

COMMITTEE REPORT

Date: 5 June 2014
Team: Major and Commercial Team
Ward: Heworth Without
Parish: Heworth Without Parish Council

Reference: 14/01018/GRG3
Application at: Proposed Monk Stray Access Gates Stockton Lane York
For: Construction of an access onto a classified road and installation of vehicle and pedestrian gates
By: Mr David Meigh
Application Type: Full Application
Target Date: 26 June 2014
Recommendation: Approve

1.0 PROPOSAL

1.1 The application is to create a new vehicular access to Monk stray and the insertion of double timber field gates. An adjacent pedestrian access is also proposed. A section of hedgerow would be removed.

1.2 Associated with the vehicular access is the creation of a tarmac crossing over the existing verge adjacent to Stockton Lane and an 8m by 8m square of grasscrete on the stray.

1.3 The site is opposite number 30a Stockton Lane.

1.4 The application is submitted by the City of York Council's Head of Parks and Open Spaces. The application states that the vehicle gates will be used for access by Maintenance vehicles and also occasional events in accordance with any site licence requirements. The existing vehicle access used by maintenance vehicles is from Monk Avenue further to the north. It is understood that Monk Avenue is a private road and a direct access from the public highway is desired by the applicant.

1.5 Following the submission of the application amended plans were received moving the proposed entrance 2m further to the south west. This is being done to avoid harm to an existing tree that had been incorrectly plotted. Immediate neighbours and objectors have been re-consulted. It is not considered however, that the change has a material impact on the assessment of the application other than in respect to the impact on trees.

1.6 The application is brought to Committee as the application is by the City Council and a number of neighbour objections have been received.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001
DC Area Teams GMS Constraints: East Area (1) 0003

2.2 Policies:

CYGB1 Development within the Green Belt
CYGP1 Design
CYNE1 Trees, woodlands, hedgerows

3.0 CONSULTATIONS

INTERNAL

Highway network management

3.1 No objections.

Design Conservation and Sustainable Development

3.2 No objections to the loss of the short section of hedgerow subject to the proposed gate being moved further from the adjacent tree (this has been altered by the applicant).

3.3 An informative should be included relating to the Wildlife and Countryside Act 1981 clarifying it is an offence to intentionally damage or destroy any birds nest

EXTERNAL

Neighbours and Publicity

3.4 At the time of writing the report 17 objections had been received from neighbours. The main points raised are summarised below any further comments received will be reported verbally at the meeting:

- The new gate should be located on Malton Road where there is better access and less conflict with residents and road users.

- The proposal will create gridlock on Stockton Lane and hazards for pedestrians and delays for emergency vehicles. The proposed location for the gate is the narrowest section of Stockton Lane with a tight bend and parked cars already creating difficulties. The parked cars and narrowness of the road will make it difficult for large vehicles to exit the site.
- There is already an access to the site for vehicles from Westlands Grove/Straylands Grove as well as Monks Avenue. The Council has the right to use the Monks Avenue access.
- The application should include the likely level of usage of the access including vehicle movements at peak times.
- Will the proposal impact on street parking?
- If located on Stockton Lane the gate would be better located opposite Forest Way.
- The gate is related to the Tour de France. The access should have been shown when the licence was applied for.
- Concerns re loss of habitat and impact on nesting birds.
- Concerned about the impact of increased traffic on the condition of The Stray. It is often waterlogged even in summer.
- Will the hedge be re-instated in the future?
- The Gate will harm the character of the Stray.
- There should be an Environmental Impact Assessment.
- Has the Council sought the Pasture Masters permission for the proposals?

4.0 APPRAISAL

4.1 The key issues to consider in assessing the proposal are:

- Greenbelt issues
- The impact on visual amenity.
- The impact on wildlife.
- Highway safety.
- Impact on neighbours.

4.2 The National Planning Policy Framework 2012 (NPPF) sets out the Government's overarching planning policies. At its heart is a presumption in favour of sustainable development. The framework states that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

A principle set out in paragraph 17 is that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

4.3 Paragraph 187 states that Local Planning Authorities should look for solutions rather than problems and decision takers at every level should seek to approve applications for sustainable development where possible.

4.4 Monks Stray is in the Greenbelt. The NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open.

4.5 Paragraph 118 of the NPPF states that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity. In respect to transport it emphasises the need to ensure that changes that impact on transport are safe and sustainable.

4.6 The Development Control Local Plan was approved for Development Control purposes in April 2005; its policies are material considerations although it is considered that their weight is limited except where in accordance with the content of the NPPF.

4.7 The site is allocated as Green Belt. Policy GB1 (Development in the Green Belt) states that development should not conflict with the character or purpose of the Green Belt and should be for a limited range of uses. This includes essential facilities for outdoor recreation and highway works.

4.8 Local Plan Policy GP1 'Design' states that proposals will be expected to respect or enhance the local environment and be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and vegetation.

4.9 Policy NE1 relates to trees, woodland and hedgerows. The policy seeks to protect hedgerows which are of landscape, amenity, nature conservation or historical value.

Greenbelt issues

4.10 The proposed timber gates and associated surfacing is modest in scale and will not have a material impact on the openness of the Green Belt. It is noted that the works relate to highway improvements for outdoor recreation which is an acceptable use in the Green Belt.

The impact on visual amenity.

4.11 The application is assessed on the basis that the fence and gate are approximately 1.2m high as indicated on the photograph submitted with the application and the general description. The timber gates and the small section of fencing is rural in character and would not appear out of place adjacent to open land. The exact details of the installation could be covered by condition.

4.12 Policy NE1 seeks to protect hedgerows. The gate would be inserted in a small section of a large expanse of hedgerow that encloses much of the site. The overall appearance of the land will remain. The section of hedge to be removed consists of hawthorn, sycamore and elder. It would not need to be considered under the Hedgerow Regulations as the land is not of agricultural or Common land designation. Irrespective of this the section of hedge to be removed would not meet the criteria for retention in respect to this legislation.

The impact on wildlife.

4.13 It is considered that the removal of a small section of hedgerow and associated surfacing would have minimal impact on wildlife. It is understood that at the time the application was submitted no bird's nests were visible in the section of hedgerow to be removed. An informative has been included clarifying the requirements of Section 1 and 99 of the Wildlife and Countryside Act 1981 which states that hedge cutting should not take place if there is a risk of the work, or its effects, being harmful to resident birds.

Highway safety.

4.14 The proposal has been considered by the Council's Highways Network Management officers. The sight lines from the proposed access accord with relevant highway requirements. It is understood that the access is proposed for maintenance vehicles and would also be a potential access for temporary events.

From a planning perspective, part 4 of the General Permitted Development Order allows land not within a curtilage of a building to be used for a range of temporary uses with associated structures for up to 28 days a year. Other non-planning related consents may be required as appropriate.

Impact on neighbours.

4.15 It is not considered that the proposed access itself would have a significant impact on neighbours. In respect to its use it is noted that it will largely be an access for maintenance of the land.

4.16 Under the General Permitted Development Order the stray can be used for temporary events for up to 28 days a year without the need to apply for planning permission. The access will create the opportunity for vehicles to enter the Stray directly from Stockton Lane. It is noted that the Council's Highway Network Management officers state that the access to the site meets adequate standards in respect to the road conditions. Separate legislation exists for the control of temporary events (eg the Licensing Act).

5.0 CONCLUSION

5.1 It is considered that the creation of the access, the loss of a small section of hedgerow and the insertion of timber gates will have relatively little impact on the appearance of the Stray and will not harm the openness of the Green Belt.

5.2 A number of objections from neighbours relate to concerns regarding the use of the Stray for special events including the forthcoming 'Grand Depart'. Concerns mainly relate to possible damage to the Stray as well as congestion and highway safety issues relating to the proposed access on to Stockton Lane.

5.3 The use of the Stray for most temporary events does not require planning permission for a period not exceeding a total of 28 days in a calendar year. When assessing the merits of a proposed access to open land it is not appropriate to have regard to possible uses of the land uncontrolled by planning legislation. This is especially the case where separate legislation may exist to control such uses. It is the case, however, that the Council's Highway Network Management Team did consider the acceptability of the access given the high profile nature of the Tour de France.

They consider that as the access meets appropriate highway standards there are no reasonable traffic grounds to refuse the application.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years -

2 The development hereby permitted shall be carried out in accordance with the following plans:-

Photograph of vehicle gate received by the Local Planning Authority on 30 April 2014 and revised plan (Rev A) received by the Local Planning Authority on 20 May 2014.

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

3 Notwithstanding the submitted details prior to the commencement of development full elevations showing the exact height and design of the proposed gates and fence shall be submitted to and agreed in writing by the Local Planning Authority prior to commencement of building works. The works shall be completed in accordance with the approved details.

Reason: To ensure that the design is sensitive to the stray.

7.0 INFORMATIVES:

Notes to Applicant

1. Statement of the Council's Positive and Proactive Approach

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve an acceptable outcome:

Revised drawings submitted to address possible conflict with the adjacent tree.

2. Section 1 and 99 of the Wildlife and Countryside Act 1981

Please note that under Section 1 and 99 of the Wildlife and Countryside Act 1981 it is an offence to intentionally damage or destroy any birds nest whilst it is in use being built or to deliberately damage or destroy a bat roost. Hedge cutting should not take place if there is a risk of the work, or its effects, being harmful to resident birds. Therefore it is recommended that major pruning of hedges is carried out from the end of August to February, and that light hedge trimming is avoided between March and August (nesting season). However, if a hedge has to be cut between March and August it should be inspected carefully for active nests and, if found, work should be delayed until the young birds have flown. If, despite best efforts and a nest is found after work has started, a buffer area must be left inviolate around the nest.

Contact details:

Author: Neil Massey Development Management Officer
(Mon/Wed/Fri)

Tel No: 01904 551352