

North Yorkshire County Council

Planning and Regulatory Functions Committee

Minutes of the meeting held at County Hall, Northallerton on Tuesday 28 March 2023 at 10am.

Present:-

County Councillors Andy Paraskos (Chair), Chris Aldred (as substitute for Pat Marsh), Andy Brown, Bryn Griffiths, Tim Grogan, Robert Heseltine, Mike Jordan, John McCartney, Bob Packham, Roberta Swiers and David Webster.

Apologies were received from County Councillors Eric Broadbent and Pat Marsh

There were 5 members of the public and a representative of the press present.

Copies of all documents considered are in the Minute Book

25. Welcome and Introductions

The Chairman welcomed everyone to the meeting.

26. Minutes of the meeting held on 15 November 2022

Resolved -

That the Minutes of the meeting held on 15 November 2022 be confirmed by Members and signed by the Chairman as a correct record.

27. Declarations of Interest

There were no declarations of interest.

28. Public Questions or Statements

The representative of the Assistant Chief Executive (Legal and Democratic Services) stated that there were no general questions or statements from members of the public, however, questions/statements had been submitted in respect of Minute No. 29, below, which would be submitted to the Committee when that item was considered.

29. C6/22/04004/CMA - Planning application for the demolition of an existing pre-fabricated classroom unit and erection of a permanent single storey pre-fabricated classroom unit, external fixed wall lights, fan coil units, re-location of nurture room, removal of a tree, paved hardstanding, tree planting and hard and soft landscaping works on land at Great Ouseburn Community Primary School, Main Street, Great Ouseburn, North Yorkshire.

Considered -

The report of the Corporate Director - Business and Environmental Services requesting Members to determine a planning application for the demolition of an existing pre-fabricated classroom unit and erection of a permanent single storey pre-fabricated classroom unit, external fixed wall lights, fan coil units, re-location of nurture room, removal of a tree, paved hardstanding, tree planting and hard and soft landscaping works on land at Great Ouseburn Community Primary School, Main Street, Great Ouseburn, North Yorkshire

The application was subject to three objections having been raised in respect of the proposal on the grounds of lighting, design and landscaping and was, therefore, reported to this Committee for determination.

Local resident, Carol Burrell addressed the Committee, outlining the following:-

"I have written in to raise my concerns and as the nearest neighbour to the development I am most impacted. I have previously written about noise impact, lighting and intensification of use of the site. There will be an increase of 30 to 60 children accessing this area.

I'm pleased that many of my points have been taken onboard, but given the proximity of the development to my boundary and garden which is of very shallow depth, I still have some key concerns that remain.

1. Nurture room

While revision 2 of the plan sited the development further away from my boundary potentially reducing noise impact, since this plan, a further plan, revision 3 has been submitted with the addition of the 'nurture room', directly against my boundary. This is described as 'essential teaching provision' by the school and is of wooden summerhouse construction which would be flimsy and uninsulated. There is no information on the extent or nature of its usage, I am concerned that this could add to my noise levels, reduce privacy and lead to greater use of the outside area in front of this. This will impact my noise levels and enjoyment of my garden, particularly in the summer months. It would also shade the hedge from light.

I have suggested a solution which is to site it behind my brick garage which adjoins the north east corner of the site, which would remove it from my hedge boundary and hopefully reduce noise as it would be sited away from my garden which is just 1.5m the other side. The proposed hedge could be re-sited to the side of the nurture room, and potentially leave space for more planting supporting a biodiversity gain for the site where currently there is a loss.

2. Shed siting and root impact

It is proposed to site a shed 1.5m from my hedge, but the arboriculture plan is not accurate. It shows the trunk of my mature apple tree as being sited within my garden, when in fact it is in-line with the hedge and therefore the area of rootzone projects further into the school site, and the shed would sit on top of it potentially adversely impacting my hedge.

If the shed was sited to the west of the development, where there is no root area of

concern, this would solve this issue.

3. Design /Conservation

I note that the Conservation officer has not looked at this planning submission and therefore my comments on the design have not been included. There is no report including the Conservation officers comments which is an omission.

Para 7.19 -7.21 of the report- the argument is flawed. The officer says the development won't harm the Conservation Area because there would be no major demolition works, and that the replacement building would be similar and is in keeping with the existing school site and the Conservation Area.

BUT, the replacement building is twice the size, replaces a previous 'portacabin type' building and involves the removal of an oak tree. Its design is a much larger flat roof temporary type of structure at odds with the traditional school building and surrounding developments. Therefore it will have a more harmful impact on the conservation area than the current development and would neither 'preserve' nor 'enhance ' the character or appearance of the Conservation area which is the duty of the planning.

Reference - LPA's must have regard to the above under S72 (1) and S66 (1) of the Town and Country Planning (Listed Buildings and Conservation Area) Act 1990.

The planning officer does not appear to have the comments from the Harrogate Conservation Officer and therefore the officer assessment is not based on professional Heritage advice.

4. Question

Will condition 6 will be sufficient to ensure movement sensor lighting does not operate between the specified hours?

Summary

I would like my concerns regarding siting of shed and nurture room to be addressed and these two constructions to be moved away from my boundary and my suggestions regarding design taken onboard."

Local resident and Headteacher at the school, Nick Oswald, I addressed the Committee, outlining the following:-

"Great Ouseburn Primary School was facing the threat of closure just seven years ago, with a falling roll of just 46. Children from Great Ouseburn were going to neighbouring schools instead and the proposal to reduce the school from three classes to two would have resulted in more children leaving. However, with a lot of hard work, the school is now a thriving and happy place with over 100 children. We have navigated the challenges of the last few years and come out of it stronger, becoming a central part of the village community.

Whilst this is overwhelmingly positive for the village, it has created some issues with the classrooms. Two of the rooms are just 42m2 compared to the recommended 60m2. This proposal was the only realistic way to increase the classrooms to a size that can accommodate the children we already have in school. It is important to recognise that this isn't about increasing the capacity of the school. This will remain the same. It is to

provide adequate space for the children already entitled to a place in our school. As a result, it will not increase traffic or make parking more difficult as the number of children will not increase.

We have adapted the plans as far as we can to address any concerns raised by neighbours as we are very keen to work with them and do not want this project to negatively impact on them. There are indeed several benefits. Two years ago our neighbours objected to the installation of a small cabin (which was an emergency and temporary solution to overcrowding in one of the classrooms). Part of the complaints were about the oak tree - which blocked out the light to their house. This will be removed as part of the proposal. There was also a complaint about the small storage sheds on our side of the hedge. These will also be removed as part of the project. Moving the nurture room will also open up the view across the fields. I was surprised to hear that our neighbours find the sound of the children playing to be a disturbance as they have repeatedly asked our gardener to cut the hedge down and back, which would have further reduced the 'acoustic barrier'.

I trust that the committee will bear in mind that this proposal will NOT increase the capacity of the school which will remain as 120 children, made up of four classes of up to 30 children. We will reach this capacity within 3 years anyway, this project is just to provide the children with enough classroom space to achieve their potential."

A representative of the Chief Planner presented the Committee report, highlighting the proposal, the site description, the consultations that have taken place, the advertisement and representations, planning guidance and policy and planning considerations. The report also provided a conclusion and recommendations

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

- A Member stated that he was unaware of the location and suggested that, going forward, site visits be considered for such locations.
- Members noted the suggestions of Mrs Burrell in her statement to the Committee regarding the relocation of the Nurture Room and Shed and asked whether these would be appropriate. The Chief Planning Officer stated that there was planning objection to the alternative location and the applicant stated that he was willing to consider the relocation.
- Whilst supporting the school's reasons for the application a Member suggested that changes to the application would assist with his support. He stated that the suggested relocation and alternative design of the buildings should be undertaken, that consideration to Climate Change matters should be addressed through the provision of solar panels accompanied with batteries on the new builds, and the tree planting as a result of the removal of the mature tree should be semi-mature, food bearing trees. Members outlined their support for the amendments to the application as suggested. The Committee's Legal adviser stated that, should Members be minded to agree the suggested amendments the matter should be delegated to the Chief Planning Officer to negotiate those issues with the applicant, should there be no satisfactory conclusion, then the application would be brought back to the Committee for further consideration. It was clarified that the matter would return to the appropriate Area Constituency Planning Committee should it be referred back.
- A Member raised concerns as to whether water run off and the proposed lighting scheme could affect neighbours. It was suggested that proximity detectors may

- be more appropriate than the timers that were being recommended.
- In relation to the provision of solar panels a Member raised concern that these may be unaffordable to the school. In response it was emphasised that the matter would be deferred to the Chief Planning Officer to negotiate any amendments to the application with the applicant and should a suitable compromise not be found the application would return to Members.

Resolved: -

That Members are minded to grant planning permission for the reasons stated in the report, subject to negotiations, delegated to the Chief Planning Officer on behalf of the Committee, in relation to alterations to the site placement of the new builds and the replacement trees for replanting being semi-mature and food bearing as well as exploring the possibility of the purchase and use of solar panels and associated batteries on the new builds; and in accordance with the conditions outlined. Should the negotiations in respect of the alternative siting of the proposed buildings and the provision of replacement trees prove to be unsuccessful the application would be resubmitted to the appropriate Area Constituency Planning Committee for determination.

31. Items dealt with under the Scheme of Delegation

Considered -

The report of the Corporate Director - Business and Environmental Services outlining items dealt with under the Scheme of Delegation for the period 19 October 2022 to 20 December 2022 inclusive.

Resolved -

That the report be noted.

32. Items dealt with under the Scheme of Delegation

Considered -

The report of the Corporate Director - Business and Environmental Services outlining items dealt with under the Scheme of Delegation for the period 21 December 2022 to 17 January 2023 inclusive.

Resolved -

That the report be noted.

33. Items dealt with under the Scheme of Delegation

Considered -

The report of the Corporate Director - Business and Environmental Services outlining items dealt with under the Scheme of Delegation for the period 18 January 2023 to 23 February 2023 inclusive.

Resolved -

That the report be noted.

34. Publication by Local Authorities of Information about the handling of Planning Applications – 1 April to 30 June 2022 – Quarter 1

Considered –

A report by the Corporate Director, Business and Environmental Services, which outlined the County Council's performance in the handling of "County matter" and County Council development planning applications for Quarter 3 (the period 1 October to 31 December 2022).

Updates were provided on:-

Land at Sandholme Lane, Sowerby
Gayles Quarry
Minerals and Waste training for Members

Resolved –

That the report be noted.

The meeting concluded at 10.45 am

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