

COMMITTEE REPORT

Committee: Planning Committee **Ward:** Wheldrake
Date: 27 September 2007 **Parish:** Wheldrake Parish Council

Reference: 07/01649/FULM
Application at: OS Field 8800 Church Lane Wheldrake York
For: Change of use from agricultural land to allotment gardens including associated sheds, new vehicular access, car parking, composting toilet and community equipment store
By: Chris Thackray
Application Type: Major Full Application (13 weeks)
Target Date: 15 October 2007

1.0 PROPOSAL

1.1 This application relates to the use of 2.14 Ha (5.3 acres) of land as an allotment site.

1.2 The site is located on the east side of Wheldrake village. It is bounded by Church Lane and Thorganby Lane to the north and east, by a residential property and open fields to the west and an access serving Wheldrake Hall Farm to the south. The land is currently an arable field.

1.3 The proposal, which has been amended since first submission, is to construct a new vehicular access from Thorganby Lane to serve the site, provide car parking for 12 vehicles and internal access roads, compost toilet (6 foot by 4 foot shed) and community equipment store (10 foot by 8 foot shed). The sub-division of the site into allotment plots consisting of 23 full plots and 36 half plots. The proposal includes the construction of 40, 6 foot by 4 foot sheds being one shed per two half plots and one shed per full plot (no shed is proposed on the full community plot). Pedestrian access to the site will be via an improved existing pedestrian access from Church lane. Cycle racks are to be provided close to the pedestrian access. Copies of a tenancy agreement to be used for the letting out of the allotment plots and a constitution have also been submitted with the application.

1.4 A site visit is proposed because there are objections to the application and the application is recommended for approval

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

3.0 CONSULTATIONS

3.1 Internal

Highway Network Management - Commenting on the original details states the overall proposal is difficult to categorise and whilst it may have sound ecological and social qualities it does nevertheless raise a number of highway issues:-

Traffic- no estimate of type number or frequency is included

School plot - concerned about how children will come to and use the site.

The village sign obstructs visibility at the access traffic speeds the site is outside the 30MPH speed limit

Access improvement would need conditioning

Comments on amended plans:-

The vehicle entrance has now been re-located around the corner onto Thorganby Lane (continuation of Church Lane) on the Eastern side of the site. There are no objections to this new location subject to relevant standard highway related conditions being applied to any permission granted regarding the construction, dimensions, sightlines etc. It is noted however that a shallow ditch fronts the site at this location; the relevant drainage authority should be consulted as to their requirements regarding the bridging of the ditch.

The pedestrian / cycle entrance is being retained in the original location. Full details of its design and location will be needed by condition. There are currently proposals to extend and improve the street lighting network in Church Lane. It is thought probable that the pedestrian entrance can be incorporated into this but the entrance will need to be moved to as near the limit of the western extent of the boundary as possible. It is a further recommendation that the 30m.p.h. limit be extended to include the entrance and it is probable that this too can be achieved by simply moving the signs to the appropriate positions since with street lighting in position the procedure and expense involved in a variation in traffic regulation orders will not be required.

Because the school is not now having a plot, the prospect of many schoolchildren en masse to the site is removed and accordingly the need to widen the existing Church Lane footway,, is no longer considered necessary. Improvements at the crossing point to the entrance will still be necessary though but these can be included in the design detail condition for the entrance itself.

Details will be required of the cycle rack. Approximately half of the plots are shown to have sheds, therefore a general provision for 24 cycles is considered adequate but for convenience it is recommended that this be by way of, say, four racks of six covered 'Sheffiled' stands each, in diverse locations. The new layout results in direct vehicular access being apparently available to approximately only one third of the plots, and it is queried how the "land-locked" plots are to be accessed by both vehicle and foot/cycle.

The overall on-site car parking block of twelve places at the entrance and a useable spine road of a nominal width of 5m is probably adequate, but it is considered that "overspill " facilities be available in the community areas for instance to avoid the possibility of cars having to park outside of the site on the public highway.

Any vehicles associated with organised social events as mentioned in the association rule book must be accommodated within the site and not spill over onto the public highway; the use of the site for public occasions has obvious greater highway implications especially in terms of traffic as. Despite the parochial nature of the application site, "public events" could be attended by visitors from outside the immediate area.

There is no mention of any servicing requirements for the site and the need to accommodate occasional larger vehicles such as bin wagons.

it is recommended that Conditions be attached to any permission to ensure that the car park is properly surfaced, the details of the pedestrian access and cycle parking are implemented to highways specification and that the construction of the access over the ditch is carried out in an appropriate manner.

Allotments Officer - fully supports the Wheldrake Community Allotments Association's plans for this site and makes the following points:-

The group have good local support and appear to have thought through issues such as access, impact on neighbouring properties and green belt character.

The plans do not include any land drainage but as the land has been used for arable crops and is on the naturally well drained moraine, extra drainage doesn't appear to be necessary.

As the entrance is just outside the 30mph speed limit and in a bend of the road, it would be safer if the speed restriction could be extended beyond the gateway and a concealed entrance sign installed, for traffic approaching from Thorganby.

The Committee would really like to be able to offer tenants the choice of a limited range of subdued colours for staining their sheds, rather than restricting them all to brown but were advised that a single colour would be more acceptable in planning terms.

Additional comments on amended plans:-

The number of sheds is appropriate to the number of plots on the site. By comparison with other York allotment sites, it is likely that only half the tenants will choose to install a shed in the first year.

Having a compost toilet on site would encourage some people who might otherwise drive to the site, to consider travelling by foot or bike. Tenants on other sites have told me that they drive so that they can 'pop home' easily. Hempland Lane allotment association have recently installed a compost toilet and could advise on details, once WCAA reach this stage.

Storing shared equipment on site, in the community equipment store, could also reduce vehicle journeys.

The constitution of WCAA was based on models used by existing York allotment associations.

The Draft Tenancy Agreement mentioned is closely modelled on the agreement used for City of York allotment sites. Additional clauses have been added in the interests of good management, given the special circumstances of this site.

The Hedging Strategy looks well thought out.

The association will need to make clear to tenants that the central access road is for deliveries only and that cars should all be left in the car park. If this road is seeded with grass it will encourage tenants not to drive on it while the grass establishes.

The shed type proposed by the association is a good specification at a reasonable price.

Involvement of schools in allotment sites is problematic due to school holidays coinciding with the peak growing season. The inclusion of community areas means that the allotment site will potentially be an educational resource for school visits, without the school needing to take on the responsibility of their own plot. The proposed mix of full and half plots looks appropriate to the mixed gardening community to be found on most allotment sites now.

Environmental Protection - The Environmental Protection Unit have concerns with this application regarding contaminated land. Due to the creation of a sensitive end-use, in the form of allotments, the 4 point contaminated land condition is requested. The site investigation should look at the historic use of the site and also take into account the current and historic off-site activities that could affect the proposed end-use.

3.2 External

7 letters of objection have been received to the original proposal covering the following points:-

- devaluation of property
- increase in traffic in an area which is already a dangerous traffic hazard due to the sharp bend in the main road
- possibility of overflow traffic into Blue Slates close as the car parking proposals look inadequate
- the possibility of the increase in vermin
- possibilities of smoke and smell to the houses in close proximity to the proposed plots
- What controls are in place to ensure the site does not become an unsightly mess
- there is no provision for footpath access from the village
- highways should be consulted
- There is no mention of toilet facilities
- there is no mention of site controls
- no detail with regard to live stock
- no mention of voluntary controlling covenants
- The number of sheds will be an eyesore
- No mention of whether the allotments are to be used for commercial use
- people should use their own gardens to grow vegetables
- What is the community area
- not sure if the sheds are to be regulated this raises issues of tidiness
- The allotments should be located north of the village on Broad Highway
- The school and community areas are to make the site look more inclusive
- The nursing home want a plot because they have exploited their site with too many extensions

- The boundary west of the site should be improved and maintained
- suitable restrictions should be placed on noise from garden machinery and radios and on the lighting of bonfires
- restrictions should be placed on the quantity and type of livestock to be kept at the site

Any additional comments received as a result of the amended plans will be reported direct to Committee.

3.3 Publicity

The application is classed as a major proposal because of the site area. the application has been advertised in the paper. This advert does not expire until the 3rd October 2007. A site notice has been placed at the site, this expired on the 14th August 2007. Properties adjacent to the site were notified of the application and objectors were re-notified on the amended proposals. The letters on the amended proposals expire on the 24th September 2007.

4.0 APPRAISAL

4.1 Key Issues:-

- Policy background
- Consideration of green belt and rural location issues
- Highways issues
- Impact on Residential Amenity

4.2 The site is located within the green belt. PPG2 entitled 'Greenbelts' says at paragraph 3.12 'The making of material changes in the use of land is inappropriate development unless they maintain openness and do not conflict with the purposes of including land in the green belt' inappropriate development should not be granted unless there are very special circumstances. In terms of the construction of new buildings in greenbelt these are inappropriate development unless they are essential facilities for out door sport and recreation. Essential facilities should be genuinely required for uses of land which preserve the openness of the green belt and do not conflict with the purposes of including land in it. policy E8 of the North Yorkshire Structure Plan and GB1 of the draft City of York local plan set out similar requirements to PPG2.

4.3 PPS7 'Sustainable Development in Rural Areas' sets out Government objectives for rural areas. One of the objectives is to raise the quality of life and the environment in rural areas through the promotion of thriving, inclusive and sustainable rural communities ensuring people have decent places to live by improving the quality and sustainability of local environments and neighbourhoods

4.4 The definition of open space in PPG17 says that open space should be taken to mean all open space of public value that offers important opportunities for sport and recreation and can also act as a visual amenity. Open spaces that may be of public value are set out in the definition and include allotments. In relation to planning for new open space and sports and recreation facilities, paragraph 26 of PPG17 says that in rural areas those sports and recreation facilities that are likely to attract significant numbers of participants or spectators should be located in, or on the edge

of, country towns. Smaller scale facilities will be acceptable where they are located in, or adjacent to villages to meet the needs of the local community. Developments will require special justification if they are to be located in open countryside, although proposals for farm diversification involving sports and recreation activities should be given favourable consideration. All development in rural areas should be designed and sited with great care and sensitivity to its rural location.

4.5 GP1 of the Draft local plan expects that proposals will respect or enhance the local environment and ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures.

Consideration of green belt and rural location issues

4.6 The growing of vegetables is an agricultural activity. The growing of vegetables in an allotment environment involves the formalisation of land into small plots and the construction of infrastructure necessary to accommodate a higher level of site usage, by a number of individuals growing vegetables as a hobby rather than for commercial reasons. This view appears to be supported by the definition of open space within PPG 17 which includes allotments; It is officer's opinion that the proposal represents a change of use of land from agricultural to recreational use. PPG2 says that changes of use are inappropriate development unless they maintain openness and do not conflict with the purposes of including land in the green belt. The five purposes of including land in the green belt are to check the unrestricted sprawl of large built up areas; to prevent neighbouring towns from merging into one another; to assist in safeguarding the countryside from encroachment; to preserve the setting and special character of historic towns; and to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

4.7 The proposal involving the formation of a new vehicular access point, internal access road, pedestrian access, toilet facilities, community store sheds and car parking will add a degree of formality to the site which will be visually discernable from its current agricultural use however the level of works proposed are not considered to be significant or detrimental to the visual openness of the green belt or to undermine the purposes of including land in the green belt. The proposals are not considered to be inappropriate development and therefore do not need to justify very special circumstances.

4.8 The buildings proposed; the 42 sheds (6'by 4' each), the community store and composting toilet, are considered to be compatible with essential facilities required for outdoor sport and recreation as set out in paragraph 3.5 of PPG2. The buildings have been sited to minimise their visual impact and when plants are established within the site many of the buildings will be completely obscured.

Highway issues

4.9 Highways network management has no objections to the siting of the new access or the use of the pedestrian access to the site. The formation of these two accesses can be covered by condition. The real difficulty with the application is trying to assess the level of traffic associated with the use of the site, particularly in relation

to the community plot. The applicant states in the application that it is proposed to open the site to the village twice a year but to open it on a limited basis for the advantage of local groups such as garden societies, women's institutes, church and youth groups. The extent to which these impact on the highway will to a great extent depend on how the site is managed but it is considered that in planning terms these additional activities can be accommodated within the site and can only be beneficial to the community as a whole. In the absence of a formal objection from the highways officer in relation to the community use of the site, I can see no basis to resist the proposal from a highway stand point.

Impact on Residential Amenity

4.10 The nearest property to the site is Lyngarth which is located on the western boundary of the site. The proposals include the improvement of the hedge boundary between the site and this property, this will ensure privacy between the two sites. The access, having been repositioned away from the entrance to Lyngarth will ensure that there is no conflict between vehicular accesses. The allotment tenancy agreement submitted with the application seeks to ensure that each tenant uses their plot in a neighbourly manner. In particular no bonfires are to be lit on individual plots and noise is to be kept to a minimum. With the tenancy agreement in place Officers are satisfied that the proposals will not adversely impact on adjacent residents. The details of the application are considered to comply with the requirements of GP1 of the draft local plan.

5.0 CONCLUSION

The application relates to the establishment of allotment gardens on an existing agricultural field. The site is located within Green Belt. The development is not considered to impact on the openness of Green Belt or undermine the purposes of including land in the Green Belt and therefore the proposals do not constitute inappropriate development . The new buildings are considered to be essential facilities commensurate with those necessary for the allotment use. The details of the application are considered satisfactory and will not, in officer's view ,impact on the residential amenity of adjacent residents or impact on highway safety.

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

2 In the first planting season following the commencement of the development the new and replacement screen hedging detail submitted on the 10th September 2007 shall be implemented to the satisfaction of the Local Planning Authority and thereafter maintained. All losses shall be made good for a period of five years.

Reason: In the interests of visual amenity

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

revised layout plan Drwg no. 1 dated 12th september 2007

shed detail revised plan dated 10th September 2007

New and replacement screen hedging detail dated 10th September 2007

allotment garden tenancy agreement dated 10th September 2007

Wheldrake Community Allotment Association Constitution dated 10th September 2007

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.

4 1. Prior to the development coming into use, the initial area of vehicular access, car parking and "reverse parkway" shall be surfaced, sealed and positively drained within the site. Elsewhere in the site all areas used by vehicles shall be surfaced and drained in accordance with details which have been previously submitted to and approved in writing by the Local Planning Authority

Reason: - to prevent the egress of water and loose material onto the public highway

5 2. Prior to the commencement of the development hereby permitted details, to the specification of the local drainage authority, shall be submitted to and approved in writing by the LPA of the bridging of the drainage ditch fronting the site at the vehicle access point and the development shall not come into use until the ditch crossing has been constructed in accordance with the approved plans

Reason: - to ensure flows are maintained in the surface water drainage system and that such construction is capable of accommodating all vehicles associated with the development

6 HWAY14 Access to be approved, details reqd

7 No barrier or gate to any vehicular access shall be erected within 10 metres of the rear of the verge abutting the site, without the prior written approval of the Local Planning Authority, and shall at no time open towards the public highway.

Reason: To prevent obstruction to other highway users.

8 1. a. A desk study shall be undertaken in order to identify any potentially contaminative uses which have or are currently occurring on the site. This shall include a site description and a site walkover and shall be submitted to and approved by the local planning authority prior to development of the site. Informative: This should, where possible date back to 1800

b. A site investigation shall be undertaken based upon the findings of the desk study. The investigation shall be carried out in accordance with BS10175: Investigation of potentially contaminated land: code of practice. 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.

c. A risk-based remedial strategy shall be developed based on the findings of the site investigation. The remedial strategy shall be submitted to and approved by the local planning authority in writing. The approved strategy shall be fully implemented prior to any development commencing on site. Informative: The remedial strategy shall have due regard for UK adopted policy on risk assessment and shall be developed in full consultation with the appropriate regulator(s).

d. A validation report shall be submitted to and approved by the local planning authority, detailing sample locations and contaminant concentrations prior to any development commencing on site.

Reason: To protect human health and the wider environment.

9 Prior to the commencement of the development details of the colour of the wood stain/wood preserver finish of the sheds shall be submitted to and agreed in writing with, and thereafter maintained to the satisfaction of, the Local Planning Authority.

Reason: In the interests of visual amenity.

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 highway safety and residential amenity. Furthermore the development is considered to be compatible with its green belt location. As such the proposal complies with Policy E8 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and Policies GB1 and GP1 of the City of York Local Plan Deposit Draft.

Contact details:

Author: Diane Cragg Development Control Officer (Mon/Tues)

Tel No: 01904 551657