

## COMMITTEE REPORT

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

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

### 1.0 PROPOSAL

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

### 2.0 POLICY CONTEXT

#### 2.1 Policies:

##### National Planning Policy Framework

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

##### 2005 York Development Control Local Plan(4<sup>th</sup> Set of Changes)

GB 1 Development in the Green Belt;  
L1a) Leisure Development.

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

GB1 Development in Green Belt;

Application Reference Number: 17/02835/FUL

Item No: 4b

HW3 Built Sports Facilities.

### **3.0 CONSULTATIONS**

#### INTERNAL

##### Planning and Environmental Management (Landscape)

3.1 No comments received.

##### Strategic Flood Risk Management

3.2 No comments received.

##### Public Health Programme Manager

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

#### EXTERNAL

##### Yorkshire Water Services

3.4 Raise no objection to the proposal.

##### Sport England

3.5 Raise no objection to the proposal.

##### Foss (2008) Internal Drainage Board

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

##### New Earswick Parish Council

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

### **4.0 APPRAISAL**

## KEY CONSIDERATIONS

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

## PLANNING POLICY CONTEXT

### Regional Spatial Strategy

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

### National Planning Policy Framework (NPPF)

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

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

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

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

#### Development Control Local Plan (DCLP) 2005

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

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

#### Emerging Local Plan

4.7. The public consultation on the Pre-Publication Draft Local Plan ended on Monday 30 October 2017 and the responses have now been considered by the Executive. The Executive has resolved to publish the Plan for the final six week consultation, but at this stage it is not yet published

4.8 The emerging Local Plan policies can only be afforded limited weight at this stage of its preparation and subject to their conformity with the NPPF and the level of outstanding objection to the policies, in accordance with paragraph 216 of the NPPF. The evidence base that underpins the proposed emerging policies is however capable of being a material consideration in the determination of planning applications. The site is included within the Green Belt in the emerging Plan.

#### IMPACT ON THE GREEN BELT

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

partly taken up with mature landscaping. The building would be designed to meet the requirements of the FA in respect of the tier of football at which the team participates.

4.10 Paragraph 89 of the NPPF indicates that all new built development is inappropriate within the Green Belt unless it comes within one of a number of specific categories which include appropriate facilities for outdoor sport and recreation providing they do not harm the openness of the Green Belt or the purposes of its designation. The current proposal by virtue of the nature of the site and its characteristics would significantly harm the openness of the Green Belt by extending the footprint of built development in an ad hoc fashion.

4.11 Paragraph 80 of the NPPF sets out a series of five purposes for including land within the Green Belt which includes the prevention of encroachment into open countryside. The proposal by virtue of extending the built footprint of development in an ad hoc fashion would represent an encroachment into open countryside and would set a precedent for the other sports which are active at the site including tennis and cricket to seek their own separate permanently constructed facilities which would further encroach into open countryside. These factors mean that the proposed development does not fall within any of the exceptions within paragraph 89 of the NPPF and would therefore be inappropriate development in the Green Belt that is harmful by definition in accordance with paragraph 87 of the NPPF. Such development should not be approved unless 'very special circumstances' exist.

#### Other Considerations

4.12 Notwithstanding that in order to overcome the strong presumption against inappropriate development within the Green Belt a case for "very special circumstances" should be forthcoming, none has been submitted. The existing club house used by both Rugby and Cricket clubs is of substantial construction and may be capable of extension or adaptation to accommodate the requirements of the football club. This is however disputed by the applicant who indicates significant structural problems with the existing building and a lack of compliance with the Disability Discrimination Act 1995 (DDA). They further indicate that the grant awarding body for the development, the FA would not be willing to fund an extension to the existing building and that the Rugby Club themselves have a long term aspiration to replace the building. It is further indicated that the Rugby Club would be unwilling to share facilities with a further sport. The perceived structural problems have not however been substantiated as has the degree of modification required to secure DDA compliance. Furthermore no evidence has been put forward in terms of proposals to share facilities which are common amongst sports clubs at a local level with appropriate management. Consideration of alternative sites either outside of the Green Belt or within but with a lesser impact upon openness has also not been forthcoming although it is understood that the applicant has been in discussion with the Council's Sport and Active Leisure team in respect of alternative sites where the impacts may be less. The Council's Public Health Programme Manager has further

indicated that some grant funding may be available that may be used for the extension/refurbishment of the existing club house. As such it is considered that no “other considerations” of sufficient weight to clearly outweigh the harm identified to the Green Belt exist. Consequently the very special circumstances necessary to justify the proposal do not exist. There is also further concern, that if approved the proposal would lead to some pressure to provide separate club facilities for each of the number of sports presently operating at the sports ground with further consequential harm to the openness of the Green Belt.

## **5.0 CONCLUSION**

5.1 The proposal would give rise to significant harm to the openness of the Green Belt in addition to representing a conflict with the purposes of including land within the Green Belt, being an encroachment into open countryside contrary to paragraph 80 of the NPPF. Paragraphs 87 and 88 of the NPPF advise that permission should be refused for inappropriate development in the Green Belt unless other considerations exist that clearly outweigh harm to the Green Belt, and any other harm, which would amount to 'very special circumstances'. Substantial weight is to be given to the harm to the Green Belt. It is considered that the significant harm that would be caused to the Green Belt would not be clearly outweighed by other considerations. Therefore the very special circumstances necessary to justify inappropriate development in the Green Belt do not exist and planning permission should be refused.

## **6.0 RECOMMENDATION: Refuse**

1 The proposal would give rise to significant harm to the openness of the Green Belt contrary to paragraph 89 of the NPPF in addition to representing a significant encroachment into open countryside contrary to paragraph 80 of the National Planning Policy Framework and is therefore inappropriate development within the Green Belt. "Very special circumstances" that would clearly outweigh any harm by reason of inappropriateness or any other harm as required by paragraphs 87 and 88 to justify the proposal do not exist.

## **7.0 INFORMATIVES:**

### **STATEMENT OF THE COUNCIL`S POSITIVE AND PROACTIVE APPROACH:-**

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in an attempt to achieve a positive outcome:

Sought the submission of a case for "very special" circumstances that would clearly outweigh the harm caused to the Green Belt by virtue of inappropriateness and any other harm.

Notwithstanding the above, it was not possible to achieve a positive outcome, resulting in planning permission being refused for the reasons stated.

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