

2.2 Policies:

CYGB1

Development within the Green Belt

CYGP9

Landscaping

CYED1

Primary and Secondary Education

CYGP3

Planning against crime

CYGP1

Design

3.0 CONSULTATIONS

INTERNAL:

3.1 Design, Conservation and Sustainable Development raise no objection to the proposal but wish to see any permission conditioned to require the submission of a detailed landscape scheme for further approval.

3.2 Environmental Protection Unit raise no objection to the proposal but wish to see any permission conditioned to ensure that details of the proposed acoustic fencing to protect the residential amenity of the adjacent properties be secured for further approval together with an assessment for potential contamination of the proposed allotment area.

3.3 Structures and Drainage Engineering Consultancy express concern with respect to the level of drainage information submitted with the proposal.

3.4 Highway Network Management raise no objection in principle in respect of the proposal but wish to see the level of parking associated with the proposed allotments significantly reduced.

EXTERNAL:

3.5 North Yorkshire Police Architectural Liaison Officer raises no objection to the proposal subject to the boundary of the application site being appropriately fenced.

3.6 Nether Poppleton Parish Council raise no objection to the proposal.

3.7 Network Rail object to the proposal on the grounds that the proximity of the proposed access to the allotments to the level crossing on Mill field Lane would have an adverse impact upon the safety of level crossing users.

3.8 The Environment Agency were consulted in respect of the proposal on 14th January 2010, any responses will be reported orally at the meeting.

3.9 York Natural Environment Panel object to the proposal on the grounds that it would render an area presently Green Belt into potentially developable land and that the proposed sports pitches and orchard should be relocated to allow for the creation of a more substantial and robust landscape buffer.

3.10 York Natural Environment Trust object to the proposal on the grounds that the proposal would exacerbate the adverse visual impact caused by the existing school building, the proposed allotments would be more appropriately located elsewhere and would create an inappropriate urbanising element within the landscape and the proposed sports pitches should be relocated elsewhere.

3.11 Ten representations, nine of objection and one of support have been received in respect of the proposal. The following is a summary of the objections received:

- * Concern that the proposed pitches and allotments should be re-aligned to enable the planting of a more substantial belt of trees along the boundary with the A1237 Outer Ring Road;
- * Concern that the proposal would lead to increased traffic using nearby residential side roads to the detriment of amenity;
- * Concern that the proposal would exacerbate an existing problem of anti-social behaviour within the area outside of normal school operating times;
- * Concern that the proposal would materially detract from the pleasant rural ambience of the area;
- * Concern at the impact of the proposed development on the level and nature of traffic using the level crossing on Millfield Lane;
- * Concern at the location of the proposed construction access and site compound for the development; and
- * Concern at the proposed boundary treatment with adjacent residential properties.

4.0 APPRAISAL

4.1 KEY CONSIDERATIONS:-

- * Impact upon the open character and purposes of designation of the Green Belt;
- * Impact upon usage of the nearby level crossing on Mill field Lane;
- * Impact upon the residential amenity of neighbouring properties;
- * Impact on the visual amenity of the surrounding open countryside;
- * Impact of the proposal on the occurrence of crime and anti-social behaviour in the locality.

GREEN BELT IMPACT

4.2 Policy GB1 of the York Development Control Local Plan elaborating on Central Government guidance outlined in PPG2 "Green Belts" sets a firm policy presumption that planning permission will only be forthcoming within the designated Green Belt where the scale, location and design of such development would not detract from the open character of the Green Belt, it would not conflict with the purposes of including

land within the Green Belt, it would not prejudice the setting and special character of York and be for one of a number of Green Belt purposes including essential facilities for outdoor sport and recreation. The current proposal which combines the layout of two sports pitches, with a hard play area for school pupils, an orchard, layout of 17 allotments and associated car parking represents a form of "appropriate" development within the Green Belt. Development that is by definition appropriate within the Green Belt must also secure its openness. The current proposal envisages reinforcement of the existing landscape planting along the boundary of the site with the A1237 and the creation of a number of discrete sectors within the newly opened land. The layout, degree of landscaping and choice of surfacing material for the various activities proposed whilst representing a change of character for previously agricultural land would not detract from the openness of the Green Belt but would rather enhance its character in a significant urban fringe location.

IMPACT UPON MILL FIELD LANE LEVEL CROSSING

4.3 Concern has been expressed by both Network Rail and local residents in respect of the relationship of the proposal and specifically its access with the Millfield Lane level crossing on the main York to Harrogate railway line. The proposed vehicular access point for the allotments would be some 28 metres south east of the level crossing. This would be sufficient distance to avoid the risk of traffic queuing back over the crossing in view of the likely intensity of use of the site. The applicant has also agreed to lessen the area of dedicated parking associated with the allotments from 17 to 10 spaces so that a specific gating arrangement for access will not be required and the risk will be reduced further. The level of intensity of use of the proposed sports pitches would not be such as to have a material impact upon the volume or nature of traffic using the level crossing. Notwithstanding the fact that there would not be a material impact upon usage of the level crossing arising from the development in operation it would not be appropriate for construction site access to be gained in close proximity to the level crossing. Any permission should therefore be conditioned accordingly.

IMPACT UPON THE RESIDENTIAL AMENITY OF NEIGHBOURING PROPERTIES.

4.4 Policy GP1 of the York Development Control Local Plan sets a firm policy presumption in favour of new development which respects or enhances the local environment, are of a density, layout and scale that is compatible with neighbouring buildings, spaces and the character of the area and ensure that residents living nearby are not unduly affected by noise and disturbance. Two residential properties lie directly to the south east of the application site at some 7 metres distance at the closest point. It is envisaged that the boundary treatment to both properties would be substantially expanded to incorporate a timber acoustic fence and additional landscape planting up to 28 metres wide. This would afford a high degree of protection to their residential amenity and there would not be a material increase in harm arising from the proposal over and above the existing situation. Precise details of the proposed fencing together the associated planting should be reserved by condition for further approval on any permission. The substantial reduction in parking area associated with the proposed allotments agreed by the applicant would also help safeguard the residential amenity of the adjacent properties by enabling the creation of a more substantial landscaped boundary to the site.

IMPACT UPON THE VISUAL AMENITY OF ADJACENT OPEN COUNTRYSIDE.

4.5 Policy GP9 of the York Development Control Local Plan sets a firm policy requirement for proposals where appropriate to incorporate a suitable landscape scheme which should be planned as an integral part of the proposals, include an appropriate range of indigenous species, reflect the character of the locality and surrounding development and form a long term edge to developments adjoining or in open countryside. The current proposal envisages the introduction of a mixture of activities normally found at the fringe of built development. The site comprises a substantial field previously in pasture use bounded by the York Outer Ring Road the A1237 with a narrow belt of mature trees marking the road side fringe. The extent of the planted boundary would be significantly extended and an orchard would be planted within the northern third of the site. This would alter the character of the space to notable extent but the man made character of the proposed sports pitches and hard play area would be largely mitigated by appropriately located planting and choice of floorscape surfaces. Concern has been expressed that the entire site should be retained as a denser landscape tree belt and that elements of the man-made activities should be relocated elsewhere. This would however be impractical and run the risk of creating a hard artificial landscape boundary to the urban fringe in this area. A partial detailed landscape plan has been submitted for the proposal but detailed information is required for prior approval for the whole site. On balance the scheme subject to appropriate conditions would comply with the requirements of Policy GP9 of the Draft Local Plan and help create a more visually pleasing transition between rural and urban activities.

IMPACT UPON THE OCCURANCE OF CRIME AND ANTISOCIAL BEHAVIOUR IN THE LOCALITY.

4.6 Serious concern has been expressed that in particular the proposed allotments would lead to an increase in problems of crime and anti-social behaviour experienced in the locality outside of normal school and working hours. The Safer York Partnership has recommended that appropriate measures be incorporated into the scheme to deter incidents involving the allotments and to secure the rear boundaries of the school and adjacent residential properties. It is recommended that any permission be conditioned accordingly.

5.0 CONCLUSION

5.1 Manor School comprises a substantial two storey 900 place secondary school recently constructed within the Green Belt to the north west of the City Centre. The current proposal envisages the layout of two hard surfaced sports pitches to the west of the existing school, a hard surfaced play area to replace the existing hard surfaced play area to be lost by construction of the proposed creative media teaching centre considered elsewhere on this agenda, and the layout of an orchard and community allotments. The proposed range of developments are considered to be appropriate within the Green Belt and the disposition of activities within the site with associated planting and floorscaping would not prejudice the openness of the Green Belt. Concern has been expressed in respect of the relationship of the proposal to the level crossing on Mill field Lane, however the distances are such that

there would not be a material impact upon the safety of level crossing users from individuals accessing the allotments. Two residential properties lie in close proximity to the application site to the north a substantial acoustic fence with additional landscape planting is envisaged to secure the residential amenity of both properties. Concern has also been expressed in relation to the impact of the proposal on the visual amenity of the wider landscape. A suggestion has been put forward that the application site should be substantially reorganised with elements relocated in order to facilitate the layout of a more substantial area of landscape planting. This would however be impractical given the aims of the application and would lead to a more harshly defined boundary to the urban fringe rather than the more gradual transition from rural to urban landscape envisaged. On balance the scheme complies with the relevant policies within the Draft Local Plan and approval is therefore recommended.

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:-

Drawing Ref: 091429-105-P1; E-11117-103-GR-MP-001; 091429-101-P1; 091429-103-P1

The layout of the allotment car park shall be in accordance with drawing no. 091429-105-P1.

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

3 No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme which shall illustrate the number, species, height and position of trees and shrubs and other planting over the entire site This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the site.

4 Notwithstanding the application details hereby approved full details of the proposed floorscaping materials and kerbs shall be submitted to and approved in writing by the Local Planning Authority before work on site commences. The development shall thenceforth be undertaken in strict accordance with the details

thereby approved.

Reason: To safeguard the visual amenity of the surrounding landscape and to secure compliance with Policies GB1 and GP9 of the York Development Control Local Plan

5 Notwithstanding the application details hereby approved full details including design, location and finishes of the proposed ball and security fencing shall be submitted to and approved in writing by the Local Planning Authority before work on site commences. The development shall thenceforth be undertaken in strict accordance with the details thereby approved.

Reason: To safeguard the residential amenity of nearby properties and to secure compliance with Policy GP1 of the York Development Control Local Plan

6 Notwithstanding the application details hereby approved full details of the proposed street furniture to be erected within the site including designs, location and finishes shall be submitted to and approved in writing by the Local Planning Authority before work on site commences. The development shall thenceforth be undertaken in strict accordance with the details thereby approved.

Reason: To safeguard the visual amenity of the surrounding landscape and to secure compliance with Policy GP1 of the York Development Control Local Plan.

7 HWAY31 No mud on highway during construction

8 Notwithstanding the application details hereby approved full details of the proposed construction site access and compound including location and mode of surfacing shall be submitted to and approved in writing by the Local Planning Authority. Development shall thenceforth be undertaken in strict accordance with the details thereby approved and the site shall be reinstated to its previous condition within 28 days of construction work being completed.

Reason: To safeguard the residential amenity of nearby properties and to secure compliance with Policy GP1 of the York Development Control Local Plan

9 Notwithstanding the application details hereby approved full details of the surfacing material of the proposed allotment site parking shall be submitted to and approved in writing by the Local Planning Authority. Development shall thenceforth be undertaken in strict accordance with the details thereby approved.

Reason: To safeguard the residential amenity of nearby properties and to secure compliance with Policy GP1 of the York Development Control Local Plan.

10 DRAIN1 Drainage details to be agreed

11 Prior to the commencement of the development hereby authorised full details of the acoustic noise barrier to protect the amenity of residential properties at the north eastern boundary of the application site shall be submitted to and approved in writing by the Local Planning Authority. These details shall include the construction

of, height, thickness, acoustic properties and exact location of the barrier. The barrier shall be erected in strict accordance with the details thereby approved before the site is first brought into use and maintained thereafter.

Reason: To safeguard the residential amenity of nearby properties and to secure compliance with Policy GP1 of the York Development Control Local Plan.

12 Prior to the commencement of the development hereby authorised soil sampling must be undertaken in the allotment area to determine the presence of contamination. In the event that contamination is found to be present, then a formal risk assessment must be carried out and a detailed report outlining the soil sampling, risk assessment and required mitigation measures including a timescale shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the amenity and safety of allotment users.

13 In the event that remediation is required a detailed remediation scheme shall be submitted to and approved in writing by the Local Planning Authority before work on site commences. Following completion of measures identified in the approved remediation scheme and prior to the allotments hereby authorised being first brought into use a verification report shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the amenity and safety of allotment users.

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 impact upon the open character and purposes of designation of the Green Belt, impact upon the safety and convenience of users of the Millfield Lane level crossing, impact upon the residential amenity of neighbouring properties, impact upon the visual amenity of the neighbouring open countryside and impact upon the occurrence of crime and anti-social behaviour in the vicinity. As such the proposal complies with Policy YH9 and Y1C of The Yorkshire and Humber Plan, policies GB1, GP1, GP3, GP9 and ED1 of the City of York Development Control Local Plan and Government policy contained within Planning Policy Guidance note 2 'Green Belts'.

Contact details:

Author: Erik Matthews Development Control Officer
Tel No: 01904 551416