

COMMITTEE REPORT

Date: 19 April 2012 **Ward:** Rural West York
Team: Major and Commercial Team **Parish:** Nether Poppleton Parish Council

Reference: 12/00381/FUL
Application at: Playing Field Millfield Lane Nether Poppleton York
For: Removal of condition 15 (restricted to football use only) of application 09/00474/FUL for erection of club house with associated parking
By: Mr Val Duggan
Application Type: Full Application
Target Date: 29 March 2012
Recommendation: Approve

1.0 PROPOSAL

1.1 The application is for the removal of Condition 15 of planning permission 09/00474/FUL. Application 09/00474/FUL for the erection of a football club house with associated parking was approved by West and Centre Planning sub Committee on 16 July 2009, the development has been built. Condition 15 restricted the use of the club house to a football use only. The removal of the condition is too allow other activities such as fitness classes, seminars and meetings (max 40 persons), art classes, craft classes, weight watchers, chess and dominoes, children's fitness classes, bingo, beetle drives, afternoon tea dances, baby ballet and signing groups and other baby activities, and children's parties. Much of these activities are already taking place.

2.0 POLICY CONTEXT

CYSP2 The York Green Belt
CYGP1 Design
CYGP4A Sustainability
CYGB1 Development within the Green Belt
CYGB3 Reuse of buildings
CYC1 Criteria for community facilities

3.0 CONSULTATIONS

INTERNAL CONSULTATIONS

HIGHWAY NETWORK MANAGEMENT - No comment

COMMUNITIES AND CULTURE - No comments received at the time of writing the report

EXTERNAL CONSULTATIONS/REPRESENTATIONS

NETHER POPPLETON PARISH COUNCIL - Support the application

AINSTY INTERNAL DRAINAGE BOARD - No objections

SPORT ENGLAND - No comment

1 LETTER OF OBJECTION

- Concerned that the removal of the conditions would have a detrimental impact regarding noise disturbance, traffic safety, and additional light pollution
- In the initial planning permission various departments raised concerns that the operation of the facility into the evening and at night would cause noise and have a detrimental effect on the amenity of the nearby neighbours.
- There was an objection on the original application "Essential facilities are considered to be small changing rooms or unobtrusive spectator accommodation for sport. The proposed facilities cannot be regarded as being small as they accommodate a large footprint within a currently green site". Would a change of condition fit into the expectation of a building that was built on greenbelt for a specific purpose being changed when there is adequate facilities within the village and surrounding areas for other activities at the community centre, two church halls, and Manor School. Is moving away from the initial reasons for the facilities
- Poppleton Football Club has not complied with Condition 15 and concerned that other conditions will not be complied with.
- Night time functions are causing noise disturbance
- They have only applied as there is an enforcement investigation
- Ignore the condition regarding illumination of the building

4.0 APPRAISAL

RELEVANT SITE HISTORY

- 10/01914/FUL - Variation of Condition 1 of 09/00474/FUL to allow development to proceed without the proposed grasscrete surfacing. - Approved
- 09/00474/FUL - Erection of one storey club house, extended car parking, cycle park, and bin store. Retention of 1no. storage building - Approved

KEY ISSUES

1. Green Belt Policy
2. Impact to residential amenity

ASSESSMENT

PLANNING POLICY

4.1 The recently published National Planning Policy Framework (NPPF) has superseded PPG2, the greenbelt policy contained within the NPPF reiterates the previous policy set down in PPG2 and it establishes specific categories of development that are appropriate within Green Belts. The boundaries of the Green Belt are detailed on the Proposals Map of the City of York Council Development Control Local Plan (DCLP) and this site clearly falls within the Green Belt.

4.2 Policy YH9 and Y1 of the Yorkshire and Humber Regional Spatial Strategy (May 2008) sets out the extent of the City of York Green Belt. Although the Coalition Government has made clear its intention to revoke Regional Strategies this has not been concluded and the RSS remains part of the Development Plan. The York Greenbelt is specified in PPG2 and the boundaries of the Green Belt are clearly detailed on the Proposals Map of the Development Control Local Plan. This is further supported by the emerging CYC Core Strategy Policy CS1.

4.3 Policy SP2 'The York Green Belt' in the DCLP states that the primary purpose of the York Green Belt is to safeguard the setting and historic character of the City of York.

4.4 Policy GP4a 'Sustainability' of the DCLP states that proposals for all development should have regard to the principles of sustainable development. Development should: provide details setting out the accessibility of the site by means other than the car and, where the type and size of development requires, be within 400 metres walk of a frequent public transport route and easily accessible for pedestrians and cyclists; contribute towards meeting the social needs of communities within the City of York and to safe and socially inclusive environments.

4.5 Policy GB1 'Development in the Green Belt' complies with the advice contained within the NPPF in stating that permission for development will only be granted where: the scale, location and design would not detract from the open character of the Green Belt; it would not conflict with the purposes of including land within the Green Belt; and it would not prejudice the setting and special character of the City, and is for a type of development listed as appropriate development. All other forms of development are considered to be inappropriate and very special circumstances would be required to justify where the presumption against development should not apply.

4.6 Policy GB3 'Reuse of Buildings' states that proposals for the reuse of buildings outside of existing settlements in the Green Belt will be granted permission where a number of criteria are met:

- (a) the reuse would not have a materially greater impact on the openness of the Green Belt than the present use;
- (b) the buildings are permanent and capable of conversion without major reconstruction;
- (c) the proposed reuse will generally take place within the fabric of the existing building and will not require extensive alteration, rebuilding or extension;
- (d) the form, bulk and general design of the buildings are in keeping with their surroundings;
- (e) the buildings are not in close proximity to intensive livestock units or other uses that may result in a poor level of amenity for the occupier of the building;
- (f) there is already a clearly defined curtilage.

4.7 Policy C1 'Community Facilities' states that a planning application for social, health, community and religious facilities will be granted permission providing that the proposed development is of a scale and design appropriate to the character and appearance of the locality and it would meet a recognised need. Policy GP1 states that development proposals will be expected to ensure that residents living nearby are not unduly affected by noise.

4.8 Planning permission was granted for the clubhouse in 2009. A small hall was considered acceptable under policy GB1 and GB13 (Sports Facilities Outside Settlement Limits). The previous application was made on the basis that it would be for football use only. If the additional uses been submitted as part of the application they would not have been considered to constitute essential ancillary facilities for outdoor sport or recreation.

4.9 As the building has been constructed the use of the building is considered to fulfil the 'reuse of existing buildings' purpose for appropriate development in the greenbelt set out in NPPF and Policy GB3. The uses put forward by the agent are considered to be of a benefit to the community. The proposed additional uses would take place within the building and as such while there would be intensification in the use of the site it is not considered to impact on the openness of the greenbelt, nor would there be further impact on the coalescence of development between York and Poppleton. There is an existing large car park to accommodate vehicles and it is not expected that any of the proposed uses would create more traffic than the football use. The car park exit is located about 90metres from the nearest house. The size of the hall restricts the size of the classes that can be undertaken. The conditioned hours of use on the original permission are not proposed to be varied (Monday to Fridays 09.00 to 22.00hours, Saturday and Sunday 09.00 to 18.00 hours). The windows of the rooms where the community uses would take place face into the

field and away from the nearest neighbouring houses. An additional condition is recommended to control noise breakout from the premises, this condition was not considered to be necessary when the original football-only related use was considered.

4.10 Poppleton has a number of sites than can accommodate the additional uses proposed such as Poppleton Community Hall, two church halls, and Manor School. No recognised need for additional facilities has been demonstrated by the applicant. Whilst the proposal does not fully comply with Policy C1 the additional community facilities are not considered to cause harm to the range of other community facilities within the Poppleton area.

5.0 CONCLUSION

5.1 Condition 15 was imposed so that there could be no permitted change of use to any other use within the D2 use class which may impact on the openness of the green belt but also on the residential amenity of the occupants of the neighbouring dwellings. It is considered that the removal of this condition would open the building up to a number of uses that could impact on the openness of the greenbelt and cause harm to the residential amenity of the occupants of neighbouring dwellings. As such it is considered that the condition should not be removed but varied so that the primary use remains the football use but that community uses outlined in paragraph 1.1 above can also take place.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 The proposed building shall be restricted to the use of football clubhouse and those community uses listed in the applicant's "Statement in support of Application" and repeated in informative 2 below and for no other purpose, including any other use falling within D2 of the Town and Country Planning (Use Classes) Order 1987, (or any provision equivalent to the Class in any Statutory Instrument revoking or re-enacting that Order with or without modification) unless a further change of use is granted planning permission by the Local Planning Authority.

Reason: To protect the openness of the greenbelt and to protect the residential amenity of the occupants of the nearby dwellings in accordance with policy GB3 and GP1 of the Local Plan.

2 The hours of operation of this approved use shall be confined to

Monday to Fridays 09.00 hours to 22.00 hours

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Saturdays 09.00 hours to 18.00 hours
Sunday 09.00 hours to 18.00 hours

In addition up to 12 football training courses per annum may be carried out (Monday to Friday only) which shall cease by 23.00 hours.

Reason: To safeguard the amenities of adjoining occupants.

3 No live or amplified music shall be played that is audible outside of the application site.

Reason: In the interests of the living conditions of nearby residents in accordance with policy GP1 of the Development Control Local Plan which states that development proposals will be expected to ensure that residents living nearby are not unduly affected by noise.

4 Any trees or plants planted as part of the landscaping scheme approved under condition 8 of planning permission 09/00474/FUL which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the local planning authority.

Reason: In order to retain an appropriate landscaped setting for the development.

5 The areas shown on the plans approved as planning permission 09/00474/FUL for parking and manoeuvring of vehicles and cycles shall be retained solely for such purposes.

Reason: In the interests of highway safety and the maintenance and promotion of cycling as an alternative to the use of the car.

6 The areas shown on the plans approved under condition 14 of planning permission 09/00474/FUL for the storage of refuse and recyclable materials shall be retained solely for such purposes.

Reason: In the interests of the visual amenity of the area and to encourage recycling of materials.

7.0 INFORMATIVES:

Notes to Applicant

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference the residential amenity of the neighbours, the visual amenity of the building and the locality, impact on the openness of the green belt and highway safety. As such, the proposal complies with Policies GP1, GB1, and GB3 of the City of York Council Development Control Local Plan (2005); and the National Planning Policy Framework (2012).

2. APPROVED "COMMUNITY USES"

Pilates, Yoga, Cake decorating, Seminars and meetings (max 40 persons), Art classes, Weight watchers, Zumba, Dance classes, Chess and dominoes, Table tennis, Crochet and crafts, Children's parties, Children's fitness classes, Baby ballet and signing groups and other baby activities, Mums and toddlers, Afternoon tea dances, Beetle drives, Community Bingo

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