Case No. 17/04738/FULMAJ  Item No. 3

Location: Harrogate Town AFC, Wetherby Road, Harrogate, HG2 7RY.

Proposal: Retention of 3G playing pitch, demolition of existing bar, office, changing rooms and corporate hospitality stand, and development of a clubhouse, turnstiles, extension to the family stand, extension to the south stand, new seated terraces to the north east and east, office building, floodlighting scheme and associated access arrangements

Applicant: Harrogate Town AFC

Access to the case file on Public Access can be found here: view file

Reason for report: This application is to be presented to the Planning Committee following referral by the Chief Planner because the development is considered to be sensitive, controversial and significant.

**SUMMARY**

The site is within the settlement limits of Harrogate. This application for the redevelopment of the football ground and retrospective consent for the 3G pitch would improve the existing facilities on site and allow the club progression up the football league, subject to promotion. The design of the scheme is acceptable and retains the existing mature trees on Wetherby Road; the scheme will complement the character and appearance of the area and will not have a detrimental impact on neighbouring residential amenity. The submission includes reports, which seek to address issues raised locally with parking, hours of use, noise and light from the floodlights. The Environmental Health Section and NYCC Highways Authority, subject to conditions, are satisfied with the proposals.

The proposals comply with the guidance set out in the National Planning Policy Framework and Planning Practice Guidance, the policies in the Harrogate District Core Strategy (adopted 2009) and the saved policies in the Harrogate District Local Plan (2001, as altered 2009) and there are no material considerations in this instance that warrant setting aside local planning policies.

**RECOMMENDATION:** Defer and Approve subject to conditions and a S106 Agreement
1.0 SITE DESCRIPTION

1.1 Harrogate Town Football Club is sited on Wetherby Road. The site comprises of a 3G artificial pitch with associated stands, changing facilities, corporate hospitality facilities, wc.’s and catering, including a bar and events venue.

1.2 To the south-east is St Nicholas Road, a narrow residential street comprising of, in the main, semi-detached properties sited parallel to the road. The exception to this is No. 3A, which is sited to the rear of Nos. 3 and 5 St Nicholas Road.

1.3 To the north-east is the Ambulance Station, which is accessed off Lancaster Park Road. This site is lower than the football ground.

1.4 To the south-west is Heatherdene, which is occupied in conjunction with the hospital and a large ground level car park.

1.5 On the opposite side of Wetherby Road is Tate House RNIB care home.

2.0 PROPOSAL

2.1 This application is for the retention of the 3G pitch, demolition of existing bar, office, changing rooms and corporate hospitality stand, and development of a new clubhouse, turnstiles, extension to the family stand, extension to the south stand, new seated terraces to the north east and east, office building, floodlighting scheme and associated access arrangements.

3.0 APPLICANT’S SUPPORTING INFORMATION

i. Planning Statement

ii. Design and Access Statement

iii. Statement of Community Involvement

iv. Lighting Assessment

v. Noise Impact Assessment
vi. Travel Plan
vii. Travel Statement
viii. Arboricultural Survey
ix. Ecological Survey
x. BREEAM Pre-Assessment Report
xi. Drainage Information
xii. Preliminary Site Assessment
xiii. Club Code of Conduct

4.0 RELEVANT HISTORY


4.7 81/20264/FUL Erection of floodlights. Approved 02.02.1983.

4.8 11/04895/FUL Erection of replacement spectator stand and alterations to shop and offices to include rendering and the installation of replacement doors and windows. Approved 26.01.2012.


4.10 13/00541/FUL Erection of spectator terrace and toilets for the west end of the ground. Approved 02.05.2013.


5.0 NATIONAL & LOCAL POLICY

5.1 National Planning Policy

5.2 The National Planning Policy Framework March 2012 (NPPF) sets out the Government’s planning policies for England and how these are expected to be applied. Planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework is a material consideration in planning decisions.

5.3 At the heart of the NPPF is a presumption in favour of sustainable development.

5.4 Core Strategy

5.5 The following core strategy policies are considered to be relevant:

Policy EQ1 Reducing risks to the environment
Policy EQ2 The natural and built environment and green belt
Policy SG4 Settlement Growth: Design and Impact
Policy C1 Inclusive communities
Policy JB1 Supporting the Harrogate District economy
Policy JB3 Land for jobs and business
5.6 Harrogate District Local Plan (2001, As Altered 2004)

5.7 The following saved policies are considered relevant:

- Policy R2 Existing Recreational Facilities
- Proposal R3 Additional Recreation Open Space
- Policy R5 New Sports and Recreational Facilities
- Policy HD13 Trees and Woodlands
- Policy HD20 Design of New Development and Redevelopment

5.8 Supplementary Planning Documents

None.

5.9 Other material policy considerations:

National Planning Policy Guidance

6.0 CONSULTATIONS

6.1 Yorkshire Water – Discussion on going with the applicants, drainage consultants, comments awaited.

6.2 Estates Manager - The area to the front of the property forms part of the Stray and the proposal involves creating new access over the Stray. Any replacement of grassed areas by a hard surface will necessitate the provision by the applicant of land of an equivalent size, contiguous with the Stray to be dedicated as Public Open Space upon the terms and conditions specified in the Act. The Stray is owned by the Duchy of Lancaster and managed by Harrogate Borough Council. An informative is recommended.

6.3 Department Of Community Services - No comments received.

6.4 Environment Agency - Dales Area Office - No comments received.

6.5 Economic Development Officer - No objections.
6.6 **Environmental Health** – Comments received in relation, noise, lighting, hours of use and land contamination.

6.7 **NYCC Highways And Transportation** – Comments received in relation to a S106 Agreement and conditions recommended.

6.8 **Police Architectural Liaison Officer** - Comments received in reference to design to stadium safety, design of glazing and cycle parking.

6.9 **Sport England** – No objection, The Football Foundation, on behalf of The FA, consider the club’s existing community use arrangements to be adequate.

6.10 **Stray Defence Association** - No comments received.

7.0 **OTHER REPRESENTATIONS**

7.1 30 representations objecting to the proposals received

- 3G pitch has increased use with commercial activity and additional professional training
- Lack of car parking
- Unauthorised use of the care home parking opposite disruptive to residents
- Parking problems from football supporters, users of the facilities, especially at change over, hospital and school staff
- Thoughtless parking over driveways
- St Nicholas Road used as a rat run
- With no parking facilities site is not sustainable
- Football club should be relocated
- Detrimental to local resident’s private amenity
- Floodlights – light pollution and disturbance late at night
- Noise, shouting whistles, foul language, spectator noise both match and when pitch in other use
- Anti-social behaviour
- Pollution
• Not an appropriate location for a 7 day a week facility
• Will get worse if Club is promoted
• Narrow road
• On-street parking is dangerous to pedestrians, wheelchair users and prams
• Lack of visibility from parked cars
• Footballs into private gardens
• Object to other leisure uses of the pitch and facilities
• Floodlighting on until 10:30pm
• Facilities in use until after 10:30pm
• Would like use of site ceased early (comments refer to 19:30 and 18:00) with exception of professional matches
• Noise from amplified music and public address system
• Rubbish, cans and food wrappers dropped and thrown into gardens and hedges, urinating in gardens and driveways
• Trespassing onto property to retrieve footballs
• Noise and disturbance from users and smokers in NE corner of the ground
• Football fans outnumber local residents which gives skewed representation
• Parking and damage to Stray land on Wetherby Road
• Realistic hours of operation need to be brought in
• Double yellow lines in front of drives and resident parking schemes needed
• Measures proposed are dependent on promotion which may never happen
• Community uses are unauthorised
• No details of commercial pitch use submitted
• Often 2 6-a-side games at the same time increasing noise
• Phasing unrealistic -benefit to residents in Phase 4 which is dependent on promotion to higher league
• Coach parking dangerous
• Noise increased due to increased height of pitch and a harder surface
• Club has outgrown its current location
• Impacts on Woodlands Air Quality Management Zone
• Ambulance Service not achieving targets due to heavy traffic
• Safety concerns in relation to emergency evacuation as only access onto Wetherby Road
• Over intensive development
• Harm to neighbouring residential amenity outweighs community benefit

7.2 61 representations of support received
• Benefit to club and community
• Improvement to facilities which help local residents
• More business into the town
• Excellent facilities
• Encouraging attendance of more families
• Gives a community feel
• Parking not an issue, increased use in an evening once hospital and school parking has cleared
• Welcome additional seating
• Development will mitigate noise and light pollution
• Club is doing great community work
• Create job and revenue opportunities for the club and town
• Parking issues relate to the hospital
• Facilities in need of improvement
• Improved accessibility
• Thoughtful layout location hospitality facilities away from residents
• Benefiting local community through youth and NHS projects
• Suggest a park and ride scheme from the Yorkshire Showground
• Good public transport access and pedestrian access
- Benefit of being in town, an out of town site limits access to residents (Harrogate Rugby Club)
- If refused allow Club to move to Old Gas Station at New Park keeping it in the town
- Increased seating will not significantly increase capacity
- Creating opportunities for football at all ages
- Benefits outweigh the negatives

7.3 The original versions of these representations received can be viewed in full by looking at the details of the application on the Council’s website.

8.0 ASSESSMENT

8.1 The main issues for consideration are as follows:

i. Sustainability
ii. Football club ground and community facility
iii. Character and appearance
iv. Impact on locality
v. Design
vi. Amenity - impact on existing residents
vii. Noise
viii. Lighting
ix. Highways, parking and access
x. Drainage
xi. Trees
xii. Ecology
xiii. Land contamination
xiv. Other matters

8.2 Sustainability

8.3 Sustainability is the golden thread running through the National Planning Policy Framework, and proposals for sustainable development should be
approved without delay. There are three dimensions to sustainable development: economic, social and environmental.

8.4 SOCIAL SUSTAINABILITY

8.5 Football club ground and community facility

8.6 Core Strategy Policy C1 ‘Inclusive Communities’ seeks to ensure the use and development of land is accessed having regard to community needs within the District, highlighting the importance of sport and recreation for both elderly and young people and the importance of providing access to services for disabled people and the rural population.

8.7 Saved Policy R2 of the Local Plan seeks to protect existing recreational facilities and Saved Policy R5 relates to new sports and recreational facilities.

8.8 The football ground is sited in a sustainable location, close to Harrogate town centre with good bus and rail links for both supporters and users of the grounds facilities.

8.9 ENVIRONMENTAL SUSTAINABILITY

8.10 Character and appearance

8.11 The scheme seeks to regularise the unauthorised 3G pitch and upgrade the facilities to the benefit of the club and local community and the visual amenity of the area.

8.12 The NPPF sets out within its 12 core planning principles the importance of always seeking to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

8.13 Core Strategy Policy EQ2 states that the District’s exceptionally high quality natural and built environment will be given a level of protection appropriate to its international, national and local importance.

8.14 Core Strategy Policy SG4 states all development should comply with the following criteria:
1. The scale, density, layout and design should make the most efficient use of land,

a) be well integrated with, and complementary to, neighbouring buildings and the spatial qualities of the local area,

b) be appropriate to the form and character of the settlement,

2. Visual, residential and general amenity should be protected and where possible enhanced;

8.15 Saved Policy HD20 gives design advice and states new buildings should make a positive contribution to the spatial quality of the area and their siting and density should respect the areas character and layout. New buildings should respect the scale, proportions and height of neighbouring properties. New development should respect the privacy and amenity of nearby residents and occupiers of adjacent buildings.

8.16 Wetherby Road is a busy route into the centre of Harrogate. The area is characterised by mature trees with many and varied buildings and sites including the Harrogate hospital, care homes, Willow Tree School, churches, residential properties and the football ground.

8.17 The proposals seek retrospective consent for the installation of the 3G pitch and redevelopment of the site over 4 phases; this is shown on Drawing No: 7896 (000)114 ‘Proposed Phasing’.

8.18 The phasing is based on the team’s success and their promotion to higher leagues and therefore the details of the phases are approximates.

8.19 Phase 1 (identified as being undertaken in 2018) to include;

- The construction of a new clubhouse building,
- Extension to the family stand,
- Raising of the canopy over the existing family stand,
- Removal of 4no. existing floodlights and installation of 2 no. new floodlights to either side of the existing west terrace.
8.20 Phase 2 (2019) to include;

- Demolition of the existing entrance building and turnstiles on Wetherby Road,
- Construction of a replacement entrance building and turnstiles,
- Provision of new rear access to existing west terrace and Wetherby Road terrace.

8.21 Phase 3 (2020) to include;

- Demolition of existing corporate terrace, wc block and existing player changing facilities and construction of a new classroom terrace,
- Removal of 2 no. existing floodlights and installation of 1 new floodlight to the north corner of the east terrace.

8.22 Phase 4 (2021-2023) to include;

- The demolition of the existing 1919 bar and construction of a new east terrace and extension of the existing Wetherby Road terrace,
- Removal of 2 no. existing floodlights and installation of 1 new floodlight to the south corner of the east terrace.

8.23 To the Wetherby Road frontage, the existing trees would be retained along with the existing Wetherby Road terrace. The proposed replacement entrance building is taller than the existing building but is still maintained at single storey and would provide the ticket office, a general office, concessions area and turnstiles into the ground. The scheme would also see the 1919 supporters bar redeveloped, again retaining this at single storey.

8.24 The new clubhouse, upgraded terraces and classroom facilities are two storeys in height and are proposed to the north of the site, which backs onto the Ambulance Station accessed off Lancaster Park Road.
8.25 The materials proposed across the site are light coloured render, dark masonry walling, profile roofing, with areas of yellow feature render to complement the clubs colours.

8.26 The design proposed is of high quality and will make a positive contribution to the character and appearance of the area, which is an important approach road into the Harrogate town centre.

8.27 **3G pitch**

8.28 Taking Legal Counsel advice, it was concluded that the works undertaken to create the 3G pitch were development and that retrospective consent was required.

8.29 The advice went on to say that this would enable issues such as noise mitigation measures, restrictions on hours of operation etc. to be conditioned in the usual way.

8.30 This application seeks retrospective consent for the 3G pitch.

8.31 **Impact on locality - impact on residents**

8.32 The introduction of an artificial pitch has enabled the club to increase its activity on the pitch. The pitch, in addition to matches, is now being used for team training, local community groups including junior and adult football training and matches, 5-a-side matches, as well as NHS referrals.

8.33 Local residents have raised concerns over noise and disturbance, hours of use and on-street parking issues, which have been exacerbated with the additional use of the artificial pitch.

8.34 To the east corner of the site a new terrace with ground floor wc facilities and first floor classroom accommodation is proposed. The nearest properties on St Nicholas Road, are approximately 43m away. No windows are proposed to the side and rear elevations, ensuring there is no impact from overlooking. The classrooms have windows to the front elevation overlooking the pitch.

8.35 To the north corner of the site a new clubhouse is proposed. This is a two storey building with changing rooms (home and away) proposed at ground
floor with corporate dining facilities at first floor. Again, no windows are proposed to the rear and gable elevation to ensure there is no overlooking onto Heatherdene or the Ambulance Service site.

8.36 Noise

8.37 A Noise Impact Assessment by Apex Acoustics has been submitted. The assessment considers noise from a variety of sources including the use of the pitch for matches and community use, noise from fixed plant and equipment and entertainment noise from the licensed premises on the site.

8.38 Noise from use of the sports pitch

8.39 The report details measurements of ambient noise levels and compares these with noise from a Harrogate Town AFC match and noise from junior football training and also from adult 5-a-side matches. It identifies that noise during a Harrogate Town AFC match on the pitch is higher than when the pitch is being used for training and community use.

8.40 It considers a document ‘The development and evaluation of an assessment methodology for the prediction and identification of noise impact from Multi Use Games Areas’, Masters Derby: University of Derby, Fallon, R., 2012 and uses the criteria specified in this document for determining whether or not the noise from the use of the sports pitch is likely to be the cause of complaints.

8.41 It determines that some of the criteria specified in the document are exceeded during the community use; junior training the Lmax criteria is exceeded, for the adult 5-A-side the criteria is exceeded marginally. The report considers that the introduction of the noise from community use of the pitch and the character of that noise may cause an adverse impact on nearby residents but that impact may not be a “significant adverse impact”.

8.42 The report also discusses mitigation measures including rearranging the location of the noisiest activities on parts of the pitch that are furthest from the noise sensitive properties and the erection of the proposed East Terrace,
which would provide between 5-10dB of noise attenuation of at nearby properties.

8.43 The Council’s Environmental Health Officer comments; It is understood that the normal noise from Harrogate Town AFC Matches is generally accepted by local residents providing unnecessary noise is avoided. The football stadium has been there for a considerable length of time and noise from occasional matches at the stadium could be considered to be part of the general nature of the neighbourhood and therefore reasonable.

8.44 However, the newly introduced noise from the community use of the pitch is quite different in character and would not fall in this category.

8.45 It is considered that the submitted Noise Impact Assessment does not provide a convincing argument that noise from the community uses will not cause a loss of amenity to local residents. It is therefore considered that it would be appropriate to require a condition that restricts the everyday use to times no later than 9pm.

8.46 It is accepted that the proposed East Terrace, if designed and constructed, will also act as an acoustic barrier and will be effective in reducing the amount of noise coming from the use of the pitch.

8.47 Noise from stands

8.48 The Noise Impact Assessment acknowledges that noise from spectators banging on the existing stand structure has been previously identified as an issue. It therefore advises that the design and construction of the proposed new stands will address this. It also advises that consideration will be given to reduce gaps in the structure so that the structure acts as an effective acoustic barrier to noise affecting properties at St Nicholas Road.

8.49 The Council’s Environmental Health Officer recommends a condition requiring prior approval of the acoustic properties of the stand.

8.50 In addition, as there is potentially a risk of increased noise affecting residents on St Nicholas Road during the period when the existing buildings at the eastern part of the pitch are demolished prior to the construction of the new
eastern terrace, a condition is recommended requiring a temporary noise control scheme for this period of time.

8.51 Noise from fixed plant and equipment

8.52 The report advises that noise from any new mechanical services and external plant will be assessed and that its rating level should not exceed the measures background level of 43dB LA90,T.

8.53 The Environmental Health Officer has advised that this is a little too simplistic. A condition is recommended requiring that the combined noise from any fixed mechanical services does not exceed the background sound level at any time.

8.54 Entertainment Noise

8.55 The report proposes that noise from amplified music at events in the proposed clubhouse will be controlled by restricting the internal levels and using appropriate construction of the clubhouse so that noise inside nearby noise sensitive premises with windows open will be no greater than NR20.

8.56 The Environmental Health Officer comments that while no detailed information has been provided, the proposed clubhouse is some distance from noise sensitive premises and noise from this is likely to be able to be effectively controlled.

8.57 The proposals include the replacement of the 1919 bar, which is immediately adjacent to a residential property; this is more likely to present a problem. However, it is understood that there is no proposal to have high levels of music or other sound at this location. While this is a replacement facility, to ensure entertainment noise is effectively controlled, a condition is recommended.

8.58 The recommended condition is entirely consistent with a condition on the current Premises Licence for the 1919 Club.

8.59 Lighting
8.60 Problems with the existing floodlighting and hours of operation have been raised by neighbours. The application seeks to reduce the existing 8 no. floodlights with 4 no. floodlights.

8.61 A Lighting Assessment by SJB Lighting has been submitted. The proposed lighting system will comprise of four 20m columns each with five luminaires with 2kw metal halide lamps, which will be angled just 8 degrees above the horizontal plane.

8.62 The luminaires are described as being low glare asymmetric. The luminaires at the north-west corner will be fitted with front cowls to reduce the source intensity on houses at St Nicholas Road.

8.63 The proposal is for the floodlighting to operate from dusk up to 10:30pm and for it to be switchable so that it can be operated at two different levels; full level (with all the luminaires operating) providing a suitable level of illuminance for Harrogate Town AFC matches and also at a reduced level (with just 12 luminaires operating) for training use.

8.64 The report concludes that the predicted obtrusive light predictions are below the thresholds for an E3 Environmental Zone (i.e. an area with medium district brightness).

8.65 The report also advises that the proposed new lighting will be installed in phases in conjunction with the phases of the other proposed developments. For a period, until all phases are complete, some new lighting will be operated together with some of the existing lighting.

8.66 The new lighting will be provided with controls that will prevent it from operation beyond the permitted times.

8.67 The Environmental Health Officer has raised concerns over the hours of operation and the standards used in the report.

8.68 The proposed use of the lighting until 10:30pm would mean that the sports pitch could be used every night until that time. Whilst operation of the lighting until 10:30pm may be acceptable, for example for occasional first
team cup matches which run into extra time and then a penalty shoot-out, it would be less acceptable for routine everyday use.

8.69 The Officer recommends a condition requiring the submission of a lighting scheme to address;

- The proposed hours of use of the external lighting
- The number, type and location of the proposed luminaires
- The maintained average illuminance levels of the areas to be illuminated which should be appropriate for the intended use
- The luminance and vertical illuminance that will be caused at windows of nearby light sensitive premises
- The steps that will be taken to minimise stray light and glare from the lighting

8.70 Additional information has been submitted, which seeks to address the concerns raised; however, there is still uncertainty therefore the originally condition is still recommended.

8.71 An hours of use condition is also recommended to restrict the use of the pitch to 08:00-21:00 on any day, with the exception of scheduled league and cup matches.

8.72 The club have requested that this is increased to include matches played by the U21’s, U17’s and the Ladies first team. They estimate this would be an additional 4 events per month. This is not considered unreasonable; the club are looking at revised wording of the condition to ensure it relates to league and cup matches only. This revised wording would need to be assessed.

8.73 Highways, parking and access

8.74 Residents have raised issues with inconsiderate parking on St Nicholas Road and the surrounding area; however, it is accepted that on-street parking is
also generated by the hospital and school, staff and visitors, in addition to the football club.

8.75 NYCC Highways have viewed the Club’s Travel Plan and have requested further information including the Club seeking available parking opportunities off site. They also have highlighted the need for a wider review of parking in the area.

8.76 NYCC Highways recommend a S106 Agreement is put in place to allow a contribution of £10,000 towards a Traffic Regulation Order review, to be secured prior to use of the new development.

8.77 Conditions are recommended in relation to the use of the existing access only, measures to prevent mud on the highway during development and provision of the parking spaces on site.

8.78 Drainage

8.79 Consultations are on-going between the applicants Drainage Consultants and Yorkshire Water in relation to surface water drainage from the site and the pitch. Comments are awaited.

8.80 Trees

8.81 No works are proposed to the trees on site. The Arboricultural Officer has recommended a condition in relation to the provision of root protection zones during construction.

8.82 Ecology

8.83 An ecological survey has been submitted. The Ecologist has recommended a condition requiring development to be carried out in accordance with the recommendations set out in the ecology report submitted.

8.84 Land contamination

8.85 A condition in relation to the finding of unexpected land contamination is recommended.
8.86 **BREEAM - Building Research Establishment Environmental Assessment Method**

8.87 Core Strategy Policy EQ1 requires development to meet BREEAM ‘very good’. The applicants have confirmed the new developments will meet the requirements. Accordingly, a condition is recommended.

8.88 **ECONOMIC SUSTAINABILITY**

8.89 The site is within the settlement limits of Harrogate, which has good access to rail and bus links with pedestrian links from the town centre and surrounding residential areas. The re-development of the site would create employment during the construction phase, the football club and community uses add to the local economy and attract visitors to the town. The proposals will contribute towards the economic sustainability tests.

9.0 **OTHER MATTERS**

9.1 **Anti-social behaviour**

9.2 Residents have raised issues with anti-social behaviour, noise, foul language and rubbish being thrown into gardens. From the comments received, this generally occurs around match days.

9.3 The Club have a Code of Conduct in place, which sets out standards it expects from supporters and visitors to the Club. This falls outside of the remit of the planning process and complaints would need to be referred to either, the Club, our Environmental Health Section or the Police.

9.4 **Stray land**

9.5 The site area comprises Stray land which is governed by the Harrogate Stray Act 1985. The Stray comprises not only the 200 acres open space but also extensive sections of the roadside strips or verges (known as the strips) that lead from it.
9.6 The Stray is owned by the Duchy of Lancaster and managed by Harrogate Borough Council.

9.7 An informative regarding The Act and consents required, is recommended.

10.0 PLANNING BALANCE & CONCLUSION

10.1 The site is within the settlement limits of Harrogate. This application for the redevelopment of the football ground and retrospective consent for the 3G pitch would improve the existing facilities on site and allow the club progression up the football league, subject to promotion.

10.2 The application also seeks to address issues raised locally with parking, and issues related to the hours of use, noise and light from the floodlights.

10.3 The design of the scheme is acceptable and will complement the character and appearance of Wetherby Road. The scheme proposed a replacement single storey building to provide access and office accommodation, and seeks to replace the existing 1919 supporters bar. The existing mature trees are to be retained; these trees make a positive contribution to the character and appearance of the area.

10.4 The replacement buildings to the rear of the site will provide updated clubhouse and corporate entertaining space and classroom spaces to support both the club and the community facilities now offered at Harrogate Town football club. The replacement east stand will be designed to act as an acoustic barrier to the properties on St Nicholas Road.

10.5 The design and siting of these buildings and terraces ensures the impact on neighbours is reduced. Additional details for the proposed floodlighting and its operation and a condition restricting hours of operation will help to reduce the impact on neighbouring residential amenity in an evening. Recommendations from NYCC Highways will help to address existing and future parking issues in the local area.
10.6 The proposals comply with the guidance set out in the National Planning Policy Framework and Planning Practice Guidance, the Core Strategy policies in the Harrogate District Local Development Framework (adopted 2009) and the saved policies in the Harrogate District Local Plan (2001, as altered 2009) and there are no material considerations in this instance that warrant setting aside local planning policies.

11.0 RECOMMENDATION

That the application be APPROVED subject to conditions and a S106 Agreement requiring that a contribution of £10,000 towards a Traffic Regulation Order review is secured prior to use of the new development.

1 The development hereby permitted shall be begun on or before .

2 The development hereby permitted shall be carried out in accordance with the following approved details, plans and drawings:

Site Plan Dwg No: (000)109 Rev B
Proposed site plan Dwg No: (000)105 Rev B
Proposed entrance building Dwg No: (000)101 Rev B
Site plan Dwg No: (000)109 Rev B
Site Sections Dwg No: (000)111 Rev B
Existing and Proposed Wetherby Rd Streetscenes Dwg No: (000)113 Rev – Turnstile Details Dwg No: (000)117 Rev -
Proposed Clubhouse Elevations Dwg No: (000)201 Rev B
Proposed Clubhouse Plans Dwg No: (000)202 Rev B
Proposed Classroom Terrace Plans and Section Dwg No: (000)300 Rev B
Proposed East Stand Plans Dwg No: (000)400 Rev B
Proposed East Stand Elevations Dwg No: (000)401 Rev B
Before the first use of any materials in the external construction of the development hereby approved, a sample pallet of all those materials shall have been made available for inspection by, and the written approval of, the Local Planning Authority and the development shall be carried out in strict accordance with the approved details.

No development shall take place until a Design Stage Certificate issued by BRE has been submitted to and approved in writing by the Local Planning Authority. The development shall meet BREEAM "very good" or higher. Thereafter the development shall be carried out in accordance with the approved details.

A Post Construction Stage Certificate issued by BRE for the development shall be submitted for the approval in writing of the Local Planning Authority prior to the first occupation of the development.

No operations shall commence on site or any development be commenced before the developer has implemented the report detail including root protection area (RPA) (as per Smeeden Foreman Tree Report dated October 2017) fencing in line with the requirements of British Standard BS 5837: 2012 (section 6.2.2 figure 2) Trees in Relation to Construction - Recommendations, or any subsequent amendments to that document, around the trees or shrubs or planting to be retained, as indicated on the approved plan and for the entire area as specified in accordance with BS 5837:2012. The developer shall maintain such fences until all development the subject of this permission is completed.

Works shall be undertaken strictly in accordance with the recommendations of section 5 of the Bat Assessment and Phase 1 Habitat Survey (Smeeden Foreman, July 2017).
Before any new external artificial lighting is installed an external lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide details of:

- The proposed hours of use of the external lighting
- The number, type and location of the proposed luminaires
- The maintained average illuminance levels of the areas to be illuminated which should be appropriate for the intended use
- The luminance and vertical illuminance that will be caused at windows of nearby light sensitive premises
- The steps that will be taken to minimise stray light and glare from the lighting

The lighting shall be installed, maintained and operated thereafter in accordance with the approved scheme.

Except for occasional scheduled league or cup matches with teams from the top eight levels of football (e.g. Premier League to Northern Premier League) and with spectator presence, the sports pitch shall not be used for sports activities outside the times of 08:00 to 21:00 on any day.

Before demolition of buildings on the eastern part of the site prior to construction of the Eastern Terrace a temporary noise management scheme shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall detail the additional noise mitigation measures, regarding noise from the use of the pitch, that will be implemented during the period between the demolition of the buildings on the eastern boundary of the site and the completion of the construction of the Eastern Terrace to ensure residents in St Nicholas Road are not subjected to increased noise disturbance from the use of the pitch.

The approved scheme shall be implemented as soon as any part of the structures on the eastern boundary are demolished and shall be retained
until the full acoustic attenuation properties of the Eastern Terrace have been provided.

11 Before construction of the Eastern Terrace commences, a design scheme for the Eastern Terrace shall be submitted to and approved in writing by the local planning authority. The design scheme shall show how the structure will effectively control noise affecting nearby noise sensitive premises by:-

- providing suitable and sufficient attenuation of noise from the spectators within the terrace and

- preventing significant noise arising from spectators banging on any part of the structure and

- providing an effective acoustic barrier to the noise from the pitch.

Before the East Terrace is brought into use it shall be constructed in accordance with the approved design scheme which shall be retained thereafter.

12 The combined noise from any fixed mechanical services and external plant and equipment shall be effectively controlled so that the combined rating level of all such equipment does not exceed the background sound level at any time ("rating level" and "background sound level" are as defined in BS4142:2014).

13 All amplified music and/or vocals emanating from the Clubhouse and The 1919 Bar (as shown on Site Plan by Bowman Riley Drawing No. (000)109 revision B, dated 9 July 2017) shall be controlled so as to be inaudible in any noise sensitive premises within the vicinity. To enable the applicant to check whether this condition is being met a suitable monitoring position may be determined by the local authority. To comply with this condition noise from the premises shall not be audible at the monitoring point.

In cases of dispute, inaudibility shall be defined as:-

- zero increase in the Laeq,1min (music playing) over the background LA90 (music off) and
- zero increase in the L10,T vs L90,T exceedance in each 1/3rd octave band between 40Hz and 160Hz.

(These figures equate to exceedances of 5dB outside an open window).

Prior to the development being brought into use, a Travel Plan shall have been submitted to and approved in writing by the Local Planning Authority. This will include the requirement for the submission of an annual review of both the travel plan and car park management plan before the start of each season.

This shall include:

(a) the appointment of a travel co-ordinator
(b) a partnership approach to influence travel behaviour
(c) measures to encourage the use of alternative modes of transport other than the private car by persons associated with the site
(d) provision of up-to-date details of public transport services
(e) continual appraisal of travel patterns and measures provided through the travel plan
(f) improved safety for vulnerable road users
(g) a reduction in all vehicle trips and mileage
(h) a programme for the implementation of such measures and any proposed physical works
(i) a programme for the implementation of such measures and any proposed physical works
(j) procedures for monitoring the uptake of such modes of transport and for providing evidence of compliance.
(k) a car park management plan for the use of car parks in the local area to be approved in writing by the LHA before the new development is brought into use; this is to be reviewed annually
The Travel Plan shall be implemented and the development shall thereafter be carried out and operated in accordance with the Travel Plan and any amendments, alterations as required as part of the annual review.

15 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 on Wetherby 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.

16 Notwithstanding the provision of any Town and Country Planning General Permitted or Special Development Order for the time being in force, the areas shown on the approved site plan for parking spaces, turning areas and access shall be kept available for their intended purposes at all times.

17 There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority agrees in writing to their withdrawal.

18 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced and approved in writing by the Local Planning Authority.

Where remediation is necessary a remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical
environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise approved in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

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

Reasons:

1. To ensure compliance with Sections 91-94 of the Town and Country Planning Act 1990.

2. For the avoidance of doubt and to safeguard the control of the Local Planning Authority, in accordance with Core Strategy Policy SG4 of the Harrogate District Local Development Framework.

3. In the interests of visual amenity; in accordance with Core Strategy Policies EQ2 and SG4 of the Harrogate District Local Development Framework.

4. To safeguard the environment and mitigate climate change in accordance with Harrogate District Core Strategy Policy EQ1.

5. To safeguard the environment and mitigate climate change in accordance with Harrogate District Core Strategy Policy EQ1.

6. In the interests of the health and amenity of the trees on site which make a positive contribution to the character and appearance of the area; in accordance with Core Strategy Policy EQ2 of the Harrogate District Local Development Framework.
In order to protect the habitats of bats, which are listed as a European Protected Species; in accordance with Core Strategy Policy EQ2 of the Harrogate District Local Development Framework.

In the interests of residential amenity; in accordance with Core Strategy Policy SG4 of the Harrogate District Local Development Framework.

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To establish measures to encourage more sustainable non-car modes of transport, in the interests of highway safety and residential amenity; in accordance with Core Strategy Policy SG4 of the Harrogate District Local Development Framework.

In the interests of both vehicle and pedestrian safety and the visual amenity of the area; in accordance with Core Strategy Policy SG4 of the Harrogate District Local Development Framework.

To ensure these areas are kept available for their intended use in the interests of highway safety and the general amenity of the development; in accordance with Core Strategy Policy SG4 of the Harrogate District Local Development Framework.

To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety; in accordance with Core Strategy Policy SG4 of the Harrogate District Local Development Framework.
To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policies SG4 and EQ1 of the Harrogate District Core Strategy.

INFORMATIVES

1. This development is subject to a Planning Obligation made under Section 106 of the Town and Country Planning Act 1990.

2. THE STRAY, HARROGATE informative

The Planning Application concerns Stray land which is governed by Harrogate Stray Act 1985. The Act can be viewed on the Council’s website www.harrogate.gov.uk along with an indicative plan from which it will be seen the Stray comprises not only the 200 acres open space but also extensive sections of the roadside strips or verges (known as the strips) that lead from it.

The Stray is owned by the Duchy of Lancaster and managed by Harrogate Borough Council.

As well as applying for planning consent from the Local Authority as planning authority you may also need consent from the Cabinet Member for Parks, Environment and External Affairs via the Head of Parks and Environmental Services, Mr Patrick Kilburn, whose contact details are attached.

Mr Kilburn is charged with considering and approving if appropriate the nature of any works requested on Stray land, and having regard to the effect on the trees and other aspects in accordance with the Act. Any replacement of grassed areas by a hard surface will necessitate the provision by the applicant of land of an equivalent size, contiguous with the Stray to be dedicated as Public Open Space upon the terms and conditions specified in the Act.
In these cases consent would also be required from the Duchy of Lancaster as landowner for all matters relating to the Stray e.g. easements, and enclosure.

Should your planning application be successful you may still need consent from the Duchy, whom you will be required to indemnify in respect of costs incurred in considering this matter. It is therefore advisable to contact the Duchy representative immediately planning consent has been granted. The contact is The Surveyor of Urban Lands, The Duchy of Lancaster, 1 Lancaster Place, Strand, London WC2E 7ED. Tel: 0207 269 1700.

However, should all the development be within the curtilage of the property then this does not affect the Stray and no such consents will be required from either the Council or the Duchy. It is important though that all works are contained within the curtilage of the property and no deliveries are made or materials stored on Stray land and no parking of contractor’s vehicles occurs on any grass areas of the Stray.

It is considered important to notify you of the provisions of The Stray Act 1985 because failure to observe these could significantly delay any plans you may have.

You should also be aware that Planning Consent
1. does not override the Act nor
2. does it permit or grant rights over The Stray which, as stated, must be dealt with by The Duchy of Lancaster or their representative

To enable your proposals to be dealt with expeditiously it is suggested you follow the following procedure.

You should contact the Head of Parks and Environmental Services to discuss your proposals and how they may affect the Stray. (Patrick Kilburn Patrick.kilburn@harrogate.gov.uk, Tel: 01423 500600 Extn 51106)

You should contact the representative of the Duchy of Lancaster to deal with the possible land ownership issue. (The Surveyor of Urban Lands, The
You should have regard to the fact that your proposals may well involve new supplies of utilities crossing Stray Land which will also require the above consents.

If the proposals involve an access way and supply of services across the highway and footway then consent will also be required from North Yorkshire County Council. (customer.services@northyorks.gov.uk or Tel: 0845 8 72 73 74)

Initial enquiries should be accompanied by plans indicating the parts of the Stray to which your proposal relates. The Estates Section's role is to maintain the records in liaison with the Duchy of Lancaster. You should be aware this process can take considerable time and allowance for this should be factored into your plans. None of the parties you are required to consult will be liable for any costs for delays incurred by the applicant or their advisors.

3 Sports England informative:

A model Community Use Scheme is available on the Sport England website www.sportengland.org

In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Chief Planner has delegated authority to do so in consultation with the Chairman of the Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

Case Officer: Jane Lurcuck                  Expiry Date: 23 February 2018