

# COMMITTEE REPORT

**Date:** 13 April 2026                      **Ward:** Clifton  
**Team:** West Area                              **Parish:** Clifton Planning Panel  
**Reference:** 25/02526/FUL  
**Application at:** St Peters School Clifton York YO30 6AB  
**For:** Erection of an outdoor multi-use games area (MUGA) with associated boundary treatment and landscaping  
**By:** St Peters School  
**Application Type:** Full Application  
**Target Date:** 24 April 2026  
**Recommendation:** Approve

## 1.0 PROPOSAL

1.1 St Peter's School comprises a substantial independent school occupying a campus site with open grounds to the rear of the site extending towards the River Ouse.

1.2 Planning permission is sought for the construction of an outdoor Multi-Use Games Area with associated fencing and landscaping on a section of the existing playing field at the south-eastern edge of the site adjacent to North Parade. The historic core of St Peter's School along with the former Queen Annes School building are Grade II Listed however the proposal sits away from the associated complex adjacent to a series of teaching areas of more recent construction. The site is within the Clifton Conservation Area.

### Councillor Call-In

1.3 Councillor D Myers has called the application in for consideration by Committee on the grounds of overbearing impact upon neighbouring residential properties, loss of residential amenity for neighbouring residential properties by virtue of increased noise and disturbance together with potential further intensification including flood lighting and external third-party use.

### Relevant Planning History

**08/00863/FULM** - Construction of Multi-Use Games Areas. Approved 26/09/2008  
**08/01675/FUL** - Layout of Synthetic Grass Play Area. Approved 24/02/2009  
**19/00699/FUL** - Extension of Existing Playground Area. Approved 20/08/2019

## 2.0 POLICY CONTEXT

2.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise (section 38(6) Planning and Compulsory Purchase Act 2004). Following on from that paragraph 11c) of the NPPF indicates that development proposals which accord with the provisions of an up-to-date development plan should be approved without delay.

## Development Plan

The Local Plan (2018) Adopted February 2025

The below policies are considered most relevant to this application and carry full weight:

- HW3 Built Sports Facilities
- ED6 Pre-School, Primary and Secondary Education
- D1 Placemaking
- D4 Conservation Areas
- D6 Archaeology
- GI2 Biodiversity and Access to Nature
- ENV2 Managing Environmental Quality
- ENV4 Flood Risk
- ENV5 Sustainable Drainage
- T1 Sustainable Access

## **3.0 CONSULTATIONS**

### INTERNAL

#### Design and Conservation (Landscape Architect)

3.1 No objection in principle to the proposal but suggest careful consideration of the proposed planting height and mix given the relationship with nearby residential properties and their outlook and aspect in afternoons/early evenings.

#### Design and Conservation (City Archaeologist)

3.2 Raises the potential for archaeological deposits of some significance to be present within the application site. However, given the shallow depth of proposed works it is felt that any harm would be modest and that it can be effectively addressed by means of a “watching brief” condition on any planning permission.

#### Design and Conservation (Countryside and Ecology)

3.3 raise no objection to the proposal subject to any permission being conditioned in the standard manner in respect of BNG and associated biodiversity enhancements.

### Flood Risk Management

3.4 Raise no objection to the proposal subject to any permission being conditioned to require compliance with the submitted surface water drainage layout and strategy.

### Highway Development Control

3.5 Object to the proposal on the grounds that it could be used for inter school competitive sport with a consequent additional vehicle and cycle parking requirement thereby generated.

### Public Protection

3.6 Raise no objection in principle to the proposal but raise concerns in respect of the intensification of use of the site specifically in respect of the impact of ball strike noise on the amenity of nearby residential properties. It is recommended that any permission be conditioned to secure the submission and prior approval of a noise management plan and to secure the restriction of operating hours and days.

## EXTERNAL

### Clifton Planning Panel

3.7 No comment received.

### Environment Agency

3.8 No objection subject to any permission being conditioned to secure adherence to the submitted Flood Risk Assessment and associated mitigation measures.

### Sport England

3.9 No objection.

## **4.0 REPRESENTATIONS**

4.1. A total of 15.no objections have been received, including an objection from the Ward Councillor.

4.2. Summary of the objections received:

- Objection to adverse impact upon the character and appearance of the Clifton Conservation Area
- Objection to adverse impact upon the residential amenity of neighbouring properties through increased, noise disturbance and intensification of the existing school use

- Objection to the lack of submitted information in respect of additional traffic generation bearing in mind the existing problems of parent parking in adjoining residential side streets
- Objection to impacts upon the residential amenity of neighbouring properties during the construction of the proposal
- Objection to the lack of consideration of the need for lighting of the site and associated harm to the residential amenity of neighbouring properties
- Objection to the potential letting out of the site for outside recreational use
- Objection to the potential increase in surface water flows from the site into nearby properties
- Concern that the submitted noise information may not be sufficiently robust.

Councillors Danny Myers and Margaret Wells

4.3 Object to the proposal on the grounds of impact upon the residential amenity of neighbouring properties through increased noise, disturbance, intensification of use and overbearing impact. Objection is also expressed to potential future floodlighting and the potential for letting to outside bodies.

## **5.0 APPRAISAL**

### **Key Issues**

5.1. The key issues are as follows:

- Principle of the Development
- Impact upon the Character and Appearance of the Clifton Conservation Area
- Highways and Access
- Residential Amenity and Public Protection
- Drainage & Flood Risk
- Archaeology
- Ecology

### **PRINCIPLE OF THE DEVELOPMENT**

5.2 Policies HW3 and ED6 are relevant to the consideration of the proposal. Policy HW3 indicates that the Council will support development which enables residents to enjoy and make use of built sports facilities. Development of new sports facilities will be strongly supported where a deficiency in or future provision has been identified and where it is well located and accessible to all with suitable infrastructure to secure its management. Development of new sports facilities should also be co-located with existing schools. Specifically in respect of schools Policy ED6 indicates

that the provision of sufficient modern education facilities to meet identified need and to address deficiencies in existing facilities will be facilitated.

5.3 The proposal seeks to enhance existing practice facilities for existing pupils at the school, specifically from years 7 and 8 who presently have difficulty in fitting in with the use of pitches elsewhere in the site. It is not designed for competitive use and would not be made available for outside let. The surface, which is formed of astroturf would be marked out for use with a range of sports such as football, tennis or netball and would complement existing provision in association with the curriculum. It would specifically be of use to boarders at the site as it would be available for practice into the early evenings during the week and also during Saturday daytimes when other pitches may not necessarily be available.

5.4 In terms of Local Plan Policy the facility would not be made available to the wider community and would not be available for outside letting for residential amenity grounds as outlined below and also to avoid the risk of generation of additional traffic and parking on neighbouring side streets. The proposal is however compliant with Policy HW3 in the sense that it does remedy an existing identified deficiency at the school and for the same reason is compliant with Policy ED6.

#### IMPACT UPON THE CHARACTER AND APPEARANCE OF THE CLIFTON CONSERVATION AREA

5.5 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention must be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. Preservation in this context means not harming the interest in the building, as opposed to keeping it utterly unchanged). As this section imposes a statutory duty, a finding of harm to the setting of a Conservation Area is a consideration to which the decision-maker must give considerable importance and weight.

5.6 The legislative duty in Section 72 is in addition to government policy contained in Section 16 of the National Planning Policy Framework, notably paragraphs 212 to 217. The NPPF classes listed buildings and Conservation Areas as "designated heritage assets". The NPPF advises on heritage assets as follows:

-Paragraph 212 advises that "When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be" ... "As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification."

5.7 The proposal falls to be considered against Policy D4 of the Local Plan. This indicates that development proposals within or affecting the setting of a Conservation Area will be supported where they are designed to preserve or enhance those elements which contribute to the character and significance of the Conservation Area.

5.8 ASSET SIGNIFICANCE: The Clifton Conservation Area comprises the core of the former Clifton village centred around Clifton Green with its 18<sup>th</sup> and early 19<sup>th</sup> Century Housing with the adjacent principal buildings of the St Peter's School Campus with the densely developed pattern of brick built Middle Class Victorian terraced housing lining Clifton leading into Bootham and off adjoining side streets towards the City Centre. The open land comprising the school playing fields is considered to be an important part of the significance of the conservation area. This gives it an open character visible across the River Ouse frontage similar to that experienced with an Oxford or Cambridge College. The impact on the settings of the Listed core buildings at the school, and the listed former St Annes School building, is not felt to be harmful as there is no physical or visual relationship between the two.

5.9 THE PROPOSAL: The proposal envisages the layout of an artificial playing surface with associated markings and fencing within an area of existing playing field lying to the northwest of the rear of a dense terrace of residential property in North Parade. An existing cricket practice area with associate netting lies directly to the south. An existing four-metre-high conifer hedge with a two-metre-wide back lane separates the site from the rear of residential properties in North Parade and further landscape planting is proposed within the site directly to the southeast of the boundary of the proposal.

5.10 ASSESSMENT OF IMPACT: The application site forms part of an open section of the rear of the school campus. The school playing fields are highly open with middle and long-distance views into the site from the area of the Ouse riverbank and beyond. The area of the application site is not however so readily visible because of its relationship with the adjoining building complex. The proposal is comparatively modest in extent and would sit adjacent to area of hard surfacing used for cricket practice with associated ball netting. It would be seen against a background of teaching buildings of recent construction to the north and the rear of terraced housing to the east. The construction of the artificial surfacing and more specifically the erection of the site fencing would however lead to a degree of erosion of the open character of the rear of the school site which can be identified as being of some importance in defining the character and significance of the Conservation Area. In terms of paragraph 215 of the NPPF it is felt that the proposal would give rise to less than substantial harm to the character and significance of the Conservation Area albeit at the lower end of the scale. This creates a test of public

benefit for the proposal. It is felt that it would provide a facility that would meet an identified need in terms of provision for the school. This it is felt would outweigh the degree of harm to the significance of the Conservation Area. At the same time the terms of Policy D4 of the Local Plan would be complied with.

## HIGHWAYS AND ACCESS

5.11 The proposal falls to be considered against Policy T1 of the Local Plan. This indicates that development will be permitted where it minimises the need to travel and provides safe, suitable and attractive access for all road users to and within it. Concern has been raised by both objectors and by Highway Network Management that the proposed Multi-Use Games Area would be used by the school for competitive sports fixtures involving teams from outside or would be used as a letting involving outside bodies. In both cases concerns in terms of access would arise given a lack of vehicle and cycle parking in the locality and the densely developed nature of the surrounding streets with a resident's parking scheme. This has been placed in a context of issues of on-street inconsiderate parking during school opening and closing times. The school has however confirmed that the facility is purely for use by school pupils for sports practise and the size and configuration of the pitch would preclude any use for competitive standard matches. On this basis no additional traffic would be generated, and no additional parking requirement would therefore arise, and the proposal would be compliant with Policy T1 of the Local Plan.

## RESIDENTIAL AMENITY AND PUBLIC PROTECTION

5.12 The proposal falls to be considered against Policy ENV2 of the Local Plan. This states that development will be permitted where it does not unacceptably harm the amenities of existing and future occupants on the site and in neighbouring communities. Development proposals that are likely to give rise to the following environmental impacts must demonstrate how these matters have been considered in relation to the construction and life of the development:

- increase in artificial light or glare; and
- adverse noise and vibration.

5.13 Concerns have been expressed by objectors and also Public Protection in respect of increased levels of noise and disturbance as well as overbearing impact upon the residential amenity of neighbouring properties specifically in North Parade. Concern is also expressed in terms of potential intensification requiring floodlighting given the proposed operating hours.

5.14 In terms of lighting of the site the submitted application details make clear that lighting is not proposed and not required with the suggested pattern of hours

reflecting the informal pattern of usage associated with school practice particularly in the summer months. If floodlighting were to be added at a later date it would ordinarily require a separate grant of planning permission.

5.15 In respect of noise, a detailed survey has been submitted which includes a model of noise spread from the site making allowance for existing mitigation such as fences and landscaping and also existing levels of background noise. Samples of noise outputs are considered from games of a range of sports at other similarly designed sites. These include football, tennis and netball. It is further felt, and Public Protection agree, that the design of the site would comply with Sport England Guidance. However, in considering sample data from other sites the maximum noise levels (Lf Max) have not been considered along with the number of times those maximum levels occur commonly associated with ball strike or impulsive noises such as whistles. Impulsive noise has a more harmful impact upon amenity than an even level of activity associated with general sport matches.

5.16 Public Protection point out that the Sport England Guidance does not particularly take account of the impact of impulsive noise which is more highly regarded in the Acoustic profession. The sampled data also does not take account of the impact of a full game, only a 15-minute section which for a variety of reasons may not be representative in terms of the level of impulse noise generated. Frequency of use is also material and has not been fully considered. A series of longer games of sports with a higher risk of ball strike over a period of several days would be more harmful to amenity than a single game over the same period. Concern has also been expressed by objectors in terms of the range of sports that were sampled compared with the range that is likely to be played at the site, hockey for example was not covered. Concern has also been expressed in terms of the calculation of the level of background noise at the site. It is also suggested that the site is located significantly closer to residential property than other formal artificial pitches, including a MUGA at the site.

5.17 The proposed MUGA would not have a hardened surface as with older facilities but would instead be surfaced with a form of astro turf which would to some extent absorb impacts. The sampled sports have been selected as representative of what might commonly be informally played on the surface and for which the laid-out pitch/court are otherwise suitable. Sports with commonly larger teams have stricter requirements in terms of surfacing and playing area and the applicant has confirmed that the site would not be used for playing Padel. In terms of assessing background noise a standard methodology has been employed allowing for the existing school use.

5.18 Potential mitigation measures have been put forward by Public Protection in the absence of full modelling of maximum (Lf Max) or impulsive noise levels. These

include the submission and prior approval of a formal noise management plan which could be conditioned as part of any planning permission, and which could include provision for further mitigation measures and a complaints procedure. Further restrictions could also be placed on evening and weekend use with potentially no Sunday or Bank Holiday use. The applicant seeks to operate the new facility with the hours previously adopted at the other recently permitted artificially surfaced pitches elsewhere at the site, which are of 08:00 to 20:00 Monday to Friday, 09:00 to 18:00 Saturdays and 10:00 to 16:00 Sundays and one Bank Holiday per year. Whilst it is acknowledged that the site is a boarding school which incorporates a Saturday morning curriculum, the impact of the additional impulse noise would be greater into the evening and more particularly at weekends when it is acknowledged levels of background noise will be lower. The existing pitches operating to those hours are also located significantly further away from residential property. The applicant supports a noise management plan and so it is recommended that any permission be conditioned accordingly and, subject to the further restrictions on operating hours recommended by Public Protection, it is felt on balance that the proposal is acceptable in respect of noise and disturbance and compliant with Policy ENV2 of the Local Plan.

5.19 In terms of intensification of the use of the site concerns have been raised by objectors that the proposal would facilitate an expansion of the range and regularity of sporting activities at the site potentially involving outside bodies and bringing in spectators. The proposal is however intended to complement existing facilities for pupils and would primarily be used for Academic Year 7 and 8 pupils to informally practise existing sports within the curriculum some of whom are boarders at the site. There would not be formal competitive matches using the facility and there would not be spectators coming to participate from outside of the school.

5.20 In relation to the proposal being overbearing in terms of its relationship to neighbouring properties Policy D1 of the Local Plan indicates that development proposals should be designed to ensure that neighbouring properties are not unduly impacted by overshadowing. To be overbearing it presupposes that the development would physically dominate its surroundings in a noticeably adverse manner. The MUGA site would be surrounded by 3m high mesh ball fencing. It would be approximately 10 metres from the rear boundary of the closest residential property which are separated from it by their own brick boundary wall, a two-metre-wide back lane, a three-metre-high coniferous hedge, a further two-metre-wide tarmac footpath and a grass strip that the proposal suggests would be landscaped. In view of the degree of intervening mitigation it is felt that the proposal would not give rise to an overbearing impact upon the amenity of neighbouring residential properties.

5.21 The construction of the site would be a relatively straight forward process over a short period of time. The substantial nature of the site boundary would mean that there would not be material harm to the residential amenity of neighbouring properties whilst that process is undertaken.

## DRAINAGE AND FLOOD RISK

5.22 The proposal falls to be considered against Policies ENV4 and ENV5 of the Local Plan. These indicate that new development should not be subject to unacceptable flood risk and should be designed and constructed in such a way as that it mitigates against current and future flooding events. In terms of drainage for new development on green field sites surface water flows arising from the development when complete shall be no higher than the existing rate prior to the development having taken place unless it can be demonstrated that it would not be reasonably practicable to achieve this.

5.23 The site lies within Flood Zone 2 close to the boundary with Flood Zone 3 but is defined as being a less vulnerable use in Flood Risk terms. A detailed Flood Risk Assessment and drainage strategy have accompanied the proposal which can be demonstrated to not harm flood storage in the locality. The drainage strategy is intended for the surfacing to be part permeable with attenuation in the substrate to allow for surface water to drain off at a controlled rate to existing drainage connections to the northwest. The proposed measures are found to be acceptable to both the Lead Local Flood Authority and the Environment Agency and would not lead to surface water flows into the surrounding area. The proposal therefore complies with Policy ENV4 and ENV5 of the Local Plan.

## ARCHAEOLOGY

5.24 The proposal falls to be considered against Policy D6 of the Local Plan. This indicates that development proposals that affect archaeological deposits will be supported where the impact of the proposal is acceptable in principle and detailed mitigation measures have been agreed with City of York Council that include provision for investigation, analysis and publication.

5.25 The application site lies within the Central Area of Archaeological Importance and close to the alignment of two known Roman roads. A previous watching brief in the near vicinity in 2001 noted a deposit of disturbed Roman pottery. Whilst it is acknowledged that the depth of the proposed works are comparatively shallow and that much of the area is “made ground” there remains a small but significant possibility that meaningful Roman deposits remain in the area. It would therefore be appropriate to condition any permission to require a watching brief whilst works are undertaken. Subject to any permission being conditioned to secure the delivery of

an evaluation by means of a watching brief the proposal is felt to be compliant with Policy D6 of the Local Plan.

## ECOLOGY

5.26 The proposal falls to be considered against Policy GI2 of the Local Plan. This indicates that any development should where possible achieve net gain in biodiversity in accordance with the Environment Act 2021 (where in force) and national policy contributing to the recovery of priority species and habitats and new habitat creation. The application has been accompanied by a detailed preliminary ecological assessment and a standard BNG metric.

5.27 The application site comprises a section of a standard grass playing field of low biodiversity value with no evidence of protected species activity in the surrounding area of the school site or the wider locality. The proposal indicates that the requirements of BNG can be achieved through purchase of official credits off site and there is scope for provision of biodiversity enhancements on site. Subject to any permission being appropriately conditioned it is felt that Policy GI2 of the Local Plan can be compiled with.

## 6.0 CONCLUSION

6.1 In terms of the overall planning balance the proposal would address the requirements of Policies HW3 and ED6 of fulfilling unmet sports provision at the school. It would however generate a degree of harm to the significance of the Conservation Area by partially eroding its open character although that degree of harm is felt to be modest and outweighed in the balance by the provision of unmet need for practise provision. There is scope arising from the development to harm residential amenity of neighbouring properties by virtue of additional noise and disturbance which should be afforded significant weight. That can however be addressed by planning conditions to the extent that it can be mitigated to an acceptable level. Within the overall planning balance the proposal is therefore felt to be acceptable.

## 7.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

2 The development hereby permitted shall be carried out in accordance with the following plans:-

Drawing Refs:

Application Reference Number: 25/02526/FUL

Item No: 4a

SSL3581 05	Proposed Elevation
SSL3581 03 01	Proposed Site Plan
SSL3581 02 REV 1	Location Plan
SSL3581 04 01	Proposed MUGA Plan
SSL3581 06 01	Proposed MUGA Drainage Layout
SSL3581 08	EA Flood Compensation
SS3581 07 REV 2	Revised Drainage Strategy

Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority.

3 The development shall be carried out in accordance with the details shown on the submitted Proposed MUGA Drainage Strategy - Re: SS3581 Revision 2 dated 11th February 2026, EA Flood Compensation - Re: SS3581 Revision 00 dated 4th February 2026, and the Proposed Drainage Layout - Re: SS3581 Revision 01 dated 4th February 2026, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interest of satisfactory and sustainable drainage and to secure compliance with Policies ENV4 and ENV5 of the Local Plan

4 The development hereby authorised shall be undertaken in accordance with the terms of the submitted Flood Risk Assessment (ref St Peter's School -New MUGA Flood Risk Assessment Dated November 2025) and the following mitigation measures it contains:

- There shall be no ground raising in Flood Zone 3
- These mitigation measures shall be fully implemented prior to first use and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce risk of flooding to the proposed development and its occupants and to secure compliance with Policy ENV4 of the Local Plan

5 The archaeological scheme comprises 3 stages of work. Each stage shall be completed and agreed by the Local Planning Authority before it can be approved.

A) No groundwork shall take place/commence until a written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no

demolition/development shall take place other than in accordance with the agreed WSI. The WSI should conform to standards set by the Local Planning Authority and the Chartered Institute for Archaeologists.

B) The site investigation and post-investigation assessment shall be completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition will be secured. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

C) A copy of a report (and evidence of publication if required) shall be deposited with City of York Historic Environment Record to allow public dissemination of results within six months of completion or such other period as may be agreed in writing with the Local Planning Authority.

Reason: The site lies within an Area of Archaeological Importance and the development may affect important archaeological deposits which must be recorded prior to destruction and to secure compliance with Policy D6 of the Local Plan.

6 A biodiversity enhancement plan/drawing shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of works beyond site layout. The content of the plan shall include but not be limited to the erection/installation of bat/bird boxes on proposed/existing buildings and trees, and shall include timescales for implementation of the measures contained in the plan. The plan shall hereafter be adhered to.

Reason: To take account of and enhance the biodiversity and wildlife interest of the area, and to be in accordance with Paragraphs 187-195 of the NPPF (2024) to contribute to and enhance the natural and local environment by minimising impacts on, and providing net gains for biodiversity, including establishing coherent ecological networks that are more resilient to current and future pressures and to secure compliance with Policy GI2 of the Local Plan.

7 The hours of use shall be confined to 08:00 to 19:00 hours Mondays to Fridays, 09:00 to 16:00 hours Saturdays, and there shall be no use on Sundays and Bank Holidays.

Reason: To safeguard the amenities of adjoining occupants and to secure compliance with Policies D1 and ENV2 of the Local Plan.

8 The development hereby authorised shall not be carried out beyond site layout works until a detailed noise management plan has been submitted to and approved

in writing by the Local Planning Authority. The plan shall include but not be exclusive to:

- i) Details of a written noise complaints procedure for residents of neighbouring properties;
- ii) Details of monitoring and mitigation measures which can be put in place in the event of a complaint incident occurring;
- iii) Details of fence panel fixings to minimise vibration;
- iv) Details of any signage to be fixed to the fencing including materials and mode of fixing to minimise vibration.

A detailed report shall be submitted to the Local Planning Authority on an annual basis outlining compliance with the plan.

The development shall be undertaken in accordance with the details thereby approved.

Reason: To safeguard the residential amenity of neighbouring residents and to secure compliance with Policies D1 and ENV2 of the Local Plan

9 There shall be no fixed structures such as player or substitute shelters within the Multi-Use Games Area hereby authorised.

Reason: To safeguard the residential amenity of neighbouring properties and to secure compliance with Policies D1 and ENV2 of the Local Plan.

10 There shall be no lighting of the Multi-Use Games Area.

Reason: To safeguard the residential amenity of neighbouring properties and to secure compliance with Policies D1 and ENV2 of the Local Plan

## **8.0 INFORMATIVES:**

### **Notes to Applicant**

#### **1. STATEMENT OF THE COUNCIL`S POSITIVE AND PROACTIVE APPROACH**

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraph 39) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome:

- i) Sought clarification in terms of the surface water drainage proposed for the pitch.
- ii) Sought clarification in terms of the potential archaeological impacts of the proposed works.
- iii) Sought clarification in terms of the pattern of operation of the area and potential impacts upon amenity.

## 2. SURFACE WATER DRAINAGE

- i) The applicant is advised that the prior consent of Yorkshire Water is required to make a connection of surface water to the public sewer network,
- ii) The applicant is advised that the Kyle and Upper Ouse Internal Drainage Board's prior consent is required (outside and as well as planning permission) for any development including fences or planting within 9.00m of the bank top of any watercourse within or forming the boundary of the site. Any proposals to culvert, bridge, fill in or make a discharge, to include treated foul water (either directly or indirectly) to the watercourse will also require the Board's prior consent.

## 3. BIODIVERSITY NET GAIN (BNG)

The statutory framework for Biodiversity Net Gain (BNG) set by paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 requires a Biodiversity Gain Plan to be submitted and approved prior to the commencement of development. The development cannot be lawfully commenced until this condition is satisfied.

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, which is required in respect of this permission, is the City of York Council.

### SUBMISSION REQUIREMENTS:

Under paragraph 14(2) of Schedule 7A, a Biodiversity Gain Plan must include the following:

- a) Information about the steps taken or to be taken to minimise the adverse effect of the development on the biodiversity of the onsite habitat and any other habitat,
- b) The pre- and post-development biodiversity value of the onsite habitat,

- c) Any registered off-site biodiversity gain allocated to the development, and
- d) Any biodiversity credits purchased to off-set the development and whether or not from a registered provider.

In addition, under Articles 37C(2) and 37C(4) of The Town and Country Planning (Development Management Procedure) (England) Order 2015, the following specified matters are required, where development is not to proceed in phases:

- Name and address of the person completing the Plan, and (if different) the person submitting the Plan;
- A description of the development and planning permission reference number (to which the plan relates);
- The relevant date, for the purposes of calculating the pre-development biodiversity value of onsite habitats and if proposing an earlier date, the reasons for using this earlier date;
- The completed biodiversity metric calculation tool(s), stating the publication date of the tool(s), and showing the calculation of the pre-development onsite value on the relevant date, and post-development biodiversity value;
- A description of arrangements for maintenance and monitoring of habitat enhancement to which paragraph 9(3) of Schedule 7A to the 1990 Act applies (habitat enhancement which must be maintained for at least 30 years after the development is completed);
- (Except for onsite irreplaceable habitats) a description of how the biodiversity gain hierarchy will be followed and where to the extent any actions (in order of priority) in that hierarchy are not followed and the reason for that;
- Pre-development and post-development plans showing the location of onsite habitat (including any irreplaceable habitat) on the relevant date, and drawn to an identified scale and showing the direction of North;
- A description of any irreplaceable habitat on the land to which the plan relates which exist on the relevant date, and any part of the development for which planning permission is granted where the onsite habitat of that part is irreplaceable habitat arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat; and

If habitat degradation has taken place:

- A statement to this effect;
- The date immediately before the degradation activity;
- The completed biodiversity tool showing the calculation of the biodiversity value of the onsite habitat on that date, and
- Any available supporting evidence for the value.

There is a standard Biodiversity Gain Plan template available to complete which brings together many of these matters into one document.

[https://assets.publishing.service.gov.uk/media/65df0c4ecf7eb16adff57f15/Biodiversity\\_gain\\_plan.pdf](https://assets.publishing.service.gov.uk/media/65df0c4ecf7eb16adff57f15/Biodiversity_gain_plan.pdf)

Failure to submit a Biodiversity Gain Plan prior to the commencement of development will lead to formal enforcement action being considered, which could be in the form of a Temporary Stop Notice (that will require all development on site to stop, for a period of 56 days).

**Contact details:**

**Case Officer:** Erik Matthews

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