



## **2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

2.2 Policies:

CYGB1  
Development within the Green Belt

CYGB13  
Sports facilities outside settlements

CYHE3  
Conservation Areas

CYGP1  
Design

## **3.0 CONSULTATIONS**

INTERNAL.

3.1 Highway Network Management.

Officers have requested information with regard to the extent of the sporting facilities on the site, the number of matches played at any one time, the average number of players/ staff and spectators at an event and how often the function rooms are hired out for general use. Details of cycle parking have also been requested. The reason for this is to ensure that the proposal will have no additional impact on the highway network than the approved scheme given that the footprint of the building is larger although the floorspace itself is very similar. At the time of writing this report, the final comments of the officer are awaited and will be reported to members at the meeting.

3.2 Urban Design and Conservation.

The principal components which contribute to the special architectural or historic interest of this part of the conservation area are in my opinion the houses designed by Barry Parker (with Raymond Unwin), the mature hedges forming the majority of the boundaries, the wide grass verges, and the extensive tree cover, particularly in views to the north.

From Shipton Road and Galtres Grove, views out of the conservation area to the south-west are interrupted by the existing low brick club house, itself of no special architectural or historic interest, the plain brick walls of the squash courts, and a neighbouring dwelling dating from the twentieth century, again of no special interest. Trees and boundary hedges further curtail views. Consequently, there are only glimpses of the wider landscape. Views into the conservation area are also very limited.

The north elevation, although improved by alterations to the proposed fenestration and the central tower, remains somewhat uninteresting. That said, the building remains relatively low and set well back in the site and the use of hedges and trees for the boundary to Shipton Road is perpetuated. The south elevation is considered acceptable. The proposed materials will sit comfortably with those of neighbouring buildings.

By virtue of the scale, design, materials and siting, the building will in my opinion not appear overly intrusive in important views within or in and out of the conservation area. Consequently, the proposal preserves the setting of the conservation area.

### 3.3 Environmental Protection Unit.

Have consulted Licensing regarding the hours on the license for the current sports club and the current license was issued on the 6 September 2006 with a number of different hours of use to control different activities. In view of this, recommend that the following hours be permitted (this includes an additional 30 minutes before and after the times within the license hours of use)

1) The use hereby permitted shall be confined to the following hours:

Monday to Wednesday	08:30 to 23:30
Thursday to Saturday	08:30 to 01:30
Sundays and Bank Holidays	08:30 to 23:00

With additional hours on the following Bank Holidays

08:30 to 02:00 on New Years Eve
08:30 to 01:00 on Good Friday, Easter Monday, Boxing Day, New Years Dave

Additional conditions are recommended to deal with plant and machinery and the control of amplified music from the venue during functions.

### 3.4 CYC internal drainage officers.

No objections subject to a condition limiting surface water drainage discharge rates.

### 3.5 Lifelong Learning and Leisure.

We strongly support this application, and consider it to be a significant improvement for the needs of the club on the previous scheme. This design allows for phasing of the development which means that the urgently needed changing facilities can be delivered within the next year. In the mean time the club will continue to fundraise for the remaining capital required to deliver phase two of the project. This scheme has improved changing and circulation space, enhanced teaching and training space and social and viewing space on the ground floor which are considered to be an improvement over the original scheme.

This club house has been designed to fully comply with Sport England's design guidance. The 2 storey building has a mix of changing and ancillary facilities for the outdoor team sports for which the club already has an excellent reputation; teaching and training space indoors for the development of coaches, volunteers and players;

indoor sports and activity space for martial arts, exercise and community activities and social and meeting facilities.

The design will allow the site to continue to operate while the construction work is carried out, and is to be fully accessible to all. The club is the home of York Tennis-ability club, with coaching sessions for disabled adults and young people. The new facilities will cater for these players and have the capacity to attract more new disabled participants for all of the club's sports.

The club at Clifton Park are heavily involved in the Active York partnership in the city and this project has the full support of that partnership and the Council's Sport & Active Leisure team. They are a key partner in delivering the partnerships objectives of increasing participation in sport and physical activity and raising the standard of performance in sport. This new facility will allow the club to attract new participants to sport and physical activity and will be the first stage in developing new sports and activates on the site including a jogging/ walking route, fitness training, exercise classes, cycling and martial arts. We believe that the redevelopment of the club house is essential for maintaining the existing membership, but also crucial for attracting those who do not currently participate.

## EXTERNAL.

### 3.6 Clifton Without Parish Council.

Support the application providing the frontage is built in keeping in materials and style to the properties opposite as these are within the Clifton Conservation area. Adequate provision to retain noise within the building should also be provided.

Should the replanting as described in 05/00510/TPO have failed to be completed, it is essential that there should be a condition specifying that the replanting should be completed in the 2008/09 planting season and before the commencement of any other authorised works.

### 3.7 Environment Agency.

A full FRA was submitted with the application. No objections raised subject to conditions on surface water drainage and finished floor levels.

### 3.8 Neighbours and Third parties.

Nearby residents were consulted by letter and a site notice placed at the site. A total of 30 letters have been received, all in support of the application. 1 letter from the owner of 30 Shipton Road raised concerns that the new building will reduce the levels of light into this property and the views of trees and the sky. However they go on to state that they do not oppose the application as the new facilities are essential.

Comments in support of the application are as follows:

- i) The increase in members of this club is phenomenal and is deserving of the much improved facilities this proposal would bring.
- ii) Development is much needed to support the development of sport in the city and will enable more young people to become involved in sport and for adults to remain involved across a range of sports.

- iii) The playing facilities at the club are second to none but the clubhouse facilities have been in significant need of attention for at least 12 years. Current building is worthy of being condemned. The application should go ahead to ensure that York's sporting success continues to grow.
- iv) Current signage area should not be increased.
- v) Open to all those living in York and from wider afield.
- vi) A lot of people from York and further afield have benefited from the opportunities for recreation and fitness which the club have provided.
- vii) The new facility is just what the club need and will encourage the next generation to enjoy and participate in sport.
- viii) Existing building does not reflect well on our city as it is in such a poor state of repair.
- ix) The changing rooms are very small and run down and not up to the standard of other clubs. Will attract bigger games if the facilities improve.

## **4.0 APPRAISAL**

### **4.1 KEY ISSUES.**

- Impact upon the Green Belt.
- design and appearance.
- neighbour amenity.

Green Belt.

4.2 The site in question is allocated as green belt in the Draft Local Plan. Government guidance as to what constitutes appropriate development in the green belt is found in para. 3.4 of PPG2. This guidance is reflected in policy GB1 of the Draft Local Plan. Essential facilities in connection with outdoor sport and recreation, such as club houses, changing rooms, stands, stables etc are recognised as appropriate development in the Green Belt, ideally through the conversion of existing buildings. The construction of new buildings to fulfil this will generally only be acceptable where they are deemed essential to the functioning of the use of the land, and no greater in size than that necessary in order to fulfil the intended purpose.

4.3 In this case, the proposed building replaces an existing one and therefore consideration also has to be given to whether the impact of the development would have a materially greater impact than the present use on the openness of the green belt. Comparison to the already approved replacement building is also a material consideration here.

4.4 The club offers extensive cricket and rugby facilities with several pitches and practice areas within its grounds. It was concluded under the previous application that changing facilities are an essential requirement at such a facility and under Sport England legislation, would be required by law if formal league matches are to take place here, which they do. It is also considered perfectly reasonable to expect some recreational bar facilities to be included given the size and importance of the facility to the leisure needs of the City. Furthermore, given that the club is a recognised, committee run club, the provision of the meeting rooms and club rooms

at first floor level is considered perfectly reasonable. Weight should also be attached to the fact that such facilities are already provided in the existing building, albeit not on the same size or scale. Officers therefore consider that the new building remains essential to the proper functioning of the club and does not require very special circumstances to be proven by the applicant.

4.5 The essential characteristics of green belts are their permanence and open appearance and the overriding consideration is to maintain this openness. In this case, the existing pavilion / clubhouse building occupies a footprint of approx. 55m x 25m, but is only approx. 6 metres high. In the recent approved scheme this would have been replaced by a building with accommodation over 3 floors approx. 9.8 metres high. However, to offset this, the length of the building was approx. 30 metres less than the existing building and this would have significantly opened up the views of the playing fields from Shipton Road, something that was considered to benefit the openness of the Green Belt despite the increased height of the building.

4.6 In this revised scheme the replacement building falls somewhere between the size of the existing building and that shown in the approved scheme. It is 40 metres wide and the height is 7 metres as opposed to the 6 metres of the existing building. This would still allow views into the playing fields from Shipton Road albeit not quite on the scale of the previously approved scheme. The height of the building is approx. 1 metre more than the existing building and with a more solid flat roof appearance which results in a higher eaves level. However given its reduced footprint overall, this differential is not considered to cause significant harm to the character or openness of the Green Belt at this point. Whilst views over the building to the trees and skyline behind may be slightly diluted, the extent of this is not considered excessive and is offset somewhat by the reduced footprint on either side which will still open up the views through the site more than at present. A reduction in height of nearly 3 metres over the approved scheme, whilst acknowledging the much reduced footprint of that proposal is also welcomed as it will result in a less dominant building that would be more in keeping with its immediate surroundings. Officers therefore consider that the revised scheme does not harm the openness of the Green Belt when considered against the existing arrangement.

4.7 In order to safeguard this benefit, it is felt necessary to ensure that these views would be retained in the future. A condition is therefore recommended preventing any fencing or means of enclosure being erected along the field boundary without planning permission so as to retain views across the fields from Shipton Road.

#### Design and appearance.

4.8 The application site is outside of the Conservation area and whilst its impact on the setting of the conservation area is a material consideration, the proposal must also be considered in the context of the street scene and the purpose of its use. The approved scheme showed a highly modern and contemporary building finished mainly in glass and this resulted in some objections from local residents concerned that it did not sit comfortably with the character of this part of Shipton Road. The area is predominantly residential in character and some contrast can work well in the right setting. Good quality modern architecture is encouraged in Planning Policy Statement 1 and given the reasonably wide visual break from the boundary of the

conservation area, the large extent of the site within which it sits and the overall purpose of the building as a recreational building, a modern contemporary building was and is considered acceptable by officers in principle. The comments of the Urban Design, Conservation and Sustainability officer are at para. 3.2 above and no objections are raised by them. Therefore, officers do not consider the setting of the Conservation area to be materially harmed by the proposed development.

Neighbour amenity.

4.9 The development is a replacement of an existing building and use and therefore there is no reason why the impact on the surrounding area should be materially any worse than existing. However, it is acknowledged that the building is larger, is more modern in appearance and would therefore be more attractive for use for functions / entertainment evenings etc. The layout includes two function rooms and a bar in a similar vein to the previous permission. The existing building does have a bar and function room and enjoys a license into the early hours of the morning. However it is acknowledged that there is a possibility of the new building being used more than it is at present and this has the potential to harm local amenity through the playing of music and people leaving the site late at night. These issues were considered in the last application and conditions were attached which limited the hours of opening to the same as those detailed in the entertainment license with further control over the playing of loud music etc. The distance to the nearest house (27 Shipton Road) is slightly greater than in the previously approved scheme and no additional function space is shown. Therefore, overall the impact on the amenity of nearby residents is not considered to be materially different from either the present situation on site or that considered in the approved scheme. The Environmental Protection Unit have raised no objections and recommend that the same conditions be appended as before. The hours of use shown relate to the times allowed in the license issued to the club plus half an hour.

Other issues.

4.10. At the time of writing the report, the final comments of highways officers are awaited after clarification was sought as to the extent of the use of the club at any one time. Proposed parking levels and the overall floorspace and use of the building are very similar to that shown in the approved scheme and initial indications are that it is unlikely that any objection will be raised. However, members will be updated on this at the meeting.

4.11 The Environment Agency have raised no objections following receipt of an acceptable flood risk assessment and after extensive negotiation, the Council's drainage engineers are also satisfied that surface water drainage from the building can be adequately controlled so as not to increase the pressure on local drainage.

4.12 The proposal would involve the removal of some young trees close to the eastern elevation of the existing building and these could be easily replaced with new heavy standards. The existing trees are not worthy of protection due to their close proximity to the building and a couple of sycamores would need removing anyway for thinning operations. Some low level planting and shrubbery would also be lost.

4.13 The main trees on this site are those along the frontage with Shipton Road. It appears that the situation will be improved for these trees as a consequence of the new parking arrangements. The loss of vegetation was compensated for last time with the inclusion of three new trees within this 'grass' verge along the eastern boundary and two trees incorporated either side of the new building entrance path. The loss of trees is considered acceptable, provided new trees are planted on a one for one basis in agreed locations that shall include the Shipton Road frontage in order to perpetuate tree cover on the boundary of the conservation area. Condition LAND 1 is included to cover this.

## **5.0 CONCLUSION**

5.1 For the reasons outlined above, officers consider the proposal to be appropriate development in the green belt. It is also considered to preserve and to some extent improve the openness of the Green Belt. It is also considered acceptable in design terms and does not adversely affect the setting of the conservation area nor materially harm the amenities of near neighbours through possible evening and late night use. The final comments of highways officers are awaited but it is not expected that any objections will be raised. The proposal also represents an important and much needed facility at this site which will be beneficial to the long term future of the site and the leisure needs of the City.

5.2 The replacement scheme in some ways represents an improvement over the previously approved scheme by re-introducing a less bulky, much lower design. Therefore, subject to mostly the same conditions being imposed as on the previous approval, officers raise no objections.

5.3 The development represents appropriate development in the Green Belt and is not considered to harm openness and therefore the proposal does not have to be referred onto Government Office.

## **6.0 RECOMMENDATION:**            Approve

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

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

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

Drawing no's (to be inserted)



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

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

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

Reason: So as to achieve a visually cohesive appearance.

4 Notwithstanding the information contained on the approved plans, the height of the approved development shall not exceed 7 metres, as measured from existing ground level. Before any works commence on the site, a means of identifying the existing ground level on the site shall be agreed in writing, and any works required on site to mark that ground level accurately during the construction works shall be implemented prior to any disturbance of the existing ground level. Any such physical works or marker shall be retained at all times during the construction period.

Reason: to establish existing ground level and therefore to avoid confusion in measuring the height of the approved development, and to ensure that the approved development does not have an adverse impact on the character of the surrounding area.

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

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

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

Reason: In the interests of highway safety.

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

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

8 The details of any means of enclosure erected between the car park and the sports pitches shall be submitted to and agreed in writing by the Local Planning Authority prior to its erection. Any subsequent alterations to this enclosure shall also be agreed in writing by the Local Planning Authority prior to the changes being implemented.

Reason. In order to preserve views across the fields from Shipton Road in the interests of visual amenity and the preservation of the openness of the Green belt.

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

Reason: The site lies within an Area of Archaeological Importance and the development will affect important archaeological deposits which must be recorded during the construction programme.

10 LAND1 IN New Landscape details

11 Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor installed in accordance with a scheme previously submitted to and approved in writing by the Local Planning Authority. Roof water shall not pass through an interceptor.

Reason. To prevent pollution of the water environment.

12 Finished floor levels shall be set at no lower than 11.90metres AOD.

Reason:To minimise the impact of flooding.

13 Development shall not commence until details of the method of surface water drainage for the site have been submitted to and approved in writing by the Local Planning Authority. The details shall incorporate a discharge rate limited to 29 litres per second during a 1 in a 100yr + 20% flood event . The development shall not be occupied until the drainage works have been carried out in accordance with the approved details.

Reason: In order to ensure that the site is properly drained.

14 All demolition and construction works and ancillary operations, including loading or unloading on the site and deliveries to and despatch from the site shall be confined to the following hours:

Monday to Friday	08.00 to 18.00
Saturday	09.00 to 13.00

Not at all on Sundays and Bank Holidays.

Reason: To protect the amenities of adjacent residents.

15 Details of any external lighting either within the site or on the approved building shall be submitted to and agreed in writing by the Local Planning Authority prior to its implementation. Such a scheme shall include details of the position, design and level of illumination of the lights and the scheme shall only be implemented in strict accordance with this approval.

Reason. To reduce harm from light pollution to a minimum In the interests of local residential amenity and in the interests of visual amenity with regard to the character, appearance and openness of the Green Belt.

16 The use hereby permitted shall be confined to the following hours:

Monday to Wednesday	08:30 to 23:30
Thursday to Saturday	08:30 to 01:30
Sundays and Bank Holidays	08:30 to 23:00

With additional hours on the following Bank Holidays

08:30 to 02:00 on New Years Eve

08:30 to 01:00 on Good Friday, Easter Monday, Boxing Day, New Years Dave

Reason: To protect the amenity of the locality from noise generated by the use hereby approved.

17 Details of all machinery, plant and equipment to be installed in or located on the use hereby permitted, which is audible outside of the site boundary when in use, shall be submitted to the local planning authority for approval. These details shall include maximum sound levels (L<sub>Amax</sub>(f)) and average sound levels (L<sub>Aeq</sub>), octave band noise levels and any proposed noise mitigation measures. All such approved machinery, plant and equipment shall not be used on the site except in accordance with the prior written approval of the local planning authority. The machinery, plant or equipment and any approved noise mitigation measures shall be fully implemented and operational before the proposed use first opens and shall be appropriately maintained thereafter.

Reason: To protect the amenity of the locality from noise generated by the use hereby approved.

18 All electronically amplified music emitted from the premises shall be played or reproduced through loudspeakers and a noise limitation device. The device, the levels set and the installation shall be approved in writing by the local planning authority before the use hereby approved commences. Thereafter the approved levels, equipment, installation and position and type of loudspeakers shall be maintained in accordance with the planning approval; at no time shall they be modified without the written approval of the local planning authority

Reason: To protect the amenity of the locality from noise generated by the use hereby approved.

19 Prior to the use hereby approved coming into use, the local planning authority shall identify a position on the public highway where music from the within the premises shall be inaudible at all times except with the written approval of the local planning authority. The use hereby approved shall not commence until the positions where music is inaudible have been approved in writing by the local planning authority. The local planning authority may review this condition and the location at where noise must be inaudible at any time

Reason: To protect the amenity of the locality from noise generated by the use hereby approved.

20 All windows, doors and other openings in the building structure shall be kept closed at all times when a function is being held at the premises where amplified music is being played.

Reason: Reason: To protect the amenity of the locality from noise generated by the use hereby approved.

## **7.0 INFORMATIVES: Notes to Applicant**

### 1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on the green belt, design and appearance, impact on the conservation area and neighbour amenity. As such the proposal complies with Policies GB1, GB13, HE13 and GP1 of the City of York Draft Local Plan 4th set of changes approved for Development Control purposes April 2005.

2. The changing facilities must be designed in accordance with Sport England's Design Guidance for such facilities. Information on this is available in the Sport England design publication 'Pavilions and Club houses' and this can be downloaded on the Sport England website [www.sportengland.org/pavilions.pdf](http://www.sportengland.org/pavilions.pdf). This also provides useful information on what would be required to meet the needs of sport users, and how design must allow for the accommodation of disabled users.

3. In line with the Government's stated aims on sustainability and climate change, the applicant is invited to contact the Council's Sustainability Officer to discuss all forms of renewable energy and the use of sustainable materials and how these can be incorporated into the development in the most cost and energy efficient manner. Please contact Jacqueline Warren on 551666.

4. In order to achieve the aims of condition 9 (see reason) any means of enclosure should take the form of either a post and rail fence, a picket fence or a hedge (species to be agreed).

5. Demolition and Construction - Informative

If, as part of the proposed development, the applicant encounters any suspect contaminated materials in the ground, the Contaminated Land Officer at the council's Environmental Protection Unit should be contacted immediately. In such cases, the applicant will be required to design and implement a remediation scheme to the satisfaction of the Local Planning Authority. Should City of York Council become aware at a later date of suspect contaminated materials which have not been reported as described above, the council may consider taking action under Part IIA of the Environmental Protection Act 1990.

The developer's attention should also be 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 noted and acted upon. Failure to do so could result in formal action being taken under the Control of Pollution Act 1974:

(i) 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".

(ii) 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.

(iii) 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.

(iv) 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.

(v) There shall be no bonfires on the site.

**Contact details:**

**Author:** Matthew Parkinson Development Control Officer

**Tel No:** 01904 552405