

COMMITTEE REPORT

Date: 14 March 2018 **Ward:** Huntington/New Earswick
Team: Major and Commercial Team **Parish:** New Earswick Parish Council

Reference: 17/02835/FUL
Application at: New Earswick Sports Club White Rose Avenue New Earswick York YO32 4AG
For: Erection of detached changing rooms for F1 Racing FC
By: Mr Ian Yeowart
Application Type: Full Application
Target Date: 15 March 2018
Recommendation: Approve

1.0 PROPOSAL

1.1 The Sport's Ground, White Rose Avenue, New Earswick comprises a substantial grass playing field with single storey existing brick built changing rooms, presently used for playing rugby, football and cricket on a site within the Green Belt to the north west of New Earswick village. Planning permission is sought for erection of a single storey changing room building and "club house" for F1 Racing Football Club on land to the west of the existing Rugby League Club House and Changing Room. The proposal envisages the construction of a timber clad building with a reconstituted slate roof with the relocation of an existing temporary storage building. The proposal has been amended since submission to remove a requirement for erection of temporary fencing around the football pitches.

1.2 The proposal was deferred from consideration at the 14th February 2018 Committee to enable the issues of "very special circumstances" necessary to justify inappropriate development within the Green Belt and potential precedent for other similar developments to be fully addressed.

2.0 POLICY CONTEXT

National Planning Policy Framework

Paragraph 74 Building Healthy Communities;
Paragraphs 79-90 Protecting Green Belt Land.

2005 York Development Control Local Plan (4th Set of Changes)

GB1 Development in the Green Belt;
L1a) Leisure Development.

Emerging Local Plan (Pre – Publication Draft (2017))

GB1 Development in Green Belt;
HW3 Built Sports Facilities.

The evidence base includes the Open Space and Green Infrastructure Study (Sept 2014)

3.0 CONSULTATIONS

INTERNAL

Planning and Environmental Management (Landscape)

3.1 No comments received.

Strategic Flood Risk Management

3.2 No comments received.

Public Health Programme Manager

3.3 Supports the provision of additional changing facilities in principle however objects to the current proposal on the grounds that it would be harmful to the openness of the Green Belt and therefore amount to inappropriate development and that the requirements of the sport may be more appropriately provided for by means of a purpose built extension to the existing club house building. Concern is also expressed that the opportunity to rationalise the existing spread of storage structures at the site into one building has not been taken with the current proposal.

EXTERNAL

Yorkshire Water Services

3.4 Raise no objection to the proposal.

Sport England

3.5 Raise no objection to the proposal.

Foss (2008) Internal Drainage Board

3.6 Raise no objection to the proposal subject to the submission and approval of a detailed surface water drainage scheme.

New Earswick Parish Council

3.7 Raise no objection in principle to the proposal but raise concerns in respect of the proposed location of the changing rooms and the proposal for temporary pitch fencing which has subsequently been deleted from the proposal.

4.0 APPRAISAL

KEY CONSIDERATIONS

* Impact upon the open character and purposes of designation of the York Green Belt.

PLANNING POLICY CONTEXT

Regional Spatial Strategy

4.1 Whilst the RSS has otherwise been revoked, its York Green Belt policies have been saved together with the key diagram which illustrates the general extent of the Green Belt around York. The saved policies in the RSS state that the detailed inner boundaries and the rest of the outer boundaries of the Green Belt around York need to be defined to protect and enhance the nationally significant historical and environmental character of York. The inner and outer boundaries of the Green Belt have not formally been defined or identified in an adopted plan. However, the site has been included as within Green Belt in both the DCLP and the emerging Local Plan as serving the Green Belt purposes of safeguarding the setting of the Historic City and preventing encroachment of urban development into open countryside. As such the site falls within the general extent of the Green Belt and Central Government Policy in respect of Green Belts as outlined in the National Planning Policy Framework (NPPF) applies.

National Planning Policy Framework (NPPF)

4.2 Paragraph 79 of the NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by ensuring that land is kept permanently open. The essential characteristics of Green Belts are their openness and permanence. Whilst there is no definition of openness in the NPPF, the courts have considered that it is a concept which relates to the absence of buildings or built development. Paragraph 80 sets out the five purposes of the Green Belt:

- To check the unrestricted sprawl of large built-up areas;
- To prevent neighbouring towns merging into one another;
- To assist in safeguarding the countryside from encroachment;
- To preserve the setting and special character of historic towns; and
- To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

4.3 Paragraph 87 of the NPPF indicates that inappropriate development is by definition harmful to the Green Belt and should not be approved other than in very special circumstances. Paragraph 88 is clear that when considering a planning application Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt. "Very special circumstances" will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

4.4 The presumption in favour of sustainable development set out in paragraph 14 of the NPPF does not apply in this case as the more restrictive NPPF policies concerning Green Belt apply.

Development Control Local Plan (DCLP) 2005

4.5 City of York Council does not have a formally adopted Local Plan. Nevertheless The City of York Draft Local Plan Incorporating the Fourth Set of Changes Development Control Local Plan (Approved April 2005) was approved for Development Management purposes (the DCLP).

4.6 The DCLP does not form part of the statutory development plan for the purposes of S38 of the 1990 Act. Given the age and the untested nature of the DCLP, it is considered that the document should be given very limited weight and that its role should depend upon its consistency with the NPPF.

Emerging Local Plan

4.7 On 21 February 2018 the Publication Draft York Local Plan 2018 ("2018 Draft Plan") was published for the final six week consultation. The emerging Local Plan policies contained within the 2018 Draft Plan can only be afforded limited weight at this stage of its preparation, and subject to their conformity with the NPPF and the level of outstanding objection to the policies in accordance with paragraph 216 of the NPPF. However, the evidence base underpinning the emerging Local Plan is capable of being a material consideration in the determination of planning applications.

4.8 The emerging Local Plan policies can only be afforded weight in accordance with paragraph 216 of the NPPF and at the present early stage in the statutory process such weight will be limited. The evidence base that underpins the proposed emerging policies is a material consideration in the determination planning applications.

IMPACT ON THE GREEN BELT

4.9 The proposal envisages the erection of a single storey timber clad structure with a reconstituted slate roof directly to the west of the existing timber built club house used by the New Earswick Rugby League Club and the local Cricket Club. The area is partially occupied by a prefabricated unit used for storage and partially covered by an area of mature landscaping which contributes to the definition of the boundary of the site. The prefabricated unit would be re-located directly to the east in the event of the proposal being implemented. The New Earswick Sports Ground is extremely open in character with a hard edge to the development of New Earswick village to the south and east and clear long distance views from the village across the field towards the York to Scarborough Railway to the north. Existing built development is confined to the club house with a small number of other structures used for storage directly around it. The proposal would involve the erection of a new building directly to its west in an area presently partly taken up with mature landscaping. The building would be designed to meet the requirements of the FA in respect of the tier of football at which the team participates.

4.10 Paragraph 89 of the NPPF indicates that all new built development is inappropriate within the Green Belt unless it comes within one of a number of specific categories which include appropriate facilities for outdoor sport and recreation providing they do not harm the openness of the Green Belt or the purposes of its designation. The current proposal by virtue of the nature of the site and its characteristics would materially harm the openness of the Green Belt by extending the footprint of built development to the north. It would therefore be inappropriate development in the Green Belt for which paragraph 87 of the NPPF seeks the submission of a detailed case for "very special circumstances" in order to be overcome. Paragraph 88 further indicates that a case for "very special circumstances" must at the same time overcome any harm by reason of inappropriateness and any other harm.

4.11 Whilst it is acknowledged that the proposed building is limited to providing changing and storage facilities only, it would extend the built foot print of development further to the west and would represent an encroachment into open countryside and an area considered to form part of the historic character and setting of the city (green wedge) which would conflict with two of the purposes of including land within the Green Belt. Furthermore there is concern that other sports which are active at the site including tennis and cricket could seek to provide their own separate permanently constructed facilities which would further encroach into open countryside. The applicant has sought to address this latter concern by negotiating joint usage of the facilities with the New Earswick Tennis Club who have recently relocated to the site as part of the Red Lodge re-development. The Tennis Club formerly had good quality club and changing accommodation close to the centre of New Earswick which has been lost along with their courts with the re-development proposal. The current proposal would enable them to overcome their need without

themselves adding to any definitional harm to the Green Belt and its essential quality of openness.

Other Considerations

4.12 In order to overcome the strong presumption against inappropriate development within the Green Belt a case for "very special circumstances" should be forthcoming. The existing club house used by both Rugby and Cricket clubs is of substantial construction and may be capable of extension or adaptation to accommodate the requirements of the football club. This may however prove problematic for operational reasons due to parallel training and fixture schedules for the rugby and football clubs as well as a lack of provision for people with disabilities. They further indicate that the grant awarding body for the development, the FA would not be willing to fund an extension to the existing building and that the Rugby Club themselves have a long term aspiration to replace the building with something more suitable. The Public Health Programme Manager indicates that funding may be available for such work through Section 106 monies however design and other work is at a very early stage and the requirement for club accommodation for the football club is one that requires resolution in the short term. Taking account of the clear need to provide appropriate club and changing facilities for the football club which match the requirements of the FA in the immediate future together with the evolving arrangements for sharing facilities between the tennis and football clubs, it is felt, having carefully weighed these matters, that in this particular case other considerations of sufficient weight exist to clearly outweigh the harm caused by the development to the Green Belt by reason of inappropriateness and to the openness and purposes of the Green Belt.

5.0 CONCLUSION

5.1 The proposal would give rise to harm to the openness of the Green Belt and would encroach on the open countryside and green wedge. Substantial weight is given to the harm which the proposal would cause to the Green Belt. Operational issues relating to training and playing of fixtures together with the requirements of the FA rule out the possibility of joint use of the existing club house or its extension. It is therefore felt in this particular case that the proposal with the joint use arrangement with the tennis club does provide a sufficient case for "very special circumstances" which clearly outweighs any harm to the Green Belt by reason of inappropriateness and any other harm.

6.0 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:- 010 Rev A; 002 Rev A; 003 Rev A; 020 Rev A.

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

3 VISQ8 Samples of exterior materials to be app

4 LAND1 IN New Landscape details

5 No development approved by this permission shall be commenced above foundation level until a scheme for surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. The development shall thenceforth be implemented in strict accordance with the details thereby approved prior to the premises being first brought into use.

Reason: To minimise flood risk to neighbouring properties and to secure compliance with paragraph 103 of the NPPF

6 Prior to the commencement of the development hereby authorised above foundation level a detailed management plan covering joint use of the changing and club house facilities by both football and tennis clubs shall be submitted to and approved in writing by the Local Planning Authority and shall thenceforth be implemented upon the premises being first brought into use and shall thereafter be retained during the lifetime of the development.

Reason: To safeguard the openness and purposes of designation of the Green Belt.

7.0 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 (paragraphs 186 and 187) 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:

Sought clarification of the case for "very special circumstances" in respect of the Green Belt implications of the proposal.

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