

COMMITTEE REPORT

Date: 12 August 2010
Team: East Area

Ward: Osbaldwick
Parish: Osbaldwick Parish Council

Reference: 10/00529/FULM
Application at: OS Field 3022 Metcalfe Lane Osbaldwick York
For: Erection of 90 polytunnels in association with use of 3.29 ha of land as allotments with associated facilities including reception/shop/toilet block, associated parking area and highway improvements to Metcalfe Lane
By: Mr James Metcalf
Application Type: Major Full Application (13 weeks)
Target Date: 24 August 2010
Recommendation: Refuse

1.0 PROPOSAL

PROPOSED DEVELOPMENT

1.1 The applicant seeks planning permission to erect 90 polytunnels on agricultural land to the east of Metcalfe Lane. The tunnels vary a little in size, though are typically around 25m x 5m. In addition to the polytunnels it is also proposed to erect an 8 x 28m single storey portable building containing a shop, toilets and storage close to the Metcalfe Lane entrance and a 14 x 19m equipment store further into the site. There are proposed to be 20 visitor car parking spaces and a mini-bus set down point adjacent to the shop and further space for 90 cars to park adjacent to the polytunnels around the site.

1.2 The access point to the site is around 160 metres from the junction with Osbaldwick Village. It is proposed to widen a long stretch of Metcalfe Lane between the entrance to the site and Osbaldwick Village. Within the site a crushed stone road is proposed to access the polytunnels.

1.3 The site is intended to be open from 'dusk to dawn'. The polytunnels would be available for charities, educational groups, businesses, commercial growers and individuals to rent.

1.4 The applicant has referred to the polytunnel as 'eco tunnels' and emphasised the desire to allow people to sell their produce from the shop on the site and purchase and store gardening equipment. They state that there is an agreement with the charity 'Mind' to make it a joint venture. Although the desire to create a fully accessible 'covered allotment type' facility with a 'social emphasis' is noted there is no agreement in place to restrict the occupation of the tunnels either in respect to the nature of occupiers or the number they can hire.

APPLICATION SITE

1.5 The land has previously been used for grazing and haymaking. The total site area is approximately 3.3 hectares and comprises three fields divided by hedgerows. The land is around 350 metres in length measured from north to south. Approximately 50 metres of the site immediately adjoins Metcalfe Lane. There are hedges and trees running around the perimeter of much of the site. Overhead power lines run over part of the area. Eastern House and Langton House are located off Metcalfe Lane and are in close proximity to the proposed development. There is no relevant planning history for the site.

LAND USE ALLOCATIONS

1.6 The land is within the Green Belt. A small strip of land (approximately 12 x 50m) at the south of the site is located within Osbaldwick Conservation area. Land to the west of Metcalfe Lane has outline consent for residential development. The residential scheme indicates that a park/landscaped strip approximately 50m wide is proposed to the west of Metcalfe Lane.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

2.2

Conservation Area GMS Constraints: Osbaldwick CONF

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: East Area (1) 0003

2.2 Policies:

CYGP1

Design

CYGB1

Development within the Green Belt

CYGB13

Sports facilities outside settlements

CYGP14

Agricultural land

CYGP15

Protection from flooding

CYNE1

Trees, woodlands, hedgerows

CYNE7
Habitat protection and creation

CYT2
Cycle pedestrian network

CYHE2
Development in historic locations

CYHE3
Conservation Areas

3.0 CONSULTATIONS

3.1 Internal

Highway Network Management - Metcalfe Lane is a private road but carries a public footpath. The lane is apparently in the ownership of Langton House but the applicant "has the full right of way for any users of the land." The anticipated total vehicle trips stated in the application are estimated by the applicant to be approximately 30 per weekday and 50 per day at weekends. It is considered that this could be a conservative estimate.

Metcalfe Lane is a popular route linking Osbaldwick and Heworth. The increase in traffic could conflict with pedestrians and cyclists using the lane. To avoid conflict with these users it is recommended that lane be widened to 5m between the highway and Osbaldwick village. The widening would be likely to impact on the mature hedgerow and possibly trees that border the lane. Highway Network Management does not object on highway grounds providing the road is widened to 5 metres and speed control measures introduced.

Public Rights of Way Officer - Have concerns in respect to the conflict with pedestrians and cyclists from increased use of the lane. Raise reservation in respect to future maintenance. Object

Conservation Officer - No objections.

Nature Conservation Officer - No objections to the proposal. The fields are a good example of 'ridge and furrow', however, it is not considered that the loss of this through the works is sufficient to justify refusal of the application. Generally concur with the content of the applicant's biodiversity report.

The proposal may need significant drainage works and the removal of hedgerows associated with the widening of Metcalfe Lane. The hedgerows may be protected. The nature conservation impact of the drainage and highway improvements will need careful consideration and may raise objections on biodiversity and historical grounds.

Landscape Architect - The site lies within character type 10 of the 'York Landscape Appraisal'. Pastoral farming, hedgerows and traditional field patterns are identified

within this character type. It is considered that the development threatens this. The proposal will be visually intrusive and could lead to gradual degradation of the site. During the winter the site will be exposed to view through the lattice work of bare hedges. The road widening will also damage hedges. The site is close to existing housing and areas where new housing is proposed. The damage to the landscape conflicts with policy GP1 of the Local Plan.

Lifelong Learning and Culture - Support the provision of new allotments in Osbaldwick. This is in accordance with the recommendation set out in the 2007 PPG17 Open Space, Sport and Recreation Study Executive summary page xi. We would prefer that the site was developed for "traditional" allotments rather than polytunnels as more land could be brought into cultivation and more demand met.

York Consultancy - The development is in Flood Zone 1 and should not suffer from river flooding. Insufficient information has been provided by the developer to determine the potential impact the proposals may have on the existing drainage systems.

3.2 External

Parish Council - Object to the proposal. The following concerns are raised:

- * The area is an attractive landscape. Metcalfe Lane is attractive in its own right and an important buffer to built development.
- * The area should remain free from development as it is Green Belt.
- * Development will cause conflict between vehicles and pedestrians and cyclists.
- * The junction with Osbaldwick village is a known accident blackspot.
- * Issues need to be addressed in respect to the applicant's right to maintain or alter Metcalfe Lane.
- * The proposal will conflict with a paddock owners right of access across the field.
- * The ridge and furrow should be protected.
- * The proposal will harm wildlife and biodiversity.
- * The polytunnels and loss of hedgerows associated with the access/road widening will detract from the conservation area.
- * There are flooding concerns in respect to Eastern House and nearby grazing land.
- * The increased use of the site and associated traffic will detract from the living conditions of properties adjacent to the site.
- * Question the demand for the facilities by the 'community' and request that if it is approved it is conditioned that the buildings are removed when no longer needed.

Neighbours

Letters of objections have been received from the occupiers of 7 properties including the chair of Meadlands Area Residents Association. The following concerns are raised:

- * Increased traffic will be a hazard to cyclists and pedestrians (including children cycling to school).

- * The number 6 bus has hit several vehicles at the junction of Osbaldwick Village and Metcalfe Lane.
- * There is a history of flooding in the area including at Eastern House on Metcalfe Lane.
- * The development is unacceptable in the Green Belt.
- * The flapping fabric of the polytunnels will be a noise nuisance.
- * The owner (of Metcalfe Lane (occupier of Langton House)) states that the applicant does not have a right of vehicle access or a right to widen the road - has no intention of granting access.
- * The proposal will be an eyesore and part urbanise the area and create development on a commercial scale.
- * Horses graze on nearby fields - they could be fed inappropriate foods.
- * The development would add to traffic that would result from the Derwenthorpe development.
- * Will lessen security of people's property.

4.0 APPRAISAL

4.1 Key Issues:-

- Acceptability within Greenbelt and Visual Impact
- Access and Highway Safety
- Drainage
- Wildlife
- Impact on neighbours

KEY NATIONAL GUIDANCE

4.2 Planning Policy Statement 1 sets out the Government's overarching planning policies. It sets out the importance of good design in making places better for people and emphasises that development that is inappropriate in context or fails to take the opportunities available for improving an area should not be accepted.

4.3 Planning Policy Guidance Note 2 relates to Green Belts it outlines the presumption against inappropriate development within the Green Belt. One of the key functions of the Green Belt is to retain attractive landscapes near where people live. They also fulfil a role of providing opportunities for outdoor recreation near urban areas.

4.4 Planning Policy Statement 7 relates to sustainable development in rural areas. In respect to land on the urban fringe it states (paragraph 26) that: "While the policies in PPG2 continue to apply in green belts, local planning authorities should ensure that planning policies in Local Development Document's address the particular land use issues and opportunities to be found in the countryside around all urban areas, recognising its importance to those who live or work there, and also in providing the nearest and most accessible countryside to urban residents. Planning authorities should aim to secure environmental improvements and maximise a range of beneficial uses of this land, whilst reducing potential conflicts between neighbouring land uses. This should include improvement of public access (e.g.

through support for country parks and community forests) and facilitating the provision of appropriate sport and recreation facilities."

4.5 Planning Policy Statement 25 relates to Development and Flood Risk. It seeks to ensure that local planning Authority fully consider current and future flood risk associated with new development.

KEY LOCAL PLAN POLICES

4.6 Local Plan Policy GP1 (Design), GB1 (Development in the Green Belt), GB13 (Sports Facilities Outside Settlement Limits), GP14 (Agricultural Land), GP15a (Development and Flood Risk), NE1 (Tress, Woodlands and Hedgerows), NE7 (habitat Protection and Creation), T2a (Existing Pedestrian/Cycle Networks), HE2 (Development in Historic Locations) and HE3 (Conservation Areas).

ACCEPTABILITY WITHIN THE GREENBELT AND VISUAL IMPACT

4.7 One of the key objectives of the Greenbelt is to safeguard the countryside from encroachment and prevent neighbouring settlements merging into one another. Greenbelt policy does however allow agricultural development and essential facilities for outdoor sport or recreation providing the proposal does not detract from the open character of the Green Belt, does not conflict with the purpose of keeping the land as Green Belt and does not harm the setting of the city of York.

4.8 In respect to the development's 'footprint' the proposal is undoubtedly large in scale. The structures are however relatively low. At their highest point the polytunnels would be 2.6m high. The shop and ancillary buildings would be flat roofed single storey buildings.

4.9 It is considered that the proposed polytunnels fall into the agricultural and/or outdoor recreation category. However, it is important the tunnels and other features are not unduly prominent, detract from openness or harm attractive views or landscapes.

4.10 Land to the east of Metcalfe Lane is arguably an appropriate location for the structures. This is flat land which has a reasonable screen of Hedgerows around most of the site. There would not appear to be a large number of significant public views into or across the area. Part of the development will be visible from Metcalfe Lane, however, much will be set off the lane and partly screened by the garden of Langton House and additional trees and hedgerows. It is recognised that the screening value of vegetation will be significantly less in the winter and it may be beneficial introducing some new planting, however, because of the terrain and relatively low profile of the structures they will not be unduly prominent. Polytunnels are clearly associated with agricultural/horticultural and such structures would not necessarily appear out of place in open countryside providing they are not unduly prominent. The shop and visitor car parking is more prominently located and the scale does potentially raise issues in respect to its acceptability - particularly as it is largely an additional function rather than a necessary facility associated with

agriculture/horticulture. There is also a substantial spine road proposed through the site. This is considered essential to support use of the polytunnels through the year. It is important however, that there is scope to remove the track if necessary.

4.11 The polytunnels do not have significant foundations and as such will not harm trees or hedgerows around the site. The small section of the application site that is within the Osbaldwick Conservation area is free from polytunnels. Although the development will have some impact on the setting of the conservation area most are located away from its boundary and it will in most parts be reasonably well screened.

4.12 If permission were to be granted for the proposal it is considered that the site should possibly be developed in phases given that the proposal is partly speculative in nature. It would also need to be conditioned that the structures are removed when no longer required.

4.13 Issues of visual amenity relating to the proposed road widening are considered below.

ACCESS AND HIGHWAY SAFETY

4.14 Metcalfe Lane is a private road, however, it is a well-used route for pedestrians and cyclists travelling between Osbaldwick and Heworth. There is a significant degree of uncertainty in respect to the envisaged level of traffic generation associated with the application. It is unclear how intensively the polytunnels will be used and whether users will do so on a commercial or recreational purpose. In addition, the site contains a shop/cafe with a floor area of around 100 sq.m. It is likely that this may prove popular to potential customers from the wider area and may on its own generate traffic movements far in excess of the 30-50 per day estimated in the traffic assessment.

4.15 To upgrade Metcalfe Lane to cope with additional traffic and safely accommodate cyclists and pedestrians, it is likely that widening works would need to take place. This would very likely have an impact on adjacent hedgerows and ditches and may affect the character and wildlife value of the route. The suitability of the junction with Osbaldwick Village would also need to be considered.

4.16 There is some uncertainty in respect to the applicant's legal rights to widen and make increased use of Metcalfe Lane. It would be beneficial if this could be agreed prior to any approval of the application. However, if this were to be confirmed a legal agreement/condition could be included requiring the upgrading of Metcalfe Lane prior to the installation of any polytunnels.

DRAINAGE

4.17 The applicant submitted a drainage assessment with the application. The intention is to re-cycle rainwater water and install underground water storage facilities. Engineers of York Consultancy consider that the drainage proposals are not sufficiently detailed to properly assess the implications of the scheme. The land is not at risk of river flooding, however, it does appear that surface water flooding

occurs on land in the area. It is also understood that Eastern House at the south of the site has suffered from internal flooding caused by surface water run-off.

WILDLIFE

4.18 The applicant has submitted a biodiversity assessment of the site. This concludes that the site is of limited value for wildlife and that there is little indication that the site contains grassland of significant conservation value. The assessment states that it is highly unlikely that development would breach laws that protect badgers, water voles and bats. There are some ditches and areas of water around the site that intermittently hold water, however, as they are dry for part of the year they are not considered suitable breeding grounds for great crested newts.

4.19 The assessment states that a buffer strip should be retained at the base of existing hedgerows and that opportunities should be taken to re-enforce areas of hedgerow. The small flood area at the north west of the site should be retained if possible. The area of hedgerow fronting Metcalfe Lane is of limited value for wildlife. If it were removed it would be preferable to replant a new hedge.

4.20 The Council's nature conservation officer has visited the site on several occasions. He does not oppose the current scheme on conservation grounds. He considers that the most significant element of the site is the ridge and furrow landform. It is the case however, that to be acceptable additional improvements to drainage and vehicular access may have to occur - the implications of these on wildlife may be significant and will need careful consideration.

IMPACT ON NEIGHBOURS

4.21 The neighbouring properties close to the development are Eastern House to the south, Langton House to the west and properties on the north side of Osbaldwick village.

4.22 The nearest properties are Langton House and Eastern House. Both properties have very large gardens. Following negotiations the applicant has agreed that no polytunnels will be erected within 5 metres of the rear garden of Eastern House.

4.23 It is considered that the proposal will increase traffic on Metcalfe Lane and will create some additional noise through the use of the site. It is the case, however, that the shop and roads are away from the garden boundaries and that noise associated with the polytunnels (including plastic blowing in the wind and rain hitting the surface) would not be such to cause significant disturbance within the two houses. There may be a little additional noise that could be heard when occupiers use their gardens, however, it is not considered that this would be excessive, even taking account of the semi-rural location.

5.0 CONCLUSION

5.1 It is considered that the proposal as submitted does not satisfactorily address issues of drainage or clearly indicate that the site can be accessed without detracting

from the safety and convenience of road users - particularly cyclists and pedestrians. It is unclear whether work to address improvements in this area can be delivered without detracting from the wildlife value and visual amenity of the Metcalfe Lane area.

5.2 The proposals are quite a novel initiative and the applicant has undertaken considerable work to prepare the proposal - there would seem to be some support for the initiative from charities. It is not clear, however, what the final mix of users of the proposed polytunnels would be. In addition it is unclear how many daily users would visit the site to cultivate plants or attend the proposed shop and café.

5.3 Green Belt policy seeks to protect the countryside from development, though does allow some agricultural buildings and recreational uses. The scale of the development is very large and it could possibly be argued that though the buildings are 'agricultural' in form and scale they are almost commercial and alien in number. The location on the fringe of the urban area is beneficial in that it would allow residents in east York to easily access the countryside for growing plants and food, however, the sheer number of tunnels and the scale of the car park and shop does raise some concerns in respect to whether the proposal would accord with Green Belt policy.

5.4 It is recommended that the application be refused.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Refuse

1 The proposed development would be accessed off a private road. It is considered that the application fails to indicate that the proposed improvements to the road will be adequate to cater for the increase in traffic generated by the proposal, such that it would be likely to generate conflict with the safety and enjoyment of cyclists and pedestrians who use the route. As such the proposal conflicts with policy T2a of the City of York Draft Local Plan (fourth set of changes) approved April 2005 and Central Government advice relating to traffic safety in Planning Guidance Note 13 (Transport).

2 The application fails to indicate how improvements to drainage and vehicular access will be implemented without adversely affecting the biodiversity of Metcalfe Lane and its rural character. As such the proposal conflicts with policy GP1, GP9, NE1 and NE7 of the City of York Draft Local Plan (fourth set of changes) approved April 2005 and Central Government advice contained in Planning Policy Statement 9 (Biodiversity and Geological Conservation) and Planning Policy Statement 1 (Delivering Sustainable Development).

3 The application provides insufficient information to determine the potential impact the proposals will have on the existing drainage system. These concerns are particularly significant given the history of surface water flooding in the area. As such

the proposal conflicts with policy GP15a of the City of York Draft Local Plan (fourth set of changes) approved April 2005, The City of York Flood Risk Assessment (September 2007) and Central Government advice relating to flood risk contained in Planning Policy Statement 25 (Development and Flood Risk).

4 The application fails to show that the recreational benefits to residents from the use of the site will outweigh the impact the development (including alterations to Metcalfe lane and ancillary facilities) will have on the loss of openness. As such the proposal conflicts with policy GB1, GB13 of the City of York Draft Local Plan and Central Government advice relating to development in Green Belts contained in Planning Policy Guidance Note 2 (Green Belts) and Planning Policy Statement 7 (Sustainable Development in Rural Areas).

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