

North Yorkshire Council

Strategic Planning Committee

Minutes of the meeting held at County Hall, Northallerton on Tuesday 9 April 2024 at 10am.

Present:-

Councillors Andy Paraskos (Chair), Andy Brown, Stephanie Duckett (as substitute for John McCartney), Richard Foster, Hannah Gostlow, David Hugill, Tom Jones, Andrew Lee, John Mann, Steve Mason, Bob Packham, Yvonne Peacock, Neil Swannick and Roberta Swiers,

Apologies were received from Councillor John McCartney

Other Members – Councillor George Jabbour.

Officers present: Hannah Blackburn, Linda Drake, Glenn Sharpe and Steve Loach,

There were 9 members of the public – including 1 registered speaker and representatives of the press.

Copies of all documents considered are in the Minute Book

44. Welcome and Introductions.

The Chairman welcomed everyone to the meeting of this Committee, and informed Members that the meeting was being recorded, therefore they would need to introduce themselves when speaking and would need to use the microphones.

45. Minutes of the meeting held on 12 March 2024

Resolved -

That the Minutes of the meeting of North Yorkshire County Council's Strategic Planning Committee, held on 12 March 2024, be confirmed by Members and signed by the Chairman as a correct record.

46. Declarations of Interest

Councillor Stephanie Duckett stated that she had spoken on this matter in other meetings and had expressed some reservations regarding location, however, she had kept an open mind on all the issues concerning the application and would form her opinion based on the evidence provided at this meeting. She had no pecuniary interests in relation to the application.

Councillor Bob Packham declared that he had received correspondence from supporters and objectors to the application prior to this meeting but would form his opinion based on the evidence provided.

Councillor Andy Brown declared that he was a supporter of the Campaign to Protect Rural England, which had raised objections to the application, but would form his opinion based on the evidence provided at this meeting.

47. ZG2023/1263/FULM - Planning application for the erection of Special Education Needs and Disabilities (SEND) school at land to the south of Hull Road, Osgodby, Selby

Considered -

The report of the Assistant Director Planning – Community Development Services requesting Members to determine a planning application ref. ZG2023/1263/FULM - Planning application for the erection of Special Education Needs and Disabilities (SEND) school at land to the south of Hull Road, Osgodby, Selby.

The application was reported to Strategic Planning Committee as it was considered that this raised significant strategic planning issues that affected more than one area committee geography given the nature of the proposal.

Divisional Member, Councillor Karl Arthur, submitted a statement that was read out to the Committee by the Clerk. The statement highlighted the following:-

- He agreed to the principle of the development but felt it was in the wrong location.
- He had concerns regarding the proposed development been on a major trunk road, and the dangers that brought to those using the road and the school. He considered that, should Members approve the application a 30mph speed limit should be imposed in the vicinity of the school, rather than continuing with the 40mph limit.
- He considered that the proposed site contained prime arable land and was prone to flooding.
- He suggested that there would be a negative impact on the amenity of neighbouring properties.
- He considered that the proposed open car park at the school would attract Anti-Social Behaviour.
- He considered that other sites could have been chosen in the Selby District that would have been more suitable for the school and he raised concerns regarding the communication from the Education Authority and the Department of Education with parents, local residents, elected members and school leaders.

A parent of a young man with special needs living in Barlby submitted a statement that was read out to the Committee by the Clerk welcoming the new school and highlighting the large amount of travelling time required for young people with SEND currently living in the Selby area. She did raise concerns that the development may have a detrimental impact on the highway network surrounding the site, however.

Osgodby Residents' Association submitted a statement that was read out to the Committee by the Clerk. The statement highlighted the following:-

- Osgodby Residents' Association represents the, approximately, 800 residents' of Osgodby.
- The Association are members of the Campaign to Protect Rural England, who support them in their objections to the application.
- The Association had consistently objected to the use of the land south of Hull Road for building for all the reasons stated in previous correspondence with North

Yorkshire County Council and Department for Education over the past 5 years and in our previous objections to the planning application.

- Grade 1 arable land should never be used for building; the junction next to the proposed pedestrian crossing is dangerous and the proposed highway changes will make this worse; the open carpark and access road for the school will encourage anti-social behaviour; regardless of flood designation, residents know this land flooded previously; the public footpath cannot be closed at any time and the gates will be ignored by anyone wishing to be on the footpath; the proposed building is totally out of keeping with this small rural Village; neighbouring properties will be overlooked and will also be able to see into the school and grounds.
- The site is not in a central location within Selby District and is nearer to the boundary with the East Riding.
- The development team for this school, including North Yorkshire Council and the Department of Education, had done their utmost to thwart the endeavours of the Association in protecting the village by withholding information.
- The Association maintain, and would continue to maintain, that this is the wrong site for a SEND school, hence the hold up in getting the school in place.

Shona Crichton - Executive Principal for Wellspring Academy Trust, addressed the Committee, highlighting the following:-

- The development would provide local access for a much needed SEND school facility in the Selby Area.
- It would reduce the amount of time spent by children commuting to SEND facilities elsewhere in the County. The detrimental impact of these long journeys on the children concerned was detailed.
- The school would provide an opportunity for specialist provision and local expertise, in one place, covering a wider range of needs, in one place, nearer to those requiring the services.
- The school would support children with SEND into adulthood.
- A Community Engagement network can be developed, using the school as a hub, to promote and enhance SEND provision in local mainstream schools.
- Through collaboration, the school's resources can be utilised to enhance local community facilities.

A representative of the Assistant Director Planning – Community Development Services presented the Committee report, highlighting the proposal, the site description, the consultation that had 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.

She noted that some very minor amendments had been made to the report, which had been circulated prior to the meeting and were detailed as follows:-

Paragraph 10.23

There is some wording missing from paragraph 10.23. This should be amended as follows:

10.23 SDLP Policy ENV1 and NPPF considers the impact of development on residential

NYC Strategic Planning Committee -
Minutes – 9 April 2024

and local amenity. SP18 and SP19 of the Core Strategy seek to protect and enhance the environment and quality of life of those who live and work in the local plan area.

Paragraph 10.65

The applicant has clarified that community use will be available for internal spaces (eg. sports hall).

Amendments to conditions as listed below:

- Condition 2 is amended to reflect updated plan references as plans have been received since the report was written.
- Minor wording changes have been made to conditions 6, 7, 16 and 17.
- Condition 18 is amended to reflect revised plan number.
- Conditions 22 and 24 are deleted on the request of the applicant.
- Condition 23 amended to clarify Community Use of internal spaces only.

Condition amended to reflect newly submitted plans as follows:

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 T03
- General Arrangement HW2101/SS/105 Ver T02
- Kerbing Layout HW2101/SS/1101 Ver T03
- 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-P06
- Site Landscape Plan – 2 of 4 FS0907-ONE- XX-ZZ-DR-L-0005-P06
- Site Landscape Plan – 3 of 4 FS0907-ONE- XX-ZZ-DR-L-0006-P06
- 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-P07
- 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.

Minor change to wording of conditions 6 and 7 required prior to above ground works

06. No above ground works 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 above ground works 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

Condition 16 (Ecological CEMP) is deleted as the measures requested to be included are covered in the CEMP Rev G agreed in condition 2.

Change to condition 17.

17. Prior to above ground works 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.

Change to condition 18 to reflect correct plan.

18. Within three months of commencement of development a detailed planting scheme in accordance with the approved Site Landscaping Plans FS0907-ONE- XX-ZZ-DR-L-0003-P13 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.

Conditions 22 & 24 were requested to be deleted by the applicant as this scheme is not a Department for Education funded scheme, and as Sport England have stated the conditions requiring the sports pitches to be a certain specification cannot be insisted upon.

22. Condition 22 – delete.

24. Condition 24 - delete

Condition 23 amended to clarify that Community Use is for internal spaces only.

23. Prior to the development being brought into use, a Community Use Scheme for the internal areas 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

Members highlighted the following issues during their discussion of the report:

- A Member raised concerns regarding the application site being adjacent to a busy trunk road, and there being no requirement for the speed limit to be reduced from the current 40mph limit. In response it was noted that Highways had evaluated the site and had no concerns, subject to the conditions being applied.
- It was noted that there was a flood risk on the site and it was asked how this would be managed. In response it was stated that the building part of the site was in Flood Risk Zone 1 and, as such, there had been no objections from the Environment Agency.
- A Member highlighted the issue of the open Car Park, raised by the Residents' Association, and the potential for Anti-Social Behaviour, and asked whether conditions could be provided to prevent this. In response it was stated that a CCTV system would operate outside school hours to monitor the car park, however, the concerns regarding potential ASB were understood.
- It was suggested that the pedestrian crossing for the school was right next to a junction and asked whether this created safety concerns. It was again stated that no concerns had been raised by Highways in relation to this.
- It was noted that local residents were clearly opposed to the school being located there and it was asked whether any alternative sites had been considered. In response it was stated that this site was very accessible in the Selby area due to its proximity to the A63. Other alternative sites had been considered but this had been deemed to be the most appropriate due to its accessibility, availability and viability.
- A Member highlighted the public footpath that ran adjacent to the site and asked whether that would be affected. In response it was stated that this had been outlined on the masterplan and would not be diverted from its current route. It was also stated that the school gates would be provided where the PROW linked with the pedestrian crossing, and a drop-off/pick-up designated area would also be provided.
- Concern was raised with regards to the colour specifications for the proposed cladding for the building as this was considered to have an obtrusive visual impact in an area that was predominantly rural. It was stated in response that further discussions could be held with the applicant, through Condition 3, in relation to this.
- A Member returned to the issue of the speed limit passing the proposed school and suggested that 40mph was too fast, in terms of safe passage and turning along that route. She considered that the speed limit should be reduced to at least 30mph to take account of vehicles pulling into the school. In response it was noted that there would be relatively few vehicles turning in as the majority of pupils would be coming into the school by mini-bus. It was re-iterated that Highways had not raised any highway safety issue in this regard, but it was within their powers to reduce road speed limits if considered necessary. The Member emphasised that the school would also be available for community use, with staff and specialists also turning into the school from the main carriageway.
- Clarification was provided in relation to the next nearest SEND school available for Selby pupils and the considerable distances that some of them had to travel.
- A Member asked whether a different surface could be used for the car park, rather than tarmac, that would make it less likely for ASB to occur and would

assist with flood attenuation. In response it was stated that further checks would be made to determine whether such a surface was available and could be incorporated into the development.

- Reference was made to paragraph 10.54 of the report which stated that Natural England had not been consulted as; “even though the site is not in accordance with an approved development plan, as the site is less than 20ha in size” and the Member asked whether the site was not in accordance with the approved development plan as it was understood that the proposal could be in accordance if it satisfied the policy requirements. The Members understanding was confirmed.
- It was asked why the update had sought the deletion of Conditions 22 and 24. In response it was stated that there was no compulsion for the applicant to abide with the requirements of Sports England, however, they had agreed to amendments to the conditions to allow a specification to be agreed which would be acceptable for the project.
- A Member noted the conflict within the report in respect of paragraph 10.13 and Condition 3 relating to the colour scheme for the proposed cladding and suggested that this could lead to a situation where cladding details were agreed by the Committee but were ultimately changed through further discussions with the applicant. In response it was stated that the initial suggestions for cladding colours were vibrant and welcoming, however, it was recognised that the proposed development was adjacent to existing dwellings and had unlimited views to the south of the building, hence the wording of the Condition to allow for the potential for further negotiation. It was stated that should Members have a view on the colour scheme to be used then this would be conveyed to the applicant. The Member suggested that the Committee’s view on this issue should be taken account of. It was stated that currently the applicant was preparing to introduce the colour scheme highlighted in the presentation, however, given the rural context of the development, a softer colour scheme would be considered. A Member considered that not only did the proposed colour scheme not accord with the rural area but the external features, including windows and doors, were not appropriate for the area. She also called for a reduction in the speed limit outside the school, and would prefer to bring this in-line with other schools in North Yorkshire, with a 20mph limit.
- It was asked how the community use of the school would be managed and staffed. In response it was emphasised that the inclusion of community facilities were part of the overall plan for the school, but the management of those was not a planning concern.
- In terms of the provision of a sustainable development, it was asked what proposals were in place to achieve net zero, whether solar panels were included in the proposals, how the school would be heated and why the proposed “green” roof had been removed from the project. It was also asked whether a bus stop could be provided near the school to promote the use of passenger transport. In response it was clarified that solar panels and heat pumps were incorporated into the design. Plans for a “green” roof had been removed at an early stage. In terms of the bus stop and travel plan, together with concerns regarding the speed limit would be fed back to highways for them to give further consideration. A Member stated that the provision of a bus stop should not be considered as there were no bus services currently operating along that route.
- It was asked whether a lockable gate to the car park could be provided to address the ASB concerns. It was stated in response that the proposals included gates to the car park.
- Concern was expressed that the full details of the Net Zero Carbon elements of the proposal had not been set out clearly in the report. In response it was stated that an energy statement was included with the development, however, it was

acknowledged that these details were not outlined in the report and it would be ensured that future reports included these details.

Members highlighted the following issues during the debate of the report:

- It was emphasised that the need for a SEND school in the Selby area was not disputed, however, the visual impact of the proposal in a rural area, the removal of agricultural land and the poor design and colour scheme would have a negative impact on the local community, and further thought should be given to these aspects.
- A Member outlined his numerous concerns including the lack of information regarding alternative sites, the loss of agricultural land, the poor design, traffic and speed issues and the lack of details regarding Net Zero issues. However, he felt that these issues were outweighed by the vital need of a bespoke SEND school in the Selby area and suggested, therefore, that additional conditions relating to energy efficient proposals, a permeable surface being used in the car park, the use of more suitable materials in the design (including cladding and windows), additional screening, a lockable gate for the car park and the PROW remaining open throughout the building works should be included.
- A Member expressed his surprise at some of the issues raised. He emphasised how the need for the facility clearly outweighed the negatives. He noted that the proposal had 175 supporters, was considered to be the most appropriate site, accorded with the core strategies, was in accordance with the draft local plan and included a substantial amount of sustainable features. He acknowledged some of the negative factors raised, however, there was a serious SEND crisis in the Selby area that had to be addressed. He concurred that a number of the issues outlined earlier as additional Conditions should be included to gain approval for the project.
- Members raised further concerns regarding the speed limit on the road adjacent to the school, the proposed colour scheme for the cladding and the possible inclusion of fencing and a lockable gate for the car park but were also generally in support of the provision of the facility.
- It was suggested that the application could be deferred to enable further consideration to be given to the issues raised but it was stated that, at this stage, the application should be refused, if Members were so minded, and a new application submitted that addressed those matters. It was stated that there was support for the application with the additional suggested Conditions, however, it had to be determined whether these were appropriate and acceptable to the applicant.
- In relation to the colour scheme for the cladding it was stated that whilst the colours outlined may contrast with the surroundings they could attract the young people who were going to be using the facility, going forward. It was therefore suggested that any condition in relation to the colour of the cladding should be agreed through consultation with the Chair and Vice-Chair of this Committee, Planning Officers and SEND professionals.
- A Member suggested that the colour scheme for the school was not inappropriate and would complement the surrounding area at different times of the year. He also favoured the provision of solar panels to that of a “green”, seeded roof. He also considered that the facility was essential for that area.
- Concern was raised that the application would be using grade one agricultural land, however, the Member supported the principle of the development.
- It was clarified that the security for the car park would be provided by 24hour CCTV surveillance cameras, however, it was stated that should Members require fencing and a lockable gate, this would be negotiated with the applicant.

Members suggested that the negotiations should be delegated to Planning Officers in consultation with the Chair and Vice-Chair.

- In relation to the request for a reduction in the speed limit outside the proposed school it was stated that this matter could be referred back to Highways for further consideration and dealt through an informative rather than a condition.

Resolved –

- (i) that the Committee is **MINDED TO GRANT** Planning Permission subject to the conditions outlined and as amended in the update with the final granting of Planning Permission delegated to the Assistant Director of Planning, in consultation with the Chair and Vice-Chair of the Committee, following the conclusion of discussions between the Officers and the applicant on the proposed colour of the cladding for the building and the imposition of updated conditions in relation to:-
 - The provision of solar panels and heat pumps
 - The provision of a permeable surface for the car park
 - The provision of fencing and a lockable gate for the car park
 - Ensuring that the PROW remains open at all times, including during the development period as an informative

Voting on this resolution was unanimous

The meeting concluded at 12 noon