

# North Yorkshire County Council

## Planning and Regulatory Functions Committee

Minutes of the meeting held remotely via Microsoft Teams on 20 July 2021 at 10.00 am.

### Present:-

County Councillors Peter Sowray (Chairman), David Blades, Eric Broadbent, Caroline Goodrick, Robert Heseltine, David Hugill, Mike Jordan, Richard Musgrave (as substitute for Zoe Metcalfe), Chris Pearson and Clive Pearson

Apologies were submitted by County Councillors John McCartney and Zoe Metcalfe.

The meeting was available to watch live via the County Council's website and a recording of the meeting is now available on the website via the following link [www.northyorks.gov.uk/livemeetings](http://www.northyorks.gov.uk/livemeetings)

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**Copies of all documents considered are in the Minute Book**

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### 226 Welcome and Introductions

The Chairman welcomed everyone to the meeting and those present introduced themselves.

The Chairman explained that the meeting would be held using video conferencing with a live broadcast to the Council's YouTube site. The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority Police and Crime Panel Meetings) (England and Wales) Regulations 2020 had lapsed on 7 May 2021 and any formal decisions that the Committee made that were legally binding would be made in consultation with the Chief Executive Officer using his emergency delegated powers, taking into account the recommendations of the Committee.

### 227. Minutes of the meeting held on 8 June 2021

#### Resolved -

That the Minutes of the meeting held on 8 June 2021, having been printed and circulated, be taken as read and confirmed by Members, be submitted to the Chief Executive with a recommendation of approval under his emergency delegated powers and then signed by the Chairman as a correct record at the next available opportunity.

### 228. Declarations of Interest

There were no declarations of interest.

### 229. Public Questions or Statements

The representative of the Assistant Chief Executive (Legal and Democratic Services)

stated that, other than those that had indicated that they wished to speak in relation to the application below, there were no questions or statements from members of the public.

**230. 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**

Considered -

The report of the Corporate Director, Business and Environmental Services requesting Members 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.

The application was subject to two objections having been received from members of the public, in respect of this proposal, on the grounds of highway concerns relating to safety and access and residential amenity and was, therefore, reported to the Committee for determination.

Linda and John Cudworth, together with Wendy Barlow (local business owners/neighbours) had submitted the following statements, which were read out by the Clerk:-

Linda and John Cudworth

1. We would like to clarify who owns the waste ground that runs behind our property, is it the college or the Council and will we still have access to this?

We have used this waste ground to park for the last 14 years and other residents on our row have used it for the same purpose for over 40 years. The use of this area does not interfere or obstruct the college car parking. Some other residents and local holiday lets from within the area (not properties that back onto the college) have regularly been using the college car park; we ourselves normally only use this when the college is closed so as to facilitate the guests vehicles and our own. As you can appreciate the contribution to the town by tourists is invaluable - we are concerned that should we not be able to offer them parking this may have an impact on our businesses and people may then start parking dangerously on the main road (A171).

2. Should the barrier be installed will it be operational all year round or only during term time?

Our big concern overall particularly during term time is the build up of traffic this will cause. We would ask that should permission be granted for installation it be considered for this to be only operational during term time to help us as local business owners during our busiest times.

3. If the barrier is installed we would like to ask if the college would consider granting each resident with a property that backs onto the college one permit to be used when the college is closed again in the interest of supporting us.

We would support any fines or enforcement that may be in place for non permit holders.

4. We would like to voice that we as residents have always been tolerant of the college's business of allowing caravans onto their field during holiday times.

As a result of this we often have to tolerate heavy traffic, loud noise and anti-social behaviour; we have never raised an objection to this and so ask the college to reciprocate this attitude by supporting us and assisting us in this decision so as we can continue to operate in the way in which we have. If they take this parking facility away from our businesses we will be left only with the small side street; currently even the residents that live here cannot park here due to the high volume of non-visitors/tourists that park to walk down into town so should the barrier be installed and restrict our access to the waste ground area this will have a huge impact.

5. We would like to know if the proposed barrier is installed where specifically will it be located?

If it is to be installed before the entrance to the college this will cause a lot of disruption and traffic.

6. We specifically request our guests arrive during school hours or after school hours (4pm) so that they are not adding to the traffic and creating a danger to the students.

We as a local business care about the local community and would ask that the college work with us to make it a safe environment for all.

Wendy Barlow

My take on it is let common sense prevail.

The waste ground had been used for immediate neighbours to the school for over 40 years.

If a gate or barrier is put up at the entrance to the school ( And to be honest we don't know if that's the case ) There would be no turning points for vehicles, parents deliveries etc and they would have to reverse down our narrow off road onto the main road which is illegal.

Simon Riley, BHD Partnership Ltd, the agent for the applicant, had submitted the following statement which was read out by the Clerk:-

I wanted to provide you with some information in support of our planning application to install additional higher-level barrier fencing and automated gateway access, with CCTV, at the top of the driveway on the College's Normanby site. The changes we are proposing are to improve the safeguarding of our young people during the school day (the site now accommodates our younger students in Years 7 and 8, as well as the higher year groups, up to Year 11) and to keep the premises and car parking area more secure out of school hours. We have had a number of unauthorised personnel on the site in previous years and we therefore wish to take action to minimise the possibility going forwards. We had a comprehensive report provided by a Senior Health and Safety Adviser from NYCC 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. Our proposals are both to address the risks highlighted in the Adviser's report and to meet OFSTED requirements to effectively safeguard our young people.

OFSTED inspectors look at a wide range of evidence to inform their judgements about the effectiveness of safeguarding in schools, but some of the key things they look for

include:

The extent to which leaders, governors and managers create a positive culture and ethos, where safeguarding is an important part of everyday life – The easy access of unauthorised personnel from the top of our driveway has been raised a number of times in health and safety inspections undertaken and we want to take action to address this as soon as possible by installing taller fencing and an automated gate entrance-way. We do not wish to ignore or put aside the risks that we are well aware of by continuing to have a site that is easily accessible to external parties during the school day.

The content of safeguarding policies and procedures, and how well these are applied in practice – Our wish to have an automated gateway at the top of the driveway will ensure that we are following our safeguarding policies to minimise potentially serious risks to our young people (and staff) from intruders, including the possibility of terrorist/violent attacks and other risks, such as unleashed dogs, coming onto the site, being it is so easily accessed from the top of the driveway currently.

What children say about how safe they feel and how they are helped to understand safeguarding risks – We have had intruders on the College site in the past who have come into contact with students and our proposed new entry system should prevent access during the school day to all but authorised personnel and, thereby, help students and staff to feel safer whilst on site.

To summarise, our proposals will meet the growing need to have a more rigorous entry system for those wishing to access our Normanby site which accommodates our younger students, thereby minimising the risk posed by unauthorised access and providing a safer environment for all College users. The inclusion of CCTV at the top of the driveway, covering the car parking area, will also be of benefit to the nearby neighbours of the College in reducing unauthorised or undesirable activity in the area.

I hope that the Planning Authority will wish to support our application, to create the safer environment that we desire due to the points raised.

Following the public statements a representative of the Head of Planning Services presented the Committee report, highlighting the proposal, the site description, the consultations that have taken place, the advertisement and representations, planning guidance and policy and planning considerations. The reports also provided a conclusion and recommendations

Detailed plans, photographs and visual information were presented to complement the report. She addressed issues raised within the public statements during her presentation. The Committee's Legal representative stated that the informal parking area referred to in the public statements was outside the boundary of the application, and was, therefore, not a material issue with regards to this application. The use of the parking area was a separate, informal matter for local residents and the school to resolve through discussions.

The Planning Officer updated the Committee on the following issue:-

Condition 2, within the list of Conditions, refers to:-

DAS11113 Rev B - 07/05/2021 - Design and Access Statement – This should read Rev C.

Members undertook a discussion of the application and the following issues and points were highlighted during that discussion:-

- A Member asked whether the proposals would prevent local residents from parking on the spare land during holiday periods when the school was closed. In response it was clarified that the area referred to would not be closed off by the proposals but the parking situation was subject to ongoing discussions between the school and local residents, as the land was within the school's boundary.
- It was clarified that the proposals did not relate to pedestrian access to other areas of the site, and, should alterations be required for these, additional planning applications would be required.
- Details of the type of barrier to be installed were outlined and it was noted that pedestrians would be unable to go under or over this.
- It was clarified that the requested lighting column would be set to automatically switch off at 10pm.
- A Member asked whether there had been a fatality or serious incident at the site, in terms of the potential conflict between pedestrians and vehicles highlighted. In response it was stated that the school had reported a number of "near misses" at that location. It was also noted that the Highways Authority had raised no objection within their response to the consultation on the proposals.
- The location of the proposed gate would not prevent local residents from accessing the spare land to park vehicles, subject to agreement with the school. It was noted that the site was the main entrance to the school and the separate, pedestrian access was outlined to Members.
- It was stated that the CCTV camera would be static.
- It was noted that, during the consultation, the Local Member had stated that he supported the application in the interests of the safety of those using the school.

**Resolved: - that the following be referred to the Chief Executive Officer for consideration under his emergency delegated powers:-**

That the application be approved for the reasons stated in the report and in accordance with the conditions outlined, and subject to the amendment to Condition 2, as outlined above.

### **231. Items dealt with under the Scheme of Delegation**

Considered -

The report of the Corporate Director - Business and Environmental Services outlining items dealt with under the Scheme of Delegation for the period 14 April 21 to 16 June 2021 Inclusive.

**Resolved -**

That the report be noted.

The meeting concluded at 10.55 am

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