



Notice of a public meeting of Planning Committee

- To:** Councillors Reid (Chair), Ayre, Boyce, Carr, Cullwick, Cuthbertson, D'Agorne, Doughty, Funnell, Galvin, Looker, Richardson, K Taylor, Warters and 1 x vacancy
- Date:** Thursday, 11 October 2018
- Time:** 4.30 pm
- Venue:** The George Hudson Board Room - 1st Floor West Offices (F045)

AGENDA

Site Visits

Would Members please note there will be **no minibus** for this visit. Please meet at **York St John University Sports Centre, Haxby Road, York** at **10:30am on Tuesday 9 October 2018**

1. **Declarations of Interest**

At this point in the meeting, Members are asked to declare:

- any personal interests not included on the Register of Interests
- any prejudicial interests or
- any disclosable pecuniary interests

which they may have in respect of business on this agenda.

2. **Minutes** (Pages 5 - 16)

To approve and sign the minutes of the meeting of the Planning Committee held on 16 August 2018.

3. **Public Participation**

It is at this point in the meeting that members of the public who have registered their wish to speak can do so. The deadline for registering is by **5:00pm on Wednesday 10 October 2018**. Members of the public can speak on specific planning applications or on other agenda items or matters within the remit of the Committee.

To register, please contact the Democracy Officer for the meeting on the details at the foot of this agenda.

Filming or Recording Meetings

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The Council's protocol on Webcasting, Filming & Recording of Meetings ensures that these practices are carried out in a manner both respectful to the conduct of the meeting and all those present. It can be viewed at http://www.york.gov.uk/download/downloads/id/11406/protocol_for_webcasting_filming_and_recording_of_council_meetings_20160809.pdf

4. **Plans List**

This item invites Members to determine the following planning applications:

**a) Germany Beck Site, East Of Fordlands Road, York
[17/02687/NONMAT] (Pages 17 - 28)**

Non-material amendment to permitted application 12/00384/REMM to alter approved plans, to vary condition 9 to amend approved bat mitigation strategy and to remove condition 13 [Fulford And Heslington Ward]

**b) York St John University Sports Centre, Haxby Road, York
[18/01133/FULM] (Pages 29 - 46)**

Construction of a 3G sports pitch with associated lighting, fencing and viewing embankments [Rawcliffe And Clifton Without Ward] [Site Visit]

5. Urgent Business

Any other business which the Chair considers urgent under the Local Government Act 1972.

Democracy Officer

Angela Bielby

Contact details:

- Telephone: 01904 552599
- Email: a.bielby@york.gov.uk

For more information about any of the following please contact the Democratic Services Officer responsible for servicing this meeting:

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports and
- For receiving reports in other formats

Contact details are set out above.

This information can be provided in your own language.

我們也用您們的語言提供這個信息 (Cantonese)

এই তথ্য আপনার নিজের ভাষায় দেয়া যেতে পারে। (Bengali)

Ta informacja może być dostarczona w twoim własnym języku. (Polish)

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

یہ معلومات آپ کی اپنی زبان (بولی) میں بھی مہیا کی جاسکتی ہیں۔ (Urdu)

 (01904) 551550

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PLANNING COMMITTEE**SITE VISITS****Tuesday 9 October 2018**

**Please note there will be no minibus for this visit. Please meet at
York St John University Sports Centre, Haxby Road, York**

TIME (Approx)	SITE	ITEM
10:30	York St John University Sports Centre, Haxby Road, York [18/01133/FULM]	4b

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Abbreviations commonly used in Planning Reports

(in alphabetical order)

AOD	above ordnance datum
BREEAM	building research establishment environmental assessment method
BS	British standard
CA	conservation area
CIL	Community Infrastructure Levy (Regulations)
CEMP	construction environmental management plan
CYC	City of York Council
DCLP	Draft Development Control Local Plan 2005
DCSD	Design Conservation and Sustainable Development team
dB	decibels
DEFRA	Department for Environment, Food and Rural Affairs
EA	Environment Agency
EDS	ecological design strategy
EIA	environmental impact assessment
EPU	Environment Protection Unit
FRA	flood risk assessment
FTE	full time equivalent
FULM	major full application
GCN	great crested newts
HGV	heavy goods vehicle
IDB	internal drainage board
IPS	interim planning statement
LBC	listed building consent
LGV	large goods vehicle
LPA	local planning authority
NERC	Natural Environment and Rural Communities Act (2006)
NHBC	National House Building Council

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance
OAN	objectively assessed need
OUTM	major outline application
PROW	public right of way
RAM	reasonable avoidance measures
RTV	remedial target value
RSS	Regional Spatial Strategy
SHMA	Strategic Housing Market Assessment
SINC	Site of Interest for Nature Conservation
SHLAA	Strategic Housing Land Availability Assessment
SFRA	Strategic Flood Risk Assessment
SPD	Supplementary Planning Document
TPO	tree preservation order
TRO	Traffic Regulation Order
VDS	village design statement
WSI	written scheme of investigation
VAS	vehicle activated signage
VOA	Valuation Office Agency
WHO	World Health Organisation

City of York Council

Committee Minutes

Meeting	Planning Committee
Date	16 August 2018
Present	Councillors Reid (Chair), Ayre [not present for agenda item 3d], Boyce, Carr, Cullwick, Cuthbertson, D'Agorne, Galvin, Looker [not present for agenda item 3d] , Richardson, K Taylor [not present for agenda items 3b and 3d], Warters, S Barnes(Substitute for Cllr Funnell), Crawshaw (Substitute for Cllr Shepherd) and Dew (Substitute for Cllr Doughty)
Apologies	Councillors Shepherd, Funnell and Doughty

Site Visits

Application	Reason	In attendance
Former Lowfield School, Dijon Avenue	As the recommendation was to approve and objections had been received	Councillors Boyce, Carr, Cullwick, Cuthbertson, D' Agorne, Galvin, Reid and Richardson
Spark York, Piccadilly	As the recommendation was to approve and objections had been received	Councillors Boyce, Carr, Cullwick, Cuthbertson, D' Agorne, Galvin, Reid and Richardson

13. Declarations of Interest

Members were asked to declare, at this point in the meeting, any personal interests, not included on the Register of Interests, or any prejudicial or disclosable pecuniary interests they may have in respect of business on the agenda. Cllr K Taylor declared a prejudicial interest in agenda items 3b and 3d.

14. Public Participation

It was reported that there had been no registrations to speak at the meeting under the Council's Public Participation Scheme on general matters within the remit of the Planning Committee.

15. Plans List

Members considered a schedule of reports of the Assistant Director, Planning and Public Protection, relating to the following planning applications, outlining the proposals and relevant policy considerations and setting out the views of consultees and officers.

16. Rufforth Poultry Farm, Land At Grid Reference 458205 449925, West Of Bradley Lane, Rufforth, York [16/01813/FULM]

Members considered a major full application from H Barker And Son Ltd for the erection of a poultry farm comprising six poultry sheds with ancillary buildings, access road and landscaped embankments (resubmission).

The Head of Development Services outlined the application and provided an update. Members were advised that the authority had commissioned Eddowes Aviation Safety to produce a report in respect of the application. Mark Eddowes of Eddowes Aviation Safety explained that York Gliding Club objected to the application on the basis of it being close to their airfield. He outlined the methodology used and principle findings of his review noting the significant risks over the control of safety issues with the site. He further noted that the aviation consultant employed by the applicant had not included a number of items in their assessment which had been included in his assessment.

Officers clarified to Members that the proposal was for the erection of three buildings to house poultry, not six as included in the report in paragraph 4.13 and the report title.

Lynne Edwards, on behalf of Animal Aid, spoke in objection to the application. She explained Animal Aid's concerns regarding the significant risk of flooding, waste and water discharge, noise from additional vehicles travelling to and from the site, and a

number of health and safety risks in relation to the effect of spillage from poultry feed, and potential increased risk of outbreaks of bird flu.

Alan Wrigley, on behalf of York Gliding Centre, spoke in objection to the application. He detailed his flight experience and background and noted that the safety standards of flights would be put at risk by the erection of the buildings detailed in the application. He supported the information included in the report to the Committee.

David Hildreth, a local farmer, spoke in objection to the application. He noted impact of the development on the green belt, citing NPPF guidance and noted that approval of the scheme would have a negative economic impact on that the landscaping of the development would have on York Gliding Centre as well as the increased risk of flooding on his farm adjacent to the site.

The agent for the applicant, Paul Leeming (Carter Jonas), spoke in support of the application. He noted that as the poultry farm was for agricultural use as it was in the green belt and that the scale of the proposal had been reduced from the previous planning application made. He noted that the proposal would contribute to economic growth and that there were no material planning issues to be resolved. He noted that the aviation consultant appointed by the applicant had found no issues with the proposal in connection with the flight school and that other sites, such as the site near Selby Golf Club had been deemed unsuitable and he explained the reasons for this.

In response to Members' questions Mr Barker on behalf of the applicant clarified why the Selby Golf Club had been discounted as a suitable site for the poultry farm.

Cllr Steward, Councillor for Rural West York Ward, spoke in objection to the application. He supported the conclusions of the officer report, in particular the information contained within sections 4.16, 4.17 and 4.18. He noted the impact of increased traffic to the poultry farm through Rufforth and neighbouring villages. He expressed concern regarding the different conclusions of the aviation consultant appointed by City of York Council and the applicant to which Mark Eddowes responded with an explanation of the methodology used and resulting conclusions made by both.

Following debate it was:

Resolved: That the application be refused.

Reason: The development by virtue of its scale, dense pattern of landscaping and close physical relationship to a principal run-way of Rufforth Airfield would give rise to significant material harm to the safety of aircraft and associated gliders taking off and landing contrary to Central Government Planning Policy as outlined in paragraph 104 f) to the National Planning Policy Framework. That adverse impact would significantly and demonstrably outweigh the benefits of the proposal when assessed against the policies of the NPPF as a whole.

**17. Former Lowfield School, Dijon Avenue, York
[17/02429/OUTM]**

[Note: Councillor K Taylor withdrew from the meeting during consideration of this item and took no part in the debate or decision thereon.]

Members considered a Major Outline Application from City Of York Council for for 165 dwellings, care home (approx 80 bed), health and public service building and associated green space, access and infrastructure.

The Head of Development Services provided an update advising Members of additional consultation responses and representations, specifically in response to the findings of a survey of 250 local residents undertaken between 6 and 14 August on behalf of Westfield Liberal Democrats and a written submission from Save Lowfields Playing Field Action Group.

In response to Member questions it was clarified that:

- The landscaping could be conditioned to the lifetime of the development and not 5 years as detailed in condition 6
- Breaches in construction times on the site would result in enforcement action
- The design code referred to in condition 40 had not been progressed beyond an early stage.

Two written representations in objection had been received from:

- Save Lowfields Playing Green group in which they outlined the reasons that the application should be refused
- Westfield Liberal Democrats Lowfield Survey results (250 residents surveyed between 6 to 14 August 2018)

James Newton (YorSpace) spoke in support of the application. He noted that average house prices had risen by 300% and that property was surging out of the reach of first time buyers. He stated that YorSpace were committed to delivering affordable homes and that the housing model included in the application worked for delivering affordable housing.

In response to Member questions, James Newton noted that:

- The financial model of YorSpace was robust and there was a growing network of and government funding for communal housing.
- There was car parking for 90 homes and plenty of cycle storage on the site.

Michael Jones (Commercial Project Manager, City of York Council) on behalf of the applicant spoke in support of the application. He outlined the types of housing that would be delivered on the site and noted that the scheme had been designed to a lower density than planning limits. With regard to the use of the present site as playing fields he advised that the site was locked and that there would be new football pitches located on Tadcaster Road. He advised that there had been consultation regarding the site with local residents, and that plans had been shaped by local Ward Members.

In answer to questions from Members Michael Jones responded that:

- Public consultation had taken place on 17 July
- Some house types had changed to bungalows
- The site could not be used at present and the application provided the use of green space
- There was no proposal to put a barrier on the small access road from Tudor Road. However, it would be possible to condition the installation of a traffic barrier.

Elisabeth Storrs spoke in support of the application. She explained that the proposed housing would help people on a modest income to change to own a home.

Cllr Waller, Ward Member for Westfield, spoke in objection to the application. He cited the changes from the 2010 proposals for the site. He explained the need for recreational space in the locality and expressed disappointment that the proposals resulted in a loss of open green space, adding that the development did not include enough green space. He noted the need to address traffic to and from the site. He added that it had been confirmed that there was no plan to move a police station to the site.

In response to questions from the Committee, Cllr Waller explained that:

- The footprint of the former school should have been put forward for development.
- The Council could deliver sustainable development on the site
- The police station was to be sited at the Fire Station
- During all public engagement, residents asked for open space to be retained.
- The results of the Westfield Liberal Democrat survey gave a strong indication that residents were against the proposals put forward.

Discussion took place regarding the footprint of the site, which was ascertained to be between 40-45% of the total area of the site. Members were advised by the Senior Solicitor that they could only consider the application presented before them.

A full debate followed in which Members acknowledged the views of residents and the need for affordable housing. NPPF guidance was discussed and the Senior Solicitor advised that the application was to be considered against the July 2018 NPPF. Following debate it was:

Resolved: That the application be approved subject to the conditions listed in the report and the following amended and additional conditions:

- i. Planting for the lifetime of the scheme [amendment to condition 6]

- ii. Barrier to be installed at the site entrance on Tudor Road
- iii. Use of renewable energy

Reasons:

- i. The former Lowfield School comprises a large open grassed site of 4.54 hectares formerly occupied by a Secondary School lying to the south west of the Acomb District Centre. The former school playing field has been used by Woodthorpe Wanderers a Junior Football team who have subsequently relocated to a site in Dringhouses and merged with another local team leaving the playing field unused. Outline planning permission with access only considered is sought for the erection of 96 two and three storey dwelling houses, 26 bungalows and a three storey apartment block containing 18 apartments together with an 80 bed care home, a police station/health centre and an additional 6 self build and 19 community build dwellings.
- ii. The benefits from the scheme would be the provision of a range of housing reflecting the local pattern of demand and need including for affordable properties together with the provision of an 80 bed care home specialising in dementia care for which there is a demonstrable need in western York.
- iii. In applying the relevant planning balance, it is not considered that there are any adverse impacts that would significantly and demonstrably outweigh the benefits of the proposal when assessed against the policies of the NPPF as a whole. As a result, the proposal represents sustainable development and approval is recommended.

**18. Former Lowfield School, Dijon Avenue, York
[17/02428/FULM]**

[Note: Councillor K Taylor returned to the meeting for consideration of this application].

Members considered a major full application from City Of York Council for the erection of 96 two and three storey houses, 26 bungalows and three storey 18 apartment building with new access and associated infrastructure.

An officer update was given. Members were advised that a detailed consultation response had been received from Strategic Planning raising no objection to the proposal. Attention was also drawn to Policy G15 Loss of Open Space and Playing Fields in addition to the policies within the Publication Draft Local Plan previously highlighted within the report attention was drawn to Policy G15 Loss of Open Space and Playing Fields in which indicated that development would not be permitted that would lead to loss of open space of environmental and/or recreational importance unless the open space can be replaced by provision at an equivalent or better standard within the wider area.

Members were further advised that a revised response had been received from Education Services which reduced the commuted sum payment in respect of educational places to £438,812. It was confirmed that additional conditions applied to the outline approval applied to this application also.

In response to Member questions it was confirmed that permitted development rights in respect of reselling of the bungalows could be removed . It was also clarified that there would be a separate planning application for the self build plots.

Samantha Judd, a local resident, addressed the Committee on behalf of a number of local residents neighbouring the site. She explained that she understood the need for affordable housing but thought that the site was being used to compensate for developments that could be built elsewhere, such as at the former Manor School site. She expressed concern regarding the creation of an entrance to the site on Tudor Road and the impact this would have on traffic.

Michael Jones (Commercial Project Manager, City of York Council) on behalf of the applicant spoke in support of the application. He noted that the houses contained within the application would be built quickly and would be affordable, with the first homes to be occupied by 2019. He detailed the types of accommodation that would make up the 140 homes. He noted that the homes were sustainable, with car charging and cycle parking available in each of the homes.

In answer to questions from the Committee, Michael Jones clarified:

- The position of the dormer windows on the bungalows
- The addition of a second storey to the bungalows would require a new planning application
- That the inclusion of a boundary treatment could be conditioned
- That there was a lift in the apartment block

Clarification was given on the removal of permitted development rights and with reference to retaining hedges on the boundary of the site, it was noted that boundary treatment could be conditioned.

Following debate it was:

Resolved: That the application be approved subject to the conditions listed in the report and the following amended and additional conditions:

- Planting for the lifetime of the scheme [amendment]
- Barrier at entrance on tudor road.
- Use of renewable energy.
- Boundary treatment on the hedges on the boundary of the site.
- Permitted development rights on the bungalows be removed.

Reasons:

- i. The former Lowfield School comprises a large open grassed site of 4.54 hectares formerly occupied by a Secondary School lying to the south west of the Acomb District Centre. The former school playing field has been used by Woodthorpe Wanderers a Junior Football team who have subsequently relocated to a site in Dringhouses and merged with another local team leaving the playing field unused.

Full planning permission is sought for the erection of 96 two and three storey dwelling houses, 26 bungalows and a three storey apartment block containing 18 apartments. It is considered that the proposal would not be premature in terms of the delivery of the 2018 Draft Plan. At the same time appropriate re-provision has been made in terms of the playing fields to be lost. The site has been designed to respect its surroundings in terms of its design, layout and density and would secure the delivery of a site allocated for housing in furtherance of the requirements of the NPPF.

- ii. In applying the relevant planning balance, it is not considered that there are any adverse impacts that would significantly and demonstrably outweigh the benefits of the proposal when assessed against the policies of the NPPF as a whole. As a result, approval is recommended.

19. Spark York, Piccadilly, York [18/01102/FUL]

[Note: Councillor K Taylor withdrew from the meeting during consideration of this item and took no part in the debate or decision thereon.]

Members considered a full application from Spark York for the variation of conditions 1 and 3 of permitted application 17/00274/FUL to amend approved plans to omit timber cladding from containers and for external artwork and vinyl lettering.

An officer update was given advising that the identified harm to heritage assets and issues with the design had been assessed against the policies of the NPPF as a whole.

Following their update, Officers were asked and clarified that:

- There was a requirement for a lift on the site which was understood to be installed around October 2018
- Paragraph 3.5 of the report contained the views of the Conservation Officer
- The assessment of the application was not based on the cost of the cladding

Matthew Laverack spoke in objection to the application, suggesting that the report and update were flawed. He urged

the Committee to refuse the application on the grounds of detrimental visual amenity.

Sam Leach, the applicant, spoke in support of the application. He explained that footfall at the end of Piccadilly (where Spark:York was located), was higher than ever. He noted the positive impact that it had had on the local economy, namely Fossgate, Walmgate and the Castle Gateway area. He noted that it was temporary structure and that national street artists had produced the artwork on the containers.

In response to Member questions, Sam Leach explained:

- Spark:York had been successful for Piccaddilly, with families and people of all ages visiting.
- The circumstances behind the application and reasons for not installing the cladding
- Why street art was used

It was clarified to Members that the application was a variation of conditions 1 and 3 of the permitted application to amend approved plans to omit timber cladding from containers and for external artwork and vinyl lettering.

Mike Proctor, a local resident, spoke in support of the application. He noted that he lived adjacent to the site and had found that his original fears around Spark:York were unfounded as the applicants had complied with all the condition around noise, smells (from cooking) and opening and closing times. He noted that the applicants had made functional use of the industrial containers.

Members debated the application in detail, expressing a number of different views about the external artwork in situ on the containers and the impact of this on the conservation area. Following a full debate it was:

Resolved: That the application be refused.

Reason: Inappropriate to the setting and harm to conservation area.

Cllr A Reid, Chair

[The meeting started at 4.30pm and finished at 8.05pm].

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COMMITTEE REPORT

Date: 11 October 2018 **Ward:** Fulford And Heslington
Team: Major and **Parish:** Fulford Parish Council
Commercial Team

Reference: 17/02687/NONMAT
Application at: Germany Beck Site East Of Fordlands Road York
For: Non-material amendment to permitted application
12/00384/REMM to alter approved plans, to vary condition 9
to amend approved bat mitigation strategy and to remove
condition 13
By: Persimmon Homes Yorkshire
Application Type: Non Material Amendments
Target Date: 1 December 2017
Recommendation: Approve

1.0 PROPOSAL

1.1 This proposal is not a planning application. It is a request for consent to make non-material amendments to an existing planning permission pursuant to Section 96A to the Town and Country Planning Act 1990. In Local Planning Authorities, such non-material decisions would ordinarily be processed using delegated powers. However, the scope of delegation provided for in the wording of York's Constitution has been queried by Fulford Parish Council, on the grounds that S96A is not expressly referred to in the Council's Constitution as being excluded from reservation to Committee, (unlike repeat and S73 applications). The request is therefore being brought to Committee for approval to protect the Council from any challenge to the decision making process on procedural grounds. A Report is intended to be brought to Committee proposing amendment to the Constitution for Members consideration and referral to Full Council, so that in future it is clear that such requests are within the scope of delegation to Officers.

The request seeks consent to make the following amendments to a planning permission for 655 dwellings (12/00384/REMM, approved 9.5.2013) to allow changes to the approved house types and layout of phases 1 and 2 and to amend the timing of an approved bat mitigation strategy agreed under condition 9 of the reserved matters. The original request to remove condition 13 has now been omitted from the application. Changes to phase 3 of the scheme have also been omitted from this S 96A non-material amendment request.

1.2 This application follows a previous submission made by the developer in April 2017 under Section 73 of the Town and Country Planning Act 1990 to vary conditions 9 and 13 (ref. 17/00971/FUL), which was withdrawn in February 2018.

1.3 The planning permission for the residential development has been implemented with the construction of the access junction and initial section of internal spine road and the excavation of the compensatory flood storage ponds. Work has recently commenced on the internal roads and some of the foundations for plots in phase 1.

2.0 POLICY CONTEXT

National Planning Policy Framework (July 2018)

2.1 At the heart of the NPPF is the presumption in favour of sustainable development. It goes on to state in paragraph 59 that in order to support the Government's objective of significantly boosting the supply of homes, it is important that, inter alia, land with permission is developed without unnecessary delay. It requires that local planning authorities ensure that the quality of approved development is not materially diminished between permission and completion as a result of changes being made to the permitted scheme (paragraph 130). Refusal is advised where there is significant harm to biodiversity unless it can be adequately mitigated (paragraph 175).

City of York Draft Local Plan (2005)

2.2 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 as revised in July 2018, although the weight that can be afforded to them is very limited. Those policies relevant to the determination of the section 96A application are:

- GP1 – Design
- GP3 – Designing out crime
- GP9 – Landscaping
- NE6 – Species protected by law
- H3c – Mix of dwellings on housing sites

City of York Council Pre-Publication Draft Local Plan (2017)

2.3 In accordance with paragraph 48 of the NPPF as revised in July 2018, the relevant 2018 Draft Plan policies can be afforded weight according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

- The degree of consistency of the relevant policies in the emerging plan to the policies in the previous NPPF published in March 2012. (NB: Under transitional arrangements plans submitted for examination before 24 January 2019 will be assessed against the 2012 NPPF).

2.4 The evidence base underpinning the 2018 Draft Plan is capable of being a material consideration in the determination of planning applications.

2.5 The Proposals Map accompanying the 2018 plan includes the site as lying largely with the main urban area of York with the nature park and access road falling within Green Belt land around York. Those policies relevant to the determination of the Section 96A application are:

- H3 – Balancing the housing market
- D1 – Placemaking
- D2 – Landscape and setting
- GI2 – Biodiversity and access to nature

2.6 It should be noted that Section 38(6) does not apply to an application under Section 96A.

3.0 CONSULTATIONS

3.1 No consultation is required to be undertaken for non-material amendment applications, but the following comments have been received:

INTERNAL

Design Conservation and Sustainable Development (Countryside and Ecology)

3.2 The revisions to the Bat Mitigation document relate to the timing of the implementation of the mitigation specifically the installation of bat 'hop-overs'. The revised strategy has also taken account of the removal of additional vegetation which has been required during the course of construction following commencement in 2016. The removed vegetation will be replanted using a native species-rich hedgerow mix during the next suitable planting season after completion of works, which based on this being June 2018 would mean planting in winter 2018/19.

3.3 The Bat Mitigation Strategy Addendum includes a reasoned statement as to why the changes are required and why they will not result in any significant adverse effects on bats. The change in the timetable of works is not considered to impact on bats as it will still be established before the road is operating at full capacity, noting that bats are generally inactive between November and March. The revised strategy has been supported by bat activity surveys undertaken in summer 2016 to update existing information, but no new substantive information has been submitted.

Concludes that the addendum addresses the changes to the timing of the bat mitigation works and still meets the requirements of Condition 9 of reserved matters 12/00384/REMM.

Housing Strategy and Development

3.4 In accordance with the Section 106 requirements for the Germany Beck application reference 01/01315/OUT, an amended Affordable Housing Plan has been provided which is consistent with the updated layout in 17/02687/NONMAT. This does not alter the amount, tenure or housing type mix of the affordable housing provided for this application, and meets in full the relevant Section 106 obligations. Accordingly there is no objection to the application from the Housing Development Team.

EXTERNAL

Fulford Parish Council

3.5 Two letters have been received from the Parish Council raising following concerns/queries:

- The plot substitutions and layout changes are significant and should not be treated as non-material;
- The delay to the implementation of the bat mitigation strategy;
- A decision under delegated authority is contrary to the Council's constitution;
- Question whether Section 96A amendment can be made to reserved matters approval after LPA confirmed that Section 73 application cannot be;
- Raises alleged breaches of conditions regarding the construction of the spine road.

3.6 A further letter from Walton & Co. Solicitors on behalf of the Parish Council has been received which states that it would be unlawful and irrational for the Council to grant consent for the wide range of amendments sought as a non-material amendment. In their view, the range of amendments sought is outside the powers bestowed on the Council pursuant to Section 96A of the Town and Country Planning Act 1990. They consider an inevitable prospect of success in the High Court to quash such decision if the application is approved.

Local residents

3.7 Letter received from occupants of Osbourne House, 7 School Lane, requesting the plans be amended to remove a tree from the new access road to their property, restore its width and correct the 30m standoff distance line. They highlight that plot numbers have changed, plot 47 is within the 30m standoff, a hedge is replaced by a fence between plots 48 and 49 and properties now encroach on the Parish Land extension (plots 49-53) or narrow the green corridor from 30m to 26m.

4.0 APPRAISAL

4.1 The main issue for the Local Planning Authority is whether it is satisfied that the proposed amendments are not material, having regard to the effect of the changes, together with any previous changes made under Section 96A, on the planning permission originally granted.

4.2 Section 96A of the Town and Country Planning Act 1990 (as amended) ("1990 Act") allows a local planning authority to make a change to any planning permission relating to land in their area if they are satisfied that the change is not material. It requires that, in deciding whether a change is material, regard be given to the effect of the change together with previous changes on the planning permission as originally granted. It confers power to impose new conditions and existing conditions to be removed or altered. The Decision Letter in respect of any approval of a Section 96A application sits alongside the original planning permission to be read together (unlike a S73 application which results in a further alternative planning permission being issued).

4.3 Further explanation of the provision is set out in the Government's Planning Practice Guidance (March 2014). This explains that there is no statutory definition of 'non-material', because it will depend on the context of the overall scheme. Therefore, what is non-material or material will differ depending upon the proposal.

ENVIRONMENTAL IMPACT ASSESSMENT

4.4 The application does not seek to provide works that were not previously agreed by the planning permission or conditions attached to it.

4.5 The outline application for the residential development considered the environmental impacts of the proposal through the submission of an Environmental Impact Assessment ("EIA"), which was updated through the course of the application. Such information was taken into account in the Secretary of State's decision to grant outline planning permission in 2007 following a public inquiry in 2006. The EIA was updated as part of the reserved matters application, as it constituted a 'subsequent application' under the then Town and Country Planning (Environmental Impact Assessment) Regulations 2011 ("EIA Regs").

4.6 A S96A application is not a subsequent application under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 ("EIA Regs 2017") as it is not required by or under a condition of the planning permission and approval is not required before the development permitted by the permission is begun. To fall within S96A the changes must be non-material, and it follows that the changes could not be of such a degree as to give rise to the need for further environmental information if they were non-material. In considering the effects of the changes there was and still is considered to be adequate environmental information to assess whether there are any significant effects of the development as changed on

the environment. Therefore, no further information is sought and no additional publicity is required.

SUMMARY OF PROPOSED CHANGES

4.7 There are two different aspects to the section 96A non-material amendment application, both of which relate to phases 1 and 2 of the approved residential housing development.

(ii) Changes to house types and scheme layout

- Replacement of Hogg the Builder houses with Persimmon products following Hogg the Builders, a partner in the original residential scheme, relinquishing its option to build a proportion of the houses in 2013 after its decision to cease house building.
- Realignment and re-positioning of houses and garaging following replacement of Hogg with Persimmon products and after further detailed assessment of layout and conveyancing arrangements, including loss of one plot, moving one plot from Phase 2 to Phase 1, loss of pedestrian link within Phase 2 and changes to landscaping within the phases.
- Re-positioning of plot 49 (formerly plot 48) further east from 1 School Lane and north in line with fence line of properties to the east and the omission of a pedestrian footpath link between phase 1 and the Parish land extension to the north, following the extension of garden of 1 School Lane into the application site since outline permission was granted in 2007.
- Highway layout alterations as a result of further detailed engineering design and after discussion with the Local Highway Authority as part of the Section 38 Highway Agreement process.

(ii) Changes to bat mitigation strategy

4.8 The proposed changes to the agreed bat mitigation strategy relate largely to timing for the provision of the mitigation works, being the provision of hop-overs. The hop-overs are in the process of being provided on site. The access road that the hop-over crosses is being used by construction vehicles in daylight hours and is not in use when bats are emerging around sunset. The Council's Countryside and Ecology Officer has been kept updated and is satisfied that the revised strategy raises no new substantive information and would not adversely impact on bats.

Consideration of materiality

4.9 The application does not propose new development that would not have been provided as part of the approved residential scheme. The changes would not materially affect the overall layout of the approved scheme including the general extent of built areas, general arrangement of open spaces and the general network

and hierarchy of roads. The variation to the house types and layout within phases 1 and 2, although dimensions of houses differ and in some instances increase, would not have a materially different visual or physical impact outside the site in the context of the development as a whole. No changes are proposed that would move houses closer to existing properties abutting the site or materially change the design of such properties other than the separation of garages from the houses.

4.10 The plans have been amended to reinstate the new access road to Osbourne House at 3.1m and remove the tree shown within it. The 30m standoff distance is correctly indicated.

4.11 The changes to phase 2 have resulted in the loss of one dwelling. The outline consent approved a residential scheme of approximately 700 dwellings. This reduced to 655 following detailed design at reserved matters stage and the proposed amendments would reduce this to 654. The change from Hogg to Persimmon properties would result in an increase in the number of three and five bedroom dwellings and a decrease in the number of two and four bedroom dwellings within phases 1 and 2. The removal of one dwelling in the context of the approved development as a whole and the effect of the change in the mix of the houses is not material. The development would retain a range of property types and sizes. It is noted that the Council's Housing team is satisfied with the mix to the open market and affordable units.

4.12 There has been one prior non-material amendment approved to the reserved matters consent, which was to remove 7 no. 5m high lighting columns from Germany Lane, south of plots 1 to 8 in phase 1 (15/00717/NONMAT). A non-material change was also agreed to the outline consent to allow the installation of drainage outfalls and the extension in the length of access road built prior to the completion of the primary junction with the A19 (17/02686/NONMAT).

4.13 Taking into account the scheme as a whole and the previous amendments agreed to it under Section 96A, the changes proposed are considered not to be material to the original consent. This judgement is based on the information submitted with the application. There is no difference to the impact of the scheme on the environment or local area.

5.0 CONCLUSION

5.1 The proposed changes to reserved matters consent 12/00384/REMM are considered to be modest in scale and nature in the context of the overall residential scheme. Taking into account the previously agreed amendments to the original planning permission, the proposal would not materially impact upon the previously approved scheme as a whole. The proposed works do not constitute EIA development nor change the environmental impacts of the approved scheme. In exercising planning judgement, it is concluded that the amendments are non-material and, therefore, the application is recommended for approval. As well as an

updated plans condition, conditions 7 and 11 of the reserved matters approval need to be amended to reflect the change of plots numbers.

6.0 RECOMMENDATION:

1 The development hereby permitted shall be carried out in accordance with the following plans and other submitted details:-

Drawing numbers PL_600_101 rev.D Proposed Site Layout, PL_600_101_PH1 rev.B Proposed Site Layout – Phase 1, and PL_600_101_PH2-3 rev.C Proposed Site Layout – Phase 2 & 3;

Drawing no. 1939/20 Landscape Proposals Phase 1 & 2;

Heritage House Type Drawing numbers 600_200_GB4, 600_201_GB5, 600_202_GB6, 600_203_GB7, 600_204_GB8, 600_205_GB9, 600_206_GB10, 600_207_GB11, 600_208_GB13, 600_209_GB15, 600_210_GB17 Plan, 600_222_GB17 Elevations, 600_211_GB18 Plan, 600_223_GB18 Elevations, 600_212_GB19, 600_213_GB20; 600_215_GB22; 600_216_GB23; 600_216_GB26; 600_GB44; and, 600_219_GB50;

Rural House Type Drawing numbers 600_300_GB6; 600_301_GB7; 600_302_GB10; 600_303_GB11; 600_304_GB13; 600_305_GB15; 600_306_GB19; 600_307_GB20; 600_308_GB21; 600_309_GB23; 600_310_GB24; 600_311_GB26; 600_314_GB46; 600_315_GB47; 600_316_GB48; 600_317_GB49; 600_321_GB53; and, 600_323_GB56;

Drawing no. 600_GB Garages.

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

2 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order), development of the type described in Classes A (Extensions), B (Alterations to roof) and E (Outbuildings) of Schedule 2 Part 1 of that Order shall not be erected or constructed for plots 38-49 (inclusive) and 643 to 655 (inclusive).

Reason: In the interests of the amenities of the adjoining residents the Local Planning Authority considers that it should exercise control over any future extensions or alterations which, without this condition, may have been carried out as "permitted development" under the above classes of the Town and Country Planning (General Permitted Development) Order 1995.

3 Prior to the commencement of development of plots 40, 41 and 43, the boundary hedge shown along the rear boundaries of these plots shall be planted in

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accordance with the approved plans. A temporary boundary enclosure shall be provided adjacent to the line of the hedge during construction. The hedge shall thereafter be retained at all times.

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Reason: In the interests of protecting the amenity of the residents of Osborne House.

7.0 INFORMATIVES:

Notes to Applicant

1. Please note that this decision only relates to the non-material amendment sought. It is not a re-issue of the original planning permission, which still stands. The two notices should be read together along with any other agreed changes. The only deviation permitted (from the original approved plans) is that as described above, and indicated on the revised submitted information. All other conditions of approval for the scheme shall be complied with.

Contact details:

Author: Hannah Blackburn Development Management Officer

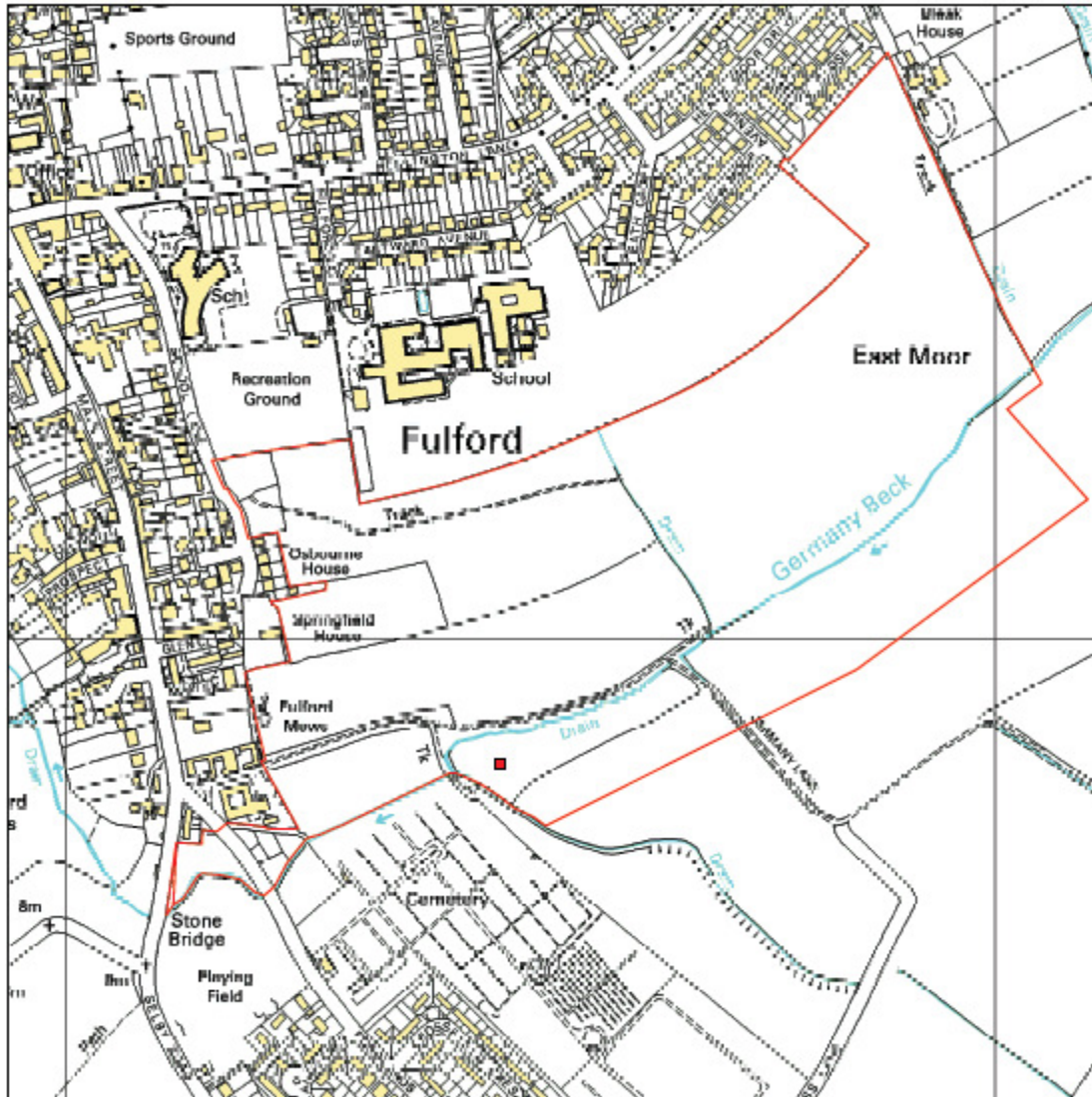
Tel No: 01904 551325

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Germany Beck Site East Of Fordlands Road

17/02687/NONMAT

Site Plan



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COMMITTEE REPORT

Date: 11 October 2018 **Ward:** Rawcliffe And Clifton
Without
Team: Major and **Parish:** Clifton Without Parish
Commercial Team Council

Reference: 18/01133/FULM
Application at: York St John University Sports Centre Haxby Road York
YO31 8TA
For: Construction of a 3G sports pitch with associated lighting,
fencing and viewing embankments
By: York St John University
Application Type: Major Full Application (13 weeks)
Target Date: 20 August 2018
Recommendation: Approve

1.0 PROPOSAL

1.1 The application seeks permission for the creation of 3G sports pitch with associated lighting and fencing at the Mille Crux York St John University Sports Park at Haxby Road.

1.2 The site comprises land either side of Haxby Road, for which planning permission was granted in February 2013 for outdoor sports facilities. The site, which covers 24ha, comprises the Northfields site (to the West of Haxby Road) which has 2 football/rugby pitches, 3 football pitches and up to 3 junior pitches. The Mille Crux site (to the east) comprises of a full size 3G all weather football/rugby pitch, a sand based hockey/multi sport pitch, 3 outdoor tennis courts and 2 outdoor netball courts together with grass pitched and a running track along with the Sports Hub building containing teaching facilities, changing facilities, social space and indoor sports hall.

1.3 The proposed sports pitch would be located on an east-west axis to the south of the Hub Building with a surface area comprising of a footprint of 130m by 80m plus goal storage areas at each end measuring 30m by 3m. The surface would be marked out for full size football and rugby pitches including safety run-off areas. 4.5m perimeter fencing is proposed which would extend from the Hub Building to enclose the pitch and a spectator area. The fencing would be galvanised and painted green. Emergency, machinery and ball access gates would be provided.

1.4 Floodlighting is proposed on eight 15m high masts located along the north and south side of the pitch. Three low-level embankments are proposed outside the perimeter fencing to the east, west and south sides of the pitch measuring 1.3m in height and 2m wide at the top which would be utilised for spectator viewing.

RELEVANT HISTORY

12/03606/FULM - Outdoor sports facilities with floodlighting and associated access, parking and landscaping - Approved 22.02.2013

13/02399/NONMAT - Non-material amendment to approved application 12/03606/FULM to alter car and cycle parking, add vehicle track, extend all-weather pitch and reduce amount of proposed netball courts - Approved 16.08.2013

14/02836/FULM Construction of sports hall with associated changing, teaching and social facilities following demolition of pavilion - Approved 06.03.2015

15/02140/FULM Erection of equipment store and grounds keeping building -Approved 16.11.2015

2.0 POLICY CONTEXT

2.1 National Planning Policy Framework (2018)

2.2 Publication Draft Local Plan (2018)

Policy ED5	York St John University Further Expansion
Policy GI1	Green Infrastructure
Policy G15	Protection of Open Space and Playing Pitches
Policy HW3	Built Sports Facilities

2.3 City of York Draft Local Plan (2005)

CYGP7 - Open Space

3.0 CONSULTATIONS

INTERNAL

Design, Conservation and Sustainable Development (Heritage Officer)

3.1 The site lies within an area which has produced Roman settlement activity. In addition the site lies on the edge of the River Foss flood plain. Survey work in the Huntington area has suggested that there is the potential for Mesolithic activity along the Foss. It is possible therefore that there may be finds which can contribute to understanding the Mesolithic exploitation of the Foss corridor.

3.2 An archaeological watching brief should be maintained during site stripping as part of this scheme. This will ensure that any revealed features and deposits can be properly recorded.

Design, Conservation and Sustainable Development (Ecology and Countryside Officer)

3.3 The footprint of the site is existing amenity grassland, managed and used as sports pitches, and is considered to be of low ecological value. The River Foss which forms the eastern boundary of the York St John's sports field is an important strategic Green Corridor, as identified in Natural England's Yorkshire & Humber Green Infrastructure Mapping Project and in the City of York Local Biodiversity Action Plan (2017), providing a link for wildlife movement right into the City as well as supporting populations of protected species water vole and otter.

3.4 The new 3G sports pitch is proposed c.30m from the River Foss, with the area of works (construction zone including viewing mounds) within 25m. The introduction of additional artificial light might mean bats and other nocturnal animals are disturbed and/or discouraged from using their breeding and resting places, established flyways or foraging areas. The lighting contour plan shows that the illuminance levels reduce to 5 lux within c.5m of the trees and c.20m of the River Foss on the eastern boundary, and therefore will reduce further over the trees and river itself. A level of 1 lux is considered tolerable for common species of bats which are most likely to be found in this area.

3.5 The drainage strategy for the new pitch includes the construction of a headwall in the bank of the River Foss to discharge surface water. Water voles are known to be present on the River Foss and therefore could be impacted by this work if burrows are present in the immediate vicinity. A water vole survey at the site of the proposed headwall and 100m upstream and downstream was undertaken in August 2018. No evidence of water voles (droppings, feeding remains or footprints) was found and a number of burrows identified in the bank were attributed to Brown Rat.

3.6 An otter spraint was found on the stretch of river surveyed for water voles, but no suitable holts or laying-up areas were found. Otters are highly mobile and it is not considered that the development will have a negative impact on them.

Public Protection

3.7 Since the proposed site has an existing use as sports facilities for York St John University it is likely that the proposed new noise source will have similar noise levels to the existing uses. The proposed site is approximately 80 metres from the nearest residential premises. Noise levels will reduce over this distance and the topography of the area will also reduce noise levels further therefore there is no requirement for a noise assessment to be provided for this application.

3.8 The applicant has provided a lighting spillage plot in lux levels that demonstrates that around the site boundary the lux levels are approximately 5 lux. The nearest residential premises are further than the site boundary and therefore it is unlikely that lighting levels from light intrusion will cause disturbance to any occupiers of residential premises.

Highway Network Management

3.9 No objection. The proposed all weather pitch is located on the site of 2 existing pitches, and is serviced by the existing sports hub facilities and associated parking. Flood lighting is proposed and light may spill on to the highway given its mounted height. A condition to control glare is proposed.

Health, Housing and Adult Social Care (Public Health)

3.10 As we do not yet, have an adopted Playing Pitch Strategy for the city, no comments on whether we have surplus or a deficit in relation to Cricket or Rugby pitches can be made. While it is disappointing that we will lose large grass sports specific pitches from the city's sporting landscape, and as the previous Cricket Club have formally now moved away from the site, and use an out of town base, and because the Nestle Rowntree Rugby Union Football Club are aware of the proposed developments and are happy for this to progress, no objections to the application are raised.

Structures and Drainage

3.11 No objections are raised on the basis that conditions are attached

EXTERNAL

Environment Agency

3.12 No comments to make

New Earswick Parish Council

3.13 No objections

Foss Internal Drainage Board

3.14 The Board notes that this is an application for the construction of a 3G sports pitch with associated lighting, fencing and viewing embankments. This is likely to alter the permeability characteristics of the site and has the potential to increase the rate of surface water run-off from the site if this is not effectively constrained. The Application Form indicates an intention to use an existing watercourse for the disposal of the surface water from the development.

3.15 The Board notes that it is the applicants intention to dispose of the surface water to the River Foss (which is Board maintained at this location) The Board further notes that the applicant intends to apply a restriction to the rate of discharge from the site based on the Greenfield run-off rate. If the Local Authority can be satisfied that a discharge rate of 1.4 l/s/ha from the positively drained area can be achieved with the proposed arrangement, then the Board would have no objection to this application.

Sport England

3.16 The application needs to be assessed against Sport England's Playing Fields Policy. It is noted that the design and access statement states that the proposed pitch will be available for University, Sports Club and Community Use. As part of the assessment of this application the Football Foundation, English Cricket Board (ECB) and Rugby Football Union (RFU) were consulted for technical guidance. There comments are as follows:

3.17 The Football Foundation - In principle, The Football Foundation on behalf of The FA is supportive of these proposals as the quality and quantity (capacity) of football facilities within York will be improved. The Playing Pitch Strategy is currently in production, so we are only able to comment in relation to strategic need via the 1:42 team ratio for 3G pitches which confirms an undersupply of 6 full size 3G AGPs in York.

3.18 Yorkshire Cricket Board- No cricket is now played at the site. It was the site of Rowntree and Huntington Cricket Club but they now play in a village outside of York

3.19 Rugby Football Union - York St John's University has a good rugby union playing programme, with strong links to the RFU, local clubs and is the home of Nestle Rowntree Rugby Club, who use the existing AGP for training and play matches on the grass pitch that will be lost as part of this project. The RFU are keen to support the development of the project, should it be requested, to ensure it fully meets the needs of the University and the proposed community users outlined within the design and access statement. If there is a shortfall of pitches in the area it is the RFU's view that a World Rugby Regulation 22 compliant pitch could offer a solution to reduce over play of the natural turf pitches. It is the RFU view that if community access could be maintained it would support the development of rugby union in York and we can confirm that Nestle Rowntree would continue to make a strong community partner

3.20 Sport England does not wish to raise an objection to this application as it is considered to meet exception 5 of the above policy. The absence of an objection is subject to an informative being attached.

Neighbours and Publicity

3.21 Seven objections received on the following grounds:

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- Already noise and disturbance from the ground on match days including shouting and whistle blowing
- Overdevelopment of the site
- The fencing will change the character of the area
- Floodlights will cause a nuisance to nearby homes and are often left on
- The outlet drain will cut through the voles territory
- Potential for newts, barn owls and kingfishers within the area
- The additional banking means gardens will be overlooked
- Water voles are present in the area
- A hedge should be planted along the River Foss

4.0 APPRAISAL

4.1 Key Issues

- Principle
- Visual impact
- Floodlighting
- Nature conservation
- Community Use
- Drainage

4.2 Section 38(6) of the Planning and Compensation Act 2004 requires determinations be made in accordance with the development plan unless material considerations indicate otherwise. There is no statutory development plan for York other than the retained policies in the Yorkshire and Humber Regional Spatial Strategy ("RSS"), saved under the Regional Strategy for Yorkshire and Humber (Partial Revocation) Order 2013.

National Planning Policy Framework

4.3 The National Planning Policy Framework (NPPF) was published in July 2018. 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.

4.4 Paragraph 38 advises that local planning authorities should approach decisions on proposed development in a positive and creative way and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

4.5 Paragraph 96 states that access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities. Planning policies should be based on robust and up-to-date assessments of the need for open space, sport and recreation facilities (including quantitative or qualitative deficits or surpluses) and opportunities for new provision. Information gained from the assessments should be used to determine what open space, sport and recreational provision is needed, which plans should then seek to accommodate.

4.6 Paragraph 97 is also relevant which states: 'Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

Publication Draft Local Plan 2018

4.7 The Publication Draft Local Plan 2018 was submitted for examination on 25 May 2018. The emerging Draft Local Plan policies can be afforded limited weight at this stage of preparation, and subject to their conformity with the NPPF (2018). The evidence base underpinning the emerging Local Plan is capable of being a material consideration in the determination of planning applications. It is considered that the policies contained within the emerging Local Plan conform with the NPPF and as such limited weight can be attached to them. Policies ED5 'York St John University Further Expansion', G11 'Green Infrastructure', G15 'Protection of Open Space and Playing Pitches' and HW3 'Built Sports Facilities' are all relevant to consideration of this application.

4.8 The site is allocated in the Emerging Local Plan as 'Existing Open Space. Policy ED5 'York St John University Further Expansion' states that 'To support the continued success of York St John University the following Sites, as shown on the proposals map, are allocated for the use below: Sports Uses at Land at Northfield, Haxby Road. Paragraph 7.15 states that the allocation of the site reflects York St. John University's ambitions and supports its major investment in the Sports Park. It will assist in further extension of its strategy for sport that supports the teaching of a range of sports degrees but also for the general fitness and enjoyment of students and community teams who use the site. Paragraph 7.16 states that providing they comply with relevant policies in the rest of the plan, appropriate uses of the allocated sites may include:

- outdoor sports facilities, together with associated car and cycle parking and floodlighting;
- appropriate indoor sports facilities; and

- other outdoor recreational activity.

4.9 Policies G11 'Green Infrastructure' states that in planning positively for the creation, protection, enhancement and management of York's networks of green infrastructure it is essential that the Local Plan conserves and enhances York's landscapes, geodiversity, biodiversity and natural environment, recognising the important role of green infrastructure. Section 11 states 'the protection and enhancement of existing recreational open space in York, and through increasing provision in areas where a deficiency has been identified'

4.10 G15 'Protection of Open Space and Playing Pitches' are also relevant. This states that 'Development proposals will not be permitted which would harm the character of, or lead to the loss of, open space of environmental and/or recreational importance unless the open space uses can be satisfactorily replaced in the area of benefit and in terms of quality, quantity and access with an equal or better standard than that which is proposed to be lost. Development proposals will be supported which:

- protects playing pitch provision except where a local area of surplus is indicated in the most up to date Playing Pitch Strategy;
- improves the quality of existing pitches and ensure that any new pitches are designed and implemented to a high standard and fully reflect an understanding of the issues affecting community sport; and
- meets the deficit of pitches in geographically appropriate and accessible way. This could be rectified through re-designation of any current surplus facilities in the area of benefit.

4.11 Policy HW3: Built Sports Facilities, of York's emerging Local Plan (2018) indicates that development for new or expanded built sports facilities will be supported where a deficiency in current provision has been identified and where it is well located, accessible to all, and when suitable infrastructure exists or can be created to manage the facility. The policy also states that development of new sports facilities should be co-located with other health and community facilities and schools, where possible to encourage participation in exercise. Any future demand should, in the first instance, be met through extensions and expansion of existing high-quality sustainable sites.

Draft Local Plan Incorporating the Fourth Set of Changes Development Control Local Plan (Approved April 2005) (DCLP)

4.12 The Development Control Local Plan 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 (2018).

4.13 The application site is allocated as 'open space' in the Development Control Local Plan. The application site is not within the Green Belt and the open space allocation offers a lower level of protection and importance as open land than a Green Belt designation. The text supporting Development Control Local Plan Policy GP7 'Open Space' states that such land can contribute significantly to the form and character of the City. Open spaces are considered to serve several functions all at once, often combining opportunities for recreation with general amenity or nature conservation value.

Other relevant legislation

4.14 There is no currently adopted Play Pitch Strategy for the City. However, at this stage of preparation it appears that there is a recognised shortage of 3G pitched within the city.

4.15 As the application relates to the provision of a new outdoor sports facility on the existing playing field it needs to be considered against exception 5 of Sport England's Playing Fields Policy, which states:

'The proposed development is for an indoor or outdoor facility for sport, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss, or prejudice to the use, of the area of playing field.'

4.16 The City of York Local Plan Evidence Base Study: Open Space and Green Infrastructure Update (September 2017) is of relevance to this application and the analysis and conclusions of the Open Space and Green Infrastructure Study support the criteria in Policy HW3. The site of the proposed 3G pitch lies within the Huntington and New Earswick Ward where a surplus of outdoor sports facilities is identified. The remainder of the site lies within the Rawcliffe and Clifton Ward, again which has a surplus of outdoor sports provision and within the Heworth Ward which has a deficit. It is noted that the application does not result in the loss of sports provision and would lead to improved facilities on the site.

PRINCIPLE

4.17 The proposed development will provide a full-size 3G pitch in support of the established use of the site as part of the York St John University Sport Park. The emerging Local Plan allocates the site for sporting use in connection with the University, and supports the provision of appropriate supporting uses, including outdoor sports facilities and associated floodlighting.

4.18 There are two existing grass pitches located on the site at present. However, these are only capable of limited use as they are generally wet with standing water in places. There is evidence of an existing land drainage system, with lateral pipes, but

these are old and ineffective. The pitches are predominantly used for training as opposed to matches.

4.19 The provision of a floodlit 3G pitch would provide a winter games facility that would be resilient enough to carry regular training sessions and matches throughout the playing season. Due to the realignment of the pitch adequate space is available to the south of the site for a grass pitch to be laid out and retained. As such there would be no net loss of pitches with the advantage being that one would now be available for use all year round. The development would therefore accord with the requirements of the NPPF, in particular paragraph 96 which states that access to opportunities for sport and physical activity is important for the health and well-being of communities.

VISUAL IMPACT

4.20 The site is generally open in character, lying between two conservation areas, the Nestle/Rowntree factory conservation area and New Earswick conservation area. The open spaces to either side of Haxby Road represent a significant break between industry and the outlying village. The Hub Building is located centrally within the application site, approximately 70m back from Haxby Road, with the existing fenced sports pitches lying to the north.

4.21 The proposed pitch would be located to the south of the existing Hub Building, running parallel, in order to allow for improved spectator visibility from the use of the first floor viewing area of the Hub. This orientation would mean that the shorter 80m side would be presented towards Haxby Road. The extensive mature tree and hedgerow planting around the boundary of the site will ensure that there will be few clear views of the development from outside of the site. Residential properties and the River Foss footpath to the east are located 3m below the level of the application site and behind a corridor of mature trees. Properties at Bowling Green Court are located beyond mature landscaping at a distance of approximately 100m away from the southern edge of the proposed pitch. The site is seen only in glimpses through the landscape boundary by users of Haxby Road.

4.22 It is considered that the character of the area has changed with the introduction of the sports facilities incorporating fencing, the hard surfacing of the car park and the Hub Building. The high fencing would be of an appropriate colour and relatively open in character that would not detract from the character of the area substantially. In addition the development will be seen in close context to the existing structures on site.

4.23 The application also seeks permission for eight 15m high floodlights. These are located four a side of the pitch. A number of floodlights are already present to the pitches to the north of the Hub building which are of a comparable size and do not appear overly intrusive. The proposed floodlights would be located some 45m in from the Haxby Road boundary and 110m to the southern boundary and 70 to the Foss boundary. It is considered that due to the existing boundary treatment, massing often

Hub building and the location of the floodlights they would not appear overly prominent.

4.24 Concerns have been expressed that the proposed spectator mounds would result in a loss of privacy to neighbouring properties. The mounds are located to the east, south and west of the pitch. They would measure 1.3m in height with a gradient of 1:3 with the upper section being 2m in width to allow spectators to stand on. Again, seen in context with the size of the site and the location away from the site boundaries the mounds would not appear visually intrusive or allow views into residential properties due to the distances of separation.

FLOODLIGHTING

4.25 Floodlighting is required in order to maximise playing opportunities. The lighting will be a low energy, LED system to minimise electricity consumption and CO₂ emissions, and will be positioned and specified to achieve the necessary illumination levels for operation of the pitch while minimising light spillage away from the playing surface. The floodlight would be located on eight 15m high masts located along the north and south sides of the pitch to provide lighting in accordance with FA, World Rugby and Sports England requirements.

4.26 The applicant has provided a lighting spillage plot in lux levels that demonstrates that around the site boundary the lux levels are approximately 5 lux. The nearest residential premises are further than the site boundary and therefore it is unlikely that lighting levels from light intrusion will cause disturbance to any occupiers of residential premises.

4.27 Objections have been raised that the floodlights are left on after the uses on site have ceased. This appears to be a site management issue. A condition is proposed requiring the lighting to be turned off by 22.00 when the site closes. In addition it has been requested that a condition be attached stating that the lighting to the development must conform to requirements to meet the Obtrusive Light Limitations for Exterior Lighting Installations for Environmental Zone E3 in accordance with the Institute of Light Professionals Guidance Notes for the Reduction of Obtrusive Lighting.

NATURE CONSERVATION

4.28 As part of the application a Habitat Survey was submitted. An additional survey was carried out to include a water vole survey following objections raised by interested parties. The drainage strategy for the new pitch includes the construction of a headwall in the bank of the River Foss to discharge surface water. Water voles are known to be present on the River Foss and therefore could be impacted by this work if burrows are present in the immediate vicinity. The water vole survey at the site of the proposed headwall and 100m upstream and downstream was undertaken in August 2018. No evidence of water voles (droppings, feeding remains or footprints) was

found and a number of burrows identified in the bank were attributed to Brown Rat. A condition is proposed which requires the submitted method statement to be adhered to and includes the requirement for an ecological clerk of works to be present on site and a water vole survey to be undertaken immediately prior to works.

COMMUNITY USE

4.29 The proposals allow for retention of one grass pitch at Mille Crux to supplement those already available at Northfields, and all existing users of the two grass pitches can be accommodated at the new pitch and retained playing fields. The scheme will result in increased opportunities for the delivery of sport and physical education by the University. It will also enhance playing opportunities for non-University users of the Sport Park, and afford the University greater flexibility to provide the agreed level of community use at the site, which will be stipulated in the Section 106 Agreement for the outline consent for development of its Hull Road site (ref.16/02358/OUTM).

4.30 The applicant has provided information that the Haxby Road site currently provided 66 hours per week community use which is well above that stipulated within the S106 which covers the whole site.

HIGHWAYS

4.31 The site has been developed as a sports hub and the highway infrastructure is already in place. Adequate car parking and cycle parking spaces are available on site for players and spectators. The formation of the 3G pitch would not have any impact upon the current situation.

DRAINAGE

4.32 The Environment Agency (EA) Flood Map for Planning demonstrates that the site is located in Flood Zone 1. The EA describes Flood Zone 1 land as areas where flooding from rivers and the sea is very unlikely. There is less than a 0.1 per cent (1 in 1000) chance of flooding occurring each year. In order to ensure discharge of water through the headwall into the River Foss will be restricted to greenfield run-off rates, the base of the pitch has been designed to act as an attenuation facility during periods of high rainfall. The perimeter kerbs will act as retention and the profile of the pitch will be permeable throughout. Surfacing of the spectator area will also be permeable to allow through drainage.

5.0 CONCLUSION

5.1 The provision of the 3G facilities would allow for improved sports provision at the Haxby Road site which has the benefit of being able to be used year round. An existing community use agreement is in place at the site. The site is relatively well screened from the highway and the visual intrusion would be limited. It is considered that the application accords with the NPPF, particularly paragraphs 96 and 97,

policies ED5, GI1, GI5 and HW3 of the Publication Draft Local Plan (2018) and Policy GP7 of City Of York Draft Local Plan (2005).

COMMITTEE TO VISIT

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 and other submitted details:-

YSJU/MC3G/RL Rev A - Site Plan
YSJU/MC3G/02 Rev B - Proposed Layout
YSJU/MC3G/03 Rev A - Pitch Layout
YSJU/MC3G/04 - Pitch Edge Section
YSJU/MC3G/05 - Fence Elevation
YSJU/MC3G/06 Rev B - Proposed Land Drains
YSJ-AWP-ZZ-XX-DR-D-0001 - Drainage layout
HLS03790 - Proposed Floodlighting

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 floodlights must meet the Obtrusive Light Limitations for Exterior Lighting Installations for Environmental Zone E3 contained within Institute of Light Professionals Guidance Notes for the Reduction of Obtrusive Lighting. All external lighting, other than that required for emergency or security purposes shall be turned off by 22:00 on any day.

Reason: In order to protect the amenities of nearby residential properties which could be unduly affected by light pollution if the approved lighting is not controlled.

4 The construction of the drainage headwall on the River Foss hereby permitted shall be implemented in accordance with the method statement set out in Section 7.5.3 of the Extended Phase 1 Habitat Survey report dated August 2018 by Wold Ecology Ltd in all respects and any variation thereto shall be agreed in writing by the local planning authority before such change is made.

This method statement includes the requirement for an ecological clerk of works to be present on site, including during vegetation clearance within 5m of the river bank and a water vole survey to be undertaken immediately prior to works.

Reason: To avoid harm to a protected species and to take into account potential changes in the distribution or abundance of mobile protected species on site.

5 Groundworks shall only commence when the applicant has secured the implementation of an archaeological watching brief in accordance with the approved specification (YAT 2018/137). A final report on these works is required to be sent to the Local Planning Authority for inclusion in the Historic Environment Record.

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.

6 LC4 Land contamination - unexpected contamination

7 HWAY37 Control of glare etc from lighting

8 HWAY31 No mud on highway during construction

9 No development shall take place until details of the proposed means of the surface water drainage, including details of any balancing works and off site works, have been submitted to and approved by the Local Planning Authority. The information shall include site specific details of:

- i) the means by which the surface water discharge rate shall be restricted to a maximum rate of 1.46 (one point four six) litres per second, and
- ii) the means by which the surface water attenuation up to the 1 in 100 year event with a 30% climate change allowance shall be achieved

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

10 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:

Reason: So that the Local Planning Authority may be satisfied that no surface water discharge take place until proper provision has been made for its disposal.

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
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requirements set out within the National Planning Policy Framework (paragraph 38) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority attached appropriate conditions in order to achieve a positive outcome.

2. CONSENT - GENERAL

Under the terms of the Land Drainage Act. 1991 and the Board's Byelaws, the prior written consent of the Board is required for any proposed works or structures in, under, over or within 9 metres of the top of the bank of any watercourse.

3. CONSENT - DISCHARGE

Under the Board's Byelaws the written consent of the Board is required prior to any discharge into any watercourse within the Board's District.

4. CONSENT - OUTFALL

Any new outfall to a watercourse requires the prior written consent of the Board under the terms of the Land Drainage Act. 1991 and should be constructed to the satisfaction of the Board.

5. INFORMATIVE: Control of Pollution Act 1974

The developer's 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 adhered to, failure to do so could result in formal action being taken under the Control of Pollution Act 1974:

(a) 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.

(b) 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".

(c) 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.

(d) 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.

(e) 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.

(f) There shall be no bonfires on the site

6 INFORMATIVE – SPORT ENGLAND

Informative (artificial grass pitches for Steps 1 to 6 of the FA's National League System) – The applicant is advised that pitches to be used for Step 1 and Step 2 level football matches should be built in accordance with FIFA Quality Concept for Football Turf - FIFA Quality Pro and Steps 3 to 6 should be built in accordance with FIFA Quality as a minimum and tested annually as per league rules.

Informative - The applicant is advised that the pitch should be built in accordance with RFU guidance note 7: Artificial Rugby Turf and tested bi-annually by an accredited testing laboratory in order to achieve and maintain World Rugby Regulation 22.

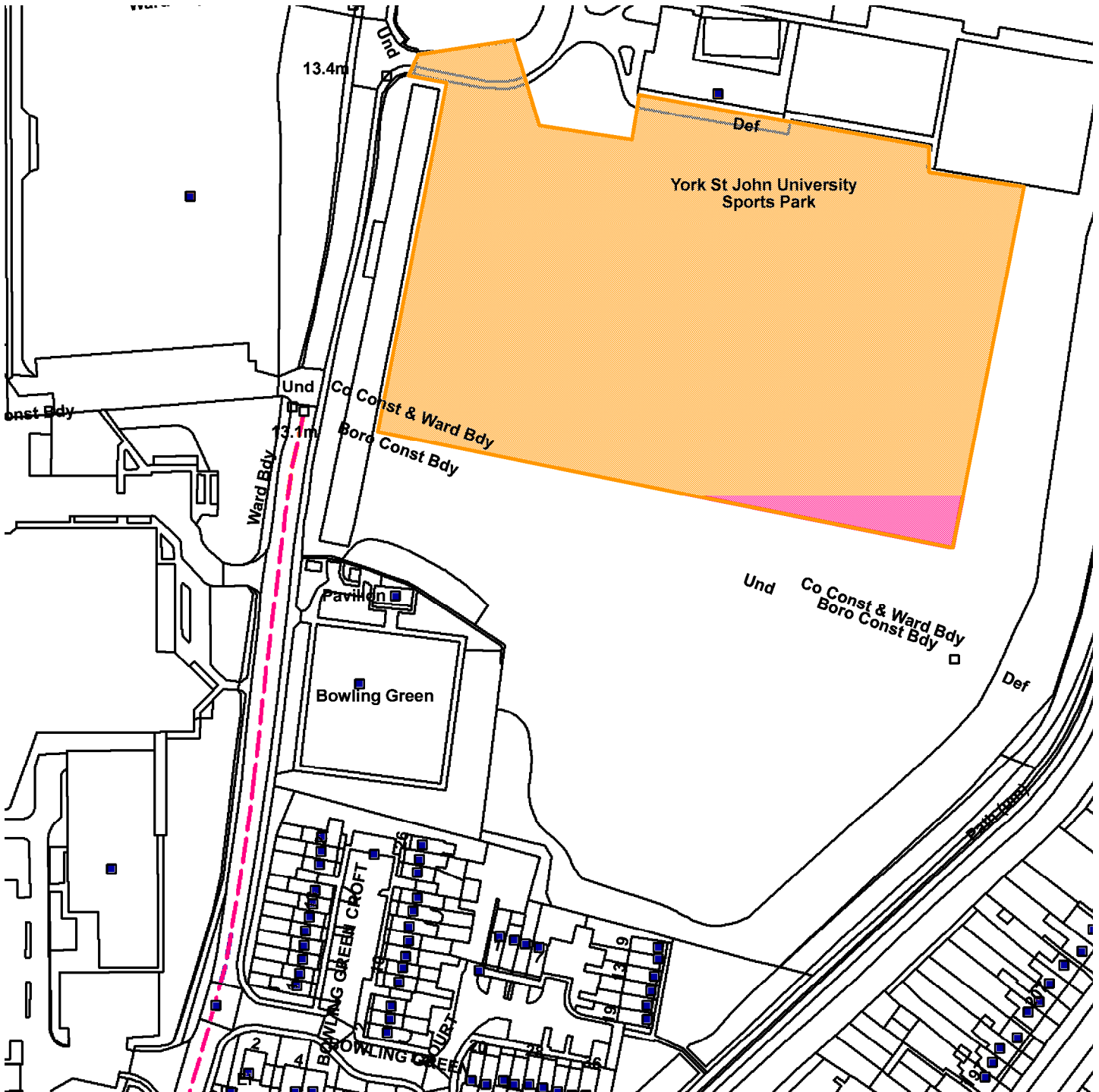
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York St John University Sports Centre

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Organisation	Not Set
Department	Not Set
Comments	
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