

North Yorkshire County Council
Business and Environmental Services
Planning and Regulatory Functions Committee

20TH JULY 2021

**C4/20/00868/OA - PLANNING APPLICATION FOR THE PURPOSES OF THE
ALTERATIONS TO ENTRANCE GATES AND FENCING, INCLUDING WIDENING OF
ACCESS ROAD AND INSTALLATION OF 1 NO. LIGHTING COLUMN 3.6 METRES AND
1 NO. CCTV COLUMN ON LAND AT CAEDMON COLLEGE WHITBY, PROSPECT HILL,
WHITBY, YO21 1LA ON BEHALF OF THE PRINCIPAL OF CAEDMON
COLLEGE(SCARBOROUGH DISTRICT) (WHITBY/MAYFIELD CUM MULGRAVE
ELECTORAL DIVISION)**

1.0 Purpose of the report

- 1.1 To determine a planning application for alterations to entrance gates and fencing, including widening of access road and installation of 1 no. lighting column 3.6 metres and 1 no. CCTV column on land at Caedmon College Whitby, Prospect Hill, Whitby, YO21 1LA on behalf of the Principal of Caedmon College.
- 1.2 This application is subject to two objections received from members of the public having been raised in respect of this proposal on the grounds of highway concerns relating to safety and access and residential amenity and is, therefore, reported to this Committee for determination.

2.0 Background

Site Description

- 2.1 Caedmon College, Normanby Site comprises a brick built complex set within a large open site to the west of Whitby town centre. The school (Normanby Site) opened in 1912 as 'The County School', a co-educational grammar school, with approximately 300 students. In 1993, the school became Whitby Community College and in 2002, Whitby Community College gained specialist school status, with a Technology specialism. In September 2014 Whitby Community College (now Normanby Site) merged with Caedmon School (now Scoresby Site), which is located south of the current application site on the A171 to form Caedmon College. The college caters for pupils aged 14 to 18 years old. However, since 2018 the Normanby Site only caters to pupils up to the age of 16 as the sixth form aspect of the college was closed at the Normanby Site.
- 2.2 The school buildings are located in the north of the site. To the north of these buildings there is a steep valley between the boundary of the school and the residential properties beyond the boundary treatment. The rest of the site is very flat with a large area of school playing fields to the south and west. To the west of the site are residential properties on Rosemount Road and to the south of the site is the Prospect Hill. The school is accessed from the Prospect Hill to the south with the access road running between houses on Prospect Hill which filters off the A171, and at the school entrance there is some formal pupil parking and hard standing areas.

The access road runs along the eastern boundary of the site up to the main school building where the formal staff and visitor parking is available. The school's playing fields make up the majority of the southern boundary; views of which can be seen off Prospect Hill (A171) through the 1.5-metre-high metal palisade fencing. On the eastern boundary of the site lies a dismantled railway line. The boundary treatment for the site is 1.5-metre-high palisade metal fencing with intermittent trees around the site.

- 2.3 The site does not fall within a flood zone or conservation area. A plan showing the application site is attached to this report.

Planning History

- 2.4 The planning history relating to the proposed development site relevant to the determination of this application is as follows: -
- C4/17/01179/CC received on the 12th May 2017 for the creation of hardstanding for further car park and bike park (105 sq. metres) and extension to existing footpath ; the application was granted on the 19th September 2017 and the work have been implemented onsite;
 - C4/09/02562/CCC, received on the 26th March 2010, new 1.5 metre high fencing and gate within the grounds of Whitby Community College. The application was granted on the 26th March 2010 and the work have been implemented on site.

3.0 The proposal

- 3.1 Planning permission is sought for alterations to the entrance gates and fencing, including widening of the access road and the installation of 1 no. lighting column 3.5 metres and 1 no. CCTV column on land at Caedmon College Whitby, Prospect Hill, Whitby, YO21 1LA on behalf of the Principal of Caedmon College.
- 3.2 The proposal is for 115 metres of low height boundary fencing to be replaced along the schools south-east boundary facing Prospect Hill and between the existing site access and the school playing field. The proposed replacement fence would be to a height of 2 metres to match existing fencing along the eastern boundary of the school and two new 2 metre high entrance and exit gates are also proposed to be installed. The proposed gates and fence would be coloured green to match the existing fencing already used within the site and would use the same steel palisade fence panels material to present a uniform appearance. The wording of the proposal submitted also stipulates the widening on the access road, a better terminology for this aspect would be the realignment of the access route as the proposed development does not aim to increase the hard standing floor space already existing on site but would amend the guidance lining currently used on the site.
- 3.3 A 3.6 metre aluminium lamppost is proposed to be erected with a 35 Watt Magna LED Street Light in the centre of the development area between the two proposed access gates along with a CCTV control box measuring 1 metre in length by 0.6 metres in width and 1.2 metres in height. The control box would be coloured green to match the proposed fencing changes and the proposed additional lighting would be connected to the existing lighting scheme along the eastern access road which is on a set timer system. A new pin curb of a radius of 6 metres is proposed to the north east corner of the proposed development site and the road is proposed to be resurfaced.

- 3.4 The applicant has stated that the works are to be implemented to control and improve pedestrian and vehicular access and egress on to the school site. The proposal aims to follow up on Ofsted requirements for safeguarding young people and improve overall site safety. The applicant states that the proposal would also help to create a mitigation against unauthorised personnel accessing the site and deter undesirable activity in the area which the school has experienced in previous years. The proposal also aims to improve access, manoeuvrability and convenience at the top of the school's drive, which would remedy a long established problem area for vehicles of all sizes accessing the school and has resulted in damage to the school site previously.
- 3.5 The proposal would result in a loss of 20 car parking spaces that were used for the purpose for student parking when the college campus was accommodating sixth form age students. As the Normandy campus reverted to only taking students up to the age of 16 years old in 2018 the applicant has confirmed that the requirement for student parking is now not required onsite. Staff and visitor parking spaces to the north east of the school site remain unchanged. The removal of car parking would allow for the realignment of the access entry and exit routes without the need to reduce the playing field or create additional hard standing. As the proposal utilises existing hard standing surfacing which has previously been developed with drainage, the proposal would not give rise to any additional climate change issues.

4.0 Consultations

The consultee responses summarised within this section of the report relate to responses to consultation undertaken on the 7 May 2020 and the subsequent re-consultation (on 11 June 2020) following the receipt of amended information relating to design.

- 4.1 **Scarborough Borough Council (Planning)** confirmed on the 11th May 2020 that they had no comments to make on this proposal.
- 4.2 **Whitby Town Council (Streetworks)** at the time of writing this report no comment has been received.
- 4.3 **Highway Authority** confirmed on the 14th May 2020 that the Local Highway Authority do not have any objections but recommends that a condition relating to Construction Management Plan is applied to any permission granted in the interest of public safety and amenity.
- 4.4 **Environmental Health Officer (Scarborough)** at the time of writing this report no comment has been received.
- 4.5 **Sport England** – confirmed on the 16th June 2020 that the amended scheme following the re-consultation reduces the amount of playing field taken compared to the previous scheme and consequently Sport England are of the view that the proposal meets exception E3 of their playing fields policy and wish not to raise an objection.
- 4.6 **NYCC Heritage - Principal Landscape Architect** confirmed on the 26th May that they have no landscape objection, however, on the re-consultation response received on the 16th June suggested that shrub planting is incorporated to resolve maintenance difficulty and help integrate the fencing.
- 4.7 **NYCC Heritage - Ecology** responded on both the 11th May 2020 and stated “ Our only concern in this instance would be to minimise any light spill onto the wooded

corridor which runs along the Cinder Track to the east, especially if the lighting would be switched on after dusk during the months April to September. This is to reduce disturbance to nocturnal wildlife.” On the 12th June the officer confirmed that light spill onto the wooded corridor would seem unlikely.

- 4.8 **NY Police - Designing Out Crime Officer** – confirmed on the 13th May 2020 that “*the improvements proposed to safeguard students and the security of the site are supported*”.

Notifications

- 4.9 **County Cllr. David Chance** was notified of the application on both the 7th May and 11th June 2002 and confirmed his support for the proposal on the 11th June 2020 stating it “*will enhance the safety of the students.*”

5.0 Advertisement and representations

- 5.1 This application has been advertised by means of two Site Notices posted on 14th May 2020 (responses to which expired on 13 July 2020). The Site Notices were posted in the following locations: Prospect Hill at the Caedmon College site entrance between properties 23 and 24 Prospect Hill and on the school fencing near the bus stop off Mayfield Road to the South West of the School site.
- 5.2 Neighbour Notification letters were sent on 21 May 2020 and the period in which to make representations expired on 12 June 2020. The following properties received a neighbour notification letter:
- Properties at 21,22,23,24,25,26,27,28,29,32,33 and 34 Prospect Hill, Whitby, North Yorkshire YO21 1QE.
- 5.3 Two letters of representation have been received raising objections on the grounds of: highway concerns relating to safety and access and residential amenity.

6.0 Planning policy and guidance

The Development Plan

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each planning application in accordance with the planning policies that comprise the Development Plan unless material considerations indicate otherwise. In this instance, therefore, the *Development Plan* consists of policies contained within a number of planning documents. These documents include:
- any extant planning policies contained within Plan(s) adopted by the County and District (or Borough) Councils ‘saved’ under direction of the Secretary of State; and,
 - any planning policies contained within *Development Plan* Documents adopted under the Local Development Framework regime.
- 6.2 The *Development Plan* for the determination of this particular application comprises the policies of the Scarborough Borough Local Plan (adopted on 3 July 2017). The Local Plan replaces all of the previously ‘saved’ policies of the 1999 Local Plan.
- 6.3 In the Scarborough Local Plan (adopted 2017) the policies most relevant include:
- Policy SD 1 - Presumption in Favour of Sustainable Development;

- Policy DEC 1 - Principles of Good Design;
- Policy DEC 4 - Protection of Amenity;
- Policy HC 8 – Community Facilities;
- Policy HC 10 - Health Care and Education Facilities;
- Policy ENV 5 The Natural Environment

6.4 Within the Scarborough Borough Local Plan (July 2017), Policy SD 1 titled '*Presumption in Favour of Sustainable Development*' advises that: '*When considering development proposals, the Local Planning Authority will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.*' This policy is supported through NPPF by ensuring that development fulfils economic, social and environmental objectives.

6.5 Policy DEC 1 titled 'Principles of Good Design' advises that:

'Good design will be expected in order to create attractive and desirable places where people want to live, work and invest, and to reduce carbon emissions from development. All development will be required to meet the following principles of good design by demonstrating:

a. that an analysis of the constraints and opportunities of the site and the function of development has informed the principles of design, including

iii. that the detailed design responds positively to the local context, in terms of its scale, form, height, layout, materials, colouring, fenestration and architectural detailing; and that the proposal has taken account of the need to safeguard or enhance important views and vistas.

b. that the layout, orientation and design of buildings (where these factors are not otherwise constrained) helps to reduce the need for energy consumption, and, how buildings have been made energy efficient thereby reducing carbon emissions from development;

c. that the proposal provides suitable and safe vehicular access and suitable servicing and parking arrangements;

d. that any elements of public realm have been designed to reinforce or complement the distinctive character of the local area and to ensure that they are attractive, safe, accessible and well connected to their surroundings, including through the provision of walking and cycling routes to and within the development to encourage their use;

e. that any associated landscaping scheme has been developed to enhance both the natural and built environment, retaining existing features of interest where possible.' This policy is supported through the NPPF in chapter 12 (Achieving Well Designed Places).

6.6 Policy DEC 4 concerns the protection of amenity and states that '*Proposals should ensure that existing and future occupants of land and buildings are provided with a good standard of amenity. Proposals for development should not give rise to unacceptable impacts by means of: a) Overbearing impact b) Overlooking and loss of privacy c) Disturbance arising from such things as noise, light pollution and other activities, d) Emissions including smells and other pollutants; or e) Overshadowing or loss of natural light. The criteria listed above are not exhaustive and development that causes significant harm to amenity by means of these or other impacts will not be permitted.*' NPPF adds weight to this policy through paragraph 130 of Chapter 12 (Achieving Well Designed Places) of the NPPF states that '*Permission should be refused for development that fails to take the opportunities available for improving the character and quality of an area and the way it functions.*'

- 6.7 Policy HC 8 is relevant to community facilities and states that '*Proposals for new and expanded community services and facilities will be supported in accessible locations, providing that the scale of development is appropriate to the area in which it is proposed.*' The Policy also provides criteria where it would be acceptable to remove a community facility. This policy is consistent with NPPF chapter 8 in particular paragraphs 92 and 94 in relation to this school application through promoting applications which aim to improve facilities and provision at schools.
- 6.8 Policy HC 10 titled 'Health Care and Education Facilities' stated that '*Access to high quality education and health care facilities will be encouraged by ; a) supporting proposals for the development of new and/or improved education and health care facilities; This policy also goes on to state that 'Education plays a vital role within the community, and is central to the vision of sustainable communities; everyone should have access to high quality educational facilities.*' The NPPF adds support to this policy through paragraphs 92 and 94 which state that proposals which offer positive changes to school facilities should be supported.
- 6.9 Policy ENV 5 titled 'The Natural Environment' and states that '*Proposals should respond positively and seek opportunities for the enhancement of species, habitats or other assets thereby resulting in a net gain in biodiversity.*' The policy aims to ensure that development does not result in an unacceptable impact of designated sites and if there is impact requires schemes to show the greater benefit and provide mitigation. The policy also aims to encourage appropriate tree planting whilst retaining and integrating healthy, mature trees and hedgerows and maintaining those which make an important contribution to the setting and character of an area. This policy is supported through policy 170 of the NPPF chapter 15 which reiterates that planning decisions should contribute to and enhance the natural ad local environment.
- 6.10 Policy INF 3 for 'Sustainable Transport and Travel Plans' states that '*Proposals will be supported that a. improve transport choice and encourage travel to work and school by public transport, cycling and walking.*' This policy receives full support from paragraph 110 of the NPPF which aims to create places that are safe, secure and attractive and give priority first to pedestrian and cycle movements.

Other policy considerations:

National Planning Policy

- 6.11 The policy relevant to the determination of this particular planning application provided at the national level is contained within the following documents:
- National Planning Policy Framework (NPPF) (published July 2018)
- National Planning Policy Framework
- 6.12 The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied.
- 6.13 The overriding theme of Government policy in the NPPF is to apply a presumption in favour of sustainable development. For decision-making this means approving development proposals that accord with the development plan without delay (if plans are up-to-date and consistent with the NPPF). The Government defines sustainable development as that which fulfils the following three roles:
- a) ***an economic objective*** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
 - b) ***a social objective*** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible

services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

c) an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.'

- 6.14 Within the NPPF, paragraph 11 of the Framework advises that when making decisions, development proposals that accord with the development plan should be approved without delay and when the development plan is absent, silent or relevant policies are out of date, permission should be granted unless:
- i.) *'the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
 - i.) *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole'.*
- 6.15 This national policy seeks to ensure that there are positive improvements in people's quality of life including improving the conditions in which people live, work, travel and take leisure.
- 6.16 Paragraph 92 within Chapter 8 (Promoting healthy and Safe Communities) of the NPPF states social, recreational and cultural facilities decisions should enhance the sustainability of communities and residential environments and take into account strategies to improve public health and well-being of society and ensure an integrated approach to considering the location of housing, economic uses and community facilities. Planning positively for the provision of community services and facilities to enhance sustainability within community environments is also encouraged.
- 6.17 Paragraph 94 within Chapter 8 (Promoting healthy and Safe communities) of the NPPF states that there is great importance of ensuring sufficient choice of school places are available to meet the needs of a community. Specifying that planning authorities must take "proactive, positive and collaborative approach" to meeting this requirement giving great weight to expand or alter schools through the preparation of plans and decisions on applications.
- 6.18 Paragraph 97 within Chapter 8 (Promoting healthy and safe communities) of the NPPF states that '*Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:*
- a) *an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
 - b) *the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
 - c) *the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.'*
- 6.19 Paragraph 102-104 within Chapter 9 (Promoting sustainable transport) of the NPPF states that plans and decisions should take account of whether opportunities for sustainable transport modes have been taken up depending on the nature and location of the site; safe and suitable access to the site can be achieved for all people; and improvements can be undertaken within the transport network that cost effectively limits the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 6.20 Paragraph 109 within Chapter 9 (Promoting sustainable transport) of the NPPF states '*Development should only be prevented or refused on highways grounds if there would*

be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'

- 6.21 Paragraph 110 within Chapter 9 (Promoting sustainable transport) states that '*within this context, applications for development should:*
- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;*
 - b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;*
 - c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;*
 - d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and*
 - e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations'.*
- 6.22 Paragraphs 124-127 within Chapter 12 (Achieving Well Designed Places) of the NPPF state that local plans should include robust and comprehensive policies setting out a clear design vision and expectations of development. This should make sure developments add to the overall quality of the area throughout the lifetime of the development; ensure that they function well and add to the overall quality of an area, are visually attractive through good landscaping and layout; are sympathetic to the locality and landscape setting and any historic character to the local area; establish a good sense of place; optimise the potential of the site and create places which are safe, inclusive and accessible and do not undermine quality of life.
- 6.23 Paragraph 130 within Chapter 12 (Achieving Well Designed Places) of the NPPF states development of poor design which does not improve the character and quality of an area or take into account local design then planning permission should be refused. Where design clearly accords with plan policies design should not be a valid reason to object to a proposal. Further to this, it states it should be ensured that the quality of development is not lessened after being granted permission as a result of details being approved to an already permitted scheme.
- 6.24 Within paragraph 180 of the Framework it is noted that decisions should ensure developments are appropriate for their locations taking into account impacts of pollution on health and the natural environment, as well as the sensitivity of the wider site and cumulative impacts. Therefore, the NPPF states developments should mitigate and reduce potential adverse impacts resulting from noise and avoid noise being a significant adverse impact on the health and quality of life in the area, furthermore the paragraph also states the impact of light pollution on local amenity should also be limited and mitigated where necessary.

National Planning Practice Guidance (PPG) (2014)

- 6.25 On 6th March 2014 the Department for Communities and Local Government (DCLG) launched the National Planning Practice Guidance (PPG) web-based resource. This was accompanied by a *Written Ministerial Statement* which includes a list of the previous planning practice guidance documents cancelled. The NPPG supports the national policy contained within the NPPF. The guidance relevant to the determination of this application is contained within the following sections: -

Design

- 6.26 Good design is an integral part of sustainable development and that planning should drive up standards across all forms of development as a core planning principle, plan makers and decision takers should always seek to secure high quality design.
- 6.27 The planning practice guidance states how good design is essential to sustainable development with reference to the importance of it being functional, in that it relates well to its surrounding environment, and is designed so that it delivers its intended purpose whilst maintaining a distinctive character. It though must also '*reflect an areas function, history, culture and its potential need for change*'. *Ensuring a development can:*
- *Deliver a wide range of planning objectives*
 - *Enhance the quality of buildings and spaces, by considering amongst other things form and function; efficiency and effectiveness and their impact on wellbeing.*
 - *Address the need for different uses sympathetically*'.
- 6.28 Achieving good design is about creating places, buildings, or spaces that work well for everyone, look good, last well, and will adapt to the needs of future generations. Good design responds in a practical and creative way to both the function and identity of a place. It puts land, water, drainage, energy, community, economic, infrastructure and other such resources to the best possible use – over the long as well as the short term.

Light Pollution

- 6.29 Light intrusion occurs when the light 'spills' beyond the boundary of the area being lit. For example, light spill can impair sleeping, cause annoyance to people, compromise an existing dark landscape and/or affect natural systems (e.g. plants, animals, insects, aquatic life). It can usually be completely avoided with careful lamp design selection and positioning:
- Lighting near or above the horizontal is usually to be avoided to reduce glare and sky glow (the brightening of the night sky).
 - Good design, correct installation and ongoing maintenance are essential to the effectiveness of lighting schemes.
- 6.30 Lighting only when the light is required can have a number of benefits, including minimising light pollution, reducing harm to wildlife and improving people's ability to enjoy the night-sky:
- Lighting schemes could be turned off when not needed ('part-night lighting') to reduce any potential adverse effects e.g. when a business is closed or, in outdoor areas, switching-off at quiet times between midnight and 5am or 6am. Planning conditions could potentially require this.
 - Impact on sensitive wildlife receptors throughout the year, or at particular times (e.g. on migration routes), may be mitigated by the design of the lighting or by turning it off or down at sensitive times.

7.0 Planning considerations

- 7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each planning application in accordance with the planning policies that comprise the *Development Plan* unless material considerations indicate otherwise. In light of the abovementioned policies the main considerations in this instance are the principle of the proposed development, need, location, design and visual impact, residential amenity, highway matters and biodiversity and habitats.

Principle of the proposed development

- 7.2 The purpose of the development is to adapt the existing access at the south-east of the Normanby site off Prospect Hill to make the site more secure during and out of hours of school use and improve access to the main school site. The proposal would improve and regularise the access to the school. It would also improve the safety on site by adding CCTV monitoring and lighting to the area and through replacing fencing and creating barriers which would help to reduce traffic flow, movement and speed and therefore increase safety for pedestrians (pupils). It would also ensure that the school is meeting the standards and requirements set by Ofsted in regards to effectively safeguarding young people.
- 7.3 It is therefore considered that the development is required in order to meet the needs of the school and continue to function at the required level in terms of safeguarding whilst also delivering services and facilities. The proposed changes to the access would allow the school to monitor access, providing safeguarding to young people on site and would reduce unauthorised movements to and from the school site and should have a positive effect on the day-to-day running of the school and the local amenity. The principle of improving school facilities receives support in Policy SD 1 of the Scarborough Local Plan in securing sustainable development and within paragraph 11 of the NPPF in both securing sustainable development and within paragraph 94 of the NPPF through supporting the need to alter/enhance schools, hence the development is considered to be consistent with the NPPF.
- 7.4 Furthermore the school is a community facility, therefore the proposal is considered to be consistent with the aims of paragraph 94 of the NPPF which seeks to ensure that development on schools are considered positively and should be given great weight when being determined. Policy HC 10 of the Scarborough Local Plan supports improving education facilities and paragraph 92 of the NPPF also seeks to support development of community facilities and this school can be considered as such. Further support for the development is received within Policy HC 8 of the Scarborough Local Plan seeks to support development of community facilities, and this school can be considered such. Due to the scale of the proposal, it is considered that the development is acceptable in principle, subject to the consideration of other matters.

Need

- 7.5 The campus was adapted in 2018 to no longer take sixth form aged students (16 to 18 years old) but now accommodates students in year groups 7 to 11 aged 11 to 16 years old. The changes proposed to the driveway leading from Prospect Hill are to improve safeguarding of the young people on the school site. The applicant has confirmed in their letter of supporting information dated 7th April 2021 that they had a "*Comprehensive report provided by a senior health and safety adviser from North Yorkshire County Council which recommended that we install a more robust entry system and higher-level fencing around the top driveway area to prevent unauthorised access onto the site*". The need to adapt the college for safety reasons is supported through Scarborough Local Plan policies DEC1 through criteria C in providing suitable and safe vehicular access and through paragraph 91 of the NPPF through citation B to promote safe and accessible development. North Yorkshire Police for Designing out Crime were consulted on this application and noted that the improvement proposed to safeguard students and the security of the site were supported by them.

Location

- 7.6 The location of the proposed development has been determined on that of the existing access area and is proposed to be on a similar footprint. The proposed works would retain the vehicle and pedestrian access to the Normanby campus off Prospect Hill as the current access area currently does. The proposed works also do not reduce any playing space that the school currently offers which is supported through paragraph 97 of the NPPF.

- 7.7 It is considered that the proposed changes have been investigated in order to create the most viable solution to addressing concerns raised by Senior Health and Safety advisor at North Yorkshire County Council to meet requirements set by Ofsted. The proposal is also compliant with Policy HC10 of the Scarborough Local Plan which supports new and/or improved redevelopment of existing facilities where the development assists in the delivery of a sustainable growth agenda.

Design and visual impact

- 7.8 The proposal for lighting, CCTV control box and associated fencing and gates would be located to the south east of the site. The material and finish of the proposal would be considered appropriate in the context of the site. Furthermore, views towards the development would be restricted by existing boundary treatment consisting of mature trees and hedging which provides screening. Therefore, the development is not considered to have an adverse impact upon the visual amenity of the local area.
- 7.9 Furthermore it is considered that the proposal is consistent with Paragraph 124-127 of the NPPF and PPG design guidance through optimising the use of the site and an enhancement to the school sites general amenity. Additionally, the proposal is in compliance with the overall aims of Scarborough Local Plan Policy DEC1 in regards to the design as the proposal responds to the context of the local area and fits in with the rest of the existing development. Further support is also highlighted through compliance with DEC1(c) of the Scarborough Local Plan which states "*that the proposal provides suitable and safe vehicular access*" and also in regards to landscaping which would enhance the built environment. The proposal is also in compliance with Policy DEC1(d) in regards to the emissions as this would not increase the number of cars accessing the site but would regularise the movements which take place at present in the proposed development area.
- 7.10 Within the two objections received, comment was made to pedestrian safety. The proposed design aims to provide functions which aid the safety of pedestrians onsite through providing additional security and clearer boundaries which is compliant with paragraph 110 of the NPPF which states that developments should create places that are safe, secure and attractive and respond to local character and design standards. The proposal would aim to minimise the scope for conflicts between pedestrians, cyclists and vehicles through providing more defined access routes, control the movement on vehicles onto and off the site and provide further secure fencing around the site to ensure that site is both safe and secure for pupils and staff.
- 7.11 Overall, given the nature of the development, it is judged to be satisfactorily in keeping with the character and appearance of the existing school site and its surroundings. The development is therefore considered to be consistent with the NPPF and the design element of the NPPG (2014). The design and materials including tarmac surface and green powder coated metal fencing proposed to be used in the proposal are considered to be in-keeping and sympathetic to the existing development on site. This is consistent with citation A of DEC1 of the Scarborough Local plan which states that proposals should '*responds positively to the local context*' and policy DEC4 which requires that development should not be overbearing for its context. Exacting materials and styles as those proposed such as the green powder coated fencing and gates and tarmac surfaces are already existing within the school grounds and therefore would provide continuity of design and meet the requirements set out in policy DEC1 of the Scarborough Local Plan. The proposal is therefore consistent with Scarborough Local Plan Policies DEC1 and DEC4 and paragraph 127 of the NPPF with regard to its positive design that would allow the development to '*function well and add to the overall quality of the area*' and would not give rise to any unacceptable impacts.

Residential Amenity

- 7.12 In terms of impact upon residential amenity, it has been considered as an important matter in the determination of this planning application because the proposed development area would be located opposite the rear gardens of residential properties of Prospect Hill. The residential properties which back onto the school premises, currently have a track between them and a 1.5 metre high palisade fencing of the school boundary. The proposed replacement fencing would create a more substantial screen of separation between the properties and the pedestrian access. The proposed lighting column and CCTV control box to be installed would provide additional security not just to the school but also to the surrounding area as currently the area does not have 24 hour security in operation to monitor activity during and out of school hours, which currently does not exist. However, it is considered that the proposal would not result in any further significant adverse impact on residential amenity given the proposed function of the area remains the same as what is currently in situ. Furthermore, the site boundary already consists of fencing and vegetation in the form of a well established hedge and mature trees which screen the site from some of these neighbouring properties and, as such, the proposed development would not cause increased or undue harm upon neighbouring amenity.
- 7.13 Nonetheless, an appropriate hours of use condition has been included within the draft conditions accompanying the recommendation (condition 5) in relation to controlling lighting to safeguard residential amenity. It is worth noting that Scarborough Borough Council did not offer any comment over the proposal or highlight any potential amenity issues that potentially could relate to the proposal. Although Councillor Chance and the North Yorkshire Police Designing out Crime officer both support the proposal due to their views that the proposal would have a positive impact to the safeguarding of pupils. The proposal would therefore be consistent with Paragraph 130 of the NPPF which states that '*Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area*' and paragraph 91 which states a proposal should not have adverse effects on the health or well-being of people or the amenity of the area. It is also in compliance with Scarborough Local Plan Policy DEC4 in regards to the protection of amenity as it would have no overbearing impact and would provide a good standard of amenity for the area.
- 7.14 Overall, the proposal is consistent with the principles of the NPPF which advises that developments should 'enhance the sustainability of communities and residential environments' as stated in paragraph 92 of the NPPF. It is also in compliance with the protection of amenity elements of Policy DEC4 of the Scarborough Borough Local Plan, which seeks to ensure that developments do not adversely impact upon residential amenity, but would provide a good standard of amenity for the area.
- Highways matters
- 7.15 The proposed development is located to the south east of the application site on an existing tarmacked area and provides the current main access to and from the school. The application site is currently being used as the main school entrance for cars and incorporates a unmonitored car parking area. Two letters of objection were received relating to access issues. This proposal would regularise the access to the school site and improve vehicle access and provide a good line of sight for vehicles before setting off along the single width carriageway heading north to the main school building. As the access point already exists, it is acknowledged that the proposal would not lead to an increase of activity in this part of Prospect Hill. Cars would continue to enter or exit the school site, however, unauthorised access would be deterred from the use of proposed safety features. Therefore, it is considered that the proposal will not give rise to undue highway safety issues.
- 7.16 The application has been subject to consultation with the Highway Authority and they have not objected to the scheme or refer to any aspect which has been raised as an commrep/12

objection. However, the Highway Authority have recommended a condition to require a Construction Management Plan is submitted before works commence to be imposed on the grant of any permission. This condition is proposed through condition number 4.

- 7.17 Additionally, it is considered that the proposed works would be more beneficial for the amenity of the area through limiting access into the school grounds which has received support through the North Yorkshire Police Designing out Crime officer who was consulted. Furthermore, by providing the additional security measures and wider access, it would ensure that the staff and pupils remain safe on the school site and improve the day to day running of the school. The impact of the proposal on the road network is likely to be insignificant, with no increase in traffic from the development and no issues in terms of access to the proposed site. This is in compliance with Scarborough Local Plan Policy DEC1 "*Principles of Good Design*" through increasing the safety of the area.
- 7.18 Although the scheme would result in a loss of parking space, it should not cause any additional pressures in terms of parking availability on the college site as the official staff and visitor parking remains unaffected. The College already has a School Travel Plan in place which highlights the school's commitment to reducing car travel and the need to improve safety for pedestrians. The proposal through realigning the access and providing more defined entrance and exit lanes and clearer visual sights to the existing single lane track to the main school buildings should also improve access especially for larger vehicles and emergency services if they are required to access the school, which was highlighted as an area of concern in one of the objections received. North Yorkshire Police Designing out Crime officer supports the proposed changes for securing the site.
- 7.19 The proposed development is also supported by paragraph 91 within Chapter 8 (Promoting healthy and Safe Communities) of the NPPF which states '*Planning policies and decisions should aim to achieve healthy, inclusive and safe places*' and that development which supports '*healthy lifestyles, especially where this would address identified local health and well-being needs and encourage walking and cycling.*' As well as policies SD1 and INF3 of the Scarborough Local Plan which states that '*Proposals will be supported that Improve transport choice and encourage travel to work and school by public transport, cycling and walking.*' It is considered that the proposal would not cause additional pressure upon the surrounding local highway network and is therefore considered to be consistent with Chapter 9 of the NPPF and in particular paragraph 109 states that '*Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe*' as well as the PPG and the Scarborough Local Plan. Therefore the proposal is viewed as acceptable on highway matters and accords with both local and national policy.

Impact on natural environment and biodiversity and habitats

- 7.20 In regards to the impact of the proposal upon the existing natural environment and biodiversity and habitats, consideration has been given through the consultation with the NYCC Ecology and NYCC Principal Landscape Architect officers. The proposal does not involve the removal of any existing trees or established vegetation. However, a new lighting column is proposed to be positioned 30 metres west of the disused railway and wooded corridor.
- 7.21 The consultation responses indicate they do not have objections to the proposed scheme. The lighting spill diagram indicates that effects would be minimal to the area and other proposed changes to the area are not expected to cause any harm which is consistent with the objectives of policy ENV5 of the Scarborough Local Plan. However, consideration is recommended to be given to lighting impact controls and a planting

scheme for any grant of planning permission. Through proposed condition 5 the proposal ensures that, the interests relating to the amenity of wildlife within the area are upheld. A suggested informative relating to planting also ensures consideration for biodiversity and maintenance is upheld. It is therefore considered that subject to the recommended conditions (5), the proposed scheme will not have detrimental impact upon the natural environment, local biodiversity or landscape and is of appropriate scale for the area which accords with policy ENV5 of the Scarborough Local Plan and NPPF paragraph 180.

8.0 Conclusion

- 8.1 It is considered that the material planning considerations warrant the approval of this application for the alterations to entrance gates and fencing, including widening of access road and installation of 1 no. lighting column 3.6 metres and 1 no. CCTV column at Caedmon College, Whitby.
- 8.2 For the reasons mentioned above, it is therefore considered that, the proposed development is compliant with the policies which comprise the Development Plan currently in force for the area and all other relevant material considerations.
- 8.3 **Obligations under the Equality Act 2010**
The County Planning Authority in carrying out its duties must have regard to the obligations placed upon it under the Equality Act and due regard has, therefore, been had to the requirements of Section 149 (Public Sector Equality Duty) to safeguard against unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Act. It also requires public bodies to advance equality of opportunity between people who share a protected characteristic and people who do not share it; and foster good relations between people who share a protected characteristic and people who do not share it. It is considered that the proposed development would not give rise to significant adverse effects upon the communities in the area or socioeconomic factors, particularly those with 'protected characteristics' by virtue that the impacts of the proposal can be mitigated so that they would not have a significant impact on groups with 'protected characteristics'.
- 8.4 **Obligations under the Human Rights Act**
The Human Rights Act requires the County Council to take into account the rights of the public under the European Convention on Human Rights and prevents the Council from acting in a manner which is incompatible with those rights. Article 8 of the Convention provides that there shall be respect for an individual's private life and home save for that interference which is in accordance with the law and necessary in a democratic society in the interests of (inter alia) public safety and the economic wellbeing of the country. Article 1 of protocol 1 provides that an individual's peaceful enjoyment of their property shall not be interfered with save as is necessary in the public interest.
- 8.5 Having had due regard to the Human Rights Act, the relevant issues arising from the proposed development have been assessed as the potential effects upon those living within the vicinity of the site namely those affecting the right to the peaceful enjoyment of one's property and the right to respect for private and family life and homes, and considering the limited interference with those rights is in accordance with the law, necessary and in the public interest.

9.0 Recommendation

- 9.1 For the following reason(s):

- the principle of the proposal improves the amenity of the school;
- the proposed development would have a negligible impact upon the amenity of any local residents, visual or otherwise;
- the proposed development would have a negligible impact on the local highway area;
- the proposed development is in-compliance with the principles of the NPPF, the PPG and with Policy SD1, DEC 1, DEC 4, HC8, HC10, ENV 5 and INF 3 of the Scarborough Borough Local Plan (2017)

9.2 It is recommended that **PLANNING PERMISSION BE GRANTED** Subject to any comments Members may have, the following be proposed to the Chief Executive Officer for consideration under his emergency powers:-the application be approved for the reasons stated in the report in accordance with the conditions outlined.

Conditions:

1. The development to which this permission relates must be implemented no later than the expiration of three years from the date of this Decision Notice.

Reason: To comply with Section 91 of Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the application details dated 07 April 2020 and the following approved documents and drawings:

Ref.	Date	Title
DAS11113 Rev B	07/05/2021	Design and Access Statement
D11113-10 Rev. C	28/11/2019	Location Plan
D11113-13 Rev. B	20/04/2020	Existing Block Plan
D11113-11 Rev. C	28/11/2019	Floor Plan New Entrance EXISTING
D11113-12 Rev. F	28/11/2019	Floor Plan New Entrance PROPOSED
D11113-14 Rev. C	20/04/2020	Existing and Proposed Elevations and Site Sections New Entrance
Street Light Caedmon College	14/06/2021	Proposed New Lighting

Reason: To ensure that the development is carried out in accordance with the application details.

3. No construction works shall take place except between the following times:
08.00 – 18.00 Mondays to Fridays
08.30 – 13.00 Saturdays
and at no time on Sundays and Bank (or Public) Holidays

Reason: In the interests of the amenity of the area.

4. *No development must commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development must be undertaken in accordance with the approved plan.*

The Plan must include, but not be limited, to arrangements for the following in respect of each phase of the works:

- *wheel washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;*
- *the parking of contractors' site operatives and visitor's vehicles;*
- *areas for storage of plant and materials used in constructing the development clear of the highway;*
- *details of site working hours;*
- *details of the measures to be taken for the protection of trees; and*
- *contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.*

Reason: In the interest of public safety and amenity

5. *The hereby approved Lighting column at Caedmon College shall be switched off between 22:30 and 06:30hrs Monday to Sunday and Bank/ Public Holidays.*
Reason: *In the interests of the amenity of the area.*

Informative:

1. That suitable planting is used that can easily be maintained throughout the lifespan of the development to ensure that local amenity standards is upheld.

Statement of Compliance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015

In determining this planning application, the County Planning Authority has worked with the applicant adopting a positive and proactive manner. The County Council offers the opportunity for pre-application discussion on applications and the applicant, in this case, chose not to take up this service. Proposals are assessed against the National Planning Policy Framework, Replacement Local Plan policies and Supplementary Planning Documents, which have been subject to proactive publicity and consultation prior to their adoption. During the course of the determination of this application, the applicant has been informed of the existence of all consultation responses and representations made in a timely manner which provided the applicant/agent with the opportunity to respond to any matters raised. The County Planning Authority has sought solutions to problems arising by liaising with consultees, considering other representations received and liaising with the applicant as necessary. Where appropriate, changes to the proposal were sought when the statutory determination timescale allowed.

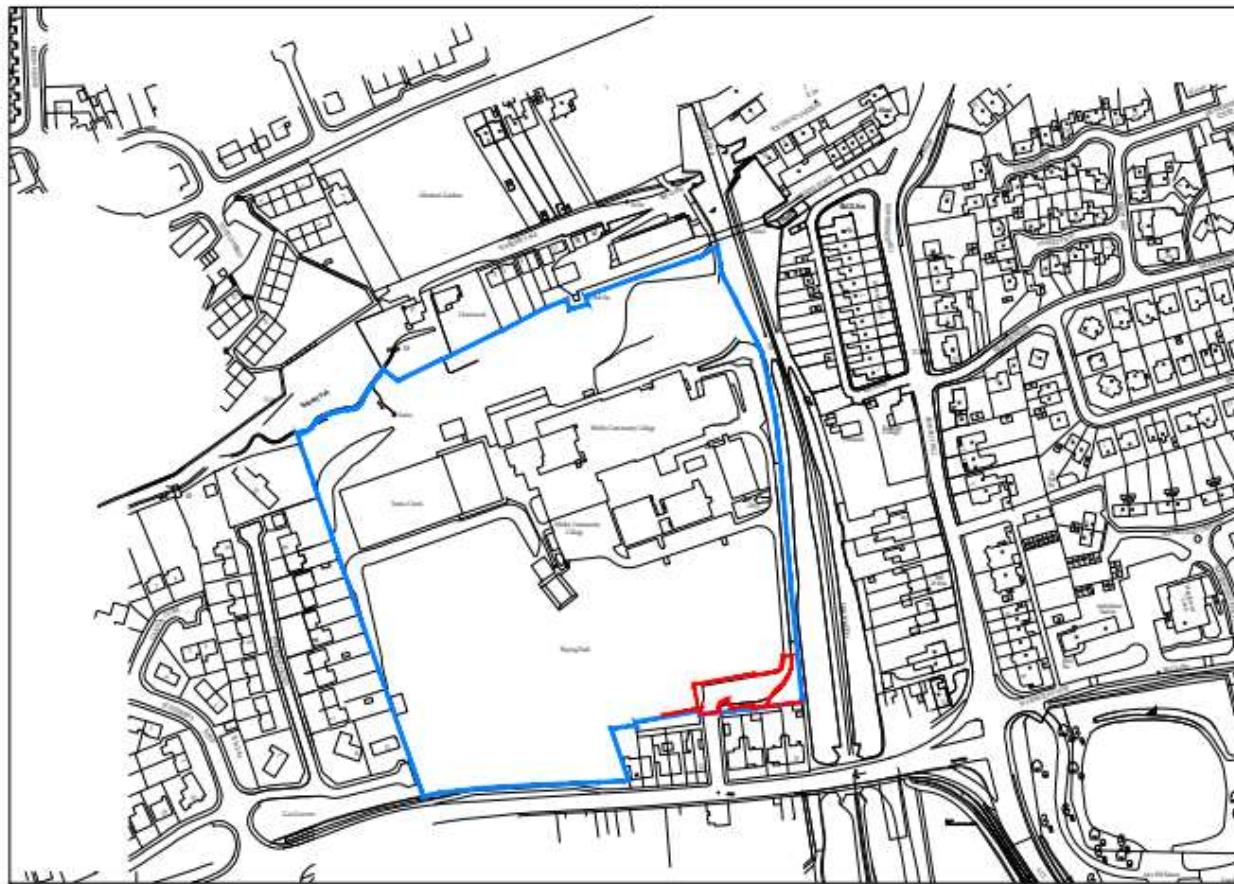
K BATTERSBY

Corporate Director, Business and Environmental Services
Growth, Planning and Trading Standards

Background Documents to this Report:

1. Planning Application Ref Number: C4/20/00868/OA (NY/2020/0061/FUL) registered as valid on 07/04/2020. Application documents can be found on the County Council's Online Planning Register by using the following web link:
<https://onlineplanningregister.northyorks.gov.uk/register/>
2. Consultation responses received.
3. Representations received.

Author of report: Emma Coverdale



Location Plan

Scale 1:2500

Ordnance Survey Licence No. 100002562

b h d partnership

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C	09/06/20	CE	Red line amended		
B	20/04/20	CE	Red line extended	NID	
A	28/11/19	CE	Issued for approval		

CLIENT:
Caedmon College Whitby

PROJECT:
**Gate
Normanby Site**

REV: DATE: BY: AMENDMENT: CHGD: APVD: SCALE: As shown ISSUE: Preliminary

DRAWING TITLE:
Location Plan

DRAWING NR:
D11113-10

REV:
C

