

## COMMITTEE REPORT

**Date:** 5 March 2015                      **Ward:** Huntington/New Earswick  
**Team:** Major and Commercial Team                      **Parish:** New Earswick Parish Council

**Reference:** 14/02836/FULM  
**Application at:** York St John University Sports Centre Haxby Road York YO31 8TA  
**For:** Construction of sports hall with associated changing, teaching and social facilities following demolition of pavilion  
**By:** York St John University  
**Application Type:** Major Full Application (13 weeks)  
**Target Date:** 11 March 2015  
**Recommendation:** Approve

### 1.0 PROPOSAL

1.1 The application seeks planning permission for the erection of a “Hub Building” at York St John University Sports Centre, Haxby Road. The building would accommodate changing facilities, a strength and conditioning suite, flexible teaching and social space, catering facilities and a sports hall the equivalent size of five badminton courts. Additional landscaping and cycle parking would be provided.

1.2 The site forms part of a larger site (24ha) for which planning permission was granted in February 2013 for outdoor sports facilities including 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. This forms York St John’s Sports Park.

1.3 The Sports Park comprises land on either side of Haxby Road, approximately 20 minutes walk from the Lord Mayors Walk campus. The previous permission has been implemented to the eastern side of Haxby Road and the formal pitches have been constructed, the lighting erected, vehicular access and egress provided and parking laid out. Work is currently underway to the western side of Haxby Road to undertake drainage and levelling works which when complete would provide seven full size grass pitches and three junior pitches being provided in total at the Sports Park.

1.4 Planning permission was also granted in August 2012 for the erection of a temporary building to the eastern side of Haxby Road to provide changing and teaching facilities until 30 September 2017. This building is to be retained on site until funds are available for a permanent replacement or the permission has been renewed. The new Hub building would encase and link with this building and be retained to allow for the continued use of the changing and teaching facilities.

1.5 The land is allocated as 'open space' within the Development Control Local Plan.

## 2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

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

2.2 Policies:

CYGP1	Design
CYGP4	Environmental sustainability
CYGP9	Landscaping
CYGP15	Protection from flooding
CYL1A	Sites for Leisure development
CYGP7	Open Space
CYT4	Cycle parking standards
CYNE1	Trees, woodlands, hedgerows

## 3.0 CONSULTATIONS

INTERNAL

### Planning and Environmental Management (Landscape Architect)

3.1 The character of the area has changed but the value of the trees in maintaining a suitably attractive and pleasant setting should not be undermined. Currently, the mature and young-mature trees within the application site contribute to the setting of the existing pavilion and provide a suitable attractive edge to the entrance and sports ground to the south.

3.2 The development would result in the loss of six trees, including one large Ash, which is clearly identifiable from Haxby Road, and four trees from the foreground group and one large tree to the rear. These losses would be unfortunate but in the light of the proposed facility they are acceptable provided that suitable replacements are included within a landscape scheme for the development. The Planning Statement states that "The scheme includes some low level planting to the south elevation of the sports hall". This is insufficient and a standard landscape condition should be attached.

### Highway Network Management

3.3 Car parking has been included in previously implemented application for the facility within this application. Cycle parking is to be provided which exceeds council parking standards.

### Environmental Protection Unit

3.4 The site is located across the road from the Nestle factory, with allotments and an industrial building to the North, and housing to the south and east of the site with the closest residential garden being approximately 85m away. No car parking is proposed and minimal predicted car use with peak am and pm levels of 8 arrivals and 8 departures. As such EPU are satisfied that noise associated with the use of the facilities, all of which will be indoors, will be unlikely to affect the amenity of the nearest residential properties.

### Flood Risk Management Team

3.5 The development is in low risk Flood Zone 1 and should not suffer from river flooding. Surface water is to be discharged via the existing surface water drainage system agreed for Phase 2 and capacity is available to accept discharge from the development. No objections are raised.

## EXTERNAL

### Foss Internal Drainage Board

3.6 The drainage strategy for the site has been the subject of earlier consultation and agreement had been reached on a peak surface water discharge rate of 6.02 l/sec/ha. As there would appear to be no amendments to the initial drainage strategy no objections are raised

### Yorkshire Water

3.7 On the basis of the information submitted no comments are made

### New Earswick Parish Council

3.8 Support the application

### Neighbour Notification/Publicity

3.9 Seven letters have been received raising the following points:

- Existing noise disturbance from the site would be increased
- Use of existing facilities already results in foul language, shouting and screaming
- The proposed social facilities could potentially include a drinks licence which would increase the level of disturbance
- Any light pollution should be minimised
- Existing floodlights already cause light pollution

- Loss of privacy
- Site should be used for residential purposes
- A number of trees have been removed and not replaced
- Increased loss of wildlife
- Due to the scale of the building the site will be utilised more than at present increasing the noise disturbance
- Additional vehicular movements to the site
- Additional pressure on the bus services

3.10 Letters of support have been received from Nestle Rowntrees RUFC, Rowntrees and Huntington Cricket Club, York St John Students Union, British Heart Foundation, York City Football Club and York City Football Club Foundation all stating that the proposal will improve facilities for the city allowing the various user clubs to attract new players and increase participation in sport.

## **4.0 APPRAISAL**

### **4.1 KEY ISSUES**

- Principle of the development
- Design and visual impact
- Neighbours amenity
- Sustainability
- Trees and landscape
- Drainage
- Highway implications

### **PRINCIPLE OF THE DEVELOPMENT**

4.2 The application site is allocated as Open Space in the Development Control Local Plan (DCLP) 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: amongst other things, the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

4.4 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.

4.5 The principle of developing an intensive sporting use on the site has previously been agreed and the external sporting facilities have already been provided. An assessment of the location in relation to the town centre and the need for the facilities has been justified. The master plan submitted with the original application indicated the presence of the Hub Building and addressed the need for the provision of teaching facilities and an internal sports hall on site.

## DESIGN AND VISUAL IMPACT

4.6 The NPPF states that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Policy GP1 'Design' of the City of York Local Plan Deposit Draft includes the expectation that development proposals will respect or enhance the local environment; be of a density, layout, scale, mass and design that is compatible with neighbouring buildings and spaces.

4.7 The application site is located between the all weather pitches to the north and the grass playing fields to the south. The existing car park lies to the west with two new floodlit tennis/netball courts to the east. The original sports pavilion is located within this site, which is proposed to be demolished. Six trees would be removed as part of the development. The existing temporary modular building to the north would be retained and integrated into the Hub Building.

4.8 The building as a whole would have a footprint of 83m by 28m and would be divided into two sections. To the western side would be the Hub Building which would provide changing, teaching and social facilities. To the eastern side of the building would be the adjoined sports hall.

4.9 The Hub Building would have a footprint of approximately 41m by 28m. It would measure approximately 6.97m in height although a small brick parapet is proposed to screen the rooftop plant area. The building would contain changing facilities, a strength and conditioning suite, first aid room, teaching and social space as well as

catering facilities. External viewing decks are proposed to the north and south. The Hub Building would be constructed of facing bricks, glazing and rainscreen cladding with the modular building being enclosed by a screen wall.

4.10 The sports hall element of the scheme would measure approximately 42 metres by 28 metres. It would be equivalent in size to five badminton courts and would incorporate areas for storage. It would be covered with a curved tensile membrane roof extending to a maximum height of 10.4 metres. The material would be semi opaque to allow natural light into the area.

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

4.12 The site is generally open in character, lying between two conservation areas, the Nestle/Rowntree factory conservation area and New Earswick conservation area. The open spaces to either side of Haxby Road represent a significant break between industry and the outlying village. The proposed Hub Building would be positioned centrally within the application site and would be located approximately 70m back from Haxby Road. The building would be clearly visible within the site and would be visually prominent. It would be partially screened from view from Haxby Road by the retained mature landscaping but where the site opens up at the access point it would also be clearly visible. The Hub Building has been located within the best position to serve the existing facilities within the site, be easily accessible from the existing car park and to allow for spectators to view the adjacent pitches. As such it would not be practical to relocate the building elsewhere within the site. Furthermore, the height of the building is regulated by the function that it serves in relation to the internal sports hall.

4.13 The materials used are not considered to be overly intrusive and the flat roof design is present on adjacent industrial sites. Lighting of the building would be kept to a minimum but would include the entrances to the building and pedestrian routes for safety reasons. The display of adverts would be controlled by the Advertisement Regulations.

4.14 It is considered that the character of the area has changed with the introduction of the sports facilities and the hard surfacing of the car parking. Whilst the building would be isolated within the centre of the site it is not considered that it would be detrimental to the character of the area.

4.15 The proposed building would result in the demolition of the existing pavilion. Whilst this building is small scale and of a traditional appearance it does not have any architectural merit that would justify its retention. The building is not listed or located within a conservation area.

## RESIDENTIAL AMENITY

4.16 One of the core principles of the NPPF is that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Policy GP1 'Design' of the City of York Local Plan Deposit Draft includes the expectation that development proposals will respect or enhance the local environment and be of a density, layout, scale, mass and design that is compatible with neighbouring buildings and spaces, ensure residents living nearby are not unduly affected by noise, disturbance overlooking, overshadowing or dominated by overbearing structures.

4.17 The Hub Building is located centrally within the site. The nearest residential properties lie to the east of the site and are at a distance of approximately 80m away. The residential properties are separated from the site by the River Foss and a landscape strip. As the scheme seeks permission for indoor sports facilities it is not considered that there would be any undue noise disturbance as a result. The car parking facilities are located to the western side of the proposed building so people entering and leaving the building would be unlikely to result in any additional noise disturbance.

4.18 Concerns raised by neighbours that the facilities result in noise from users of the existing sports pitches is a management issue and does not have any bearing on this application. In addition concerns have been raised that the facilities will be used as an extension of the students union resulting in late night noise disturbance. The University have confirmed that the facilities will be used for the occasional gala or formal function but will not be used as a club house as existing student social facilities already exist within easy walking distance at the main campus.

## SUSTAINABILITY

4.19 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.

4.20 The submitted sustainability statement emphasises the sustainability of the site in terms of accessibility and transport choice and the fact that the University is required to achieve a BREEAM standard of at least 'very good' for new developments. In order to achieve this it is proposed to utilise thermal insulation,

natural ventilation and daylight where possible and incorporate low energy strategies.

## TREES AND LANDSCAPING

4.21 DCLP Policy GP1 states that development proposals should avoid the loss of open spaces or other features that contribute to the landscape and incorporate appropriate landscaping. Policy GP9 is concerned with landscaping and states that, where appropriate, development proposals will be required to incorporate a suitable landscape scheme. Policy NE1 is concerned with trees, woodlands and hedgerows and states that where proposals involve the removal of trees appropriate replacement planting with locally indigenous species will be required.

4.22 As part of the scheme it is proposed to remove six trees from the site. These include one large ash tree, four trees from the front of the site and one large one to the rear. Currently, the mature and young-mature trees within the application site contribute to the setting of the existing pavilion and provide a suitable attractive edge to the entrance and sports ground to the south. However, it is considered that there loss is acceptable provided that suitable replacements are included within a landscape scheme.

4.23 In order for the proposed building to sit comfortably in the landscape and relate to its setting, and in order to maintain the city's important tree stock, new trees should be planted to either side of the southern elevation and glazed rooms/external deck. These trees would serve to frame views out from the building to benefit the well being of the users, and also to frame views of the southern elevation and to make visual links with the perimeter of the overall sports grounds. Whilst the available space between the proposed building, utility runs, and the sports pitches is limited, it should be possible to plant large-species specimen trees within the application site.

## DRAINAGE

4.24 The NPPF states that development in areas at risk of flooding should be avoided, and that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere. 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. 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.



4.25 As part of the original application details of the surface water storage system which would restrict run-off from the site onto adjoining land and into the Foss have been agreed under Phase 2. These calculations included the provision of the Hub Building and as such adequate capacity is available to accept the discharge.

## HIGHWAY IMPLICATIONS

4.26 The car parking provision was assessed as part of the original application and took into account the proposed Hub Building. The car parking has been laid out in accordance with the approved plans. Additional cycle parking is proposed adjacent to the entrance to the building and can be conditioned accordingly.

## 5.0 CONCLUSION

5.1 It is considered that the proposed development is acceptable. The resultant building would be located within a sustainable location where the principle of sporting facilities has previously been established. It would be visible from outside of the site, within the open aspect, but landscaping would reduce the prominence of the development. The loss of the trees can be justified on the basis that replacement planting takes place on site. There would be little additional impact in terms of noise disturbance and highway implications were assessed as part of the original application.

## COMMITTEE TO VISIT

### 6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years -

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

3895-006 GA1 - Site location Plan  
3895-006 GA02 - Proposed Site Plan  
3895-006 GA03 - Proposed Ground Floor Plans  
3895-006 GA04 - Proposed First Floor Plans  
3895-006 GA06 - Proposed Elevations (1)  
3895-006 GA07 - Proposed Elevations (2)  
3895-006 GA09 - Updated Master Plan  
3895-006 3-MS01 - Proposed Sections

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

3 VISQ8 Samples of exterior materials to be app -

Application Reference Number: 14/02836/FULM

Item No: 4f

4 LAND1 IN New Landscape details -

5 Before the commencement of development, including demolition, building operations, excavations, or the importing of materials, a method statement for the protection of existing trees shown to be retained on the approved drawings shall be submitted to and approved in writing by the Local Planning Authority, including details and locations of protective fencing. The development shall be carried out in complete accordance with the approved method statement.

Reason: To protect trees that are considered to contribute to the amenity of the locality and/or development.

6 HWAY18 Cycle parking details to be agreed -

7 In the event that contamination is found at any time when carrying out the approved development, the findings must be reported in writing immediately to the Local Planning Authority. In such cases, an investigation and risk assessment must be undertaken, and where remediation (clean-up) 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.

Reason: To protect human health and the wider environment.

NOTE: 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 2A of the Environmental Protection Act 1990.

8 The building hereby approved shall only be in use between the hours of 08:30 to 23:00

Reason: To safeguard the amenities of nearby occupants.

## **7.0 INFORMATIVES:**

### **Notes to Applicant**

#### **1. STATEMENT OF THE COUNCIL`S POSITIVE AND PROACTIVE APPROACH**

In considering the application, the Local Planning Authority has implemented the 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:

Addressed drainage issues  
Attached appropriate conditions

2. The submitted details show that there are surface water sewers recorded crossing the site. In this instance, building-over may take place under the control of Part H4 Building Regulations 2000 or diversion of by way of agreement with the riparian owner.

#### **Contact details:**

**Author:** Heather Fairy Development Management Officer

**Tel No:** 01904 552217