school is consistent with the recreation designation.

The Proposal

- 1.4 The application seeks planning permission for the erection of a playground shelter to provide outdoor learning and recreation space in all weathers to primary school children.
- 1.5 The proposal would consist of a black metal frame open sided canopy that sits next to the east elevation of the school building and supported by posts secured in concrete. It would measure from 5.7 to 6.1 metres (tapered) in depth and 6.2 metres in width and would have a lean-to clear polycarbonate roof with a height of approximately 2.3 metres to eaves and 3.3 metres to ridge.
- 1.6 The objective of the proposal as stated in the Supporting Text is to enable the school to maintain high-quality Early Years teaching provision throughout the year, enabling access to an outdoor learning space in all weathers, which is in line with the requirements of the EYFS curriculum as detailed in the Statutory framework for the Early Years Foundation Stage (2017): "Providers must provide access to an outdoor play area or, if that is not possible, ensure that outdoor activities are planned and taken on a daily basis." The building already has a large, glazed area with glazed door leading to this open outside area. The development would facilitate outside play in all weathers by providing an open sided simple shelter.

Relevant Planning History

- 1.7 The following historical applications are considered to be relevant to the determination of this application.
- Application Number CO/1998/0664 (C8/67/98/PA) for the proposed erection of an extension to form an additional classroom at Saxton C Of E Primary School, Dam Lane, Saxton was approved by NYCC in November 1998.
 - Application Number 2008/0243/CPO (C8/67/98C/PA) for the proposed erection of first floor extension over existing flat roof, rendering of existing bricks and construction of a new porch and disabled access at Saxton C Of E Primary

School, Dam Lane, Saxton was approved by NYCC in September 2008 but was not implemented.

- Application Number 2010/0091/CPO (C8/67/98D/PA) for the proposed single storey extension to the principal elevation incorporating 1 metre high wall and ramped access and the installation of roof lights at Saxton C Of E Primary School, Dam Lane, Saxton was approved by NYCC in July 2010
- Application Number 2010/0521/CPO (C8/67/98E/PA) for the single storey extension to the principal elevation incorporating 1 meter high wall and ramped access and the installation of roof lights and the formation of a temporary access load and parking for the duration of the building works was approved in July 2010
- Application Number 2010/0939/CPO (C8/67/98F/PA) for the discharge of conditions 3(materials), 4 (archaeological works), 5 (excavation), 6 (access route) and 7 (temporary access) in relation to planning approval 2010/0091/CPO (C8/67/98D/PA) - Proposed single storey extension to the principal elevation incorporating 1 metre high wall and ramped access and the installation of roof lights was approved in September 2010
- Application Number 2014/0602/CPE (8/67/98H/PA) for a Lawful Development Certificate for an existing use as Class D1 (non-residential institution) at Saxton C Of E Primary School, Dam Lane, Saxton was withdrawn in July 2014
- Application Number 2018/0607/FUL for the proposed erection of a canopy 8.8 m x 2.5 m over part of early years outdoor area, the structure will be attached to school wall at Saxton C Of E Primary School, Dam Lane, Saxton was withdrawn in February 2019. This was due to the design being unacceptable and harmful to the site and its historic setting.

2. CONSULTATION AND PUBLICITY

2.1 Saxton Cum Scarthingwell Parish Council

No response received during the statutory consultation period.

2.2 Conservation Officer

The proposed canopy has been reduced in width and only covers the entrance area. The canopy is slender and simple in design. No objections to this approach and there will be minimal impact upon the significance of the neighbouring listed church. Any harm is mitigated by public benefits to the scheme - providing a sheltered area for school children.

2.3 Public consultations

The application was publicised by press notice and site notices were posted on 2nd December 2021. No representations were received as a result of this advertisement.

3 SITE CONSTRAINTS

Constraints

- 3.1 The site is located within the defined development limits of the Secondary Village of Saxton, within the Green Belt, Saxton Conservation Area and a Locally Important Landscape Area and there is one Grade I and seven Grade II listed buildings and structures within 100 metres of the application site.
- 3.2 Part of the site is also located within the area identified as Local Amenity Space in the Selby District Local Plan 2005.

4 POLICY CONSIDERATIONS

- 4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states "if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise". This is recognised in paragraph 11 of the NPPF, with paragraph 12 stating that the framework does not change the statutory status of the development plan as the starting point for decision making.
- 4.2 The development plan for the Selby District comprises the Selby District Core Strategy Local Plan (adopted 22nd October 2013) and those policies in the Selby District Local Plan (adopted on 8 February 2005) which were saved by the direction of the Secretary of State and which have not been superseded by the Core Strategy.
- 4.3 On 17 September 2019 the Council agreed to prepare a new Local Plan. The timetable set out in the updated Local Development Scheme envisages adoption of a new Local Plan in 2023. Consultation on issues and options took place early in 2020. Consultation on preferred options took place in early 2021. There are therefore no emerging policies at this stage so no weight can be attached to emerging local plan policies.
- 4.4 The National Planning Policy Framework (July 2021) (NPPF) replaced the February 2019 NPPF, first published in March 2012. The NPPF does not change the status of an up-to-date development plan and where a planning application conflicts with such a plan, permission should not usually be granted unless material considerations indicate otherwise (paragraph 12). This application has been considered against the 2021 NPPF.
- 4.5 Annex 1 of the National Planning Policy Framework (NPPF) outlines the implementation of the Framework -

"219...existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)."

Selby District Core Strategy Local Plan 2013 (SDCS)

- 4.6 The relevant Core Strategy Policies are:
 - SP1 – Presumption in Favour of Sustainable Development

- SP2 – Spatial Development Strategy
- SP3 – Green Belt
- SP15 – Sustainable Development and Climate Change
- SP18 – Protecting and Enhancing the Environment
- SP19 – Design Quality

Selby District Local Plan 2005 (SDLP)

4.7 The relevant Selby District Local Plan Policies are:

- ENV1 – Control of Development
- ENV15 – Conservation and Enhancement of Locally Important Landscape Area
- ENV25 – Control of Development in Conservation Areas
- ENV29 – Protection of Local Amenity Space
- CS2 – Educational Establishments

5 APPRAISAL

5.1 The main issues to be taken into account when assessing this application are:

- 1) The Principle of the Development
- 2) Green Belt policy
- 3) Impact on Local Amenity Space
- 4) Design and Impact on Heritage Assets and the character of Locally Important Landscape Area
- 5) Impact on Residential Amenity
- 6) Access, Parking and Impact on Highway Safety

The Principle of the Development

5.2 The proposal is for the erection of a canopy to the rear of an existing school building to facilitate outdoor activities for primary school children in different weather conditions. The school is located within the village of Saxton, which is washed over by Green Belt, and the proposed canopy would be located within the parcel of land identified as Local Amenity Space in Selby District Local Plan proposals map. As such, saved policies CS2 and ENV29 of the SDLP, policies SP2 and SP3 of the SDCS and national guidance contained within the NPPF are relevant.

5.3 Policy CS2 of the SDLP allows the extension of existing educational establishments subject to (1) it being located within or adjacent to defined development limits and subject to other matters set out in criteria (2) – (6) which are discussed further in the relevant sections of this report. The application site is located within the defined development limits of Saxton and as such complies with the requirement (1) of the SDLP policy CS2. However, as the proposal is within Green Belt, the more restrictive policies in SP2A(d), SP3 and the NPPF are engaged.

Green Belt Policy

5.4 Policy SP2A (d) of the SDCS requires that within Green Belt the development must conform to Policy SP3 and national Green Belt policies. Policy SP3B requires that in accordance with the NPPF, within the defined Green Belt, planning permission will not be granted for inappropriate development unless the applicant has

demonstrated that very special circumstances exist to justify why permission should be granted.

- 5.5 The above policies therefore specifically refer to Green Belt policies set out in the NPPF. Paragraph 147 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 of the NPPF states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very Special Circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
- 5.6 The decision-making process when considering proposals for development in the Green Belt is in three stages, and is as follows: -
- a) It must be determined whether the development is appropriate or inappropriate development in the Green Belt.
 - b) If the development is appropriate, the application should be determined on its own merits.
 - c) If the development is inappropriate, the presumption against inappropriate development in the Green Belt applies and the development should not be permitted unless there are very special circumstances which outweigh the presumption against it.
- 5.7 The guidance within the NPPF paragraph 149 states "A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt" and sets out a number of exceptions including [amongst other things] the following exceptions b) and c) respectively:
- *the provision of appropriate facilities (in connection with the existing use of land or a change of use for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments, as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.*
 - *the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.*
- 5.8 The proposal is for an open-sided canopy that is minimal in its design consisting of a black metal frame and a polycarbonate roof sitting over the existing hardstanding area used for outdoor play in association with the school. As such, it would facilitate appropriate outdoor recreation facilities in connection with the established school. The canopy would not in itself have the appearance of an extension to the school building, given its lightweight construction, though would be viewed within the context of the existing built form of this part of the village with the school building serving as a backdrop.
- 5.9 Whilst openness is not defined in the NPPF, the Planning Practice Guidance provides a steer about what could be taken into consideration in the assessment of openness based on court judgements and includes, though is not limited to, spatial and visual aspects, its remediability and the degree of activity.
- 5.10 On the basis of the siting, scale, open sided design and lightweight construction of the canopy along with the ease that it could be removed and limited change to activity levels, it is considered that the proposal would preserve the openness of the Green Belt. Further, having reviewed the purposes of including land within the

Green Belt as set out in Paragraph 138 of the NPPF, it is not considered that the proposal would conflict with any of them.

- 5.11 Having taken into account all of the above, it is therefore considered that the proposal constitutes appropriate development in the Green Belt due to being an appropriate facility for outdoor recreation in connection with the established educational use which would preserve the openness of the Green Belt and would not conflict with the purposes of including land within it. The proposal is therefore in accordance with policies SP2 and SP3 of the SDCS and national policies contained within Section 13 of the NPPF.

Local Amenity Space

- 5.12 The proposed canopy would be located within the small open areas to the east of the school building which falls within the Local Amenity Space as identified in the proposals map of the SDLP. The school building and the remainder of the school grounds are not located within it. Policy ENV29 of the SDLP states that "Proposals for the development of local amenity space, as defined on the proposals map, will not be permitted". Although Policy ENV29 does not allow the development of local amenity areas, Paragraph 12 of the NPPF states that 'Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed'.
- 5.13 The proposed canopy would be built within the established enclosed school playground area consisting of hardstanding which is located immediately to the rear of the school building. The proposal is for an open sided lightweight structure which would allow to maintain high-quality Early Years teaching provision throughout the year, enabling access to an outdoor learning and recreation space in all weathers and is in line with the requirements of the EYFS curriculum as detailed in the Statutory framework for the Early Years Foundation Stage (2017). Therefore, the proposed canopy would be used for recreational and educational purposes by the users of the established educational community facility throughout the year and would contribute to diversification and optimisation of the use of the school site which is therefore considered to be a material consideration.
- 5.14 In addition to the above, Paragraph 93d) of the NPPF states that planning policies and decisions should ensure that established facilities and services are able to develop and modernise and Paragraph 95 of the NPPF states that LPAs should give great weight to create, expand or alter schools through the preparation of plans and decisions on applications. The NPPF supports modernisation and alterations to schools which is a material planning consideration weighing in favour of the proposal.

Summary

- 5.15 The proposed development would be appropriate development in the Green Belt and is therefore in accordance with Policies SP2 and SP3 of the SDCS and national policies set out in the Section 13 of the NPPF. The proposal would also comply with the requirement (1) of the SDLP policy CS2.
- 5.16 The proposal would not be consistent with the aims of Policy ENV29 of the SDCS resulting in development occurring within an area of local amenity space. However, the development would result in the enhanced use of the open space, extending

outdoor play for early years school children in all weathers. As such, it is considered that in this case there is justification to depart from the development plan policy.

- 5.17 In this context and having considered all the available evidence, it is therefore considered that the benefits the proposed development would provide to the established educational facility are material planning considerations, and the proposal would therefore comply with Policy SP1 of the SDCS and Paragraphs 93 and 95 NPPF.

Design and Impact on Heritage Assets and the Character of Locally Important Landscape Area

- 5.18 The application site is located within the Saxton Conservation Area and within close proximity of a number of listed buildings and structures. It is also located within the Locally Important Landscape Area based around the Magnesium Limestone rural landscape to the west of the District. Therefore, policies ENV1, ENV15, ENV25 and CS2 of the SDLP and Policies SP18 and SP19 of the SDCS are relevant.
- 5.19 When considering proposals to any buildings or land within a conservation area, regard is to be made to Section 72(1) of the Town & Country Planning (Listed Building and Conservation Area) Act 1990 which requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area.
- 5.20 Although the school is not listed, it sits in close proximity to buildings that are listed. Section 66(1) of the Planning (Listed Buildings and Conservation Areas Act) 1990 places a general duty on local planning authorities in considering whether to grant planning permission for development which affects a listed building or its setting to 'have special regard to the desirability of preserving the building or its setting or any features of a special architectural or historic interest which it possesses'.
- 5.21 SDLP Policy ENV1 (1) requires development to take account of the effect upon the character of the area, with ENV1 (4) requiring the standard of layout, design and materials to respect the site and its surroundings. Significant weight will be attached to the SDLP Policy ENV1 as it is broadly consistent with the aims of the NPPF. However, limited weight should be afforded to Policy ENV25 as it departs from the approach taken in Section 16 of the NPPF, with the latter's emphasis on the significance of Designated Heritage Assets and the tests to be taken in respect of assessing harms depending on whether substantial or less than substantial harm would occur as the result of a proposal. Relevant policies within the NPPF, which relate to development affecting the Conservation Area and listed buildings, include paragraphs 194, 195, 197, 199 and 206.
- 5.22 Policy ENV15 of the SDLP emphasizes the importance of conservation and enhancement of the traditional character of buildings and quality of the landscape.
- 5.23 SDLP Policy CS2 requires that (6) the proposal would achieve a standard of design, material and landscaping appropriate to the locality, and which would not have a significant adverse effect on the appearance or character of the surrounding area.
- 5.24 Policies SP18 of the SDCS and Section 16 'Conserving and enhancing the historic environment' of the NPPF require proposals to take account of their impacts on heritage assets and in particular in relation to this site, the impact on archaeological remains and the impacts on the setting of listed buildings.

- 5.25 Policy SP19 of the SDSC requires that “Proposals for all new development will be expected to contribute to enhancing community cohesion by achieving high quality design and have regard to the local character, identity and context of its surroundings including historic townscapes, settlement patterns and the open countryside. Both residential and non-residential development should meet the following key requirements:
- A) Make the best, most efficient use of land without compromising local distinctiveness, character and form;
 - B) Positively contribute to an area’s identity and heritage in terms of scale, density and layout.

Impact on Heritage Assets

- 5.26 The application site is located within the central part of Saxton Conservation Area and is adjacent to the grounds of the Grade I listed All Saints Church. The listed Church with two Grade II listed structures (Cross shaft and Lord Dacre’s Tomb) within its curtilage and the churchyard are outstanding features contributing to the character and appearance of the Conservation Area and the wider village. It is noted that the Listing of the Grade I listed Church of All Saints does not refer to the school building although the close relationship between them is noted. This part of the Conservation Area is characterised by predominantly two-storey buildings with pitched roofs of predominantly traditional design to the north of Dam Lane and two storey buildings of a more varied design to the east of Main Street. There are also some limited examples of rendered or brick build buildings within the vicinity of the site. Furthermore, it is noted that there is an example of a single storey lean to element immediately to the south-east of the site.
- 5.27 The application site comprises of a school building with a large playground to the west of it and a small playground area to the east of it. The existing school building on site is a single storey building built of natural stone. The original main part of the building has two double pitched elements of different lengths and there are various more modern single storey flat roof extensions wrapping around the south-west corner of the original building which were added in a piecemeal fashion. The area where the canopy is proposed to be constructed consists of a hardstanding area used as a playground enclosed by a 1.5 metre timber fence of an open design on the north and east, a high stone wall on the south and the rear elevation of the school building with a large, glazed opening on the west.
- 5.28 The proposal is for the erection of the lightweight open sided canopy to the rear (east elevation) of the exiting school building. The proposed canopy would consist of a black metal frame canopy with a clear polycarbonate roof. The canopy would measure from 5.7 to 6.1 metres (tapered) in depth and 6.2 metres in width and would have a lean to roof with a height of approximately 2.3 metres to eaves and 3.3 metres to ridge.
- 5.29 The Heritage Statement submitted with the application provides a detailed assessment of the significance of the nearby heritage assets and considers impacts of the proposed development on them. It identifies harm caused to the significance of seven designated and non-designated heritage assets (as shown in Table 5 of the Heritage Statement) by the proposed development and finds that slight adverse harm would be caused to 5 of these including the Grade I listed church and Saxton Conservation Area. The statement further concludes that this harm would be less

than substantial and that it should be weighed against the public benefits of the development. Upon review, the level of detail in the submitted Heritage Statement is considered to be appropriate to the asset's significance and sufficient to understand potential impacts of the proposal.

- 5.30 The Council's Conservation Officer has been consulted on this application who advised that the proposed canopy has been reduced in width and only covers the entrance area when compared to a previously withdrawn proposal 2018/0607/FUL. The officer also advised that the proposed canopy is slender and simple in design and raised no objections to this approach. The officer therefore concluded that there will be minimal impact upon the significance of the neighbouring listed church and that this harm would be mitigated by public benefits to the scheme given that a sheltered area would be provided for school children. The comments made by the Conservation Officer are noted and agreed.
- 5.31 The site is viewed within the context of the Grade I listed Church and churchyard with two Grade II Listed structures and wider conservation area. Although it is noted that there are more listed buildings within 100 metres of the site, it is not considered that any harm to them or their setting would be caused as a result of the proposal given the size, scale and simple design of the proposed canopy, interrupting built form of the area, existing vegetation and the separation distance between them.
- 5.32 The unlisted school building is of a limited visibility within the wider street scene due to it being significantly set back from Dam Lane and Main Street and screened to some degree by the existing vegetation and the built form of this part of the village. However, the east elevation of the school where the canopy is proposed to be constructed is of a high visibility and prominence within the churchyard forming the curtilage of the Grade I listed Church thus having potential to affect this heritage asset and its setting.
- 5.33 The proposed canopy would consist of a slender metal framework painted black, would have open sides and be of a simple design. As such, in terms of the overall design of the scheme, it is noted that a contemporary approach is to be taken whilst reflecting the form of the nearby traditional lean to building extensions within the vicinity of the site and the design is considered appropriate in principle.
- 5.34 Furthermore, the materials as described above and detailed in the application form and drawings are considered acceptable given the nature of the proposal, the context of the site, location in the conservation area and close proximity to a Grade I Listed Building and can be secured by a condition.
- 5.35 The proposed canopy might appear large in scale and would have the potential to appear prominent within the churchyard, particularly when approaching using a path from the north and east. However, the use of this part of the site as school playground is already established and the proposed canopy would be of a simple and slender design thus respecting the traditional overall form of the existing building. Also, the proposed canopy would have open sides and would be sited against the backdrop of the school building on the west and stone boundary wall with residential properties beyond it to the south thus to some degree reducing the prominence of this structure. Moreover, the majority of the canopy would project out from the more modern flat roofed addition to the school. Only a small part would extend across the original historic double pitched school building. The original pair of symmetrical arched windows, a feature of the historic original school would not be covered over.

- 5.36 Whilst it has a prominent position in relation to a nearby Grade I listed building, having considered all of the above and due to the size, scale, siting and design of the proposed canopy, it is considered that the proposal would cause less than substantial harm upon its significance which would need to be weighed against public benefit.
- 5.37 In terms of public benefit, the site is an established educational facility, and it is outlined within the submission that any harm caused by the proposed new canopy to the nearby heritage assets will be offset by the public benefit. It is noted from the submitted Supporting Text that the canopy over the established school playground is required to enable the school to maintain high-quality Early Years teaching provision throughout the year, enabling access to an outdoor learning space in all weathers which is in line with the requirements of the EYFS curriculum as detailed in the Statutory framework for the Early Years Foundation Stage (2017): *"Providers must provide access to an outdoor play area or, if that is not possible, ensure that outdoor activities are planned and taken on a daily basis."* The proposal would therefore significantly improve the quality of teaching provision for the local community.
- 5.38 Having taken into account all of the above, it is therefore considered that a significant public benefit would arise as a result of the proposal. As such, and given that the proposal is acceptable in all other respects, it is considered that on balance the public benefits arising from the proposal would outweigh the harm caused by it to nearby listed buildings and the Saxton Conservation Area.

Impact on Locally Important Landscape Area

- 5.39 In terms of landscaping, it should be noted that the existing playground area consists of hardstanding enclosed by a timber fence on the east and north and a stone wall on the south. There are no trees or other vegetation within the site itself and no alterations to boundary treatments are proposed. Also, the proposed canopy would be of an appropriate design respecting the traditional character of buildings as discussed above and would be viewed within the context of the existing build form with the school building serving as a backdrop thus not harming the quality of the landscape.
- 5.40 The relationship between the existing mature tree located to the east of the application site and the proposed canopy is noted. The tree is prominent within the churchyard and wider street scene and is considered to significantly contribute to the character and appearance of the conservation area. However, the tree is not within the applicant's control and is protected by virtue of conservation area status and as such, any works on this tree have to be authorised by the local authority. Whilst the proposed canopy would be sited closer to the tree in question, it would be of a lightweight construction and would not overlap the root protection area or the crown.
- 5.41 As such, it is therefore considered that the proposal would be in accordance with Policy ENV15 of the SDLP.

General Design Matters

- 5.42 In terms of general design matters required by criteria (4), (5) and (6) SDLP policy CS2, it is noted that the proposal would not create any enclosed spaces and its

outdoor playground use would be retained whilst allowing for a more efficient use of the school outdoor area. Also, having considered the above assessment and the design, material and landscaping matters, it is considered that those would on balance be appropriate to the locality and would not have a significant adverse effect on the appearance or character of the surrounding area. As such, it is therefore considered that the proposals would be in accordance with Policy CS2 of the SDLP.

Summary

- 5.43 As such, it is considered that there would be less than substantial harm caused to the significance of the setting of the nearby Grade I listed Church of All Saints that would be, on balance, outweighed by the public benefits of the proposal. No harm is identified to the character and appearance of the Saxton Conservation Area, the surrounding area or the quality of the designated landscape. The proposal is therefore not contrary to ENV1, ENV15, ENV25 and CS2 of the SDLP and Policies SP18 and SP19 of the Core Strategy and the NPPF subject to conditions.

Impact on Residential Amenity

- 5.44 Relevant policies in respect of the effect upon the amenity of adjoining occupiers include Policies ENV1 (1) and CS2 (3) of the SDLP. Significant weight should be attached to those policies as they are broadly consistent with the aims of the NPPF to ensure that a good standard of amenity is achieved.
- 5.45 The proposed canopy would be of a modest size and scale and would be significantly distanced from any of the residential properties. As such, it is considered that no significant adverse effects of overlooking, overshadowing or oppression would be caused to the existing dwellings located close to the application site.
- 5.46 Furthermore, the application site is an established educational facility and the area where the canopy is proposed to be located is already used as a school playground area. As such and having taken into account the relation of the site with the neighbouring residential properties, it is therefore not considered that the impacts of noise and disturbance generated by the proposed development would increase so detrimentally as to warrant refusal on this basis.
- 5.47 Having had regard to the above, it is considered that the proposed scheme would not result in any significant detrimental impacts on the residential amenities of the occupiers of the neighbouring properties and would therefore comply with Policies ENV1(1) and CS2 (3) of the SDLP and the advice contained within the NPPF.

Access, Parking and Impact on Highway Safety

- 5.48 Relevant policies in respect to access, parking and highway safety include Policies ENV1 and CS2 (2) and (3) of the SDLP. These policies should be afforded substantial weight as they are broadly consistent with the aims of the NPPF.
- 5.49 The proposal is for the canopy over the exiting playground area which would not increase the capacity of the existing school and would not intensify the use of the school site. As such, and given the siting, scale and nature of the proposed development, it is therefore not considered that the access, car parking and highway safety would be detrimentally affected. The scheme is therefore considered

acceptable in terms of its impact on a highway safety and is therefore in accordance with Policies ENV1 and CS2 of the SDLP and the NPPF.

6 CONCLUSION

- 6.1 The proposal would comply with the requirement (1) of the Selby District Local Plan 2005 Policy CS2 due to being within the development limits of Saxton. Also, the proposed development would be appropriate development in the Green Belt as an appropriate facility for outdoor recreation in connection with the established educational use which would preserve the openness of the Green Belt and would not conflict with the purposes of including land within it. The proposed scheme is therefore in accordance with Policies SP2 and SP3 of the Selby District Core Strategy 2013 and national policies set out in the Section 13 of the NPPF. The proposal would conflict with the requirements of Policy ENV29 of the SDLP but the material considerations described above are considered sufficient justification to depart from the requirement of this policy in this case.
- 6.2 In this context and having considered all the available evidence, it is considered that the benefits the proposed development would provide to the established educational facility are material planning considerations, and the proposal would therefore comply with Policy SP1 of the Selby District Core Strategy 2013 and Paragraphs 93 and 95 of the NPPF.
- 6.3 The proposed development is considered to cause less than substantial harm upon the significance of the setting of the nearby Grade I listed building Church of All Saints, other Grade II listed buildings and the Saxton Conservation Area. However, it is, on balance, considered that this harm would be outweighed by the public benefits of the proposal in this particular case and the proposal is therefore not contrary to Policies ENV1, ENV15, ENV25 and CS2 of the Selby District Local Plan 2005, Policies SP18 and SP19 of Selby District Core Strategy 2013 and the advice contained within the NPPF subject to conditions.
- 6.4 Furthermore, having assessed the proposals against the relevant policies, it is considered that the proposal is acceptable in respect of its impact on residential amenity of adjoining occupiers and highway safety.
- 6.3 The application is therefore considered to be in accordance with Policies ENV1, ENV15, ENV25 and CS2 of the Selby District Local Plan 2005, Policies SP1, SP2, SP3, SP15, SP18 and SP19 of the Selby District Core Strategy 2013 and the advice contained within the NPPF.

7 RECOMMENDATION

This application is recommended to be APPROVED subject to the following conditions:

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason:

To ensure compliance with Section 91 of the Town and Country Planning Act 1990 as amended.

02. The development hereby permitted shall be carried out in accordance with the plans/drawings listed below:

Drawing No. 01 – Proposed Canopy Design (Site Location, Proposed Block Plan Existing and Proposed Floor Plans, Proposed Visuals)

Drawing No. 02 – Proposed Canopy Design (Existing and Proposed Elevations)

Reason:

For the avoidance of doubt.

03. The materials proposed to be used for the development hereby approved shall be black painted powder coated steel frame with clear polycarbonate roof panels as described in Part 7 of the application form received on the 10th September 2021. The framework of the canopy shall be finished/painted black RAL9005 and shall be retained as such throughout the lifetime of the development.

Reason:

In the interests of visual amenity and to ensure the proposals cause no harm to the nearby heritage assets in accordance with Policies ENV1, ENV15, ENV25 and CS2 of the Selby District Local Plan 2005 and Policies SP18 and SP19 of the Selby District Core Strategy 2013.

8 Legal Issues

8.1 Planning Acts

This application has been determined in accordance with the relevant planning acts.

8.2 Human Rights Act 1998

It is considered that a decision made in accordance with this recommendation would not result in any breach of convention rights.

8.3 Equality Act 2010

This application has been determined with regard to the Council's duties and obligations under the Equality Act 2010. However it is considered that the recommendation made in this report is proportionate taking into account the conflicting matters of the public and private interest so that there is no violation of those rights.

9 Financial Issues

Financial issues are not material to the determination of this application.

10 Background Documents

Planning Application file reference 2021/1138/FUL and associated documents.

Contact Officer: Irma Sinkeviciene (Senior Planning Officer)

Appendices: None