



Report Reference Number: 2019/1172/FUL

To: Planning Committee
Date: 8 April 2020
Author: Bethany Harrison (Planning Officer)
Lead Officer: Ruth Hardingham (Planning Development Manager)

APPLICATION NUMBER:	2019/1172/FUL	PARISH:	Tadcaster Town Council
APPLICANT:	North Yorkshire Police HQ	VALID DATE: EXPIRY DATE:	23rd December 2019 17th February 2020 (ext of time requested)
PROPOSAL:	Proposed installation of 2.4m Securifor, heavy weldmesh panel fencing. Including pedestrian and vehicle access gates		
LOCATION:	Divisional Police Headquarters Station Road Tadcaster LS24 9JR		
RECOMMENDATION:	APPROVE		

This application has been brought before Planning Committee as 14 letters of representation have been received which raise material planning considerations and Officers would otherwise determine the application contrary to these representations.

1. INTRODUCTION AND BACKGROUND

Site and Context

- 1.1 The application site is located within the defined development limits for Tadcaster on Station Road.
- 1.2 The site is bordered by residential dwellings to the east and south and the fire station to the west with Station Road running to the north of the station. The public entrance to the police station is to the west of the station, with car parking on this side as well as on the east.

The Proposal

- 1.3 The application seeks consent for the erection of a 2.4 metre “Securifor” fence to the western elevation of the station, with a pedestrian and vehicle access gate.
- 1.4 The proposed fence would be 2.4 metres high and would enclose an area on the west elevation of the building, spanning approximately 25 metres along the building. It would have a pedestrian access gate and would be made of 2D mesh steel fencing painted in RAL6005 (Moss Green) and would have concrete filled foundations at a width of 400mm and a depth of 600mm. It would have a boxed push-pad for emergency exits and would otherwise be accessed using a ‘Maglock’ internal locking system. The proposed will not include any scheme of landscaping.
- 1.5 The applicants have advised that the objective of the proposal is to provide better security for the Tadcaster Police station. The scheme will ensure new fencing would secure the stairway leading into the station’s lower ground floor which currently un-enclosed and would enclose an area to secure armoured vehicles overnight.

Relevant Planning History

- 1.6 There are no historical applications considered to be relevant to the determination of this application.

2. CONSULTATION AND PUBLICITY

- 2.1 **NYCC Highways** – No objection
- 2.2 **Tadcaster Town Council** – No objection
- 2.3 **Neighbour Summary** – All immediate neighbours were informed by letter and a site notice was posted on 21st January 2020.

This resulted in 14 letters objections from occupants of Fairfield Way and Fairfield Road which are situated to the south of the police station. Their comments can be summarised as follows:

- Will result in congestion accessing the site
- Construction stage will add to traffic in the area and result in noise impacts
- Potential loss of parking provision on site leading to further overflow onto the residential development
- Will impact on the visual amenity as a result of the height of the fence
- Will result in noise from cars waiting to enter the site and from the gates opening and closing

3 SITE CONSTRAINTS

Constraints

- 3.1 The application site is within the defined development limits for Tadcaster and is located within an urban area. The site does not contain any protected trees, is outside the Conservation Area and there are no listed buildings that are affected.

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 would take place early in 2020. 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 (February 2019) (NPPF) replaced the July 2018 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 2019 NPPF.
- 4.5 Annex 1 of the National Planning Policy Framework (NPPF) outlines the implementation of the Framework -

"213.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

- 4.6 The relevant Core Strategy Policies are:
- SP1 - Presumption in Favour of Sustainable Development
 - SP19 - Design Quality

Selby District Local Plan

- 4.7 The relevant Selby District Local Plan Policies are:
- ENV1 - Control of Development
 - T2 – Access to Roads

5 APPRAISAL

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

- Principle of the Development
- Design and Impact on the Character and Appearance of the Area
- Impact on Residential Amenity
- Impact on Highway Safety

Principle of the Development

- 5.2 The application site is located within the defined development limits of Tadcaster, which is a Local Service Centre as identified in the Core Strategy. The proposal is for the erection of a security fence to the west elevation of the police station to a height of 2.4 metres.
- 5.3 There is nothing in the Development Plan or the NPPF to identify this type of development as being unsustainable or preclude in principle development of this type in this location.

Design and Impact on the Character and Appearance of the Area

- 5.3 Policy ENV1 of the Selby District Local Plan and SP19 of the Core Strategy require that consideration is given to the impact of a development on the character and appearance of an area. Significant weight must be given to these policies as they are broadly consistent with the aims set out within Section 12 of the NPPF, which seeks to create high quality buildings and places.
- 5.4 The application site comprises of the Police Station on Station Road, Tadcaster. The local area is predominantly residential in nature as the station is bordered by residential dwellings to the east, south and west and is bordered by the main road to the north.
- 5.5 The application as submitted would enclose an area of the west elevation of the police station. The fence to this elevation would be 2.4 metres high. The materials to be used are a metal mesh fence painted moss green (RAL 6005), joined with bolts and set in a concrete foundation.
- 5.6 In commenting on the application then neighbours have raised concerns regarding the height of the fence and the visual impact.
- 5.7 The proposed fence would be partially visible from the streetscene on Station Road, however the view from the street would be mostly obscured by the trees lining the street. In addition, the visual intrusiveness of the proposed is also minimised by the choice of a green colour for the fence, which would be less prominent than black or silver against the street.
- 5.8 The proposed fence would have a greater visual impact than the existing concrete boundary wall, which is approximately 1 metre in height which the proposed fence would replace.
- 5.9 On balance it is considered that the proposed fencing would not impact on the character of the area or the visual amenity to an extent to warrant refusal of the scheme particularly given that it is not within a Conservation Area or in close proximity to any listed buildings or any other designated heritage assets.
- 5.10 It is therefore considered that, as the fence is being erected by North Yorkshire Police in the interest of public safety to make the site more secure, the public

benefit would outweigh any harm caused, although the neighbouring occupants raise valid planning concerns with regard to this application and effect it would have on the character and appearance of the surrounding area. Therefore the scheme is considered acceptable.

- 5.11 As such, having regard to the above, it is considered that the proposal is acceptable and would not have a significant or detrimental impact on the character and appearance of the area. The proposal is therefore considered acceptable in accordance with Policy ENV1 of the Selby District Local Plan, Policy SP19 of the Core Strategy and the advice contained within Section 12 of the NPPF.

Impact on Residential Amenity

- 5.12 Policy ENV1 of the Selby District Local Plan requires that consideration is given to the impact of a development on residential amenity. Significant weight must be given to these policies as they are broadly consistent with the aims set out within Section 12 of the NPPF, which seeks to create high quality buildings and places.
- 5.13 The key considerations in respect of residential amenity for a development of this nature are the impact on amenity by virtue of design and siting, and the potential for impacts on amenity as a result of the change in access arrangements through the introduction of a gate which will necessitate a change in the movement of vehicles.
- 5.15 Objectors to this application raised concerns regarding noise of cars waiting at the gate as well as the gate itself closing. Environmental health have now been consulted on this matter as a result of these comments and have advised that no objection would be raised to the proposed on the grounds of noise. It is therefore considered that the noise which would be created by the cars waiting at the gate and the movement of the gate mechanisms would not be so harmful to the residential amenity of residents as to warrant refusal.
- 5.16 In terms of the design and siting of the fence, at 2.4 metres in height, it is considered to be appropriate for the context and would not so significantly impact on the visual amenity of residents so as to warrant refusal due to its siting on the west elevation and lower ground floor of the police station. Because of this, the proposed would not be visible from the dwellings to the east or south of the building, and would be set an appropriate distance away from those to the west. The view of residents to the west would also be partly obscured by the presence of the neighbouring fire station, which sits at the west side of the police station.
- 5.17 It is also considered that as the separation distances of approximately 50 metres to the west, 65 metres to the east and 30 metres to the south sit between the proposed fence and gate and any neighbouring properties although there would be a change in the characteristic of vehicle movements (vehicles would need to stop to enter the site unlike at present) this change has to be considered in the context of the sites location within the urban area and the public benefit of ensuring that the site is secure. On balance it is considered that the impact on residential amenity would be minimal and there is a clear benefit from securing the site.
- 5.18 As such, with the views of the neighbouring occupants taken into account with regards to their amenity, the scheme is not considered to result in an impact on residential amenity that would warrant refusal,, and thus it is considered to accord with Policy ENV1 of the Selby District Council Local Plan.

Impact on Highway Safety

- 5.19 Policy ENV1 of the Selby District Local Plan requires that consideration is given to the impact of a development in terms of highways.
- 5.20 NYCC Highways have reviewed the application and have raised no objections to the application, nor have they requested any conditions be added to the consent.
- 5.21 Neighbouring occupants have raised concerns regarding the change in the nature of how vehicles park on the site, arguing that there would be an increase in vehicles waiting at the proposed gate and congestion on the surrounding roads that would be caused by this. However, it is considered that due to the modest scale of the development in relation to the site, which would sit within the site at lower ground level and the nature in which it will be used, for armoured vehicles and not for all vehicles parking on site, the level of congestion and change in some parking arrangements will not have an adverse effect on highway safety and the levels of congestion around the site will not be significantly increased.
- 5.22 As such, it is considered that the proposal would not lead to adverse highway conditions in this locality. As such, the proposal is considered to accord with Policies ENV1 (2) of the Local Plan and paragraph 108 of the NPPF which emphasises the importance of safe and suitable access to a site being achieved for all users.

6 CONCLUSION

- 6.1 Having had regard to the development plan, all other relevant local and national policy, consultation responses and all other material planning considerations, it is considered that the proposed development is acceptable and in accordance with Policies ENV1 of the Selby District Local Plan, Policies SP1 and SP19 of the Core Strategy and the advice contained within the NPPF.

7 RECOMMENDATION

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

01. The development for which permission is hereby granted shall be begun within a period of three years from the date of this permission.

Reason:

In order to comply with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.

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

- 50267 A – Location, Layout, Elevations – received 23/12/19

Reason:

For the avoidance of doubt.

03. The materials to be used in the construction of the external surfaces of the development hereby permitted shall be as stated on the application form, received by the Local Planning Authority on 11th November 2019. Only the approved materials shall be utilised.

Reason

For the avoidance of doubt.

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 2019/1172/FUL and associated documents.

Contact Officer: Bethany Harrison (Planning Officer)

Appendices: None