

## COMMITTEE REPORT

**Date:** 14 June 2018                      **Ward:** Rawcliffe and Clifton  
Without

**Team:** Householder and                      **Parish:** Clifton Without Parish  
Small Scale Team                                      Council

**Reference:** 18/00306/FUL

**Application at:** Clifton Alliance Cricket Club Shipton Road Clifton York YO30  
5RE

**For:** Erection of building for storage, scorers box and WC/kitchen  
facilities following the removal of existing mower garage and  
pre-fabricated garage to rear of pavilion.

**By:** Mr Paul Walton

**Application Type:** Full Application

**Target Date:** 19 June 2018

**Recommendation:** Approve

### 1.0 PROPOSAL

1.1 The proposal is for a replacement groundsman's hut for Clifton Alliance Cricket Club. It will include facilities for storage of equipment, umpires' changing facilities and a scoring box. The existing store and a detached single garage to the rear of the cricket pavilion are to be demolished.

1.2 The proposal is to site the new building close to the existing storage facility on the West side of the site adjacent to Clifton Ings. It will measure approximately 7m by 13m with a ridge height of approximately 5.5m. The building will be orientated so that it faces on to the cricket pitch.

1.3 The site sits to the rear of York Sports Club and is accessed from a track leading off Clifton Park Avenue. It is within the general extent of the Green Belt and adjacent to Clifton Ings SSSI. The area is covered by a Tree Protection Order. A purpose built cricket pavilion was constructed on site in 1996 and there is a dwelling, previously the cricket pavilion but now privately owned, adjacent to this. To the rear of the pavilion is a pre-fabricated single garage. The existing store sits in the West corner of the site adjacent to the boundary. The site is within Flood Zone 3.

1.4 The application is to be determined at planning committee because the proposal represents inappropriate development in the Green Belt.

### 2.0 POLICY CONTEXT

2.1 Policies:

City of York Draft Local Plan Incorporating the Fourth Set of Changes (2005)

Application Reference Number: 18/00306/FUL

Item No: 4a

GP1 Design  
GB1 Development within the Green Belt  
GB13 Sports facilities outside settlements

### Emerging Local Plan 2018

D1 Placemaking  
GI5 Protection of Open Space and Playing Fields  
GB1 Development in the Green Belt

## **3.0 CONSULTATIONS**

### INTERNAL

#### Planning and Environmental Management (Ecology)

3.1 It is considered unlikely that the proposal will impact on the adjacent SSSI providing that foul water can be adequately dealt with.

#### Planning and Environmental Management (Archaeology)

3.2 The site is in an area which is of archaeological interest as a result of its potential for Roman remains. It is recommended that, in accordance with the NPPF, groundworks should be monitored through an archaeological watching brief.

### EXTERNAL

#### Foss Internal Drainage Board

3.3 The site is not within the Board's district.

#### Environment Agency

3.4 While the FRA is lacking in content, the EA accept that the proposed development is of low vulnerability to flood risk and behind a flood defence. The increase in footprint over the buildings to be removed is small and they have no objections to the proposal.

#### Neighbour notification and publicity

3.5 Representation has been received from the residents of the dwelling adjacent to the cricket pitch. They object to the proposal for the following reasons:

- No need for additional buildings on site
- The building is too big
- It is not necessary for the success of the club
- Concern that the buildings proposed for demolition will not be removed from site
- Noise from operation of roller shutter doors from early in the morning 7 days a week
- The proposal is excessively high resulting in a prominent structure
- It obscures views of the Ings

- The existing building should be extended
- No need for a second scoring box
- There are existing umpire changing facilities in the garage
- No need for kitchen and toilet facilities for umpires
- Noise from the extractor fans for the showers would be disturbing
- No mention of the SSSI to the rear of the site within the documentation
- Concern about increased flood risk
- Light pollution
- Concern that some of the buildings may be used for commercial business not associated with the club
- The proposal is beyond the existing building line

## 4.0 APPRAISAL

### 4.1 KEY ISSUES

- Policy context
- Principle of the development - Assessment of harm to Green Belt
- Other considerations - Operational need; neighbouring amenity issues; flood risk; impact on visual amenity and openness.

## POLICY CONTEXT

### Development Plan

4.2 Section 38(6) of the Planning and Compensation Act 2004 requires that determinations be made in accordance with the development plan unless material considerations indicate otherwise. The development plan for York comprises the saved policies of the Yorkshire and Humber Regional Spatial Strategy (RSS) relating to the general extent of the York Green Belt. These are policies YH9(C) and Y1 (C1 and C2) which relate to York's Green Belt and the key diagram insofar as it illustrates general extent of the Green Belt. The policies state that the detailed inner and the rest of the outer boundaries of the Green Belt around York should be defined to protect and enhance the nationally significant historical and environmental character of York, including its historic setting, views of the Minster and important open areas.

### City of York Draft Local Plan Incorporating the Fourth Set of Changes

4.3 The City of York Draft Local Plan Incorporating the Fourth Set of Changes was approved for Development Management purposes in April 2005 (DCLP). Whilst the DCLP does not form part of the statutory development plan, its policies are considered to be capable of being material considerations in the determination of planning applications where policies relevant to the application are consistent with those in the NPPF. Policy GB13 refers to the provision of sports facilities outside settlement limits.

## Emerging Local Plan

4.4 The Regulation 19 consultation on the Publication York Local Plan Draft 2018 is now complete and the Plan has been submitted to the Secretary of State for Examination. The emerging Local Plan policies can only be afforded limited weight at this stage of its preparation, in accordance with paragraph 216 of the NPPF. However, the evidence base that underpins the proposed emerging policies is capable of being a material consideration in the determination of the planning application.

4.5 The site is recognised as existing open space within the emerging Local Plan. Policy GI5 Protection of Open Space and Playing Fields is relevant. This supports development proposals which improve the quality of existing pitches and reflect an understanding of the issues affecting community sport. The text associated with the policy goes on to say that proposals which provide ancillary recreational facilities will be determined on their own merits and will only be supported where they respect the character of the area and improve, amongst other things, sports facilities.

## The National Planning Policy Framework NPPF

4.6 The NPPF was published in March 2012. It sets out government's planning policies and is material to the determination of planning applications. The NPPF is the most up-to date representation of key relevant policy issues (other than the Saved RSS Policies relating to the general extent of the York Green Belt) and it is against this policy Framework that the proposal should principally be addressed.

4.7 Paragraph 14 of the NPPF sets out the presumption in favour of sustainable development, unless specific policies in the NPPF indicate development should be restricted. Your officer's view is that this presumption does not apply to this proposal as the proposal constitutes inappropriate development within the general extent of the Green Belt as identified in the RSS and therefore justifies the application of the more restrictive policies in Section 9 to the NPPF.

4.8 Paragraph 70 of the NPPF states that 'to deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should .... ensure that established shops, facilities and services are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community.' Paragraph 73 goes on to say that 'Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities.'

## GREEN BELT

4.9 As noted above, saved Policies YH9C and Y1C of the Yorkshire and Humberside Regional Strategy define the general extent of the York Green Belt and

as such Government Planning Policies in respect of the Green Belt apply. Central Government Planning Policy as outlined in paragraphs 79 to 90 of the National Planning Policy Framework identifies Green Belts as being characterised by their openness and permanence. Substantial weight should be given to any harm to the Green Belt.

4.10 The NPPF states that the fundamental aim of the Green Belt policy is to prevent urban sprawl by keeping land permanently open and that, the essential characteristics of the Green Belt are its openness and permanence.

The Green Belt serves 5 purposes:

- 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.

4.11 The NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 90 does allow certain types of development including the re-use of buildings provided they are of permanent and substantial construction.

## PRINCIPLE OF THE DEVELOPMENT

### ASSESSMENT OF HARM TO GREEN BELT

4.12 Para. 89 of the NPPF states that the construction of new buildings within the Green Belt is inappropriate except in certain circumstances. These exceptions include the provision of appropriate facilities for outdoor sport and outdoor recreation providing they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.

4.13 The proposed building is substantially larger than the two stores which it will replace and sited further into the site, away from site boundaries, than is currently the case. The proposed building will measure 5.3m to the ridge with a footprint of 13.5m by 7m compared with the existing which measures 3.5m to the ridge and has a footprint of 6.8m by 4.5m. The existing building sits in the corner of the site between a hedgerow and the bund in the neighbouring Ings while the new building will sit further in to the site beyond the line of the existing buildings but still well related to the cricket ground. It has therefore been determined that the proposal, while providing facilities for outdoor sport, is inappropriate development in the Green Belt as a result of its siting and increased scale.

4.14 Changes to the proposal to reduce the height and amend the siting to a less prominent position have been considered but it is noted that these details have been

determined by the need for a more functional scorers' box. If the building was to be constructed on the site of the existing garage it would result in the scorers' box not facing on to the pitch. If the building was pushed closer to the boundary of the site then it would no longer be possible to have the drive-through arrangement which allows easier access to equipment.

4.15 The NPPF states that inappropriate development is by definition harmful to the Green Belt and should only be approved in very special circumstances. Substantial weight should be attached to the harm arising due to the inappropriate nature of the proposal. Additionally, harm can be identified as a result of an encroachment in to the countryside as a result of the scale and siting of the proposal. This is somewhat mitigated by the proposed removal of 2 existing buildings however the footprint of the new building is approximately 30% greater than the 2 buildings to be removed and the volume is approximately 3 times the existing buildings.

## OTHER CONSIDERATIONS

### Very special circumstances

4.16 In accordance with para. 87 of the NPPF inappropriate development should only be approved in very special circumstances. The applicant has put forward the following very special circumstances:

- The club has 165 children involved in cricket and is still expanding. Improved facilities are essential to the continuing success of the club and accommodating additional members.
- The first team has recently been promoted to the Yorkshire League and the current facilities do not meet the standards required for that league. Umpires are required to have separate changing facilities to players and therefore currently get changed in a garage to the rear of the pavilion.
- The scoring box on the existing pavilion is in line with the centre wickets meaning that during games using the centre wickets (Yorkshire league games) scorers cannot see the wicket through the near sight screen. The proposal provides a scoring box in a more practical situation.
- The existing garage is too small and does not function well as the single entrance means that equipment can get stuck at the back and is not easy to access. The drive-through design of the proposal will resolve this.

### Flood Risk

4.17 The site is within Flood Zone 3. The use of the structure for essential facilities for outdoor recreation falls within the water compatible use in flood risk terms and as

such is considered appropriate development within FZ3a. A sequential test has not been undertaken however it is accepted that, as a consequence of the nature of the development, it has to take place within the cricket ground, which is within FZ3a, and no other site in an area of lower flood risk would be suitable.

### Drainage

4.18 Drainage is proposed to a mains sewer. There are no records of a sewer in the vicinity of the site and confirmation is being sought from the applicant as to the proposed means of foul water drainage. Given the proximity to the Clifton Ings SSSI it is particularly important that this issue is adequately resolved.

### Impact on character and visual amenity

4.19 The proposal represents an increase in height over the existing building of approximately 2.0m. In terms of its design the proposal will be similar to the existing store with a pitched roof and red brick walls. While the change in scale and siting will result in a building which is in proportion with other structures on the site when viewed from within the site, it will appear significantly larger when viewed outside the site. A bund within Clifton Ings runs adjacent to the boundary of the site. A public footpath runs along the top of this bund as well as an additional path at a lower level and closer to the river. The building will introduce increased built development in to the views from the public footpaths as a result of its increase in scale. From the lower path the view will be of a larger roof form while from the closer path most of the building will be visible and there will be some obstruction of views across the wider site.

### Residential Amenity

4.20 A representation has been received from the occupiers of the Pavilion Cottage. This raises a number of issues which have mostly been covered in the body of this report. Concerns related to the loss of view are not material planning considerations. The issue of increased noise disturbance is also raised in relation to the roller shutter doors and kitchen facilities proposed. There is a roller shutter door on the existing store. The proposal includes 4 roller shutter doors but is no closer to the residential property and the doors are angled away from the dwelling unlike the current situation. A small kitchenette is proposed to cater for the umpires. The proposed building is a similar distance as the existing store from the dwelling. It is not considered that these uses will result in any increased intensity of use that is likely to impact significantly on neighbouring residential amenity.

## **5.0 CONCLUSION**

5.1 The site lies within the general extent of the Green Belt as identified in the RSS to which S38 of the 1990 Act applies. The proposal is therefore assessed against more restrictive policies in the NPPF relating to protecting the Green Belt.

5.2 The NPPF indicates that very special circumstances cannot exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. In this case, harm has been identified by way of inappropriateness as a result of the scale and siting of the proposed building. Additionally it conflicts with one of the five purposes of including land within the Green Belt and has limited impact on the openness of the Green Belt and visual amenity as a result of the scale and positioning of the building within an otherwise undeveloped location. Substantial weight is to be afforded to these harms to the Green Belt. The applicant has put forward a case for very special circumstances to clearly outweigh these harms which include the success of the club particularly in its junior teams and the promotion of the first team to the Yorkshire League; the inadequate facilities provided by the existing store; the need to provide adequate umpires' facilities; and the poor siting of the existing scoring box.

5.3 It is further recognised that policy within the NPPF and emerging Local Plan supports the sustainable development of high quality sports facilities which are important for their contribution to the health and wellbeing of communities.

5.4 Officers consider that the very special circumstances put forward by the applicant are sufficient to outweigh the identified harm. Therefore the very special circumstances necessary to justify the inappropriate development in the Green Belt do exist and planning permission should be approved.

## **COMMITTEE TO VISIT**

### **6.0 RECOMMENDATION:** Approve

1 TIME2 Development start within three years

2 PLANS2 Approved plans and other submitted details

3 Within 2 months of the building hereby approved coming in to first use, the garage and existing groundsman's hut, as highlighted on proposed site plan 112 P01 submitted 24th April 2018, shall be demolished and the sites made good.

Reason: In the interests of visual amenity and to protect the openness of the Green Belt.

4 No groundwork shall commence on site until the applicant has secured the implementation of a programme of archaeological work (a watching brief on all ground works by an approved archaeological unit) in accordance with a specification approved by the Local Planning Authority. This programme and the archaeological unit shall be approved in writing by the Local Planning Authority before development



commences.

Reason: The site lies within an area of archaeological interest and the development may affect important archaeological deposits which must be recorded during the construction programme

5 VISQ8 Samples of exterior materials to be app

6 Prior to construction details of the proposed means of foul and surface water drainage, including details of any balancing works and off site works, shall submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented prior to first occupation of the building hereby approved.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper and sustainable drainage of the site.

## **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:

Requested details of the applicant's very special circumstances.

#### **Contact details:**

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