

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

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

Schools GMS Constraints: Rawcliffe Infant 0217

2.2 Policies:

CYGP1

Design

CYT2B

Proposed Pedestrian/Cycle Networks

3.0 CONSULTATIONS

INTERNAL

3.1 Highways Network Management - comments awaited

3.2 Landscape Architect - No objections to the landscaping scheme proposed. Conditions should be attached to ensure a no dig construction, to ensure all trees are protected by standard tree shelters and to require the submission of a method statement for the protection of existing trees. Lighting numbers seem a little excessive but are much better than tall lighting columns

3.3 Countryside Officer - The upgrading of the path is acceptable from a nature conservation point of view. The bollard lighting should not be a problem along the majority of the footpath where it runs down the edge of the field. Lighting is more of an issue close to the beck as this is likely to provide foraging for bats and possibly also a commuting route, linking Rawcliffe Lake right across to Rawcliffe and Clifton Ings to the west. It is therefore important that this area is not illuminated. Times of lighting should also be limited to provide some dark periods, although lighting in the winter months should not be an issue as bats roost/hibernate elsewhere. The construction of the bridge is acceptable from an ecological perspective.

EXTERNAL

3.4 Rawcliffe Parish Council - The Committee strongly object to this application on the following grounds:-

- The location of the footpath / cycleway, it being immediately behind a number of residents garden fences, will result in a loss of amenity for those residents due to increase noise and activity so close to said properties.
- One metre high bollard lighting would add further to the loss of amenity of aforementioned residents. There is no indication of hours of illumination and this Committee feels that any installation of 1 metre high dawn to dusk lighting would

create an unnecessarily bright pathway and is hopeful that alternative measures can be taken to delineate the said footpath/ cycleway.

- The Committee wishes to seek assurances that in the installation of such a footpath/cycleway (at a location further away from boundary properties) all entrances and exits to said footpath/cycleway are fitted with anti-motorcycle gates.

3.5 Crime Prevention Officer - The Crime Prevention Officer was consulted on this application as part of a pre-application consultation. It was advised that for safety reasons the route should be lit which is now the intention. Secured by design advises that footpaths should be as straight as possible, wide, well lit, devoid of potential hiding places and overlooked by surrounding buildings and activities. It is noted that there is a dog leg in the footpath; it is guaranteed that a shortcut will be created here; however the application is supported.

3.6 Three letters of objection have been received covering the following points:-

- At the parish council meeting one of the councillors stated that the footpath did not need to be so close to back gardens it could be 5 metres away without affecting the recreation ground. This would also avoid disturbance to mature trees
- The trees were planted to afford privacy to existing houses
- A specific footpath is not needed for children they can safely use the pavement at the other side of the field
- Do not think that a parent is going to get their children into a car and then not drive all the way to school
- Congestion on Eastholme Drive is not going to be relieved by this proposal
- Residents would be better served by not having this footpath and the needs of the football players should not take precedent
- Concern about the siting of one tree adjacent to 24 Bilsdale Close

PUBLICITY

3.7 The application has been advertised by means of site notices posted on the 22nd March 2010 and via neighbour notifications

4.0 APPRAISAL

4.1 Key issues:-

- Principle of the proposal
- Design and landscape considerations
- Traffic, highways and access issues
- Impact on Residential amenity
- Biodiversity

Principle of the Proposal

4.2 Planning Policy Statement 1 ("Delivering Sustainable Development") (PPS1) states that a number of key principles should be applied to ensure that decisions taken on planning applications contribute to the delivery of sustainable development. In particular, PPS1 promotes high quality inclusive design in the layout of new developments and individual buildings in terms of function and impact, not just for the short term but over the lifetime of the development. Design which fails to take the

opportunities available for improving the character and quality of an area should not be accepted. High quality and inclusive design should create well-mixed and integrated developments which avoid segregation and have well planned public spaces that bring people together and provide opportunities for physical activity and recreation.

4.3 The draft Development Control Local Plan (DCLP) policies are supportive of development and improvement of consistent, well connected and dedicated pedestrian and cycle route networks (policy T2b).

4.4 Policy GP1 requires that development respects or enhances the local environment, is of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area, avoid the loss of open spaces, important gaps within development, vegetation, water features and other features that contribute to the quality of the local environment, design outdoor lighting schemes which are energy efficient and provide the minimum lighting level required for security and working purposes, taking into account any adverse impact on residential amenity, the character of the area and night sky illumination and ecological systems.

4.5 The development is essentially the improvement of an existing footpath and new bridge to allow both cycles and pedestrians to make full use of the footpath/cycle route network within the area. The development would also allow parents taking children to the proposed Rawcliffe Primary School (the next item on the agenda) by parking within the recreation ground car park and walking/cycling down the path to connect with a path within the school grounds. Such development accords with the principles of sustainable development set out in PPS1 and accords with the policies set out within the DCLP.

Design and Landscape Considerations

4.6 The recreation grounds and the adjacent school playing fields form part of an important open area within a primarily residential location. The proposal would involve the widening of the footpath to 2.5 metres and the improvement of the surface which is currently grass to a bitumen surface with timber edgings. The footpath would be lit by 1metre high bollard lighting at 7 metre intervals. The new bridge would be designed to accommodate the 2.5 metre wide footpath and would be a simple structure with wooden enclosure. The new footpath would introduce an element of hard surfacing into a open green area and would increase the visibility of the site by the introduction of lighting however overall the scheme affects a very small proportion of the total recreation area and will not be visually detrimental to the areas open character. The details and positioning of the new bridge will not be significantly different visually to the existing bridge and the details of the new bridge are considered to be acceptable.

4.7 There are a number of trees of varying quality and size along the western boundary of the playing fields and the rear gardens of Staindale and Bilsdale Close as has been picked up on the tree survey. The route has been aligned with the aim to retain all of the trees; except a couple in such poor condition that they are recommended for felling. The recommendations in the tree survey are considered to be acceptable, namely to lift the crowns to a height of 3m. The path is proposed as a no-dig construction. The ground is quite soft and wet, but such a construction has been achieved in similar situations, e.g. at Hob Moor. This path construction is illustrated on the 'Pathway Proposals' plan by Popplewell Associates. A condition

ensuring that a no dig construction method is proposed. The scheme suitably includes a range of additional tree planting along the route. The Landscape Architect considers that these should be protected with the local authority's standard shelters comprising four posts, two cross bars and weldmesh surround to a height of 1.8m. This significantly reduces the risk of vandalism and mowing damage to the tree.

4.8 The details of the landscape proposals are considered to be acceptable.

4.9 There has been one letter of concern from an occupier of Bilsdale Close about one of the new trees to be planted being too close to an existing garage for the size the tree grows to. The particular tree type has been changed and the writer has confirmed acceptance of the amended proposals.

Traffic, Highways and Access Issues

4.10 There are two elements to this proposal. Firstly it is proposed to improve the footpath and this will improve the cycle/footpath network within the area secondly the improvement of the footpath has been brought about by the desire to provide alternative access routes to the redeveloped Rawcliffe School which will be increasing the school roll from 266 to 669 to incorporate Clifton Without Junior School if the next item on the agenda is approved. The formation of the 'park and stride' will provide parents with the opportunity to park their vehicles within the recreation ground car park (it appears at the moment that the school will be opening the gate on the morning and evening for parents) and then take the route across the field to enter the school from the rear playing field which will have a new path/cycle leading to the school building. A plan submitted by the applicant shows that, at the moment, 117 pupils live on the north side of the school and could benefit from the footpath improvements.

4.11 The comments of Highways Network Management on this scheme are awaited and will be reported direct to committee.

Impact on Residential Amenity

4.12 There have been a small number of letters of concern to the application as well as concerns raised by Rawcliffe Parish Council. The thrust of the concerns relate to the lighting of the footpath and the positioning of the path close to the rear of residential properties. The line of the existing footpath runs along the back of the houses albeit that the existing path is narrower, informally surfaced and unlit. The properties that back on to the path are fenced mainly with 1.8 metre high fencing. The widening and lighting of the footpath and the intention to encourage park and stride to the school will increase the usage of the path. It is considered that because of the existing boundary treatment to the residential properties there will be no detriment to residential amenity as a result of the widening and surfacing of the footpath. The lighting will however, if illuminated throughout the night from the onset of darkness, introduce significant illumination of the area to the rear of properties particularly when viewed from upper windows and will in Officers opinion be detrimental to their amenity . It is proposed to restrict the hours of illumination of the lighting to 3pm to 10 pm between September and March. This will allow the path to be used for the Park and Stride scheme and for locals as part of the overall footpath network but would also provide relief from the lighting for adjacent residents. The restriction on the hours of the lighting would also overcome the concerns of the Countryside Officer as noted in paragraph 3.3 and

discussed in paragraph 4.15 below. Members will note that the Crime Prevention Officer is not objecting to the application because lighting is included within the scheme, there are few potential hiding places and the path is overlooked by surrounding buildings.

4.13 Comments that the path could be 5 metres into the recreation ground are noted although the current proposal as submitted in this application has firstly to be assessed on its own merits. The issue is whether this application, as it stands in the location shown, is acceptable, which from a residential amenity perspective is considered to be the case.

4.14 As discussed above all but two of the existing trees are to be retained as part of this application. No existing tree cover, which objectors believe add to privacy, will therefore be lost.

Biodiversity

4.15 The Countryside Officer is not objecting to the proposal but does have concerns about the lighting at the end of the footpath adjacent to the beck. The concern is that the lighting will affect the forage area and possibly commuter routes for bats. The use of lighting in the winter is less of a concern because bats roost/hibernate elsewhere. The condition suggested in paragraph 4.12 above restricting the hours and time of year of illumination of the lighting should overcome the Countryside Officers concerns. Any further comments received from the Countryside Officer on the proposed condition will be reported direct to committee. There are no objections to the remainder of the scheme from a wildlife or nature conservation point of view.

5.0 CONCLUSION

5.1 The development is essentially the improvement of an existing footpath and new bridge to allow both cycles and pedestrians to make full use of the footpath/cycle route network within the area. The development will also allow parents taking children to Rawcliffe Primary School (the next item on the agenda) by parking within the recreation ground car park and walking/cycling down the path to connect with a path within the school grounds. Such development accords with the principles of sustainable development set out in PPS1 and accords with the policies set out within the DCLP.

5.2 The new footpath will introduce an element of hard surfacing into a open green area and will increase the visibility of the site by the introduction of lighting; however overall the scheme affects a very small proportion of the total recreation area and will not be visually detrimental to the areas open character. The details of the landscape proposals are considered to be acceptable.

5.3 The comments of Highway Network Management will be reported direct to Committee

5.4 The design and siting of the footpath is considered to be acceptable in terms of its relationship to existing residential properties with the restriction on the illumination of the lighting and is also considered acceptable from a crime prevention perspective.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

Drawing no. 2188/1

Drawing no. 2188/2

Drawing no. 2188/3

Drawing no. HE/09010581/02A

Tree survey received 12th March 2010

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

3 Before the commencement of development including site preparation any excavations or importing of materials a method statement regarding protection measures for the existing trees shown to be retained on the approved drawings shall be submitted to and approved in writing by the Local Planning Authority. This statement shall include details and locations of protective fencing, phasing of works, site access and haulage routes, type of construction machinery/vehicles to be used for all operations (including delivery and collection lorries and arrangements for loading/off-loading), parking arrangements for site vehicles and storage of materials. The method statement shall also include construction details, and methods of implementation for the pavement construction and the instalment of lighting bollards.

Reason: To protect existing trees which are considered to make a significant contribution to the amenity of this area.

4 Before the development hereby permitted is brought into use all trees both existing and proposed shall be supported and protected with tree shelters to the Local Authorities specification or in such manner as may be agreed in writing by the Local Planning Authority.

Reason: To protect the trees from vandalism and damage in the interests of visual amenity.

5 The lighting hereby approved shall only be illuminated between 15:00 hours and 22:00 hours 1st September to 31st March and at no other time without the prior written approval of the Local Planning Authority.

Reason: In order to protect the bio-diversity of the site and in the interests of residential amenity.

7.0 INFORMATIVES:

Notes to Applicant

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to :-

- Principle of the proposal
- Design and landscape considerations
- Traffic, highways and access issues
- Impact on Residential amenity
- Biodiversity

As such the proposal complies with Policies GP1, T2b of the City of York Development Control Local Plan.

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