

North Yorkshire Council
Community Development Services
Strategic Planning Committee

9TH APRIL 2024

**ZG2023/1263/FULM- ERECTION OF A NEW SPECIAL EDUCATIONAL NEEDS AND
DISABILITIES (SEND) SCHOOL WITH ASSOCIATED LANDSCAPING, PARKING AND
CONSTRUCTION OF A NEW ACCESS FROM HULL ROAD AT LAND OFF HULL ROAD
OSGODBY NORTH YORKSHIRE**

Report of the Assistant Director Planning – Community Development Services

1.0 Purpose of the Report

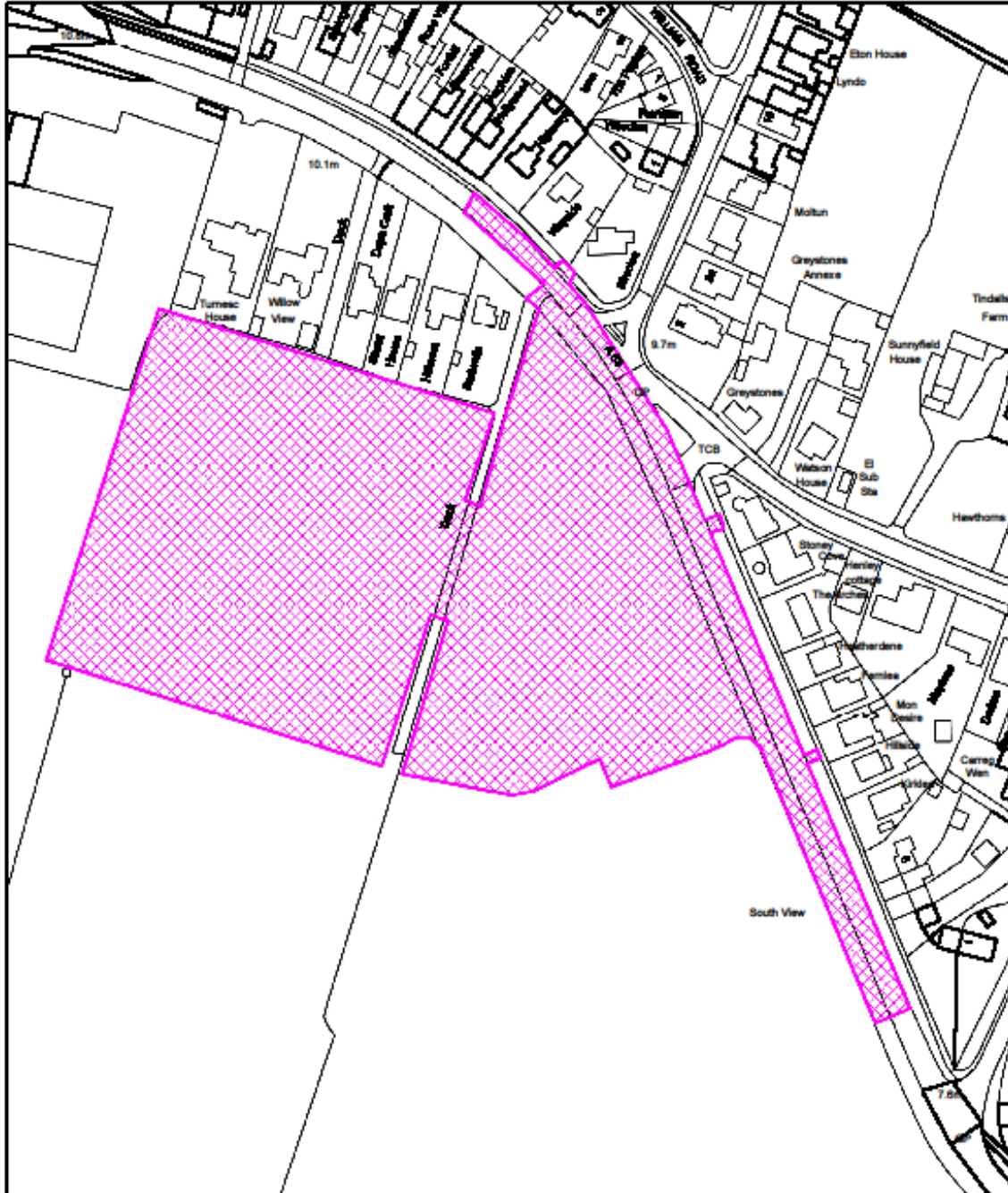
- 1.1 To determine a planning application for the erection of a new special educational needs and disabilities (SEND) school with associated landscaping, parking and construction of a new access.
- 1.2 This application has been reported to Committee as it is considered that the application raises significant strategic planning issues that affect more than one area committee geography given the nature of the proposal.

2.0 SUMMARY

RECOMMENDATION: It is recommended that Planning Committee grant planning permission for the proposed development subject to the conditions recommended in this report.

- 2.1. This is a planning application for the erection of Special Education Needs and Disabilities (SEND) school at land to the south of Hull Road, Osgodby. The site comprises agricultural fields bisected by a public right of way. Houses lie to the north and Selby Garden Centre to the west. Playing fields would be provided to the south and car parking and highways access taken from Hull Road to the east.
- 2.2. The site does not lie within the designated development limit of Osgodby, however it is a draft allocation within the emerging Selby Local Plan (OSBB-N). The provision of new schools is supported by SDLP Policy CS2.
- 2.3. The proposed design and site layout is considered acceptable and landscape impact can be mitigated. There are no objections on grounds of highway safety, drainage or flood risk, ecology, contamination or noise. The proposal is not considered to result in harm to neighbouring residential amenity of neighbouring properties. Community use of the site is welcomed.
- 2.4. It is considered that the provision of a SEND school will result in public benefits to education provision within Selby Area and wider catchment and will provide wider community benefits.
- 2.5. In conclusion, it is recommended that planning permission be granted for the erection of a SEND school at Hull Road Osgodby subject to the conditions as set out in this report.

Land Off, Hull Road, Osgodby
ZG2023/1263/FULM



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3.0 PRELIMINARY MATTERS

- 3.1. Access to the case file on Public Access can be found here:- [ZG2023/1263/FULM | Erection of a new special educational needs and disabilities \(SEND\) school with associated landscaping, parking and construction of a new access from Hull Road | Land Off Hull Road Osgodby North Yorkshire \(selby.gov.uk\)](#)
- 3.2. The following relevant planning history has been identified for the application site:
- 3.3 2022/1075/SCN - Environmental Impact Assessment Screening Opinion for Proposed Special Educational Needs (SEND) School. EIA not required 31.10.2022.
- 3.4 ZG2023/1168/SCN - EIA Screening opinion request for the erection of a new special educational needs and disabilities (SEND) school with associated landscaping, parking and construction of a new access from Hull Road on land off Hull Road Osgodby. EIA not required 29.11.2023.

4.0 SITE AND SURROUNDINGS

- 4.1 The application site lies to the south of the A63 Hull Road and extends over two fields (2.6 ha), the school building and playing fields would lie within the western section with highway access and car parking to the east. The site is bisected by a hedged Public Right Of Way (PROW) 35.5/5/1 running north/south through the middle of the site.
- 4.2 The western part of the site contains the school building and playing fields and is square in shape. There are dwellings to the north with a mix of hedge and fence boundaries. To the west is Selby Garden Centre, with a mesh fence boundary. The eastern boundary is the hedged (PROW) and the site is open to the south. The eastern part of the site will be used for access and car parking and is triangular in shape. The boundary with the A63 Hull Road is open with a verge and trees along the highway edge. There are dwellings to the northern (opposite) side of the A63. The site is open to the south and slopes gently to the south.
- 4.3 There are no statutory national or local landscape or wildlife designations on the application site. The site does not contain any protected trees and there is no Conservation Area or nearby Listed Buildings that are affected. The majority of the site lies within Flood Zone 1, with part of the site to the south-west within Flood Zones 2 and 3.

5.0 DESCRIPTION OF PROPOSAL

- 5.1 The school will provide education for pupils between 3-19 years of age with a wide range of special needs. All school facilities are to be contained within the western portion of the application site. The school building would be two storeys in height with a flat roof. Building materials are shown to be a mix of brick and cladding with powder-coated aluminium doors and windows.
- 5.2 Internally the building will comprise general and specialist classrooms over both floors and ground floor offices. A dining area and multi-use sports hall are shown to the eastern end of the site and these areas can be zoned off for out of hours community use. The school has an overall capacity of 100, which is split between nursery/reception, primary (KS1-KS2), secondary (KS3- KS4) and sixth form (KS5), with 70 staff.
- 5.2 An outdoor play area is shown to the north. A grass playing field and multi-use games area (MUGA) will be to the south of the main building.

- 5.3 Car parking, drop-off areas and the main access routes for vehicles, cycles and pedestrians will be taken from the east. Vehicular access to the site is to be taken from the A63 Hull Road with a 76-car parking area located within the eastern portion of the site. Cycle parking is also proposed. A secondary pedestrian and cycle access point is shown from the north, running parallel to the PROW. It is not intended that the PROW be used for school access. A section of the PROW hedge will be removed to allow for access between the car park and school buildings and the PROW will be gated at this point.
- 5.4 A 2.4m high fence is proposed to the perimeter of the main school site, set back from the northern boundary to allow for maintenance. Landscaping is shown to all site boundaries, in particular to the south of the school building and along the A63 boundary.
- 5.5 Out-of-hours community use of the sports hall, MUGA and playing field is proposed as part of the development.
- 5.6 The application is supported by a suite of technical documents that may be viewed on Public Access. Several amendments have been made to the submission throughout its consideration and these have mainly been to address drainage and highway matters.

6.0 PLANNING POLICY AND GUIDANCE

- 6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each application under the Planning Acts in accordance with Development Plan so far as material to the application unless material considerations indicate otherwise.

Adopted Development Plan

- 6.2. The Adopted Development Plan for this site is:
- Selby District Core Strategy Local Plan, adopted 22 October 2013.
 - 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.
 - Minerals and Waste Joint Plan, adopted 16 February 2022.
 - Osgodby Village Design Statement.

Emerging Development Plan – Material Consideration

- 6.3. The Emerging Development Plan for this site is:
- Selby District Council Local Plan Publication Version 2022 (Reg 19)

On 17 September 2019, Selby District Council agreed to prepare a new Local Plan. Consultation on issues and options took place early in 2020 and further consultation took place on preferred options and additional sites in 2021. The Pre-submission Publication Local Plan (under Regulation 19 of the Town and Country Planning (Local Development) (England) Regulations 2012, as amended), including supporting documents, associated evidence base and background papers, was subject to formal consultation that ended on 28th October 2022. The Council is currently consulting on a further Revised Pre Submission Publication (Regulation 19) Consultation prior to Submission to the Secretary of State for independent examination.

In accordance with paragraph 48 of the NPPF, given the stage of preparation following the consultation process and depending on the extent of unresolved objections to policies and their degree of consistency with the policies in the NPPF, the policies contained within the emerging Local Plan can be given weight as a material consideration in decision making.

- The North Yorkshire Local Plan - no weight can be applied in respect of this document at the current time as it is at an early stage of preparation.

Guidance - Material Considerations

- 6.4. Relevant guidance for this application is:
- National Planning Policy Framework, 2021
 - National Planning Practice Guidance

7.0 CONSULTATION RESPONSES

- 7.1. Consultation responses have been summarised below. Full details can be viewed on Public Access.
- 7.2. **NYC Highways** – Initially requested a variety of documents be amended prior to finalising comments, which the agents undertook.

Highways assessed the further amended plans and additional information, and confirmed that most of the Highway Authorities original concerns have been addressed. The Traffic Modelling has been rerun to show an opening year of 2025 and a Base Year with committed developments and the proposed development of 2030. The data produced does show that the access and the surrounding junctions will operate satisfactorily. However, the applicant has not provided details for the trip generation associated with the out of hours use. This is therefore to be controlled by condition i.e. requiring a scheme to be submitted, to ensure that the level of out of hours use does not negatively impact on the highway network.

Several amended plans as detailed above have been submitted to address the design issues raised. However, the swept path analysis drawing shows a refuse vehicle with a length of 7.9 metres. NYC's standard refuse vehicles are 11.2 metres in length and therefore a further plan is requested. Should the drawing show that a refuse vehicle and minibus cannot navigate the proposed access road simultaneously, then the access road will need widening. The widening if required is likely to be minimal, and therefore would not alter the LHA's position on this application.

- 7.3. **Active Travel England** - Supports, subject to conditions relating to travel plan monitoring and details of cycle storage areas and finished materials for the shared foot/cycle ways.
- 7.4. **NYC Footpaths Officer** – Gates to be used across the footpath need to be free swinging gates which are only closed at the start and end of the school day. Locking the gates will constitute an obstruction under S143 of the Highways Act 1980.
- 7.5. **Lead Local Flood Authority** – Original response – noted the objection from the IDB and required full agreement for surface water run off to be agreed with the IDB. The IDB have retracted their previous objection to the application and now have given full consent. The LLFA now find the management of surface water on the site acceptable, subject to conditions requiring details of 'Exceedance Flow Rates' and 'Maintenance' of the drainage infrastructure.

- 7.6. **Yorkshire Water** – Comments made and recommend condition for site to be developed with separated surface/foul water drainage.
- 7.7. **Selby Area IDB** – Recommend condition relating to provision of SuDS as per the SuDS Drainage Strategy & Flood Risk Assessment submitted.
- 7.8. **Environment Agency** – The application needs to pass Sequential and Exception Tests. No objection provided all built development is located within Flood Zone 1. The Flood Risk Assessment needs to be listed as an approved document.
- 7.9. **Contaminated Land Consultant** – No objection subject to a condition relating to reporting of unexpected contamination.
- 7.10. **NYC Education** – Support - This school will make a significant contribution to the overall sufficiency of places across the county and ensure that children in the Selby District have a school closer to their own communities and that they do not need to travel excessive distances to access appropriate education.
- 7.11. **Sports England** - No objection to the proposal as new facilities are to be provided. Response includes specific comments raised by the respective National Governing Bodies for Sport.
- 7.12. **County Ecologist** – General comments made, recommend that the proposed Construction and Ecological Management Plan is up-to-date, Biodiversity Net Gain is compliant, recommend attach a condition requiring a Landscape and Ecological Management Plan (LEMP).
- 7.13. **Natural England** – No comments to make on the application.
- 7.14. **Landscape Consultant** – No objection, the landscape proposals take an appropriate approach.
- 7.15. **Tree Consultant** – No objection subject to conditions relating to root protection areas and landscaping.
- 7.16. **Conservation Officer** - No comments.
- 7.17. **Barlby and Osgodby Parish Council** – Supports the application subject to the following being addressed:
- Highway speed limit and proposed crossing points need re-considering
 - capacity of existing sewerage and drainage systems
 - proposed orange and yellow cladding at odds with rural landscape
 - proposed access across the PROW considered insecure
 - poor public transport, no safe cycle routes
 - biodiversity to be retained and enhanced
- 7.18. **Campaign to Protect Rural England** – Object on the following grounds:
- The loss of BMV land;
 - The potential impact on existing residential amenity;
 - The design of the building in the open countryside;
 - The impact on the PROW; and
 - The proposals are contrary to local and national planning policy.

- 7.19. **Environmental Health** – Recommend conditions relating to noise emanating from fixed plant, hours of use for the MUGA, deliveries to and from the school, construction phase - working hours and continuous noise monitoring.
- 7.20. **Police Designing Out Crime Officer** – No concerns and provides recommendations relating to moped/motorbike parking, car parking CCTV, installation of intruder alarm system.
- 7.21. **North Yorkshire Fire and Rescue Service** – No objection.
- 7.22. **NYCC Footpaths Officer** – Advice given on protection of existing public right(s) of way, diversion, or temporary closure.
- 7.23. **County Archaeologist** – No objection.
- 7.24. **NYCC Minerals and Waste** – site is within a Minerals and Waste Safeguarding Area for sand and gravel, however, does not fall within the exemption criteria stated in paragraph 8.55 of the MWJP (2022) and needs to be assessed against Policy S02.
- 7.25. **Ministry of Defence** – No response .
- 7.26. **NYC Waste and Recycling** – No response received.
- 7.27. **NHS Primary Care Trust** – No response received.

Local Representations

- 7.28. The application was advertised in the Selby Times and by way of site notice. There have been 185 representations received which are summarised below. These can be read in full on public access.
- 7.29. 9 letters of OBJECTION were received. This includes one from Osgodby Residents Association however there is no indication within the representation of the number of residents represented. The grounds of objection are:
- visual intrusion
 - scale and design out of character with village/over-dominant/over-bearing
 - proposed cladding colour unacceptable
 - building exceeds two storey height set out in village design statement, single storey more appropriate
 - Loss of privacy and light to houses to Hull Road/detrimental to residential amenity
 - loss of Grade 1 agricultural land
 - cut and fill needed to level the site, where is additional material coming from?
 - brownfield site should be used, location already changed
 - location not sustainable, no facilities in the village, poor bus service
 - highway safety, A63 busy main road, potential for accidents, especially at Benymoor Lane/Sand Lane/A63 junction
 - additional traffic will lead to loss of air quality
 - concern that the car park will attract anti-social behaviour
 - lights from car park and vehicles detrimental to houses opposite
 - detrimental impact on PROW. Query if proposed gates sufficient for pupil safety
 - public consultation inadequate and residents concerns not taken on board
 - detrimental impact on listed building to the south

- loss of trees and hedges
- proposed drainage scheme inadequate

1 letter of CONCERN has been received:

- is the best location for a school within a village?
- major road safety issue, especially at peak traffic times
- visibility issues of having filter lane and crossings on a bend in the road

175 letters of SUPPORT were received:

- SEND provision needed in area
- existing schools too far away, children having long commutes and unable to make local friends
- concern school too small, can it expand?
- economic benefits
- limited houses affected
- traffic impact less than a mainstream school as many pupils are transported by bus or taxi
- good access to A19
- welcome provision for wheelchair users but consider that a hydro facility should be included
- building design good
- community benefits
- mainstream schools will benefit

8.0 ENVIRONMENT IMPACT ASSESSMENT (EIA)

- 8.1 The development proposed does fall within Schedule 2 Category 10(b) of the 2017 Regulations, being a development that includes more than 1 hectare of urban development which is not dwellinghouse development. The Screening Opinion issued on the 29.11.23 under ZG2023/1168/SCN determined that no Environment Statement is required.

9.0 MAIN ISSUES

- 9.1. The key considerations in the assessment of this application are:

- Principle of the Development
- Design
- Residential amenity
- Noise impacts
- Highway considerations
- Public Rights of Way
- Heritage considerations
- Ecology and Biodiversity
- Landscape Impact
- Loss of agricultural land
- Flood risk and drainage
- Contamination
- Minerals and waste
- Community Use

10.0 **ASSESSMENT**

Principle of Development

- 10.1. Relevant policies in respect to the principle of development include the presumption in favour of sustainable development Policies SP1 and SP2 of the Core Strategy and the national policy contained within the NPPF. Policy SP1 of the Selby District Core Strategy Local Plan (2013) (CS) outlines that "when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework" and sets out how this will be undertaken.
- 10.2. Proposals beyond the Development Limits of Osgodby, in the open countryside, will be limited to the replacement of existing buildings and well-designed new buildings of an appropriate scale which would contribute towards and improve the local economy in accordance with policy SP13 or any other special circumstances. Saved SDLP Policy CS2 permits the development of schools provided they are, amongst other things, situated within or adjacent to defined development limits.
- 10.3. NPPF Paragraph 99(a) states that Local Planning Authorities should give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications. This reflects the Government's streamlined planning process for new schools to ensure delivery more quickly that came into effect on 1 August 2021.
- 10.4. The site is also a draft allocation for education within the Revised Publication Local Plan. Whilst the Plan still needs to undergo Examination by an independent Examiner, no objections were received to the first public consultation on the Reg 19 version through the local plan process to the principle of development.
- 10.5. Within North Yorkshire there are seven maintained special schools and three special academies, but none within the Selby Area resulting in pupils travelling outside the Selby Area for up to 3 hours a day at a cost for transport and pupil wellbeing. The provision of a SEND school within Selby Area, would be beneficial in terms of pupil wellbeing, financial costs for families through reduced travel.
- 10.6. A sequential test has been submitted which assessed the availability of sites within the Principal Town, Local Service Centres and Designated Service Villages within the plan area. The brownfield register was reviewed, and land agents' websites searched. Sites were assessed on suitability, availability and viability with consideration taken of site constraints, including ecological value and flood risk. Following review of sites within Selby Area it is concluded that the application site is only one available and capable of meeting the needs of the proposed school.
- 10.7. There are no alternative sites and there is a clear need for SEND provision within Selby Area.
- 10.8. It is therefore considered that the provision of a SEND school in this location on the edge of the settlement limit of Osgodby would accord with saved Policy CS2 of the Local Plan. The location is sustainable being close to a principal town with good transport routes and will be of benefit to the Local Plan area. Sufficient scope exists within Core Strategy Policy SP2 which allows for well-designed new buildings in the countryside and the proposal accords with the draft Local Plan allocation. The proposal is therefore acceptable in principle subject to satisfying the requirements of other plan policies.

Section 149 of The Equality Act 2010

- 10.9 Under Section 149 of The Equality Act 2010 Local Planning Authorities must have due regard to the following when making decisions: (i) eliminating discrimination, harassment and victimisation; (ii) advancing equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (iii) fostering good relations between persons who share a relevant protected characteristic and persons who do not share it. The protected characteristics are: age (normally young or older people), disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation.
- 10.10 The proposed development would not result in a negative effect on any persons of on persons with The Equality Act 2010 protected characteristics. It is considered to have a positive impact in terms of the provision of facilities for those with additional needs, through the specific nature of the development, its design and accessibility, including parking provision.

Design

- 10.11 SDLP Policy ENV1 and CS Policy SP19 seeks high quality design for new buildings. NPPF paragraph 135 states “Planning policies and decisions should ensure that developments:... (b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; (c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)”.
- 10.12 The design of the building is functional and reflects its use as a school. It does not take up a disproportionate part of the site and its scale is in keeping with its use. The building massing has been designed with a flat roof to minimise its visual impact, and the glazed areas will allow natural light and ventilation into the building.
- 10.13 The site sits on the edge of the village and due to the building size will be visible in wider views from the east (on entry to the village) and from the south/south-west. The proposed materials are shown as brick to the ground floor and cladding to the first floor. The plans show the cladding to be a mix of yellow, orange and brown to blend with the residential properties of the settlement. This palette of materials is unusual for such a building but would add vibrance to the structure. Members may feel something more subtle is necessary given its semi-rural setting. Further discussions on materials can be undertaken at a later stage and a condition is proposed requiring material samples and colour finish to be agreed prior to development commencing.
- 10.14 Subject to future agreement on materials, it is considered that the design of the proposed building is acceptable and accords with Local Plan Policy ENV1, Policy SP19f the Core Strategy and Section 12 of the NPPF.

Residential Amenity

- 10.15 Policy in respect to impacts on neighbour amenity and securing a good standard of residential amenity are provided by Local Plan Policy ENV1 (1) and (4) and Core Strategy Policy SP19. Paragraph 135(f) of the NPPF encourages the creation of places which are safe, inclusive and accessible, promoting well-being ‘with a high standard of amenity.’
- 10.16 There are dwellings to the immediate north of the proposed school buildings, to the north of A63 Hull Road opposite the car park, and to the south-west at St Leonards

Avenue. The development of a new school will undoubtedly change the character of the land to the rear of the dwellings on Hull Road, from agricultural to an educational facility.

- 10.17 The proposed school will be sited a minimum of 41m from the rear elevations of dwellings on Hull Road to the north. The building itself will be a minimum of 10.4m from the garden boundaries. The proposed separation distances are considered acceptable and would not result in a direct loss of privacy. The outlook from those dwellings will change from overlooking fields to built form and there will inevitably be a visual impact. Tree planting within the site will soften the visual impact. It is not considered that there would be any overlooking of the dwellings from persons within the school.
- 10.18 Primary outside play is shown to the north of the school and there may be some noise from outside play during the school day, particularly at break and lunchtimes, however being a school, this will cease during school holidays and only be limited to certain periods within the day. There may be noise resulting from the future community use of the outside sports facilities, however these are sited on the southern side of the school building, which would act as a visual and sound barrier. It is not considered that would be a significant harmful impact on the residential amenity to the dwellings to the north from the proposal.
- 10.19 Dwellings on north side of A63 Hull Road heading southeast from Bennymoor Lane will face the proposed car park and access point. The outlook of these dwellings will change from overlooking fields to overlooking a car park, and there will inevitably be a visual impact. A new hedgerow and trees will help to reduce visual impact. It is also noted that there will be impacts from the use of the car park in terms of noise from car doors and people talking as well as from car park lighting and car headlights. The site boundary is at least 23m from the front elevations of these dwellings and the car park itself is 30m distant. It is considered that there would not be any harm resulting from overlooking or loss of privacy to these dwellings, rather any impacts will be from the operation of the car park. The site is also separated from these dwellings by the A63 Hull Road, this already results in an element of noise and disturbance. The car park will be busy at school drop off and pick up times however this will term time only and also at a time where there would be expected to be a higher than normal traffic level on the A63 Hull Road due to rush hour. A condition is suggested to control the lighting and out-of-hours use will be controlled through a community use agreement. It is not therefore considered that would be any harm to the residential amenity of those dwellings.
- 10.20 St Leonards Avenue projects south of the village. Dwellings at the far south of the road are approximately 180m from the site and may have some views of the site across the fields, but these would be filtered by the garden centre which sits in between. It is not considered that there would be any issue of overlooking or loss of privacy to these dwellings. There may be some noise and lighting visible from the school use and from out of hours use of the sports facilities however given the separation distances it is not considered that there would be any harmful impact on the residential amenity of these dwellings from the development.
- 10.21 The proposal will without question change the character of this current agricultural setting, which will have some visual impact on the character of the local area and on the outlook to neighbouring residents. No direct overlooking will occur due to the separation distances involved, however some disturbance from the use may be caused to local residents notwithstanding impacts during the construction phase. This however is limited to specific periods and where necessary can be controlled by condition. It is therefore not considered that the impacts are sufficient to warrant the

refusal of the application and thus the proposal complies with Core Strategy Policy SP19 and Policies ENV1 and CS2 of the Local Plan.

- 10.22 In light of the above, as the impacts on residential amenity are considered to be minimal and can be mitigated through condition, the proposal would not contravene Convention rights contained in the Human Rights Act 1998 in terms of right to private and family life.

Environmental Impacts

- 10.23 SDLP Policy ENV1 and NPPF considers the impact of development on residential and local amenity. SP18 and SP19 of the Core Strategy provides guidance on XXXX

Noise

- 10.24 Noise sources from the proposed school are likely to come from vehicular movements, fixed plant, outdoor play spaces and the multi-use games area (MUGA).
- 10.25 A Noise Assessment was submitted with the application and considered by Environmental Health. Conditions are recommended to control noise from fixed plant, hours of use for the MUGA and sports pitch and deliveries to the school. A Construction Environmental Management Plan is also to be conditioned. This will ensure compliance with SDLP Policy ENV 1.

Air Quality

- 10.26 No concerns raised about air quality by Environmental Health following submission of an Air Quality Assessment, which concluded that the pollutant concentrations were predicted to be below the relevant air quality objectives. It is noted that a number of electric vehicle charge points are to be provided that would help towards offsetting any air quality impacts.

Contamination

- 10.27 Local Plan Policy ENV2 and criterion k) of Core Strategy Policy SP19 require development which would give rise to or would be affected by unacceptable levels of (amongst other things) contamination or other environmental pollution will not be permitted unless satisfactory remedial or preventative measures are incorporated within new development. Paragraph 189 (a) of the NPPF states that development sites should be suitable for the proposed use taking account of ground conditions and risks arising from unstable land and contamination.
- 10.28 Phase 1 (desk-based assessment) and Phase 2 (ground investigation) reports have been submitted and have not identified any significant contamination that represent a risk to human health at the site and therefore land contamination is unlikely to affect the development. It is recommended that a standard condition to deal with any unexpected contamination is attached to any consent.
- 10.29 In light of the above, the proposal would not contravene Convention rights contained in the Human Rights Act 1998 in terms of right to health and right to private and family life.

Highway considerations

- 10.30 Policy in respect to highway safety and capacity is provided by SDLP Policies ENV1 (2), T1 and T2 and criterion f) of Core Strategy Policy SP15. The aims of these policies accord with paragraph 114 (b) of the NPPF which states that development

should ensure that safe and suitable access can be achieved for all users to a site. In addition, paragraph 115 which advises that development should only be refused (on highway grounds) where it would result in an unacceptable impact on highway safety.

- 10.26 The proposal by virtue of its type and location is expected to create a high number of motor vehicle trips rates. With this in mind the submission contained a suite of highway information including a Design and Access Statement, Transport Assessment, Construction Environmental Management Plan and Framework Travel Plan. This was further supplemented by a Circulation Strategy for the car park and detailed construction drawings.
- 10.27 The proposal involves a new vehicular access off the A63 Hull Road to the south-east of the main building. The access will be formed as a priority junction with a ghost island on Hull Road. The access then leads to a main car park with access across a public footpath to a main arrival area. There is a shared pedestrian/cyclist access point opposite the road junction of Hull Road and Bennymoor Lane. The proposal shows 10 secure and sheltered cycle parking spaces and 76 car parking spaces, with 6 mini bus spaces.
- 10.28 There are several S278 works proposed which include the new access, ghost island, pedestrian puffin crossing, 2 x uncontrolled pedestrian crossings, a footway along the site boundary connecting pedestrians to the site and associated signing and lining.
- 10.29 In terms of accessibility, the site is within walking distance of Osgodby and Barlby, however the Transport Assessment identifies that due to the nature of the school, most trips which includes all student trips are likely to be carried out by motor vehicles. However, the proposed footway and crossing points do allow for connectivity to the site and the village.
- 10.30 The Local Highway officer assessed the information and was satisfied that the 76 car parking spaces were sufficient. 7 of these spaces are to be allocated as visitor parking. Out of the 100 pupils 80 of these will be transported to the site by minibus. There are 6 minibus parking spaces on site as well as the availability of the drop off/pick up area. The 70 staff if made up into FTE's, will result in 63 FTE. It is therefore considered that there would be sufficient on-site parking for the staff, visitors and private car drop offs within the 76 car parking spaces and the drop off area.
- 10.31 The highway officer also required a suite of other information from the applicants, which included changes to the Transport Assessment to reflect up to date data, collision data from NYC, changes to the Construction Environmental Management Plan, detailed drawings of the junction, construction details, kerb layout, vehicle tracking, the Circulation Strategy and amendments to the Design and Access Statement. The applicants provided this revised information.
- 10.32 The amended details satisfied the highway officer who concluded that the proposed new access and highway works would enable the development to function appropriately without causing harm to highway safety. The majority of the detail was in the approved documents, however conditions covering the construction of adoptable roads and footways, visibility splays, details of cycle parking, access turning, travel plans, delivery times and out of hours trip generation were all suggested as necessary planning conditions. Active Travel England also raised no objections to the proposal providing a condition was imposed regarding the need for a travel plan.

- 10.33 Given the above, the impact on highway safety would be acceptable in accordance with Policies ENV1, T1 and T2 of the Selby District Local Plan, Policy SP19 of the Core Strategy and national policy contained within the NPPF.

Public Rights of Way

- 10.34 SDLP Policy T8 seeks to protect the public rights of way (PROW) network. PROW 35.5/5/1 runs through south through the site from Hull Road in the north, bearing south-west after the application site towards the A19. The route is lined by hedgerows as it passes through the site. It then crosses open fields to the south.
- 10.35 It is intended to retain the PROW in its current position, however a section of the hedge will be removed where it crosses the access point between the car park and school buildings. The applicant has indicated either a wooden or metal swing gate with latch to be proposed at these points. These would be closed, but not locked, at the start and finish of the school day, with school staff present at these times to ensure pupil safeguarding. This will allow people using the footpath to walk its full length, with the latched gate only necessary to define the crossing area which will be monitored by staff.
- 10.36 The removal of part of the hedge will impact on the experience of this section of the PROW by users, however the remainder of the existing hedge will be maintained, and the route is untouched. The PROW is not entirely rural, exiting the village and the crossing the A19, with long distance views of sizeable industry.
- 10.37 No objections have been raised from the NYC Footpaths Officer or recreational groups. It is not considered therefore that the proposal would result in a significant adverse effect on the route. The proposal therefore complies with SDLP Policy T8.

Heritage Considerations

- 10.38 When considering proposals for development which affect a Listed Building or its setting, regard is to be made to Section 66(1) of the Planning (Listed Buildings and Conservation Areas Act) 1990 which requires the Local Planning Authority 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'.
- 10.39 Also relevant are policies ENV1 and ENV 24 of Selby Local Plan (2005) and policies SP18 and SP19 of Core Strategy. These reflect national policy contained in the NPPF which relates to development affecting the significance of heritage assets and is include paragraphs 200 to 203 and 205 to 208.
- 10.40 There are no designated heritage assets within or adjacent to the site. To the south, at the junction of the A19 and A63, Magazine Farm is Grade II listed. Given that the proposed site layout does not go beyond that of St Leonards Avenue which stretches in a linear fashion to the south, it is considered that the development will be contained within the village of Osgodby and will not encroach further that what already is currently in place. It is not considered that there would be any harm to the setting of the listed buildings.
- 10.41 An archaeological desk-based assessment and geophysical survey have been submitted and assessed by the Principal Archaeologist who advises that the results of the archaeological assessments have been limited and it is unlikely that the proposal will have a significant impact on archaeological remains.
- 10.42 It is not considered that the proposal will result in harm to above or below ground heritage assets. As such the proposal complies with Section 66(1) of the Planning

(Listed Buildings and Conservation Areas Act) 1990 and national and local planning policies.

Ecology and Biodiversity

- 10.43 Relevant policies in respect of nature conservation include Policy ENV1 (5) of the Selby District Local Plan and Policy SP18 of the Core Strategy which accord with paragraph 180 of the NPPF. Point d) of Paragraph 180 (NPPF) recognises the need for the planning system to contribute to and enhance the natural and local environment by recognising the wider benefits of ecosystems and minimising impacts on and providing net gains in relation to biodiversity.
- 10.44 The application is supported by an Ecological Impact Assessment, Biodiversity Net Gain Assessment and Shadow Habitats Regulations Screening Assessment.
- 10.45 The application was submitted prior to the introduction of mandatory Biodiversity Net Gain (BNG) for Major sites on 12th February 2024. The application therefore is not required to show the mandatory BNG. The application however does demonstrate through additional landscaping that net gains over 10% will be achieved for habitat units and hedgerow units.
- 10.46 The Council's Ecologist has considered the Shadow Habitats Regulations Assessment and considers that it is a comprehensive, well evidenced assessment which the Council will adopt. The assessment finds that there would be no additional recreation pressures expected within designated nature conservation sites of the Lower Derwent Valley SAC/SPA/Ramsar, Skipwith Common SAC or Humber Estuary SAC/SPA/ Ramsar as a result of the proposed development.
- 10.47 Conditions are requested covering lighting, site clearance and construction, production of method statements for protected species, production of a Construction Environmental Management Plan (CEMP) and Landscape Ecological Management Plan (LEMP).

Landscape Impact

- 10.48 Policy ENV1 requires that account is taken of the effect of a proposal upon the character of the area and the potential loss, or adverse effect upon, features important to the character of the area. CS Policy SP18 requires the high quality and local distinctiveness of the natural and man-made environment to be sustained by safeguarding and, where possible, enhancing the historic and natural environment including landscape character. Policy SP19 requires development to incorporate new and existing landscaping as an integral part of the design of schemes, including off-site landscaping for large sites and sites on the edge of settlements where appropriate.
- 10.49 NPPF paragraph 135 states "Planning policies and decisions should ensure that developments... (b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; (c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)".
- 10.50 The proposal is supported by a landscape plan and a Landscape and Visual Impact Appraisal (LVIA). The Landscape Consultant has assessed the LVIA and concludes that it makes a reasonable appraisal of the landscape and visual effects, the most notable of which are from the A63 Hull Road (moderate-minor), the PROW through the site (minor) and from the dwellings that overlook the site (moderate to major).

10.51 In terms of mitigation, the proposed landscaping shows a new native hedge around the perimeter of the site, including alongside the A63 Hull Road, with tree planting across the entire site. Areas of wildflower meadow are shown to the east and south of the car parking. The proposed landscaping is considered acceptable subject to a condition requiring a detailed scheme.

Loss of agricultural land

10.52 Policy SP18 seeks that the high quality and local distinctiveness of natural and manmade environments will be sustained by, amongst other things, steering development to areas of least environmental and agricultural quality. The NPPF advises that decisions should contribute to and enhance the natural environment by recognising the economic and other benefits of the Best and Most Versatile Land (BMVL) (land in Grades 1, 2 and 3a).

10.53 It is noted that objections have been received to the application on the basis of loss of BMVL.

10.54 Natural England must be consulted on development proposals that are **both**:

- likely to cause the loss (or likely cumulative loss) of 20ha or more of BMV land
- not in accordance with an approved development plan

Even though the site is not in accordance with an approved development plan, as the site is less than 20ha in size, there is no requirement to consult Natural England on the proposal.

10.55 The Agricultural Land Classification submitted with the application confirms that the site consists of Grade 1 soil (1.3ha) to the north of the site and Subgrade 3a soil (0.83ha) to the south of the site. Selby Area benefits from a high proportion of BMVL and the need to safeguard it is not as critical as it may be in other location. It is inevitable that to deliver future development BMVL will be lost. It is considered that the minor harm that would potentially result from the loss of a small amount of BMVL would be outweighed by the broader social and economic benefits of school provision.

Flood Risk and Drainage

10.56 Core Strategy Policy SP15 and Chapter 14 of the NPPF set out the key considerations in terms of flooding and drainage. A Flood Risk and Drainage Strategy was submitted in support of the application.

Flood Risk

10.57 The majority of the site lies within Flood Zone 1 with a small area on the southern boundary within Flood Zones 2 and 3. The application is for an educational establishment, which is considered a 'more vulnerable' land use in Annex 3 of the National Planning Policy Framework. It is therefore necessary for the application to pass the Sequential Test and Exception Test and to be supported by a site-specific flood risk assessment (FRA), which can demonstrate that:

(a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and

(b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

- 10.58 A sequential test has been submitted in support of the application, as set out in section Principle of Development, which demonstrates that there are no other sites available that are capable of accommodating the school within Selby Area. It is also noted that all buildings are to be located to the north of the site within Flood Zone 1, with only a small section to the south within Flood Zones 2 and 3, which comprise sports facilities and landscaping.
- 10.59 In terms of the Exceptions Test, the wider sustainability benefits of the proposed school are substantial and are considered to outweigh the flood risk. The buildings are located within Flood Zone 1 and it would only be the outdoor sporting facilities that would be affected in the event of a flood.
- 10.60 The Environment Agency have assessed the FRA and have raised no objection.

Drainage

- 10.61 The submission was accompanied by a SuDS Drainage Strategy & Flood Risk Assessment. This showed the proposal will use the mains sewer for the disposal of foul sewerage. Surface water will discharge to an ordinary drain, which then drains into the Osgodby Syphon Drain which is maintained by the IDB running to the south of the site. Details of the discharge rates were detailed. The Internal Drainage Board (IDB) and Lead Local Flood Authority (LLFA) have been consulted on the application. Following receipt of additional information (flow rates of the water) the IDB has raised no objection subject to conditions. The LLFA also removed their initial objection on the basis that the IDB were satisfied. The submission did not contain any detail on exceedance or maintenance plans and therefore these have been conditioned.
- 10.62 It is considered that with regards flood risk and drainage, the proposal is acceptable and complies with national and local planning policies in this regard.

Minerals and Waste

- 10.63 The application site is located within a Minerals and Waste Safeguarding Area for sand and gravel and the proposal does not fall within the exemption criteria stated in paragraph 8.55 of the Minerals and Waste Joint Plan (2022). The relevant policy is Policy S02 (Developments proposed within Safeguarded Surface Mineral Resource Areas).
- 10.64 A Minerals Assessment has been submitted and reviewed by the NYC Minerals Officer who raises no comment. Given the sites location adjacent to dwellings, it would not be considered practical or suitable to extract sand and gravel in this location without unacceptable impact on local communities. There is no conflict with the Minerals and Waste Local Plan.

Community Use

- 10.65 The indoor sports hall and dining area, along with the outdoor sports pitches are proposed to be made available to community use outside of school hours. This would supplement existing sport and recreation facilities in the immediate area and is supported as it would promote health and recreation as well as community benefits. A condition to secure a community use agreement for the management of these facilities is proposed.

11.0 PLANNING BALANCE AND CONCLUSION

- 11.1 The site comprises agricultural land on the western edge of Osgodby. The site lies outside of the development limit for the village. The proposal for a SEND school in this location on the edge of the settlement limit of Osgodby would accord with Policy CS 2 of the Local Plan. The location is sustainable being close to a principal town with good transport routes and will be of benefit to the Local Plan area. Sufficient scope exists within Core Strategy Policy SP2 which allows for well-designed new buildings in the countryside and the proposal accords with the draft Local Plan allocation. The proposal is therefore acceptable in principle.
- 11.2 The development is acceptable with respect to impacts on highway safety, the impact on the PROW, heritage assets, residential amenity, flood risk and drainage, ecology, mineral and waste, and biodiversity and contamination subject to conditions.
- 11.3 The benefits of providing a SEND school to meet the needs of the local community weigh in favour of the proposal. The proposed development would also result in economic benefits during the construction phase; environmental benefits through provision of landscaping and BNG; community and sporting/health benefits from out-of-hours use of the school hall and playing pitches.
- 11.4 It is considered that the proposed development is acceptable in planning terms subject to the recommended conditions.

12.0 RECOMMENDATION

- 12.1 That planning permission be GRANTED subject to conditions listed below:

Time Limit

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.

Plans

02. The development hereby permitted shall be carried out in accordance with the plans/drawings listed below:
- Topographical Survey Layout 1-3 - 107263 Rev 00
 - Typical Soft Landscaping Detail - CONFIG-ALA-ZZ-XX-DR-L-9401 P02
 - Proposed Drainage Layout - FS0907-CUR-ZZ-ZZ-D-C-9200-P09
 - Existing Drainage Easement Surface Level Alterations FS0907-CUR-ZZ-ZZ-D-C-9203-P01
 - Location Plan HW2101-SS-101 Ver T0
 - Sign Schedule 545 – Children Warning Sign & “School” Suppl. Plate HW2101-SS-1202 Ver T0
 - Sign Schedule 670 Speed Limits 20 & 40 HW2101-SS-1203 Ver T0
 - Sign Schedule Diag. 543 Signal Warning Sign +670(50) Repeater HW2101-SS-1204 Ver T0
 - Sign Schedule Directions Sign DS01 & DS 02 HW2101-SS-1205 Ver T0

- Sign Schedule Direction Sign DS03-Refuse Sign Faces HW2101-SS-1206 Ver T0
- Sign Schedule 506.1L Side Road Ahead – Post Only HW2101-SS-1207 Ver T0
- S278 Agreement Layout HW2101/SS/102 Ver T04
- Longitudinal Sections HW2101/SS/103 Ver T02
- Vehicle Tracking HW2101/SS/104 Ver T0
- General Arrangement HW2101/SS/105 Ver T02
- Kerbing Layout HW2101/SS/1101 Ver T02
- Traffic Signs and Road Markings HW2101/SS/1201 Ver T02
- Setting Out HW2101/SS/2000 Ver T02
- Site Clearance Plan HW2101/SS/201 Ver T02
- Pavement Design HW2101/SS/701 Ver T03
- Construction Details HW2101/SS/702 Ver T02
- Traffic Sign & Ducting Details NY7-033-P Rev 0
- General Arrangement for Street Lighting Ver P0
- General Arrangement for Street Lighting (Schematic Cable Layout) Ver P0

- External Lighting Layout FS0907-RPS-ZZ-ZZ-D-E-6314 P02
- Drainage General Arrangement HW2101-SS-501 T04
- Impermeable Areas Plan HW2101-SS-502 T02
- Drainage Construction Details HW2101-SS-504 T02

- Lighting Plan 2309012DNA
- Whole Site Plan FS0907-ONE- XX-ZZ-DR-L-0003-P13
- Site Landscape Plan – 1 of 4 FS0907-ONE- XX-ZZ-DR-L-0004-P03
- Site Landscape Plan – 2 of 4 FS0907-ONE- XX-ZZ-DR-L-0005-P03
- Site Landscape Plan – 3 of 4 FS0907-ONE- XX-ZZ-DR-L-0006-P03
- Site Landscape Plan – 4 of 4 FS0907-ONE- XX-ZZ-DR-L-0007-P06
- Access and Security Strategy FS0907-ONE- XX-ZZ-DR-L-000-P09
- Circulation Strategy FS0907-ONE- XX-ZZ-DR-L-0009-P08

- Site Sections FS0907-ONE- XX-ZZ-DR-L-0405-P07
- Illustrative Masterplan FS0907-ONE- XX-ZZ-DR-L-0801-P05
- Proposed Ground Floor Plan FS0907-STL-01-00-D-A-0100-P01
- Proposed First Floor Plan FS0907-STL-01-01-D-A-0110-P01
- Proposed Roof Plan FS0907-STL-01-RF-D-A-0120-P01
- South & East Elevations FS0907-STL-01-ZZ-D-A-0200-P02
- North & West Elevations FS0907-STL-01-ZZ-D-A-0201-P02
- GA Building Sections FS0907-STL-01-ZZ-D-A-0300-P01
- External Visuals FS0907-STL-01-ZZ-I-A-0601-P01
- External Visuals FS0907-STL-01-ZZ-D-A-0900-P01
- Existing Site Plan FS0907-STL-ZZ-ZZ-D-A-0901-P01
- Proposed Site Plan FS0907-STL-ZZ-ZZ-D-A-0902-P01
- Extent of Works Plan HW2101/SS/105-T01
- Existing Utility Services Layout NYL-BNB-00-XX-Dr-ME-0301-S2-P1

- SuDS Drainage Strategy and Flood Risk Assessment FS0907-CUR-XX-XX-T-C-0002 P07 Issued 14.02.2024.

- Construction Environmental Management Plan (CEMP) Rev G
- DEIR Construction Method Statement FS0907-BNK-XX-XX-T-X-3087 P02
- Framework Travel Plan V03 dated 21.3.24

Reason:
For the avoidance of doubt.

Materials

- 03 Notwithstanding the submitted details, the materials to be used in the construction of the hard surfaces, exterior walls and roof of the building hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before construction above ground of the school commences. Development shall thereafter be carried out in accordance with the approved details.

Reason:
In the interests of visual amenity and in order to comply with Plan Policy ENV1.

Drainage

04. There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include, but not be exclusive to:
- i) evidence that other means of surface water drainage have been properly considered and why they have been discounted; and
 - ii) the means of discharging to the public sewer network at a rate of 3.3 litres per second to be agreed by the Local Planning Authority in consultation with the statutory sewerage undertaker.

Reason:
To ensure that no surface water discharges take place until proper provision has been made for its disposal.

- 05 The surface water drainage works shall be constructed in accordance with the SuDS Drainage Strategy & Flood Risk Assessment by Curtins - FS0907-CUR-XX-XX-T-C-0002 - Revision: P07 - dated 14 February 2024. Any changes to the scheme must be approved by the Local Planning Authority, in consultation with Ouse & Derwent Internal Drainage Board, and then implemented to the reasonable satisfaction of the Local Planning Authority before the development is brought into use.

Reason:
To ensure the development is provided with satisfactory means of drainage and to reduce the risk of flooding.

06. No development shall take place until an appropriate Exceedance Flow Plan for the site has been submitted to and approved in writing by the Local Planning Authority. Site design must be such that when SuDS features fail or are exceeded, exceedance flows do not cause flooding of properties on or off site. This is achieved by designing suitable ground exceedance or flood pathways. Runoff must be completely contained within the drainage system (including areas designed to hold or convey water) for all events up to a 1 in 30 year event. The design of the site must ensure that flows resulting from rainfall in excess of a 1 in 100 year rainfall event are managed in exceedance routes that avoid risk to people and property both on and off site.

Reason:

To prevent flooding to properties during extreme flood events and to mitigate against the risk of flooding on and off the site.

07. No development shall take place until a suitable maintenance of the proposed SuDS drainage scheme arrangement has been demonstrated to the local planning authority. Details with regard to the maintenance and management of the approved scheme to include; drawings showing any surface water assets to be vested with the statutory undertaker/highway authority and subsequently maintained at their expense, and/or any other arrangements to secure the operation of the approved drainage scheme/sustainable urban drainage systems throughout the lifetime of the development. If the drainage system is to be adopted by Yorkshire Water/Northumbria Water a maintenance plan should be included up to the date at which it is vested.

Reason:

To prevent the increased risk of flooding and to ensure the future maintenance of the sustainable drainage system

Highways

08. No part of the development to which this permission relates must be brought into use until the carriageway and any footway or footpath from which it gains access is constructed to binder course macadam level or block paved (as approved) and kerbed and connected to the existing highway network with any street lighting installed and in operation.

Reason:

To ensure safe and appropriate access and egress to the premises, in the interests of highway safety and the convenience of all prospective highway users.

09. There must be no access or egress by any vehicles between the highway and the application site at Land off Hull Road, Osgodby until splays are provided giving clear visibility of 120 metres measured along the vehicle track of the major road from a point measured 2.4 metres down the centre line of the access road. In measuring the splays, the eye height must be 1.05 metres and the object height must be 0.6 metres. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason:

In the interests of highway safety.

10. No part of the development must be brought into use until the access, parking, manoeuvring and turning areas for all users at Land off Hull Road, Osgodby have been constructed in accordance with the details approved in writing by the Local Planning Authority. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason:

To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.

11. Prior to the first occupation of the development, a Travel Plan must be submitted to and approved in writing by the Local Planning Authority. The Travel Plan will include:
- agreed targets to promote sustainable travel and reduce vehicle trips and emissions

- within specified timescales and a programme for delivery;
- a programme for the delivery of any proposed physical works;
- effective measures for the on-going monitoring and review of the travel plan;
- a commitment to delivering the Travel Plan objectives for a period of at least five years from first occupation of the development, and;
- effective mechanisms to achieve the objectives of the Travel Plan by both present and future occupiers of the development.

The development must be carried out and operated in accordance with the approved Travel Plan. Those parts of the Approved Travel Plan that are identified therein as being capable of implementation after occupation must be implemented in accordance with the timetable contained therein and must continue to be implemented as long as any part of the development is occupied.

Reason:

To establish measures to encourage more sustainable non-car modes of transport.

12. The development must be carried out and operated in accordance with the approved Travel Plan.. Those parts of the Approved Travel Plan that are identified therein as being capable of implementation after occupation must be implemented in accordance with the timetable contained therein and must continue to be implemented as long as any part of the development is occupied.

Reason:

To establish measure to encourage more sustainable non-car modes of transport.

13. Prior to first occupation of the school, details of the proposed cycle parking area and finished materials to the shared foot/cycleways within the site shall be submitted to and approved by the Local Planning Authority. The details shall include dimensions and spacing between cycle stands compliant with Table 11-2 of the LTN 1/20 (Cycle Infrastructure Design), while pedestrian and cycling routes should comprise smooth sealed solid surfaces. The agreed details shall be implemented.

Reason:

In order to deliver sustainable transport objectives including a reduction in private motor vehicular journeys and the increased use of public transport, walking, wheeling and cycling where practicable.

14. Prior to the occupation of the school and any out of hours activities been undertaken, details of the types of out of hours use, including sports, performances and meetings, frequencies and trip generations and their effect on the surrounding highway network should be submitted to and approved by the Local Planning Authority in conjunction with the Local Highway Authority.

Reason:

In the interests of highway safety and the amenity of the area.

15. Refuse collection shall not take place between the hours of 08:15 – 09:30 and 14:45 – 15:45.

Reason:

To avoid conflict with school pick up and drop off times in the interests of highway safety.

Ecology

16. Prior to commencement of development a Construction Environmental Management Plan (CEMP) shall be provided for the written approval of the Local Planning Authority. The CEMP shall include details of:
- a. Site clearance and construction works, which should be undertaken outside of the bird breeding season
 - b. Site clearance should avoid damage to hedgerows and trees in line with BS 5837:2012 Trees in relation to design, demolition and construction.
 - c. Production of method statements for protected species including for bats, birds and reptiles.

Reason:

To ensure compliance with the Wildlife & Countryside Act 1981 and policies ENV1(5) of the Selby District Local Plan, Policy SP18 of the Core Strategy.

17. Prior to commencement of development a Landscape Ecological Management Plan (LEMP) shall be provided for the written approval of the Local Planning Authority. The LEMP shall include details of long-term monitoring and management of the proposed ecological mitigation and enhancement works.

Reason:

To ensure the scheme is developed and managed for future years in accordance with the approved detail and therefore maintained. This will ensure the development accords with Policies SP18, SP19 of the Core Strategy and Local Plan Policy ENV1.

Landscape

18. Within three months of commencement of development a detailed planting scheme in accordance with the approved Site Landscaping Plans (FS0907-ONE-XX-Z-DR-L-0006-P03 to P07) shall be submitted to and approved in writing by the Local Planning Authority. This shall include the species, stock size, density (spacing), and position of trees, shrubs and other plants; seed mixes, sowing rates, and mowing regimes; tree planting details including means of support, protection, and watering. The proposed tree planting shall be compatible with existing and proposed utilities. This scheme shall be implemented within a period of six months of the practical completion of the development. Any trees or plants which within a period of fifteen years from the substantial completion of the planting scheme die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority agrees alternatives in writing. This also applies to any existing trees that are shown to be retained within the approved landscape scheme.

Reason:

In the interests of amenity and in order to comply with Plan Policy ENV1.

Trees

19. Before any materials are brought onto the site or any development is commenced, the developer shall submit an agreed specification for root protection area (RPA) fencing and ground protection measures in line with the requirements of British Standard BS 5837: 2012 Trees in Relation to Construction – Recommendations, or any subsequent amendments to that document, around the trees or shrubs or planting to be retained, as indicated on the approved plan and for the entire area as specified in accordance with BS 5837:2012. The developer shall maintain such fences and ground protection until all development the subject of this permission is completed.

Reason:

In the interests of amenity and in order to comply with Plan Policy ENV1.

20. No operations shall commence on site in connection with the development hereby approved (including any demolition work, soil moving, temporary access construction and/or widening or any operations involving the use of motorised vehicles or construction machinery) until the root protection area (RPA) and ground protection works required by the approved tree protection scheme (above) are in place. No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within any area designated as being fenced off or otherwise protected in the approved root protection area scheme. The level of the land within the fenced areas shall not be altered without the prior written consent of the Local Planning Authority.

Reason:

In the interests of amenity and in order to comply with Plan Policy ENV1.

Contamination

21. In the event that unexpected land contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and, if remediation is necessary, a remediation strategy must be prepared, which is subject to approval in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation strategy, a verification report must be submitted to and approved by the Local Planning Authority. It is strongly recommended that all reports are prepared by a suitably qualified and competent person.

Reason:

To ensure that the site is suitable for its proposed use taking account of ground conditions and any risks arising from land contamination.

Other

22. The new playing field shall be constructed and laid out in accordance with standards and methodologies set out in the guidance note "Natural Turf for Sport" (Sport England, May 2011), before it is first brought into use.

Reason:

To ensure the quality of pitches is satisfactory and they are available for use and to accord with Policy RT3.

23. Prior to the development being brought into use, a Community Use Scheme shall be submitted to and approved in writing by the Local Planning Authority, after consultation with Sport England. The Scheme shall include details of pricing policy, hours of use, access by non-school users/non-members, management responsibilities and include a mechanism for review. The approved Scheme shall be implemented upon commencement of use of the development.

Reason:

To secure well managed safe community access to the sports facility, to ensure sufficient benefit to the development of sport and to accord with Policy RT3

24. The multi-use games area hereby permitted shall not be constructed other than substantially in accordance with Sport England Guidance Note: Artificial sports

commrep/ZG2023/1263/FULM

surfaces or the National Governing Body Technical Design Guidance on multi use games areas.

Reason:

To ensure the development is fit for purpose and sustainable and to accord with Policy RT3.

Environmental Health

25. All noise emissions resulting from fixed plant installations at the buildings, the subject of this application, shall be treated to the satisfaction of the Local Planning Authority. Details of noise attenuation and/or extract systems shall be submitted to and agreed in writing before the use of the buildings commence. The agreed scheme shall be maintained throughout the life of the development.

The cumulative level of sound, when determined externally under free-field conditions, shall not exceed the representative background sound level at nearby sensitive receptors. All noise measurement/predictions and assessments made to determine compliance shall be made in accordance with British Standard 4142:2014: Methods for rating and assessing industrial and commercial sound, and/or its subsequent amendments.

Reason:

In the interests of amenity and in order to comply with Plan Policy ENV1.

26. Multi-use games area(s) (MUGAs) and sports pitches shall only be used between the hours of 08:00 and 22:00hrs.

Reason:

In the interests of amenity and in order to comply with Plan Policy ENV1.

27. Deliveries to and from the school shall only take place between the hours of 08:00 and 18:00hrs Mondays to Fridays, 08:00 and 13:00hrs Saturdays, and not at all on Sundays and Bank Holidays.

Reason:

In the interests of amenity and in order to comply with Plan Policy ENV1.

28. Prior to the use of the building hereby permitted commencing, as scheme showing the operational hours of the car park lighting shall be submitted to and approved in writing. Once agreed the lighting shall be operated in accordance with the approved scheme.

Reason:

To ensure the parking areas are not illuminated through nighttime hours, to reduce the impact on the amenities of nearby residential dwellings and to limit the impact on the character of the landscape at night in accordance with Policy ENV 1 of the Local Plan.

Target Determination Date: 15.4.24 (extension of time agreed)

Case Officer: Linda Drake

Appendix A – Site Plan