

## COMMITTEE REPORT

**Date:** 21 February 2013      **Ward:** Huntington/New Earswick  
**Team:** Major and Commercial Team      **Parish:** New Earswick Parish Council

**Reference:** 12/03606/FULM  
**Application at:** Mille Crux Sports Ground Haxby Road York  
**For:** Outdoor sports facilities with floodlighting and associated access, parking and landscaping  
**By:** York St John University  
**Application Type:** Major Full Application (13 weeks)  
**Target Date:** 22 February 2013  
**Recommendation:** Approve

### 1.0 PROPOSAL

1.1 The application site is 5.9 hectares of land to the east of Haxby Road. The site is bounded primarily by the Bio-Rad industrial site to the north, the River Foss to the east, a grassed pitch to the south, and Haxby Road to the west. The site is owned by York St John University who recently acquired the site from Nestle. The site sits within a larger area of land on both sides of Haxby Road which is used for outdoor sport. The majority of the application site contains allotments, the vast majority of these have not been used in recent years and the site has become a little overgrown. A section of the application site, to the north east of the allotments, is used as informal open space. At present the site contains a sports pavilion, a small car park, Mille Crux Bungalow, a new temporary building which houses changing and teaching facilities, and a number of small buildings which the applicants and site owners have previously notified the Local Planning Authority will be demolished.

1.2 The proposed development would involve the creation of two full-size artificial playing pitches suitable for football and rugby, three netball courts, and three tennis courts, each with floodlighting with the exception of one tennis court. The two full size artificial pitches would take up a footprint of approximately 105m by 65m, the tennis courts an area of 65m by 35m and the netball courts 70m by 35m. A 3m high fence is proposed to be installed around the perimeter of all pitches and courts with the exception of behind the goals of the pitches where the fence would be 4.5m in height. The pitches would be illuminated by twelve no 15m high lighting columns. Some of these columns would also provide lighting for the tennis courts where an additional six no 10m high lighting columns are proposed. Eight no 10m high lighting columns are proposed to illuminate the netball courts.

1.3 A new access onto Haxby Road would be created to provide an entrance into the proposed car and coach parking area. The existing access adjacent to the pavilion would be retained as an exit only thereby creating a one way entrance-exit system. The existing junction would be widened to allow coach movements. The proposed car park would accommodate 106 standard car parking spaces, 8 accessible car spaces and 8 coach parking spaces. A cycle shelter which could accommodate 40 cycles is proposed to the east of the car park. A pedestrian crossing across Haxby Road is proposed to allow safer access by people visiting the site by bus and also to allow safer connectivity between the changing facilities on the east side of Haxby Road and the grass rugby and football pitches to the west.

1.4 The proposed development would result in the loss of a number of trees and some sections of hawthorn hedge adjacent to Haxby Road to create suitable vehicular entrances. The majority of the row of trees to the north of the site, adjacent to the Bio-Rad site, would be removed. There would be a loss of trees towards the central area of the site as well as some to the south and within the car parking/access areas. New compensatory tree planting is proposed.

1.5 The whole of the application site is allocated as 'open space' within the Development Control Local Plan. The site is approximately 1.6km north of the University campus within the Parish of New Earswick.

1.6 A site visit is recommended so that Members can assess the visual impact of what is proposed and the new vehicular access arrangements.

## **2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

Contaminated Land GMS Constraints:

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: East Area (2) 0005

Floodzone 2 GMS Constraints: Flood zone 2

Floodzone 3 Gms Constraints: Flood zone 3

## 2.2 Policies:

CYGP1  
Design

CYGP4A -Sustainability

CYGP9 -Landscaping

CGP15A -Development and Flood Risk

CYL1A -Sites for Leisure development

CYL2 -Protection of allotments

CYGP7 -Open Space

CYT4 -Cycle parking standards

CYT13A  
Travel Plans and Contributions

CYHE10 -Archaeology

CYNE1 -Trees,woodlands,hedgerows

CYNE6 -Species protected by law

CYNE7 -Habitat protection and creation

## 3.0 CONSULTATIONS

INTERNAL

SPORT AND ACTIVE LEISURE

3.1 - States that his application provides a number of new sports facilities for the North of the City many of which would be accessible to the local community. Strongly welcome the principle of enhancing and modernising the sports facilities on this site and welcome the approach that also retains and refurbishes the existing valued sports facilities. It is unfortunate that to develop the sports facilities, the allotments on the East of Haxby Road would be lost particularly when there are waiting lists for allotments in the City.

3.2 The application makes reference to community access to the facilities but it is not clear how much access is being offered, at what times and what the conditions of this access would be. A formal community use agreement should be secured which can be made public to ensure that community groups are aware of the opportunities available to them.

3.3 City of York Council Sport & Active Leisure team are currently working with Active York to rewrite their playing pitch and built facility strategies. Within the playing pitch document the need for a new size of junior pitch to accommodate 9x9 matches is identified which will become a FA requirement next year. This development is proposing 3 of these pitches which would be among the first in the city. The inclusion of these pitches and the benefits they will bring to local junior clubs is welcome.

3.4 The provision of floodlit, well surfaced netball courts is also very welcome. Many of the city's teams are playing on inadequate surfaces and few have high quality floodlighting.

3.5 The Built Sports facility strategy as mentioned above would identify an unmet demand for slightly less than 1 artificial grass pitch in the City. The FA has also identified in their facility planning models an ambition for 2 additional football specific surfaces (1 in the North and 1 in the East of the city). The synthetic pitches proposed in this application would satisfy the unmet demand for synthetic pitches and would provide the football surface in the North of the City that the FA are in support of. In terms of community provision the Sport and Leisure team have no evidence to indicate that there is a need for 2 pitches, however the nature of the courses offered by St John's ensures that both pitches would be used for teaching space, training and competition.

3.6 It is recognised that this application represents a phased approach to the development of facilities on this site. However it should be highlighted that there is a longer term need for improved and additional changing, spectator, official and ancillary facilities to serve these modern facilities and look forward to seeing plans for how this will be addressed in the near future.

## FLOOD RISK MANAGEMENT

3.7 The development is predominantly in Flood Zone 1 and greater than a hectare. However, a narrow corridor of land alongside the River Foss is classified as Flood Zone 2 and Flood Zone 3. Thus an FRA is required because the site exceeds 1 hectare within Flood Zone 1, and because Flood Zones 2 and 3 encroach into the site.

3.8 The Flood Risk Management Team has no objections to the development in principle. A condition requiring full details of surface water drainage details is suggested to be added to any approval. The condition requires peak surface water run-off to be restricted to that of a greenfield site and shall not exceed 6.02 lit/sec. The drainage must be able to accommodate a one in thirty year storm event with no surface flooding or surface water run-off from the site in a 1:100 year storm event. These are to take account of climate change.

#### DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT (LANDSCAPE ARCHITECT)

3.9 -States it is recognised that the 'green lane' to the south of the Bio-Rad site is not an historic green lane, nor is it an official right of way. Nonetheless the introduction of the all-weather pitches does result in the loss of virtually the length of historic hedge line, thus removing a landscape feature and part of a good feeding corridor supplemented by the trees planted on the Bio-Rad site. To avoid this and other losses would require a reduction in numbers and a reorientation of some of the courts would be needed to avoid this and other impacts. Therefore significance of losses to the natural environment and reduction in landscape quality and visual amenity as a result of the introduction of hard surfacing, fencing and floodlighting is to be weighed up against the benefits of the sports provision. A recently submitted 'Landscape Mitigation Concept' suggests locations for new tree planting, which provides some mitigation.

3.10 The removal of trees adjacent to the club house reduces the amenity and internal qualities of the site. The submitted 'Landscape mitigation concept' shows that a line of trees would be reinstated to the west of a new sports hub building and a hedge planted between the netball courts and the grassed pitches in the south to provide some mitigation for this loss and reinstatement of a division between the courts and the southern space.

3.11 The landscape mitigation concept should also include some tree planting to the north of the tennis courts to reduce their visual impact on the remaining open space that is currently available to the public, and forms a buffer and setting to the New Earswick conservation area, however the University have resisted this. A landscaping scheme and protection of existing planting conditions should be attached to any permission.

#### DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT (COUNTRYSIDE ASSISTANT)

3.12) Discussions on-going with the applicant's agent. An update will be provided at Planning Committee. A solution of removing floodlighting from the southern most tennis court has been suggested which would overcome some of the concerns about the closeness of the lighting to the river corridor which supports a significant number of species and whom rely on darkness in this area.

## DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT (ARCHAEOLOGY)

3.13 States that the site lies within an area which has produced Roman settlement activity. There are two known archaeological events as well as two archaeological monuments recorded within 500m of the proposed development in the City of York HER. However, the HER does not provide a complete record of the area, and further archaeological remains are expected to be found on the site. This site is likely to demonstrate the existence of a late prehistoric and Romano-British landscape in the area.

3.14 In addition the site lies on the edge of the River Foss flood plain. Recent 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.

3.15 The applicant has submitted an archaeological desk-based assessment prepared by York Archaeological Trust to support the application. This report has highlighted the site of a possible Roman Villa, or at least a Roman structure lying in the field immediately north of the western part of the application area and the possibility that associated remains may exist within the application area.

3.16 The nature and probable impact of the development on these deposits is such that an archaeological watching brief on all ground works is necessary.

## ENVIRONMENTAL PROTECTION UNIT

3.17 The applicant has confirmed that they will be able to comply with the requirements of the Institute of Lighting professional's guidance on the reduction of obtrusive lighting for the site. As a result there is satisfaction that the development would not affect amenity due to lighting or cause a statutory nuisance.

3.18 The Phase 1 Report submitted with this application identifies potential land contamination issues at the site. The report recommends that an intrusive ground investigation is undertaken in the areas of the former buildings, existing derelict buildings and where fly tipping has been identified. Ground gas monitoring is also required in the vicinity of the proposed buildings.

## HIGHWAY NETWORK MANAGEMENT

3.19 The proposals seek to create new sports pitches and a car park, known as Phase 2, as part of a longer term masterplan to create and improve sports facilities at Mille Crux.

3.20 116 car spaces, together with 8 coach spaces, are proposed which will serve both the existing grass pitches to the West side of Haxby Road and the facilities for which consent is being sought for. The university has submitted a Travel Plan outlining measures which will be implemented to promote sustainable travel and reduce single occupancy vehicles. The site is located sustainably and is served by frequent public transport with bus stops within recommended walking distances.

3.21 The application has been supported by a Transport Statement which acknowledges that the development will give rise to an increase in pedestrians crossing Haxby Road between the proposed sports facilities, associated car park and existing grass pitches. It has been proposed that pedestrian crossing facilities should be enhanced. In the absence of any detailed scheme being supplied it is recommended that a suitably worded condition is applied to any consent to secure the works, the detailed form of which would be determined following detailed discussions with council officers and consultation with interested parties.

3.22 The peak use of the pitches/facilities will occur outside of the network peak periods during which the highway network is at it's most sensitive. It is not therefore considered that the level of traffic that will be generated by the proposals will have a material impact.

3.23 Access to the new car park and Phase 2 facilities is to be via two new vehicular accesses onto Haxby Road. The access points are located such that visibility can be achieved in accordance with the relevant standards and have been designed to accommodate the likely traffic flows without giving rise to safety issues or delay to through traffic on Haxby Road. The internal system has been designed to operate as a one-way system with the northernmost access being the entrance to the site and the southernmost access being the egress. Access to the car park is proposed to be controlled with a barrier which will also act as a form of control/measure of influence to promote sustainable travel.

## EXTERNAL

### NEW EARSWICK PARISH COUNCIL

3.24 Support the application.

### FOSS INTERNAL DRAINAGE BOARD

3.25 The River Foss is adjacent to the site and is at capacity. The Board feels that given the nature of the site, any discharge of surface water must be restricted to that of a Greenfield Site i.e. 1.4 l/s per hectare. Prior to the consenting of any application the applicant must produce appropriate calculations and specifications to demonstrate how that the site would be drained at the required

#### ENVIRONMENT AGENCY

3.26 The proposed development is acceptable subject to conditions being added to any approval which ensure that the surface water drainage system is approved taking account of storm events.

#### YORK NATURAL ENVIRONMENT PANEL

3.27 - The Panel deprecate the net loss of allotments stating there should be a like for like provision elsewhere on the site. Whilst it is recognised the former allotments were not fully used because of the restrictive nature (available to factory workers only), there is a shortfall of allotments available to the public, and so would advocate an allotment provision available to all.

#### NORTH YORKSHIRE POLICE

3.28 Fully support the application, the supporting information clearly demonstrates how crime prevention concerns are going to be addressed.

#### OTHER THIRD PARTIES

3.29 - No correspondence received from local residents.

### **4.0 APPRAISAL**

4.1 The key issues are:

- Principle of development
- Visual impact of development including lighting and loss of trees
- Access, car and cycle parking
- Neighbouring residential amenity
- Ecology

#### PRINCIPLE OF DEVELOPMENT

4.2 The application site is allocated as Open Space in the Development Control Local Plan. Policy GP7 'Open Space' seeks to retain land designated as open space and only allows development on such sites where:-

- a. there will be no detrimental effect on local amenity or nature conservation; and



b. compensatory provision of an equivalent size and standard is provided in the immediate vicinity.

4.3 The NPPF promotes the development of social, sport and recreational facilities to meet community needs. Paragraph 70 of chapter 8 'Promoting healthy communities' in the NPPF states that planning decisions should plan positively for the provision and use of shared space, community facilities (such as sports venues) and other local services to enhance the sustainability of communities and residential environments. Paragraph 73 states that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Paragraph 74 explains that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless: including others, the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

4.4 The NPPF is silent on allotments and there potential loss other than stating that they should not be considered to be previously developed land. Development Control Local Plan Policy L2 'Allotments' states that planning permission which would result in the loss of allotments will only be granted where a replacement area is provided of an equivalent size and standard in the immediate vicinity.

4.5 Policy L1a of the DCLP states that new leisure developments should be considered against a needs assessment. In terms of proposals for out of centre leisure facilities it has to be demonstrated that there are no more central sites suitable to accommodate such a proposal or if it is to serve a local need it is of an appropriate scale.

4.6 There are two elements to assessing the principle of the proposed development. One is the principle of the loss of the allotment use of the site; the second is the principle of creating an intensive sporting use of the site.

4.7 The size of the existing allotment site is significant. It is a similar footprint to the proposed all weather pitches. However, the allotments are private and have been used exclusively by employees of the Rowntree and latterly the Nestle factory site. Demand for allotment space has reduced and only five allotments are thought to be currently in use. Much of the site is overgrown and it would take significant work to bring many of the allotments back into productive use. An application was approved late last year for the creation of 12 new allotments on the opposite side of Haxby Road. This is an extension of the existing allotment site which has a high occupancy level. It is understood that the occupants of the five existing allotments on the application site have been consulted on the proposal and are happy move to the newly approved site.

4.8 Whilst the proposed new allotment site is significantly smaller in area than the existing allotment area on the application site, it is considered that the new site would provide a higher quality environment for the existing users whilst also creating new ready-to-use capacity to meet some additional demand which may be created by this facility. On balance, it is considered that the compensatory provision of allotments on the west side of Haxby Road, outweighs the loss of the larger allotment area within the application site. Therefore, the proposal is considered to comply with Development Control Local Plan Policy L2.

4.9 As mentioned above the second key issue in assessing the principle of development is whether the new use of the land and the built development alongside this is acceptable within this location. The application site is within a reasonably sustainable location where there is a choice of transport choice for users. The primary users of the site would be students at the University; the proposed site is reasonably well related to the main campus. The proposed sports facilities are within walking or cycling distance from the main campus for many students. The site is close to a number of residential areas with a bus service running along Haxby Road, thereby providing sustainable transport choice for many community users.

4.10 The application site is allocated as 'open space' in the Development Control Local Plan. The application site is not within the Green Belt; an 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.

4.11 The proposed change in land use from allotments to sport is considered to remain within the general definition of 'open space'. The proposed development would allow opportunities for outdoor recreation. There are no objections to the proposed sporting use of the site. The visual impacts of the proposed development and the implications on general amenity and nature conservation value are discussed within the following sections of the report. However, there are no objections to the principle of the loss of the allotment use and the creation of an outdoor sport use.

4.12 Policy L1a of the DCLP requires new leisure and recreation developments to be considered alongside an assessment of need. The proposed development is primarily a private one serving the requirements of the students of York St John University. Whilst some community use of the site will continue, and potentially grow, it is considered that a city wide needs assessment is not necessary given the intended use. The University currently have sporting facilities in different locations in the city. However these are not of the size and standard which the University

aspires to. The proposals would provide modern all weather pitches with floodlights and associated car, cycle and coach parking. This would allow significantly more participation in sport at one purpose-built location which is accessible from the University campus as well as surrounding residential areas. At present the University has insufficient facilities to host home matches and larger team events. There are existing community users of the general sports site such as Rowntree/Nestle football, rugby, cricket and bowling clubs, in addition to York City Knights rugby league club who use the site for training. It is understood that community uses will be retained on the site with further use by local community teams, schools and local clubs to be encouraged. It is clear that there is a significant benefit for the University and some community groups in the proposed sporting facilities, the development will meet a clear need and the continuing aspirations of the University to expand its offer.

## VISUAL IMPACT OF THE DEVELOPMENT INCLUDING LIGHTING AND THE LOSS OF TREES

4.13 DCLP Policy NE1 states that tree and hedgerows which are of landscape, amenity, and nature conservation value will be protected by refusing applications which result in their loss and protecting retained trees and hedgerows during construction. Where the removal of some trees or hedgerows is considered acceptable replacement planting would be required to replace the loss. Policy NE7 seeks to protect natural habitats and enhance or supplement them to promote public awareness and enjoyment. DCLP Policy GP9 requires an appropriate landscaping scheme to be incorporated into developments. The landscaping must be integral to the development, include an appropriate range of indigenous species and reflect the character of the area. Policy GP1 requires outdoor lighting schemes to take account of the character of the area.

4.14 The site comprises a sequence of open spaces lying between two conservation areas, the Nestle/Rowntree factory conservation area and New Earswick conservation area. The open spaces either side of Haxby Road represent a significant break between industry and the outlying village. The sense of green space in and around the site is experienced from all directions. The proposal would result in the loss of 60 trees or groups of trees. The loss of green landscaping combined with the proposed hard surfacing, fencing, and lighting would have a significant impact on the visual character of the area.

4.15 The site is most commonly experienced from Haxby Road and the public right of way alongside the western bank of the River Foss. As there are currently no conspicuous built elements close to any of these routes in this location, other than the existing club house, the general impression is of an attractive verdant relief from the more built up areas to the north, south and east. One of the most significant proposed losses of trees and hedgerow is along the northern boundary, immediately to the south of the Bio-Rad site. At present the combination of trees within the

application site and those within the Bio-Rad site create a green corridor between the Foss walkway and Haxby Road, which would clearly be affected by the proposals, particularly when viewed from public areas.

4.16 The application includes a car park to the east of Haxby Road adjacent to the existing access to the site. Trees and the majority of the hedgerow along Haxby Road would be retained maintaining the existing mature avenue appearance. Key trees within the site are retained in and around the car park and supplementary planting in this area would help to soften the appearance of the car park from the public domain. A recently submitted 'Landscape Mitigation Concept' suggests locations for new tree planting, which provides some mitigation.

4.17 The proposed pitches and courts would be surfaced. The majority of the pitches and courts would be bounded by a 3m high metal fence with some fencing being 4.5m high where required behind goal posts. Full details of the surface material and fencing have not been submitted, although indicative details are provided. It is considered that a condition should be added to any approval requiring details of the fencing and surface material as well as the colour of the lighting columns to be approved to help minimise the visual impact of these developments.

## ACCESS, CAR AND CYCLE PARKING

4.18 DCLP Policy T4 seeks to ensure adequate cycle parking. Policy T13a requires a Travel Plan to be submitted to create sustainable travel choice.

4.19 At present there is a relatively small hard standing area which is used for car parking adjacent to the pavilion and temporary teaching and changing facility. The University is seeking to significantly increase the usage of the site for sporting activity. The existing car parking arrangement is not suitable for the additional demand. It is understood that the existing hard standing area containing the temporary building will be the subject of a later application for its redevelopment for more permanent and substantial supporting facilities.

4.20 The application under consideration includes a new car park and access point. The existing vehicular access point would be retained but upgraded for vehicles exiting the site. The proposed car park contains 106 standard car parking spaces, 8 accessible car spaces and 8 coach parking spaces. This is proposed for car parking associated with the whole University sporting facility, including the all-weather pitches applied for but also the pitches and athletics facilities to the south of the site and the football and rugby pitches on the opposite side of Haxby Road. A Transport Statement is submitted to provide evidence of the need for a car park of this size. Highway Network Management advises that the level of car parking proposed is reasonable in relation to the proposed level of use.

4.21 The peak use of the pitches/facilities is likely to occur outside of the peak periods on the highway network. It is not considered that the level of traffic associated with the proposed development would have a material impact on the local highway network. The access points are located such that visibility can be achieved in accordance with the relevant standards. The junctions have been designed to accommodate the likely traffic flows without giving rise to safety issues or delay to through traffic on Haxby Road.

4.22 The submitted Travel Plan highlights measures which can be put in place to promote sustainable travel and reduce single occupancy vehicle journeys. A number of measures are proposed to encourage and promote sustainable travel choice; this would be co-ordinated through an employed Travel Planning Officer. Annual monitoring of the success of the measures would be undertaken with new measures introduced to continue to promote sustainable transport choice. Secure and covered cycle parking is proposed which could accommodate 40 cycles. This can be secured via condition. It is considered that the proposed development is also accessible on foot for a number of potential visitors and the applicants are proposing to fund a crossing point on Haxby Road. This would be a useful facility for users of the sports pitches on the west side of Haxby Road who have used the changing or parking facilities on the east side of Haxby Road as well as those visiting the site by bus. Significant details regarding the nature of the crossing facility are not provided. It is therefore recommended that a condition be added to any approval requiring a detailed scheme to be agreed and installed. There is an existing bus service which runs along Haxby Road. The number 1 service links the west side of the city with residential areas in the north via the city centre and York St John University. It is considered that this provides a regular and convenient sustainable alternative to private car use for a large proportion of likely users of the all-weather pitches and courts. The facilities are designed in accordance with Sport England guidance regarding accessibility and inclusivity, including entering the site

4.23 It is considered that the proposed development would promote sustainable transport choice and could achieve a positive modal split for local visitors and staff. Teams will be able to visit the site on coaches to discourage single occupancy travel. The site provides for a reasonable and realistic level of car usage whilst retaining the aim of promoting sustainable transport choice. It is considered that the proposed access arrangements are in accordance with requirements and the development would not have a significant impact on the local highway network.

## NEIGHBOURING RESIDENTIAL AMENITY

4.24 DCLP Policy GP1 seeks to protect residential amenity from such things as noise and requires outdoor lighting schemes to take into account residential amenity. The nearest residential dwellings to the proposed all-weather pitches are located at Foss Court and Huntington Road on the opposite side of the River Foss. These houses are between approximately 50m and 100m at the nearest point to the

pitches. There are no local houses to the north or west of the site with the nearest houses to the south being in excess of 200m away.

4.25 The potential neighbouring amenity issues associated with all-weather pitches such as those proposed here are in relation to light and noise. The proposed pitches would be illuminated by lights mounted on 20 lighting columns. The lights and illumination of the pitches would clearly be visible from the surrounding area. This would appear as a significant contrast to the existing situation as there is very little illumination of this area. However, the lights have been designed using best practice to illuminate the pitches adequately whilst minimising light pollution on surrounding land. The lighting columns are sufficient height to allow the lights to be angled downwards reducing light spillage and the potential for glare. In addition a number of lights towards the eastern end of the site would be capped to further limit the level of illumination of land surrounding the pitches. The tennis court closest to the residential dwellings to the east would not be illuminated. A plan has been submitted with the application showing the level of illumination in and around the site. This has been considered by the Environmental Protection Unit and no objections are raised in terms of an impact on local residents. It is not considered that the proposed lighting would have a significant impact on neighbouring amenity.

4.26 The potential noise levels from the use of the site are less quantifiable. The proposed development does not include the regular use of any equipment or machinery which would harm neighbouring amenity. The only potential for noise disturbance is through the activities of people using the site. The development includes two full size football or rugby pitches, three netball courts and three tennis courts. Therefore, there is the potential for a significant number of users to be on site at any one time. The pitches and courts are a minimum of 50m away from the nearest house with parts of the development being significantly further away than this from noise sensitive areas. Any noise generated will have significantly dissipated before it reaches the nearest house. The noise generated by people cannot be controlled other than through conditions which restrict usage to times which is less likely to cause any significant neighbouring amenity issue. It is therefore proposed that a condition is added to any approval which limits use of the floodlighting and therefore sporting activity to between 08:00 hours and 22:00 hours. Given the relationship between the proposed development and residential dwellings, this is considered reasonable.

## ECOLOGY

4.27 DCLP Policy GP1 requires outdoor lighting schemes to take account of ecological systems. Policy NE6 requires developments to not cause demonstrable harm to species protected by law. Policy NE7 seeks to protect natural habitats and where possible include measures to enhance or supplement these.

4.28 The river corridor to the east of the site is an important piece of York's green infrastructure and of regional importance. It provides vital habitat for a wide range of species, including in this particular area otter, water voles and bats, all of which are European Protected Species. The site itself currently consists of a large area of semi improved grassland open space and old disused and overgrown allotments. A bat survey has recently been carried out across the whole of the site which looked at the overall activity levels and foraging and commuting behaviour within the site.

4.29 The bat activity surveys recorded use of the site and surrounding area by Noctules, Pipistrelles, Daubentons and Myotis species. No emergence from any of the buildings was seen, although the overall level of activity was good, and there was clear use of the river corridor and also the hedgerow running perpendicular, linking the river across to the west towards the Stray. This hedge which forms the northern boundary of the existing allotments is part of the original field pattern, and forms a continuous foraging and commuting link from the river to the wider surrounding area and Bootham Stray to the west. In order to accommodate the amount and size of all-weather pitches proposed by the University, the hedgerow is proposed to be removed as part of the scheme ,

4.30 Concerns have been expressed by the Countryside Assistant regarding the level of flood lighting proposed close to the river corridor. It is important that this corridor is kept dark as many wildlife species rely on this. Discussions are on-going between the applicant's agent and the Countryside Assistant regarding the impacts of the floodlighting on river corridor and measures which can be put in place to minimise any potential impact on wildlife. Floodlighting has been removed from the tennis court closest to the river corridor which is of benefit. An update on this issue will be provided at Planning Committee.

## OTHER CONSIDERATIONS

### Community Use

4.31 The consultation response to the application from the Sport & Active Leisure team requested a condition be added to any approval requiring a community use agreement. The purpose of such an agreement would be to allow the Local Planning Authority to have some control of the amount of time when community groups have access to the facilities and the pricing arrangement. However, the University do not wish to have such a condition as it wishes to retain full control of the use of the facilities. The University has explained that it is proposed to maintain current community use and explore opportunities to expand this in the future. Whilst a community use agreement would provide some assurance to the Local Planning Authority that community use of the site would be retained and improved, it is considered that it is difficult to justify its inclusion from a planning policy context. The DCLP does not contain any specific policies which require community use agreements to be included within applications for new private sporting

developments. There are many examples of privately run sports facilities on the city. Whilst community use agreements have been secured for a number of sites in the city, these have relied on the will and co-operation of the applicant. It is not considered that the lack of a community use agreement would warrant refusal of this application.

## Drainage

4.32 DCLP Policy GP15a requires developments to take account of flood risk and to reduce surface water run-off through sustainable drainage systems. The proposed development would result in a significant increase in the amount of impermeable land within the application site. The majority of the application site is within Flood Zone 1 which is the lowest category of flood risk from rivers. An area of land to the east of the site close to the River Foss is classified as being within Flood Zone 2 and 3. The applicant proposes a surface water storage system which would restrict run-off from the site onto adjoining land and into the Foss. The Council's Flood Risk Engineer is satisfied with the proposed treatment of surface water and full details would be secured by condition. This would ensure that the level of water run-off does not increase flood risk downstream.

## Sustainability

4.33 DCLP Policy GP4a requires all issues of sustainability to be considered within a sustainability statement to be submitted with an application. This is broadly in line with the NPPF which places a strong presumption in favour of sustainable development, with sustainability considered to have a social, economic, and environmental role.

4.34 The submitted sustainability statement emphasises the sustainability of the site in terms of accessibility and transport choice. Lighting has been designed to reduce the potential impact on natural habitats and landscape features with materials to be used from non-renewable sources being minimised. Renewable energy is not proposed, the applicant states that it was difficult to produce a business case which supported the use for renewable energy. However, when an application is submitted for a new Sports Hub building, consideration will be given to the use of renewable energy generation on this building. From a social context it is stated that the proposed facility would allow greater access to sport and social needs for the University and the local community.

## Archaeology

4.35 A desk-based archaeology study has been submitted in support of the application. The site lies within an area which has produced Roman settlement activity. There are two known archaeological events as well as two archaeological monuments recorded within 500m of the proposed development in the City of York.



Further archaeological remains are expected to be found on the site. This site is likely to demonstrate the existence of a late prehistoric and Romano-British landscape in the area. The site lies on the edge of the River Foss flood plain. Recent 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. For these reasons an archaeological watching brief condition is proposed to be added to any approval.

## **5.0 CONCLUSION**

5.1 There are no objections to the loss of the privately run allotments as suitable replacement provision is to be provided in the area. The use of the open space land for the purposes of sport is considered acceptable. The proposed development would result in the loss of a number of trees and hedgerow and a change in the natural character and appearance of the area. The site would appear significantly more developed. This would be particularly evident during hours of darkness when the pitches and courts are floodlit. The benefits of additional sporting provision should be balanced against the loss of trees and hedgerow and the more developed appearance that would result from the proposal.

5.2 The proposed all-weather pitches and courts are in a reasonably sustainable location. The site can be accessed on foot, by bike, or on the bus from the surrounding area. It is not considered that the level of traffic associated with the proposed development would have any material impact on the highway network. Car and cycle parking is provided in accordance with the requirements of Highway Network Management.

5.3 A development such as this has the potential to have some impact on neighbouring residential amenity given the size and number of pitches proposed and the floodlighting. However, the lighting has been designed in accordance with best standards in minimising light spillage off the site and additional planting is proposed to the east of the development to soften the appearance of the development. It is not considered that there would be any substantial harm to neighbouring residential amenity subject to a condition controlling the hours when the floodlighting is in use. There have been no objections from local residents.

5.4 On balance the application is recommended for approval subject to the following conditions.

## 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:-

Full plans list to be provided at Committee.

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

3 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.

4 Within three months of the commencement of development details of the junction between the internal access road and the highway shall have been submitted to and approved in writing by the Local Planning Authority. The development shall not come into use until that junction has been constructed in complete accordance with the approved plans.

Reason: In the interests of road safety.

5 Within three months of the commencement of development details of the cycle parking areas, including means of enclosure, shall be submitted to and approved in writing by the Local Planning Authority. Prior to the first use of the sports pitches and courts hereby approved, the cycle parking areas and means of enclosure shall have been provided within the site in complete accordance with the approved details, and these areas shall not be used for any purpose other than the parking of cycles.

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

6 Prior to the first use of the sports pitches or courts hereby approved the areas shown on the approved plans for the parking and manoeuvring of cars and coaches 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 No barrier or gate to any vehicular access shall be erected within 15m of the rear of the footway/verge abutting the site, without the prior written approval of the Local Planning Authority, and shall at no time open towards the public highway.

Reason: To prevent obstruction to other highway users.

8 The development hereby approved shall not be brought into use until the following highway works have been completed in accordance with drawing(s) which have been submitted to and approved in writing by the Local Planning Authority:

- provision of pedestrian crossing facilities on Haxby Road in order to provide safe crossing point(s) between the existing sports pitches to the west of Haxby Road and the proposed car park and pitches to the east of Haxby Road together with any footway extensions to connect to the new facilities as may be necessary.

Reason: In the interests of providing a safe means of access to the site by all modes of transport and to promote sustainable travel.

9 The site shall hereafter be occupied in accordance with the aims, measures and outcomes of the Travel Plan that has been submitted to and approved in writing by the LPA.

Reason: To ensure the development complies with local and national policies and advice which seeks to ensure adequate provision is made for the movement of vehicles, pedestrians, cycles and other forms of transport to and from the site, together with parking on site for these users.

10 Prior to the commencement of building operations on the site, a detailed method of works statements identifying the programming and management of site clearance/preparatory and construction works shall be submitted to and approved in writing by the LPA. Such statements shall include at least the following information;

- the routing that will be promoted by the contractors to use main arterial routes and avoid the peak network hours

- where contractors will park

- where materials will be stored within the site

- details of how the car parking area will be managed during the construction period to ensure adequate car parking remains

- measures employed to ensure no mud/detritus is dragged out over the adjacent highway.

Reason: To ensure that the development can be carried out in a manner that will not be to the detriment of amenity of local residents, free flow of traffic or safety of highway users.

11 With the exception of tree removal works, 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.

12 With the exception of tree removal works, development shall not commence until details of surface water drainage works have been submitted to and approved in writing by the Local Planning Authority, and carried out in accordance with these approved details.

Details to include:

1. Peak surface water run-off from the proposed development must be restricted to that of a Greenfield and not exceed 6.02 lit/sec.
2. Site specific details of the flow control device manhole limiting the surface water to the 6.02 lit/sec.
3. Storage volume calculations, using computer modelling must be provided, and must accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 20% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required. The full range of modelling should be provided.
4. Site specific details of the storage facility to accommodate the 1:30 year storm and details of how and where the volume above the 1:30 year storm and up to the 1:100 year storm will be stored.

5. Proposed ground and finished floor levels to Ordnance Datum shall be shown on plans. The development should not be raised above the level of the adjacent land, to prevent runoff from the site affecting nearby properties.

6. Details should be provided of the future management / maintenance of the proposed drainage scheme.

7. The Internal Drainage Board's (IDB) prior consent is required for any development including fences or planting within 9m of the bank top of any watercourse within or forming the boundary of the site. Any proposals to culvert, bridge, fill in or make a discharge to the watercourse will also require the IDB's prior consent.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper drainage of the site and that provision has been made to maintain it.

13 Within three months of the commencement of development a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority illustrating the number, species, height and position of trees and shrubs to be planted. The planting scheme shall be implemented within a period of six months of the first use of the sports pitches and courts hereby approved. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the site.

14 Before the commencement of and during building operations, adequate measures shall be taken to protect the existing planting on this site which is shown as being retained on the approved plans. This means of protection shall be agreed in writing with the Local Planning Authority and shall be implemented prior to the stacking of materials, the erection of site huts or the commencement of building works.

Reason: The existing planting is considered to make a significant contribution to the amenities of this area.

15 Development on Land Affected by Contamination

Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts a to c of this condition have been complied with:

## a. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination (including ground gases where appropriate);
- (ii) an assessment of the potential risks to:
  - human health,
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - adjoining land,
  - groundwaters and surface waters,
  - ecological systems,
  - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

## b. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

### c. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of the previous condition, and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with the previous condition.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

17 The floodlighting hereby approved to illuminate the sports pitches and courts shall not be in operation between the hours of 22:00 and 08:00 hours on any day.

Reason. To safeguard neighbouring amenity and in the interests of nature conservation.

18 The floodlighting hereby approved shall be installed, operated and maintained in complete accordance with the details shown on drawing UKS8363 4 Revision A vertical overspill.

Reason: To safeguard the amenities of the area and occupiers of neighbouring properties

19 Within 2 months of the commencement of development, the previously approved replacement allotment land to the west of Haxby Road (Ref. No. 12/03283/FUL) shall have been laid out in accordance with the approved plans and shall be fully operational for its intended purpose.

Reason: In the interests of the protection of allotment capacity in accordance with Policy L2 of the Development Control Local Plan.

20 Prior to the commencement of development, a habitat mitigation and enhancement scheme shall be submitted to and approved in writing by the Local Planning Authority. This shall include a method statement for the protection of habitat during construction and the post development management of the area. The development shall be carried out and managed in complete accordance with the approved details.

Reason: In the interests of nature conservation.

21 Prior to the installation of the all-weather pitch and courts, the surface material and colour shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details and thereafter retained unless otherwise agreed in writing by the Local Planning Authority.

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

22 Prior to the installation of the ball protection fences to be installed around the perimeter of all pitches and courts, details including height, design, material, and colour, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details and thereafter retained unless otherwise agreed in writing by the Local Planning Authority.

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

23 Prior to the installation of the floodlight columns hereby approved, details of their coloured finish shall be submitted to and approved in writing by the Local Planning Authority. The columns shall be finished in accordance with the approved details and shall be thereafter maintained.

Reason: In the interests of visual amenity.



## **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:

- Principle of development
- Visual impact of development including lighting and loss of trees
- Access, car and cycle parking
- Neighbouring residential amenity
- Ecology

As such the proposal complies with Policies GP1, GP4a, GP7, GP9, GP15a, T4, T13a, HE10, NE1, NE6, NE7, L1a and L2 of the City of York Development Control Local Plan.

#### **2. STATEMENT OF THE COUNCIL'S POSITIVE AND PROACTIVE APPROACH**

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

- Increase in replacement planting locations
- Removal of floodlights from the tennis court closest to the River Foss
- Proposed conditions which would minimise the visual impact of development and potential impact on neighbouring amenity

#### **3. INFORMATIVE:**

You are advised that prior to starting on site consent will be required from the Highway Authority for the works being proposed, under the Highways Act 1980 (unless alternatively specified under the legislation or Regulations listed below). For further information please contact the officer named: Vehicle Crossing - Section 184 - Stuart Partington (01904) 551361

**Contact details:**

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