



1.5 A committee site visit is to take place because objections have been received and the application is recommended for approval.

## **2.0 POLICY CONTEXT**

### 2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

Floodzone 2 Flood Zone 2 CONF

Floodzone 3 Flood Zone 3

Schools Derwent Infant 0191

Schools Derwent Junior 0192

Schools Osbaldwick Primary 0212

### 2.2 Policies:

CYGP1  
Design

## **3.0 CONSULTATIONS**

### 3.1 Internal

Highways Network Management

The widening of the footpath will involve works being carried out under the Highways Act 1980

Archaeology

The site lies within an area, which a recent desk based assessment has suggested has significant archaeological potential. Two conditions are requested one to allow an archaeological watching brief and a condition requiring submission of a method statement for the soil stripping operations

Landscape Architect

The removal of the trees to enable the MUGA was agreed in principal with the outline application (ref: 05/00620/GRG3). With regard to the loss of trees within the existing playing fields, the Landscape Architect strongly suggest that replacement trees are included in the scheme under a landscape condition that specifies trees shall be replaced on at least a one for one basis regardless of their existing size.

Some of these should be between the proposed sports pitch and the outline housing site to the north and existing housing to the south. Others should be within the perimeter of the school grounds.

#### Environmental Protection

The lighting columns are of a height that means that the illuminance levels are negligible at the nearest residential properties, but of a sufficient level on the playing surface of the MUGA to enable sports to take place in the winter months when darkness falls early. However it is recommended that there is a curfew time on the floodlights to correspond with the proposed hours of use of the MUGA and improved football pitch ie: 9pm Monday to Saturdays and 5pm on Sundays. In addition a condition should be attached to ensure that the lighting is installed in accordance with the proposed scheme submitted.

Regarding possible noise nuisance. There is a confusing variety of types of fencing and proposals re:locations on the drawings. It is likely that noise will be generated during the playing of ball games on the improved football pitch, mainly from players and spectators shouting but also from the kicking of footballs. In addition the playing of basketball, netball and tennis on the MUGA will similarly generate noise from players and spectators but also whenever balls hit the scoring area. The MUGA will be closely overlooked by housing on the south side. The improved football pitch is directly between existing housing (to the north and south) and adjacent to existing housing to the west. It is likely therefore that the amenity of local residents will be affected by noise from both the MUGA and the improved football pitch, particularly when residents want to use their gardens. It is recommended that a condition is attached to require that acoustic fencing is erected along the length of the southern boundary, the boundary with the public footpath and the northern boundary of the improved football field. The reason for asking for an acoustic boundary along the northern boundary is to protect the amenity of existing housing on Osbaldwick Lane, although there is the potential for housing to the northern boundary, even closer than Osbaldwick Lane.

### 3.2 External

#### Parish Council

The Parish Council supports the application but would like to see conditions attached to the planning application requiring the floodlighting to be extinguished at 21:00hrs and to require a security fence around the entire site to provide security and privacy for all neighbouring properties

#### Sport England

Sport England has considered this application in the light of its playing fields policy because the site constitutes a playing field as defined in the 1996 Statutory Instrument 1817. This proposal provides for the sports facilities that were agreed under the outline planning permission for this site and the residential development site adjacent furthermore a community agreement has been submitted with the application. The playing fields proposed are considered to be of equivalent or better quality than exist and Sport England are therefore not raising any objections to the development.

One letter of concern has been received covering the following points:-

- concerned about the noise level and light pollution caused by the proposed floodlit multi- use games area which is 20 metres from the writers property
- however in favour of any improvement in facilities for young people
- noise levels have increased in the play ground recently

### 3.3 Publicity

The application has been advertised by means of a site notice that expired on the 21st September 2007. Adjacent residents have also been notified. The site has been advertised in the local press, the notice does not expire until the 31st October 2007.

## 4.0 APPRAISAL

4.1 The principle of the development of this site has been established by virtue of the outline planning permission granted in September 2005. The positioning of the football pitch, MUGA and changing rooms were shown on an illustrative plan accompanying the outline scheme. The positioning of the development on this reserved matters application has not changed.

4.2 Policy GP1 of the draft City of York Local Plan is relevant to the consideration of the application. Policy GP1 of the Local Plan Deposit Draft states that development proposals will be expected to respect or enhance the local environment and be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area, using appropriate building materials. Proposals will also be expected to ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures.

4.3 The key issues relevant to the consideration of this reserved matters application are:-

- The impact of the development on neighbouring properties
- Parking and vehicular and pedestrian access arrangements

### Impact on Neighbouring Properties

4.4 There is a mix of house types surrounding this site. On the rear (southern) boundary of the site there are single, two storey dwellings and flats. To the west is further two storey development separated from the site by an existing public footpath, which is to be widened to 3 metres as part of the scheme, and to the north-west is the site approved for new housing under the outline planning permission.

4.5 The proposed MUGA is set 20 metres from the nearest residential properties. It will be surrounded by a fence 3 metres high (5 metres at the ends). The proposed lighting columns are 12 metres high and each has 8no. low glare floodlights. The application includes light spillage patterns that show light spillage being negligible at the boundary of the site. The Environmental Health Officer is satisfied that the positioning of the lighting columns will not impact on the amenity of adjacent residents subject to a condition that the MUGA is not used after 21:00hours Monday to Saturday and after 17:00hours on Sunday.

4.6 The proposed football pitch is surrounded on two sides by existing residential development and by the approved housing scheme on the third side. Despite the proximity to residential properties with conditions ensuring appropriate acoustic fencing and an hours of use condition restricting use to 21:00hours the details of the scheme are considered to be acceptable.

4.7 The siting of the changing block is set against existing school buildings. The boundary of the new housing site is to the rear of the block however the access to the building is adjacent to the school and it is considered that the activities associated with the comings and goings to the changing block will not be detrimental to adjacent residents.

4.8 In general terms the site has had a very low recreational usage level in the past. The introduction of significant sporting activities in to the area will mean a change in environment for adjacent residents. However having regard to the outline planning permission it is considered that with conditions restricting the detail of the development and hours of use conditions the application is supportable.

#### Parking and Vehicular and Pedestrian Access Arrangements

4.9 Pedestrian access is to be improved to the site by the widening of the existing pedestrian access on the western side of the site. Part of the widening scheme is included within this application part will be submitted with the housing scheme. The conditions attached to the outline planning permission require that the path be widened before any dwellings on the housing part of the site are occupied.

4.10 Vehicular access is via the school entrance, parking arrangements are to be improved but these will need to form a separate application as the area to the front of the school did not form part of the outline planning permission. In any case Highways Network Management did not object to the outline scheme concluding that the public traffic to the sports facilities could be accommodated within the school grounds and therefore there is no basis to object to the proposal on highway grounds at this stage.

## **5.0 CONCLUSION**

5.1 The principle of this development has been established by virtue of the outline planning permission granted in March 2005. The outline application showed the position of the MUGA and the football pitch and indicated that lighting would be used for the MUGA facility. The details submitted reflect that approved in outline.

5.2 The Environmental Health Officer is satisfied that subject to conditions requiring hours conditions and acoustic fencing the development can be implemented without a detrimental impact on existing residential properties or those to be constructed on the new housing development adjacent to the site.

## **COMMITTEE TO VISIT**

**6.0 RECOMMENDATION:** Approve

1 TIME2 Development start within three years

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

Drawing no.9470 (9) 02 dated 19th July 2007  
Drawing no. 9470 (2)11B dated 3rd July 2007  
Drawing no. 9470(2)12B dated 5th July 2007  
Drawing no. 9470(2)13A dated 13th July 2007  
Drawing no. 9470(2)10B dated 3rd July 2007

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 The opening hours of the multi use games area and the football pitch shall be confined to the following hours and the area shall be kept locked at all other times:

Monday to Friday	08.00 to 21.00 hours
Saturday	09.00 to 21.00 hours
Sundays & Bank Holidays	10.00 to 17.00 hours

Reason: To protect the amenity of nearby residents.

4 Details of an acoustic barrier of at least 1.8 metres in height, from the ground, and located throughout the entire length of the southern boundary of the improved football pitch, the MUGA area and the school football pitch, the northern and western boundaries of the improved football pitch, with residential dwellings, shall be submitted to and approved by the Local Planning Authority in writing, and fully implemented before the development first operates. The details shall include the position, length, height, materials and thickness of the barriers, together with their acoustic specification. Once installed, the barrier shall be fully maintained thereafter.

Reason: To protect the amenity of nearby residents.

5 The floodlighting shall be installed in accordance with the scheme submitted and approved by the local planning authority and once installed shall be fully maintained thereafter.

reason: to protect the amenity of nearby residents.

6 When needed during hours of darkness, the floodlighting shall operate only

until 21:00Hours on Mondays to Saturdays and until 17:00 hours on Sundays.

Reason: To protect the amenity of nearby residents.

7 No development shall take place at the site until the community use agreement submitted with the application has been entered in to by the applicants and the School Governing Body. The proposed use shall be carried out in accordance with the Community Use Agreement and shall not be varied without the prior written approval of the Local Planning Authority.

Reason: To ensure that the facilities are available for public use

8 No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme which shall illustrate the number, species, height and position of trees and shrubs. This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

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

## **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 impact on residential amenity. As such the proposal complies with Policy GP1 of the City of York Local Plan Deposit Draft.

#### 2. ARCHAEOLOGY

Condition 4 of the outline planning permission requires a programme of archaeological works to be agreed with the Local Planning Authority. These works shall include a method statement detailing a methodology for soil stripping operations which will allow the identification of archaeological features.

### **Contact details:**

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