

COMMITTEE REPORT

Committee: East Area
Date: 14 June 2007

Ward: Haxby And Wigginton
Parish: Wigginton Parish Council

Reference: 07/00072/FUL
Application at: Creepy Crawlies The Arena Clifton Gate Business Park
Wigginton Road Wigginton
For: Proposed creation of outdoor adventure play area and animal
area, formation of new pond and new doors to existing play barn
By: Creepy Crawlies
Application Type: Full Application
Target Date: 8 March 2007

1.0 PROPOSAL

1.1 This application is to create an outdoor adventure playground on land to the east of the Creepy Crawlies Play Barn, part of the Clifton Gate Business Park off Wigginton Road. The land in question is currently a combination of the gravel car park behind the play barn and an adjacent field which is used in connection with the historic use of this land as a Riding School. The area proposed extends approx. 110 metres from the rear elevation of the play barn and is between 60 and 70 metres wide.

1.2 The proposal will comprise the creation of a large area with pathways, new tree planting and play areas comprising a range of play equipment, including a 'jungle bridge and rope climb. In addition a small pond is proposed in the south eastern corner of the site. A small seating area for parents and a toy train is also shown immediately adjacent to the Creepy Crawlies building. New fencing is also shown around the perimeter of the site for security purposes. New trees will be planted throughout the site and walkways will weave through these. Approx half the site area is now shown to be used as an 'animal petting' area which includes peacocks, Guinea Pigs, Rabbits, lamas, sheep and goats and ponies and donkeys. The pathways will run past these areas in order for the children to interact with these animals.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams East Area (2) 0005

2.2 Policies:

CYGB1

Development within the Green Belt

CYGB13
Sports facilities outside settlements

CYGP4A
Sustainability

3.0 CONSULTATIONS

3.1 INTERNAL.

3.2 Highway Network Management.

The application is to create an external play area to the existing play centre. Information supplied by the applicant has stated that the site can only accommodate a certain level of children through health and safety legislation and this will not increase as a result of this application.

In light of this officers are of the view that there will not be any increase in traffic / numbers visiting the site over and above the existing lawful situation. Based on this statement there are no objections raised.

A full parking plan for the site has been received and officers comments are awaited on this and any conditions recommended as a consequence of this additional plan will be reported to members.

3.3 EPU.

The Environmental Protection Unit has no objections to this application, however, the site is to be used as a playground for children and as such I have concerns regarding the possible contamination of the land, adversely affecting the safety of the proposed use. I also have concerns regarding the noise from the development adversely affecting the nearby residential properties. Conditions and Informatives pertaining to contaminated land are recommended.

3.4 York Consultancy Internal Drainage Body.

The development is in low risk Flood Zone 1, and should not suffer from river flooding.

No objections.

3.5 EXTERNAL.

3.6 Wigginton Parish Council.

Whilst not objecting in principle we would wish to bring the increase in traffic to your attention. The south entrance is too close to the ring road and traffic using it causes problems to the traffic flow of the ring road. The current entrance to the car washing facility would be a more acceptable option and one that we would support. However, the signage and the need for a full size (double width) road entrance is essential.

3.7 Third Parties.

No objections received from any neighbours or other outside parties.

4.0 APPRAISAL

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4.1 KEY ISSUES.

- Green Belt.
- Highways.
- Neighbour amenity.

4.2 Green Belt.

The site in question is predominantly on land used in connection with the historic use of the land as a Riding School and whilst this use has diminished somewhat recently, this part of the site is still used in connection with the Riding School and therefore has a lawful D2 use as defined in the Use Classes Order 1987 (as amended 2005). The use of land as an adventure playground / outdoor recreation also falls under Class D2 and therefore there is no Change of Use of the land to consider here.

4.3 PPG2 Green Belts states in para. 3.12 that engineering and other operations are inappropriate development unless they maintain openness and do not conflict with the purposes of including land in the Green Belt. The play equipment and structures proposed and the formation of the footpaths and the pond would all constitute engineering operations that would come under planning control and therefore para. 3.12 is relevant in this case. The relevant part of Para. 3.12 states that 'The carrying out of such operations (engineering operations) and the making of material changes in the use of land are inappropriate development unless they maintain openness and do not conflict with the purposes of including land in the Green Belt'. The main issue is therefore whether the creation of this area would maintain openness.

4.4 The area in question is extensive in size (approx. 0.86ha) and would largely replace an open field currently used as a jumping paddock in connection with the Riding School use. It is therefore essentially open land and views across from the A1237 reflect this. A use in connection with horse related development which largely maintains open pasture land would generally be an example of the type of rural use which would be appropriate and sit easily within a green belt location with regard to providing opportunities for outdoor recreation, one of the objectives of the use of land in the green belt as defined in para. 1.6 of PPG2. The type of use proposed here would constitute a development, which would result in a more formal type of development, within which would be urban elements not generally associated with the Green Belt.

4.5 Officers consider that there are several different components to the proposed scheme and these will inevitably have some impact on the openness of the Green Belt. However, some of what is proposed would, in its own right, be permitted development over which the Council would have no control and it is a material consideration here to consider what the applicant could create without planning permission given that the use itself as a play / recreational area does not require planning permission. The land in question will be surrounded by a 1.8 metre high post and rail and mesh fence (the mesh for the purposes of security) and at this height, this would be permitted development. The design of fence has been

amended and replaces the paladin style fencing one associates with schools and industrial parks and which was originally proposed here and which officers felt was unacceptably urban in appearance and hence unsuitable for this site. The post and rail fence now proposed is more rural in appearance and is therefore better related to this type of area. On the eastern side of the site adjacent to the A1237 the proposed area will be behind an existing mature hawthorn hedge and this will to a large extent help to screen the development from view, although the hedge is quite fragmented and bare in places. A similar style 1.2 metre high post and rail fencing will be used to contain the animals throughout the site and this is acceptable.

4.6 It is also acknowledged that the planting of trees per se does not require planning permission and again technically this could be done even if this application was to be refused. However, as the proposed planting forms part of the overall application and is within the application site area, such matters can reasonably be considered. Even new tree planting can be harmful to the openness and appearance of the Green Belt as often the arrangement can be quite formal in layout and can use more ornamental type trees such as in a domestic garden. They would be specifically placed around the pathways and play areas and rather than looking like a natural coppice or wooded area this can appear much more fragmented and regimented. This would result in a more unnatural, formal appearance as opposed to the natural openness that the site now offers. However, given officer concerns over this the applicants have submitted a more detailed and better quality landscaping plan, the details of which are with the Council's Landscape Officer for comment. Any recommended conditions as a result of this will be reported to members at the meeting.

4.7 The play equipment and structures proposed are mainly concentrated on the southern and western boundaries. All of these, along with a proposed timber 'kiosk' require planning permission as they constitute development and are not permitted development. The main issue for members here therefore is whether these structures harm the openness of the Green Belt in line with the advice in para. 3.12 of PPG2.

4.8 The structures are shown to be mainly constructed out of timber and other natural materials and this is welcomed. The sort of structures shown include a rope climbing forest, a rope swinger, 'jungle' bridge and a sensory play area of low level equipment along with a sandy play area and picnic lawn. The largest piece of equipment is the rope climbing net at 5.80 metres high with the rope swinger 3.7 metres high. The jungle bridge and sensory play equipment is lower level and is unlikely to be seen outside of the site. Despite its height the climbing forest is made of timber posts and netting and whilst it will be visible from outside of the site, officers do not consider its overall impact to unduly harm openness as there will be views through the structure and its overall size is not excessive. The central pole is 5.8 metres high but the majority of the equipment is approx. 4 metres high and this is not unreasonable. The same goes for the rope swinger and the jungle bridge.

4.9 A new pond is proposed to be excavated in the south western corner of the site which will be used as an educational tool and natural area. This will be fenced off for security and will children will only be allowed in this area under supervision. The pond would not be permitted development as its excavation would constitute an

engineering operation. However, this will be a shallow pond of approx 1 metre deep in the centre which will have no impact on the openness of the green belt. Any spoil from this will be used to form modest grass mounds around the remainder of the site area.

4.10. New large doors will be placed in the eastern elevation of the Creepy Crawlies building in order to facilitate access from the building out into the new facility. The building is not being extended and the proposed alteration is relatively minor which will not harm the appearance of the building or the openness of the Green Belt.

Highways.

4.11 Creepy Crawlies is just one use within the Cliftongate Business Park, other uses including Autosave, Millennium Windows, a bus company and Fat Boy's Pizzas. All of these uses require car parking within the site although the main traffic generator is Creepy Crawlies. The use that is Creepy Crawlies came about because they occupy a building which was the former Indoor Riding School building in the site's former guise as York Riding School (a use which still exists on site but in a much reduced form). Both uses fall within the D2 Use Class of the Use Classes Order and therefore Creepy Crawlies did not require planning permission in order to start operating within this building. Therefore there is no planning restriction on the current Creepy Crawlies business in terms of the numbers of people who can use the facility. However, Creepy Crawlies is a popular use and this generates more traffic on a day to day basis than the Riding School did and it is therefore important, in highway safety terms, to ensure that this is not further added to and consequently becomes more of a highway danger than the present situation.

4.12 Although there is no Planning control over numbers as such, Creepy Crawlies is bound by separate Health and Safety legislation. This restricts the numbers who can use the facility to 197 children at any one time. Whilst this does generate substantial extra traffic into the site, the Local Planning Authority cannot control this. However, officers consider it important to ensure that this new outdoor facility does not generate significant further extra traffic on top of this by allowing the proposed outdoor facility to be used as a separate entity without reliance on the existing building. In a worst case scenario, this could have allowed the maximum 197 children in the inside facility and the same number, if not more, outside. This would generate substantial extra traffic movements into the site which would be wholly unacceptable, particularly the number turning right into the site off Wigginton Road. Furthermore, parking provision within the site would not be able to cope with this extra number of vehicles.

4.13 Therefore it is recommended that a condition be attached which restricts the number of children using both the indoor and outdoor facility combined to 197 with the addition of up to a maximum of two group parties which could use only the outdoor facility and which arrive at the site by coach. This would restrict movements in line with the maximum that would be possible at present under Health and Safety requirements but if necessary allow group visits by local schools or young adults with learning difficulties, an offer which the applicant is keen to encourage. This would comprise a small additional number of individual movements for coaches but would not significantly increase the amount of traffic using the site and consequently give the Local Planning Authority the control it is seeking. A full car parking layout for the

site has also been submitted showing 115 car parking spaces allocated to Creepy Crawlies. This encompasses the area to the front of the site which is currently laid out as a car park and a more formal arrangement to the rear of the buildings which currently can be used to park cars but is not laid out formally. The parking plan leaves 13 spaces in connection with Autosave and 12 in connection with Millennium Windows and this seems adequate. The formal comments of the highway officer are still awaited on the above but if acceptable to them then this parking layout would be a condition of approval.

Neighbour amenity.

4.14 There is one house approx. 20 metres to the south west of the proposed facility which is not in the ownership of the site owner (the applicant leases this site off the site owner) although it is occupied by a member of the site owners family. Although there will inevitably be some impact on amenity through noise and disturbance from this proposal, no objections have been raised by these people to the proposal and any future owners will be aware of the facility being there. This property is already very close to a multitude of other uses which one would not associate with a residential area and it is unlikely that this proposed use will be significantly worse than the sum total of those. Officers are not proposing an hours of use restriction for these reasons and given that that the type of use is likely to be self restricting to daylight hours, predominantly during the hours 9am until 6pm.

5.0 CONCLUSION

5.1 The proposal seeks to form an outside play area in addition to the indoor use currently adjacent to it. The site is in the Green Belt but the use proposed falls within the same D2 classification as this land currently enjoys now. Under permitted development essentially the applicant could fence this piece of land off (providing the fence is below 2 metres high), and simply use it as an area for children to run around as a safe outdoor area linked to the existing indoor play facility. However a more formal recreational area is sought and the proposed play equipment, pond and any other new structures do require planning permission. Therefore the area as a whole is subject to a planning application in order to assess the overall impact of the development and should be considered as a whole package, but with reference to the applicant's fall back position of their permitted development rights.

5.2 Officers consider that the proposed structures and play equipment offer a limited amount of development and therefore do not harm the openness of the Green Belt in line with para. 3.12 of PPG2. They have been consolidated around a smaller area close to the existing building as opposed to across the whole site as originally submitted. The enclosure fence around the site, now comprising a post, rail and mesh fence as opposed to the paladin security style fence as originally submitted is an improvement which is welcomed. An extension to the car park into this field (again as originally submitted) has been deleted following officer concerns about the impact this will have on the Green Belt and this does result in a better quality scheme overall. Any comments the Council's Landscape officer may have on the formal landscaping scheme recently submitted are awaited.

5.3 Subject to conditions restricting the number that can use the indoor and outdoor play areas to essentially existing numbers and the final comments of the highway officer on this issue, there are no objections from the case officer to the scheme on highway safety grounds.

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:-

- Layout plan LS 073 Drawing no. LP2
- Fencing Proposal LS 073 Drawing no. LP2
- Section Plan LS073 Drawing no. OU4
- Building alteration LS073 Drawing no. BA1
- play equipment details 'Lilse-Bergen' system, 'Super Rope end swinger' and 'Jungle Bridge' and 'proposed kiosk' received and date stamped 'City of York' 30th May 2007.

or any plans or details subsequently agreed in writing by the Local Planning Authority as 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 Access and payment to the outdoor play area hereby permitted shall only be from inside the existing indoor play barn and the maximum number of children attending the indoor and outdoor play facility combined shall not exceed 197 children at any one time, with the exception that in addition to this maximum number of children, up to two group parties which use only the outdoor play area and which arrive at the site by coach can attend the site at any one time.

Reason. In the interests of highway safety as any increase in the maximum number of children who can use the building and consequently the number of vehicles accessing the site from Wigginton Road has not been properly assessed and may constitute a highway danger.

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 Green Belt and issues of highway safety and neighbour amenity. As such the proposal complies with Policy E9 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and Policies GB1, GB13 and GP4A of the City of York Draft Local Plan incorporating the 4th set of changes approved April 2005.

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