

## COMMITTEE REPORT

**Committee:** East Area  
**Date:** 13 March 2008  
**Ward:** Fishergate  
**Parish:** Fishergate Planning Panel

**Reference:** 07/02876/GRG3  
**Application at:** The Walled Garden Store Fulford Cross York  
**For:** Redevelop existing walled garden, works to include erection of polytunnel, various structures, storage compound and formation of vehicular access with new gates  
**By:** Mrs Claire McCormick  
**Application Type:** General Regulations (Reg3)  
**Target Date:** 3 March 2008

### 1.0 PROPOSAL

1.1 The application seeks permission to redevelop the existing walled garden to the rear of Danesgate Pupil Support Centre, Danesgate. This application follows the redevelopment of the Danesgate School site where a new skills centre building and an extension to the existing Bridge Centre building have been erected. Permission for these works was approved in October 2006.

1.2 The works now proposed would take place within the existing walled garden which lies approximately 130m to the west of the existing pupil support centre. The scheme proposes the erection of a potting shed, a tool container, a polytunnel and three raised planting beds. All of the proposed works would take place within the existing 3.5m high walls although the wall will be increased in height 375mm adjacent to the length of the potting shed in order that the top of the shed is not visible above the wall. Access to the site would be retained by the existing unsurfaced track which currently serves the site and the adjacent allotments.

1.3 The application is being brought to committee at the request of Cllr A D'Agorne as it is believed that there are planning aspects that need careful consideration that have not been addressed by the applicant and there is a public interest in this being determined by committee.

### 2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams East Area (1) 0003

Floodzone 2 Flood Zone 2 CONF

Floodzone 3 Flood Zone 3

Schools Fulford Cross 0256

## 2.2 Policies:

CYGP1  
Design

CYGP4A  
Sustainability

CYC1  
Criteria for community facilities

## 3.0 CONSULTATIONS

### 3.1 Internal

Environmental Protection Unit - The Sustainability Statement (dated 30th November 2007) proposes to overcome the contamination issues by installing raised beds and a separating membrane. This remediation proposal is considered acceptable to the EPU, however I recommend that a minimum 600mm depth of clean topsoil be placed above the separating membrane (to allow for double digging).

### 3.2 External

Fishergate Planning Panel - No objections

Cllr A D'Agorne - Raises issues in connection with the fact that there is no mention of community involvement, including with the Steiner School and any community representation on the Management Committee, the transport assessments fails to quantify the level/timing of vehicular access to the gardens, BREEAM assessment and energy efficiency details are missing, Wildlife landscaping details are missing and external lighting is also a concern as there is no condition specifying that it will not be switched on outside class use hours. I support the intended use but feel these sensitive issues need to be covered in the eventual permission for activities.

Neighbours - Initial consultations did not cover the properties most effected. Additional letters were issued on the 6th February (expire 27th February) and no further comments have been received

## 4.0 APPRAISAL

### 4.1 Key Issues

Principle of development  
Impact upon amenity  
Access to the site  
BREEAM  
External lighting

4.2 The relevant City of York Council Draft Deposit Local Plan Policies are GP1, GP4a and C1. Policy GP1 'Design' of the City of York Local Plan Deposit Draft includes the expectation that development proposals will, inter alia; respect or

enhance the local environment; be of a density, layout, scale, mass and design that is compatible with neighbouring buildings and spaces, ensure residents living nearby are not unduly affected by noise, disturbance overlooking, overshadowing or dominated by overbearing structures, use materials appropriate to the area; avoid the loss of open spaces or other features that contribute to the landscape; incorporate appropriate landscaping and retain, enhance or create urban spaces, public views, skyline, landmarks and other features that make a significant contribution to the character of the area.

Policy GP4a 'Sustainability' of the Draft Local Plan requires all proposals for commercial or residential development to be accompanied by a 'sustainability statement'. The policy includes a list of criteria against which proposals should be judged which include: accessibility by means other than the car, whether the proposal would contribute to the social needs of the community, the contribution to the economy of the city, design quality, minimising the use of non-renewable resources, minimising pollution, conserving and enhancing natural areas and landscape features, maximising the use of renewable resources and making adequate provision for cycle storage and recycling.

Policy C1 states that planning applications for social, health, community and religious facilities will be granted permission provided that; the proposed development is of a scale and design appropriate to the character and appearance of the locality; and it would meet a recognised need.

## PRINCIPLE OF DEVELOPMENT

4.3 The skills centres aim is to transform the learning experience for young people aged 14-16 identified as not likely to gain benefit from the opportunities provided within the traditional school curriculum, and to encourage them to develop a commitment to continued learning. The walled garden is a teaching area affiliated to the skills centre and is aimed at providing this service by teaching basic horticulture skills to up to 8 students at a time. In assessing the impact of the proposal consultation was undertaken through ward committee meetings and through the Danesgate Management Committee meetings and residents meetings.

## IMPACT ON AMENITY

4.4 The works proposed are all contained within the existing walled garden. As part of the scheme a small section of the existing boundary wall is to be raised by 375mm in order to completely mask the proposed potting shed. This would measure 8.6m by 5m and would have a height of 3.1m and would be constructed of timber with glazing. Additional facilities within the site would include a compound, a tool container, a 12m by 6m polytunnel, 3 raised planting beds and two ornamental areas. A small crushed stone turning area will also be provided just inside the site. All of the structures proposed would not be visible from outside the site due to the high boundary walls. As such it is considered that the proposed works would have limited impact upon the local amenity.

## ACCESS TO THE SITE

4.5 Access would be by the existing unsurfaced track which leads from the side of skills centre and past the entrance to the Steiner School. Pupils will walk to the garden from the existing skills centre site. Concerns have been raised in connection with vehicular movements past the entrance to the Steiner School during pupil pick up and drop off times and the fact that the surface of the track is loose and uneven. The applicant has stated that there will be minimal vehicular movements as part of the construction phase as the potting shed is already inside the walled garden and minimal foundation works need to take place. The proposed portaloo would need to be emptied every 12 months and as such should not have any implications for highway safety. The majority of the movements to the site would be by foot.

## BREEAM

4.6 Concerns have been raised that, although the project aims to demonstrate sustainable design, there are no proposals for solar thermal or photovoltaic, ground source heat pumps or any means of generating power to be used for lighting or heating. The applicant has confirmed that the potting shed building is being recycled from Oaklands School. It will only be used intermittently as outside activity is the primary purpose of the project. Both the internal lighting and radiant heating will be operated by movement sensors, which would limit energy consumption. The installation of further sustainable energy sources would not be cost effective for such a project.

## EXTERNAL LIGHTING

4.7 Concerns have been raised as there is no specified condition that restricts the external lighting being switched on outside class hours. The applicant has stated that the external lighting will be controlled by movement sensors and as such will not be left on when the garden is not being used. It will also aid with the security of the site. The lights will be wall mounted and will be angled so as to shine down into the site. There will be no lighting proposed to the access lane.

## 5.0 CONCLUSION

5.1 It is considered that the use of the existing walled garden would benefit the skills centre greatly. The proposed structures would all be located within the existing walls and would not be readily visible from outside of the site. There would be no loss of amenity to neighbouring residential properties. Access to the site by vehicles can be limited by condition to outside of drop off and pick up time of the nearby school to remove any potential conflict. Officers recommend approval.

## COMMITTEE TO VISIT

**6.0 RECOMMENDATION:** Approve under General Regs 3 Council Dev

1      TIME2      Development start within three years

2 PLANS2 Apprvd plans and other submitted details

3 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, details of the external materials to be used on the proposed buildings and where work is proposed to the boundary wall shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The development shall be carried out using the approved materials.

Reason: So as to achieve a visually cohesive appearance.

4 There shall be no deliveries to or construction vehicles accessing or leaving the site except between the hours of 09:00 to 15:30 Monday to Friday and 09:00 to 13:00 Saturdays and none on Sunday

Reason: To prevent conflict with the children accessing the adjacent school site

5 Details of the proposed external lighting, including type, style, method of fixing, location and hours of use, shall be submitted to the local planning authority prior to installation.

Reason: To prevent any light spillage and prevent any unacceptable impact upon nearby residential properties.

## **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 residential amenity or the character of the area. As such the proposal complies with Policy GP1, GP4a or C1 of the City of York Local Plan Deposit Draft.

#### **Contact details:**

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