

North Yorkshire County Council

Business and Environmental Services

Planning and Regulatory Functions Committee

24 October 2017

C1/17/00548/CM - Planning Application to vary Condition No. 2 of Planning Permission Ref. No. C1/13/00022/CM to extend the hours of use of the Sports Pavilion on land at Richmond School, Darlington Road, Richmond, DL10 7BQ on behalf of Richmond School (Richmondshire District) (Richmond Electoral Division)

Report of the Corporate Director – Business and Environmental Services

1.0 Purpose of the report

- 1.1 To determine a planning application to vary condition No. 2 of Planning Permission Ref. No. C1/13/00022/CM to extend the hours of use of the sports pavilion on land at Richmond School, Darlington Road, Richmond, DL10 7BQ on behalf of Richmond School.
- 1.2 This application is subject to objections raised by Richmondshire District Council (Planning), Richmond Town Council and 12 local residents on the grounds of noise and light disturbance, need for extension to permitted hours, traffic movements and parking and management and security of the pavilion and fear of crime and is, therefore, reported to this Committee for determination.

2.0 Background

Site Description

- 2.1 Richmond School is located on Darlington Road towards the east of the town of Richmond. The area of the school site is approximately 13 hectares, with the school buildings located towards the northeast of the site.
- 2.2 Part of the original school building dates back to 1938 and was designated a Grade II Listing building in 1971 (former Richmond Girl's High School). The school is constructed from a variety of materials and the most prominent of these materials is buff coloured brick and the flat roof is covered with mineral felt.
- 2.3 The sports pavilion is a two-storey building constructed of natural stone which is located towards the south of the school site, central to the sports pitches including football, hockey, cricket, rugby and athletics as well as the floodlit multi-use games area (MUGA) which is located directly to the north of the building. The erection of the sports pavilion was granted on the basis of dual use for both the school and community (outside of school hours).
- 2.4 To the north of the school site is the public highway of Darlington Road. This is also where vehicular access is gained to the site. To the north east are Richmond Methodist Primary School, St Mary's Roman Catholic Primary School and St Francis Xavier School. Located approximately 200 metres towards the east of the school building are semi-detached residential properties on Whitefields Drive. These buildings are

constructed from red brick and the pitched roofs are covered with pantile roof tiles and are separated from Richmond School by the playing field of St Mary's Roman Catholic Primary School. Located towards the south of the site is the public highway Maison Dieu and agricultural fields. Approximately 125 metres west of the application site (the sports pavilion) is 'The Crescent' which is predominantly occupied by two storey detached properties, which leads to onto 'The Avenue'. Cross Lane runs parallel to the eastern boundary of the site.

2.5 Within the school site the listed building is located towards the south of the school buildings. The car park is located towards the north and the grassed playing field is located towards the east and south. There is also a floodlit Multi Use Games Area located to the north of the application site (on the southern side of the main school site).

2.6 A plan showing the application site is attached to this report.

Planning History

2.7 Richmond School has been subject to numerous previous planning approvals over the past several years for a variety of developments including proposals for the major redevelopment of the school approved in May 2007 application reference C1/92E/1864E(i)/CM and subsequent revised permissions in 2009 (ref C1/92E/1864E/CM) and 2010 (ref. C1/92E/1864H/CM). The development comprised the demolition and replacement of existing older school buildings, excluding the former Grade II Listed Girl's school building and the later rectilinear building both of which underwent refurbishment and the construction of a new sports hall located adjoining the north east elevation of the rectilinear building.

2.8 The planning history relating to the proposed development site relevant to the determination of this application is as follows: -

- Planning Permission ref C1/13/00022/CM dated 13 May 2013 for the erection of a two storey sports pavilion and demolition of the existing equipment store. Granted and implemented.

2.9 The planning condition the subject of this application is:

Condition 2 of Planning Permission ref C1/13/00022/CM:-

"The development hereby permitted shall be carried out in accordance with the application details dated 5 December 2012 as amended and the 'Approved Documents' listed at the end of this Decision Notice."

Reason:-

"To ensure that the development is carried out in accordance with the application details."

2.10 There are no specific conditions on the extant permission that restrict the hours of use of the pavilion, and so reliance is upon condition 2 which refers to the application details, within which the hours are specified on the application form, which are:

08:30 - 21:30 – Monday to Friday

09:00 – 18:00 – Saturdays

3.0 The proposal

- 3.1 Planning permission is sought to vary condition No. 2 of Planning Permission Ref. No. C1/13/00022/CM to extend the hours of use of the sports pavilion on land at Richmond School, Darlington Road, Richmond, DL10 7BQ on behalf of Richmond School.
- 3.2 Initially, planning permission was sought to vary the same condition to permit unrestricted hours of use of the sports pavilion, however since the submission of the application and following consultation responses and representations received, discussions have taken place between the applicant and the County Planning Authority which has resulted in the application being amended (as per the revised description of the proposal stated above).
- 3.3 The sports pavilion, completed in August 2015, is a two-storey building constructed of natural stone. The building measures 30 metres in length by 9.6 metres in width (floor area of approximately 290 square metres). On the south-west elevation the building stands approximately 4.5 metres above ground level (one storey) whereas on the north-east elevation, due to the change in levels the building is cut into the embankment, the building stands at a height of 7.4 metres above ground level. The roof covering is dark coloured interlocking concrete tiles and the windows are white UPVC double glazed units and the entrance points are via painted hardwood doors.
- 3.4 The building comprises six changing rooms at ground floor level together with equipment stores, lobby areas and showers. The first floor comprises a multi-function room, classroom, kitchen area, officials changing areas, boiler room, medical room and toilets (see Appendix B). The multi-function room is used for overspill of sports lessons including yoga, drama and dance classes, as well as meetings and training sessions and socially during and after sporting events on site. On the north-east facing elevation there is an open viewing platform at first floor level which faces out onto the astroturf pitch to the north. There is also an open viewing platform at first floor level on the eastern elevation (facing east). There are two entrances on the north-east facing elevation and one central door entrance on the south-west elevation. A clock is set above the central entrance and there is a weather vane feature on the roof.
- 3.5 The pavilion is used by students, staff and local clubs both as a school and community focal point for sport in the local area. The school has confirmed that the pavilion is an initiative which is financially supported by Richmond School, Sport England, Ministry of Defence and community clubs for Football, Hockey and Cricket.
- 3.6 In the supporting information dated 18 July 2017, the Headteacher of Richmond School confirms *“since initial planning and building of the facility we have improved the facilities around the grounds and with collaboration with Richmond Cricket Club, Richmondshire District Council (Communities Opportunities Fun) and England Cricket funding we have been able to provide an excellent cricket pitch for both school and the community. This summer use for cricket compliments the autumn and winter use for football, hockey and rugby. Due to all the above initiatives we have had to review the opening times of the pavilion to support of these excellent community activities.”*
- 3.7 The use of the sports facilities at Richmond School rely on the use of the sports pavilion for changing, toilet facilities and refreshments. The pavilion is also used by spectators. The pavilion serves the football pitch to the immediate west of the sports pavilion and use of this pitch by junior league football clubs on a Sunday, as well as the cricket, hockey and rugby pitches as well as the MUGA to the immediate north of the building. At present, the hours of use of the sports pavilion, as set out in the previously approved planning application, are:

08:30 - 21:30 – Monday to Friday

09:00 – 18:00 – Saturdays

- 3.8 The School have confirmed that sports pitches are used, without restriction, outside of these hours and to use the adjacent sports pavilion for changing facilities, toilet facilities and refreshments during these hours would be preferable to using the facilities within the sports hall at the far north east end of the site. Spectators also make use of the pavilion during various sporting tournaments on the surrounding pitches.
- 3.9 Richmond School have also confirmed that the pavilion is used socially, following the sports events at the school grounds and the extension to permitted hours would allow this to continue.

4.0 Consultations

- 4.1 The consultee responses summarised within this section of the report relate to responses to consultation undertaken on the 28 July 2017 (for unrestricted hours) and the subsequent re-consultation on 27 September 2017 following the change of description to reflect the proposal changing to extend the hours of use but not to un-restrict them.
- 4.2 **Richmondshire District Council (Planning)** – responded to the initial consultation on 11 September 2017, stating that:-

“It is considered that ‘unrestricted hours of use’ in an area that is predominantly residential does have the potential to cause nuisance to neighbours and as such I am writing to advise that Richmondshire District Council OBJECTS to the proposal without any specific controls over the hours of use and associated access and car parking.

It is recommended that, if planning permission is to be granted, the application be amended and the following conditional restrictions be imposed:

- *Hours of use be restricted to avoid late night disturbance – it is suggested a limit to say 10:30pm Mondays to Thursdays, Sundays and Bank Holidays; and to say 11:30pm on Friday/Saturday nights.*
 - *Access and parking in association with the sports pavilion be restricted to the main school entrance and car park off Darlington Road and no access from The Crescent.*
 - *No amplified music or live music outside of the pavilion, with amplified music attenuated to avoid noise nuisance to neighbouring residential properties.*
 - *Windows and doors of the pavilion closed when amplified music or live music is being played – in restricting noise levels ensuring that it cannot be heard beyond the boundaries of the playing field.*
 - *No fireworks or pyrotechnics.*
 - *No marquees.*
 - *A limitation to the number of evening social events throughout the year.*
 - *In terms of management of the sports pavilion, a requirement to notify neighbours in advance of any particularly large event that may potentially affect neighbour amenity.”*
- 4.3 Richmondshire District Council later confirmed on 13 September that *“with regards to evening social events, I think the concern here would be late night noise and in this*

respect may I suggest that 1 late night evening event per month would be a reasonable restriction.”

4.4 Richmondshire District Council did not respond to the reconsultation.

4.5 **Richmond Town Council** – responded to the initial consultation on 18 August 2017, stating that:-

“1. It was granted, reluctantly, originally on the belief that there would not be a request for extending the hours.

2. The school, pavilion and immediate area that would be used for functions backs on to residential properties. Late night users, most likely party goers will have to walk through residential streets into town to avail themselves of public transport.

3. Unlike the cricket and golf clubs, It is a school not an entertainment facility. Current usage is quite sufficient. I can see no reason why the establishment needs a 24 hour permit

4. The pavilion is a sport facility not a drinking establishment.

5. It would not set a good example to children having their school used for 24 hour parties

6. A school is and educational facility not a venue for the sale of alcohol which would no doubt be requested.

7. The extended licence is a pre runner for income generation when the school becomes a self-controlled and self-monitored academy and has nothing to do with its primary purpose - education.

8. I object to the proposal. It would mean a significant change in the local environment. A night club arrangement is totally out of character for the area and could result in late night noise and traffic movements. There are plenty of other sports related outlets open in the area, for example the cricket club and the rugby club and there other entertainment venues in Richmond itself.

9. I also question the moral side of things. A twenty four hour entertainment venue as part of a school campus sets a poor example to the students who go there. Although the sale of alcohol is not included it seems quite possible that will follow. It seems quite possible that under 18 sports students would be mixing with those older 18 if alcoholic drinks are available. I also question the problem of drink driving if the centre is open beyond the time of normal public transport availability and the taxi rank is in the town centre.”

4.6 Richmondshire Town Council responded to the reconsultation on 12 October 2017 stating that the Town Council *“unanimously support the residents of The Avenue and The Crescent in their objections to the application and that it will increase nuisance, noise, anti-social behaviour and parking problems in the area”* and that any extension to hours *“would have an adverse effect on the school in general as it is an educational facility which would be effected the follow day, by functions, having run into the late evening, requiring a clean-up programme prior to usage by the children”*.

4.7 The Town Council also refers to a full Town Council meeting which took place prior to the submission of this planning application, specifically that *“the representative from*

Richmond School stated that there would no further applications to extend the opening times or usage of the pavilion. An important consideration in the decision to pass the original application. The Committee feel that the Pavilion is a sport facility and that it should not require the extended hours to fulfil that purpose.”

- 4.8 **NYCC Heritage - Ecology** – responded to the initial consultation on 31 July 2017 and reconsultation on 2 October 2017 and on both occasions did not wish to comment.
- 4.9 **Highway Authority** - responded on 19 September 2017 and confirmed no objections to the proposal. No response was received to the reconsultation.
- 4.10 **NYCC Arboricultural Officer** – did not provide a response to the initial consultation, but responded to the reconsultation on 28 September 2017 confirming they had no comments to make.
- 4.11 **Richmondshire DC - Conservation Officer** – did not provide a response to the initial consultation or reconsultation.
- 4.12 **Environmental Health Officer (Richmondshire)** – responded to the initial consultation on 14 August 2017 and the reconsultation on 6 October 2017 and on both occasions confirmed that they did not have any comments “*from an environmental protection viewpoint*”.
- 4.13 **Yorkshire Water Services Ltd** – responded to the initial consultation on 28 July 2017 and the reconsultation on 27 September 2017 and confirmed on both occasions that they did not wish to comment.
- 4.14 **Sport England** – responded on 14 August 2017, stating that:-

“Sport England has sought the views of a number of National Governing Bodies for Sport on the proposal to permit unrestricted hours of use of the sport pavilion.

The comments of the Football Association have been summarised as:

- The site has received PL:FA Facilities Fund investment and as such has a football development plan involving a wide range of use including the school and the main local multi-team community football clubs.*
- The FA has no objection to the removal of this condition. This site is well used but also well maintained and managed by the school.*

The comments of the England Hockey (EH) have been summarised as:

- EH are supportive for the removal of the condition to extend the opening hours to increase accessibility for the Hockey Club and other users*
- Increased access will enable the Hockey Club to engage better with players, supporters and volunteers, therefore increasing hockey and social participation*

The comments of the England Cricket Board have been summarised as:

- England Cricket Board and Yorkshire Cricket Board welcomes the removal of the condition so that the pavilion can be used at any time.*

As can be seen above, the comments of the National Governing Bodies for Sport are positive and supportive of the variation of condition.

The extended community use of the pavilion is consistent with section 8 of the NPPF titled 'Promoting healthy communities', in particular compliant with paragraph 70 which states:

'70. To deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

- plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;'*

The community use would also be consistent with paragraph 17, ninth bullet point highlighted in bold, which states:

'17. Within the overarching roles that the planning system ought to play, a set of core land-use planning principles should underpin both plan-making and decision-taking. These 12 principles are that planning should:

- promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as for wildlife, recreation, flood risk mitigation, carbon storage, or food production).'*

The extended community use will bring many benefits to both the school and the community and Sport England attaches a document outlining these benefits.

Sport England has no objection and supports the application to vary condition 2 of Planning Permission Ref. No. C1/13/00022/CM to permit unrestricted hours of use of the sports pavilion"

- 4.15 Sport England did not respond to the reconsultation.
- 4.16 **Environment Agency** – responded to the initial consultation on 28 July 2017 and did not wish to comment. No response was received from the Environment Agency to the reconsultation.
- 4.17 **NYCC Heritage – Archaeology** – responded to the initial consultation on 13 September 2017 and the reconsultation on 3 October 2017 and on both occasions confirmed that they did not wish to comment.
- 4.18 **SUDS & Development Control Officer** – responded to the initial consultation on 1 August 2017 and the reconsultation on 5 October 2017 and on both occasions confirmed that they did not wish to comment.
- 4.19 **North Yorkshire Police** – responded to the initial consultation on 16 August 2017 confirming that crime analysis from 31 July 2016 to 1 June 2017 shows only one reported crime and one incident of antisocial behaviour on the school premises. Suggesting that there should be no issue in permitting unrestricted hours of use of the sports pavilion. They further responded to the reconsultation on 29 September 2017 confirming that they had no additional comments to make and referred back to the original response as above.

Notifications

4.20 **County Cllr. Stuart Parsons** – was notified of the application on 28 July 2017 and responded on 10 August 2017 with comments regarding concerns raised by his constituents in relation to litter and bad language, security and poor management of the school site.

5.0 Advertisement and representations

5.1 This application has been advertised by means of three Site Notices posted on 28 July 2017 (responses to which expired on 18 August 2017). The Site Notices were posted in the following locations:

- On a prominent metal lighting pole on The Crescent (the nearest residential properties to the west of the pavilion);
- On a prominent metal traffic pole outside of the front school car park; and
- On a prominent metal bus stop pole outside the main school entrance.

5.2 Neighbour Notification letters were sent on 31 July 2017 in relation to the initial proposal. The following properties received a neighbour notification letter on both occasions:

- East House, Maison Dieu, Richmond, DL10 7AY
- 61 Maison Dieu, Richmond, DL10 7AY
- 2 The Avenue, Richmond, DL10 7AZ
- 4 The Avenue, Richmond, DL10 7AZ
- 2 The Crescent, Richmond, DL10 7BA
- 4 The Crescent, Richmond, DL10 7BA
- 6 The Crescent, Richmond, DL10 7BA
- 8 The Crescent, Richmond, DL10 7BA

5.3 A total of 12 letters of objection have been received raising material objections on the grounds of:-

- Noise from users of pavilion;
- Late night light disturbance;
- Parking and vehicles of users obstructing residential property access on The Avenue and The Crescent;
- Management and security of the pavilion and fear of crime; and
- Need and justification for the extension to the hours of use.

5.4 The objection letters also made reference to non-material considerations on the grounds of the following:

- Anti-social behaviour and language from users of the sports playing field and pathway from the school site to The Crescent and The Avenue;
- The granting of a premises license for the sale of alcohol at the sports pavilion;
- Litter caused by users of the pavilion and playing field;
- Damage to properties by users of the pavilion and playing field;
- Restrictive covenant contained with the Land Conveyance for the land on which the sports pavilion is located which states *“No act or thing shall be done or permitted on the land hereby conveyed which in the opinion of the Vendor may be a public or private nuisance or prejudicial or detrimental to the Vendor and the owners and occupiers of any adjoining or neighbouring property”*;
- *Change of School status to become an Academy and the changes this might entail on the school site;*

- *Food hygiene and allergy rules and if they will be adhered to by those providing catering in the sports pavilion building; and*
 - *Health and safety rules and if they can be adhered to.*
- 5.5 A total of four letters of support have been received both from local residents and local sporting clubs, raising the following points:-
- Current hours of use of the pavilion do not support all community use of the outdoor sports pitches, including using the facility for changing before and after games;
 - Good current management of the facility, advising users where to go, where to park and to ensure site is left tidy after use;
 - Good facilities within sports pavilion allow local clubs to raise money for training equipment by selling refreshments to spectators of events. Current restrictions on Sunday use do not allow this.
 - Lack of facilities in area mean Richmond School is a 'hub' for sports users.
 - Local resident states no issues encountered with parking on residential streets by users of pavilion.
- 5.6 Neighbour re-notification letters were sent on 27 September 2017 following the amendment to the description, and were sent to all those properties as previous as well as everyone who had made representation.
- 5.7 A total of six letters of objection have been received following the reconsultation on 27 September 2017, from members of the public and a local Richmond Town & District Councillor who previously made representation as described in paragraph 5.3.
- 5.8 The majority of the objections raised the same points as those which are explained in paragraphs 5.4 and 5.5, however one objection stated that the extension of hours would be supported to an extent, perhaps to match those which are existing on a Saturday until 18:00 hours, but not to the time which is applied for under this planning application.
- 5.9 One objection raised concerns over the parking of vehicles for users who use the sports pavilion building, on the bridleway which runs to the east of the pavilion building and the sports fields and how this would be managed by the school.

6.0 Planning policy and guidance

National Planning Policy

- 6.1 The policy relevant to the determination of this particular planning application provided at the national level is contained within the following documents:

- National Planning Policy Framework (NPPF) (published March 2012)

National Planning Policy Framework (NPPF)

- 6.2 The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied.
- 6.3 The overriding theme of Government policy in the NPPF is to apply a presumption in favour of sustainable development. For decision-making this means approving development proposals that accord with the development plan without delay (if plans are up-to-date and consistent with the NPPF). The Government has set down its intention with respect to sustainable development stating its approach as *"making the necessary decisions now to realise our vision of stimulating economic growth and*

tackling the deficit, maximising wellbeing and protecting our environment, without negatively impacting on the ability of future generations to do the same". The Government defines sustainable development as that which fulfils the following three roles:

- **An economic role** – development should contribute to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation;
- **A social role** – development supporting strong, vibrant and healthy communities; and,
- **An environmental role** – development that contributes to protecting and enhancing the natural, built and historic environment and as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution and mitigate and adapt to climate change including moving to a low carbon economy.

6.4 The NPPF advises that when making decisions, development proposals should be approved that accord with the Development Plan and when the Development Plan is absent, silent or relevant policies are out of date, permission should be granted unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- specific policies in this framework indicate development should be restricted.

6.5 This national policy seeks to ensure that there are positive improvements in people's quality of life including improving the conditions in which people live, work, travel and take leisure.

6.6 Paragraph 17 regarding 'Core planning principles' within NPPF sets out the core planning principles which should underpin planning decisions. With this in mind the relevant core principles for this proposed development are as follows:

- Planning Authorities should always seek to secure high quality design and a good standard of amenity for all existing and future occupants or users of a development.
- And that, planning authorities are required to ensure that they 'take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs'.

6.7 Paragraph 32 states that plans and decisions should take account of whether safe and suitable access to the site can be achieved for all people and that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

6.8 Paragraph 70 states; *'to deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:*

- *plan positively for the provision and use of shared space, community facilities*
- *(such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;*
- *guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;*

- *ensure that established shops, facilities and services are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community; and*
 - *ensure an integrated approach to considering the location of housing, economic uses and community facilities and services’.*
- 6.9 The NPPF encourages access to high quality open spaces and acknowledges that opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Paragraph 70 states “*To deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:*
- *plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;”*
- 6.10 The NPPF emphasises the importance of ensuring that a sufficient choice of school places for children is available to meet the needs of existing and new communities. To this end, within Paragraph 72 it states that “*Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:*
- *give great weight to the need to create, expand or alter schools; and*
 - *work with schools promoters to identify and resolve key planning issues before applications are submitted”.*
- 6.11 Within paragraph 73 of the NPPF, the importance of ensuring access to open space for sport and recreation is outlined and the important contribution this can make to health and well-being for the communities involved. It is noted that planning policies ‘*should be based on robust and up-to-date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision.*’ It is further noted that such assessments should ‘*identify specific needs and quantitative or qualitative deficits or surpluses of open space, sports and recreation facilities in the local area.*’ It is further noted that the information gained from undertaking such assessments should be used in the determination of the level of open space; sports and recreation provision are required for locations.
- 6.12 Specifically in relation to noise pollution the National Planning Policy Framework (2012) states the following within paragraph 123 planning policies and decisions should aim to:
- *avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;*
 - *mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions;*
 - *recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established; and*
 - *identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason”.*

- 6.13 Within the NPPF, paragraph 125 notes that 'By encouraging good design, planning policies and decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

National Planning Practice Guidance (PPG) (2014)

- 6.14 On 6 March 2014 the Department for Communities and Local Government (DCLG) launched the National Planning Practice Guidance (PPG) web-based resource. This was accompanied by a Written Ministerial Statement which includes a list of the previous planning practice guidance documents cancelled. The NPPG supports the national policy contained within the NPPF. The guidance relevant to the determination of this application is contained within the following sections: -

- Health and Wellbeing
- Light Pollution
- Noise
- Open space, sports and recreation facilities, public rights of way and local green space

Health and Wellbeing

- 6.15 Planning Authorities should ensure that health and wellbeing, and health infrastructure are considered planning decision making. Active healthy lifestyles are made easy through the pattern of development, good urban design, good access to local services and facilities; green open space and safe places for active play and food growing, and is accessible by walking and cycling and public transport.

Light Pollution

- 6.16 Light intrusion occurs when the light 'spills' beyond the boundary of the area being lit. For example, light spill can impair sleeping, cause annoyance to people, compromise an existing dark landscape and/or affect natural systems (e.g. plants, animals, insects, aquatic life). It can usually be completely avoided with careful lamp design selection and positioning:

- Lighting near or above the horizontal is usually to be avoided to reduce glare and sky glow (the brightening of the night sky).
- Good design, correct installation and ongoing maintenance are essential to the effectiveness of lighting schemes.

- 6.17 Lighting only when the light is required can have a number of benefits, including minimising light pollution, reducing harm to wildlife and improving people's ability to enjoy the night-sky:

- Lighting schemes could be turned off when not needed ('part-night lighting') to reduce any potential adverse effects e.g. when a business is closed or, in outdoor areas, switching-off at quiet times between midnight and 5am or 6am. Planning conditions could impose restrictions.
- Impact on sensitive wildlife receptors throughout the year, or at particular times (e.g. on migration routes), may be mitigated by the design of the lighting or by turning it off or down at sensitive times.

Noise

- 6.18 Noise needs to be considered when developments may create additional noise. When taking planning decisions, there may also be opportunities to consider improvements to the acoustic environment. Decision making should take into account the acoustic environment and in doing so consider:

- whether or not a significant adverse effect is occurring or likely to occur;

- whether or not an adverse effect is occurring or likely to occur; and
- whether or not a good standard of amenity can be achieved.

6.19 In line with the Explanatory Note of the Noise Policy Statement for England, this would include identifying whether the overall effect of the noise exposure (including the impact during the construction phase wherever applicable) is, or would be, above or below the significant observed adverse effect level and the lowest observed adverse effect level for the given situation. As noise is a complex technical issue, it may be appropriate to seek experienced specialist assistance when applying this policy.

Open space and sports and recreation facilities

6.20 Open space should be taken into account in planning for new development includes all open space of public value, can take many forms, from formal sports pitches to open areas within a development, linear corridors and country parks. It can provide health and recreation benefits to people living and working nearby; have an ecological value and contribute to green infrastructure as well as being an important part of the landscape and setting of built development, and an important component in the achievement of sustainable development.

The Development Plan

6.21 Notwithstanding that the abovementioned national planning policy is a significant material consideration, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each planning application in accordance with the planning policies that comprise the Development Plan unless material considerations indicate otherwise. In this instance, therefore, the Development Plan consists of policies contained within a number of planning documents. These documents include:

- any extant planning policies contained within Plan(s) adopted by the County and District (or Borough) Councils 'saved' under direction of the Secretary of State; and,
- any planning policies contained within Development Plan Documents adopted under the Local Development Framework regime.

6.22 The Development Plan for the determination of this particular application comprises the extant policies of the Richmondshire Local Plan Core Strategy (2014).

6.23 The Richmondshire Local Plan Core Strategy (2014) has particular relevance in the determination of this application and the policies most relevant include:

- Policy CP1 – 'Planning Positively';
- Policy CP3 – 'Achieving Sustainable Development';
- Policy CP7 – 'Promoting a Sustainable Economy';
- Policy CP9 - 'Supporting Town and Local Centres'; and
- Policy CP11 – 'Supporting Community, Cultural & Recreations Assets'

6.24 The Richmondshire Local Plan Core Strategy (2014) includes policy CP1 titled 'planning positively' which states that when considering proposals, the Council will take a positive approach that reflects the presumption of sustainable development and that planning applications that accord with the policies of the local plan will be approved unless material considerations indicate otherwise. It is considered that Policy CP1 can therefore be afforded full weight in the determination of this application.

6.25 Policy CP3 of the Richmondshire Local Plan Core Strategy (2014) titled 'Achieving Sustainable Development' states that "*support will be given for sustainable*

development which promotes the efficient use of land and infrastructure including development with a sustainable and complementary mix of uses”; and “the health, economic and social well-being, amenity and safety of the population”. It is considered that Policy CP3 can therefore be afforded full weight in the determination of this application.

- 6.26 Policy CP7 titled ‘Promoting a Sustainable Economy’ states that support will be given to development which promotes the sustainable growth of the key economic factors within the area including leisure; and the provision of education and training facilities to develop the District’s skills base.
- 6.27 The Richmondshire Local Plan Core Strategy (2014) includes Policy CP9 titled ‘Supporting Town and Local Centres’ makes specific reference to Richmond as a principal town serving the district. The policy states that *“Richmond has an important retail, commercial and tourism role serving the District with opportunities for growth whilst limited by environmental and heritage constraints. Support will be given to development that:*
- *Maintains and enhances the existing role of the centre;*
 - *Makes the town centre more accessible, attractive and safe; and*
 - *Supports the evening economy and leisure role of the town centre.”*

It is considered that Policy CP9 can therefore be afforded full weight in the determination of this application.

- 6.28 Policy CP11 titled ‘Supporting Community, Cultural and Recreation Assets’ makes reference to the importance of the retention of sporting facilities within the Settlement Hierarchy which promote healthy lifestyles and wellbeing of the community. *“Well planned facilities provide for social interaction and help build community cohesion”.* It is considered that Policy CP11 can therefore be afforded full weight in the determination of this application.

7.0 Planning considerations

- 7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each planning application in accordance with the planning policies that comprise the Development Plan unless material considerations indicate otherwise. In light of the abovementioned policies the main considerations in this instance are the principle of the proposed development, need, impact upon local amenity, highways matters, sports and recreation and management, security and the fear of crime and other considerations.

Principle of the proposed development

- 7.2 This application only relates to the use of the pavilion building, of which the location, use, scale, design and orientation have previously been deemed acceptable under planning permission reference C1/13/00022/CM. The application does not apply to the use of any other pitches, buildings or land at Richmond School.
- 7.3 The pavilion was purpose built for dual use both for the school and wider community and supports the use of the sports pitches and floodlit MUGA. The users of the sports facilities at Richmond School, including spectators attending sporting events, rely on the use of the sports pavilion for changing, toilet facilities and refreshments. This includes the grass football pitch to the immediate west of the sports pavilion and use of this pitch by junior league football clubs on a Sunday, and other pitches for hockey, cricket and rugby as well as the floodlit multi-use games area (MUGA) which is located

directly to the north of the building. At present, the hours of use of the sports pavilion, as set out in the previously approved planning application, are:

08:30 - 21:30hrs – Monday to Friday

09:00 – 18:00hrs – Saturdays

- 7.4 The School have confirmed that sports pitches are used, without restriction, outside of these hours and to use the adjacent sports pavilion for changing facilities, toilet facilities and refreshments during these hours would be preferable to using the facilities within the sports hall at the far north end of the site. Spectators also use the pavilion during various sporting tournaments on the surrounding pitches.
- 7.5 The Headteacher of Richmond School has stated in the supporting information dated 18 July 2017, that *“since initial planning and building of the facility we have improved the facilities around the grounds and with collaboration with Richmond Cricket Club, Richmondshire District Council (Communities Opportunities Fun) and England Cricket funding we have been able to provide an excellent cricket pitch for both school and the community. This summer use for cricket compliments the autumn and winter use for football, hockey and rugby. Due to the all the above initiatives we have had to review the opening times of the pavilion to support of these excellent community activities.”*
- 7.6 The sports pavilion is ancillary to the users of the sports pitches and it is considered that the proposed extension of permitted hours will allow the school to extend and enhance the sports provision on site as it is considered that the proposed development would allow for extended use of the sports facilities of Richmond School, providing investment in the outdoor space suitable for the needs of existing pupils and the wider community. It is also considered that the proposed extended hours of use would support wider use by the community alongside increased opportunities for sport at the adjacent pitches. Therefore the proposed development is in line with Paragraph 70 within Section 8 of the NPPF, where it advises that Local Planning Authorities should *“plan positively for the provision and use of shared space, community facilities and other local services to enhance the sustainability of communities and residential environments”*.
- 7.7 It is noted that the principle of improving school facilities is promoted within paragraph 72 of the NPPF in both securing sustainable development whilst supporting the needs to alter/enhance schools. Furthermore, it is noted that the proposal receives support within Section 8 of the NPPF in seeking to improve health and well-being through improved access to and opportunities for sport and sporting provision. The principle of the development is therefore supported and because of the health benefits the development would bring is compliant with national guidance and district policies CP3 ‘Achieving Sustainable Development’ and CP11 ‘Supporting Community, Cultural and Recreation Assets’ which support the social interaction, health and wellbeing of the local community as well as policy CP7 titled ‘Promoting a Sustainable Economy’ which supports development which promotes the sustainable growth of the key economic factors within the area including leisure; and the provision of education and training facilities.
- 7.8 In this instance, and, on balance, the public benefit of the proposal means that the application should be considered acceptable in principle subject to consideration of other matters including the impact on residential amenity, the character of the area and any highways matters. It is therefore considered that the proposed development is in accordance with the National Planning Policy Framework paragraphs 70 and 72 and the Richmondshire Local Plan Core Strategy policies CP3 and CP11.

Need

- 7.9 In terms of the existing provision and local demand for extended use of the sport pavilion for tournaments that take place beyond the current hours of operation, it is noted that the objections have been received from members of the public, Richmond Town Council and Richmondshire District Council with regard to the need for extended hours of use of the pavilion. It is understood that the School have applied for the extension to hours of use on the basis that the pavilion building is accessible for the use of changing, showering and toilets facilities along with socialising once the matches are over, for spectators and users of the pitches. This is compliant with District policy CP11 'Supporting Community, Cultural and Recreation Assets' which support the social interaction, health and wellbeing of the local community.
- 7.10 This is endorsed by the Sport England consultation response dated 14 August 2017 which states support for the application including from a number of national governing bodies for sport and is also supported by paragraph 73 of the NPPF (2012) which acknowledges 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.
- 7.11 Richmondshire District Council requested as part of their consultation response that a condition be imposed, if planning permission were to be granted to restrict the hours of use, albeit later than currently permitted, and suggested a limit to say 10:30pm Mondays to Thursdays, Sundays and Bank Holidays; and to say 11:30pm on Friday/Saturday nights. This would result in newly proposed hours of use as follows:-
- 0830 – 2230 hours – Monday to Thursday, Sundays and Bank Holidays
0830 – 2330 hours - Fridays
0900 – 2330 hours - Saturdays
- 7.12 Richmond School have responded to the suggested hours of use as above and have confirmed that they would be happy to limit the hours of use to the following:-
- 08:00 – 22:30 – Monday to Thursday, Sundays and Bank Holidays
08:00 – 23:30 – Fridays and Saturdays
- 7.13 The amendment to starting times would allow the opening up of the pavilion along with use of changing and toilet facilities. This response has reflected the change in description as detailed above.
- 7.14 Richmondshire District Council did not respond to the reconsultation which reflected the change in description.
- Local amenity (noise, and light pollution)
- 7.15 An important consideration in the determination of this application is the potential impact the extended hours of use may have upon local amenity. The significance of this matter is expressed in both National policy regarding paragraph 123 of the NPPF and Local Planning Policy including the Richmondshire Local Plan Core Strategy policy CP3 titled 'achieving sustainable development' which makes reference to the protection of local amenity.
- 7.16 It is acknowledged that objections have been received in relation to the noise and lighting impacts of the proposed development upon residential amenity as well as increase in vehicle movements on The Avenue, The Crescent and Maison Dieu to the west and south-west of the pavilion. The distance to the boundaries of the residential

properties on The Crescent, The Avenue and Maison Dieu from the pavilion range between approximately 110 metres to 145 metres west and south-west, however neither of the external viewing platforms face in these directions. The boundary treatment of the properties is a mix type of low one metre high wooden fencing, hedgerows and trees. To the south of the school site is Maison Dieu which drops in level from that of the school site and which is bordered by dense evergreen trees. Between the pavilion and residential properties is the grassed football pitch.

7.17 As above, the previously approved hours of use of the sports pavilion are:

08:30 - 21:30hrs – Monday to Friday
0900 – 1800hrs – Saturdays

7.18 The proposed extension to hours of the pavilion has raised objection from local residents who feel there is no need for such an extension to the permitted hours and that the current hours of use are acceptable. Especially on an evening, some objectors feel the extended use would be unacceptable and the facility should be kept closed to protect their amenity. A distinction should be made between the existing football pitch, floodlit MUGA and the sports pavilion. The existing pitch does not have any time constraints attached to it and is mostly used during the school day for sporting activities, physical education lessons and an area for break time use by students. As well as this, the pitch is used for sports events outside of school hours including weekends.

7.19 It is considered that whilst acknowledging the proximity of local residential properties to the east, approximately 125 metres from the pavilion, the potential for light and noise pollution would not be detrimental to local amenity due to the users predominantly being inside the pavilion building. This is endorsed by the consultation and reconsultation responses from the Environmental Health Officer at Richmondshire District Council who confirmed they had no comments “*from an environmental protection viewpoint*”. Therefore weight can be given to Richmond Local Policy CP11 titled ‘Supporting Community, Cultural & Recreations Assets’.

7.20 The potential impact of noise from the extended hours of use on the residential properties requires due consideration. With regard to the sports pavilion, any noise generated would be associated with the indoor activities and as such would not cause harm to the amenity of neighbours or cause nuisance by virtue of being contained within the building. This is also assisted with the double glazed UPVC windows installed within the sports pavilion.

7.21 Richmondshire District Council requested as part of their consultation response that a condition be imposed, if planning permission were to be granted, that windows and doors of the pavilion closed when amplified music or live music is being played to restrict noise levels to ensure that it cannot be heard beyond the boundaries of the playing field. The closure of windows and doors of the pavilion whilst music is playing can be conditioned, however this would likely have a time specified from which the windows should be closed. Furthermore, the District Council requested a condition which prohibits amplified music or live music outside of the pavilion. The red line of the development is only around the pavilion building itself and so the use of music could be conditioned to only be used within the building and that no music be played from the external viewing platforms.

7.22 Residents are concerned that noise from additional vehicle movements will be generated by users of the pavilion who might use The Crescent and The Avenue as a means of access to the Sports Pavilion if it were to benefit from unrestricted hours of

use. The School are aware that some users use this as a means of accessing the site at present, but encourage use of the main school car park off Darlington Road and the gated vehicular access to the School off The Crescent is now kept locked to further deter this.

- 7.23 The general lighting associated with the use of the sports pavilion has been raised as a concern in letters of representation from members of the public. However it is noted that the Richmondshire District Council Environmental Health Officer has raised no concerns in relation to any potential light disturbance late at night. Furthermore, the sports pavilion is situated at a lower topography than the residential properties on The Crescent and The Avenue and the lighting is therefore considered unlikely to adversely impact upon local amenity.
- 7.24 Richmondshire District Council requested as part of their initial consultation response that a condition be imposed, if planning permission were to be granted, to limit the number of evening social events throughout the year at the sports pavilion with consideration to late night noise and further suggested that one late night evening event per month would be a reasonable restriction. This request would not be precise enough to warrant a condition and if the hours were to be extended but restricted to a later time than at present, as also suggested by the District Council, then it would not distinguish whether an event would be social or for sport.
- 7.25 The District Council also requested as part of their consultation response, that a condition be imposed if planning permission were to be granted, that prohibited marquees. The red line of the development is only around the pavilion building itself and so this is outside of planning control for this development and therefore cannot be conditioned.
- 7.26 Furthermore, Richmondshire District Council requested a condition which would prohibit the use of fireworks and/or pyrotechnics. As above, the red line of the development is only around the pavilion building itself and so the prohibition of fireworks and/or pyrotechnics can only be conditioned within the red line i.e. from the outside viewing platforms of the pavilion.

Highways matters - Traffic and parking

- 7.27 As above, residents are concerned that additional vehicle movements will be generated by users of the pavilion who might use The Crescent and The Avenue as a means of access to the Sports Pavilion if it were to benefit from unrestricted hours of use. Vehicle movements will remain much the same as is currently, the extended hours are to allow the prolonged use of the pavilion following sports events. The School are aware that some users use this as a means of accessing the site at present, but encourage use of the main school car park off Darlington Road and the gated vehicular access to the School off The Crescent is now kept locked to further deter this.
- 7.28 This is further endorsed by the Local Highways Authority providing a response to the initial consultation which confirmed no objections to the proposal. The Local Highways Authority did not respond to the re-consultation.
- 7.29 Richmondshire District Council requested a condition, should planning permission be granted, to require *access and parking in association with the sports pavilion be restricted to the main school entrance and car park off Darlington Road and no access from The Crescent*. Access to the school site by vehicle has been conditioned to only allow entrance onto the school site by vehicle via the main school entrance off Darlington Road. The parking of vehicles on The Crescent is outside of planning control and therefore cannot be conditioned.

Open space, sport and recreation

- 7.30 There is no additional development as part of this application which would result in any impact on the provision of open space and playing fields. The provision of extended community use of the sports pavilion is consistent with section 8 of the NPPF 'promoting healthy communities', in particular with paragraph 70 which states:
"To deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:
- *plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;"*
- 7.31 This is further endorsed by the letter of support received from Sport England, who confirmed in their consultation response that the extended community use will bring many benefits to both the school and the community.
- 7.32 It is noted that the proposal receives support within Section 8 of the NPPF in seeking to improve health and well-being through improved access to and opportunities for sport and sporting provision. The development is therefore compliant with national guidance and district policies CP3 'Achieving Sustainable Development' and CP11 'Supporting Community, Cultural and Recreation Assets' which support the social interaction, health and wellbeing of the local community as well as policy CP7 titled 'Promoting a Sustainable Economy' which supports development which promotes the sustainable growth of the key economic factors within the area including leisure; and the provision of education and training facilities.

Management, Security and the fear of crime

- 7.33 It is acknowledged that objections have been raised in relation to the community use of the proposed development and it is considered that Richmond School would continue to manage the pavilion. Further consideration has been given to security and the fear of crime as an impact and the application was subject to consultation with the Police Architectural Liaison Officer, who confirmed that the crime analysis from 31 July 2016 to 1 June 2017 shows only one reported crime and one incident of antisocial behaviour on the school premises and therefore there should be no issue in permitting an extension to the hours of use of the sports pavilion.
- 7.34 It is further noted that there has been no request for any further information from the Police Architectural Liaison Officer with regard to the security and management of the sports pavilion.
- 7.35 Richmondshire District Council requested as part of their consultation response that a condition be imposed, if planning permission were to be granted, to require the school to notify neighbours in advance of any particularly large event that may potentially affect neighbour amenity. This request would not be precise enough to warrant a condition and if the hours were to be extended but restricted to a later time than at present, as also suggested by the District Council, it would be the responsibility of the school to inform its neighbours of such an event. The County Planning Authority cannot impose conditions for land outside of the sports pavilion under this application.

Other Non-Material Considerations

- 7.36 In the objections from residents there are points that can be given limited or no weight in the determination of the application due to them not being regarded as material to

the application under consideration in planning terms. The first of these is that the unrestricted hours of the sports pavilion will encourage anti-social behaviour and foul language from users of the sports pavilion, the playing field and pathway from the school site through to The Crescent and The Avenue, especially late at night. However this is beyond planning control and given that the Police Architectural Liaison Officer is satisfied from a 'designing out crime' perspective this is a school site management issue beyond planning control.

- 7.37 A number of objectors have made reference to the granting of a premises license for the sale of alcohol at the sports pavilion. Residents are concerned that the school premises could be used for purposes other than education and sports if alcohol consumption is encouraged on site. Concerns have also been raised regarding the consumption of alcohol on a school site and the behaviour that this could encourage. However this cannot be considered as material to the determination of this planning application.
- 7.38 Concerns have been raised in objections with regard to litter caused by users of the sports pavilion who might use The Crescent and The Avenue as a means of access further to use of the sports pavilion. Again, this is beyond planning control and is a school site management issue.
- 7.39 A number of residents have made reference to a restrictive covenant contained with the Land Conveyance for the land on which the sports pavilion is located which states that *"No act or thing shall be done or permitted on the land hereby conveyed which in the opinion of the Vendor may be a public or private nuisance or prejudicial or detrimental to the Vendor and the owners and occupiers of any adjoining or neighbouring property. The use of the premises for any educational purposes approved by the Ministry of Education or any purpose ancillary thereto shall not however be deemed to be a breach of the terms of this clause."*
- 7.40 Residents believe that an extension to the current hours of operation of the pavilion would be ignoring this stipulation. A restrictive covenant is not a material planning consideration and is a civil matter which falls outside of the scope of the planning process.
- Conditions of planning permission reference C1/13/00022/CM
- 7.41 This permission would supersede the current extant permission ref. C1/13/00022/CM, dated 13 May 2013 and therefore gives an opportunity to update aspects of the conditions assessing whether these are still relevant to the development and compliant with the tests for valid planning conditions.
- 7.42 Condition 1 of planning permission reference C1/13/00022/CM has been removed, because the implementation of the sports pavilion development is no longer relevant. The pavilion was implemented in Summer 2015.
- 7.43 Condition 2 will be carried over and has been updated to include the details of this planning application.
- 7.44 Condition 3 of planning permission reference C1/13/00022/CM has been removed, because the samples of external materials of the sports pavilion have already been previously discharged and this element is no longer relevant.
- 7.45 Condition 4 has been removed, because it relation to parking of vehicles, site compounds and storage of materials during construction of the pavilion, which is no longer relevant.

7.46 Condition 5 of planning permission reference C1/13/00022/CM again relates to mitigation and enhancement recommendations in relation to the Bat Scoping Survey of the original permission and is no longer relevant, therefore has been removed.

7.47 Condition 6 states the following:-

“There shall be no access or egress between the highway and the application site by any vehicles other than via the existing access with the public highway at Darlington Road. The access shall be maintained in a safe manner which shall include the repair of any damage to the existing adopted highway occurring during construction.”

This condition will be retained but shall be reworded to remove reference to the construction of the pavilion.

8.0 Conclusion

8.1 There are no material planning considerations to warrant the refusal of this application to vary condition No. 2 of Planning Permission Ref. No. C1/13/00022/CM, to extend the hours of use of the sports pavilion on land at Richmond School.

8.2 For the reasons mentioned above, it is therefore considered that, the proposed development is compliant with the policies which comprise the Development Plan currently in force for the area and all other relevant material considerations.

9.0 Recommendation

9.1 For the following reasons:

- i) the principle of the proposed development has been established through the previous grant of planning permission;
- ii) the proposed development would not result in an adverse impact upon local amenity;
- iii) the proposed development is in compliance with the principles of the NPPF, PPG and policies CP1, CP3, CP7, CP9 and CP11 of the Richmondshire Local Plan Core Strategy (adopted 2014).

It is recommended that **PLANNING PERMISSION BE GRANTED** to extend the hours of use of the sports pavilion on land at Richmond School, subject to the following conditions:

Conditions

1. The development hereby permitted shall be carried out in strict accordance with the application details dated 6th December 2012 (ref. C1/13/00022/CM) and as amended by the application details dated 6th June 2017.
2. With the exception of emergency, delivery and maintenance vehicles, there shall be no access or egress between the highway and the school site for the use of the sports pavilion by any vehicles other than via the existing access with the public highway at Darlington Road.
3. The use of the sports pavilion shall be permitted only between the following times:-
08:00 – 22:30 – Monday to Thursday, Sundays and Bank Holidays
08:00 – 23:30 – Fridays and Saturdays

All internal and external lighting associated with the use of the sports pavilion must be turned off outside of these hours.

4. Windows and doors of the pavilion are to be closed after 21:00 hours when amplified music or live music is being played inside the sports pavilion building and no amplified music or live music is permitted to be played from external viewing platforms of the pavilion.
5. No fireworks or pyrotechnics are permitted to be used at the sports pavilion building or external viewing platforms.

Reasons

1. To ensure that the development is carried out in accordance with the application details.
2. In the interests of both vehicle and pedestrian safety and the visual amenity of the area.
3. To reserve the rights of control by the County Planning Authority and to protect the amenity of neighbours.
4. To reserve the rights of control by the County Planning Authority and to protect the amenity of neighbours.
5. To reserve the rights of control by the County Planning Authority and to protect the amenity of neighbours.

Approved Documents:

<u>Ref.</u>	<u>Date</u>	<u>Title</u>
---	13 December 2012	Location Plan

Statement of Compliance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015

In determining this planning application, the County Planning Authority has worked with the applicant adopting a positive and proactive manner. The County Council offers the opportunity for pre-application discussion on applications and the applicant, in this case, chose not to take up this service. Proposals are assessed against the National Planning Policy Framework, Replacement Local Plan policies and Supplementary Planning Documents, which have been subject to proactive publicity and consultation prior to their adoption. During the course of the determination of this application, the applicant has been informed of the existence of all consultation responses and representations made in a timely manner which provided the applicant/agent with the opportunity to respond to any matters raised. The County Planning Authority has sought solutions to problems arising by liaising with consultees, considering other representations received and liaising with the applicant as necessary. Where appropriate, changes to the proposal were sought when the statutory determination timescale allowed.

DAVID BOWE

Corporate Director, Business and Environmental Services

Author of report: Amy Taylor

Background Documents to this Report:

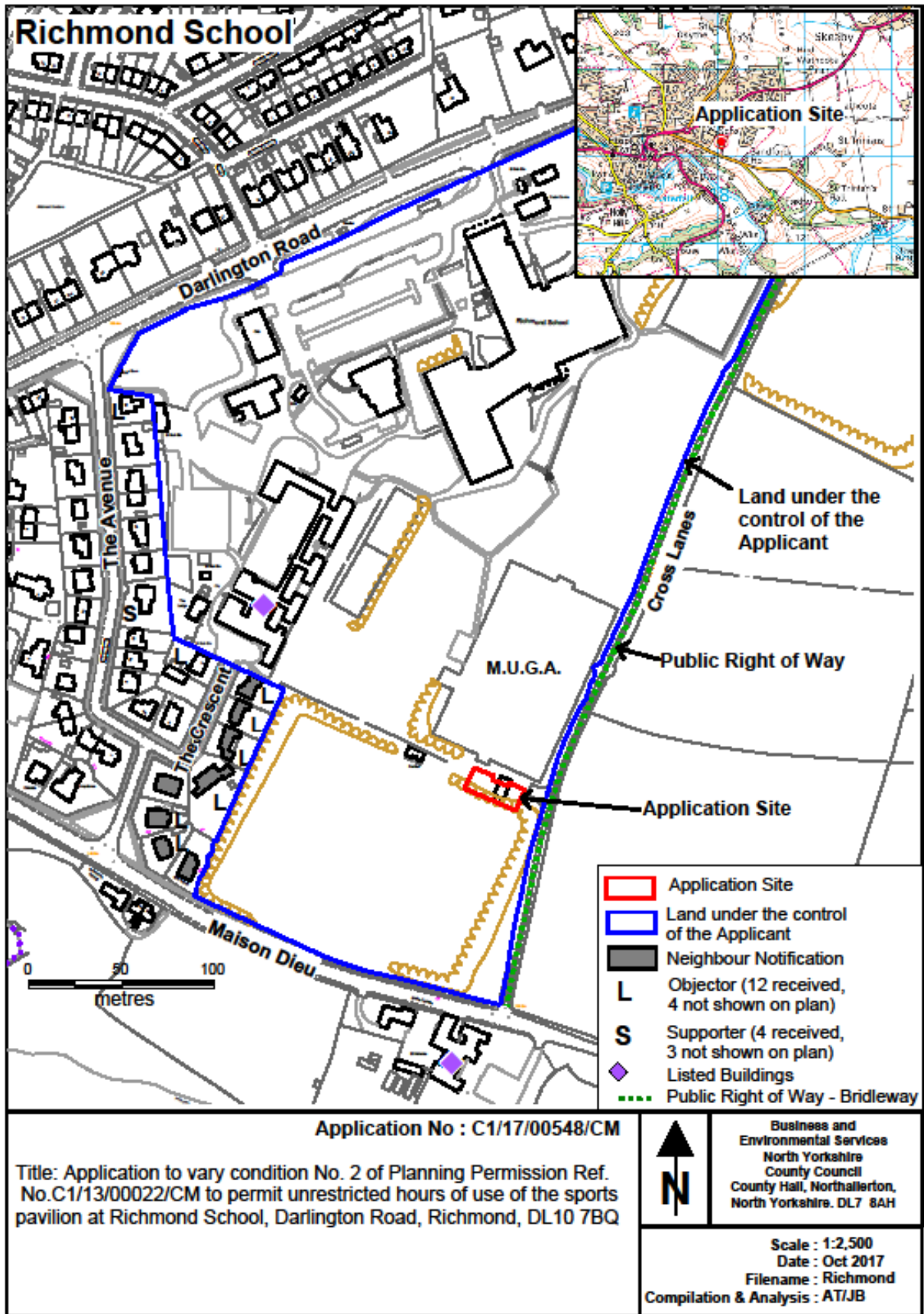
1. Planning Application Ref Number: C1/17/00548/CM (NY/2017/0160/73A) registered as valid on 26 July 2017. Application documents can be found on the County Council's Online Planning Register by using the following web link:
<https://onlineplanningregister.northyorks.gov.uk/register/>
2. Consultation responses received.
3. Representations received.

Appendix A - Site Location, constraints and representations

Appendix B - Sports Pavilion Floor Plan

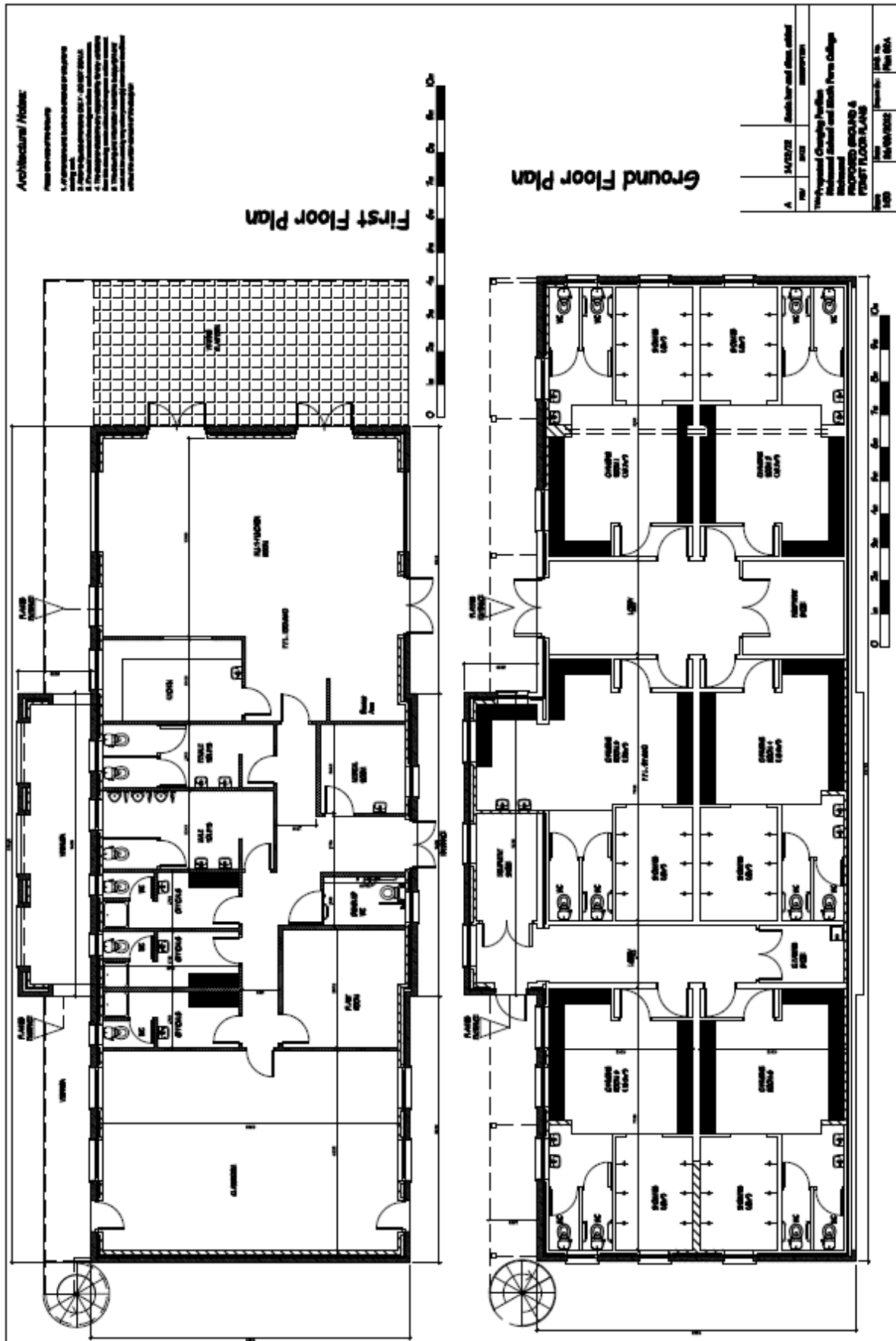
Appendix C - Sports Pavilion Elevations

Appendix A – Site Location, constraints and representations



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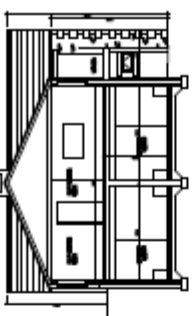
Appendix B – Sports Pavilion Floor Plan



Appendix C – Sports Pavilion Elevations

Architectural Notes:

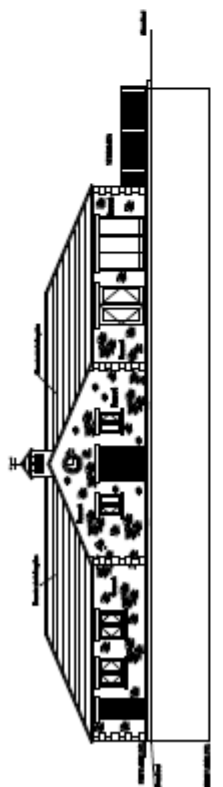
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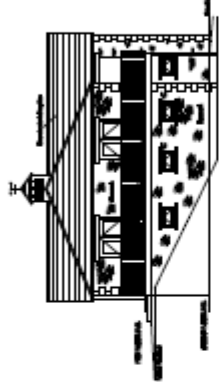
SECTION

NOTES:

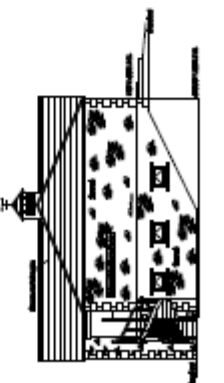
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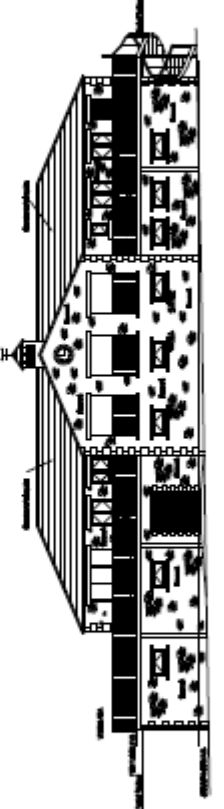
SOUTH WEST ELEVATION



SOUTH EAST ELEVATION



NORTH WEST ELEVATION



NORTH EAST ELEVATION

NO.	DATE	REVISIONS	
1	11/15/2018	Initial design and elevations	
2	11/15/2018	Final design and elevations	

Prepared by: **Architectural Services Inc.**
 Checked by: **Architectural Services Inc.**
 Drawn by: **Architectural Services Inc.**
 Project Name: **PROPOSED ELEVATIONS AND SECTION**
 Project No.: **18-010**
 Scale: **1/8" = 1'-0"**
 Date: **11/15/2018**