

COMMITTEE REPORT

Committee: West/Centre Area
Date: 19 April 2007

Ward: Rural West York
Parish: Askham Bryan Parish Council

Reference: 07/00122/FULM
Application at: OS Field 5186 (North of BT Depot) Askham Fields Lane
Askham Bryan York
For: Reforming of land and use as an occasional 4x4 training course
(resubmission)
By: Professor G Reece
Application Type: Major Full Application (13 weeks)
Target Date: 3 May 2007

1.0 PROPOSAL

1.1 The applicant seeks planning approval to reform land and use it for an occasional 4x4 training course (resubmission).

1.2 Application 06/01791/FULM originally proposed dual usage, with 4x4's and BMX's using the site. The aforementioned application was withdrawn. The application before the committee has removed the proposed usage by BMX bicycles.

1.3 The application site relates to area of unmanaged land currently used for the storing/dumping of inert materials. Prior to the dumping of the aforementioned materials the site contours varied little. The site is bordered by agricultural land to the north and east, a BT depot to the south and a working/educational woodland to the west. Access is from Askham Fields Lane via an existing access track.

RELEVANT HISTORY

1.4 06/01791/FULM - Use of Land for BMX Track and Occasional 4 x4 Training Course - Withdrawn 5th October 2006

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Air safeguarding Air Field safeguarding 0175

City Boundary York City Boundary 0001

DC Area Teams West Area 0004

2.2 Policies:

CYGP1

Design

CYGB1

Development within the Green Belt

CYNE7

Habitat protection and creation

3.0 CONSULTATIONS

INTERNAL

3.1 Urban Design and Conservation - No Objections - Condition Included.

3.2 York Consultancy - No Objection "low risk Flood Zone 1 and will not suffer from river flooding".

3.3 Highway Network Management - No Objections - Condition Included.

3.4 Environmental Protection Unit - No Objections - Conditions Included

3.5 Lifelong Leisure and Learning - No Comments

3.6 York Consultancy - No Objections.

3.7 Urban Design and Conservation - No Objections.

EXTERNAL

3.8 Marston Moor Internal Drainage Board - No Objections - Conditions and Informatives.

3.9 Yorkshire Water - No Objections - Conditions Included.

3.10 Askham Bryan Parish Council - Objections.

- * Lack of Information.

- * Concerns about the range of vehicles.

- * Concerns about noise pollution.

- * Has the site been used previously without Planning Permission.

3.11 Two letters of objection have been received regarding the applicants' proposals. The letters raise the following concerns.

- * Concerns about the burning of Waste Materials.

- * Problems with Litter.

- * Highway Concerns.

- * BMX and 4 x 4 do not mix.

- * Concerns about parking

* No toilet facilities on the site "students have been seen urinating in the bushes"

4.0 APPRAISAL

KEY ISSUES

Green Belt
Landscaping/Nature
Imported Materials
Noise
Parking
Hydrology

POLICY CONTEXT

4.1 GB1 - Development in the Green Belt: states that planning permission within the Green Belt will only be granted where:

- a) the scale, location and design of such development would not detract from the open character of the Green Belt; and
- b) it would not conflict with the purposes of including land within the Green Belt; and
- c) it would not prejudice the setting and special character of the City of York

AND it is for one of the following purposes:

- * agriculture and forestry; or
- * essential facilities for outdoor sport and outdoor recreation; or
- * cemeteries; or
- * limited extension, alteration or replacement of existing dwellings; or
- * limited infilling in existing settlements; or
- * limited affordable housing for proven local needs; or
- * limited infilling or redevelopment of existing major developed sites; or
- * minerals extraction, provided high environmental standards are attainable;
- * or highway works or other essential operations including waste disposal; or
- * park and ride facilities; or
- * reuse of existing buildings.

All other forms of development within the Green Belt are considered inappropriate. Very special circumstances will be required to justify instances where this presumption against development should not apply.

4.2 Policy GP1 'Design' of the City of York Development Control Draft Local Plan 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.

4.3 Policy NE7 'Habitat Protection and Creation states "development proposals will be required to retain important natural habitats and, where possible, include measures to enhance or supplement these and to promote public awareness and enjoyment of them.

Within new developments measures to encourage the establishment of new habitats should be included as part of the overall scheme.

4.4 Planning Policy Guidance Note 2 'Green Belts' sets out the purposes of including land within Green Belts and establishes specific categories of development that are appropriate within Green Belts. All other development is deemed inappropriate and therefore harmful to the Green Belt. For such development to be acceptable in Green Belts very special circumstances must be demonstrated to show that the harm is outweighed by other considerations. Policy E8 of the North Yorkshire County Structure Plan establishes a Green Belt around the City of York and Policy E9 states that planning permission will only normally be granted for the change of use or redevelopment of existing buildings in connection with agriculture, outdoor sport, cemeteries or large institutions and 'other uses appropriate in a rural area'. The boundaries of the Green Belt are detailed on the Proposals Map of the City of York Local Plan Deposit Draft (CYLPDD) and this site clearly falls within the Green Belt.

GREEN BELT

4.5 The site will be predominantly used to educate students/member of the public in the skills required for safe off road driving, however at certain times (currently unspecified)of the year the facilities will be available for recreational purposes. The proposed usage is therefore considered to be appropriate, within the designated Green Belt and compliant with the principles of Local Plan Policy GB1.

4.6 The proposed mounding will vary considerably across the site to provide both interest and complexity. Heights vary between 1 metre and 4 metres above the original ground level, which in places is comparable with that existing currently. The proposed tree planting will be located on higher bunds and will replicate the existing planting, found along the western boundary. The additional planting and contouring will replace both the sporadic mounding and self seeded vegetation and is not considered to detract from the open character of the designated Green Belt.

LANDSCAPING AND NATURE

4.7 Planting will include a range of indigenous trees, shrubs and wildflower species, bolstering landscape interest and wildlife diversity. Dense planting has been proposed along existing boundaries to mitigate any visual impact and muffle sound from vehicles.

IMPORTED MATERIALS

4.8 The source for the inert materials need to create this particular facility has not yet been identified. The applicant has been in discussion with the Environment Agency, who have expressed a willingness to grant a "Tipping Licence". Conditions have been included, requiring the applicant to provide samples of any materials proposed to be tipped on the site.

NOISE

4.9 It is accepted that the proposed usage will increase noise levels both on and around the access site. The site will only be used by 4 x 4 vehicles and tractors. Conditions have been included, restricting the usage to "no more than two days in any one 7 day period", this in conjunction with the increased planting should go along way to alleviating concerns raised by objectors. The applicant and the Environmental Protection Unit have stated/requested respectively that the access gate is locked when the site is not in use. Locking the gate will stop unauthorised usage, which could subsequently increase noise levels at inappropriate times of the day.

PARKING

4.10 An existing hard standing provides parking for approx. 16 vehicles. Additional parking for those taking certificated courses is provided within the main college campus. Highway Network Management have no objections to the scheme.

HYDROLOGY

4.11 Yorkshire Water, Marston Moor IDB and York Consultancy have no objections to the applicants proposals. Conditions and informatives have been included to secure and protect both the local aquatic environment and service infrastructure.

5.0 CONCLUSION

This particular application is considered to be acceptable in this instance and is therefore recommended for approval.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2

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

GD0105 - Proposals Plan and Plant Schedule.

or any plans or details subsequently agreed in writing by the Local Planning Authority as an amendment to the approved plans.

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

3 The use hereby permitted shall be confined to the following hours:

Monday to Fridays	08.30 hrs to 18.00 hrs
Saturdays	not at all
Sundays and Bank Holidays	not at all

Reason: To protect the amenity of nearby occupants from noise.

4 The site shall be used by motor vehicles for no more than two days in any one 7 day period.

Reason: To protect the amenity of nearby occupants from noise.

5 Prior to first use the site shall be suitably secured to prevent the unauthorised access of the site, in accordance with a scheme submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the amenity of nearby occupants from noise which may be associated with unauthorised use of area by motorised vehicles.

6 All demolition and construction works and ancillary operations, including deliveries to and dispatch from the site shall be confined to 08:00 to 18:00 Monday to Fridays, 09:00 to 13:00 Saturdays and no works at all shall be carried out on Sundays and Bank Holidays.

Reason: To protect the amenity of local residents during the construction of the development.

7 An assessment of the contamination status of soils brought onto site shall be undertaken. The results of the investigation shall be submitted to and approved by the local planning authority in writing prior to any development commencing on the site.

Reason: to Protect the Health of users of the track

8 Unless otherwise agreed in writing by the Local Planning Authority, no building or other obstruction (including the planting of trees), shall be located over or within 3 metres either side of the centre line of the sewer.

Reason: In order to allow sufficient access for maintenance and repair work at all times.

Informative

A developer may, where it is reasonable to do so, require a sewerage undertaker to alter or remove a pipe where it is necessary to enable that person to carry out a proposed improvement of land. This provision is contained in section 185 of the Water Industry Act 1991 that also requires the developer to pay the full cost of carrying out the necessary works.

9 LAND1

10 Prior to the development commencing details shall be submitted to and approved in writing by the Local Planning Authority of the measures to be employed to prevent the deposition of mud and other detritus on the public highway by vehicles from the site.

Reason: To prevent the deposition of mud and detritus creating a hazard on the public highway.

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 designated Green Belt, visual amenity, landscaping and noise. As such the proposal complies with PPG2 and Policies GP1, NE7 and GB1 of the City of York Development Control Draft Local Plan.

2. DRAINAGE ROUTES

All drainage routes through the Site shall be maintained both during the works on Site and after completion of the works.

Provisions shall be made to ensure that upstream and downstream riparian owners and those areas that are presently served by any drainage routes passing through or adjacent to the Site are not adversely affected by the development.

Drainage routes shall include all methods by which water may be transferred through the Site and shall include such systems as ridge and furrow and overland flows. The affect of raising Site levels on adjacent property must be carefully considered and appropriate measures taken to negate influences.

In addition the applicant should be advised of their general responsibilities:

3. RIPARIAN MAINTENANCE RESPONSIBILITY

Any watercourse adjacent to and/or affected by this development is not maintained by the Board.

The responsibility for the continued maintenance of any such watercourse and its banks rests ultimately with the riparian owners.

4. INTERFERENCE WITH COMMON LAW RIGHTS

The Applicant should be aware of his responsibilities to ensure that the proposals do not interfere with riparian owner's Common Law rights to receive water undiminished in quantity or quality.

If any watercourses crossing the Site are interrupted or diverted then, notwithstanding the need for any statutory Consents or Licences, it is the Applicant's responsibility to take appropriate steps to protect the rights of the riparian owners, for which he has a liability.

It is the Applicants responsibility to ensure that his proposals do not cause or exacerbate flooding problems for others as a result of his proposals.

5. Your attention is 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 considered.

a 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".

b 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.

c 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.

d 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.

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

f There shall be no bonfires on the site.

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