



The countryside charity
North and East Yorkshire

PO Box 189
York
YO7 9BL

www.cpreney.org.uk

Tel: 07983 088120
Email: info@cpreney.org.uk

Branch Chair
Mrs Jan Arger

Authority: North Yorkshire Council – (formerly Selby District Council)

Type of consultation: Planning Application

Full details of application/consultation ZG2023/1263/FULM - Erection of a new special educational needs and disabilities (SEND) school with associated landscaping, parking and construction of a new access from Hull Road

At land at: Land Off Hull Road, Osgodby, North Yorkshire

Type of response: Objection

Date of Submission: 5th January 2024

All responses or queries relating to this submission should be directed to the Secretary for the Trustees at the contact details shown above on this frontispiece.

All CPRE North and East Yorkshire comments are prepared by the charity using professional planners whose research and recommendations form the basis of this response in line with national CPRE policies.

External planning consultant used in this response:



KVA Planning Consultancy
Katie Atkinson, BA (Hons), Dip TP, MA
MRTPI
www.kvaplaning.co.uk

Comment

CPRE North and East Yorkshire ('CPRENEY') welcomes the opportunity to comment on this application for a new SEND school for the Selby district of North Yorkshire with associated landscaping, parking and construction of a new access road from Hull Road, Osgodby submitted by Bowmer and Kirkland on behalf of the Department of Education and North Yorkshire Council ('the applicants') to North Yorkshire Council.

The application site extends to circa 2.6Ha which is currently in agricultural usage. The main part of the site is two arable fields with a tee-lined footpath through the centre connecting Hull Road (A63) to the wider open countryside beyond to the south of the site. The footpath is proposed to be retained separating the proposed new vehicular access and hard standing areas for carparking and turning to the east of the site with the main school infrastructure to the west. For safety and security the school will operate a lockable gate system ensuring no students can stray beyond the main school site during the school day, and a wooden gate system will ensure that members of the public accessing the footpath will not stray onto the school site, whilst not being prevented from accessing the countryside. A section of existing planting alongside the footpath is required to be removed to allow the main access between the two areas to be opened up.

The western part of the site will encompass the proposed L-shaped, two storey school building, both hard courts and soft sports pitches and areas of landscaping including a horticultural garden for student use and segregated areas for different age groups of students (from Early Years to Sixth Form, 3-19yrs.)

The application also proposes to open the outdoor sports facilities (including self-sufficient changing facilities and stores etc.) to the community, alongside parts of the ground floor of the building, during periods when the school is not operational and no students are on site (evenings, weekends and holiday periods).

The site in Osgodby is located to the south of Hull Road (A63), with residential dwellings immediately to the north of the site leading to the A63, a garden centre and coffee shop to the west and to the east the A63 with existing residential properties beyond. It lies circa 2.7km north east of Selby.

The site is not allocated in the current Local Plan, however the site was allocated in the emerging Local Plan for the former Selby District site OSGB-N for educational use. Selby District Council has merged with the with other North Yorkshire authority areas to become North Yorkshire Council. Due to the late stage in plan preparation (its publication version was consulted on between August and October 2022) the new Council has determined to progress the emerging Local Plan, therefore, whilst previous Local Planning policies remain in force, CPRENEY are aware that the emerging Local Plan shows the Council's preferred direction of travel.

The applicant has submitted various technical documents alongside the application and have undertaken two pre-application enquiries with the Council prior to the submission of this application.

Having considered the documents submitted in support of the proposals, CPRENEY understand the requirement for a new school to be erected to meet the specific needs of students registered as having Special Educational Needs and Disabilities, particularly within the Selby district of North Yorkshire and does not object to the principle of the development. The proposal seeks to accommodate 100 students in total many of whom are either on a waiting list for a school place or have to travel significant distances to get to an appropriate school (up to 52km).

However, in respect of the application in its current guise CPRENEY objects to the proposals on the following grounds:

- The loss of BMV land;
- The potential impact on existing residential amenity;
- The design of the building in the open countryside;
- The impact on the PROW; and
- The proposals are contrary to local and national planning policy.

Planning Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application should be determined in accordance with the development plan unless material planning considerations indicate otherwise. The planning system should contribute to achieving sustainable development. The National Planning Policy Framework ('NPPF') (2023) aims to deliver sustainable development through the implementation of its policies. Paragraph 11 states that for decision making this means:

- c) 'approving development proposals that accord with an up-to-date development plan without delay; or*
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission 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*
 - II. 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.'*

The Development Plan relevant to this application consists of:

- The Selby District Core Strategy (2013) ('CS'); and
- The Selby District Local Plan (2005) ('LP').

As set out above, it is understood that the Council are in the process of preparing a new Local Plan to cover the Selby area of the new North Yorkshire Council which will replace the existing adopted planning policy documents. However, this has not yet been submitted to the Secretary of State for examination so little weight can be attributed to it in accordance with the NPPF. Therefore, the proposal should be determined against the Development Plan in force.

The applicants commissioned an agricultural land classification survey to be undertaken across the site to accompany the planning application. The results highlight that the majority of the site has been categorised as Grade 1, 'excellent' and Grade 3a 'good' Best and Most Versatile ('BMV') Agricultural Land therefore recognising its value to the agricultural sector.

The NPPF clearly directs Local Planning Authorities making decisions about the natural and local environment to:

- protect and enhance landscapes, biodiversity, geology and soils
- recognise soils as a natural capital asset that provide important ecosystem services
- consider the economic and other benefits of BMV agricultural land, and try to use areas of poorer quality land instead of higher quality land

This concept is replicated in the Council's CS Policy SP18 which seeks to protect and enhance the environment by '*steering development to areas of least environmental and agricultural quality*'. Further, 'A Green Future: Our 25 Year Plan to Improve the Environment' sets out the government's 25-year plan to improve the health of the environment by using natural resources more sustainably and efficiently. It plans to: protect the best agricultural land; put a value on soils as part of our natural capital; and manage soils in a sustainable way by 2030 amongst other things. As such, BMV of Grade 3a and above is highly regarded and should be protected from development.

Paragraph 174 of the NPPF goes further setting out that existing development should not be put at unacceptable risks from, or be adversely affected by, unacceptable levels of soil, air, water or noise pollution which is reinforced through the Councils CS Policy SP18. CPRENEY has concerns that alongside the loss of agricultural land at a time when food security and seasonality is vital for the environment, the site will impact the residential amenity of existing residential dwellings to the west of the site. It is recognised that the applicants have proposed the location of the sport facilities to the south of the site, behind the school building which will help mitigate noise to some extent. However, the site is to be offered to the local community for use and as such, lighting and noise related activities will be evident in the evening and at weekends including noise from vehicles, slamming doors, supporters of local and visiting teams etc. Paragraph 185 of the NPPF states that planning decisions should '*mitigate and reduce to a minimum*' potential adverse impact resulting from noise from new development, CS Policy SP19 also requires the protection of residential amenity.

The site is located within the open countryside through the existing adopted development plan documents. CS Policy S2 states that the future of new development will be based on principles of directing new development towards the towns and more sustainable villages of the district and limiting development in the countryside to limited forms of development which include the demonstration of special circumstances, in addition to which part B of the policy states that a sequential approach to development should occur. The applicants have provided some details of the sequential test undertaken and as such there is some support for the principle of a SEND school at this location immediately adjacent to the development limits of Osgodby. However, material considerations suggest that the proposed scheme may not be suitable for the proposed location in the opinion of CPRENEY in light of the adopted policies.

The applicants planning statement sets out that the '*elevational design and treatment of the scheme communicate quality, civic performance and robustness and tie in with the external landscape to create a cohesive scheme.*' It goes on to state that the materials have been chosen to '*break up the length of the façade and highlight entrances and key spaces*' and further that the '*cladding panels have a mixture of autumnal tones to mirror the patchwork of Selby's agricultural fields.*'

The Village Design Statement ('VDS') (December 2009) was published as a Supplementary Planning Document to the existing Selby Local Plan. The VDS describes the historical development of the village, the architectural character of the settlement and also lists the design characteristics which help define the village, and which can be used to help successfully integrate new development into the existing built form.

Appendix B3 to the VDS states the '*VDS does not restrict new designs or materials or insist that everything*

is designed to “look old”. Instead, it is the job of the developer to design and build a modern building that satisfies modern needs, exploits new technology and building methods, and uses them to create a desirable, profitable development that works with its environment to seamlessly integrate with the local area. Modern, but appropriate development is encouraged.’ It is appreciated that the developer has designed a modern looking building using part brick and part cladding.

However, the applicant’s Landscape and Visual Impact Assessment (‘LVIA’) sets out that the site is located within the ‘East Selby Farmland’ Landscape Character Area (‘LCA’) as categorised by the former Council’s updated Landscape Character Assessment which sets out that for this particular LCA which has a flat topography, that (amongst other things) *‘the location and appearance of new development should be carefully considered, using landscape frameworks to better integrate it into the landscape, as it is likely it would be readily visible in this flat landscape’*; and, *‘Consider colours which are sympathetic to the landscape for new development, avoiding bright and prominent colours such as white which may draw attention in long views.’* The LVIA recognises that the design of the building will have a prominent impact on the site and relies on proposed landscaping and tree planting to mitigate this effect over the mid-long term as the trees mature. However 10-15 years is a significant timescale. CPRENEY are not convinced that the autumnal colours chosen by the applicant are going to help it to integrate with the landscape as directed by the LCA and the Landscape Character Assessment. Whilst a break in the long façade is potentially beneficial to the design, such bright yellow colours will draw the eye – especially given their presence at first floor height. As such, CPRENEY consider that the proposal is not an example of good design as set out in paragraph 12 of the NPPF or CS policy SP19.

The Public Right of Way (‘PROW’) which runs through the centre of the site has been retained and serves to separate the two areas of the school and carpark. The development brief that sits alongside the site allocation in the emerging Local Plan sets out that the footpath should be retained. Whilst the applicant has sought to retain the route in situ as directed to in emerging planning policy and has addressed various safeguarding measures by providing lockable access gates, CPRENEY are not convinced that the site is in an entirely appropriate location adjacent to a PROW with such vulnerable children and young adults in the immediate vicinity.

Furthermore, CPRENEY are well aware that access to the countryside for both mental and physical health provides many benefits to our members and to visitors to the area alike, especially since the start of the COVID pandemic. As such, these benefits to health and wellbeing are material factors in the determination of planning applications. CPRENEY are concerned that users of the PROWs will be discouraged from using the route at this location as a result of the proposal and additional measures that are required to be taken to access it fully. Also, the applicant has proposed to retain and increase the planting either side of the PROW. It is thought that the additional planting, as shown in the illustrative images, will lead to a sense of enclosure and give the appearance of a dark tunnel as a result of the proposed tall and dense planting, which will further deter users and so impact their health and wellbeing. As such, CPRENEY is not satisfied that the Council’s existing PROW will be accessed and thus not in line with national planning policy including CS Policy SP18.

CPRENEY has been contacted by many of its members and residents in the locality who are very concerned about the impact of this proposal on highway safety. The proposal seeks to accommodate 100 students and circa 70 staff (although the Transport Assessment also states 100 staff at section 3) and it is proposed the site shall be accessed from a new vehicular access from Hull Road with a shared pedestrian and cycle path leading into the school from Hull Road. Taking into account the additional 100 vehicle movements associated with the school throughout the day (noting that no students or parental pick-up movements for

after school wrap around care seems to have been considered in the Transport Assessment as they have for staff numbers) and additional 863 dwellings at the approved Olympia Park (plus pub and retail facilities), The Tindall Farm redevelopment and existing approvals within the locality mean that the number of vehicular movements on the strategic and local road network will increase exponentially, especially at the A63/A19 junction. Whilst the Highways Authority may not consider capacity to be an issue, highway safety is still a matter to be considered through the tests set by the NPPF at paragraph 114 in that there is *'safe and suitable'* access to the site for all users and that (para 115) development should only be 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'*. Paragraph 116 sets out that in the context applications should *'give priority first to pedestrian and cycle movements within the scheme and with neighbouring areas'* and that applications should *'create places that are safe, secure and attractive – minimising the scope for conflicts between pedestrians, cyclists and vehicles'*. The A19 is a mere 500m from the site and Barlby Road is circa 950 metres (a 5 minute cycle) from the site and forms part of the National Cycle Network Route 65, offering connectivity to villages further afield. There will also be cycle parking spaces provided on site, therefore, the applicants envision staff, visitors and potentially more mobile students to access the site via bike. The A63 is a two-way 40mph road at present and members are concerned that the increase in number of vehicles and cycle movements on the network will potentially give rise to conflict between each other and pedestrians accessing the site, residential properties or the PROW. Furthermore, should the proposal be allowed, it is considered that the Council would be facilitating the growth of the settlement in such a way as to encourage indefensible boundaries by encouraging significant further development to the south of Hull Road adjacent to the site. As such the setting and character of the settlement would be fundamentally altered.

Conclusion

CPRENEY welcomes the opportunity to comment on the proposal for a new SEND school and associated landscaping, infrastructure and new access at land south of Hull Road, Osgodby, Selby.

The site is located on 2.6Ha of Grade 1 and 3a BMV agricultural land outside of the settlement limits of Osgodby with a retained PROW through the centre of the site dividing the car parking and new vehicular access from the main school building and outdoor classroom and sports facilities.

Whilst CPRENEY does not object with the principle of the development of the facility and notes the allocation for such use in the emerging Local Plan, for the reasons set out above CPRENEY object to the proposal at this location in its current guise.

CPRENEY reserve the right to comment further should additional information be submitted in support of the proposal and respectfully request that this proposal is refused.