

**North Yorkshire Council**  
**Community Development Services**  
**Scarborough and Whitby Area Constituency**  
**Planning Committee**

**11 JULY 2024**

**ZF24/00464/RG4 – DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF  
NEW TWO-STOREY SCHOOL BUILDING (INCLUDING SOLAR PANELS ON  
FLAT ROOF), WITH ASSOCIATED CAR PARKING, LANDSCAPING, HARD  
COURT MUGA, PLAYING FIELD, SPRINKLER TANK, BIN STORE AND  
SUBSTATION AT WOODLANDS SCHOOL, WOODLANDS DRIVE,  
SCARBOROUGH, NORTH YORKSHIRE, YO12 6QN, ON BEHALF OF  
GALLIFORD TRY CONSTRUCTION LTD**

**Report of the Assistant Director/Planning – Community Development Services**

**1.0 Purpose of the report**

1.1 To determine planning application reference ZF24/00464/RG4 for the above development at Woodlands Academy, Woodlands Drive, Scarborough.

1.2 The application is a major development which raises significant planning considerations and therefore in accordance with the North Yorkshire Council Area Constituency Planning Committees Scheme of Delegation, the application falls to be determined by the Scarborough and Whitby Constituency Area Planning Committee.

**2.0 EXECUTIVE SUMMARY**

**RECOMMENDATION:**

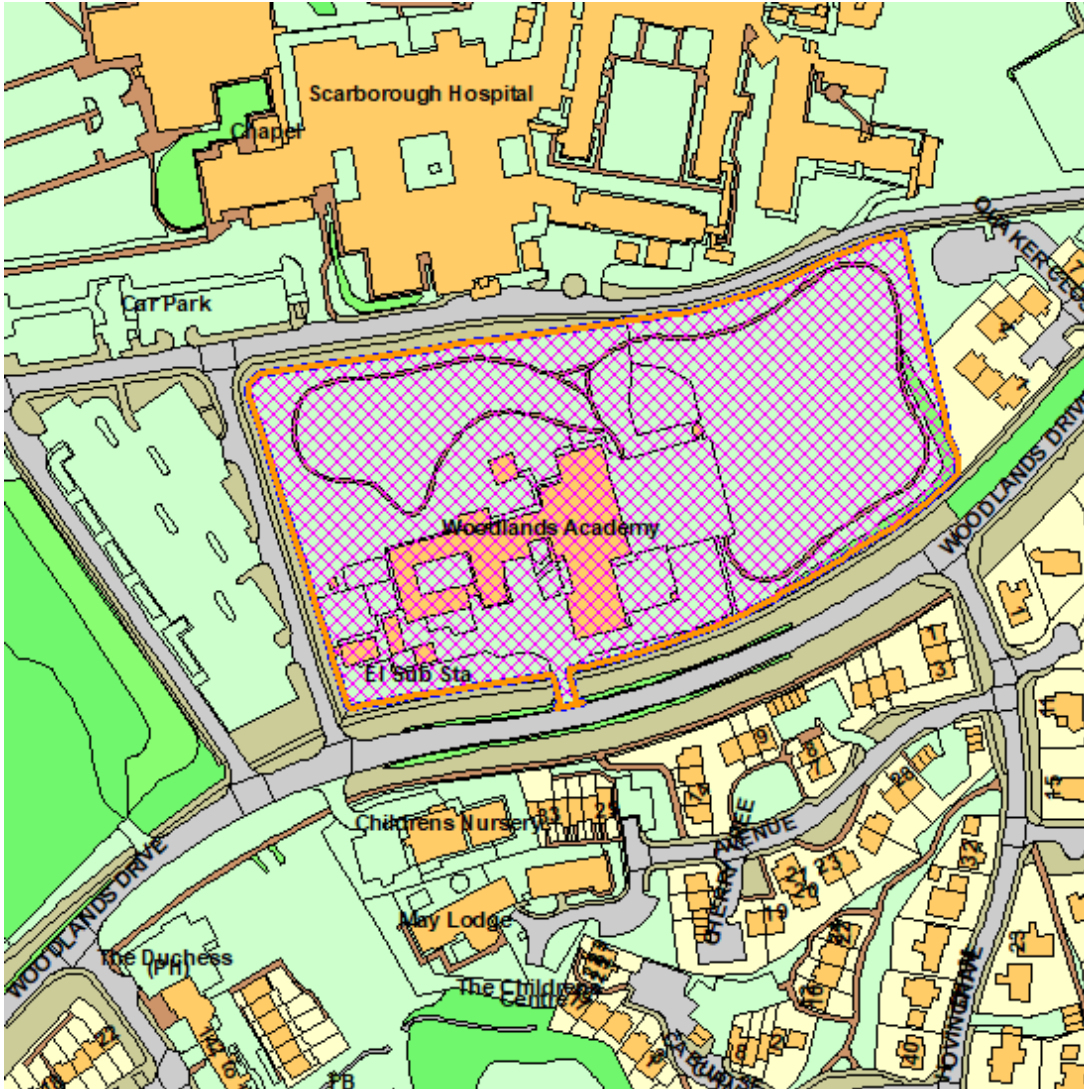
2.1 Full planning permission is sought for the demolition of the existing school buildings and redevelopment of the site to erect a replacement L-shaped school building with solar panels on the roof, and associated parking, landscaping and external sport/recreation facilities. The existing access into the site would be retained and modified. Should permission be granted, the existing school facility will remain open whilst the new school facility will be constructed, resulting in a phased development.

2.2 The principle of new and/or improved educational facilities is supported through Local Plan Policies and no objections have been received by statutory or non-statutory consultees. The proposed development is considered by your officers to comply with relevant Local and National Planning Policies and is recommended to be permitted with conditions.



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### **3.0 Preliminary Matters**

3.1 Access to the case file on Public Access can be found here:

<https://planning.scarborough.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=SALVH4NSJFQ00>

### **4.0 Site and Surroundings**

4.1 The application site is in relation to the Woodlands Academy located on Woodlands Drive in Scarborough. The school is located within the development limits, to the Western periphery of Scarborough with the application site measuring 2.35 hectares. The existing school is a series of ad-hoc buildings situated in the South-East quadrant of the site and currently has 136 pupils and 62 FTE (full-time equivalent) members of staff.

4.2 The site has a singular access from the South into a parking area and circulation area. The remaining area on site is used for hard play facilities and playing fields, with scattered trees and vegetation within the site.

4.3 The area is predominantly residential in nature, however there is a variety of uses in the nearby vicinity, including Scarborough Hospital to the immediate North, another education facility (Graham School) 200m to the West, a pre-school and a public house. Woodlands Drive is tree lined.

### **5.0 Description of Proposal**

5.1 The applicant (Galliford Try on behalf of Woodlands Academy) is seeking approval for the demolition of the existing school building/s and the erection of a two-storey L-shaped replacement school building, with associated landscaping, reconfigured and increased car parking facilities, pupil drop off zone, additional pedestrian access points, reconfigured external playing/sports facilities (including Multi-Use Games Area) and the installation of solar panels on the rooftop of the replacement building.

5.2 The replacement school building is proposed to be two storeys, with a height of 9.3m measured from the ground floor to the flat roof. The total external footprint (measured externally) would be 1875sqm, and the total internal floor area of the building is 3250sqm, which represents a 540sqm increase compared to the existing building to be removed.

5.3 The existing school would remain open during the construction works of the new school, prior to being demolished when the new facility is completed and opened. The existing playing fields on site would be removed to facilitate the development of the new school building.

5.4 The redevelopment of the school is funded by the Department of Education as Part of the School Rebuilding Programme and is for children aged 2-16 with special educational needs. The purpose of the funding programme is to produce improved quality condition, more energy-efficient school facilities. The number of pupils and full-time staff would remain unchanged through the development.

5.5 The application follows a pre-application enquiry made by the developer, and a public engagement event was held by the developer prior to the application being submitted. Specifically, flyers were handed out to nearby addresses and comments were welcomed at the event.

5.6 The application includes the erection of a substation, located in the South-West quadrant of the site to the West side of the access. The substation is rectangular in shape, measuring 22sqm with a maximum height of 2.6m. The substation is of a standard GRP (Fibreglass) design.

5.7 The proposed building would have solar panels situated on the roof of the school building, which would cover the majority of the proposed roof area, in rows, sloped with a 10-15-degree tilt to partially face the sun. The solar panels face either East or West, and each panel measures 11.3m x 1.75m with tempered solar glass panel with anti-reflective coating.

5.8 Ventilation details have been supplied which shows the installation of several roof mounted air source heat pumps.

5.9 The external sports facilities would be located primarily to the East of the site, although the Multi-use Games Area (MUGA) would be positioned centrally close to the Northern border. None of the external playing facilities would be illuminated but would be available for community use.

## **6.0 Planning Policy and Guidance**

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each planning application in accordance with the planning policies that comprise the Development Plan unless material considerations indicate otherwise.

### Adopted Development Plan

6.2 The Adopted Plan for this site is:  
- Scarborough Borough Local Plan 2011 to 2032 adopted 2017

### Emerging Development Plan - Material Consideration

6.3 There is no emerging development plan which covers the application site.

### Guidance - Material Considerations

- National Planning Policy Framework 2023
- National Planning Practice Guidance
- National Design Guide
- NYCC SuDS Design Guidance

## **7.0 Consultation Responses**

7.1 The following consultation responses have been received and have been summarised below.

7.2 Archaeologist - No known archaeological remains within the area indicated on the site plan. No objections to the proposal.

7.3 Arboricultural Officer - No objections raised.

7.4 Civil Aviation Authority (CAA) - It doesn't appear that there are any aerodromes within 5km of the site. However, there is a helipad close to the scheme at Scarborough General Hospital. It is recommended that the hospital are consulted to check whether they require any reassurances to the safeguarding of their operations. Should the hospital require assurances, an assessment would need to be undertaken which determines whether the scheme is likely to impact flight paths to the helipad. Depending on the proximity, there could be further considerations required such as thermal lift generated by the panels and/or interference with communication/navigation/surveillance equipment.

7.5 North Yorkshire Police Designing Out Crime Officer - Initially sought further information in relation to a management plan, designated parking for motorcycles, cycle parking, CCTV provision protection for the curtain walling and additional lighting. Upon receipt of additional information, no objection was raised subject to a community use agreement being undertaken by the developer.

7.6 Ecology - There are no issues with protected species or habitats and the ecological assessments included with the application are sound. The findings of the EcIA and bat assessments are agreed with, in regard to the site is of low habitat value and low potential for roosting bats. Therefore, there is no ecological objection with this site's development providing that the recommendation for mitigation and enhancement provided in the ecological assessments are followed. The construction environment management plan (CEMP) and the Biodiversity Enhancement Management Plan (BEMP) are comprehensive and satisfactory for the purpose of this development. The submitted Biodiversity Net Gain (BNG) metric is satisfactory with results for habitat and hedgerow varying from very low to medium. On-site enhancements of medium or higher distinctiveness habitats on this site includes other broadleaved woodland, urban trees and other neutral grassland but have low difficulty of creation. The creation of such habitats can therefore be secured by planning condition. The statutory framework requires a Biodiversity gain plan to be submitted and approved by the planning authority to discharge the plan condition prior to the commencement of development. The plan would set out how the biodiversity gain objective of at least 10% would be met for the development granted planning permission. The BNG plan must be submitted in writing, no earlier than the day after the granting of permission, however a draft plan may be submitted alongside the application for information which would allow the plan to be discussed with the Local Planning Authority.

7.7 Environmental Health CRT - No objection but several mitigation measures are recommended, which can be added as conditions. This included a dust management plan which was submitted by the developer and is suitable. No objection is raised to the information subject to the details being adhered to.

7.8 Highways - Initially responded requesting additional information/alterations in regard to several highways matters, both during construction phase and after the new school facility is operational. Upon receipt of additional information, no objection is raised by highways, but it was still requested that a dropped crossing is installed on Woodlands Drive which connects the site to the Southern side of the Drive. Following discussions with

the LPA and the developer, a second full response was received from Highways which indicated that no objection is raised subject to conditions. A section 184 is required for the delivery of off-site highway works.

7.9 Landscape architect - No comments to make in regard to the application.

7.10 Scarborough Hospital - The submitted Glare and Glint Assessment has been shared with the helicopter operators for comments and no objection has been received. Flying over the Woodlands Academy is not part of the recognised flight paths for helicopters arriving and departing the helipad. In regard to the developers utilising the hospital emergency vehicle access road access for construction works - the hospital has agreed, in writing, that this is appropriate subject to various measures which need to be finalised between both parties.

7.11 Lead Local Flood Authority (LLFA) - Initially requested further details in regard to peak flow control and volume control, the submission of an exceedance flow plan, pollution control, maintenance plan for temporary flood risk measures and measures to mitigate against climate change and urban creep. This information was subsequently submitted by the developer to which the LLFA raised no objection subject to the plans/documents being adhered to. Conditions are recommended to ensure this.

7.12 Sport England - No objection raised subject to a condition which requires a community use scheme being submitted to the LPA and agreed, and a detailed assessment in relation to ground conditions of the proposed playing field and a detailed scheme which ensures that the playing field would be to an acceptable quality, including soil structure, drainage and other operations. Further information in regard to these measures was submitted by the developer, which was assessed by Sport England, who maintained a stance of no objection and agreed to a slight amendment to the wording of the conditions.

7.13 Yorkshire Water - No direct objection was made to proposed development but further information is required in regard to water supply details, piped discharge of surface water and alterations to the submitted flood risk and drainage strategy (dated 24/05/2024). The requested information has been sent to Yorkshire Water for further comment, however no further comment was received.

### Local Representations

7.14 The application has been advertised by means of site notice and press notice. One comment was received by a resident which broadly supported the application but raised concern with the off-site parking to the South of the site. Which is likely to be on Hovingham Drive which already suffers from staff and patient parking for the hospital, and it is unclear as to where contractors would park.

## **8.0 Environmental Impact Assessment**

8.1 The development proposed does not fall within Schedule 1 or 2 of the Environmental Impact Assessment Regulations 2017 (as amended). No Environmental Statement is therefore required.

## **9.0 Main Issues**

9.1 The main issues are:

- Principle of Development
- Impact on Amenity
- Design and Impact on Visual Amenity
- Impact on Ecology/Biodiversity
- Highways Safety
- Impact on Trees
- Flood Risk
- Renewable Energy
- Impact on Open Space and Recreation
- Other Matters

## **10.0 Assessment**

### Principle of Development

10.1 Local Plan Policy HC10: Health Care and Education Facilities is the starting point for the consideration for the proposed development which states that access to high quality education would be encouraged by supporting proposals for new and/or improved education and health care facilities. Paragraph 99 in the NPPF states that there should be sufficient choice of school places available to meet the needs of existing and new communities. Local Planning Authorities (LPAs) should take a positive approach in meeting this requirement, supporting development which would widen the choice of education. The site is located within the development limits of Scarborough, which is at the top of the hierarchy in Local Plan Policy SH1 for expected growth in the Local Plan Area.

10.2 The proposed development is the redevelopment of the site, which would remain open during construction works of the replacement new school. The proposed development is considered to be in compliance with Local Plan Policy HC10 and SH1 and is acceptable in principle subject to other local and national planning policies being complied with.

### Impact on Amenity

10.3 The academy is located on Woodlands Drive, in an area which contains a high number of residential properties. The replacement school would not increase the pupil and staff numbers on site, and it is hence unlikely that the proposed development would lead to any significant increase in the activity, noise and general disturbance which may impact existing and future residents.

10.4 Although, the proposed development contains individual aspects which have the potential to impact neighbouring properties, such as the school being repositioned to the Eastern part of the site, which brings it closer to the properties located on Quaker Close. However, the separation distance between the East-facing elevation of the school building and Eastern boundary line, shared with the closest neighbouring property would be 16.5m. The distance between the closest residential property and School's Eastern facing elevation would be 24.5m. Both of these distances are considered to be significant, and the repositioning of the building would not have a direct overshadowing or overbearing impact on the neighbouring properties. The Eastern elevation contains 2 x windows which

are to serve an office building and a sensory room, which would face partially onto Quaker Close, separated by an area of increased landscaping. In your officer's view, the separation distance and the increased landscaping on the Eastern boundary would ensure adequate levels of privacy for the residents on Quaker Close.

10.5 The properties on the Southern side of Woodlands Drive are located at significant distances (50m+) and the direct impact of the replacement school building on these properties in terms of amenity would be considered to be very limited.

10.6 The development includes the repositioning of external play and sports facilities, primarily situated centrally and in the Eastern part of the site, away from residential properties. The MUGA is located at a separation distance of c.105m to the properties on the Southern side of Woodlands Drive, and 85m to the properties on Quaker Close to the East. The new playing fields are located in the West of the site, with the nearest point of the 5v5 pitch being c.50m from the properties on the Southern side of Woodlands Drive. Woodlands Drive itself, with associated vehicular noise, intersects the playing fields and these properties. There is no minimum distance expected between such facilities and nearby residential properties within Local Planning Policies. However, the impact of noise and general disturbance is a material consideration as outlined through Local Plan Policy DEC4: Protection of Amenity. It is considered that the separation distances to nearby residential properties is sufficient, and the Noise Impact Assessment outlines that the expected noise output of these elements would not exceed expected levels within residential areas. There would be no lighting associated with either the playing fields or MUGA which naturally limits the operational time to daylight hours only.

10.7 The proposed solar panels have the potential to impact neighbouring properties through glare and glint. A glare and glint Assessment has been submitted to support the development which outlines that the panels would have a low impact, and no further mitigation is recommended.

10.8 The proposed development is considered to be in compliance with Local Plan Policy DEC4: Protection of Amenity and is acceptable in terms of its impact on amenity.

#### Design and Impact on Visual Amenity

10.9 The development includes the demolition of the existing school facilities on site, which are a series of ad-hoc structures which do not possess defined architectural or design qualities. The buildings currently have a neutral impact on the character of the street scene, are not listed and are not located in a Conservation Area. The demolition of the buildings would therefore not have a detrimental impact on the character of the area.

10.10 Local Plan policy DEC1 requires that proposals to reflect the local environment and create an individual sense of place with distinctive character, and respond positively in terms of scale, form, height, layout, materials, colouring, fenestration and architectural detailing. The layout, orientation and design of buildings should also help to reduce the need for energy consumption and provides suitable and safe vehicular access and parking arrangements. Developments should be designed with an appropriate public realm and landscaping scheme to enhance the natural and built environment.

10.11 The replacement building is an L-shaped structure, also with a flat roof, which is purpose built and offers a modernised appearance compared to the existing building. The



palette of external materials includes multiple shades of brickwork, cladding, aluminium curtain walling, multi-coloured louvred panels and glazed ceramic coated windows. The materials are considered to be high quality and have been supported by a detailed external materials key and 3D external views plan. The general appearance is that of a typical modern educational facility in the county, and wider afield. It is of a scale which is proportional to the entire site, is set back from the road by a similar distance to the existing building and respects the character of the surrounding area.

10.12 The building itself is proportional to the plot, and whilst it is larger than the building it replaces, this is by a fairly small amount (540sqm) given the size of the plot. The development would be facilitated by the removal of a small number of trees which would be replaced by an extensive landscaping scheme, with the removed trees to be replanted on a 3-to-1 basis. To the front of the proposed building would be extensive planting which relates well to the character of the area, with the Woodlands Drive being tree-lined.

10.13 The proposed substation would be located within a fairly prominent position on site, to the immediate West of the access road and would therefore be visible. However, the substation is small in scale, and substations of this type are common features within the public realm. There is extensive planting on frontage of the site which would partially screen the substation from view which is an essential element of the development for energy supply. The substation is considered to be acceptable in terms of design.

10.14 The majority of the rooftop of the proposed building would be covered with solar panels, which would be largely screened from view by proposed building's parapet roof and additional landscaping in the site. In your officer's view, the solar panels would not be detrimental to the character of the area.

10.15 The proposed development is considered to be in compliance with Local Plan Policy DEC1: Principles of Good Design and is acceptable in terms of design.

#### Impact on Ecology/Biodiversity

10.16 The application has been supported by a series of ecological documents including an Ecological Impact Assessment (EclA), Bat emergence survey report, Construction Environment Management Plan (CEMP), Biodiversity enhancement management plan (BEMP), and Biodiversity Net Gain Assessment and metric.

10.17 The Council's ecologist has been consulted on the proposal, and has considered the aforementioned documents, agreeing with the findings. Subsequently, the scheme has been supported by the Ecologist subject to the mitigation and enhancement measures being undertaken in suitable timeframes. It is recommended that these measures are covered through planning conditions. Primarily, the ecological enhancements on site would be achieved through the implementation of the ecological enhancements plan.

10.18 Biodiversity Net Gain (BNG) requirements came into force for major planning applications submitted after January 2024. As such, the developer must deliver a BNG of at least 10%. The submitted plans outline how this is intended on being achieved on site, with a baseline assessment of the existing habitats included. No objection has been raised by Ecology to the information at the current stage although a statutory pre-commencement condition would need to be attached to any planning approval. The condition requires developers to submit and agree a biodiversity gain plan to the LPA.

10.19 The proposed development is considered to be acceptable in terms of Biodiversity/Ecology, is in accordance with Local Plan Policy ENV5: The Natural Environment.

### Highways Safety

10.20 The development does not seek to form additional vehicular accesses into the site, but rather seeks to make alterations to the existing access which is located to the South-West of the site. The proposed access would be two-way leading to the main staff parking area containing 44 staff parking spaces, and 2 minibus spaces. A separate car park is proposed to the East containing 5 visitor spaces and 2 blue badge spaces. A total of 51 spaces are proposed, an increase from the existing number of 34 spaces. The layout also proposes a dedicated drop-off and pick-up area, and 10 staff and pupil cycle spaces provided in a shelter. These would be brought into use prior to the new facility becoming operational. Additionally, two pedestrian accesses are located along the site frontage. The dimensions of the proposed parking spaces would be in line with local highways requirements, and a planning condition would be attached that ensures the parking spaces, access and manoeuvring areas are hard surfaced.

10.21 The local highways authority (LHA) has been aware and involved with the proposed development from the pre-application enquiry stage. Members will note from the LHA's response that some concerns and queries to the initial scheme, however it has undergone positive amendments since pre-application stage. Whilst a direct objection was not raised by the LHA, further details were sought, primarily to ascertain how the existing facility would be kept open whilst the new building would be constructed.

10.22 A substantial amount of detail, including a travel plan, has been presented which outlines that the site would effectively be split into two. The existing facility would continue to be accessed by Woodlands Drive, whilst the development site would be accessed by the emergency access for the adjacent hospital to the North, via Scalby Road. Scarborough Hospital have been consulted on the proposal and a hospital representative has confirmed that the arrangement has been agreed providing confirmation in writing. Additional information has been submitted to support this arrangement which colleagues in Highways have assessed and not raised objections.

10.23 The project would be phased with an initial enabling phase for the creation of the temporary site access to the North, then phase 1 being the construction of the school, phase 2 being the demolition of the existing school and phase 3 being the removal of the internal access road and reinstatement of soft landscaping in this area.

10.24 Pupil drop-off would continue to be at the school at every stage of the construction process, although during the demolition phase, school parking for 15-20 staff would be facilitated at the nearby Springhead School. Staff would then use an organised minibus provided by the school to reach the site. During the construction stage, contractors would only be able to access the site via the hospital's emergency access, whilst staff would continue to park on site.

10.25 No objection has been raised by the LHA in regard to the modified access, parking facilities or road markings which meets highways specifications. Planning conditions are recommended which ensures that the specifications are met prior to the new facility being

used. It has been acknowledged by the local highway authority that the presence of the nearby Graham School often results in congestion on Woodlands Drive due to the volume of traffic. To avoid obstructing the school access, a new 'Keep Clear' road marking has been requested by highways. Details of which have been submitted and agreed with colleagues in Highways.

10.26 Additionally, it has been requested by the LHA that a pedestrian crossing is formed over Woodlands Drive. The developer has made it clear from an early stage. The funding for the development is provided through the Department for Education (DfE)'s school rebuilding programme, which is solely for the rebuilding of schools and doesn't cover funding for ancillary off-site works. The argument has been accepted by the LHA and the crossing is seen as desired, but not an essential request, which would justify a direct objection to the scheme. The LPA shares this view and notes that the staff and pupil numbers are not increasing, yet the parking provision is increasing. This would suitably cater for staff members to park on site without needing to cross Woodlands Drive. The new pedestrian access proposed at the midpoint of the site would be for a limited number of staff who would likely arrive by bus on Scalby Road, utilising the existing crossing to the East. As such, it is unlikely that such users would need to cross Woodlands Drive to reach the site.

10.27 It has also been explained that there are also other significant restrictions to constructing a level crossing on Woodlands Drive such as the sloped banking, which would require significant excavation work. Visibility would also be a concern and the presence of trees and their rooting systems which would need to be protected. On balance, the installation of a crossing would potentially lead to greater harm than the limited benefits would present.

10.28 The developer has submitted a detailed phased construction management plan showing where construction workers and staff are directed to park, and are unable to park. This will be conditioned and the development will be undertaken in strict accordance with this document. Contact details of the developer will be made available on hoardings for residents to make contact regarding parking issues.

10.29 Subject to conditions, no highways concerns has been raised to the development which is considered to be acceptable in terms of highways safety, subject to conditions.

### Impact on Trees

10.30 The site contains 33 individual trees, 23 groups and two hedges within/close to the school site boundary. None of the trees on site benefit from statutory protection but a tree survey has been submitted which outlines the categorisation of said trees. 1 individual tree and 6 groups are high quality, category A trees, and 14 trees and 9 groups are moderate quality, category B trees. Trees in category A should be retained and protected due to their high quality and positive impact on the character of the area. Category B trees are medium specimens but still make a positive impact on the local environment. It is preferable to retain category B trees, although they can be considered for removal to make way for development subject to a replanting scheme to mitigate the loss. Category C trees are of low value which offer some landscaping or visual benefits but have failed to thrive. Category C trees are generally suitable for removal to make way for development. Category U trees are trees that are recommended to be removed immediately.

10.31 The proposed development seeks to remove 4 trees and 1 group of Category B trees, and 13 trees and 1 group of Category C trees. A 7m section of a Category C hedgerow would also require removal. This is a total of 17 individual trees, mostly category C, and 3 groups including the hedgerow.

10.32 To mitigate the loss of trees, a replanting scheme is proposed which includes the planting of 54 trees which is a 3:1 ratio of replaced trees compared to the individual trees which are to be removed.

10.33 The Arboricultural Officer has been consulted on the proposed development and has not objected based on the information provided. The LPA shares this view and feels that the replanting scheme is appropriate and would mitigate the loss of trees on site to a level which is acceptable.

10.34 In terms of protecting trees on site, tree root protection area (RPA) is shown around the majority of the retained trees which would be protected from construction works by appropriate tree protective barrier fencing. A planning condition would ensure that the tree planting and retention plan is adhered to throughout the entirety of the development. The preliminary arboricultural method statement outlines where the tree protective barrier would be located and what type of fencing is proposed.

10.35 The proposed development is considered to be acceptable in terms of its impact on trees.

#### Flood Risk

10.36 The site is located in Flood Zone 1, indicating that it is at low risk of flooding with a 0.1% annual probability of flooding. Given the application is a major development, it has been supported by a Site-Specific Flood Risk Assessment (FRA). The FRA indicates that there would be an increase in impermeable areas on site and recommendations are made in terms of further investigations which need to confirm the discharge point of the existing foul water manhole, and future earthworks consider the proposed overland flow route and ultimate outfall point for the surface water drainage.

10.37 Colleagues at the LLFA have been consulted on the proposed development and initially requested further information on several matters, as outlined in the FRA, which were since provided by the applicant. Upon receipt and assessment of these documents, no objection was raised by the LLFA subject to adherence to the plans.

10.38 Yorkshire Water has been consulted on the proposal and did not raise an objection subject to additional information relating to water supply and piped discharge of surface water from the development which should be submitted to and approved by the Local Planning Authority. Effectively, this has already occurred and the LLFA have not objected to the additional information subject to the details being adhered to. Yorkshire Water has been consulted again on the proposal but did not provide any additional comments. It is considered that the wording of Yorkshire Water's conditions indicates that the details should be acceptable to the Local Planning Authority, after consultation with the LLFA. As indicated above, no objection has been raised and it is considered that the development does not present any concerns with flood or environmental risk.

10.39 The proposed development is considered to be in compliance with Local Plan Policy ENV3: Environmental Risk and is acceptable in terms of Flood Risk.

### Renewable Energy

10.40 The development includes the installation of solar panels (photovoltaic) on the rooftop of the proposed school building. These would cover the majority of the rooftop, slightly sloped with a pitch of 10-15 degrees to maximise their efficiency. There are no specific local plan policies which relate to the installation of solar panels on rooftops of existing and new buildings. Although, ENV1 relates to low carbon and renewable energy, stating that this type of development is supported where it can be demonstrated that the proposal would not, either individually or cumulatively, have an unacceptable impact on several considerations. The most pertinent to the application would be the impact on residential amenity, aircraft, radar and telecommunications. The impact through glare and glint is also a primary consideration due to the close proximity of the adjacent hospital helipad which lies c.250m to the West of the proposed building. A glare and glint assessment has been submitted to support the development. This outlines that there is a moderate to high magnitude of possible glare at certain time periods, at various stages in the year. Although this is limited to a short period in the morning - generally from 05:15am to 08:30am.

10.41 Mitigation measures have been included within the assessment such as anti-reflective coating, glass surface texturing and that a glare and glint emergency response plan is prepared. The specifications of the solar panels outlines that the panels have anti-reflective coating, and an emergency glint and glare response plan has been submitted. The plan includes annual review of the positioning of the panels and discussions with the helipad operators as to whether glint and glare has occurred. Glint and glare monitoring would also take place, alongside measures for complaints being raised by helicopter operators.

10.42 The outlined mitigation measures are considered to be appropriate to the development and would significantly limit the glare/glint impact on the operators of the neighbouring helipad. Planning conditions would ensure that the approved specifications of the panels would be retained for the lifetime of the development and that the mitigation measures are adhered to. The proposed development is considered to be in compliance with Local Plan Policy ENV1 and is acceptable in terms of the impact of the renewable energy measures.

### Impact on Open Space and Recreation

10.43 Local Plan Policy HC14 supports the creation of high-quality open spaces and sports facilities, and the redevelopment of existing open spaces providing that the replacement open space is of an equal or higher quantity and quality. Paragraph 103 in the NPPF refers to existing open space, sport and recreational facilities, including playing fields, and that they should not be built on unless one of several exceptions are met. This includes the loss from the proposed development which should be replaced by equivalent or better provision in terms of quantity and quality in a suitable location.

10.44 The redevelopment of the site would effectively remove the playing field on site to facilitate the placement of the new school. Sport England have been consulted on the proposed development, and also provided feedback during the pre-application enquiry

stage. No objection was raised in respect of the application and it was acknowledged that the area of lost playing fields measures 0.5hectare, and the proposed playing field amounts to the same area (0.5 hectares). It is also acknowledged that the applicant has provided an audit of the existing playing field undertaken by a turf grass agronomist, which shows that it is of poor quality, with a significant slope, and that the replacement playing field to the West would be of higher quality.

10.45 A 5v5 football pitch to FA recommended dimensions, repositioned rounder's pitch, and a MUGA are all proposed A 5v5 football pitch to FA recommended dimensions is also proposed alongside external play equipment. These represent external/open space which is of an equal quantity to the existing facilities, and is of better quality.

10.46 Given the above, Sport England have outlined that the proposed development meets exception E4 of Sport England's Playing Fields Policy and have not objected subject to conditions.

10.47 The proposed development is in compliance Local Plan Policy HC14 and is acceptable in terms of open space provision.

### Other Matters

10.48 North Yorkshire Police have been consulted on the proposed development and have not objected to the scheme; however further information has been requested. The further information has been supplied by the developer which was considered satisfactory by the Designing out Crime Officer.

10.49 A dust control scheme has been recommended to be submitted and approved by condition by colleagues in Environmental Health, although this has been submitted up front to support the application. No objection has been raised subject to a condition which ensures the dust control scheme is adhered to.

## **11.0 PLANNING BALANCE AND CONCLUSION**

11.1 The application site is in reference to Woodlands Academy, located on Woodlands Drive in Scarborough. It is located on the Western periphery of Scarborough, within the development limits. The surrounding area is predominantly residential, but has varied uses in the immediate vicinity, including Scarborough Hospital to the North.

11.2 The proposed development is for the demolition of the existing school buildings on site, and erection of a replacement L-shaped school with solar panels on the rooftop. The remainder of the site is utilised for parking, external sports/recreation facilities and landscaping. The project is funded by the Department for Education (DfE) school rebuilding programme aimed at maintaining and improving the condition of schools throughout the country. The development would be phased with the existing school kept open whilst the new school building is being constructed. The principle of new and/or improved education facilities is supported through Local Plan Policy HC10.

11.3 The development does not include additional vehicular accesses into the site, with the existing access in the South-West being altered to highways specifications, leading to an increased and modified parking area catering for a total of 51 spaces, with minibus spaces and drop-off/pick-up facilities. Construction traffic would access the site via the

emergency access for the hospital to the North of the site, whilst the existing access to the South would remain open for the existing school. The staff and pupil numbers would remain unchanged through the development. The LHA have been involved with the proposed development and initially raised some queries with the development and requested further details. No highways objection was received subject to conditions.

11.4 The proposed school building would be re-positioned to the Eastern side of the site, bringing it closer to properties on Quaker Close, however separation distances are considered to be sufficient to Quaker Close and to the other properties on the South side of Woodlands Drive in terms of direct amenity impacts. The external play and sports facilities are too at a significant distance from nearby residential properties and the noise impact would not be detrimental. The Glare and Glint Assessment outlines that the proposed impact of the solar panels is limited to residential properties and no specific mitigation measures are recommended.

11.5 Biodiversity net gain requirements (minimum 10%) became law in January 2024 for major developments. A series of ecological documents have been submitted and assessed by the Council's Ecologist, with no objection raised. The biodiversity enhancements on site are sufficient and would be covered through a planning condition. The statutory biodiversity gain plan pre-commencement condition would be attached should the application be approved.

11.6 The development would require a small number of trees to be removed, however a replanting scheme has been included within the submission. The individual trees to be removed would be replanted on a 3:1 basis and no objection was raised by the Council's Arboricultural Officer. The retained trees and their rooting systems would be protected from damage during construction works.

11.7 Other consultees have responded to the application, none of which have raised an objection to the proposed development subject to conditions.

11.8 The proposed development is considered to be in compliance with relevant Local and National Planning Policies and it is the Case officer's recommendation that permission is granted subject to conditions.

## **12.0 RECOMMENDATION**

12.1 That Permission be granted subject to conditions

1 The development hereby permitted shall be carried out in strict accordance with the following plans, as amended:

- Site Location Plan (Ref. SRP1095-ALA-ZZ-ZZ-D-L-0003 P02)
- Proposed Site/Block Plan (Dwg. Ref. SRP1095-ALA-ZZ-ZZ-D-L-0031 P01)
- Illustrative masterplan (Dwg. Ref. SRP1095-ALA-ZZ-ZZ-D-L-0001-P08)
- General Arrangement Ground Floor Plan (Dwg. Ref. SRP1095-SPA-Z1-00-D-A-0102-P15-GA)
- General Arrangement First Floor Plan (Dwg. Ref. SRP1095-SPA-Z1-01-D-A-0112-P14)
- General Arrangement Roof Plan (Dwg. Ref. SRP1095-SPA-Z1-RF-D-A-0131-P08)

- Elevation Treatment (Dwg. Ref. SRP1095-SPA-Z1-XX-D-A-0200 P02)
- General Arrangement Building Elevations South and West (Dwg. Ref. SRP1095-SPA-Z1-XX-D-A-0202-P15)
- General Arrangement Building Elevations North and East (Dwg. Ref. SRP1095 Z1-XX-D-A-0201-P12)
- 3D External Views (Dwg. Ref. SRP1095-SPA-Z1-XX-D-A-8501 P02)
- 3D Internal Views (Dwg. Ref. SRP1095-SPA-Z1-XX-D-A-8511-P02)
- Site Sections (Dwg. Ref. SRP1095-ALA-ZZ-ZZ-D-L-0014-P02)
- Site Sections to Quaker House Sheet 1 of 2 (Dwg. Ref. SRP1095-ALA-ZZ-ZZ-D-L-0022 P03)
- Site Sections to Quaker House Sheet 2 of 2 (Dwg. Ref. SRP1095-ALA-ZZ-ZZ-D-L-0026 P03)
- Substation Plans and Elevations (Dwg. Ref. 3981-001 P01)
- Detailed Landscape General Arrangement 1 (Dwg. Ref. SRP1095-ALA-ZZ-ZZ-D-L-0010-P04)
- Detailed Landscape General Arrangement 2 (Dwg. Ref. SRP1095-ALA-ZZ-ZZ-D-L-0011-P04)
- Tree Retention and Removal Plan (Dwg. Ref. SRP1095-ALA-ZZ-ZZ-D-L-0019)
- Planting Strategy (Dwg. Ref. SRP1095-ZZ-ZZ-D-L-0021-P02)
- Electrical Services PV Roof Plan (Dwg. Ref. SRP1095-DES-XX-RF-D-E-6900-P04)
- Lighting Strategy Layout (Dwg. Ref. SRP1095-DES-XX-ZZ-D-E-6310-P04)
- Fencing General arrangement sheet 1 of 2 (Ref. SRP1095-ALA-ZZ-ZZ-D-L-0012-S2-P04)
- Fencing General Arrangement sheet 2 of 2 (Ref. SRP1095-ALA-ZZ-ZZ-D-L-0013-S2-P04)
- 2.4m Weldmesh fencing with hedgehog gap (Ref. SRP1095-ALA-ZZ-ZZ-SK-L-0038-P01)
- Proposed photovoltaic (PV) panel (Ref. SRP1095-DES-XX-ZZ-T-Z-6110 P02) Produced by Desco, dated 1st March 2024
- Ventilation & Extract Details (Ref. SRP1095-DES-ZZ-ZZ-T-Z-5015 P02) Produced by Desco Dated 15th March 2024
- Planning Statement (Ref. SRP1095-AYL-ZZ-ZZ-T-T-0003-S2-P01) Produced by Avison Young Dated March 2024
- Proposed Utilities and underground infrastructure (Dwg. Ref. SRP1095-DES-Z0-ZZ-D-Z-9600-P06)
- Demolition Plan (Dwg. Ref. SRP1095-SPA-ZZ-XX-D-A-9001 P02)
- Design & Access Statement (Ref. SRP1095-SPA-ZZ-XX-T-A-0002-P02) Received on 15th May 2024
- Travel Plan (Ref. 332610570-TP01, Produced by Stantec Dated March 2024)
- Biodiversity Enhancement Management Plan (V2, Produced by OS Ecology, dated March 2024) Received on 19th March 2024
- Biodiversity Net Gain Assessment (V3, Produced by OS Ecology, dated March 2024, received on 19th March 2024)
- Construction Environment Management Plan (V2, Produced by OS Ecology, Dated March 2024) Received on 19th March 2024
- Ecological Enhancements (Ref. SRP1095-ALA-ZZ-ZZ-SK-L-0037 S2 P01) Received on 14th May 2024



- Ecological Impact Assessment (V3, Produced by OS Ecology dated March 2024) Received on 19th March 2024
- Preliminary Arboricultural Method Statement (Ref. 1052317 Rev. B) Produced by RSK ADAS Limited Dated March 2024
- Temporary Access Works (Ref. SRP1095-ACE-Z0-ZZ-D-C-2201-P4) Received on 19th June 2024
- Construction and Demolition Method Statement (Ref. SRP1095-GTC-XX-XX-T-X-0121 P07 Dated 6th June 2024) Received on 19th June 2024
- Supplementary Construction Management Plan (Ref. SRP1095-GTC-XX-XX-T-X-0122 P01 Dated 10th June 2024) Received on 19th June 2024
- Temporary Drainage Works (Ref. C-GA-01 Rev A, Dated 25th June 2024)
- Overland Flow Plan (Produced by Galliford Try, Rf. SRP1095-ACE-Z0-ZZ-D-C-1020-P1) Dated 25th June 2024
- Flood Risk Assessment and Drainage Strategy (Ref 00.22005-ACE-Z0-ZZ-RP-C-0004 Rev. P05) Produced by Adept Dated 13th June 2024
- Phase 2 - Geo-environmental and geotechnical investigation (Ref. 1922181-R02-00) Produced by RSK Geosciences dated 23rd March 2022
- Bat Emergence Survey Report (Ref. 2485683, Produced by RSK Biocensus Dated August 2023)
- Glint & Glare emergency response plan (Dated 19th April 2024)
- Existing Junction amendments (SRP1095-ACE-Z0-ZZ-D-C-2200 Rev. P4 Received on 18th June 2024)
- Dust Management Plan SRP1095-GTC-XX-XX-T-X-0120 Rev. P01 Dated 4th June 2024

Reason For the avoidance of doubt.

- 2 The amended access to the site at The Woodlands Academy, Woodlands Drive, shall be set out and constructed in accordance with the specification for Housing and Industrial Estate Roads and Private Street Works published by the Local Highway Authority.

Reason In the interest of highway safety, in accordance with Local Plan Policy INF1: Transport and DEC1: Principles of Good Design.

- 3 The crossing of the highway verge and/or footway must be constructed in accordance with the approved details and/or standard detail number A1 as per submitted drawing GallifordTry-SRP1095-ACE-Z0-ZZ-D-C-2200 Rev. P4. All works must strictly adhere to the approved details for the lifetime of the development unless approved in writing by the Local Planning Authority.

Reason In the interest of highway safety, in accordance with Local Plan Policy INF1: Transport and DEC1: Principles of Good Design.

- 4 Precise details of the following off-site highway mitigation measures shall be submitted to and approved in writing by the Local Planning Authority prior to above ground works relating to the erection of the new school building:

- Existing junction amendments at The Woodlands Academy, Woodlands Drive, Scarborough,

- Minor works connecting the new pedestrian access onto the existing footway network at The Woodlands Academy, Woodlands Drive, Scarborough,
- Additional road markings on Woodlands Drive to protect the access to the school, as agreed with the Local Highways Authority.

The precise details shall include full engineering drawings and a programme for the delivery of each of the aforementioned mitigation measures. The mitigation measures shall be delivered in accordance with the approved programme and details. For each scheme of off-site highway mitigation, except for investigative works, no excavation or other groundworks or the depositing of material on site in connection with the construction of any scheme of off-site highway mitigation or any structure or apparatus which will lie beneath that scheme must take place, until full detailed engineering drawings of all aspects of that scheme including any structures which affect or form part of the scheme have been submitted to and approved in writing by the Local Planning Authority.

Reason In the interest of highway safety, in accordance with Local Plan Policy INF1: Transport and DEC1: Principles of Good Design.

- 5 The site shall be developed with separate systems of drainage for foul and surface water on and off site. The separate systems should extend to the points of discharge into the sewer network.

Reason To ensure that no surface water discharges take place until proper provision has been made for its disposal, in accordance with Local Plan Policy ENV3: Environmental Risk.

- 6 The flowrate from the drainage infrastructure draining the site of its surface water shall not exceed 47.04 litres per second. The drainage infrastructure draining the site of its surface water shall include on-site storage to accommodate the minimum 1 in 100 year plus climate change critical storm event, with 40% allowance included for climate change for the lifetime of the development.

Reason To ensure that the development is built to the submitted drainage design; to prevent the increased risk of flooding; to ensure the provision of adequate and sustainable means of drainage in the interests of amenity, in accordance with Local Plan Policy ENV3: Environmental Risk.

- 7 The multi-use games area hereby permitted shall not be constructed other than substantially in accordance with Sport England/National Governing Body Technical Design Guidance Notes: Artificial Surfaces for Outdoor Sport guide.

Reason To ensure the development is fit for purpose and sustainable and to accord with Development Plan Policy HC14: Open Space and Sports Facilities.

- 8 Prior to the multi-use games area and new grass playing field being brought into use, a Community Use Scheme shall be submitted to and approved in writing by the Local Planning Authority, after consultation with Sport England. The scheme shall include details of pricing policy, hours of use, access by non-members, management responsibilities and include a mechanism for review. The scheme should also include details of how the security of the premises will be managed

during out of office hours periods, including staffing arrangements, emergency response and how any use of the building will be segregated to comply with designing out crime measures. The approved Scheme shall be implemented upon the multi-use games area and new grass playing field being brought into use.

Reason To secure well managed safe community access to the sports facility, to ensure sufficient benefit to the development and to accord with Local Plan Policy HC14: Open Space and Sports Facilities.

- 9 Prior to construction of the new playing fields, the following documents shall submitted to and approved in writing by the Local Planning Authority, after consultation with Sport England:
- a. A detailed assessment of ground conditions (including drainage and topography) of the land proposed for the new playing field as shown on drawing number SRP1095-ALA-ZZ-ZZ-D-L-0001 P08, which identifies constraints which could affect playing field quality; and
  - b. Based on the results of the assessment to be carried out pursuant to the above, a detailed scheme which ensures that the playing field will be provided to an acceptable quality. The scheme shall include a written specification of soil structure, proposed drainage, cultivation and other operations associated with grass and sports turf establishment and a programme of implementation. The approved scheme shall be carried out in full before the new playing field is brought into use. The land shall thereafter be maintained in accordance with the scheme and made available for playing field use in accordance with the scheme.

Reason To ensure that the playing field is prepared to an adequate standard and is fit for purpose and to accord with Local Plan Policy HC14: Open Space and Sports Facilities.

- 10 The external materials of the proposed development hereby approved shall strictly adhere to the materials schedule outlined on the following plans and submitted information:
- Elevation Treatment (Dwg. Ref. SRP1095-SPA-Z1-XX-D-A-0200 P02)
  - General Arrangement Building Elevations South and West (Dwg. Ref. SRP1095-SPA-Z1-XX-D-A-0202-P15)
  - General Arrangement Building Elevations North and East (Dwg. Ref. SRP1095 Z1-XX-D-A-0201-P12)
- The external materials shall be retained in line with the approved plans for the lifetime of the development.

Reason In the interest of visual amenity, in line with Local Plan Policy DEC1: Principles of Good Design.

- 11 The solar panels hereby approved shall meet the specifications and be positioned on the rooftop of the school building in strict accordance with the following approved plans:
- Proposed Photovoltaic (PV) panel (Dwg. Ref. SRP1095-DES-XX-ZZ-T-Z-6110 Rev. P02)
  - Electrical services PV roof plan (Dwg. Ref. SRP1095-DES-XX-RF-D-E-6900 Rev. P04)

The photovoltaic (PV) panels shall be retained to the approved specifications and plans, for the lifetime of the development, unless alternative details or arrangements are agreed in writing with the Local Planning Authority.

Reason In the interest of visual amenity, in accordance with Local Plan Policy DEC1: Principles of Good Design.

- 12 The proposed development hereby approved shall strictly adhere to the mitigation and compensation measures outlined in section 4.21 in the Bat Emergence Survey (Ref 2485683 Produced by RSK Biocensus, dated August 2023). The mitigation and enhancement measures outlined in the document shall be implemented prior to the completion of the development, in line with the phasing plans included within the approved Construction and Demolition Method Statement (Ref. SRP1095-GTC-XX-XX-T-X-0121 P07 Dated 6th June 2024) received on 19th June 2024.

Reason To mitigate against any adverse impacts on species and habitats, in accordance with Local Plan Policy ENV5: The Natural Environment.

- 13 Prior to the completion of the development, in line with the phasing plans included within the approved Construction and Demolition Method Statement (Ref. SRP1095-GTC-XX-XX-T-X-0121 P07 Dated 6th June 2024) received on 19th June 2024, the proposed landscaping outlined within the following plans and documents:
- Planting Strategy (Ref. SRP1095-ALA-ZZ-ZZ-D-L-0021 Rev. P02 Revised on 20th March 2024)
  - Detailed Landscape general arrangement 1 (Ref. SRP1095-ALA-ZZ-ZZ-D-L-0010 P04)
  - Detailed Landscape general arrangement 2 (Ref. SRP1095-ALA-ZZ-ZZ-D-L-0011 P04)
- shall be implemented in its entirety. All trees, shrubs and bushes shall be maintained by the owner or owners of the land on which they are situated for the period of five years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary, unless the Local Planning Authority gives written consent to any variation.

Reason In the interest of visual amenity, and biodiversity, in accordance with Local Plan Policy DEC1: Principles of Good Design and ENV5: The Natural Environment.

- 14 The parking area and vehicular manoeuvring area within the site shall be hard surfaced, in accordance with the details presented in the approved plans as outlined in condition 1 of this decision prior to the completion of the development, in line with the phasing plans included within the approved Construction and Demolition Method Statement (Ref. SRP1095-GTC-XX-XX-T-X-0121 P07 Dated 6th June 2024) received on 19th June 2024. The hard surfacing shall be retained for the lifetime of the development.

Reason In the interest of visual amenity and highways safety, in accordance with Local Plan Policy DEC1: Principles of Good Design.

- 15 No development including demolition and/or construction works shall take place outside 8am-6pm Mondays to Fridays, 8am-1pm on Saturdays or at any time on Sundays or Bank Holidays. Any variation to the hours of operation shall be

submitted to and agreed in writing by the Local Planning Authority prior to any agreed change being implemented.

Reason To protect the amenity of existing and future residents, in accordance with Local Plan Policy DEC4: Protection of Amenity.

- 16 The proposed development hereby approved shall be undertaken in strict accordance with the tree protection measures outlined in Sections 5.1-5.7.3 and the details enclosed within the appendices of the Preliminary Arboricultural Method Statement (Ref. 1052317 Rev. B, Produced by ADAS Dated March 2024), unless any variations are agreed in advance in writing by the Local Planning Authority.

Reason In the interest of visual amenity, and to protect the trees on site, in accordance with Local Plan Policy DEC1: Principles of Good Design and ENV5: The Natural Environment.

- 17 The proposed development hereby approved shall be undertaken in strict accordance with the recommendations in sections 1.61-1.63 of the Ecological Impact Assessment (V3 Produced by OS Ecology Dated March 2024) and the details included within the ecological enhancements plan (Ref. SRP1095-ALA-ZZ-ZZ-SK-L-0037 Rev. P01), prior to the completion of development, in line with the phasing plans included within the approved Construction and Demolition Method Statement (Ref. SRP1095-GTC-XX-XX-T-X-0121 P07 Dated 6th June 2024) received on 19th June 2024

Reason In the interest in supporting biodiversity on site and within the area, in accordance with Local Plan Policy ENV5: The Natural Environment.

- 18 The proposed development hereby approved shall strictly adhere to the dust emission prevention measures (Section 6) and dust emission response measures (Section 7) and Complaints (Section 8) outlined in the Dust Management Plan (Ref. SRP1095-GTC-XX-XX-T-X-0120, Dated 4th June 2024).

Reason To protect the amenity of existing and future residents, and to mitigate against the implications of environmental risk, in accordance with Local Plan Policy DEC4: Protection of Amenity and ENV3: Environmental Risk.

- 19 The staff and pupil cycle facilities shown on the approved plans outlined in condition 1 of this decision notice shall be provided in a shelter prior to the first occupation of the new school building hereby approved and shall be retained on site for the lifetime of the development.

Reason To encourage the use of sustainable transport, in accordance with Local Plan Policy INF3: Sustainable Transport and Travel Plans.

Notes

- 1 **Biodiversity Net Gain**

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be [North Yorkshire Council].

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below.

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements listed below are considered to apply.

#### Statutory exemptions and transitional arrangements in respect of the biodiversity gain condition

1. The application for planning permission was made before 12 February 2024.
2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.
3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and
  - (i) the original planning permission to which the section 73 planning permission relates\* was granted before 12 February 2024; or
  - (ii) the application for the original planning permission\* to which the section 73 planning permission relates was made before 12 February 2024.
4. The permission which has been granted is for development which is exempt being:
  - 4.1 Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:
    - i) the application for planning permission was made before 2 April 2024;
    - ii) planning permission is granted which has effect before 2 April 2024; or
    - iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates\* was exempt by virtue of (i) or (ii).
  - 4.2 Development below the de minimis threshold, meaning development which:
    - i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
    - ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).
  - 4.3 Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A "householder application" means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any

purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.

4.4 Development of a biodiversity gain site, meaning development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the Biodiversity Gain Planning condition which applies in relation to another development, (no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee).

4.5 Self and Custom Build Development, meaning development which:

- i) consists of no more than 9 dwellings;
- ii) is carried out on a site which has an area no larger than 0.5 hectares; and
- iii) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).

4.5 Development forming part of, or ancillary to, the high speed railway transport network (High Speed 2) comprising connections between all or any of the places or parts of the transport network specified in section 1(2) of the High Speed Rail (Preparation) Act 2013.

\* "original planning permission means the permission to which the section 73 planning permission relates" means a planning permission which is the first in a sequence of two or more planning permissions, where the second and any subsequent planning permissions are section 73 planning permissions. The effect of section 73D of the Town and Country Planning Act 1990

#### Irreplaceable habitat

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans. The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

#### The effect of section 73D of the Town and Country Planning Act 1990

If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 (application to develop land without compliance with conditions previously attached) and a Biodiversity Gain Plan was approved in relation to the previous planning permission ("the earlier Biodiversity Gain Plan") there are circumstances when the earlier Biodiversity Gain Plan is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted.

Those circumstances are that the conditions subject to which the section 73 permission is granted:

- i) do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and
  - ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan.
- 2 The applicant is advised that the scheme should comply with the relevant industry technical guidance, including guidance published by Sport England, National Governing bodies for sport. Particular attention is drawn to 'Natural Turf for Sport' (Sport England, 2011).
- 3 Yorkshire Water's mapping records indicate that water mains along Woodlands Drive may be affected by the proposed highway alterations.
- a.) The position of apparatus shown on our plans is indicative only. The exact position and depth of the apparatus can only be determined by excavation.
  - b.) Any conflict between the road construction and the water main can be resolved in accordance with the New Roads and Street Works Act and the HAUC Code of Practice Measures Necessary Where Apparatus is Affected by Major Works (Diversionary Works).
  - c.) Under Section 84 of the New Roads and Street Works Act Yorkshire Water as a statutory undertaker is entitled to take such steps as deemed necessary to protect its interests in its apparatus.
- 4 It is the developer's responsibility to ensure that highway alterations do not affect the water main. In the event of a conflict between the water main and highway construction the developer should apply for a mains diversion via the Developer Services section of the Yorkshire Water website:  
<https://www.yorkshirewater.com/developers/water/water-maindiversion/>
- 5 The works associated with the re-modelling of the existing junction and the creation of the new pedestrian access are to be undertaken under a Section 184 licence delivered through the local Highways Area Office.
- 6 The specification for housing and industrial estate roads and private street works published by North Yorkshire County Council as the Local Highway Authority, is available to download from the County Council's web site: Road adoption.

Target Determination Date: 14 June 2024

Case Officer: Nathan Denman  
nathan.denman@northyorks.gov.uk