

**North Yorkshire County Council****Business and Environmental Services****Planning and Regulatory Functions Committee****16<sup>TH</sup> JULY 2020****SINGLE STOREY EXTENSION OF SPORTS CENTRE TO FORM A FITNESS SUITE (382 SQ. METRES), TARMAC PERIMETER PATH AND ADDITIONAL 22 CAR PARKING SPACES (599 SQ. METRES) ON LAND AT MALTON COMMUNITY SPORTS CENTRE, BROUGHTON ROAD, MALTON, YO17 7BP ON BEHALF OF THE CORPORATE DIRECTOR CHILDREN & YOUNG PEOPLES SERVICES (RYEDALE DISTRICT) (MALTON ELECTORAL DIVISION)****Report of the Corporate Director – Business and Environmental Services****1.0 Purpose of the report**

- 1.1 To determine a planning application for the single storey extension of Sports Centre to form a Fitness Suite (382 sq. metres), tarmac perimeter path and additional 22 car parking spaces (599 sq. metres) on land at Malton Community Sports Centre, Broughton Road, Malton, YO17 7BP on behalf of the Corporate Director Children & Young People's Services.
- 1.2 This application is subject to two objections from local residents having been raised in respect of this proposal which are summarised in paragraph 5.3 and is, therefore, reported to this Committee for determination.

**2.0 Background**Site Description

- 2.1 The wider site is the site of Malton School with its buildings to the south east and south west and includes the playing pitches to the south and south east and the Sports Centre to the north west. The site is located to the south east of the A64 in Malton, in a residential semi-urbanised area. Beyond the A64 to the north west are arable fields, and the wider school site is bounded by residential development to the north, south and east. The precise site of the proposed Sports Centre extension consists of a vacant strip of grass to the Broughton Road frontage of the existing Malton Community Sports Centre building. To the immediate south of this lies the existing Sports Centre and to the west is a Multi Use Games Area (MUGA) with associated fencing.
- 2.2 The Broughton Road frontage of the school has existing trees and hawthorn hedging and is enclosed by an approximately 1.8-metre-high dark green weld mesh fence. The site of the proposed extension has two young trees on the side nearest the road and also has one tree nearest the vehicular access. The site of the proposed additional parking is to the east of the existing Broughton Road vehicular access to the Sports Centre, to the north of the current parking. The current parking provision is for 80 cars (with a further 8 disabled parking spaces) and also includes coach

provision and provision for cycles. This is bounded by mature trees and bushes to the Broughton Road frontage with younger trees closer to the car park.

- 2.3 A number of the trees forming a mixed species deciduous copse which abuts Broughton Road are located within the north eastern corner of the application site. The substantial mature trees forming the copse are protected by a Tree Preservation Order (TPO). The 2019 Ryedale website list of TPOs indicated that these trees are protected as *'243 A group of trees standing in the NE corner of Malton School playing field, on the southern side of the B1257, immediately west of the property 'Wayside'*.
- 2.4 The site is within the Impact Risk Zone of the River Derwent Site of Special Scientific Interest (SSSI) which is also a Special Area of Conservation but is not within any national or international designations. The site is 80m from a SINC – Malton Bypass Cuttings. The site is over 550 metres from the Howardian Hills Area of Outstanding Natural Beauty.
- 2.5 The nearest residential properties to the proposal site are across Broughton Road to the north.
- 2.6 A plan showing the application site is attached to this report.

### Planning History

- 2.7 The planning history relating to the proposed development site relevant to the determination of this application is as follows: -
- 2.8 On the 17th August 2009 planning permission ref. C3/09/00345/CPO was granted for the purpose of a Sports Centre and Multi Use Games Area with floodlighting, associated parking facilities, bin store, fencing and access gates, formation of access road off Broughton Road and provision of a combined pedestrian and cycle path within the grounds of Malton School. The approved development has been constructed and is operational (opened on the 28th February 2011). The existing permitted hours of opening are between the hours of 0800 and 2200 any day of the week, including bank/public holidays.
- 2.9 Pre-application advice was given in 2017 on a proposal for 'erection of a single storey modular building on the northern elevation of the sports centre building which will house a new fitness suite and fitness class/meeting room'.

### **3.0 The proposal**

- 3.1 Planning permission is sought for a single storey extension to the Sports Centre to form a Fitness Suite (382 sq. metres), tarmac perimeter path together with an additional 22 car parking spaces (599 sq. metres) on land at Malton Community Sports Centre, Broughton Road, Malton, YO17 7BP.
- 3.2 The site of the proposed sports centre extension is level with the ground floor of the existing Sports Centre and forms a plateau with a small embankment down to the entrance road and Broughton Road on the east and north edges respectively. The proposed development is a single storey extension of 382 square metres gross external area to accommodate a new Fitness Suite comprising a multi-purpose studio; storage; and an office; with a new plant room within the roof void which would be served by a single stair accessed from the rear of the building. The new Fitness Suite would be served by the existing changing rooms and toilets as originally intended in the design of the main Sports Centre.

- 3.3 The extension would project 12 metres from the north end of the existing sports hall building and would occupy the full 30 metres width of the whole of the existing building. The proposed extension would be of buff brickwork at lower level and to the tops of the windows which will be of aluminium framed design, with aluminium cladding above the tops of the window frames. The extension materials would be of similar design to the existing materials, with the aim of blending in to the existing buildings. Roof materials for example would be of a trapezoidal steel profiled design to match existing and would be of a similar standing seam and curved design. The submission documents state that the extension '*was envisaged as part of the design of the original Sports Centre along with the provision of 22 extra car parking spaces to accommodate the anticipated extra visitors. With the future extension in mind, an area to the front (north) of the building was levelled and grassed for future development.*' It is also stated that the proposals have been designed with gently curving roof forms to create softer lines and bear reference to agricultural buildings in this semi-rural setting.
- 3.4 The proposed perimeter path will be of tarmacadam and will be around 3 sides of the proposed extension development.
- 3.5 The proposal also includes the addition of 22 further car parking spaces, taking the total car parking spaces to a total of 110. Four of the existing 80 spaces (excluding 8 disabled spaces) will be lost to access, whilst new spaces will replace these. So in summary the total number of spaces will be 110 including the new and existing. These will be to the north of the existing car parking area, to the east of the Broughton Road entrance of the development. The total gross external area will be 599 square metres.
- 3.6 The originally submitted documents stated that the proposed additional car parking would not involve the removal of any trees and that no additional trees are proposed. Tree protection fencing would be installed in the area of new car parking prior to any works being undertaken. If necessary, pre-development tree works would also be undertaken. Following further discussions and requests for clarification together with a detailed survey of the implementation of the existing landscaping scheme for the Sports Centre, however, it has emerged that some 5 immature trees planted after the construction of the original sports centre would need to be removed as part of the car park extension as these were incorrectly located. It is proposed that these would be replaced with 8 trees. The entrance is stated to remain as existing and the new fitness suite would be accessed through a door within the existing foyer/reception area. Vehicular access would not be changed and pedestrian access to the proposed fitness centre would be via the same steps or ramp up to the existing main entrance from where there is level threshold access into the new facility.
- 3.7 The proposed hours of use are from 07.00 to 22.00 Monday to Friday and 07.00 to 22.00 on Saturday and Sunday and Bank Holidays. This is 1 hour earlier than the current operating hours as it is considered that people may want to use the gym early on their way to work.
- 3.8 The Design and Access Statement states that the long term goal of Malton Community Sports Centre is to establish itself as a hub for sports development and sporting excellence, by helping to support pupils, clubs, players, organisations and community members achieve their aspirations and to play host to high quality coaching and competition.

#### **4.0 Consultations**

The consultee responses summarised within this section of the report relate to responses to consultation undertaken on the 6<sup>th</sup> April 2020.

- 4.1 **Sport England** responded on 23<sup>rd</sup> April 2020 to state that the proposed development meets exception 3 of their playing pitch policy and therefore they do not wish to raise an objection.
- 4.2. **The Lead Local Flood Authority (SuDS)** responded on 28<sup>th</sup> April 2020 stating that the submitted documents demonstrate a reasonable approach to the management of surface water on the site and recommending a condition to prevent increased risk of flooding.
- 4.3 **Highway Authority** responded on 29<sup>th</sup> April 2020 to enquire about the justification for the levels of car parking proposed. Further information was provided by the agent on the parking provision and a response was received from the Highway Authority on the 7<sup>th</sup> May 2020 recommending a pre-commencement condition in relation to submission of a Construction Phase Management Plan and a condition on the approval of access, turning and parking arrangements. As access will remain the same, it has been clarified that the condition should be on the approval of manouvering, turning and parking arrangements.
- 4.4 **Natural England** responded on 27<sup>th</sup> April 2020 saying that the development will not have significant effects on the SAC or the SSSI. They point out that the proposed development is for a site close to a nationally designated landscape namely the Howardian Hills AONB and recommend the use of local landscape expertise.
- 4.5 **NYCC Heritage - Principal Landscape Architect** replied on 28<sup>th</sup> April 2020 to say that they have no objection to the scheme '*provided that a suitable landscaping scheme is provided along the Broughton Road frontage and the existing mature trees between Broughton Road and the proposed new car park are protected and retained (to protect local amenity and setting). The proposed landscaping scheme should provide hedgerow and boundary tree and shrub planting along Broughton Road fronting the proposed car park and building extension. All tree protection fencing must be in place prior to commencement and retained for the duration of the works*'. It is suggested that the landscaping scheme ties in with the landscaping scheme for the original Sports Centre.
- 4.6 **Tree and Landscape Officer (Ryedale District Council)** has not responded. Should a response be received before the date of the meeting, this will be reported orally to Members.
- 4.7 **NY Police - Designing Out Crime Officer** responded on 8<sup>th</sup> April 2020 with a detailed report. They recommend internal door locking furniture and that planting does not impede natural surveillance.
- 4.8 **Ryedale District Council (Planning)** responded on 14<sup>th</sup> April 2020 to say that they support this proposal subject to a condition to secure a suitable landscape planting scheme along the northern boundary adjacent to the proposed extension.
- 4.9 **Environment Agency - Leeds Office** has not responded. Should a response be received before the date of the meeting, this will be reported orally to Members.
- 4.10 **Malton Town Council** responded on the 30<sup>th</sup> April 2020 to say that they recommend the application is approved.
- 4.11 **NYCC Heritage - Ecology** responded on 7<sup>th</sup> April 2020 to say that they had no concerns provided adequate tree protection measures were put in place. A further response regarding the River Derwent Special Area of Conservation and Site of

Special Scientific Interest was received. *'The proposed development site is on the far side of the town of Malton from the river, so we would not envisage any discernible impact in terms of construction noise, lighting or other effects. On this basis we consider it unnecessary to carry out any further assessment.'*

*The nearby Site of Importance for Nature Conservation comprises the cutting slopes of the A64/Malton bypass. This is effectively a self-contained unit so we would not expect any impact.'*

- 4.12 **Ryedale District Council Environmental Health Officer** responded on 1<sup>st</sup> July 2020 to say that they had no objection to the change in opening hours.

## **Notifications**

- 4.13 **County Cllr. Lindsay Burr** was notified of the proposals on April 6<sup>th</sup> 2020.

## **5.0 Advertisement and representations**

- 5.1 This application has been advertised by means of 3 Site Notices posted on 8<sup>th</sup> April 2020 (responses to which expired on 2<sup>nd</sup> May 2020). The Site Notices were posted in the following locations: at site entrance from Broughton Road; at road frontage to Middlecave Road; on footpath through school grounds. A Press Notice appeared in the Malton & Pickering Mercury on 15<sup>th</sup> April 2020 (responses to which expired on 29<sup>th</sup> April 2020). In the exceptional circumstances of the Covid-19 pandemic, consideration was given to whether further methods were needed to publicise the proposal given the restrictions on movement. It was considered that the Press Notice; Neighbour Notification and Site Notices were adequate in the circumstances and that people would be likely to see the notices on their daily exercise.

- 5.2 Neighbour Notification letters were sent on 6<sup>th</sup> April 2020 and the period in which to make representations expired on 27<sup>th</sup> April 2020. The following properties received a neighbour notification letter:

- 6 4 Crabtree Drive, Malton, YO17 7FQ  
6 Crabtree Drive, Malton, YO17 7FQ  
8 Crabtree Drive, Malton, YO17 7FQ  
10 Crabtree Drive, Malton, YO17 7FQ  
12 Crabtree Drive, Malton, YO17 7FQ  
14 Crabtree Drive, Malton, YO17 7FQ  
16 Crabtree Drive, Malton, YO17 7FQ  
18 Crabtree Drive, Malton, YO17 7FQ  
20 Crabtree Drive, Malton, YO17 7FQ  
22 Crabtree Drive, Malton, YO17 7FQ  
24 Crabtree Drive, Malton, YO17 7FQ  
26 Crabtree Drive, Malton, YO17 7FQ  
28 Crabtree Drive, Malton, YO17 7FQ  
30 Crabtree Drive, Malton, YO17 7FQ  
32 Crabtree Drive, Malton, YO17 7FQ  
34 Crabtree Drive, Malton, YO17 7FQ  
36 Crabtree Drive, Malton, YO17 7FQ  
80 Middlecave Road, Malton, YO17 7NQ  
82 Middlecave Road, Malton, YO17 7NQ  
84 Middlecave Road, Malton, YO17 7NQ  
2 Foliott Ward Close, Malton, YO17 7FQ

4 Folliot Ward Close, Malton, YO17 7FQ  
Wayside, Broughton Road, Malton, YO17 7BP

5.3 A total of 2 neighbour representations have been received raising objections and concerns on the grounds of:-

- Whether trees will be removed
- Whether there will be further fencing on the Broughton Road frontage of the site as there are already issues with car lights shining into rooms as new car parking will be closer to the existing fence
- Where the new car parking would be
- Whether the trees on the Broughton Road frontage of the site are protected

## 6.0 Planning policy and guidance

### The Development Plan

6.1 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 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.

6.2 The *Development Plan* for the determination of this particular application comprises the following:

The extant policies of the Ryedale Plan- Local Plan Strategy (2013);

6.3 The Ryedale Plan- Local Plan Strategy (2013) (adopted 2013) has particular relevance in the determination of this application and the policies most relevant include:

- SP1 'General Location of Development and Settlement Hierarchy'
- Policy SP11 'Community Facilities'
- Policy SP13 'Landscapes'
- Policy SP14 'Biodiversity'
- Policy SP16 'Design'
- Policy SP17 'Managing Air Quality, Land and Water Resources'
- Policy SP19 'Presumption in Favour of Sustainable Development'
- Policy SP20 'Generic Development Management Issues'

6.4 Malton (and Norton) is identified in the Ryedale Plan- Local Plan Strategy as a '*Principal Town - Focus for the majority of new development and growth including new housing, employment and retail space*'. An aim is to '*Support the role of the Principal Town as a District-wide Service Centre*'. One of the ambitions of the Strategy for Malton is '*New and improved sport and recreation facilities*', indeed Table 3 *Necessary Improvements to Community Facilities and Physical Infrastructure* identifies '*Dry Sports Centre at Malton School*'. This is expanded upon by Policy SP1 and SP11.

6.5 Policy SP1 – ‘General Location of Development and Settlement Hierarchy’ states that *‘Ryedale’s future development requirements will be distributed and accommodated in line with the Spatial Strategy Summary and on the basis of the following hierarchy of settlements:*

*Principal Town - Primary Focus for Growth  
Malton and Norton (including Old Malton\*)’*

6.6 Policy SP11, ‘Community Facilities’, states that proposals will be supported in Malton where, *‘Sites allocated for such uses or as part of a mixed use allocation; expansion and improvement of existing facilities in and outside of Development Limits; provision of new facilities within Development Limits or outside of Development Limits where the facility is needed and cannot be located within Development Limits or as part of a mixed use allocation...New or enhanced provision of open space, leisure and recreational facilities will address identified deficiencies set out in Table 3 and be undertaken in line with Local Open Space Standards as set out in Table 4’.*

6.7 SP13 ‘Landscapes’ is relevant due to the proposal’s proximity to the AONB and wider countryside and states that *‘The quality, character and value of Ryedale’s diverse landscapes will be protected and enhanced by:*

- *Encouraging new development and land management practises which reinforce the distinctive elements of landscape character within the District’s broad landscape character areas of:*
  - *North York Moors and Cleveland Hills*
  - *Vale of Pickering*
  - *Yorkshire Wolds*
  - *Howardian Hills*
  - *Vale of York*
- *Protecting the special qualities, scenic and natural beauty of the Howardian Hills Area of Outstanding Natural Beauty, the setting of the Area of Outstanding Natural Beauty and the setting of the North York Moors National Park.*

6.8 *Development proposals should contribute to the protection and enhancement of distinctive elements of landscape character that are the result of historical and cultural influences, natural features and aesthetic qualities including:*

- *The distribution and form of settlements and buildings in their landscape setting*
- *The character of individual settlements, including building styles and materials*
- *Visually sensitive skylines, hill and valley sides’*

6.9 SP14 ‘Biodiversity’ states that *‘Proposals which would have an adverse effect on any site or species protected under international or national legislation will be considered in the context of the statutory protection which is afforded to them.’* It goes on to state that *‘Proposals for development which would result in loss or significant harm to:*

- *Habitats or species included in the Ryedale Biodiversity Action Plan and priority species and habitat in the UK Biodiversity Action Plan*
- *Local Sites of Nature Conservation Importance or Sites of Geodiversity Importance will only be permitted where it can be demonstrated that there is a need for the development in that location and that the benefit of the development outweighs the loss and harm. Where loss and harm cannot be prevented or adequately mitigated, compensation for the loss/harm will be sought. Applications for planning permission will be refused where significant harm cannot be prevented, adequately mitigated against or compensated for.’*

6.10 Policy SP16, ‘Design’, states that *‘development proposals are expected to create high quality, durable places that are accessible and be well integrated with their surroundings and which:*

- *Reinforce local distinctiveness;*
- *Provide a well-connected public realm which is accessible and usable by all, safe and easily navigated; and,*

- *Protect amenity and promote well-being.*
- 6.11 Additionally, the policy seeks to ensure that the scale, layout, form, location and siting of proposed development respects the context of its surroundings. It further seeks to ensure that design of new development incorporates hard and soft landscaping to enhance the setting; is carefully designed to reduce crime and fear of crime; and that extensions to existing buildings are appropriate to the host building and that they are sympathetic to its character and appearance.
- 6.12 Policy SP17 'Managing Air Quality, Land and Water Resources' is relevant with regard to managing flood risk and states that this will be managed by: *'Requiring the use of sustainable drainage systems and techniques, where technically feasible, to promote groundwater recharge and reduce flood risk. Development proposals will be expected to attenuate surface water run off to the rates recommended in the Strategic Flood Risk Assessment...Undertaking a risk based sequential approach to the allocation of land for new development and in the consideration of development proposals in order to guide new development to areas with the lowest probability of flooding, whilst taking account of the need to regenerate vacant and previously developed sites within the towns. In considering development proposals or the allocation of land, full account will be taken of the flood risk vulnerability of proposed uses and the national "Exception Test" will be applied if required'.*
- 6.13 Policy SP19, entitled 'Presumption in Favour of Sustainable Development', seeks to ensure that development proposals are determined in accord with the National Planning Policy Framework and support sustainable development. In this case the proposals seek to enhance an existing community facility which is also stated to be used by the school. NPPF section 8 Promoting healthy and safe communities is therefore supportive of such proposals through paragraphs 92 and 94 and this gives weight to the policy.
- 6.14 Within the Local Plan Strategy, Policy SP20 entitled 'Generic Development Management Issues' provides criteria which development proposals must adhere to. The issues listed in the criteria include:
- (i) 'Character':
- *new development will respect the character and context of the immediate locality and the wider landscape/townscape character in terms of physical features and the type and variety of existing uses;*
  - *proposed uses and activity will be compatible with the existing ambience of the immediate locality and the surrounding area and with neighbouring land uses and would not prejudice the continued operation of existing neighbouring land uses;*
  - *the cumulative impact of new development on the character of an area will also be considered;*
- 6.15 (ii) 'Design':
- *the design of new development will follow the principles established in Policy SP16. Extensions or alterations to existing buildings will be appropriate and sympathetic to the character and appearance of the existing building in terms of scale, form and use of materials.*
- 6.16 (iii) 'Amenity and Safety':
- *new development will not have a material adverse impact on the amenity of present or future occupants, the users or occupants of neighbouring land and buildings or the wider community by virtue of its design, use, location and proximity to neighbouring land uses. Impacts on amenity can include, for example, noise, dust, odour, light flicker, loss of privacy or natural daylight or be an overbearing presence.*



Other policy considerations:

National Planning Policy

- 6.17 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 February 2019)

National Planning Policy Framework

- 6.18 The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied.
- 6.19 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 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 by identifying and coordinating the provision of infrastructure
  - **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.
- 6.20 Within the NPPF, Paragraph 11 of the Framework advises that when making decisions, development proposals that accord with an up to date development plan should be approved without delay or where there are no relevant development plan policies or the policies which are most important for determining the application are out of date, permission should be granted unless:
- i.) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
  - ii.) 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.*
- 6.21 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.
- 6.22 Paragraph 83 of NPPF in (Supporting a prosperous rural economy) states that *'Planning policies and decisions should enable:... d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.'*
- 6.23 NPPF Paragraph 91 in Chapter 8 (Promoting healthy and safe communities) states that planning decisions should *'aim to achieve healthy, inclusive and safe places which: c) enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.'*

- 6.24 Paragraph 92 of NPPF states that planning decisions should plan positively for the provision of community facilities to enhance the sustainability of communities taking into account and supporting *the delivery of local strategies to improve health, social and cultural well-being for all sections of the community* . They should also ensure that established facilities are *'able to develop and modernise, and are retained for the benefit of the community'*.
- 6.25 As the extension would also be used by the School, it is considered that NPPF Paragraph 94 is also relevant, which 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.'* It is considered that whilst the development would not directly fall under paragraph 94 a) in relation to the great weight to be given to the need to create, expand or alter schools as it is a community facility, it would fall under the wider remit of paragraph 94 of widening choice in education as the proposal would widen choice in education as it would also be used by the School.
- 6.26 Paragraph 96 of NPPF is especially relevant. It states that *'Access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities.'* Paragraph 97 goes on to say that *'Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:*
- a) *an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements;*
  - b) *the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
  - c) *the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.'*
- 6.27 Paragraph 98 within Section 8 (Promoting healthy and safe communities) of the NPPF states that planning decisions should protect and enhance public rights of way and access.
- 6.28 Paragraph 102 within Section 9 (Promoting sustainable transport) of the NPPF states that transport issues should be given consideration from the earliest stages of development proposals in order to allow potential impacts on transport networks and environmental impacts of traffic and transport infrastructure to be addressed; and opportunities for sustainable transport use are identified and pursued. Criterion e) is especially relevant *'patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places.'*
- 6.29 Paragraph 108 goes on to state the importance of achieving safe and suitable access; promoting sustainable transport and that any significant impacts on the transport network or highway safety can be mitigated when assessing development proposals.
- 6.30 Paragraph 109 states that: *'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'*
- 6.31 Paragraph 124 within Section 12 (Achieving well-designed places) of the NPPF states that *'The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.'* Paragraph 127 goes on to set out design criteria for planning decisions, ensuring developments:
- 'a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*

b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience'. NPPF is clear that development of poor design should be refused planning permission.

- 6.32 Section 14 Meeting the challenge of climate change and flooding paragraph 163 of NPPF requires local planning authorities to ensure that flood risk is not increased elsewhere when determining any planning applications and refers to the criteria for provision or otherwise of a flood risk assessment.
- 6.33 Paragraph 170 of NPPF Conserving and enhancing the natural environment states that '*planning policies and decisions should contribute to and enhance the natural and local environment by: ...d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures*'. Bullet point b) states that decisions should recognise the intrinsic character and beauty of the countryside. Bullet point e) is of particular importance to the development as it states that decisions should prevent '*new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability*'.
- 6.34 Paragraph 172 is also relevant as it states that '*Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues.*'
- 6.35 Paragraph 175 is clear that '*a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused*'.
- 6.36 Paragraph 180 of NPPF states that '*Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:*  
a) *mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;... and c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.*'

#### National Planning Practice Guidance (PPG) (2014)

- 6.37 On 6<sup>th</sup> 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: -

#### Climate change

- 6.38 This states how effective spatial planning is an important part of a successful response to climate change as it can influence the emission of greenhouse gases. Local planning authorities '*should ensure that protecting the local environment is properly considered alongside the broader issues of protecting the global environment*'. '*Planning can also help increase resilience to climate change impact through the location, mix and design of development*'. Addressing climate change is one of the key land use planning principles of the NPPF. It identifies mitigation and adaptation measures and discusses how they can be integrated. Sustainable transport use and planning for reducing flood risk are examples of adapting to a changing climate.

#### Design

- 6.39 Good quality design is an integral part of sustainable development and can be achieved through a '*proactive and collaborative approach*'. Planning should drive up standards across all forms of development and the use of different tools including Design and Access Statements is explained. As a core planning principle, plan-makers and decision takers should always seek to secure high quality design, and the process does not stop once permission has been given. Achieving good design is about creating places, buildings, or spaces that work well for everyone, look good, last well, and will adapt to the needs of future generations. Good design responds in a practical and creative way to both the function and identity of a place. It puts land, water, drainage, energy, community, economic, infrastructure and other such resources to the best possible use – over the long as well as the short term.

#### Flood Risk

- 6.40 This section sets out that flood risk is an important consideration and advises how to take account of and address the risks associated with flooding and coastal change in the planning process. This includes the 'sequential test' and 'exceptions test' for development proposals.

#### Healthy and Safe Communities

- 6.41 The link between planning and health has been long established. The built and natural environments are major determinants of health and wellbeing. Further links are found throughout the NPPF, including within the transport; high quality homes; good design; climate change; and the natural environment sections. The Planning Practice Guidance goes on to define a healthy community as a good place to grow up and grow old in. A key consideration for this application is that it should encourage:
- Active healthy lifestyles that 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.
  - The creation of healthy living environments for people of all ages which supports social interaction. '*It meets the needs of children and young people to grow and develop, as well as being adaptable to the needs of an increasingly elderly population and those with dementia and other sensory or mobility impairments.*'

#### Light Pollution

- 6.42 Explains the importance of consideration of artificial light in planning and how light intrusion occurs when '*the light "spills" beyond the boundary of the area being lit*'. This can cause issues both for people and for natural systems and can be avoided with good design.
- '*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.'*

6.43 *'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':*

#### Natural Environment

6.44 One of the core principles in the National Planning Policy Framework is that planning should recognise the intrinsic character and beauty of the countryside and protect the natural environment including designated landscapes. PPG sets out that Section 40 of the Natural Environment and Rural Communities (NERC) Act (2006) requires public bodies to minimise impact on biodiversity as part of decision making. The National Planning Policy Framework is clear that pursuing sustainable development includes moving from a net loss of biodiversity to achieving net gains for nature, and that a core principle for planning is that it should contribute to conserving and enhancing the natural environment and reducing pollution. Information on biodiversity impacts and opportunities should inform all stages of development (including, for instance, site selection and design including any pre-application consultation as well as the application itself). An ecological survey will be necessary in advance of a planning application if the type and location of development are such that the impact on biodiversity may be significant and existing information is lacking or inadequate.

#### Noise

6.45 This section advises on how planning can manage potential noise impacts in new development. In terms of decision taking on planning applications it states that Authorities should take account of 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. It also states that *'neither the Noise Policy Statement for England nor the National Planning Policy Framework (which reflects the Noise Policy Statement) expects noise to be considered in isolation, separately from the economic, social and other environmental dimensions of proposed development.'*

6.46 *'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'.* PPG sets out factors that could influence whether noise was a concern and explains the 'agent of change' principle where the mitigation would be put in place by those making the change.

#### Open space, sports and recreation facilities, public rights of way and local green space

6.47 Open space should be taken into account in planning for new development and considering proposals that may affect existing open space. Open space, which 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.

6.48 It is for local planning authorities to assess the need for open space and opportunities for new provision in their areas. In carrying out this work, they should have regard to the duty to cooperate where open space serves a wider area.

## 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; the design and scale of the development; impact upon local amenity; landscape and visual impact; flood risk and drainage; the impact upon public highways; the impact upon open space, sport and recreation; community use of the facility; and the impact upon biodiversity, habitats, nature conservation and protected species of the proposed development.

### Principle of the proposed development

- 7.2 The proposed development is an addition to the current Malton Community Sports Centre and forms part of the facilities of the School. The application states that the extension has always been envisaged to be part of the wider vision for the sports centre, since the original centre was built. The original application for the sports centre showed the area of the extension on the plans as 'Proposed Future Extension', and the location of the car park extension was also indicated on the original plans for that application. The Ryedale Plan - Local Plan Strategy has identified Malton as an area for the development of further sports facilities. Ryedale District Council have stated that they support the proposals subject to a condition to secure a suitable landscape planting scheme along the northern boundary adjacent to the proposed extension. The Principal Landscape Architect has similarly stated that they have no objection to the scheme subject to a suitable landscaping scheme and tree protection measures. Whilst concerns have been raised by residents in relation to the retention of trees and also regarding screening to prevent amenity issues from car headlights, it is considered that suitable conditions in relation to landscaping and tree retention and protection together with the indicative Site Plan received showing proposed landscaping address the concerns. This is discussed below. Sport England state that the proposed development meets exception 3 of their playing pitch policy as considered in detail below in relation to Open Space, as it will not directly affect pitches and therefore they do not wish to raise an objection.
- 7.3 The applicant considers that the extension to Malton Community Sports Centre is essential to achieve the centre's long-term goal of establishing itself as a hub for sports development and sporting excellence. It will also promote health and well-being for the benefit of the school, local groups and the wider community. Malton Town Council have '*unanimously recommended approval*'.
- 7.4 It is considered that the proposed development would lead to an improvement in fitness provision in the area, and would benefit not only Malton School but also the local community and the wider catchment of the area. This accords with Paragraph 91 of NPPF which says that planning decisions should aim to achieve healthy, inclusive and safe places which enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of sports facilities. Paragraph 92 goes on to state that planning decisions should plan positively for the provision and use of shared spaces, community facilities and other facilities including sports facilities. Criterion d) of the paragraph seeks to ensure that facilities and services should be able to develop and modernise, and be retained for the benefit of the community. The proposed development would therefore be in line with the NPPF on this point and is further supported by increasing choice in schools in Paragraph 94 of the NPPF.

- 7.5 The public benefit derived from the proposals is considered such that the application should be supported. It is therefore considered that the proposed development is necessary, fit for purpose and is in accordance with Policy SP19 of the Ryedale Plan - Local Plan Strategy (2013) as it is considered that the development improves the economic, social and environmental conditions in the area. It is also considered that the proposal is supported by the NPPF Paragraph 91 in its objective of seeking to improve health and well-being through improved access to opportunities for healthy lifestyles and sports facility provision. Further, it is considered that whilst the development concerns an existing sports facility, it does not impact on the playing pitches and is improving provision, therefore in line with both national and local policy, especially Policy SP11 in relation to addressing the deficiencies identified in Table 3 of the Ryedale Plan - Local Plan Strategy and Paragraph 97 of NPPF.

#### Design and visual impact

- 7.6 The design, scale and visual impact of the proposal has been given due consideration in relation to the design and generic Development Management policies of the Ryedale Plan - Local Plan Strategy and those of NPPF. Expert advice has been sought from the Principal Landscape Architect; the North Yorkshire Police Designing Out Crime Officer (DOCO); and Ryedale District Council. The orientation, size and scale and location of the development are also important to take into account in the wider context of the site. As stated above, both the District Council and the Principal Landscape Architect have not raised objections or concerns subject to suitable landscaping on the northern boundary.
- 7.7 In line with NPPF Paragraphs 91 and 127, the DOCO has provided advice on the design of the scheme and a detailed report. It is considered that the design of the scheme is in line with policies SP16; SP19 and SP20 as the changes made have resulted in a sustainable scheme. DOCO advice included that design should not impede natural surveillance and this was a consideration in relation to the fencing in efforts to resolve the objection. This is discussed further in relation to amenity impact below.
- 7.8 As stated above, as the extension scheme was always envisaged as a future element, the original design of the sports centre includes areas for the extension of both the car park and the building itself. These are currently grassed areas. As set out in Section 3.0 above, the extension proposal has been designed very much with the original development and its wider context in mind.
- 7.9 The Design & Access Statement details that the design for the existing Sports Centre aimed to minimise visual impact to the residents to the east and the school to the south, by wrapping changing and ancillary accommodation in the form of a single storey 'lean-to' around 3 sides of the Sports Hall. The proposals extrude the curved roofs of the existing single storey 'lean-to' elements beyond the line of the Sports Hall gable after which the roof would follow the same sweeping curved profile as that to the rear (south end) of the building. It is considered that this would not harm amenity and that the proposed development is in character with the existing building. The Principal Landscape Architect has no objection to the scheme subject to planting on the northern boundary and the submission of a suitable detailed hard and soft landscaping scheme and tree protection secured by Condition 3. In line with the Town and Country Planning (Pre-commencement Conditions) Regulations 2018 (SI 2018/566) consideration has been given to whether pre-commencement conditions are warranted in this case and it is considered that this is the case given the particular circumstance in relation to the objections and in the absence of the requisite information accompanying the application. Conditions 3 (Landscaping Scheme) and 4 (Tree Protection) are imposed in the interests of the general amenity of the area and in order to secure appropriate design. Written consent has been received from the applicant to the use of pre-commencement conditions.

7.10 The proposed development takes account of context and scale and is not out of keeping with its surroundings. The design of the proposed extension is in keeping with the existing building with its curved roof form, scale, appearance and choice of materials and finishes and would therefore comply with SP16 in relation to extensions to existing buildings being sympathetic and appropriate to host building character. The proposed extension to the car park is also considered to be generally in keeping with the existing car park and the outline detailed is considered to be suitable in terms of its scale and design, balancing solutions to issues encountered. It is considered that the proposals would comply with Policy SP19 and SP20 of the Ryedale Plan - Local Plan Strategy in that they follow the design principles of Policy SP16; would not have a material adverse impact on the amenity of present or future occupants; and that subject to the submission of further details in relation to the car park's detailed design and materials, and vehicle servicing arrangements would be of an acceptable standard. The adverse impacts do not outweigh the benefits and it is considered that the proposal is in line with policy and is therefore sustainable development.

#### Local amenity

7.11 The potential for any impact on amenity has been considered. This relates to light impact during construction and operation of the extension; impact of car lights shining from the new car park; loss of trees; and noise impact both during construction and from use by the local community and into the evenings has also been considered. Both local objections mentioned loss of trees as a concern, and impact of car lights from the new car park as it is closer to the road was also a concern. The proposed detailed design of the scheme has been revised in order to achieve a balance which addresses as many considerations as possible. The hours of use can be controlled by condition 8 on Hours of Opening. This application does seek permission to open an hour earlier than the current permission which would allow the facility to open at 07.00 hours. It is considered that the earlier opening time is unlikely to have any significant impact on local amenity in terms of noise or disturbance given the existence of the use and distance to the neighbouring properties and it is noted that no objections have been made in relation to noise. Ryedale District Council have not raised concerns in relation to the application subject to appropriate landscape planting and boundary treatment being provided on the Broughton Road frontage. Malton Town Council similarly have raised no concerns or objections. The District Environmental Health Officer was also consulted by e-mail regarding the slight change to the opening hours and confirmed no objection to the proposed change.

#### Local amenity – light impact

7.12 One of the objections from a local resident asked '*we already get car lights shining in to our room will fencing be erected to stop this further as new car parking will be closer to the existing fence?*' This is a material planning consideration and is considered here. A high fence of 1.8 to 2 metres in height has not been proposed for the Broughton Road frontage as there was concern from the school in relation to safeguarding of students, their sightlines upon leaving site and coverage of CCTV. This would also be contrary to the recommendations of the DOCO's report in relation to ensuring natural surveillance. The solution has been to propose a close boarded fence around the edge of the proposed new car parking. This fence would be 1100mm in height due to the incline up to the car park. This is intended to prevent headlight sweep from cars using the new car parking area from intruding on houses across the road from the Sports Centre. A continuous line of trees and hedging in front of the new building extension is also proposed. This is intended to filter lighting impacts of the building during hours of darkness as well as to present an attractive appearance from the road. The applicant is also happy to increase the extent of landscaping between the new building extension and the road boundary with the objective of creating a screen to filter the impacts of light overspill in relation to the objections from residents in relation to both the lighting and trees. It is considered that with new fencing proposed to be erected around the car



park extension, together with planting along the northern boundary of the site onto Broughton Road, together with Condition 3 for a detailed landscaping scheme including the fence type, details and quality and tree protection measures as requested by the Principal Landscape Architect, that amenity impacts from car lights can be mitigated and that therefore the objections in relation to car lights shining into properties opposite are addressed. The proposed fence and planting would also mitigate potential noise impact from car doors closing or engines starting.

#### Local amenity - trees

- 7.13 In relation to trees and tree protection, both resident representations raised concerns over whether trees would be removed as part of the scheme and this is an important material consideration. One specifically asked about the trees on the approach to the Sports Centre and the other asked about whether trees would need to be removed to accommodate the new car park. As discussed in 3.6 above it was initially understood that no trees would be removed or affected as part of the proposals, as stated in the original submitted documents. It has been clarified that none of the trees on the Broughton Road frontage would be removed and that a group of trees in the north east corner of the Broughton Road frontage are protected by a Tree Preservation Order. It is further proposed that tree protection could be conditioned as requested by the Principal Landscape Architect by Condition 4. Five trees would be removed from the area of the proposed car park extension. These are all trees which were planted as part of the original permission for the existing Sports Centre and are immature trees and were planted in the wrong place and not in accordance with the approved landscaping scheme for the Sports Centre. These will be replaced by eight specimen trees.
- 7.14 It is considered that the proposals accord with NPPF paragraph 180 on appropriateness of development for its location as well as the effects of pollution including noise and light pollution as the applicant has proposed the erection of fencing and further screening, the details of which will be conditioned (Condition 3), to avoid light overspill. Noise is considered to be acceptable as the development will mainly be contained within a building; noise from arrivals and departures would not be excessive and would be also mitigated to a degree by the screening and fencing; and noise during construction would be temporary. The proposal is therefore also in accordance with Policy SP20 of the Ryedale Plan - Local Plan Strategy in relation to being compatible with existing neighbouring land uses and would not have a material adverse impact on the amenity of present or future occupants, the users or occupants of neighbouring land and buildings or the wider community by virtue of its design, use, location and proximity to neighbouring land uses. It would protect amenity and promote well-being in line with Policy SP16.

#### Landscape impact

- 7.15 An indicative landscaping scheme for the proposed development has been submitted with this application, which is considered acceptable. The details of the scheme will be required to be submitted through proposed planning Condition 3. Further to the provision of the indicative landscaping scheme mentioned above, a survey has been carried out to ascertain which aspects of the original landscaping scheme for the Sports Centre had not been implemented. This has informed a further plan for 'Landscape Proposals' which outlines the insertion of new trees and hedge planting in front of the car park extension and clarification of which trees are to be removed as part of the car park extension and new specimen trees to be planted to replace them. It is considered that the local and wider landscape impact of the proposals is acceptable as the proposals would be an enhancement to the existing landscaping as further trees and hedgerows will be added and this will benefit the entire Sports Centre site and therefore subject to Condition 4 in relation to tree protection measures (to BS5837) and the provision of a detailed hard and soft landscaping scheme (Condition 3), the proposals are in accordance with NPPF paragraphs 170; 172 and with Policy SP13 in relation to

the protection of the setting of the AONB; SP16 in relation to enhancement of the setting and protection of amenity and SP20 in relation to character, design and amenity of the Ryedale Plan - Local Plan Strategy.

- 7.16 It is intended that all mature trees will be retained on site and their protection will be ensured via a planning condition on tree protection. As stated in section 3 above, a group of trees on the Broughton Road frontage are protected by TPO and these will be protected. It is considered that although the development site is close to the boundary of the Howardian Hills Area of Outstanding Natural Beauty (AONB), the site is separated from the AONB by the A64 Trunk road and this proposal would not cause any adverse effects upon its setting. The Principal Landscape Architect has not raised any objection or concerns in relation to the proposals, and agrees that it is acceptable subject to tree protection measures and an appropriate landscaping scheme on the northern Broughton Road frontage being submitted. The proposal would therefore be in accordance with policies SP13; SP20 and SP16 and NPPF paragraph 127. The imposition of pre-commencement conditions, to which the applicant has agreed in writing, is considered acceptable in this case as the application does not contain the requisite details and these are required in order to ensure that amenity is protected and good design secured in line with policy.

#### Flood risk and drainage

- 7.17 The proposed development is within EA Flood Zone 1, is at very low to low risk of pluvial flooding and is not at risk of reservoir flooding, and due to being under 1 hectare in size a Flood Risk Assessment is not required. Consideration has been given to the submitted drainage strategy and the comments of the Lead Local Flood Authority's engineer. It is considered that the submitted documents demonstrate a reasonable approach to the management of surface water on the site by the use of Sustainable Urban Drainage principles and existing attenuation and oil interceptor infrastructure. The Drainage Strategy document states that the existing drainage system has been designed with the extension in mind. With the imposition of a pre-commencement planning condition in relation to development flow rate, it is considered that the proposals are in line with NPPF paragraphs 155 to 165 and policies SP17 and SP19 of the Ryedale Plan - Local Plan Strategy as flood risk will be managed by the application of sustainable drainage system principles and protection of groundwater through the use of interceptors and the proposal is therefore considered to be sustainable development. The imposition of a pre-commencement condition is considered both reasonable and necessary in this case as the application does not contain the requisite details and these are required in order to ensure that flooding is prevented in line with policy.

#### Highways matters – Traffic and transport

- 7.18 Consideration has been given to the impact of the proposal on the highway network and other traffic and transport related matters. The extended car park proposes a further 22 spaces (with the loss of 4 existing spaces in the existing car park to form the accesses) and the Highways Authority considers the proposed parking arrangements to be acceptable. It is noted that the access to the highway will remain the same and within capacity and that the slight increase in vehicle numbers is acceptable and catered for by the car park extension. It is therefore considered that with the inclusion of the suggested conditions in relation to a Construction Phase Management Plan (Condition 7) and the approval of turning, manoeuvring and parking areas prior to the extension being brought into use (Condition 6), the proposal would accord with the NPPF and PPG in relation to highways matters, and is in line with Policy SP20 of the Ryedale Plan - Local Plan Strategy in terms of suitable and safe access and parking. This is in line with paragraphs 102 and 108 of NPPF. A pre-commencement condition in relation to a Construction Phase Management Plan is considered appropriate in this

case in order to protect the amenity of the area and safety and written agreement has been provided by the applicant.

#### Public Access and Community Use

7.18 Consideration has been given to the increase in usage of the site and extended hours associated with this use. The existing Sports Centre permitted hours of opening are between the hours of 0800 and 2200 any day of the week, including bank/public holidays. As the car park is set behind existing trees on the other side of the road from the nearest residential properties, it is considered that there would be no adverse impact on the amenity of local residents as a result of the proposed development. New landscaping proposed along the northern boundary of the site would also ensure that any minor disturbance from people arriving and leaving would be contained within the site. It has further been confirmed that the gates will be closed and locked when the site is not in use and therefore the proposal is considered to be in line with NPPF paragraphs 91 and 127 f) in relation to safety and design and SP16 in relation to reducing crime and fear of crime.

7.19 There are also no objections to the proposal in relation to the proposed change in hours as stated above and Malton Town Council has stated that they recommend approval. It is considered that the proposed development would be in line with Ryedale Policies SP1 in its location; SP11 as it is the provision of an expansion to an existing facility addressing identified deficiencies set out in Table 3 of the Plan; SP16 in relation to protecting amenity and well-being and SP20 in protection of amenity and sensitive receptors and in line with the aims of increasing provision of sports facilities. The proposal aims to increase community use of the facilities and provide benefits to the local community and the school, giving a further fitness suite which is capable of being used by the community, increasing participation in sport in line with NPPF paragraphs 91, 92, and 94 and Ryedale Plan - Local Plan Strategy Policy SP11. It is considered that the public benefits of the proposal outweigh the limited harm to amenity from the amended hours of use and that the proposed conditions on the submission of detailed hard and soft landscaping and to limit hours of use would ensure that the proposal would protect amenity and promote well-being in line with Policy SP16.

#### Open space, sport and recreation

7.20 Given the proposal location and the effect upon sport and recreation Sport England have been consulted. Whilst the proposal is in the grounds of the existing Sports Centre, it would not have any impact upon playing fields. No objection has been raised by Sport England and it is considered that the development would meet their policy criteria of exception 3. This states that *'The proposed development affects only land incapable of forming part of a playing pitch and does not:*

- *reduce the size of any playing pitch*
- *result in the inability to use any playing pitch (including the maintenance of adequate safety margins and run-off areas);*
- *reduce the sporting capacity of the playing field to accommodate playing pitches or the capability to rotate or reposition playing pitches to maintain their quality;*
- *result in the loss of other sporting provision or ancillary facilities on the site; or*
- *prejudice the use of any remaining areas of playing field on the site.'*

Further, the proposals are for the expansion of facilities, therefore leading to improved facilities in the location. This will benefit the school; local community and wider area, as Malton is identified as an area for the development of the sports centre in Table 3: *'Necessary Improvements to Community Facilities and Physical Infrastructure'* of the Ryedale Plan and is a centre for services for a wider catchment. It is considered that the proposals are in line with NPPF paragraph 97 as they are increasing the provision of sports facilities and this would not directly affect the playing fields. This is in line with

Policy SP11 by providing new or enhanced provision in line with Table 3. This is also in accordance with Paragraph 91 c) of NPPF in its aims of enabling and supporting healthy lifestyles, 'especially where this would address identified local health and well-being needs'.

#### Biodiversity, habitats, nature conservation and protected species

- 7.21 Whilst the development site is within the Impact Risk Zone of the River Derwent SSSI, the County Ecologist has confirmed that they are happy with the proposals subject to tree protection measures. A likely significant effect on the SSSI or the SAC can be ruled out, as also confirmed by Natural England. This is due to the site being at the opposite end of Malton to the river in relation to the River Derwent SSSI (which is also a SAC) and in relation to the Malton Bypass Cuttings SINC it is considered that it is a self-contained unit as detailed above. It is not considered that the proposals would have any significant effect upon protected species or species identified in the Ryedale Biodiversity Action Plan and priority species and habitat in the UK Biodiversity Action Plan subject to details of tree removal measures to take into account breeding bird potential, which has been added to the proposed landscaping condition. The proposals are therefore in line with Policy SP14 and with NPPF paragraphs 8, 11, 170 and 175 and with the provisions of section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 and with the Conservation of Habitats and Species Regulations 2017 (as amended). The proposed additional tree and hedgerow planting would secure net gain for biodiversity in line with paragraph 170 of NPPF and local policy.

## **8.0 Conclusion**

- 8.1 Objections in relation to fencing; car lights; and landscaping including retention of trees have been resolved through negotiation with the applicant by the imposition of a condition on detailed hard and soft landscaping proposals; a condition on tree protection and also by the production of indicative plans including screening and fencing. Further considerations have also been addressed by the imposition of conditions in relation to a Construction Phase Management Plan; approval of turning, manoeuvring and parking areas; flood risk; and hours of opening. It is therefore considered that the proposed extension to Malton Sports Centre is acceptable in land use planning terms subject to appropriate conditions. The proposal would not be unacceptable in amenity or highway terms and it is considered that it will result in an improvement to community facilities for the town. The benefits of the scheme including public benefits of increasing sports provision in line with Ryedale Plan - Local Plan Strategy Policy SP1 on location and SP11 and NPPF Paragraph 91 c); ensuring community facilities can develop and modernise in line with NPPF Paragraph 92 d); increased planting resulting in biodiversity enhancement in line with SP14 and paragraph 170 of NPPF; and the improvement of sports facilities for the use of the school in line with NPPF paragraph 94, are considered to outweigh the limited harm to amenity. The proposal is therefore compliant with both local and national policy.

## **9.0 Recommendation**

- 9.1 For the following reason(s):

(i) the proposed development would not result in an adverse impact upon residential amenity, visual or otherwise, of existing or future occupants of the

surrounding area as it is considered that the proposed development would have a limited impact upon amenity; and  
(ii) the proposed development generally accords with the principles of the National Planning Policy Framework (February 2019), National Planning Practice Guidance (March 2014), and does not conflict with Policies SP11; SP13; SP14; SP16; SP17; SP19 and SP20 of the Ryedale Plan - Local Plan Strategy (2013).

That, **PLANNING PERMISSION BE GRANTED** subject to the following conditions:

Conditions:

1. The development to which this permission relates must be implemented no later than the expiration of three years from the date of this Decision Notice.

*Reason: To comply with Section 91 of Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.*

2. The development hereby permitted shall be carried out in accordance with the application details dated 16/03/2020 and the following approved documents and drawings:

<u>Ref.</u>	<u>Date</u>	<u>Title</u>
12041 - WMS - SH - XX - DR - A - 10901 - S8 - Rev P3	20.03.20	Block Plan
12041-WMS-SH-XX-DR-A-19001-S8-Rev P2	20.02.20	Site Plan
12041 -WMS - SH - XX - DR - A - 18101 - S8 - Rev P1	14.02.20	3D Visuals
12041 -WMS - SH - ZZ - DR - A - 10501 - S8 - Rev P1	17.02.20	GA Sections
12041 - WMS - ZZ - XX - DR - C - 39201 - S8 - Rev P2	23.03.20	Drainage Layout
PRF/KW/12041/DF Rev B	June 2020	Design & Access Statement
12041 -WMS - SH - 00 - DR - A - 10101 - S8 - Rev P2	20.03.20	Existing Plan
12041 -WMS - SH - ZZ - DR - A - 10401 - S8 - Rev P4	20.03.20	Proposed Floor Plans
12041 -WMS - SH - ZZ - DR - A - 10102 - S8 - Rev P1	13.03.20	Existing Elevations
12041 -WMS - SH - ZZ - DR - A - 10602 - S8 - Rev P3	20.03.20	Proposed North & South Elevations
12041 -WMS - SH - ZZ - DR - A - 10601 - S8 - Rev P4	20.03.20	Proposed East & West Elevations
12041-WMS-ZZ-XX-RP-C-39201-S8-P3	February 2020	Drainage Strategy Report

12041-WMS-SH-XX-DR-A-19001-S8-Rev P2	20.02.20	Indicative Site Plan (as marked up)
2155/4	18 June 2020	Landscape Proposals - Sports Hall Extension

*Reason: To ensure that the development is carried out in accordance with the application details.*

### 3. LANDSCAPING SCHEME

Prior to commencement of development, a detailed scheme of hard and soft landscaping shall be submitted to and approved in writing by the County Planning Authority. The scheme shall include details of:

- proposed fencing
- the proposed car parking layout and levels, surfacing and surface water drainage;
- the proposed perimeter footpaths, access roads and tracks
- A soft landscape scheme which shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/ densities where appropriate, maintenance, protection for establishment and aftercare. Details must also be provided to confirm that no removal of trees shall take place between the 1st March and 31st August inclusive, unless a suitably qualified person has undertaken a detailed check to confirm that no active nests are present. This should be confirmed in writing to the County Planning Authority in advance of works. Thereafter, the landscaping shall be implemented in strict accordance with the approved scheme within the first available planting season. Any failures within the first 12 months of being planted shall be replaced with species of the same size and maturity as previously specified in the approved scheme. The approved Scheme shall be implemented upon commencement of use of the development and adhered to throughout the life of the development.

*Reason: This is a pre-commencement condition and considered necessary to protect the environment and amenity in relation to the landscape impacts on site and protect biodiversity.*

### 4. TREE PROTECTION

No works shall commence until all existing trees, hedges, bushes shown to be retained on the approved plans are fully safeguarded by protective fencing and ground protection in accordance with approved plans and specifications and the provisions of British Standard 5837 (2012). Trees in relation to design, demolition and construction. Such measures must be retained for the duration of any approved works.

No works or development shall commence until a written Arboricultural method statement for a tree care plan has been submitted to and approved in writing by the County Planning Authority. Works or development must then be carried out in accordance with the approved method statement.

No equipment, machinery or materials must be used, stored or burnt within any protected area. Ground levels within these areas must not be altered, nor any excavations undertaken including the provision of any underground services.

Seven days' written notice shall be given to the County Planning Authority that the protection measures are in place prior to approved works, to allow inspection and approval of the works.

*Reason: This is a pre-commencement condition and considered necessary to ensure the protection and preservation of trees, hedges, bushes and other natural features during construction works.*

#### 5. Development Flow Runoff Rate Scheme

Prior to the commencement of the development, a scheme restricting the rate of development flow runoff from the site has been submitted to and approved in writing by the County Planning Authority. The flowrate from the site must be restricted to a maximum flowrate of 7.3 litres per second for up to the 1 in 100 year event. A 20% allowance must be included for climate change effects for the lifetime of the development. Storage must be provided to accommodate the minimum 1 in 100 year plus climate change plus urban creep critical storm event. The scheme shall include a detailed maintenance and management regime for the storage facility. Principles of sustainable urban drainage shall be employed wherever possible. No part of the development must be brought into use until the development flow restriction works comprising the approved scheme has been completed. The approved maintenance and management scheme must be implemented throughout the lifetime of the development.

*Reason: This is a pre-commencement condition and considered necessary to ensure that the development is built to the submitted drainage design; to prevent the increased risk of flooding; to ensure the provision of adequate and sustainable means of drainage in the interests of amenity*

#### 6. Provision of Approved Turning and Parking Areas

*No part of the car park extension and fitness suite extension development must be brought into use until the parking, manoeuvring and turning areas for all users of the fitness suite extension at Malton Community Sports Centre have been constructed in accordance with the details approved in writing by the County Planning Authority. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.*

*Reason: To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.*

#### 7. Construction Phase Management Plan

*No development must commence until a Construction Management Plan has been submitted to and approved in writing by the County Planning Authority. Construction of the permitted development must be undertaken in accordance with the approved plan.*

*The Plan must include, but not be limited, to arrangements for the following in respect of each phase of the works:*

- 1. wheel washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;*
- 2. the parking of contractors' site operatives and visitor's vehicles;*
- 3. areas for storage of plant and materials used in constructing the development clear of the highway;*
- 4. details of site working hours; and*
- 5. contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.*

*Reason: This is a pre-commencement condition and considered necessary to protect public safety and amenity*

#### 8. Hours of Opening

The development hereby approved shall only be used between the hours of 0700 and 2200 any day of the week.

*Reason: To ensure that the development does not have an adverse impact on the amenities of the occupants of nearby residential properties and to protect local amenity.*

**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.*

D BOWE

Corporate Director, Business and Environmental Services  
Growth, Planning and Trading Standards

Background Documents to this Report:

1. Planning Application Ref Number: C/ 20/00344/CPO (2020/0035/FUL) registered as valid on 1 April 2020. 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.

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