

## COMMITTEE REPORT

**Committee:** Planning Committee      **Ward:** Haxby And Wigginton  
**Date:** 29 March 2007      **Parish:** Wigginton Parish Council

**Reference:** 06/02857/FULM  
**Application at:** Site At The Junction A1237 And Wigginton Road Wigginton York  
**For:** Erection of sports complex comprising 2 storey building including swimming pool, outdoor facilities for cricket, football and tennis, car and cycle parking, landscaping and access from Stirling Road  
**By:** CSSC Properties Ltd  
**Application Type:** Major Full Application (13 weeks)  
**Target Date:** 18 April 2007

### 1.0 PROPOSAL

1.1 The site is located south of Stirling Road and west of Wigginton Road (B1363). It is sited to the south west of the roundabout connecting Wigginton Road with the northern ring road (A1237). It consists of one large and two smaller grass fields and also contains a few remnants of concrete runways and hardstandings from Clifton Airfield. The north and east boundaries of the site are formed mainly by approx 2.0m high field hedges (not continuously to the east) and some trees. South is a wooden post and rail fence. West is screen planting to the former Ikon and Diva nightclub (now vacant), and other nearby development. Within the site is an internal hawthorn hedge running parallel to Stirling Road. The site area is given as 4.534 ha.

1.2 Adjacent development to the west is what used to be a nightclub, a high red brick building with a tiled roof. North of the club are an electricity sub station and the Clifton Moor Local Area Police Office. They are also brick buildings with concrete tiled roofs. North of the Police Office is a vacant site which has planning permission for the erection of non-food retail warehouse with associated car parking and ancillary works. South of the former nightclub is the Clifton Moor Industrial Estate. South of the application site is Whitehall Grange Farm, with three modern grey farm buildings. Behind them, to the west are fields.

1.3 The area generally is open, undeveloped agricultural land. This extends to the east side of Wigginton Road and north of the ring road. York Minster is clearly visible from the eastern part of the site.

#### 1.4 Proposal Description:

1.5 This is a revised application for the erection of sports complex comprising 2 storey building including swimming pool, outdoor facilities for cricket, football and tennis, car and cycle parking, landscaping and access from Stirling Road.

1.6 Previous scheme (03/01641/FUL) was refused but has subsequently been allowed in the appeal. The principle of the development has therefore been established. Please refer to paragraph 1.16 below for the reasons for refusal and paragraphs 1.17-1.19 for a summary of the conclusions drawn by the Inspector.

1.7 The original proposal consisted of a two storey building in the north west corner, which would take up about 5% of the site, an area containing two senior football pitches and a cricket pitch, twelve floodlit five aside football pitches, 231 parking spaces and four tennis courts.

1.8 In many respects, the revised scheme is identical to the scheme as originally proposed, although the overall aim of the resubmission is to reduce the scale of the two storey building and the activities within.

1.9 The submitted drawings show its length will be reduced by 6.1m to 49.2m and its width will be reduced by almost 9.0m (ground floor) and 3.7m (first floor) to an overall width of 31.2m. The height of the building will be reduced by 0.5m to 9.2m. This equates to around 19% reduction of the building's original footprint.

1.10 Compared to the proposal as originally submitted, the number of senior football pitches (2), cricket pitch (1) and tennis courts (4) will remain the same, although the number of floodlit five aside football pitches will be reduced to 10 from the original 12. One seven aside football pitch has also been included in the revised scheme.

1.11 The rest of the site would have landscaping, associated land and internal roads. New planting is offered. Vehicle access would be on the north side, off Stirling Road about 180 m from the Wigginton Road roundabout.

1.12 The revised site location plan shows a revised layout which would facilitate the ability for buses to enter and circulate within the site. This reduces the number of parking spaces to 222, 2 spaces less than the scheme approved at appeal.

1.13 The internal facilities of the leisure building (as revised) would consist of the followings:

On the ground floor, the key elements would comprise:

- Two swimming pools, including a main pool and a learner pool,
- Steam room, spa and sauna facilities,
- Male, female and disable changing and toilet facilities to serve the activities within the building,
- Similar facilities to serve the external activities within the building,
- Children's facilities, soft play area and relaxation areas for families and adults,
- Ancillary bar and catering facilities, staff accommodation and storage, service, plant and other space to support the primary use

On the first floor, the key elements would comprise:

- Two aerobics studios,
- Extensive gymnasium facilities fully provided with comprehensive, modern, aerobic and resistance gym equipment,
- A spinning room,

- Treatment rooms, a spray sun booth and health and beauty room,
- Staff accommodation and storage, plant and other space to support the primary use

1.14 Compared to the original submission in terms of the internal facilities within the building, the key difference is that the scheme now proposed does not include any squash courts. These were included in the approved scheme. Other notable differences include the size of the main pool, the learner's pool and the gymnasium. The main pool area has been increased to 285sq.m from 160sq.m, and the learner's pool has been reduced by 11sq.m to 85sq.m. The overall floor area of the gymnasium on the first floor has been reduced to 802sq.m from the original 1020sq.m.

1.15 Materials would be alloy coated steel for the roof, composite cladding for the upper part of the walls and brick for the lower walls on the front and side elevations. Unlike the approved scheme, the rear elevation of the proposal would be predominately cladding.

#### Relevant Planning History:

1.16 The original scheme (ref. no. 03/01641/FUL) was determined by the Main Planning Committee and was refused on the following grounds:

"1. The site is in the York Green Belt and the proposed use is not one for which a location in the Green Belt is seen as justified under Policy GB1 of the Local Plan. The reasons for the development which have been put forward are not considered to comprise "very special circumstances" sufficient to justify dispensing with the presumption against inappropriate development in the Green Belt. The proposal is therefore contrary to the requirements of Policy E9A of the Approved North County Structure Plan and Policies SP2, GB1 and GB13 of the Deposit Draft City of York Local Plan, and advice in PPG2 (Green Belts).

2. The proposed development would represent an intrusive urban intrusion into an area of rural character which has also been identified as a green wedge important for the setting of the City of York. It would adversely affect the existing character of the area and would also be likely to affect views of York Minster from the north. It is therefore contrary to the requirements of Policy SP3 of the Deposit Draft City of York Local Plan.

3. Insufficient information has been submitted to satisfy the requirement for a sequential test which might justify a location away from the city centre, the edge of the city centre or district centres. The proposal is therefore contrary to the requirements of Policy SP7 of the Deposit Draft City of York Local Plan, and the advice in PPGs 6 and 17.

4. Insufficient information has been submitted for the Council to assess whether existing and proposed public transport provision is enough for the proposal to be sustainable in terms of public transport, or that a satisfactory road access onto Stirling Road can be achieved. The proposal is therefore contrary to the requirement of the Policy SP8 of the Deposit Draft City of York Local Plan."

1.17 The above decision was overturned by Planning Inspector following a Public Inquiry held in September 2004 (ref. no. APP/C2741/A/03/1136658). In summary, the Inspector's decision centred on whether there were any "very special circumstances" that would justify "inappropriate development in the Green Belt" brought about by the proposed leisure building element of the scheme. In granting planning permission, the Inspector concluded:

- The proportion of the site devoted to inappropriate development would be small.
- The scheme would not undermine the main role of the Green Belt around York, and important views of the Minster would remain. The change in character of the site would not be sufficient to disrupt the role of the "green wedge".
- The scheme would make an important contribution to meeting acknowledged needs for, and enhancing the quality of, recreation and sporting facilities in York.
- The scheme would meet the provisions of the sequential test.

1.18 It was concluded by the Inspector that these circumstances were, on their own, "sufficiently special to except this scheme from the severely restricted Green Belt policies that would normally apply here. He went on to note that "the scheme would make important contributions to several Government objectives related to health and fitness, social inclusion and sustainability, so that together such benefits would amount to 'very special circumstances' justifying the development."

1.19 For these reasons, the Inspector concluded that the appeal should be allowed and planning permission granted subject to conditions and a Section 106 agreement "to secure the free use of the football pitches and the cricket square for local schools throughout extensive off-peak period on each weekday; the same applies to the 5 a-side pitches. Moreover, any surplus provision would be offered to community groups at rates equivalent to the fees charged for the use of public facilities". A condition was also imposed to "secure the provision of many facilities on a 'pay and play' basis by non-club member".

## **2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams East Area (2) 0005

2.2 Policies:

CYSP2  
The York Green Belt

CYSP6

Location strategy

CYSP7A

The sequential approach to development

CYSP8

Reducing dependence on the car

CYGP1

Design

CYGP3

Planning against crime

CYGP4A

Sustainability

CYGP5

Renewable energy

CYGP9

Landscaping

CYGP11

Accessibility

CYGP15

Protection from flooding

CYHE10

Archaeology

CYNE7

Habitat protection and creation

CYGB1

Development within the Green Belt

CYGB13

Sports facilities outside settlements

CYT4

Cycle parking standards

CYT7B

Making Public Transport Effective

CYT13A

Travel Plans and Contributions

CYT18  
Highways

CYL1A  
Sites for Leisure development

CYV1  
Criteria for visitor related devt

CYV2  
Infrastructure and services for visitors

CYC1  
Criteria for community facilities

### **3.0 CONSULTATIONS**

#### **INTERNAL:**

3.1 Highway network management: Latest response received 8 March 2007 following the submission of revised site plan received 7 March 2007 - Conditions and informative recommended.

#### **3.2 Environment, Conservation and Sustainable Development:**

Landscape Architect consulted: Latest response received 27 February 2007 following the submission of additional information on planting species and sizes by the applicant. The following comment has been made: -the additional information provided will suffice at this stage with regard to local plan policy GP9 to provide a suitable landscape scheme. Condition recommended.

Sustainability team: Response received 15 February 2007- The following comments have been made:

- the proposal will have a very high energy load,
- in this location visitors will be dependent on private cars,
- the proposal will therefore have a large carbon footprint,
- work to reduce these impacts will be beneficial to the environment and will reduce energy cost,
- BREEAM assessment condition recommended.

Archaeology: Response received 14 February 2007 - The following comments have been made:

- The site appears to have been open ground until the present day,
- there was some evidence of agricultural use in the post-medieval and modern periods represented by field drains and a number of irregular features.
- A mortar and limestone deposit may have derived from construction activity associated with the use of the site as an airfield during and after World War II,
- There are therefore archaeological deposits preserved on this site,
- It will be necessary for these deposits to be recorded either prior to or during soil stripping operations for this development,

-conditions recommended.

3.3 Structures and Drainage: Latest response received 12 March 2007 - the consultancy has removed their previous objections as the Flood Risk Assessment (FRA) submitted is acceptable in principle.

3.4 Environmental Protection Unit: Response received 9 February 2007. Conditions and notes to applicant recommended.

3.5 City Development: Response received 1 February 2007. The team has made the following comments:

-the team considered that it would be unreasonable to require the applicant to undertake impact assessments for the leisure uses proposed, as the principle of the development has already been established through an earlier appeal decision.

3.6 Life-long learning and Culture services: Response received 5 February 2007. The following comments have been made:

- Leisure services strongly support this application,
- Leisure services would like to see that the scheme (as revised) still contains all the originally proposed outdoor facilities,
- there is a need for good quality football pitches in all areas of the city, with appropriate ancillary facilities,
- Leisure services hope that the development of the cricket pitch will reestablish the Civil Service as a major team in the city and would encourage them to attend the City's cricket development forum.
- the floodlit 5-a-side pitches are a welcome addition to the city's sports opportunities, and will be able to accommodate much of the demand created by works teams etc,
- this facility will also create an excellent venue for junior soccer development,
- Leisure services are keen to work with ROKO to develop the scheme for making the facilities available on a pay and play basis to the local community,
- Leisure services do not currently have any indication of the number of hours of access or the cost of these facilities and would welcome the opportunity to discuss these issues,

However, the following concerns have also been raised:

- Leisure services would recommend that team sports changing facilities be designed with reference to Sport England or Football Foundation guidance,
- the plans do not show any form of outdoor equipment store,
- there is no provision for grounds maintenance equipment, or for storing football goals during the cricket season.
- there is also no reference to a cricket score board. Without appropriate equipment it is unlikely that the pitches will be maintained to a local league standard.
- the team would also further recommend consultation with the North riding FA with regard to the football facilities. Likewise consultation with the regional cricket development manager (Yorkshire) with regard to the requirements for league fixtures.

EXTERNAL:

3.7 Council for the Protection of Rural England: Response received 25 February 2007 - no objections.

3.8 Highways Agency: Response received 28 February 2007 - No objections.

3.9 Yorkshire Water: Response received 15 February 2007 - Conditions recommended.

3.10 Natural England: Response received 22 February 2007 -no objections. However the following comments have been made:

- opportunities for enhancement of natural conservation interests should be considered in the preparation of detailed site layouts and subsequent management of the site.
- the applicant should be informed that planning permission, if granted, does not absolve them from complying with the relevant law.

3.11 Sport England: Response received 13 February 2007 - no objections.

3.12 Police Architectural Liaison Officer: Response received 19 February 2007. A number of crime related concerns have been raised:

- there does not appear to be any secure fencing to the overall site,
- the proposed car parking areas might provide offender the opportunity to commit offences,
- a number of crime prevention measures have been recommended.

3.13 Environment Agency: Latest response received 13 March 2007 following the submission of a revised Flood Risk Assessment. The revised assessment has confirmed Yorkshire Water are willing to accept the surface water discharge from the site. Therefore EA have no objection to the development subject to conditions.

3.14 Kyle and Upper Ouse Internal Drainage Board: Response received 12 February 2007 - no objections.

3.15 Wiggington Parish council: Response received 12 February 2007. The Council do not object but raised the following concerns:

- the proposal would increase traffic in the area,
- B1363 (Wiggington Road) is already heavily utilised and any further increase will cause major access problem for the village.

3.16 Foss Internal Drainage Board: Response received 12 February 2007. The following comments have been made:

- the Board suggests that a Sustainable Urban Drainage System is to be used for the site,
- if the relevant Water Company or its Agents cannot confirm that there is adequate spare capacity in the existing system, the applicant should be requested to resubmit amended proposals showing how it is proposed to be drained the site,
- the applicant should provide information as to the point of discharge of the sewer,
- the applicant should provide details on the potential effect that the proposed discharge may have on the receiving watercourse.



3.17 Nearby Occupants; a response was received from Marchi Properties on 22 January 2007. This states that Marchi properties support this application on the following grounds:

- improved public transport,
- improved visual amenities,
- appropriate use of land within urban fringe green belt,
- need for facility, and
- creation of employment.

#### **4.0 APPRAISAL**

4.1 The main issues to be considered are as follows:

- i. Planning Policy
- ii. Sustainability
- iii. Access / traffic
- iv. Flood Risk Assessment
- v. Planning Obligation
- vi. Scale, Design and External Appearance of the Building
- vii. Other material planning considerations

Policy Context:

4.2 Chapter 3 of the National Planning Policy Statement No.6 "Planning for Town Centres" sets out a number of tests for developments which would be in out-of-centre locations and not in accordance with an up-to-date development plan strategy. The aims of the tests are to demonstrate:

- a) the need for development
- b) that the development is of an appropriate scale
- c) that there are no more central sites for the development
- d) that there are no unacceptable impacts on existing centres
- e) that locations are accessible (paragraphs 3.1-3.32, PPS6)

4.3 As stated in paragraph 3.5 of the statement, in normal circumstance local planning authorities should require the applicants to demonstrate the issues listed above. However, in this case given that the principle of development has been established through an earlier appeal decision, it is considered unreasonable to require the applicant to submit with the application assessments which have not been previously undertaken in the 03/01641/FUL application.

4.4 The previous proposal was determined before the adoption of PPS6. Under the new statement, a number of assessments including impact assessment have been introduced. In the light of the previous appeal decision as described above, it is satisfied that further assessments are not require to be undertaken for the purpose of determining the revised scheme.

4.5 In any case, by virtue of the fact that the purpose of the revised scheme is to reduce the scale of the development and the activities within, its impacts on the vitality and the viability of the existing centres are likely to be less than the scheme the applicant has got permission for. Hence, it is considered that the revised scheme would support the government's objective of focusing developments in town centres "in order to strengthen and, where appropriate, regenerate them." (paragraph 3.1, PPS6)

4.6 Green Belt development: The principle of this development in York greenbelt has been judged acceptable by the Planning Inspector due to the reasons summarised in paragraphs 1.17-1.19 above. It is therefore outside the consideration of this application to assess the merits of the proposal in York Green Belt.

### Sustainability

4.7 The original approved application was determined at the time before the publications of the National Planning Policy Statement no.1 "Delivering Sustainable Development", PPS no.22 "Renewable Energy", and the publication of policy GP4a "Sustainability" of the City of York Draft Local Plan 2005, which require all development to have regard on the principles of sustainable development.

4.8 Compared to the scheme which has already been approved by the Planning Inspector, it is argued that the scheme as proposed would to a large extent reduce the level of carbon footprint generated. According to the information submitted by the applicant, the following measures have been considered in the attempt to reduce carbon footprint:

- Recoup heat from extract air,
- Incorporate dual speed or variable speed air handling units to reduce energy consumption,
- Incorporate opportunities for natural ventilation,
- Incorporate Zero Ozone Depletion refrigerants in comfort cooling systems,
- Provide variable speed compressors to comfort cooling systems,
- High efficiency boilers,
- Low temperature hot water circulation pumps,
- Push button controls on showers and basins,
- Energy efficient lighting with automatic switching and photoelectric sensors,
- Incorporate power factor correction equipment to minimise maximum demands,
- Metered utilities consumption with a building management system to ensure that the building is operating to maximum efficiency,
- Sustainable drainage to sewers for adoption standard 6th Edition,

4.9 Attention should be drawn to the fact that the above details have not been submitted in the previous scheme. Furthermore, by virtue of the planning policy framework at that time (see paragraph 4.7 above) issues on sustainability were not formally considered in the determination of the previous application. It is therefore argued that the revised scheme as proposed would bring further improvements to the environment and would meet the national and local governments' objective of delivering a more environmentally sustainable development, where issues such as climate change and greenhouse effect have been taken into account.

4.10 The revised scheme, if approved, will be subject to the new building regulations requirements and accordingly will meet the new regulations on sustainable building. In addition, it is considered necessary to impose a planning condition to ensure that the development will aim to achieve a BREEM "very good" or "excellent" assessment standard should planning permission be granted.

Access / traffic:

4.11 With regard to the sustainability of the proposal in terms of its siting (to be in an out-of-town location) and the number of trips proposed by virtue of the scale of the activities, it is not considered that there is any merit in revisiting these issues given that the principle of the development in this location has already been established. Nevertheless, an amended site plan has been submitted showing physical arrangements to accommodate buses on site. Furthermore, indications are that First York would be prepared to adjust their bus service route 6/6A. These works proposed would not just encourage the use of public transport, but would also reduce the dependence of the use of private vehicles and accordingly it would reduce the level of carbon emissions generated by virtue of the siting and the scale of the development.

4.12 With regard to the concerns raised by Wiggington Parish Council, given that the main aim of this application is to reduce the size of the building and the leisure facilities within, it is anticipated that the number of customers using the facility will be less than the original approved scheme. Therefore, if this revised scheme is approved, it is likely that concerns regarding traffic increase and possible affect on the nearby villages would be less an issue than the approved original scheme.

4.13 A number of 'Grampian' conditions have been recommended to secure highway improvement works. These works will be carried out at the applicant's expense through the relevant highway agreements that relate to the Highways Act 1980.

Flood Risk Assessment (FRA):

4.14 The issue on assessing flood risk has, like the issue on sustainability as described above, not been considered in the previous scheme as that was determined at the time before Planning Policy Statement no. 25 "Development and Flood Risk" (December 2006) came into effect. In this case in the light of the fact that this is a major development (4.0hectares) in Flood Zone 1 ("Low probability- land assessed as having a less than 1 in 1000 annual probability of river or sea flooding in any years", Paragraph D8 of PPS25, 2006) a FRA is required.

4.15 The revised FRA received 13 March 2007 has incorporated correspondence from Yorkshire Water confirming that they are willing to accept the surface water discharges from the site. In addition, the Environment Agency, Council's Drainage Consultancy, Yorkshire Water, Kyle and Upper Ouse Internal Drainage Board and Foss Internal Drainage Board have all been consulted. The latest responses received have confirmed they have no objections to the development subject to conditions. In view of the above previous objections concerning the size of the

development and the possibility that it may increase flood risk elsewhere has now been formally removed.

4.16 In any case, the risk of flooding resulting from the approved scheme would be greater than the proposal by virtue of the fact that the area devoted to non-permeable grounds in the approved scheme is larger than the revised scheme proposed as the result of reducing the building's footprint. Hence the revised scheme proposed, if approved, would reduce the risk of flooding within the site and the risk of flooding elsewhere.

#### Planning Obligation:

4.17 As noted in paragraph 5 of the Inspector's report, a Unilateral Planning Obligation has been signed to "secure the free use of the football pitches and the cricket square for local schools throughout extensive off-peak period on each weekday; the same applies to the 5 a-side pitches. Moreover, any surplus provision would be offered to community groups at rates equivalent to the fees charged for the use of public facilities". A condition has also been imposed to "secure the provision of many facilities on a 'pay and play' basis by non-club member".

4.18 Given that the benefits brought about by Obligation were ruled by the Inspector as making "important contributions to several Government objectives relating to health and fitness, social inclusion and sustainability, so that together such benefits would amount to 'very special circumstances'" justifying what might otherwise be inappropriate development in the Green Belt, a similar obligation would apply to this revised scheme should planning permission be granted. This will take into account the latest changes brought about by the revised scheme, which include the reduction of the total number of five a-side football pitches from 12 to 10 in order to accommodate 1 seven a-side football pitch.

#### Scale, Design and External Appearance of the Building:

4.19 The building proposed and the proposed choice of building materials are almost identical to the approved scheme, except the overall scale of the building as shown in the revised scheme is notably smaller than the approved building, which means that its possible impact on the open countryside, its possible effect on the openness of York Green Belt, and its potential harm to the view of York Minster will be reduced. Hence, the revised scheme proposed would have less impact on the visual amenity of the locality than the approved scheme.

#### Other material considerations:

4.20 Crime: According to the analysis carried out by the Police Liaison Architectural Officer a total of 265 police-recorded crimes has been recorded between January 2006 and February 2007, 180 of these are related to property crimes. Due to crime related issues within the area a number of recommendations have been made in relation to 'designing out crime', which include the installation of 'Proximity Access Control Systems', measures to control access and secure the complex and car park area, appropriate lighting around the site, prevention of the planting of trees or shrubs which would, at their mature size, obstruct car park and street lighting, and

the size and design of the cycle storage. It is recommended that full details of the measures proposed to prevent crime within the application site is to be submitted to, and approved in writing by the local planning authority in consultation with the police architectural liaison officer should planning permission be granted. This can be secured by a 'secure-by-design' condition.

4.21 Leisure facilities: The issues raised by the Lifelong learning and culture services concerning the provision for ground equipments, football goals storage and cricket score board have been considered. Given that Sport England has been consulted and has not objected on the grounds of the above, together with the consideration that these are not material planning considerations that can be taken into account by local planning authorities, the above concerns are unlikely to be issues that could influence planning decisions.

4.22 Landscape, Archaeology, Environmental Protection and Biodiversity and Geological Conservation: No objections have been made, although conditions and informatives have been recommended should planning permission be granted.

## **5.0 CONCLUSION**

Compared to the original scheme approved by the Planning Inspector, the revised scheme is less likely to create a condition prejudicial to the vitality and viability of York City Centre or district centres, is more environmentally sustainable in terms of the carbon emissions generated by the development, is regarded as an appropriate development in York Green Belt subject to conditions and Planning Obligation, and is acceptable in terms of siting, design and materials. Therefore, the proposed development accords with the national planning policies and the policies set out in the City of York Draft Local Plan 2005. As such it is recommended for approval.

## **6.0 RECOMMENDATION:**            Approve

- 1     The development shall be begun not later than the expiration of the three years from the date of this permission.

Reason: To ensure compliance with Sections 91 to 93 and Section 56 of the Town and Country Planning Act 1990 as amended by section 51 of the Compulsory Purchase Act 2004.

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

1944 (08)\_002 C, 1944 (08)\_005 B, 1944 (08)\_004 C, 1944 (08)\_003 B, 1944 (08)\_006 B, 1944 (02)010 and 1944 (08)\_001 G as received by the City of York Council on 27 December 2006 and on 7 March 2007

or any plans or details subsequently agreed in writing by the Local Planning Authority as amendment to the approved plans.

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, hereby permitted, shall not be brought into use until a scheme to make suitable recreation and sporting facilities (including the 5-a-side football pitches and 7-a-side football pitch) available to non club members on a 'pay to play' basis, has been submitted to and approved by, the local planning authority. Thereafter, those facilities shall be made available in accordance with the approved scheme.

Reason: To maximise the use of sporting and recreational facilities in the interest of the community.

- 4 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials to be used shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The development shall be carried out using the approved materials.

Reason: So as to achieve a visually cohesive appearance.

- 5 Prior to the development coming into use, all areas used by vehicles shall be surfaced, sealed and positively drained within the site, in accordance with details which have been previously submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent the egress of water and loose material onto the public highway.

- 6 Prior to the development commencing details of the cycle parking areas, including means of enclosure, shall be submitted to and approved in writing by the Local Planning Authority. The building shall not be occupied until the cycle parking areas and means of enclosure have been provided within the site in accordance with such approved details, and these areas shall not be used for any purpose other than the parking of cycles.

Reason: To promote use of cycles thereby reducing congestion on the adjacent roads and in the interests of the amenity of neighbours.

- 7 Prior to the development commencing details of the bus stop area, including means of enclosure, shall be submitted to and approved in writing by the Local Planning Authority. The building shall not be occupied until the bus stop area and means of enclosure have been provided within the site in accordance with such approved details, and this area shall not be used for any purpose other than bus services.

Reason: To promote use of public transport thereby reducing congestion on the adjacent roads and in the interests of the amenity of neighbours.

- 8 The building shall not be occupied until the areas shown on the approved plans for parking and manoeuvring of vehicles (and cycles, if shown) have been constructed and laid out in accordance with the approved plans, and thereafter such areas shall be retained solely for such purposes.

Reason: In the interests of highway safety.

- 9 Prior to the development commencing details of the measures to be employed to prevent the egress of mud, water and other detritus onto the public highway, and details of the measures to be employed to remove any such substance from the public highway shall be submitted to and approved in writing by the Local Planning Authority. Such measures as shall have been approved shall be employed and adhered to at all times during construction works.

Reason: To prevent the egress of water and loose material creating a hazard on the public highway.

- 10 Prior to the commencement of the use hereby approved, provision shall be made within the site for accommodation of delivery/service vehicles in accordance with the approved plans. Thereafter all such areas shall be retained free of all obstructions and used solely for the intended purpose.

Reason: To ensure that delivery/service vehicles can be accommodated within the site and to maintain the free and safe passage of highway users.

- 11 The development hereby permitted shall not come into use until the following highway works (which definition shall include works associated with any Traffic Regulation Order required as a result of the development, signing, lighting, drainage and other related works) have been carried out in accordance with details which shall have been previously submitted to and approved in writing by the Local Planning Authority, or arrangements entered into which ensure the same.

\* provision of right turn ghost island and site access arrangements as indicatively shown on Faber Maunsell drwg no;33985/P/004

\* improvements to 2 bus stops on Stirling Road consisting of shelters and kassel kerbs

Reason: In the interests of the safe and free passage of highway users.

- 12 Prior to works starting on site a dilapidation survey of the highways adjoining the site shall be jointly undertaken with the Council and the results of which shall be agreed in writing with the LPA.

Reason: In the interests of the safety and good management of the public highway.

- 13 Safety Audit: A full 3 stage road safety audit carried out with advice set out in the DMRB HD19/03 and guidance issued by the council, will be required for the internal highway layout and all off-site works requiring alteration, stage 1 of which must be submitted to and agreed in writing by the LPA prior to works commencing on site.

Reason: To minimise the road safety risks associated with the changes imposed by the development.

- 14 Within 6 months of occupation of the site a full travel plan shall have been submitted and approved in writing by the LPA. The travel plan should be developed and implemented in line with local and national guidelines.

Within 12 months of occupation of the site a first year staff travel survey shall have been submitted and approved in writing by the LPA. Results of yearly staff travel surveys shall then be submitted annually to the authority's travel plan officer for approval.

Reason: To ensure the development complies with advice contained in PPG13-Transport, and in Policy T20 of the City of York Local Deposit Draft Local Plan, and to ensure adequate provision is made for the movement of vehicles, pedestrians, cycles and other modes of transport to and from the site, together with provision of parking on site for these users.

- 15 No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme which shall illustrate the number, species, height and position of trees and shrubs. This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five 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: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the site.

- 16 The site shall be developed with separate systems of drainage for foul and surface water on and off site.

Reason: In the interest of satisfactory and sustainable drainage.

- 17 No development shall take place until details of the proposed means of disposal of foul and surface water drainage, including details of any balancing works and off-site works, have been submitted to and approved by the local planning authority.

Reason: To ensure that the development can be properly drained.



- 18 Unless otherwise approved in writing by the local planning authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

Reason: To ensure that no foul or surface water discharges take place until proper provision has been made for their disposal.

- 19 Surface water from vehicle parking and hardstanding areas shall be passed through an interceptor of adequate capacity prior to discharge to the public sewer. Roof drainage should not be passed through any interceptor.

Reason: In the interest of satisfactory drainage.

- 20 No development shall take place until works have been carried out to provide adequate facilities for the disposal and treatment of filter backwash and swimming pool water, in accordance with details to be submitted to and approved by the local planning authority.

Reason: To ensure that the development can be properly drained without damage to the local water environment.

- 21 No development shall take place until works have been carried out to provide adequate facilities for the disposal and treatment of any waste materials, including trade effluents, in accordance with details to be submitted to and approved by the local planning authority.

Reason: To ensure that the development can be properly drained without damage to the local water environment.

- 22 No development shall take place until a trade effluents consent relating to the disposal of water from swimming pools has been granted.

Reason: To ensure that the development can be properly drained without damage to the local water environment.

- 23 Prior to the development commencing details that show how 'Secured by Design' principles have been incorporated into the scheme shall be submitted for the written approval of the Local Planning Authority and once approved the development shall be implemented in accordance with the approved 'Secured by Design' details prior to occupation or use of any part of the development hereby approved.

Reason: In the interest of community safety, to reduce the fear of crime and to prevent crime and disorder in accordance with the provisions of Section 17 of the Crime and Disorder Act 1998.

- 24 Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and

hardstandings shall be passed through an oil interceptor installed in accordance with a scheme previously submitted to and approved in writing by the LPA. Roof water shall not pass through the interceptor.

Reason: To prevent pollution of the water environment.

- 25 The development shall not be commenced until a BREEAM assessment has been submitted to and approved in writing by the Local Planning Authority, and the approved environmental standards shall be implemented and maintained thereafter.

Reason: To ensure that the development is sustainable and accords with Policy GP4A of the draft City of York Local Plan.

- 26 No work shall commence on site until the applicant has secured the implementation of a programme of archaeological work (an archaeological excavation and subsequent programme of analysis and publication by an approved archaeological unit) in accordance with the specification supplied 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 Importance and the development will affect important archaeological deposits which must be recorded prior to destruction.

- 27 No development shall commence until the applicant has submitted a method statement detailing a methodology for soil stripping which will allow the identification of archaeological feature. The submitted details shall thereafter be approved in writing by the Local Planning Authority.

Reason: This development will have an effect on important archaeological deposits which are preserved within the site and these must be identified during the soil stripping operations.

- 28 No development approved by this permission shall be commenced until a Scheme for the provision of surface water drainage works has been approved by the Local Planning Authority in consultation with the Internal Drainage Board. Any such Scheme shall be implemented to the reasonable satisfaction of the Local Planning Authority before the development is brought into use.

Reason: To prevent the risk of flood risk caused by excessive surface water discharge into a watercourse.

- 29 All demolition and construction works and ancillary operations, including deliveries to and despatch from the site shall be confined to the following hours:

Monday to Friday	08.00 to 18.00
Saturday	09.00 to 13.00

Not at all on Sundays and Bank Holidays

Reason: To protect the amenity of neighbours

- 30 Prior to the development hereby approved coming into use details of any scheme for illumination of all external areas of the site shall be submitted to and approved in writing by the Local Planning Authority and the agreed scheme implemented on site.

Reason: To protect the living conditions of the nearby residential properties and to prevent light pollution.

- 31 Prior to the development hereby approved coming into use details of the illumination of the outdoor sports pitch the site shall be submitted to and approved in writing by the Local Planning Authority and the agreed scheme implemented and maintained on site. Such a scheme should include the following:

- a contour map with illumination levels of the area to be lit and the spill beyond the lit area given in lux in the horizontal plane;
- the angle of the lights and details of the beam - whether asymmetric or otherwise;
- the height of the lighting stanchions; and the luminance level in lux in the vertical plane at the windows of the nearest residential properties.

Reason: To protect the living conditions of the nearby residential properties and to prevent light pollution.

- 32 All external illumination shall be switched off no later than 23.00hrs every night.

Reason: To protect the living conditions of the nearby residential properties and to prevent light pollution.

- 33 The use of the outdoor facilities shall cease no later than 23.00hrs every night.

Reason: To protect the amenity of neighbours.

- 34 A desk study shall be undertaken in order to identify any potentially contaminative uses which have or are currently occurring on the site. This shall include a site description and a site walkover and shall be submitted to and approved by the local planning authority prior to commencement of development of the site. This should, where possible date back to 1800

Reason: To protect human health and the wider environment

- 35 A site investigation shall be undertaken based upon the findings of the desk study. The investigation shall be carried out in accordance with BS10175: Investigation of potentially contaminated land: code of practice. The results of

the investigation shall be submitted to and approved by the local planning authority in writing prior to any development commencing on the site.

Reason: To protect human health and the wider environment

- 36 A risk-based remedial strategy shall be developed based on the findings of the site investigation. The remedial strategy shall be submitted to and approved by the local planning authority in writing. The approved strategy shall be fully implemented prior to any development commencing on site. The remedial strategy shall have due regard for UK adopted policy on risk assessment and shall be developed in full consultation with the appropriate regulator(s).

Reason: To protect human health and the wider environment

- 37 A validation report shall be submitted to and approved by the local planning authority, detailing sample locations and contaminant concentrations prior to any development commencing on site.

Reason: To protect human health and the wider environment

- 38 Any contamination detected during site works that has not been considered within the remedial strategy shall be reported to the local planning authority. Any remediation for this contamination shall be agreed with the local planning authority and fully implemented prior to any further development of the site.

Reason: To protect human health and the wider environment

- 39 A timetable of proposed remedial works shall be submitted to the local planning authority prior to any works being undertaken on the site.

Reason: To protect human health and the wider environment

- 40 Prior to the development commencing details of all floodlights including details of the level of illumination shall be submitted to and approved in writing by the Local Planning Authority. Once approved the development hereby permitted shall be carried out in full accordance with the details submitted unless otherwise agreed in writing by the Local Planning Authority.

Reason: To minimise any adverse affects for neighbouring properties and the appearance of the locality.

- 41 Details of all means of enclosure to the site boundaries shall be submitted to and approved in writing by the Local Planning Authority before the development commences and shall be provided before the development is occupied.

Reason: In the interests of the visual amenities of the area.

- 42 No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed.

REASON To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

## **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 to the vitality and viability of York City Centre and district centres, sustainability, Green Belt development, flood risk, access and traffic considerations and visual amenity. As such the proposal complies with Policies SP2, SP6, SP7a, SP8, GP1, GP3, GP4a, GP5, GP9, GP11, GP15a, HE10, NE7, GB1, GB13, T4, T7b, T13a, T18, L1a, V1, V2 and C1 of the City of York Local Plan Deposit Draft.

2. This site is subject to an agreement or obligation under Section 106 of the Town and Country Planning Act 1990.

3. The applicant is advised that prior to the commencement of works on site they should contact the authorities Section 38 Engineer, with a view to preparing the necessary drawings and legal work required to enter into a Section 278 Agreement of the 1980 Highways Act for the alterations proposed to the existing highway layout. Such works will be carried out by City of York Council approved contractors at the cost of the applicant. (Section 38 Engineer 01904 551361)

4. You are informed that the grant of planning permission does not absolve them from complying with the Wildlife and Countryside Act 1981.

5. You should note that appropriate care should be taken to avoid destruction of nesting sites while in use or being built.

6. You should note that there should be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct or via soakaways.

7. You are informed that under the Water Resources Act 1991 it is an offence to "knowingly permit" pollution of controlled waters. The Environment Agency reserves the right to undertake its statutory powers.

8. Your attention is drawn to the various requirements for the control of noise on construction sites laid down in the Control of Pollution Act 1974. In order to ensure that residents are not adversely affected by air pollution and noise, the following guidance should be attached to any planning approval:

1. The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228: Part 1: 1997, a code of practice for "Noise and Vibration Control on Construction and Open Sites" and in particular Section 10 of Part 1 of the code entitled "Control of noise and vibration".

2. All plant and machinery to be operated, sited and maintained in order to minimise disturbance. All items of machinery powered by internal combustion engines must be properly silenced and/or fitted with effective and well-maintained mufflers in accordance with manufacturers instructions.

3. The best practicable means, as defined by Section 72 of the Control of Pollution Act 1974, shall be employed at all times, in order to minimise noise emissions.

4. All reasonable measures shall be employed in order to control and minimise dust emissions, including sheeting of vehicles and use of water for dust suppression.

5. There shall be no bonfires on the site.

Any deviation from the above conditions shall be approved beforehand by the Environmental Protection Unit by ringing 01904 551572

**Contact details:**

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