

## COMMITTEE REPORT

**Committee:** East Area  
**Date:** 25 January 2007

**Ward:** Fishergate  
**Parish:** Fishergate Planning Panel

**Reference:** 06/02590/GRG3  
**Application at:** Walmgate Stray Heslington Lane Heslington York  
**For:** Construction of a shared footway/cycleway from the end of the existing University cycle route to Mitchels Lane  
**By:** City Of York Council  
**Application Type:** Full Application  
**Target Date:** 17 January 2007

### 1.0 PROPOSAL

It is proposed to create a section of path suitable for cyclists and pedestrians along the southern edge of Walmgate Stray. The application is being submitted on behalf of the Head of Transport Planning. The path is 230m in length and 3m in width. It is set in around 10m from the hedge that runs along the boundary of the stray and Heslington Lane. It is proposed to be constructed of Bitmac. Linked to the construction of the path is the erection of a small bridge to carry the path over the narrow beck at the east of the site. No lighting is proposed to be constructed alongside the path; the only structures are the bridge, access gates, cattle grid and a post and rail fence along the northern edge of a section of the path.

### 2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams East Area (1) 0003

2.2 Policies:

CYGP1  
Design

CYGB1  
Development within the Green Belt

CYNE1  
Trees, woodlands, hedgerows

### 3.0 CONSULTATIONS

3.1 Internal

Countryside Officer - Approximately 5m of hedgerow will be lost at the east of the stray. The hedge is protected under the 1997 Hedgerow Regulations; however, the loss of a small section of hedgerow can be justified given that it is not prominent and would not cause a significant break in the continuity of the hedge. To mitigate against the loss of the hedgerow it is suggested that a gap in the hedgerow elsewhere is planted up. Loss of a strip of stray grassland is not considered so harmful in the context to raise concerns.

Landscape Architect - No objections providing the path is outside tree canopies. The fencing along the path should be kept to the minimum practical length.

Environmental Protection - No objections subject to no construction during unsocial hours.

### 3.2 External

The proposal was discussed with the Freemans Stray Council prior to submitting the application. The Stray Masters agreed to the development of the proposed path.

N. Yorks Police Community Safety Officer - no objections. Suggests that the boundary hedge could be lowered to aid surveillance. Issue of concerns of conflict between pedestrians and cyclists raised.

Planning Panel - support

Neighbours - 2 site notices were erected adjacent to Heslington Lane. No responses received.

## 4.0 APPRAISAL

4.1 Walmgate Stray is approximately 700 metres in length and in most parts approximately 250m wide. It is mainly covered in rough grass. The area close to where the path is proposed includes some small cattle pens and a football pitch. Approximately 200 metres into the stray is a hedge lined drain running east to west. The stray is allocated as Green Belt in the Local Plan.

4.2 The path is proposed to come off Broadway through an existing opening at the southwest corner and links up with the cycle path contained within the university grounds immediately to the east. The works are being proposed by the Council as part of its aim to create a comprehensive safe cycle network. Cyclists currently use Heslington Lane - this is a relatively narrow and busy road. There is inadequate space to provide safe cycle facilities on Heslington Lane or on the grass verge alongside.

4.3 Proposals to promote cycling are consistent with the objectives of chapter 6 (Transport) of the Local Plan and Planning Policy Guidance Note 13 (Transport) that seek to reduce reliance on car travel. The provision of an off-road cycle facility would also help to promote healthier lifestyles.

4.4 The proposal will have little impact on residential amenity. The key issues in assessing the acceptability of the proposal are considered to be the impact on the natural environment/ Green Belt and whether the facility would be safe to use.

Impact on the natural environment/greenbelt

4.5 Policy GB1 (greenbelt) states that highways works are acceptable providing that they do not detract from the open character of the greenbelt or prejudice the setting of York. The proposals have such a minimal visual impact it is not considered that this will occur.

4.6 Policy NE1 (Trees, Woodlands and Hedgerows) seeks to protect trees and hedgerows of landscape or conservation value. At the entrance and exit of the stray the path is located close to the canopy of trees. It is considered that it should be pulled away slightly from the canopy here to avoid any possible damage to the trees - this is covered by condition 2. The path is proposed an adequate distance from other trees that run alongside Heslington Lane to avoid any significant conflict with trees.

4.7 The Council's Countryside officer does not consider the loss of grassland where the path will run to be significant. A small section of hedgerow will be lost at the eastern end to create a route through to the path within the University grounds. The Council's Countryside officer has assessed the proposal in relation to the 1997 Hedgerow Regulations and does not consider that the area of hedgerow to be lost to be of significant wildlife value. As part of the proposals it has been agreed to compensate for the loss of 6m of hedgerow by planting approximately 50m of hedgerow to fill in a gap in the area of hedgerow that runs east west across the centre of the Stray. This is covered by condition 4.

4.8 A 100m section of post and rail fence is proposed adjacent to the cycle path, along with a replacement livestock pen in the southwest. The fence is required to avoid conflict between cyclists and livestock. It is considered that a timber fence would not appear out of place on the stray in the vicinity of the cattle pens. It is the case that all of the development is taking place close to the fringe of the stray where the backdrop includes lampposts and telecom masts. The path will appear a relatively formal structure given that others paths in the vicinity are just worn grass. However, it is not considered that any harm to the character or appearance of the fringe of the site is sufficient to outweigh the benefits from increasing cycling provision and safety.

## Safety

4.9 Removing cyclists from the road will improve safety for cyclists and other road users. The path is not proposed to be illuminated by new lighting, however, because street lights are located along the adjoining side of Heslington Lane there will be some lighting of the route. It is clearly questionable whether it would be sensible to choose to use the route when it is dark, however, there is good natural surveillance of the route during the day time given that the hedge adjoining Heslington Lane is only approximately 1.2m high. The Police Community Safety Officer has confirmed that there is not a history of relevant crimes in the area. He suggests that it would be

worthwhile lowering the hedge to improve surveillance. This will be included as an informative on the planning application.

## 5.0 CONCLUSION

It is considered that the proposal subject to the conditions listed below would not cause harm to interests of acknowledged importance, with particular reference to nature conservation, impact on the Green Belt and public safety. As such the proposal complies with policies GP1, GB1 and NE1 of the City of York Local Plan Deposit Draft and the aims of PPS1, PPS9 and PPG13. The application is therefore recommended for approval.

## 6.0 RECOMMENDATION: Approve

- 1 TIME2 Development start within three years
- 2 The location and construction of the footway/cycleway and all associated operations shall be kept outside of the canopy spread of the existing trees that run alongside Heslington Lane. The precise line of the path shall be agreed in writing with the Local Planning Authority prior to development commencing and the work accord with the agreed details.  
  
Reason: So that crown lifting and crown reduction will not be necessitated by the development.
- 3 Notwithstanding the approved details, plans and elevations of the proposed bridge at the eastern end of the route shall be submitted to and agreed in writing by the Local Planning Authority before development commences. The work shall accord with the agreed details.  
  
Reason: To ensure that the proposed works are acceptable.
- 4 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 vegetation to be planted in gaps in the hedgerow in the eastern boundary of Walmgate Stray. This scheme shall be implemented within a period of twelve 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: To compensate for the loss of the hedgerow at the eastern end of the path.
- 5 Prior to commencement on site, of clearance, site preparation, building or other development operations, including the importing of materials and any excavations, the locations and details for protective fencing to BS5837: 2005

shall be shown on a plan and agreed with the local authority, erected on site, and subsequently adhered to at all times during development to create exclusion zones. None of the following activities shall take place within the exclusion zone: excavation, raising of levels, storage of any materials or top soil, lighting of fires, parking or manoeuvring of vehicles, mechanical cultivation under the canopy spread of retained trees. There shall be no site huts, no marketing offices, no mixing of cement, no disposing of washings, no stored fuel, no new trenches, pipe runs for services or drains. The fencing shall remain secured in position throughout the construction process including the implementation of landscaping works. A notice stating 'tree protection zone - do not remove' shall be attached to each section of fencing.

Reason: To protect the adjoining trees.

- 6 All demolition and construction works and ancillary operations, including deliveries to and dispatch from the site, shall be confined to the following hours:

|   |                |
|---|----------------|
| Monday to Friday                        | 08.00 to 18.00 |
| Saturday                                | 09.00 to 13.00 |
| Not at all on Sundays and Bank Holidays |                |

Reason: To protect the amenity of neighbouring residents.

## **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 the impact on the openness of the Green Belt and existing vegetation. As such the proposal complies with Policies GP1, GB1 and NE1 of the City of York Local Plan Deposit Draft.

### **2. For Information**

It is recommended that consideration be given to the future height of the hedge adjacent to the path to ensure adequate surveillance of the route from Heslington Lane.

### **3. Demolition and Construction - Informative**

The developer's attention should also be drawn to the various requirements for the control of noise on construction sites laid down in the Control of Pollution Act 1974. In order to ensure that residents are not adversely affected by air pollution and noise, the following guidance should be attached to any planning approval:

1 The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228: Part 1: 1997, a code of

practice for "Noise and Vibration Control on Construction and Open Sites" and in particular Section 10 of Part 1 of the code entitled "Control of noise and vibration".

2 All plant and machinery to be operated, sited and maintained in order to minimise disturbance. All items of machinery powered by internal combustion engines must be properly silenced and/or fitted with effective and well-maintained mufflers in accordance with manufacturers instructions.

3 The best practicable means, as defined by Section 72 of the Control of Pollution Act 1974, shall be employed at all times, in order to minimise noise emissions.

4 All reasonable measures shall be employed in order to control and minimise dust emissions, including sheeting of vehicles and use of water for dust suppression.

5 Any asbestos containing materials shall be removed by licensed contractors to a licensed disposal site.

6 There shall be no bonfires on the site.

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