



**Notice of meeting of  
East Area Planning Sub-Committee**

**To:** Councillors Hyman (Chair), Cregan (Vice-Chair),  
Douglas, Firth, Funnell, B Watson, Moore, Orrell, Taylor  
and Wiseman

**Date:** Thursday, 6 January 2011

**Time:** 2.00 pm

**Venue:** The Guildhall, York

**AGENDA**

Members are advised to note that there will be no Site Visits for this meeting.

**If Members have any queries regarding Agenda Item 6 please email or telephone Matthew Parkinson by Wednesday 5 January 2011 by 5 pm.**

**1. Declarations of Interest**

At this point Members are asked to declare any personal or prejudicial interests they may have in the business on this agenda.

**2. Exclusion of Press and Public**

To consider excluding the public and press from the meeting during consideration of agenda item 6 on the grounds that it contains information which is classified as exempt under Paragraph 6 of Schedule 12A to Section 100A of the Local Government Act 1972, as amended by the Local Government (Access to information) (Variation) Order 2006.

- 3. Minutes** (Pages 3 - 21)  
To approve and sign the minutes of the last meetings of the Sub-Committee held on 11 November and 2 December 2010.

- 4. Public Participation**  
At this point in the meeting members of the public who have registered their wish to speak regarding an item on the agenda or an issue within the Sub-Committee's remit can do so. Anyone who wishes to register or requires further information is requested to contact the Democracy Officer on the contact details listed at the foot of this agenda. The deadline for registering is **Wednesday 5 January 2011 at 5.00 pm.**

- 5. Plans List**  
To determine the following planning applications related to the East Area.

- a) Axcent Ltd, 156B Haxby Road, York. YO31 8JN (10/02096/FULM)** (Pages 22 - 46)

This is a resubmitted application for a residential development consisting of 7 no. two storey dwellings and 6 no. apartments in a three storey building on the site of a former Co-operative Dairy.

This application was previously refused by the Committee in July 2010. [Clifton]

- b) 40 Fordlands Road, York, YO19 4QG (10/02586/FUL)** (Pages 47 - 56)

This application is a resubmitted full application for the erection of a detached house within the rear garden area of 40 Fordlands Road.

This application has been brought before the Committee by Councillor Aspden in order to give the applicants, residents and Fulford Parish Council an opportunity to put forward their views at a public meeting. [Fulford]

c) **Acres House Farm, Naburn Lane, Fulford, (Pages 57 - 64)  
York. YO19 4RE (10/ 02353/GRG3)**

This application seeks planning permission to create a vehicular access and access road from Naburn Lane, through a gap in the existing hedgerow which would run north parallel to the road at the back of hedgerow, and then eastwards along the line of a former farm access.

This application is brought before Committee for a decision as it relates to a Council application that was previously determined at Committee. [Wheldrake]

6. **Enforcement Cases Update** (Pages 65 - 157)

The purpose of this report is to provide Members with a continuing quarterly update on the number of enforcement cases currently outstanding for the area covered by this Sub-Committee.

7. **Urgent Business**

Any other business which the Chair considers urgent under the Local Government Act 1972

8.

**Democracy Officer:**

Name- Judith Cumming

Telephone – 01904 551078

E-mail- judith.cumming@york.gov.uk

For more information about any of the following please contact the Democracy Officer responsible for servicing this meeting

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports

Contact details set out above.



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- register by contacting the Democracy Officer (whose name and contact details can be found on the agenda for the meeting) **no later than 5.00 pm** on the last working day before the meeting;
- ensure that what you want to say speak relates to an item of business on the agenda or an issue which the committee has power to consider (speak to the Democracy Officer for advice on this);
- find out about the rules for public speaking from the Democracy Officer.

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### Further information about what's being discussed at this meeting

All the reports which Members will be considering are available for viewing online on the Council's website. Alternatively, copies of individual reports or the full agenda are available from Democratic Services. Contact the Democracy Officer whose name and contact details are given on the agenda for the meeting. **Please note a small charge may be made for full copies of the agenda requested to cover administration costs.**

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If you have any further access requirements such as parking close-by or a sign language interpreter then please let us know. Contact the Democracy Officer whose name and contact details are given on the order of business for the meeting.

Every effort will also be made to make information available in another language, either by providing translated information or an interpreter providing sufficient advance notice is given. Telephone York (01904) 551550 for this service.

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### **Holding the Executive to Account**

The majority of councillors are not appointed to the Executive (38 out of 47). Any 3 non-Executive councillors can 'call-in' an item of business from a published Executive (or Executive Member Decision Session) agenda. The Executive will still discuss the 'called in' business on the published date and will set out its views for consideration by a specially convened Scrutiny Management Committee (SMC). That SMC meeting will then make its recommendations to the next scheduled Executive meeting in the following week, where a final decision on the 'called-in' business will be made.

### **Scrutiny Committees**

The purpose of all scrutiny and ad-hoc scrutiny committees appointed by the Council is to:

- Monitor the performance and effectiveness of services;
- Review existing policies and assist in the development of new ones, as necessary; and
- Monitor best value continuous service improvement plans

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City of York Council

Committee Minutes

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MEETING	EAST AREA PLANNING SUB-COMMITTEE
DATE	11 NOVEMBER 2010
PRESENT	COUNCILLORS HYMAN (CHAIR FOR MINUTE ITEMS 31B-31F), CREGAN (VICE-CHAIR IN THE CHAIR FOR MINUTE ITEM 31A), DOUGLAS, FIRTH, FUNNELL(EXCEPT FOR MINUTE ITEM 31D), B WATSON, MOORE, ORRELL, TAYLOR AND WISEMAN
IN ATTENDANCE	COUNCILLORS RUNCIMAN AND POTTER

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**INSPECTION OF SITES**

Site	Attended by	Reason for Visit
The Fossway, 187-189 Huntington Road	Cllrs Hyman, Moore and B Watson	As objections had been received and the officer recommendation was to approve.
62 Brockfield Park Drive, Huntington	Cllrs Hyman, Moore, B Watson and Funnell	As objections had been received and the officer recommendation was to approve.
Minster Alarms, Suncliffe House, 157 New Lane, Huntington	Cllrs Moore, B Watson and Orrell	As objections had been received and the officer recommendation was to approve.
Derwent House Residential Home, Hull Road, Kexby	Cllrs Hyman, Moore and B Watson	As objections had been received and the officer recommendation was to approve.

**28. DECLARATIONS OF INTEREST**

Members were invited to declare at this point in the meeting any personal or prejudicial interests that they might have in the business on the agenda.

Councillor Firth declared a personal non prejudicial interest in plans item 4a (Minster Alarms, Suncliffe House, 157 New Lane, Huntington) as his house alarm was provided by Minster Alarms.

Councillor Funnell declared a personal and prejudicial interest in plans item 4d (The Fossway, 187-189 Huntington Road) under the provisions of the Planning Code of Good Practice. She spoke from the floor as Ward Member after which she left the room and took no part in the discussion or vote on this item.

Councillor Wiseman declared a personal non prejudicial interest in plans item 4d (The Fossway, 187-189 Huntington Road) as she knew the teacher from Huntington School who had submitted a letter in respect of this application.

Councillor Hyman declared a personal and prejudicial interest in plans item 4a (Minster Alarms, Suncliffe House, 157 New Lane, Huntington) as the owner of the property was a personal friend of his. He stood down from the Chair and left the room for this item and took no part in the discussion or vote on this application.

**29. MINUTES**

RESOLVED: That the minutes of the meeting of the East Area Planning Sub-Committee held on 14 October 2010 be approved and signed subject to Minute 27 (Enforcement Cases Update) being amended to include the following sentence.

*“Some Members expressed concern about the high number of enforcement cases”.*

**30. PUBLIC PARTICIPATION**

It was noted that there had been no registrations to speak under the Council’s Public Participation Scheme on general issues within the remit of the Sub-Committee.

**31. PLANS LIST**

Members considered a schedule of reports of the Assistant Director (Planning and Sustainable Development), relating to the following planning applications, outlining the proposals and relevant policy considerations and setting out the views and advice of consultees and officers.

**31a Minster Alarms, Suncliffe House, 157 New Lane, Huntington, York. (10/00342/FUL)**

Members considered a full application from Mr Hazan Hazar, for a change of use of part of the ground floor of a two storey detached building from retail (use class A1) to sale of hot food (initially thought to be use class A5) for delivery purposes only.

Officers advised the Committee that following further investigation, it was clear that the proposed use did not fall within use class A5 as the proposed uses primary purpose was not for the sale of hot food to take away for consumption off the premises by visiting members of the public. The delivery to home service would involve the preparation of a product for sale which would be manufacturing with related distribution activity and was usually considered by inspectors to fall within use class B2 (General Industry). However given the potential for odours, it would fall outside class B1 (Business)

Officers explained that their recommendation and proposed conditions remained unchanged due to the change of use but asked the Committee to



note that the application description should read "Change of Use of part ground floor from retail (use class A1) to hot food delivery-to-home service (use class B2). They also advised that Reference to Policy S6 should be replaced with Policy E4 (Employment development on Unallocated Land). This policy allows employment uses of a scale appropriate to the locality within defined settlement limits where it involves conversion of existing buildings. The requested that Condition 4 be amended to refer to the preparation and cooking of food for consumption off the premises by delivery only and for no other purpose.

They stated that the Environmental Protection Unit and Highway Network Management Team had been consulted and had raised no objections subject to conditions. They also advised that additional correspondence had been received from local residents reiterating their objection to the application on the basis of increased traffic, noise and smell and seeking a guarantee that the business would remain delivery only. *(A full copy of the officer's update was published online with the agenda after the meeting)*

Representations in objection to the application were received from a neighbour, speaking on behalf of residents of New Lane. He raised concerns that any further deliveries or increase in traffic would impact on safety at what was already a busy junction in a predominantly residential area with a lot of elderly residents. He also stressed that the increased noise and smell associated with the business would impact on residential amenity with the business operating 15 hours a day seven days a week. He questioned the viability of the business and raised concerns that the conditions may not be adhered to. He asked the Committee to refuse the application.

Members noted the concerns raised by the speaker. They acknowledged that the application had the potential for increased noise and disturbance leading to loss of amenity for local residents especially due to deliveries in the evening and noted the possible increase in traffic at a busy T junction and issues regarding access for delivery vehicles due to overnight parking of Minster Alarms vehicles on the site. They voiced the opinion that the need to deliver food to residents who may live very nearby, and would normally be able to collect from a takeaway, was not environmentally sustainable.

RESOLVED: That the application be refused.

REASON: The proposal, due to the nature of the use and location in a predominantly residential street, would introduce activity late into the evening from potentially frequent vehicle movements associated with the delivery service. This would result in increased noise levels and disturbance at a time when adjacent residents could expect less disturbance from commercial activity and vehicle movements, to the detriment of the residential amenity that adjacent occupants presently enjoy.

**31b 2 Heathfield Road York YO10 3AE (10/02057/FUL)**

Members considered a revised full application from Mr Mark Hutchinson, for a single storey side and rear extension (revised scheme).

Officers advised that they had received a further objection from a neighbour which reiterated concerns set out in the objections and raised the point that the student occupiers of a HMO do not contribute to the city through council tax and that the beneficiary was a landlord who lives outside York.

Representations were received from the applicant's agent in support of the application. He circulated plans, which showed the extent of the previously refused application, the extent of the current proposals and also what was allowed under permitted development rights. He reminded Members that whether or not the property was let to students was not a planning consideration.

**RESOLVED:** That the application be approved subject to the conditions listed in the report.

**REASON:** The proposal, subject to the conditions listed in the report, would not cause undue harm to interests of acknowledged importance, with particular reference to the effect on the amenity and living conditions of adjacent occupiers and the impact on the streetscene. As such the proposal complies with Policies H7 and GP1 of the City of York Development Control Local Plan and the 'Guide to extensions and alterations to private dwelling houses' Supplementary Planning Guidance.

**31c Derwent House Residential Home, Hull Road, Kexby, York. YO41 5LD (10/01818/FULM)**

Members considered a full planning application by Mr Martin Taylor, for the erection of 26 high dependency units with associated facilities within a two storey extension to the side of the existing residential nursing home.

Officers provided the Committee with an update. They advised that the Sustainability Officer had confirmed that additional information submitted shows a commitment to BREEAM requirements and providing a proportion of energy from renewable sources therefore they were happy for appropriate conditions to be applied. They advised that this refers to conditions 10 and 11 of the report and that condition 10 be reworded to begin "prior to commencement" not "Prior to start").

They advised the Committee that objectors had raised concerns about the poor electricity and water supply in the village and that the applicant had advised them that any requirements requested by the statutory services providers in relation to potential upgrades of existing supplies or new supplies to the site would be undertaken. A further letter from an objector

stated that the amendments to the internal layout did not change their concerns about the development.

Officers advised that with reference to paragraph 4.21 of the report, Highways had raised no objections to the scheme as amended but recommended that an additional condition be added in respect of cycle parking areas and that draft condition 3 (HWAY9) be removed as surfaces were shown on the plans. They advised that Drainage Officers had raised objections due to the lack of information supporting the application. However, they believed that drainage of the site could be achieved, including the attenuation of drainage where necessary in principle, and suggested a condition be added to ensure that all drainage details were submitted and agreed before development commenced on the site.

Officers also advised that a condition should be added preventing a future increase in the number of bedrooms provided without the prior written approval through the submission of a formal planning application. *(A full copy of the officer's update had been published online with the agenda after the meeting)*

Members questioned whether the extant permission for an extension to the original hotel was still valid since permission had been granted for change of use to a care home for the elderly and officers provided clarification on this issue. Members pointed out that the treatment plant would restrict the growth of tree roots and requested that a condition be added to stipulate the type of trees to be grown in this location.

Representations were received in objection to the application from a neighbour. She raised concerns over the plans to increase the scale of the care home as the owner had advised her previously that they had no plans to expand in size. She informed Members that the Retreat and other care homes provided care for sufferers of Alzheimer's and other mental health issues. She explained that the water supply in the village was limited and the electricity voltage was low and demand from the care home for both services was high. She also raised concerns about the lack of facilities in the village and limited bus services.

In response to the concerns raised regarding the water and electricity supply in the village, Officers advised that water and electricity suppliers have to adhere to obligations regarding supply of services and that this was not a planning consideration. The applicant's agent confirmed that if any upgrade were needed to services, this would be done onsite as part of the development.

RESOLVED: That the application be approved after referral to the Secretary of State subject to the conditions listed in the report and the amended and additional conditions and informative below and the deletion of draft condition 3.

Amended Condition 7

No development shall take place until details have been submitted to and approved in writing by the Council of the measures to be provided within the design of the new building and landscaping to enhance the biodiversity of the site. The works shall be completed in accordance with the approved

details in accordance with a timescale to be agreed in writing as part of the submitted scheme.

NB. Features suitable for incorporation include measures for species that use buildings such as bats and birds and enhancement of the existing landscape areas that form the boundaries of the site.

REASON - This is proposed to take account of and enhance the habitat and biodiversity of the locality in accordance with PPS9 ' Biodiversity and Geological Conservation'.

### Amended Condition 14.

The landscaping scheme shown on Drawing no. AL (9) 901 rev D shall be implemented within a period of six months of the completion of the development. Prior to the commencement of the development details of all proposed tree species shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in combination with the landscaping scheme. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the site.

### Additional Condition

No development shall take place until details of the proposed means of disposal of foul and surface water drainage, including details of any balancing works and off-site works, have been submitted to and approved by the Local Planning Authority. Thereafter the approved surface water and foul drainage works shall be implemented to the satisfaction of the Local Planning Authority before any dwelling hereby approved is occupied

Reason: To ensure that no foul or surface water discharge take place until proper provision has been made for their disposal and to ensure that the site is properly drained

### Additional Condition

The internal layout of the development hereby approved shown on Drawing no AL (0) 001 rev D shall not be altered in any way that would increase the number of bedrooms provided without the prior written approval through the submission of a formal planning application.

Reason: To ensure that any future increase in use of the site does not impact on the openness of the green belt and in the interests of highway safety and the free flow of traffic.

### Additional Condition

Prior to the development commencing details of the cycle parking areas, including means of enclosure, shall be submitted to and approved in writing by the Local Planning Authority. The building shall not be occupied until the cycle parking areas and means of enclosure have been provided within the site in accordance with such approved details, and these areas shall not be used for any purpose other than the parking of cycles.

Reason: To promote use of cycles thereby reducing congestion on the adjacent roads and in the interests of the amenity of neighbours.

Informative

You are advised to liaise with electricity and water suppliers to ensure supplies are adequate to serve your site, as enlarged as well as others users on the supply lines.

REASON:

The proposal, subject to the conditions listed in the report and the amended and additional conditions above, would not cause undue harm to interests of acknowledged importance, with particular reference to: Policy Background; principle of the development within green belt and consideration of very special circumstances; need for the facility; proximity to Local Facilities; design and Landscaping; highways, access and parking; ecology; drainage; sustainability and restriction of use. As such the proposal complies with Policies GB1, H17, C1, GP1, GP4a and GP9 of the City of York Local Plan Deposit Draft.

In addition, the Local Planning Authority is satisfied that there are very special circumstances in this case sufficient to clearly outweigh the limited harm that would be caused to the Green Belt. In particular, it is considered that the extant permission represents a 'fall back position' and that the physical differences between the two schemes are limited, the use of the extension as a care facility will have less impact on the openness of the Green Belt and the landscape quality of the scheme will reduce the impact on the openness of the green belt. Furthermore the approval of the extension will allow for the imposition of conditions to ensure that the development meets sustainability, ecology and drainage objectives. Thus it is considered that the proposal does not conflict with national planning advice contained within Planning Policy Guidance Note 2 "Green Belts".

**31d The Fossway, 187 - 189 Huntington Road, York, YO31 9BP.  
(10/01435/FUL)**

Members considered a full application from Mr David Lavery for a change of use from a public house (use class A4) to a mixed use, which included a youth club, day nursery, place of worship with associated office space, 1 flat on the first floor and 1 flat on the second floor.

Officers provided the Committee with updated information, which had been received since the report was published. They advised that paragraphs 3.10 (should read 4.10) of the report should refer to 40 people not 40 families.

They stated that a response from the Council's Family Information Service had been received which raised the following issues in relation to the proposed nursery;

- That the plans were basic and much information had been omitted.

- That the plans indicated car parking in the road, and that there were concerns regarding the dropping off and picking up of children on a main road.
- There was not an identified need for additional nursery provision in this area, although currently reassessing this with more up to date information available in Jan 2011.
- That 20 places in nursery was very small and viability may be difficult.  
There had been no indication on how the nursery would access the outdoor area – this would be important from security perspective & need for free flow play.
- That the baby room had a door which connects to the main entrance corridor for the church/main hall which would raise security concerns
- That the laundry was situated in an inappropriate area for the nursery.
- That no provision had been made for buggies and storage.

Officers advised that an e-mail had been received from the agent on 8 November and their comments in response to issues raised by the agent had been included within the officer's update. They also advised the Committee that a further letter of objection had been received from a local nursery owner, which stated that there was not a need for another nursery in the area and raised concerns over the job security of her employees, if another nursery was to open in close proximity.

Officers advised that a further letter of support had been received from Dodsworth Area Residents Association (DARA) offering their support and the support of the Muncaster Area Residents' Associations in support to the initiative of the Living Word Church to purchase and convert the building and transform it into a community facility and church. They noted that the inclusion of childcare facilities, space for community uses as well as scope for debt advice, marriage guidance and youth work by trained members of its congregation would be valuable to those living in their respective association areas. This letter was circulated to Members for their information. *(A full copy of the officer's update was published online with the agenda after the meeting)*

A revised parking survey had been received from the agents on the day of the meeting and so had not been fully reviewed. Highway Officers did however note that it had been conducted on a single Sunday

Representations in objection to the application were received from a local nursery owner. She advised that the need for additional nursery places in the area was low with sufficient nurseries nearby to satisfy the need. She commented that more and more parents relied on the use of family for childcare rather than nurseries due to financial constraints. She advised Members that since her nursery had opened in 2005, two family centres had also opened which offered childcare.

Representations in support of the application were also heard from the applicant's agent. He addressed concerns, which had been raised in relation to parking. He stated that the plan showed that the parking bays were in accordance with the required standards and explained that they had undertaken a parking survey and briefed Members on the result of

this, which concluded that there would be adequate space for vehicles to safely manoeuvre into and off the site. He advised that in addition to parking available on the site, there was sufficient parking on nearby roads without affecting the traffic flow. He stated that the development would bring a derelict building back into use and provide a much needed nursery, would add to the economy and increase the value of the neighbourhood.

A further representation in support of the application was received from the secretary of the Heworth Ward Planning Panel. He advised Members that, at a recent meeting, the Planning Panel had given their support for the application. He stated that it would be a good asset for the city and would enable a derelict structure to be developed. In relation to parking issues raised, he suggested that parents of children attending the nursery would only need to park for short periods while dropping off and collecting their children. He offered his support for the scheme.

Councillor Potter, Ward Member for Heworth, spoke in objection to the application on behalf of residents living on Huntington Road. She stated that Huntington Road was a busy road and drew Members attention to the Spar shop adjacent to the site for which people parked on the road and lorries parked to unload deliveries. She stated that the ten available parking spaces would be insufficient for the number of staff working at the premises without even taking into account the needs of others and explained that due to the lack of space on site, which limited manoeuvring, cars would need to reverse back out onto the busy road which raised safety concerns. She asked the Committee to refuse the application due to the cumulative impact on the road.

Councillor Funnell, also Ward Member for Heworth, spoke in support of the application on behalf of the Dodsworth Area Residents' Association and Muncaster Area Residents' Association and the Vicar of the Living Word Church. She acknowledged that traffic was an issue but pointed out that if the building was developed for residential use this could result in parking being required for more than 18 cars. She reminded Members that a parking survey had been undertaken by the architects at a cost to the applicant. She stated that the building was currently an eyesore and was used by fly tippers and vandals and voiced the opinion that this was a creative proposal which would provide resources and services, including provision of specialist advice, to the local community, would create jobs, and would be available for general social use by the local community. She stated that the site was well served by bus routes.

Members noted that the area was a mixture of shops and residential premises and the site was highly sustainable with two bus routes. They agreed that the proposals were imaginative and would bring a disused building back into use, which would be available for community use two days each week. However, they noted the objections from Highways and raised concerns that cars would need to reverse out of the site across a pavement onto a busy road. They also questioned whether there was the need for more nursery places in the area, with places available in some nurseries in Huntington, and therefore whether it would be financially viable and suggested that it might become environmentally unsustainable, if it needed to draw in children from further a field who would travel by car. They raised concerns over the mixed use of the building and the security of the children in the nursery due to the nursery layout with the nursery being

at the front of the building, opening onto the main corridor, and play area at the rear.

Councillor Moore moved and Councillor Firth seconded a motion to approve the application subject to conditions being agreed with officers and the Chair and Vice Chair in relation to car/cycle parking and the layout and operation of the nursery to be agreed in liaison with the Council's Family Information Service. On being put to the vote, the motion fell.

Councillor Taylor moved and Councillor Hyman seconded a motion to refuse the application due to the concerns raised by the Family Information Service regarding the layout of the proposed nursery and also due to the impact on highway safety.

RESOLVED: That the application be refused.

REASON: The Local Planning Authority considers that the proposed number and intensity of uses on the site would result in an increased demand for on-street parking. The present demand for the available on-street parking in the vicinity of the site is high. It is not considered that the additional demand for parking that would be likely to be generated by the proposal can be satisfactorily accommodated within the public highway, without unacceptable compromises being made both in terms of highway safety and traffic congestion.

**31e 62 Brockfield Park Drive, Huntington, York. YO31 9ER (10/01871/FUL)**

Members considered an application from Mr Imam Harman for a change of use from retail (use class A1) to hot food takeaway (use class A5) and the provision of external extract flue.

Officers updated that, as outlined in the Committee Report a specialist extraction consultant had produced a document regarding the installation of a ventilation system to control odour without creating a nuisance through noise. Officers advised that the Environmental Protection Unit (EPU) had examined this report and made comments on the document. Officers conveyed these comments to the Committee and confirmed that the EPU was happy that it would be feasible to install a suitable system but noted that exact details of what would be installed had not yet been agreed.

Officers drew Members attention to the revised list of suggested conditions which had been republished with the agenda noting that Condition 4 required an extraction system to be agreed and installed prior to the hot food takeaway coming into use and thereafter being maintained. Officers provided Members with clarification on the proposed siting of the extraction system and the intended hours of operation. *(A full copy of the officer's update was published online with the agenda after the meeting)*

Representations in objection to the application were received from a neighbour. She reminded Members that a previous application for a hot food take away on this site had been refused due to concerns surrounding noise, litter and smells. She stated that the existing drainage system would



not be able to cope with commercial waste produced by the takeaway and questioned whether there was in fact demand for such an outlet stating that no survey had been carried out. She pointed out that the Spar shop closes at 10pm but that the amenity of local residents would be affected by the take away remaining open until 11pm with potential for an increase in problems of anti social behaviour in the area.

Representations in support of the application were also received from the applicant's agent. He stated that they had made every effort to overcome any issues or concerns raised regarding the application and all issues raised with regard to the previous refused application had been dealt with through changes to the design or revised opening hours. He clarified that the EPU has raised no objections as the proposal would meet the required standards and that concerns raised about drainage were unfounded as no objections had been raised by the relevant body. He noted residents' concerns over litter but expressed the opinion that litter was not normally a problem linked to hot food outlets.

Representations were also received from Councillor Runciman, Ward Councillor for Huntington and New Earswick on behalf of local residents who had raised concerns regarding litter, general disturbance, noise and smells. She referred to this area being a ward hot spot due to incidents which had taken place and general anti social behaviour. She stated that although there had only been a few incidents in the last few years, the shops had caused problems in the past and residents feared that the anti social behaviour would start again. She raised the following specific concerns;

- an increase in night time traffic and noise from traffic as well as additional delivery vehicles during the day.
- an increase in the amount of litter produced as a result of food being consumed in the area – insufficient litter bins to cope with increase in litter.
- Problems of groups congregating outside the premises.
- Harmful to living conditions of local residents.

Members raised and discussed the following areas of concern;

- noise from the extractor and air conditioning unit (experienced at site visit)
- Drainage
- Increase in traffic generated in the evening – traffic currently eases off as shops close and increase in evening traffic would be noticeable. Also increase in noise from delivery vehicles.
- Concern over close proximity of shop selling alcohol – opportunity for people to buy food from takeaway, alcohol from neighbouring shop then congregate by the premises leaving a potential anti social behaviour.
- Parking issues – the area would be very busy until other shops close in evening

Members agreed that the cumulative impact of the issues raised would harm the amenity of neighbours and be detrimental to the area and agreed that the application be refused on the grounds of increased noise, traffic activity, smells and anti social behaviour.

RESOLVED: That the application be refused.

REASON: The local planning authority consider that the establishment of a hot food takeaway in this predominantly residential area would have a serious detrimental impact on the amenities of surrounding residents by virtue of an accumulation of noise, traffic, litter, odour, and anti-social behaviour which would detract from the quiet enjoyment and amenity of their homes. The proposal is therefore considered to be contrary to Policy S6 of the City of York Development Control Local Plan which aims to ensure that such uses do not have an unacceptable impact on the amenities of surrounding occupiers.

**31f Store to the rear of 69 Fourth Avenue, York. YO31 0UA (10/02061/FUL)**

Members considered a revised application by Mr Gordon Harrison to convert an existing outbuilding to a self-contained residential unit and the erection of a single storey extension and the demolition of the existing flat roof garage to create an enclosed patio area.

With reference to paragraph 1.2, Officers provided an update regarding access to the site. They advised that there were two ways to gain access into the site, with the main access being via the service road at the back of 69 Fourth Avenue with access also possible from Fourth Avenue via an alleyway.

Officers informed the Committee that the contamination assessment report requested by the Environmental Protection team had been submitted and Environmental Protection had confirmed that there was no issue with the use of the land for residential subject to informatives relating to contamination, and noise on construction sites.

They also advised that Heworth Planning Panel had responded to the consultation and had not raised objections but stated that the scheme should not set a precedent for more residential development in an area next to a service road in an unsuitable environment. *(A full copy of the officer's update was been published online with the agenda after the meeting.)*

Representations in support of the application were received from the applicant's agent. He circulated plans of the proposed work and a photograph for Members information. He reminded the Committee that planning policy encourages the re-use of old buildings. He stressed that this was a stand alone proposal, which was different to other schemes. He advised Members that that the building was not disused but had been in constant use as a builders store and stated that this area was predominantly of residential use.

Representations were also received from Councillor Potter, Ward Member for Heworth. She spoke in objection to the application on behalf of local residents. She stated that the proposals were not substantially different to

the application which was refused earlier in the year and that the reasons for refusal on that occasion still applied. She raised concerns over access to the proposed property and voiced the opinion that it was overdevelopment.

Members agreed that that the proposals were a good example of a small property, that it was a sustainable and attractive design and that the change of use of this building to residential would be better for the area than its current use.

RESOLVED: That the application be approved subject to the conditions listed in the report.

REASON: The proposal, subject to the conditions listed in the report, would not cause undue harm to interests of acknowledged importance, with particular reference to residential and visual amenity, impact on the living conditions of future occupants and highway safety. As such the proposal complies with national planning advice contained within Planning Policy Statements 1 (Delivering Sustainable Development") and 3 ("Housing"), and Policies H4A, GP1, GP3, GP4A, GP9, GP10, L1C and NE1 of the City of York Development Control Local Plan.

Cllr K Hyman, Chair

[The meeting started at 2.00 pm and finished at 4.40 pm].

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MEETING	EAST AREA PLANNING SUB-COMMITTEE
DATE	2 DECEMBER 2010
PRESENT	COUNCILLORS HYMAN (CHAIR), CREGAN (VICE-CHAIR), DOUGLAS, FIRTH, FUNNELL, B WATSON, MOORE(EXCEPT FOR MINUTE ITEM 34C), ORRELL, TAYLOR AND WISEMAN

**INSPECTION OF SITES**

Site	Attended by	Reason for Visit
24 Hull Road, York. YO10 3JG	Cllrs Cregan, Brian Watson, Moore and Wiseman	As objections had been received and the officer recommendation was to approve.

**32. DECLARATIONS OF INTEREST**

Members were invited to declare at this point in the meeting any personal or prejudicial interests they might have in the business on the agenda.

Councillor Moore declared a personal and prejudicial interest in Agenda Item 3c, The Glen Nursery, as one of the objectors was his wife's employer. He withdrew from the meeting during the consideration of this item.

Councillor Wiseman declared a personal and non prejudicial interest in Agenda Item 3c, The Glen Nursery, as the Council's representative for the Glen Family Resource Centre.

No other interests were declared.

**33. PUBLIC PARTICIPATION**

It was reported that there had been no registrations to speak under the Council's Public Participation Scheme on general issues within the Sub-Committee's remit.

**34. PLANS LIST**

Members considered reports of the Assistant Director (Planning and Sustainable Development) relating to the following planning application, outlining the proposals and relevant planning considerations and setting out the views of the consultees and officers.

**34a 24 Hull Road, York, YO10 3JG (10/01521/FUL)**

Members considered a full application from Mr Robert MacMahon for the change of use from a dwelling to an office use. This included alterations to access and parking.

Officers circulated an update to Members during the meeting. This was then attached to the agenda and republished after the meeting. The update included clarification of the marketing of the property, the staffing levels and the use of the parking area. Officers also suggested, that if Members were minded to approve the application, that an additional condition could be added regarding screening along the rear boundary of the property.

Representations were heard from a representative of a local neighbour. He stated that the neighbour was opposed to the application due to the change of use of the building. He felt that the noise and visual impact created by the proposed use could be detrimental to neighbouring properties and pointed out that there was on street parking close to the property despite some restrictions. He also pointed out the restricted visibility for vehicles at the access to the property.

Representations were heard from a representative of Osbaldwick Parish Council. He stated that he was opposed to the application due to the continued loss of family homes in the area, particularly to create student lets.

Representations in support of the application were heard from the applicant. In response to questions, he stated that he felt that a commercial use for the building was a more suitable development for the property. He explained that one prospective purchaser had not been able to secure a mortgage due to the proximity of the filling station. Another had withdrawn their interest, and the property remained unsold even after six months of marketing. Members were informed that the minibuses, which would be used by the business, would not operate outside of the student letting periods, generally a six week period in January and early February. He stated that he was happy to accept an additional condition relating to the screening on the rear boundary, if Members were minded to approve the application.

Members asked the applicant a number of questions relating to when he purchased the property, internal alterations to the building, signage, and the possible relocation of parking space for the minibuses.

The applicant responded that the property had been purchased in June 2010, and that there would no internal alterations made to the property. In response to a question of parking for the minibuses attached to the business, the applicant responded that they had been discouraged from parking on the University campus. He further indicated that any signage would be discreet in nature, similar to the dentists surgery a short distance away on Hull Road. Officers confirmed that separate consent may be needed for any advertisements at the property, depending on the size and location etc.

Members agreed that if the application were approved, it would result in a loss of family housing in the city. They added that they felt that it had not been marketed for a suitable amount of time or at the most advantageous time of year.

RESOLVED: That the application be refused.

REASON: The proposal would involve the loss of a three bedroom dwelling. It is considered that the conversion of the dwelling to office use would have an unacceptable impact upon the existing and future housing stock within the City of York, in particular having regard to the shortage of family houses within the city. The proposal is, therefore, considered to conflict with Policy H9 of the City of York Council Development Control Local Plan which seeks to retain an adequate supply of family housing stock, as supported by the Council's Strategic Housing Market Assessment 2007 and national planning advice contained within Planning Policy Statement 3 "Housing".

**34b Adams Hydraulics, George Cayley Drive, York. YO30 4XE (10/02127/FULM)**

Members considered a full major application from Argon Properties Ltd for single storey side extension to an existing industrial building after the demolition of a detached side storage building.

Members noted that the property was well located in relation to neighbouring residential properties. They suggested that if the application were approved that a condition be added to the planning permission to allow for an extension of working hours on a Saturday to 18:00 hours.

RESOLVED: That the application be approved.

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed in the Officer's report, would not cause undue harm to interests of acknowledged importance, with particular reference to the principal of additional employment development on unallocated land, scale, design and appearance, environmental protection and amenity, highway considerations and sustainability. As such the proposal complies with Policies E4, GP1, GP3, GP4a, GP5, GP9, T4 and T13a of the City of York Development Control Local Plan.

**34c The Glen Nursery, Ousecliffe Gardens, York. YO30 6LX  
(10/02544/FUL)**

Members considered a general regulation application from Adults, Children and Education for a single storey side extension, two additional numbered parking spaces, a replacement cycle shelter and storage units.

Officers circulated letters of objection to the application, from local residents. These letters were attached to the agenda which was republished following the meeting.

In their update, Officers reported that the objections from residents related to concerns over access, noise and light pollution. In addition there had been concerns over the size of the steel storage sheds for the building. Officers confirmed that the steel sheds would be the same size as the current wooden sheds that would be replaced.

Representations were heard from a neighbour in objection to the application. He pointed out that the application had been previously refused by the Committee, and that one of the reasons for refusal given was due to the arrangement of the windows. He added that the windows had not been altered and that the root system of the trees on the site would be detrimentally affected by construction, if the application was approved.

Further representations in objection, were received from a representative of the residents of Ousecliffe Gardens. He reported that the main concern from residents were related to traffic generated from construction vehicles, in an area which had many existing traffic problems, and a bad road surface which had compounded these problems.

Representations were heard from the applicant who informed Members about the use of the building and that there would not be an increase in the number of bedrooms inside the building. He added that a traffic management plan would be put in place if the application was approved. Members were informed that the foundations of the building would be on mini piles to avoid tree roots, and that the slate roof had been redesigned to be in keeping with other adjacent properties.

Members asked about the necessity for the centre, given that other providers had been granted planning permission for providing facilities for disabled children in the city. Officers confirmed that it would be unlikely that similar services and facilities to those being offered would be provided elsewhere. Members also asked on whether the Council would be obliged replace any trees that would be killed in construction of the extension. This was confirmed by Officers.

During their discussion Members noted that if they were minded to approve the application, it would be appropriate to add a condition to permission to limit deliveries to between 09:00 hours and 15:00 hours.

RESOLVED: That the application be approved, subject to conditions listed in the Officer's report and the additional condition listed below;

- (i) The development shall not begin until a management plan for the control of traffic during construction has been submitted to the local planning authority and approved in writing. The management plan shall include maximum size/weight of construction and delivery vehicles and hours of delivery of materials, plant and machinery (which shall be restricted to 0900-1500 hours Monday to Friday, 0900-1200 hours on Saturdays and at no time on Sundays or bank holidays). The management plan shall be implemented in full to the satisfaction of the local planning authority.

REASON: In the interests of highway safety and residential amenity.

REASON: 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;

Design  
Provision of community facilities  
Impact on trees  
Highway issues  
Neighbour amenity  
Impact on the adjacent listed building

As such the proposal complies with policies GP1, C1, NE1 and HE2 of the City of York Local Plan Deposit Draft.

### **35. CURRENT POSITION OF OPEN SPACE AND FOOTPATH PROVISION AT THE FORMER CLIFTON HOSPITAL SITE**

Members considered a report on the current position as to the dedication of land as public open space and the provision of a public footpath at the site of the former Clifton Hospital. This report was previously considered at the Committee's meeting in July, where it was decided to receive a further update report.

Members received an update from the Council's Legal Officer who informed them that work was currently being carried out in relation to the public footpath.

Members noted that some concerns had been received in relation to the speed of progress on the dedication of land and to the adjacent part of land in relation to rubbish causing nuisance to neighbours.



RESOLVED: That Option 2 be approved and that a further report is received by the Committee in two months time if substantial progress to resolve both outstanding issues has not been made.

REASON: Such an approach is likely to resolve the matter more expeditiously.

### **36. APPEALS PERFORMANCE AND DECISION SUMMARIES**

Members received a report which presented to them the Council's performance in relation to appeals determined by the Planning Inspectorate in the 3 month period up to 31<sup>st</sup> October, and provides a summary of the salient points from appeals determined in that period.

Members suggested to Officers that they felt it would be useful to receive the summary of appeals by ward, rather than by the Officers involved.

RESOLVED: That Members note the content of this report.

REASON: To keep them informed on appeals determined by the Planning Inspectorate.

Cllr K Hyman, Chair  
[The meeting started at 2.00 pm and finished at 3.15 pm].

**COMMITTEE REPORT**

**Date:** 6 January 2011                      **Ward:** Clifton  
**Team:** Major and Commercial      **Parish:** Clifton Planning Panel  
Team

**Reference:** 10/02096/FULM  
**Application at:** Axcent Ltd 156B Haxby Road York YO31 8JN  
**For:** Residential development consisting of 7no. two storey dwellings  
and 6no. apartments in a three storey building on site of former  
Co-operative Dairy (resubmission)  
**By:** Yorkshire Housing Limited  
**Application Type:** Major Full Application (13 weeks)  
**Target Date:** 31 January 2011  
**Recommendation:** Approve

**1.0 PROPOSAL****1.1 SITE**

The site relates to an area of land (0.26 hectares) situated within the built up area of the City, located behind Haxby Road Primary School, Haxby Road, and accessed via White Cross Road. It is bounded by the grade II listed school to its west, an employment site to its north, cycle track with houses beyond to its north and east, and NHS outpatients building and sports/social club to the south. White Cross Road comprises terraced properties on either side, with the club building and access to the car park serving the NHS buildings at the end of the road.

The access to the site is between the end of terrace property on the northern side of the street and the sports/social club. A large brick built warehouse, formerly a dairy, currently occupies over half the site, abutting the site's eastern boundary with the cycle path. A hard-surfaced yard/parking area exists on the remainder of the site and is abutted by the wall enclosing the playground of the listed school to the west of the building.

**1.2 PROPOSAL**

The proposal involves residential redevelopment of the site following the demolition of the existing warehouse. The replacement buildings would comprise two semi-detached pairs of two-storey dwelling houses, a terraced row of three two-storey dwelling houses (7 no. in total) and one three-storey block of six flats. One of the houses would be 2-bed and six would be 3-bed. The apartments are all 2-bed units. The apartment block would be located in the south-eastern corner of the site with main elevations facing into the site and the NHS building. The houses would be positioned along the access road and turning head - one semi-pair and the terraced row to the north and one semi-pair to the south of the access road. An amenity space is shown to the north of the apartment block beyond which is a gate in an otherwise enclosed boundary giving access to the cycle track. Access would remain

via the existing driveway from White Cross Road, which would lead to a turning head ending in the amenity space and car parking spaces. The application has been submitted by Yorkshire Housing Limited and is proposed to be 100% affordable.

## 1.3 APPLICANT'S CASE

The application is supported by a Design and Access Statement, a Combined Planning and Sustainability Statement and Site Investigation documents.

Design and Access Statement - gives information about the site context, policy background and comment on the use, amount, layout, scale, landscaping, appearance and access of the proposal. It confirms the density of 50 units per hectare. The dwelling houses have been provided with a private rear garden. The access gate to the cycle track is to be controlled by residents of the scheme through the management arm of the Housing Association. The buildings are to be of traditional design and construction with red brick walls and timber cladding with grey concrete roof tiles proposed. The proposal has been designed to meet Lifetime Homes standards and Building Regulations 2004: Approved Document M: Access to and use of the building.

Combined Planning and Sustainability Statement - This states that the proposed development provides for a sustainable, high quality residential development, providing affordable housing on a brown field site located in a sustainable location and that meets as a minimum Code for Sustainable Homes Level 3. The Sustainability Statement confirms that all units would have photovoltaic panels on their south facing roof slopes. In addition, the use of a Gas Multisave Heat Exchanger along with high efficiency gas boilers is proposed. The scheme achieves a code 5 rating in respect of water management and code 4 in respect of materials. The statement claims that the provision of private amenity space for the apartments is not achievable, but is for the houses.

A Site Safety Audit has also been submitted. This concludes that - The mews style design principle is supported by national guidelines and will not present significant accident risk in a small residential development such as the one proposed.

A Geoenvironmental appraisal was also carried out in November 2009 for the site owners, The Co-op, and has been supplemented with additional related reports.

## 1.4 HISTORY

The application site has a long-standing use as a dairy site, but has been vacant for many years. There have been four pre-application enquiries for the site all for housing developments of one form or another - three of which were from the proposed developer, Niche Construction. These involved the submission of draft layouts for the erection of ten houses, provision of 2 bed flats for over 55s and the current proposal. During pre-application, relevant issues were highlighted - highway safety and access, proximity to listed building, drainage, sustainable construction and more detailed design considerations along with potential financial contributions if approval were forthcoming.

These discussions resulted in the submission of a planning application (ref: 10/00580/FULM), which was recommended for refusal by officers and subsequently refused by Committee in July 2010 on five grounds including harm to: highway safety, listed building, living conditions of future occupants, visual amenity; along with the lack of insufficient information with regards to surface water disposal.

## **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:

CYSP6

Location strategy

CYGP1

Design

CYGP3

Planning against crime

CYGP4A

Sustainability

CYGP6

Contaminated land

CYGP9

Landscaping

CGP15A

Development and Flood Risk

CYHE2

Development in historic locations

CYHE4

Listed Buildings

CYH1

Housing Allocations

CYH2A

Affordable Housing

CYH3C  
Mix of Dwellings on Housing Site

CYH5A  
Residential Density

CYNE6  
Species protected by law

CYNE7  
Habitat protection and creation

CYT4  
Cycle parking standards

CYL1C  
Provision of New Open Space in Development

### **3.0 CONSULTATIONS**

#### **3.1 PUBLICITY**

The application has been advertised by way of letters to internal and external consultees and local residents and by site and press notices. The consultation period expired on the 8th December 2010.

#### **3.2 INTERNAL**

##### **3.2.1 Design, Conservation and Sustainable Development**

###### **(i) Countryside Officer**

The existing building has a low potential for supporting bats, due to its thin, single sheet asbestos roof which provides very open and draughty conditions, unsuitable for roosting bats. There could however be some opportunities or potential for roosting by individuals or very small numbers, but no evidence was seen at the time to suggest any recent use. For this reason it is not considered that a bat survey is required as part of this application, although care should still be taken during the demolition in order to minimise any potential impacts should any bats be present. The redevelopment of the site does also present a good opportunity for carrying out habitat enhancement work to benefit a range of species known to use the area. Condition requested.

###### **(li) Conservation Officer**

The development site lies within the Haxby Road Primary School, a grade II listed building, designed by Brierley and constructed in 1903-4. The development site lies outwith the Nestle/Rowntree Factory Conservation Area boundary to the north.

The development site is located to the east of Haxby Road Primary School. The school playground, situated to the rear of the school building, is enclosed by a brick boundary wall that incorporates a series of single storey outbuildings along the boundary. The dairy building is visible from the playground over the 1.9 m high section of boundary wall. Views over this section of boundary wall are framed by the single storey outbuildings present. The existing dairy building terminates the view from the playground to the east.

The re-submitted application indicates a terrace of three, two storey houses, adjacent to the 1.9m high section of brick boundary wall that encloses the school playground. These would be stepped back from the boundary wall. The gable end of the terraced block lies approx. 3m from the rear of the playground shelter at the closest point to the boundary. Due to the siting and orientation of the proposed terraced block of dwelling houses, the end gable of the building is likely to be less visually intrusive on the setting of the adjacent Listed Building than the previous proposals. Although the end gable and mass of the terraced block of houses will be visible from the adjacent playground, due to the set back of the gable of between approx. 3m and 7.4m, this building is unlikely to dominate views from the adjacent Listed Building or the setting of the designated heritage asset.

The proposed semi-detached two storey dwelling houses, 1/E and 2/F, are situated approx. 9.9m from the boundary of the school playground and will be partially obscured from view from the school playground by the existing outbuilding or playground shelter. It is unlikely that the location of the semi-detached dwelling houses will dominate views from adjacent Listed Building or the setting of the designated heritage asset from within the school playground.

(iii) Landscape Architect - The scheme is an improvement on the previous application for the following reasons. Some amenity space is provided for the apartment building. This amenity space provides an openness and greenery that can be appreciated from the adjacent community garden and cycle route. The proposed paladin fencing is more transparent than the previously specified close-boarded timber fencing. Whilst unit 6/7 and the apartment block does not directly address the adjacent space, one will see the fenestrated building elevations as one travels along the path.

The rear of the apartment block is somewhat too close to the southeast boundary, but these are double fronted apartments with the main living quarters affording the more open aspect. The amenity for the apartment block is still limited in that its frontage is largely made up of storage, road, and parking.

In summary the relationship with the adjacent space/cycle path is improved.

### 3.2.2 Highway Network Management

The proposals are to develop the site for 13 dwellings with access provided via the existing access onto White Cross Road.

The site and access has a historic use with commercial buildings currently on the site. These buildings will have historically generated certain levels of traffic, including HGV movements and could continue to do so under the sites lawful planning use.

Whilst it is accepted that the access is restrictive in terms of modern arrangements when developing clean sites, it is considered that a suitable arrangement can be designed and constructed which caters for two-way traffic and servicing arrangements (refuse vehicles). An Independent Site Safety Assessment has been provided in support of the application and this report identifies potential issues with the use of the access against guidance and standards. The report concludes that there are no technical safety reasons why the access road cannot be designed to accommodate a safe means of access to the residential development proposed.

The level of proposed development will result in very low vehicular and traffic movements (in the region of 8 vehicle movements in the peak hours which equates to less than 1 vehicle every 10 minutes) Given the low flows officers consider that the potential for conflict between pedestrians and vehicles is very low.

The access road is to be designed to adoptable standards and offered for adoption. The design will be informal, in the form of a shared surface route, and will seek to reduce vehicle speeds to well below 20mph. Vehicular swept paths for refuse vehicles have demonstrated that such vehicles can successfully traverse the site and enter/exit in a forward gear.

Car and cycle parking has been provided in accordance with the relevant CYC Annex E standards and will be secured through appropriately worded conditions. The site falls outside of the adjacent residents parking scheme and as such future residents would not be eligible to apply for permits. Any proposals to incorporate the site within the scheme would be resisted so as to not place further pressure on existing residents.

In order to improve the access arrangements it may be necessary to reduce the number of on-street res-park bays. This process is separate to the planning process. The removal of a few (potentially 2 or 3 bays) is not considered to result in a detrimental impact on the existing res-park scheme and as such officers raise no objections.

### 3.2.3 Environmental Protection Unit

No objections. A desk study and initial site investigation report have been submitted, though more work is to be done investigating the remaining areas of the site currently occupied by the old dairy buildings. Happy with the results of the gas sampling and associated recommendations to date. The site investigation has identified several potentially contaminating sources and further sampling will be necessary. Conditions are requested.

The site is adjacent to some small business/industrial units. However, the noise environment is very quiet. Standard double-glazing units will therefore be adequate.

Much of the roofing on the current buildings is of a corrugated cement/asbestos type, which must be disposed of to a licensed disposal site. However it is also important that any further site investigation, samples for asbestos fibres after demolition of the buildings.

Suggests that if piling is to be used for the foundations, that a condition be attached to deal with noise and vibration that could affect occupiers of the nearby elderly residents accommodation, other local residents, and users of the primary school.

Conditions recommended regarding contamination and piling with informative about Control of Pollution Act.

### 3.2.4 York Consultancy (Drainage)

The development is in low risk Flood Zone 1 and should not suffer from river flooding. Unfortunately, Engineering Consultancy objects to the proposed development, on the grounds that insufficient information has been provided by the Developer to determine the potential impact the proposals may have on the existing drainage systems.

Further information required about existing surface water system, site levels and suitability of soakaways.

### 3.2.5 Housing Services

This application is submitted by Yorkshire Housing Ltd, a Registered Provider (RP) that is part of the Council's York Housing Partnership Agreement. The application is for 13 affordable dwellings for social rent. This applications states that 100% of the dwellings are to be for social rent. The comments are made on that basis

As such the proposal will provide much needed housing for families and households that are in need of affordable housing. The 2007 Strategic Housing Market Assessment clearly illustrates the affordable housing crisis in York, with a need for 1,218 new affordable homes per annum and over 3,000 households on the Council waiting list. This development would be a valuable contribution towards addressing that need.

The homes will be designed and built to the high quality and space standards required by the Homes and Communities Agency (HCA) and will meet Code for Sustainable Homes Level 4 - significantly higher than the level required in the Council's planning policies for new homes. They will also be designed and built to Lifetime Homes standard and Secure by Design requirements.

The site is one that is allocated for housing in the Local Plan (4th set of amendments) and in the LDF proposals.

Housing Services fully supports this application, with the suggested condition and / or S106 agreement that the homes can only be used for affordable housing for social rent in perpetuity unless otherwise agreed with the Planning Authority.



### 3.2.6 Lifelong, Learning and Culture

As there is no on site open space, commuted sums should be paid to the Council for amenity open space, play space and sports pitches.

### 3.2.7 Adults, Children and Education (Education)

No education contribution will be required for this development.

## 3.3 EXTERNAL

### 3.3.1 Yorkshire Water

A water supply can be provided. Request conditions in order to protect the local aquatic environment and Yorkshire Water infrastructure. The development should take place within separate systems for foul and surface water drainage. The local public sewer network does not capacity to accept any additional discharge of surface water from the proposal site. SUDS or alternative watercourse should be investigated. Curtilage surface water may discharge to the public combined sewer providing on like-for-like basis with minimum 30% reduction to take account of climate change.

### 3.3.2 North Yorkshire Police - Architectural Liaison Officer

This resubmission has addressed concerns expressed to previous application. The drawings show a more secure and safer environment. There are areas of clearly defined 'defensible space', secure perimeters and boundaries and the provision of a controlled gate onto the Sustrans cycle track. Secure cycle storage units have been moved to a position where they will be afforded better levels of surveillance from owners. The combined Planning and Sustainability Statement states that the developer is committed to achieving compliance with Secured by Design. This development now fully complies with the advice contained within Planning Policy Statement 1, e.g. 'new development should create a safe and accessible environment where crime and disorder or fear of crime does not undermine quality of life or community cohesion'.

### 3.3.3 Clifton Ward Planning Panel

It is noted that the new proposal has taken note of the reasons for the rejection of the previous scheme especially points 2, 3 and 4. On this basis we would normally have no objection to the resubmitted proposal.

However, we remain to be convinced that the resubmitted scheme has dealt with a major part of the first reason for refusal of the original scheme, namely the safety of the site access road, especially adjacent to the junction with White Cross Road. Combining the two narrow pavements as shown in the original proposal into one of the same overall width does not meet the strongly felt concerns of the residents. Nor does it appear to satisfactorily address the concern for highway safety at the junction with White Cross Road.

We also note that there is still a grave concern about the drainage and removal of surface water such that the York Consultancy objects.

We are also aware of the strength of feeling from the local residents in White Cross Road about the loss of parking spaces to improve vehicular access to the site. This was part of their objection to the original scheme but was not included in the reasons for refusal and hence does not appear to have been addressed.

### 3.3.4 Responses from local residents

There have been 58 submissions to the application from residents of the local community, raising the following objections:

- Removal of four parking spaces from oversubscribed Respark scheme R28, resulting in undue pressure on the scheme in neighbouring streets;
- Increased traffic along White Cross Road, putting pressure on already seriously congested junction with Haxby Road;
- Development will not promote community cohesion and will create effective enclave isolated from the neighbouring community by high fencing and inadequate access;
- Site access is unsafe as it is not wide enough to accommodate pedestrians, pushchairs, cyclists, wheelchair users and two-way traffic - question whether it will accommodate lighting;
- Access to cycle track is weak link in the security of the area;
- Inadequate public consultation by developer;
- Apartment block inappropriate and out of keeping with neighbouring properties and would be overbearing;
- Overshadowing and loss of privacy to house and garden from apartment block;
- Queries about whether access could be taken from Haxby Road via printers or from Huntington Road via White Cross Gardens;
- Number of units yet again exceed estimated maximum of 10 properties in Local Plan;
- If scheme approve, wants compensation for reduced property value and inability to park outside front door.

## 4.0 APPRAISAL

### 4.1 KEY ISSUES:

The main considerations as part of this proposal are:

- principle of residential redevelopment;
- affordable provision;
- density and mix of housing;
- design and visual amenity;
- crime;
- sustainability;
- impact on heritage asset;
- affect on residential amenity;
- access, parking and highway safety;

- flood risk and drainage;
- contamination;
- ecology and trees;
- affect on local facilities.

## 4.2 POLICY CONTEXT

Relevant Central Government guidance is contained in the following documents:

Planning Policy Statement 1: Delivering Sustainable Development (PPS1) places sustainable development as the core principle underpinning planning. It seeks a spatial planning approach with high quality development through good and inclusive design and the efficient use of resources. It considers that design, which is inappropriate in its context and fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted. The PPS is supported by various good practice guides, including safer places - the Planning System and Crime Prevention and By Design - better places to live.

Planning Policy Statement 3: Housing (PPS3) was re-issued in June 2010 to accommodate two main changes. The change relevant to this application is the deletion of a national indicative density of 30 dwellings per hectare. The objectives of the document remain the same. That is, to make effective and efficient use of land and achieve high quality mixed housing that is suitably located. With regards affordable housing it confirms the commitment to the provision of high quality housing for people who are unable to access or afford market housing as well as helping people make the step from social-rented housing to home ownership.

Planning Policy Statement 5: Planning for the Historic Environment (PPS5) aims to conserve the historic environment and its heritage assets.

Planning Policy Statement 25: Development and Flood Risk (PPS25) aims to avoid inappropriate development in areas at risk of flooding and direct development away from areas at highest risk. It sets out a risk-based approach with the submission of flood risk assessments and a sequential approach for determining site suitability.

Local planning policies contained in City of York Draft Local Plan (incorporating 4th set of changes), which has been adopted for Development Control purposes, are outlined in section 2.2 and are material to the consideration of this application.

## 4.3 PRINCIPLE OF RESIDENTIAL REDEVELOPMENT

The application relates to the redevelopment of a former dairy site that constitutes previously developed land and is located in a mixed use area within the urban boundaries of the City. It is in a sustainable location, close to public transport routes, the City's cycle network and local facilities, including schools, shops and hospitals.

The site has been allocated in the City of York Draft Local Plan and identified on the accompanying proposals map as a potential housing site with access shown from White Cross Road along the existing lane. Table 7.2 of Policy H1 of the Plan lists the

site as H1.49 and gives an estimated site capacity of 10 dwellings, representing a density of 33 dwellings per hectare. No affordable housing target is specified due to the estimated site capacity being below the relevant threshold of 15 dwellings.

In light of the above, the redevelopment of this site for residential use is considered to be acceptable in principle.

## 4.4 AFFORDABLE HOUSING PROVISION

The application has been submitted by Yorkshire Housing Limited and proposes 100% affordable provision, with a mix of 7 no. two and three bedroomed houses (in three groupings) and 6 no. two bedroomed apartments (in one block). The provision of a development that helps to meet the needs of the City's housing demand is welcomed, though this needs to be balanced against the other planning considerations.

## 4.5 DENSITY AND MIX

The density of development on the site would be 50 dwellings per hectare. Recent changes to PPS3 have removed the blanket minimum density requirement of 30 dwellings per hectare. Instead, it is for individual to determine appropriate densities for particular sites and to set out a range of densities for the plan area. The Draft Local Plan sets out three such levels for its plan area, with development aiming to achieve a density greater than 60 dwellings per hectare in the city centre, 40 dwellings per hectare in urban areas and 30 dwellings per hectare elsewhere in York (Policy H5a). The requirement for this site would be a density greater than 40 dwellings per hectare, which it exceeds.

Policy H5a also requires the scale and design of development to be compatible with the surrounding area. The area is mixed, but the housing within it is largely characterised by high density traditional terrace rows of properties, with townhouses and apartments of 2.5 to 3 storey in the more recent development to the south on the former hospital site. Therefore, the higher density of the development itself is not considered to constitute a reason for refusal.

The mix of property types within the scheme, including flats and apartments of 2 and 3 bedrooms, is considered to be acceptable.

## 4.6 DESIGN AND VISUAL AMENITY

The main public elevation is that facing the Sustrans cycle track (route 66 Foss Islands Route). This green corridor has been identified as an important part of the city's green infrastructure. The stretch adjacent to the site is relatively broad and has been recently managed to form a community garden and wildlife area. The space is overlooked by the end properties on Ashville and Oakville Streets and these terraced houses have a beneficial visual relationship that reinforces the quality of the space. The existing warehouse steps down in height, such that it is of a complimentary scale on the opposite side. Its mass contributes to the space forming quality of the surrounding buildings by way of its location directly adjacent to the footpath, with windows set within the elevation.

The scheme is considered to be an improvement on that previously refused in terms of its relationship to the cycle track and would open up views through into a semi-private amenity space with the opportunity for soft landscaping as well as of the Grade II listed building beyond. It would be an improvement to the area and would retain a degree of intimacy between the site and the cycle track. There could be further improvement by some tweaking of the layout to relocate the cycle stores nearer to the apartment building entrance to allow the amenity space to be extended - and further landscaping - up to the boundary with the cycle track.

The simple design philosophy of the buildings is considered to be appropriate, rather than trying to replicate the historic and traditional buildings in the area with a 'pastiche' approach. However, again, improvements could be made to the rear elevation of the apartment block to break up the large expanse of brickwork.

This elevation is the consequence of the reduction in built form adjacent to the cycle track and results in a 23.3m long three storey elevation of 11m in height facing the single storey NHS building to the south. This represents a building of greater height and mass with a continuous roof line compared to the broken up roof line of the warehouse building with three gables, the middle one of which reaches a maximum height of 10.2m. However, the apartment block is shorter in length than the warehouse (23.3m rather than 28m) and would set back 2.6m into the site behind a close boarded fence to be erected on the site boundary. Therefore, whilst the appearance of the building would be significantly different, the impact of the building in views from outside the site and in relation to the NHS building is considered to be acceptable.

The Police Architectural Liaison Officer (PALO) considers that the scheme now proposed meets Secured by Design and the requirements of PPS1 to create safe and accessible environments. The down side of this is that a high fence, 2.4m high along the full length of the boundary of the site with the cycle track, would be created along the boundary with the cycle track and the lack of permeability through the site for non-residents.

#### 4.7 SUSTAINABILITY

As stated above, the redevelopment of the site represents the efficient use of previously developed land that is in a sustainable location, close to existing facilities and within easy access of public transport and cycle routes.

The application would achieve as a minimum Code for Sustainable Homes Level 3, as required by the City of York Council's Interim Planning Statement on Sustainable Design and Construction (IPS). It proposes photo voltaic panels on each building to meet the Council's requirement for on site renewable energy generation, with a more efficient gas system (gas multisave heat exchanger with high efficiency gas boilers) for the remaining energy generation. There is no information about sustainable urban drainage systems. This latter element could be addressed by the imposition of a condition.

Recycling facilities are shown for each property, with an enclosed area to serve the apartments.

#### 4.8 IMPACT ON HERITAGE ASSET

The site does not fall within or immediately adjacent to a designated conservation area. The adjacent Brierly designed primary school, however, is grade II listed. The brick wall around the school's playground and outbuildings built within it, contribute to the setting and special interest of this heritage asset. The nearest building would be located approximately 3m away from the boundary wall with the school and the building set largely behind existing outbuildings within the school grounds. As such, it is considered that the location, scale and mass of the proposed development would not adversely impact on the setting of the designated heritage asset.

#### 4.9 AFFECT ON RESIDENTIAL AMENITY

The main residential properties outside the site affected by the development would be the houses to the east on Ashville and Oakville Street, in terms of potential overdominance, overlooking and overshadowing, and White Cross Road, in terms of disturbance from additional traffic movements.

The houses on Ashville and Oakville Street are located at a distance of over 20 metres from the proposed three storey apartment block and would be separated by the cycle track and community garden. Furthermore, these houses and the apartment block would not directly face one another - the houses being angled to face south and the apartment block having a NW-SE orientation - and there are proposed to be no windows in the gable end of the block which faces the cycle track and houses beyond. Whilst the apartment block would be visible from the properties, it is considered that any potential harm would not significantly erode the amenity that the residents could reasonably expect to enjoy in a high density urban area. Any additional casting of shadows outside the site from the apartment block would be reduced given the end on orientation to the cycle track and separation distance to the houses beyond.

Whilst the properties on White Cross Road would not themselves be affected directly from the proposed buildings, there would be an indirect impact from traffic movements along the street associated with the development and the loss of 2 or 3 residents parking spaces (this is addressed further under the Highways section). White Cross Road is a busy road with vehicles able to park on both sides and using it to access the NHS staff car park as well as those accessing the 37 properties themselves. The end-terrace adjacent to the site entrance, no.37, is in commercial use as offices, whose staff park on the access road to the site. Residents claim that vehicles with passengers utilising the local services on Haxby Road drive along it to park or turn. Whilst the concerns of local residents are acknowledged, it is unlikely that the additional traffic generated by the development would cause any further harm to their amenity than potential reuse of the site for a different employment use.

The NHS building would be at a distance of 20 metres to the south of the apartment block with car parking between. The hospital building does not provide overnight accommodation for patients. Whilst the apartment building would be much taller than

the single storey hospital building, there would be negligible harm to its users. Efforts have been made to soften the dominance of the block's elevation by setting it back 2.6m from the site boundary and providing a 1.8m high close boarded timber fence on the boundary.

In terms of the amenity for future residents of the site itself, as mentioned before, the reduced number of units has allowed an increase in the amount of soft landscaping and the inclusion of an area of amenity space around 40sq.m. for use by the future occupiers of the development, most importantly those in the apartments. The houses do have private rear gardens approximately 6m in length. Whilst the majority of the houses on the site would back onto the employment site to the north, the noise environment is relatively quiet and the amenity of future residents could be addressed through suitable double glazing units. The houses have a separation distance of 6 metres and an adequate boundary enclosure could also be provided.

If approved, a condition restricting hours of construction should be attached to protect the amenity of surrounding residents.

#### 4.10 HIGHWAY CONSIDERATIONS

As stated, access to the site would be via the existing driveway from White Cross Road. It would involve changes to its junction with White Cross Road, involving the reduction in the length of the Respark bays on street to enhance access arrangements, although swept paths have identified that a refuse vehicle could access the site without the loss of a multiple res-park bays.

Officers are aware that this Respark zone is already under pressure and the proposed development would not be included within the scheme. The removal of 2 or 3 spaces will not have a significant impact in the overall supply and demand of spaces within the scheme.

It should be noted that there is currently consideration being given to the removal of one of the 2 or 3 spaces as it is sited across an emergency access to Huntington Mews which will minimise the total number of bays required to be removed for this development.

On balance it must be remembered that the existing access is a lawful access which could attract commercial vehicular traffic.

Some revisions have been made to the scheme since it was last refused and a Site Safety Audit has been submitted to demonstrate that the development would not cause a highway safety risk. There are some further improvements that are to be made internally through the detailed design and adoption process which will significantly reduce the achievable vehicle speeds. The Council's Highway Officers are now satisfied that a suitable scheme is achievable and do not consider that a highways reason for refusal could successfully be sustained. Therefore, the Local Highway Authority raises no objections subject to standard conditions.

#### 4.11 FLOOD RISK AND DRAINAGE

The site lies in Flood Zone 1 and should not therefore suffer from river flooding. The application states that surface water from the development would be discharged either into the mains drains for highway elements of the scheme or soakaways for the houses. The redevelopment of the site would represent a reduction, albeit small, in the extent of hard surfacing of the site. The Council's Drainage Engineer has requested further information in order to clarify that there is existing capacity and that the proposals are acceptable in terms of surface water disposal. As he considers that it is likely that a solution can be found, he confirms that this matter can be addressed through condition. Yorkshire Water raises no objections subject to conditions.

#### 4.12 CONTAMINATION

The Council's Contamination Officer has considered the proposal due to the long standing employment use of the site and requests that suitable conditions be attached to any approval.

#### 4.13 ECOLOGY AND TREES

Whilst there are no trees on site, there are trees in the adjacent NHS site that are close to the site boundary. The Council's Landscape Architect previously confirmed that these should not be adversely affected by the proposal - no change has been made to the areas around these trees that would pose a threat to their continued existence. As the existing building may provide some summer roosting opportunities and the site is located within an area that provides good foraging and roosting opportunities, it is considered reasonable to require the development to provide habitat enhancement measures within the proposal.

#### 4.14 EFFECT ON LOCAL FACILITIES

The site is within easy access of existing facilities in the area, including a school, shops, and health services. There is no requirement for a financial contribution towards education facilities in the area. As there is no public open space provided on site, it is recommended that a condition be attached that requires alternative provision either elsewhere or a commuted sum to be paid in lieu of such provision. The applicant has agreed to provision off-site either likely to be via the payment of the relevant amount.

### 5.0 CONCLUSION

5.1 The redevelopment of the site for residential purposes is acceptable in principle, as the site constitutes previously developed land in a sustainable location within the urban area and with 100% affordable provision that achieves Code for Sustainable Homes level 3. Weight should also be given to the allocation of the site in the City of York Draft Local Plan as a suitable housing site though with an estimated capacity of ten dwellings.

5.2 The scheme has addressed the previous reasons for refusal relating to the setting of the grade II listed building and impact on amenity of future residents from



the lack of any usable amenity space. Officers consider that a solution can be found to the surface water discharge from the site sufficient to condition any approval.

5.3 The proposal had again raised concerns on the grounds of highway safety. However the Highway Network Management is now satisfied that the amendments and further information submitted regarding the details of access are sufficient to overcome the objections.

**6.0 RECOMMENDATION:** Approve

- |    |        |  |
|----|--------|--|
| 1  | TIME2  | Development start within three years     |
| 2  | PLANS2 | Apprvd plans and other submitted details |
| 3  | HWAY14 | Access to be approved, details reqd      |
| 4  | HWAY18 | Cycle parking details to be agreed       |
| 5  | HWAY19 | Car and cycle parking laid out           |
| 6  | HWAY1  | Details roads,footpaths,open spaces req. |
| 7  | HWAY7  | Const of Roads & Footways prior to occup |
| 8  | HWAY40 | Dilapidation survey                      |
| 9  | HT1    | IN Height                                |
| 10 | HWAY41 | Safety Audit                             |

11 Unless otherwise agreed in writing by the local planning authority, no building or other obstruction shall be located over or within 3.0 metres either side of the centre line of the sewer, which crosses the site.

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

12 The site shall be developed with separate systems of drainage for foul and surface water on and off site.

Reason: In the interest of satisfactory and sustainable drainage.

13 The development shall not begin until details of foul and surface water drainage works have been submitted to and approved in writing by the Local Planning Authority, in consultation with the Internal Drainage Board, and carried out in accordance with these approved details.

Reason: So that the Local Planning Authority may be satisfied with these details for

the proper drainage of the site to comply with guidance contained within Planning Policy Statement 25 (Development and Flood Risk).

INFORMATIVE: In accordance with Planning Policy Statement 25 and in agreement with the Environment Agency / City of York Council, peak run-off from brownfield developments shall be attenuated to 70% of the existing rate (based on 140 l/s/ha of proven connected impermeable areas). Storage volume calculations, using computer modelling, shall accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model shall also include an additional 20% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required

14 Unless otherwise approved in writing by the local planning authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

Reason: To ensure that no foul or surface water discharges take place until proper provision has been made for their disposal.

15 LAND1 IN New Landscape details

16 Development on Land Affected by Contamination

Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts a to c of this condition have been complied with:

a. Site Characterisation

An investigation and risk assessment, in addition to the Geoenvironmental appraisal provided by Sirius Geotechnical & Environmental Ltd, (report C3532, dated November 2009), must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. Specifically, the area currently occupied by old dairy buildings must be investigated after the demolition of the buildings. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority.

b. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

c. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

17 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of the previous condition, and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with the previous condition.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

18 Any piling operations shall be carried out using the quietest practicable method available. The Council's Environmental Protection Unit and local residents shall be notified of the dates, times, likely duration and works to be undertaken prior to piling taking place.

Reason: To protect the amenity of nearby residents.

19 NOISE7 Restricted hours of construction

20 VISQ8 Samples of exterior materials to be app

21 VISQ4 Boundary details to be supplied

22 Prior to the commencement of any works on the site, a detailed method of

works statement identifying the programming and management of construction works shall be submitted to and approved in writing by the LPA. The statement should include at least the following information:

- the routing for construction traffic that will be promoted;
- a scheme for signing the promoted construction traffic routing;
- where contractors will park;
- where materials will be stored within the site; and
- measures employed to ensure no mud/detritus is dragged out over the adjacent highway.

Reason: In the interests of highway safety and amenity of local residents

23 Prior to any works commencing on site, a construction environmental management plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall identify the steps and procedures that will be implemented to minimise the creation and impact of noise, vibration and dust resulting from the demolition, site preparation, groundwork and construction phases of the development. Once approved, the CEMP shall be adhered to at all times, unless otherwise first agreed in writing with the Local Planning Authority.

Reason: To protect the amenity of occupants of adjacent and adjoining properties during the development of the premises.

24 Prior to the commencement of the development, the developer shall submit for the written approval of the Local Planning Authority an initial Code for Sustainable Homes (CSH) Design Stage assessment for the development. Unless otherwise agreed in writing with the Local Planning Authority, this shall indicate that at least the minimum code level 3-star rating will be achieved. This shall be followed by the submission of a CSH Post Construction Stage assessment, and a CSH Final Certificate (issued at post construction stage). These documents shall be submitted to the Local Planning Authority after completion and before first occupation of the building. Both documents submitted shall confirm that the code rating agreed in the initial CSH Design Stage assessment has been achieved.

Reason: In the interests of sustainable development.

25 No building work shall take place until details have been submitted and approved in writing by the Local Planning Authority to demonstrate how the development will provide 10% of its predicted energy requirements from on-site renewable sources. The development shall be carried out in accordance with the submitted details unless otherwise agreed in writing by the local planning authority. The approved scheme shall be implemented before first occupation of the development. The site shall thereafter be maintained to the required level of generation.

Reason: To ensure that the proposal complies with the principles of sustainable development and the Council's adopted Interim Planning Statement on Sustainable Design and Construction

26 The development shall not begin until a scheme for the provision of affordable

housing within the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex B of PPS3 or any future guidance that replaces it. The scheme shall include:

- i. the numbers, type, tenure and location on the site of the affordable housing provision to be made
- ii. the timing of the construction of the affordable housing
- iii. the arrangements for the transfer of the affordable housing to an affordable housing provider[or the management of the affordable housing] (if no RSL involved) ;
- iv. the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- v. the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

Reason: To comply with the provisions for affordable housing within PPS3 (Housing) and the Councils' Development Control Local Plan (as amended).

27 No development shall take place until full details of what measures for bat mitigation and conservation are proposed have been submitted to and approved in writing by the Local Planning Authority

The measures shall include:-

- i) A plan of how the demolition work is to be carried out to accommodate the possibility of bats being present
- ii) Details of what provision is to be made in the new buildings to replace the features lost through the demolition of the original structure.
- iii)The timing of all operations

Reason: To take account of and enhance the habitat for protected Species.

## 7.0 INFORMATIVES:

### Contact details:

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**Tel No:** 01904 551325

**COMMITTEE UPDATE – 6.1.2011**

**Plans Item 5a – Axcent Ltd, 156B Haxby Road (10/02096/FULM)**

1. Response from Council's Sustainability Projects Officer who requests conditions to require the development to meet Code for Sustainable Homes Level 3 as minimum and 10% energy demand from renewable technologies.
2. Update to section 3.3.4 of report - the number of submission should be 59.
3. Additional emails from 2 local residents querying the site address. They feel it is incorrect and has caused confusion that has lead to many people not realising the implications of the development on the local community.  
Officer's response: The address on the Council's system is specific to the application site – being separate to the other employment premises to the north. The description did make reference to the development being of the former Co-operative dairy site. 58 submissions were received from local residents, including occupants on White Cross Road who were clear about the proposal.
4. The main differences between the previously refused scheme and the current proposal, are as follows:

	<b>Previous scheme</b>	<b>Current scheme</b>
<b>Number of units</b>	17 units in total.	13 units in total.
<b>Mix of units</b>	5 no. 3-bed semi-detached houses; 3 no. 2-bed semi-detached houses; 9 no. 2-bed flats.	6 no. 3-bed houses (one semi-pair, one part-semi and one terrace); 1 no. 2-bed part-semi house; 6 no. 2-bed flats.
<b>Density</b>	65 dwellings per ha	50 dwellings per ha
<b>Heights</b>	2 storey houses and 3 storey apartment block.	2 storey houses and 3 storey apartment block.
<b>Affordability</b>	100% rented and dfs.	100% rented.
<b>Sustainability</b>	Code Level 3 as minimum, though aiming for level 4.	Code level 3 as minimum, though aiming for level 4, and provision of PV panels on all buildings.
<b>Access</b>	From White Cross Road - 4.5m wide roadway with 600mm strips on either side. Gated pedestrian/cycle access to cycle path.	From White Cross Road – 4.5m wide roadway adjacent to eastern boundary with 1.2m wide footway on western boundary. Gated pedestrian/cycle access to cycle path.
<b>Parking</b>	1 space per unit and 4 visitor spaces split into two locations.	1 space per unit and 4 visitor spaces in one area.
<b>Layout</b>	Buildings around access road, turning head and parking.	Buildings facing access road, turning head, parking and area of communal amenity space.

<b>Relationship to cycle track</b>	Gable end of dwelling and 11.6m long primary elevation of apartment block facing path with two parking spaces separating the buildings.	Blank gable ends of dwelling and apartment block face path with 2 parking spaces and amenity space in between the two elevations.
<b>Distance to Listed school boundary wall</b>	1.143m at nearest point.	3.01m at nearest point.
<b>Distance to NHS building</b>	19.085m at nearest point.	20.198m at nearest point.

## 5. Changes to recommended conditions:

<b>No.</b>	<b>Amendment/addition</b>
<b>2</b>	Insert to read – Drawing numbers: E001 rev.A 'Location Plan', L002 rev.A 'Site Plan as Proposed', L004 'House types A,B&C, L003 'House types A&B', L005 'House types E&F', L006 'Apartment Building', L008 rev.A 'Proposed Hard & Soft Landscaping'.
<b>9</b>	Insert to read - 8.755m for house types A, B and C; 7.535m for house types E and F; and 10.858m for the apartment block. Add following sentences after – Before any works commence on the site, details of existing and proposed ground levels on the site and finished floor levels of the dwellings shall be submitted to and approved in writing by the Local Planning Authority. There shall be no raising of site levels without prior agreement of the Local Planning Authority.
<b>13</b>	Remove wording – 'in consultation with the Internal Drainage Board'.
<b>15</b>	Insert to read – within the site, including the hard and soft landscaping and layout of the communal amenity space.
<b>28</b>	New condition regarding elevation detail of apartment block to read –  Notwithstanding the details shown on the approved drawings, revised details of the rear south-facing elevation of the apartment building shall be submitted to and approved in writing by the Local Planning Authority. This shall show further articulation and relief in the design of the elevation either through the use of different materials or stepping of the wall itself. Reason: In the interests of visual amenity.
<b>29</b>	New condition regarding means of enclosure, to read –  Details of all means of enclosure to the site boundaries shall be submitted to and approved in writing by the Local Planning Authority before the development commences and shall be provided before the development is occupied. Reason: In the interests of the visual amenities of the area and to reduce the opportunities for crime.
<b>30</b>	New condition regarding public open space provision to read –  No development shall commence unless and until details of provision for public open space facilities or alternative arrangements have been submitted to and approved in writing by the Local Planning Authority. The Open space shall thereafter be provided in accordance with the approved scheme or the alternatives arrangements agreed in writing by the Local Planning Authority and thereafter implemented, prior to first occupation of the development. Reason: In order to comply with the provisions of Policy

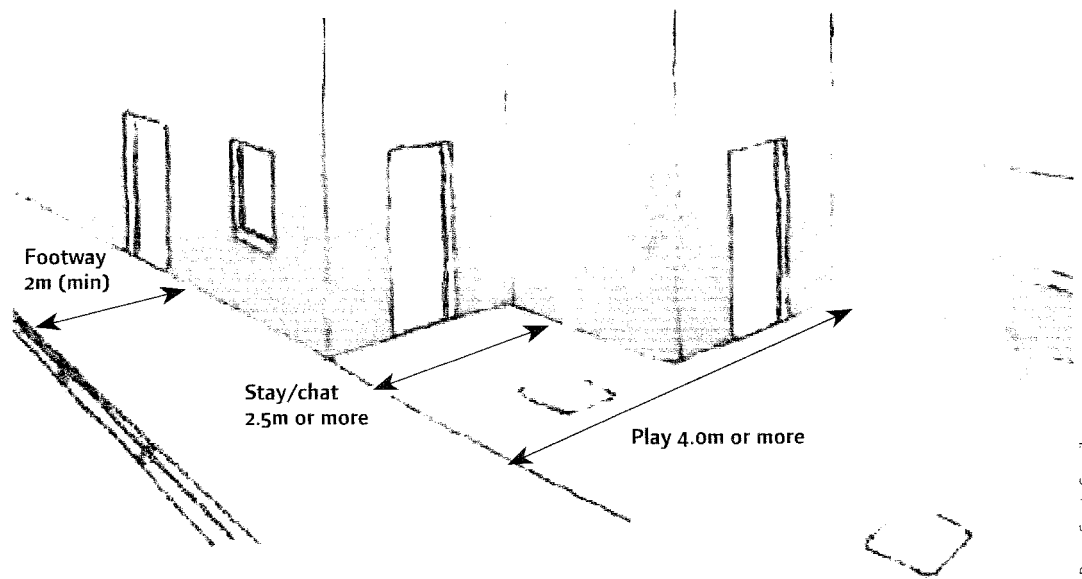
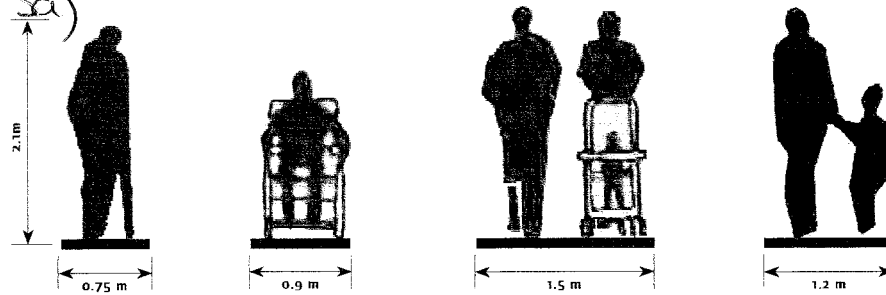
	<p>L1c of the Development Control Local Plan which requires that all new housing sites make provision for the open space needs of future occupiers.</p> <p><b>INFORMATIVE:</b></p> <p>The alternative arrangements of the above condition could be satisfied by the completion of a planning obligation made under Section 106 of the Town and Country Planning Act 1990 by those having a legal interest in the application site, requiring a financial contribution towards off site provision of open space. The obligation should provide for a financial contribution calculated at £21, 618.</p> <p>No development can take place on this site until the public open space has been provided or the Planning Obligation has been completed and you are reminded of the local planning authority's enforcement powers in this regard.</p>
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HB/6.1.11



CIRCULATED AT MEETING  
AGENDA ITEM 5a)

The Old Dairy



Devon County Council

Figure 6.8 The footway and pedestrian areas provide for a range of functions which can include browsing, pausing, socialising and play.

6.3.20 *Inclusive Mobility* gives guidance on design measures for use where there are steep slopes or drops at the rear of footways.

6.3.21 Places for pedestrians may need to serve a variety of purposes, including movement in groups, children's play and other activities (Fig. 6.8).

6.3.22 There is no maximum width for footways. In lightly used streets (such as those with a purely residential function), the minimum unobstructed width for pedestrians should generally be 2 m. Additional width should be considered between the footway and a heavily used carriageway, or adjacent to gathering places, such as schools and shops. Further guidance on minimum footway widths is given in *Inclusive Mobility*.

6.3.23 Footway widths can be varied between different streets to take account of pedestrian volumes and composition. Streets where people walk in groups or near schools or shops, for example, need wider footways. In areas of high pedestrian flow, the quality of the walking experience can deteriorate unless sufficient width is provided. The quality of service goes down as pedestrian flow density increases. Pedestrian congestion through insufficient capacity should be avoided. It is inconvenient and may encourage people to step into the carriageway (Fig. 6.9).

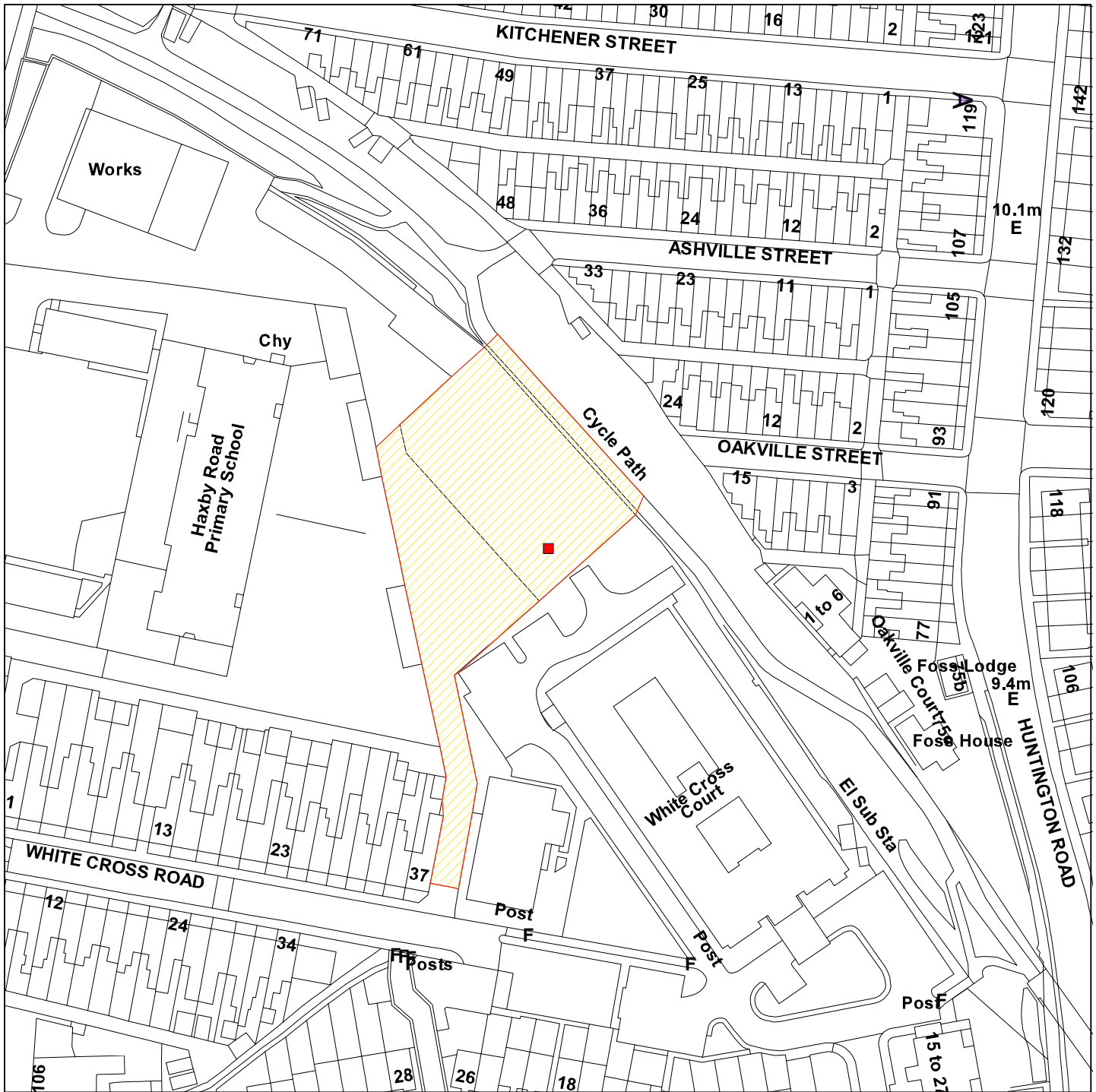
6.3.24 Porch roofs, awnings, garage doors, bay windows, balconies or other building elements should not oversail footways at a height of less than 2.6 m.

# Axcent Ltd, 156B Haxby Road

10/02096/FULM



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<b>Organisation</b>	City of York Council
<b>Department</b>	Planning and Sustainable Development
<b>Comments</b>	
<b>Date</b>	21 December 2010
<b>SLA Number</b>	Not Set

**COMMITTEE REPORT**

**Date:** 6 January 2011                      **Ward:** Fulford  
**Team:** Major and Commercial      **Parish:** Fulford Parish Council  
Team

**Reference:** 10/02586/FUL  
**Application at:** 40 Fordlands Road York YO19 4QG  
**For:** Two storey dwelling to rear (resubmission)  
**By:** Mr And Mrs C Poole  
**Application Type:** Full Application  
**Target Date:** 30 December 2010  
**Recommendation:** Refuse

**1.0 PROPOSAL**

1.1 This is a full application for the erection of a detached house within the rear garden area of 40 Fordlands Road, Fulford, York.

1.2 The application site is located on the south-west side of Fordlands Road, mid-way between Fordlands Crescent and Cherrywood Crescent. The site comprises the right hand half of a pair of traditional brick semi-detached houses with a hipped tiled roof. The property is served by a driveway to a garage sited at the rear of the property. The garden of the property has a similar area to adjacent properties immediately adjacent to the rear of the house but then opens out in to a substantial area beyond this. This further area measures approximately 30 metres wide by 62 metres long.

1.3 The proposal is to construct a detached four bedroomed house set approximately 32 metres back from the rear face of 40 Fordlands Road. The dwelling is set on an angle in the plot and is designed with an eaves height to the main part of the dwelling of 3.3 metres and an apex of 6.9 metres. The attached double garage has a lower eaves and ridge height at 2.5 and 5.8 respectively. Access to the house is to be via the existing driveway, which will serve the existing and proposed properties.

1.4 The application is supported by a Design and Access Statement and a Flood Risk Assessment.

**Planning History**

1.5 Application was submitted and subsequently withdrawn for the erection of 5 dwellings within the rear of 40 Fordlands Road in April 2007 (Planning Reference 06/2509/FUL)

1.6 Application was submitted and subsequently withdrawn for the erection of a detached dwelling within the same site in July 2010. (Planning Permission 10/1191/FUL)

1.7 The planning application has been called-in to sub-committee by Councillor Keith Aspden to give the applicant, residents and Fulford Parish Council an opportunity to put forward their views - both for and against - at a public meeting.

## **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:

CYGB2

Development in settlements "Washed Over" by the Green Belt

CYGP1

Design

CYGP10

Subdivision of gardens and infill devt

## **3.0 CONSULTATIONS**

### INTERNAL

3.1 Highways Network Management - No objections subject to the inclusion of conditions to ensure the proper implementation of the scheme.

3.2 Lifelong Learning and Leisure - A commuted sum is required for this site for amenity open space, play space and sports pitches. Contributions should be based on the latest York formula.

3.3 Environmental Protection - No objections. An informative is requested regarding working practices during construction.

### EXTERNAL

Fulford Parish Council

3.4 On the City of York Local Plan proposals map (south) the site is identified as Green belt with a defined settlement limit to which Local Plan policy GB2 applies. In GB2 it is stated that only limited infilling is normally allowed in washed over settlements.

3.5 The proposed backland development would therefore be inappropriate here and hence planning permission should be refused. The footprint of the proposed dwelling is also very large in relation to the frontage property.

3.6 Recent planning guidance makes it clear that local authorities no longer have to view back garden development in urban areas as brownfield. This back garden is not brownfield but greenbelt and therefore there should be no presumption in favour of development within this garden.

3.7 The original layout of the Fordlands Road neighbourhood is more or less still intact and to date there has been no backland development within the settlement. The site forms a significant green gap between Fordlands and Cherrywood Crescent and if this application were to be permitted, it could set a precedent for further development proposals in the vicinity. Fulford Parish Council therefore continue to be in objections to this revised application

Ouse and Derwent Internal Drainage Board

3.8 The application is not supported by sufficient information to show how surface water from the site will be dealt with. PPS25 advice re sustainable drainage is highlighted. Conditions are suggested to ensure drainage information is submitted.

Environment Agency

3.9 Object to the application because the FRA does not meet the requirements of Annex E of PPS25. Environment Agency requires that the Local Planning Authority should be satisfied that the site passes the sequential test.

## PUBLICITY

3.10 One letter of objection has been received covering the following grounds: -  
- Hedges and trees on the boundary referred to as mature are actually in total neglect and constitute a nuisance and a danger to 50 Fordlands Road  
- If the nuisance of the hedge and trees were remedied there would be no objections to the proposal.

## 4.0 APPRAISAL

### 4.1 Key Issues

- Principle of residential development on the site
- Highways, access and parking
- Impact on residential amenity
- Sustainability
- Open Space
- Drainage

4.2 Planning Policy Guidance note 2 (PPG2) entitled 'greenbelts' says that the construction of new buildings inside a green belt is inappropriate unless it is for, among other categories, limited infilling in existing villages. PPG2 says that the Local

plan should include policies to ensure that any infill does not have any adverse effect on the character of the village concerned. Policy YH9 and Y1 of the Yorkshire and Humber Plan - Regional Spatial Strategy to 2026 defines the general extent of the green belt around York with an outer boundary about 6 miles from the city centre.

4.3 Policy GB2 of the CYDCLP states that the erection of buildings in settlements 'washed over' by the Green Belt but within the defined settlement limit is in principle acceptable provided that: it would be within the built-up area of the settlement; and, its location, scale and design would be appropriate to the form and character of the settlement and neighbouring property; and, it would constitute limited infilling that would not prejudice the openness or purposes of the Green Belt.

4.4 Other Local plan policies relevant to the consideration of the detail of this application are: -

- Policy GP1 'Design' 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.

- Policy GP4a 'Sustainability' of the City of York Council Development Control Local Plan (2005) states that proposals for all development should have regard to the principles of sustainable development. Development should: provide details setting out the accessibility of the site by means other than the car and, where the type and size of development requires, be within 400 metres walk of a frequent public transport route and easily accessible for pedestrians and cyclists; contribute towards meeting the social needs of communities within the City of York and to safe and socially inclusive environments; maintain and increase the economic prosperity and diversity of the City of York and maximize employment opportunities; be of a high quality design, with the aim of conserving and enhancing the local character and distinctiveness of the City; minimize the use of non-renewable resources, re-use materials already on the development site, and seek to make use of grey water systems both during construction and throughout the use of development. Any waste generated through the development should be managed safely, recycled and/or reused. The 'whole life' costs of the materials should be considered; minimize pollution, including that relating to air, water, land, light and noise; conserve and enhance natural areas and landscape features, provide both formal and informal open space, wildlife area and room for trees to reach full growth; maximize the use of renewable resources on development sites and seek to make use of renewable energy sources; and make adequate provision for the storage and collection of refuse and recycling.

- Policy GP9 requires where appropriate developments to incorporate a suitable landscaping scheme

- Policy GP10 states that the subdivision of gardens and infilling will only be granted to provide new development, where this would not be detrimental to the character and amenity of the local environment.

- Policy L1c requires that all housing sites make provision for the open space needs of future occupiers. For sites of less than 10 dwellings a commuted payment will be required towards off site provision.

## Principle of residential development on the site

4.5 The application site is situated in green belt land. The southern portion of Fulford encompassing Fordlands Road is 'washed over' by that designation in the City of York Local Plan. PPG2 makes it clear that villages within the greenbelt should be dealt with in one of three ways. In this case the southern portion of Fulford village has been washed over in line with a village where 'infilling only' is proposed. Paragraph 5.26 of the supporting text to policy GB2 of the draft local plan defines infilling as ' the filling of a small gap in an otherwise built up frontage'

4.6 The proposal which is to introduce a new dwelling into the backland area to the rear of 40 Fordlands Road would not accord with the above definition of infilling. As the proposal does not relate to limited infilling, Officers consider that it represents inappropriate development in the green belt. It also conflicts with Local Plan Policy GB2.

4.7 Paragraph 3.2 of PPG2 says that inappropriate development is, by definition, harmful to the Green Belt. It is for the developer to show why planning permission should be granted. Very special circumstances to justify inappropriate development in the green belt will not exist unless the harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations.

4.8 Despite the site being surrounded by residential development Fordlands Road maintains the character of frontage development and the rear garden area of 40 Fordlands Road forms an attractive, spacious, open and uncluttered feature of the area that makes a positive contribution to the local townscape. The proposed dwelling would add to the accumulation of built development and officers consider that the dwelling would have a harmful impact on the openness of the green belt. PPG2 states that openness is the most important attribute of the Green Belt. Furthermore the use of the site in terms of the use of the access road the introduction of frontage car parking the subdivision of the site by fencing and the introduction of built form to the rear of the site would result in the intensification of the development of the area which would be at odds with its present form. In officers view this would have an adverse impact on the visual amenities of the Green belt, as it would result in a more developed appearance to this part of Fordlands Road.

## Highways, access and parking

4.9 It is considered that the development can be accommodated without impacting on the highway network subject to appropriate conditions to ensure the permission is implemented in accordance with the submitted detail.

### Impact on Residential Amenity

4.10 Access to the site is via the existing driveway, which serves 40 Fordlands Road. The access road varies in width between 4.1 and 3.7 metres slightly wider than the average driveway width to the majority of similar properties within the area. The proposal is for the access point to be used by both existing and proposed properties. The driveway will continue beyond the rear of 40 Fordlands Road along the side of the garden area to a rear double garage attached to the new property. The proposed access arrangements will create a close relationship to the side elevation and rear garden space of the existing property. The comings and goings of vehicles and pedestrians to the rear house in close proximity to the windows, side gable wall and rear garden area of the front property will be detrimental to the living conditions of that property. This conflict with the aims of GP1, which requires that development, ensures that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures.

### Sustainability

4.11 The Design and Access Statement makes reference to policy GP4a of the local plan and says that the dwelling will be designed to code for sustainable homes level 3 and will utilise air source heat pump technology. The Interim Planning Statement on Sustainable Design and Construction (IPS) requires that new dwellings should achieve code for sustainable homes level 3 and 5% of energy usage should be from renewable sources. With the undertakings within the application submission it is considered that appropriate conditions can be attached to achieve 5% renewables on site and code for sustainable homes level 3.

### Open Space

4.12 Under Policy L1c there is an open space provision requirement for this site. The provision of open space could be addressed by condition, unilateral undertaking or section 106 agreements.

### Drainage

4.13 The site is located partly within flood zone 2 and partly within flood zone 3a. Table D2 within PPS25 defines residential dwellings as 'more vulnerable' development, which is acceptable in flood zone 2 subject to a sequential test. A sequential test and exceptions test is required in flood zone 3a. The development has been designed so that the whole of the built element of the development is within flood zone 2. The Flood Risk Assessment (FRA), which supports the application, suggests a minimum floor level for the development and storage capacity for surface water drainage. The Environment Agency object to the application because the FRA does not meet the requirements sent out in Annex E of PPS25 and floor levels as shown in the FRA are not acceptable. The application is not supported by a sequential test. The Environment Agency requires evidence of the sequential test to be placed on file. In the absence of an adequate FRA and the submission of a sequential test in accordance with Annex D of PPS25 it is considered that the application cannot be supported. A properly submitted FRA



should address Sustainable Urban Drainage Systems from which it would also be possible to assess the suitability of drainage proposals for the site.

## **5.0 CONCLUSION**

5.1 The proposed development is inappropriate development in the green belt. The proposed development is considered to be unacceptable in terms of its impact on the openness of the green belt and its character and appearance.

5.2 The relationship between the front property 40 Fordlands Road and the proposed development is considered to be such that the access to the rear plot along a drive way immediately adjacent to the side gable and rear garden area of 40 Fordlands will be detrimental to the living conditions of the front property caused by the comings and goings of vehicles and pedestrian associated with the proposed development.

5.3 In the absence of a FRA that meets the requirements of Annex E of PPS25 and without a sequential test as required by Annex D of PPS25 the application is considered to be unacceptable.

## **6.0 RECOMMENDATION: Refuse**

1 It is considered that the proposal does not represent infill development and as such the development represents inappropriate development within the Green belt, which by definition is harmful. The proposed dwelling would add to the accumulation of built development and it is considered that the dwelling would have a harmful impact on the openness of the green belt. Furthermore the intensification of the use of the access road, the introduction of frontage car parking, the subdivision of the site by fencing and the introduction of built form to the rear of the site would result in the intensification of the development of the area which would be detrimental to the visual amenity of the greenbelt. The proposal is therefore considered contrary to advice within Planning Policy Guidance note 2 'Greenbelts', Policy YH9 and Y1 of the Yorkshire and Humber Plan - Regional Spatial Strategy to 2026 which defines the general extent of the green belt around York with an outer boundary about 6 miles from the city centre and GB2 of City of York Draft Local Plan Incorporating the Fourth Set of Changes - Development Control Local Plan (Approved April 2005).

2 The proposed dwelling by virtue of the proximity of the associated access arrangements to no 40 Fordlands Road would be likely to detract from the amenities of the occupiers of that property, in relation to noise and disturbance and loss of privacy from a further set of associated vehicular movements and related domestic activities. This is considered contrary to advice on protecting amenity in policies GP1 and GP10 of City of York Draft Local Plan Incorporating the Fourth Set of Changes - Development Control Local Plan (Approved April 2005).

3 It is considered that the Flood Risk Assessment submitted with the application does not meet the requirements of Annex E of Planning Policy guidance note 25 in relation to floor levels and flood proof construction methods. Furthermore it is

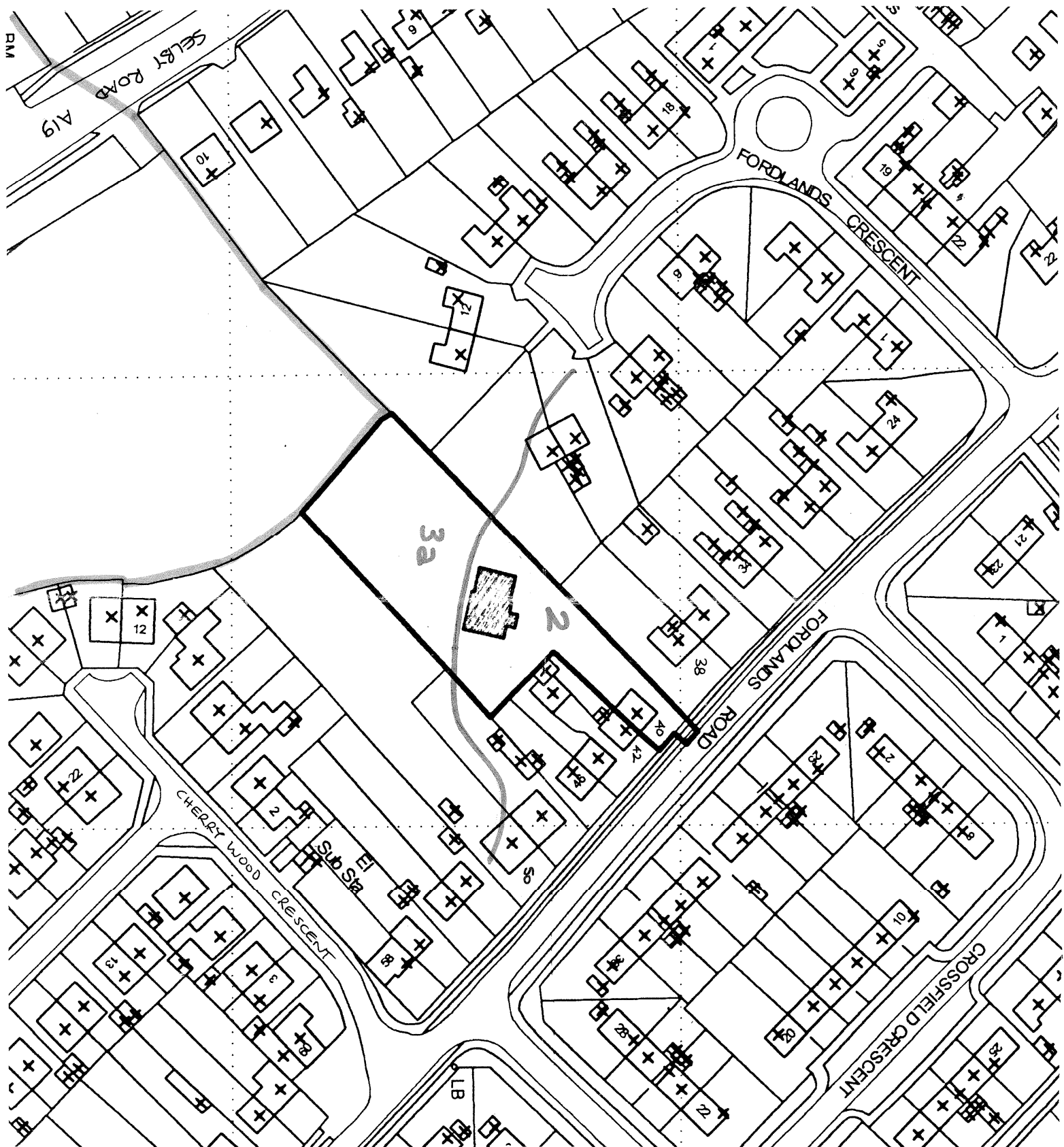
considered that insufficient evidence has been submitted to demonstrate under a sequential test that, given the application site's status as land designated as Flood Zones 2, alternative sites with a lower probability of flooding could not accommodate the proposed development. The application is considered to conflict with Annex D and Annex E of Planning Policy Statement 25 'Development and Flood Risk'

**7.0 INFORMATIVES:**

**Contact details:**

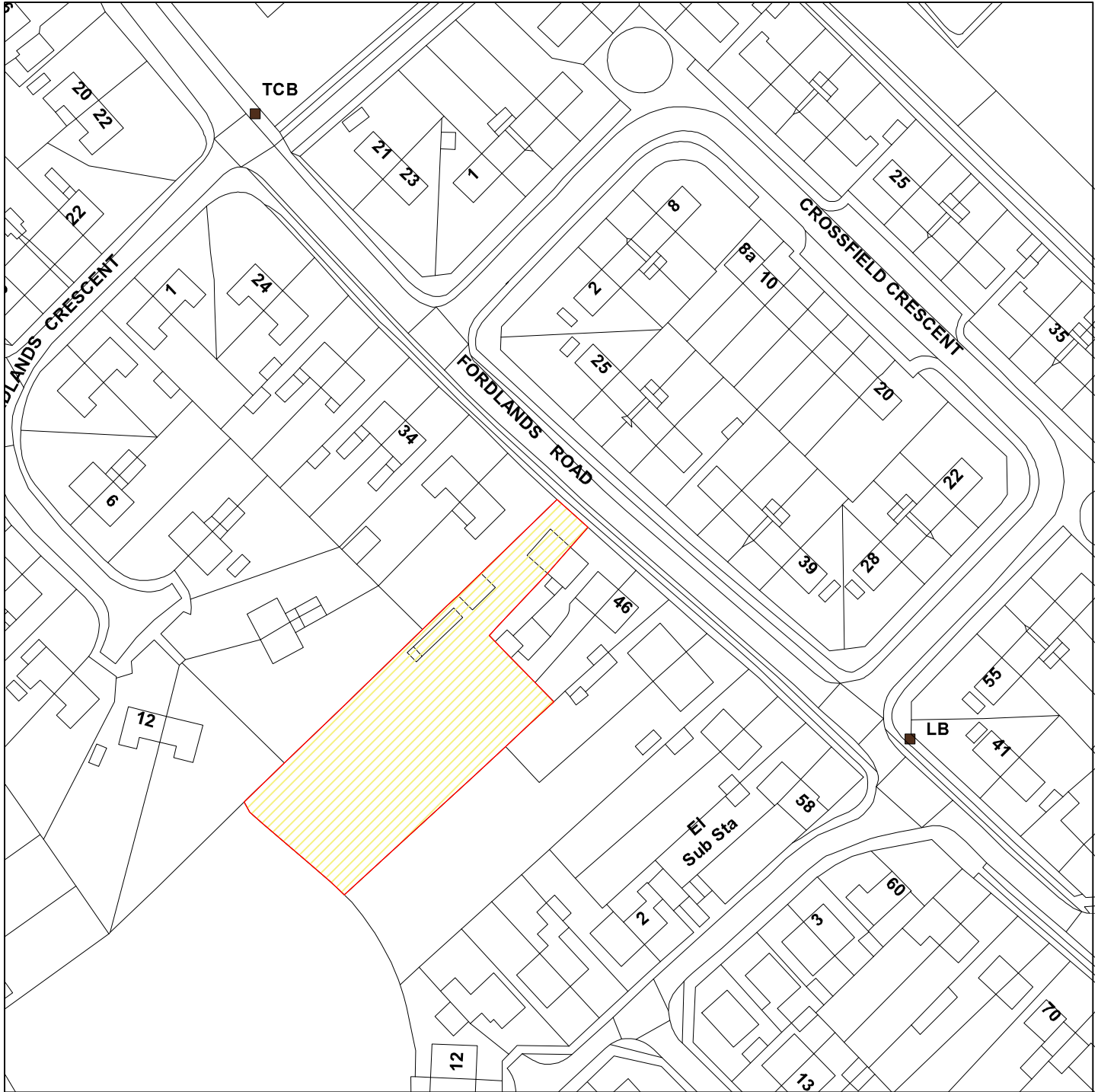
**Author:** Diane Cragg Development Management Officer (Mon/Tues)

**Tel No:** 01904 551351



# 40 Fordlands Road

10/02586/FUL



Scale : 1:1250

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<b>Organisation</b>	City of York Council
<b>Department</b>	Planning and Sustainable Development
<b>Comments</b>	
<b>Date</b>	21 December 2010
<b>SLA Number</b>	Not Set

**COMMITTEE REPORT**

**Date:** 6 January 2011                      **Ward:** Wheldrake  
**Team:** Major and Commercial      **Parish:** Naburn Parish Council  
Team

**Reference:** 10/02353/GRG3  
**Application at:** Acres House Farm Naburn Lane Fulford York YO19 4RE  
**For:** Construction of vehicle access from Naburn Lane  
**By:** City Of York Council  
**Application Type:** General Regulations (Reg3)  
**Target Date:** 13 December 2010  
**Recommendation:** Approve

**1.0 PROPOSAL**

1.1 **SITE:** The application site is located on Grade 2 agricultural land on the east side of Naburn Lane (B1222), opposite the Naburn Treatment Works. It falls within the York Green Belt. The land is enclosed along its boundary with Naburn Lane by a hedgerow.

1.2 **PROPOSAL:** The proposal involves the creation of a vehicular access and access road from Naburn Lane, through a gap in the existing hedgerow, then running north parallel to the road at the back of hedgerow, and then eastwards along the line of a former farm access. Passing points are proposed along the roadway at 150m intervals. The roadway would be created with a stone aggregate surface layer.

1.3 A Design and Access Statement has been submitted to support the application. This explains that the new access is required to provide a private vehicular access to the two properties, Acres House Farm and the tenanted Acres Bungalow. At the present time access is gained through the neighbouring Naburn Lodge Farm, located to the south, which has a vehicular access from Naburn Lane further to the south than that proposed. Naburn Lodge Farm was sold by the Council in 2003. Acres House Farm and the tenanted bungalow will lose the existing right of access through the site of Naburn Lodge Farm by July 2012 as part of the sale agreement. The statement goes on to explain that the road will utilise an existing, but abandoned access track and that the new access point is proposed in order to obtain the required visibility for vehicles when exiting onto Naburn Lane.

1.4 **HISTORY:** Planning permission was granted for the proposal previously (on 30 August 2007), subject to a three year time period for implementation. This time period has now expired; hence the current application to seek approval for the same works with a fresh time period within which to implement the scheme in order to honour the legal agreement on the sale transfer.

1.5 This application is brought before Committee for a decision as it relates to a Council application that was previously determined at Committee.

## **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:

CYGP1  
Design

CYNE1  
Trees, woodlands, hedgerows

CYGB1  
Development within the Green Belt

CYGP14  
Agricultural land

## **3.0 CONSULTATIONS**

3.1 The application has been publicised by way of a site notice posted on Naburn Lane, letters to the Parish Council and internal consultees. The consultation period expired on 24.11.2010.

### 3.2 Internal

Highway Network Management - No objections in principle to this new access, however recommend that the application be amended to allow a revised layout at the access point.

### 3.2 External

Naburn Parish Council - Do not object providing that confirmation is required re: ownership of the hedge and the hedge is maintained at a height of one metre to allow acceptable line of vision for vehicles using the access.

Publicity - No response to site notice.

## **4.0 APPRAISAL**

### 4.1 KEY ISSUES:

- impact on Green Belt;

- loss of agricultural land;
- affect on hedgerow;
- highway safety implications.

4.2 POLICY CONTEXT: The relevant City of York Draft Local Plan policies are set out in section 2.2. In addition, national advice contained in Planning Policy Guidance Note 2: Green Belts and Planning Policy Statement 9: Biodiversity and Geological Conservation is relevant. In particular, PPG2 provides advice on the carrying out of engineering operations and change of use of land in the Green Belt. Such works are inappropriate development unless they maintain openness and do not conflict with the purposes of including land in the Green Belt. In addition, the visual amenities of the Green Belt should not be injured by proposals for development within or conspicuous from the Green Belt, which are detrimental by reason of their siting, materials or design.

4.3 IMPACT ON GREEN BELT: Planning approval was previously granted as it was concluded that the works did not constitute inappropriate development in the Green Belt and as they would not have prejudiced the purpose of including the land in the Green Belt nor its general openness. This was on the basis that no fencing or lighting was to be installed. Whilst it was noted that the visual amenity of the Green Belt would be affected due to the extent of roadway to be created, it was considered that this would, to a degree, be screened by the existing hedgerow. Furthermore, additional planting could be required to lessen the impact as well as to compensate for any loss through the creation of the access itself. A stone aggregate surface was proposed to match similar tracks in the area. Conditions were attached to the approval to control the materials to be used, the edge restraint and drainage details and to prevent lighting and enclosures, in the interests of the visual amenities of the Green Belt. There is no change to the scheme or Green Belt policy to justify a different recommendation on Green Belt grounds.

4.5 LOSS OF AGRICULTURAL LAND: The roadway is shown as being located 2m from the existing hedgeline and 3.2m wide (5m at entrance and for passing points), but to avoid damage to the hedge roots, the construction would need to be positioned at a minimum of 2.5m. This would result in the roadway being located further into the agricultural field with additional loss of grade 2 agricultural land, which is included in the definition of the best and most versatile agricultural land. As mentioned above, the Council's land sale agreement prevents the use of the current access road through Naburn Lodge Farm after July 2012 for the occupants of Acres House Farm and Acres Bungalow and the former field access entrance is unacceptable for use on a permanent basis due to poor visibility. Therefore, as before, it is considered that very special circumstances exist as required by Local Plan Policy GP14, which concerns the loss of the best and most versatile agricultural land. Furthermore, in relation to the size of the field as a total, the extent of land lost to the roadway would not result in a significant loss of the best and most versatile agricultural land. The total area of Naburn Lodge Farm is approx. 80.4ha and the land to be constructed on to be approx. 0.64ha, representing 0.8% of the total holding of Naburn Lodge Farm.

4.6 HIGHWAY SAFETY: In highway safety terms, the creation of the junction with Naburn Lane at the point proposed would provide adequate visibility along this

relatively fast road and would mean that it would not be opposite any of the entrances to the sewage treatment works. No highway objections were raised to the previous application. Although some reservations have been expressed on this occasion, bearing in mind that an identical scheme until recently had planning permission and that there have been no changes to highway standards, it is considered that it would be unreasonable to either refuse or require amendments to the scheme as proposed.

## 5.0 CONCLUSION

5.1 The proposal would result in the construction of a new vehicular access from Naburn Lane and a long roadway across grade 2 agricultural land that is within an area of Green Belt. This is to allow access to two properties, which would have no other convenient access as a result of the Council's sale of a neighbouring property through which access is permitted until July 2012.

5.2 However, it is not considered that the proposal would prejudice the purposes of including the land in the Green Belt nor its general openness. The impact of the proposals on the visual amenities of the Green Belt could be lessened by conditions to require further hedge planting, details of the surface finish and of the roadway edging and drainage. The loss of grade 2 agricultural land would be limited in relation to the field and officers are satisfied that very special circumstances have been demonstrated. The roadway needs to be positioned 2.5m from the base of the hedge to protect the hedge roots.

5.3 In light of the above, the application is recommended for approval subject to the conditions attached to the previous approval.

## 6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

Drawing no. HE/DEC/07010/151-102 Rev.A 'Proposed Access onto B1222' dated 22/08/07 and received 15 October 2010;

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 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, details of the materials to be used for the surface/running layer, including colour, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of



the development. The development shall be carried out using the approved materials.

Reason: In the interests of protecting the visual amenities of the Green Belt.

4 Prior to the commencement of the development, large scale details of the edge restraint and drainage details for the roadway, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of protecting the visual amenities of the Green Belt.

5 No lighting or means of enclosure shall be installed in connection with or as a result of the roadway at any time.

Reason: In the interests of preserving the visual amenities of the Green Belt.

6 Notwithstanding the submitted details, the access road, including edge restraint, shall be constructed a minimum of 2.5m from the base of the hedge along Naburn Lane and along the northern boundary of the field.

Reason: To avoid damage to the hedges roots and to allow the hedge to grow without interfering with the use of the access road.

7 Before the commencement of and during engineering operations, adequate measures shall be taken to protect the existing hedgerow adjacent to Naburn Lane and the along the northern field boundary. This means of protection shall be agreed in writing with the Local Planning Authority and shall be implemented prior to the storage of materials or the commencement of engineering works.

Reason: The existing planting is considered to make a significant contribution to the amenities of this area.

8 Prior to the commencement of development, a scheme shall be submitted to and agreed in writing by the Local Planning Authority for the planting of native hedgerow to fill gaps in the full length of the hedge along the site frontage with Naburn Lane, to the following specification: Staggered, double row, 60cm to 90cm high plants, 30cm spacing between plants. Composed of 60% hawthorn, 20% blackthorn and the remaining percentage made up of the following: Dog Rose, Dogwood, Hazel, Field Maple, Holly, Guelder Rose.

The hedging shall be planted before the end of the next tree-planting season (November-March) following the completion of the development in a location suitable for the growth of the hedge/trees.

Any new hedging that within a period of five years from the completion of the development dies is removed or becomes seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.

Reason: In the interests of enhancing the landscape and wildlife value of the hedge

and to protect the visual amenities of the Green Belt.

## **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 purpose and openness of the Green Belt, loss of agricultural land, protection of the hedgerow, and highway safety. As such the proposal complies with Planning Policy Guidance Note 2 : Green Belts, Planning Policy Statement 9: Biodiversity and Geological Conservation and Policies GP1, GP14, NE1, GB1 of the City of York Draft Local Plan.

#### **Contact details:**

**Author:** Hannah Blackburn Development Management Officer

**Tel No:** 01904 551325

CIRCULATED AT MEETING

**COMMITTEE UPDATE – 6.1.2011**

**Plans Item 5c – Acres House Farm, Naburn Lane (10/02353/GRG3)**

1. Email from the local Traffic Management Officer querying why a Road Safety Audit has not been undertaken given that the proposal is for a new access onto a 'high speed road'.

Officers response: The Council's Highway Engineer has confirmed that there are no objections in principle on highway safety grounds to the new access onto Naburn Lane and has commented that such an audit would normally only be required for major schemes which involve works within the highway.

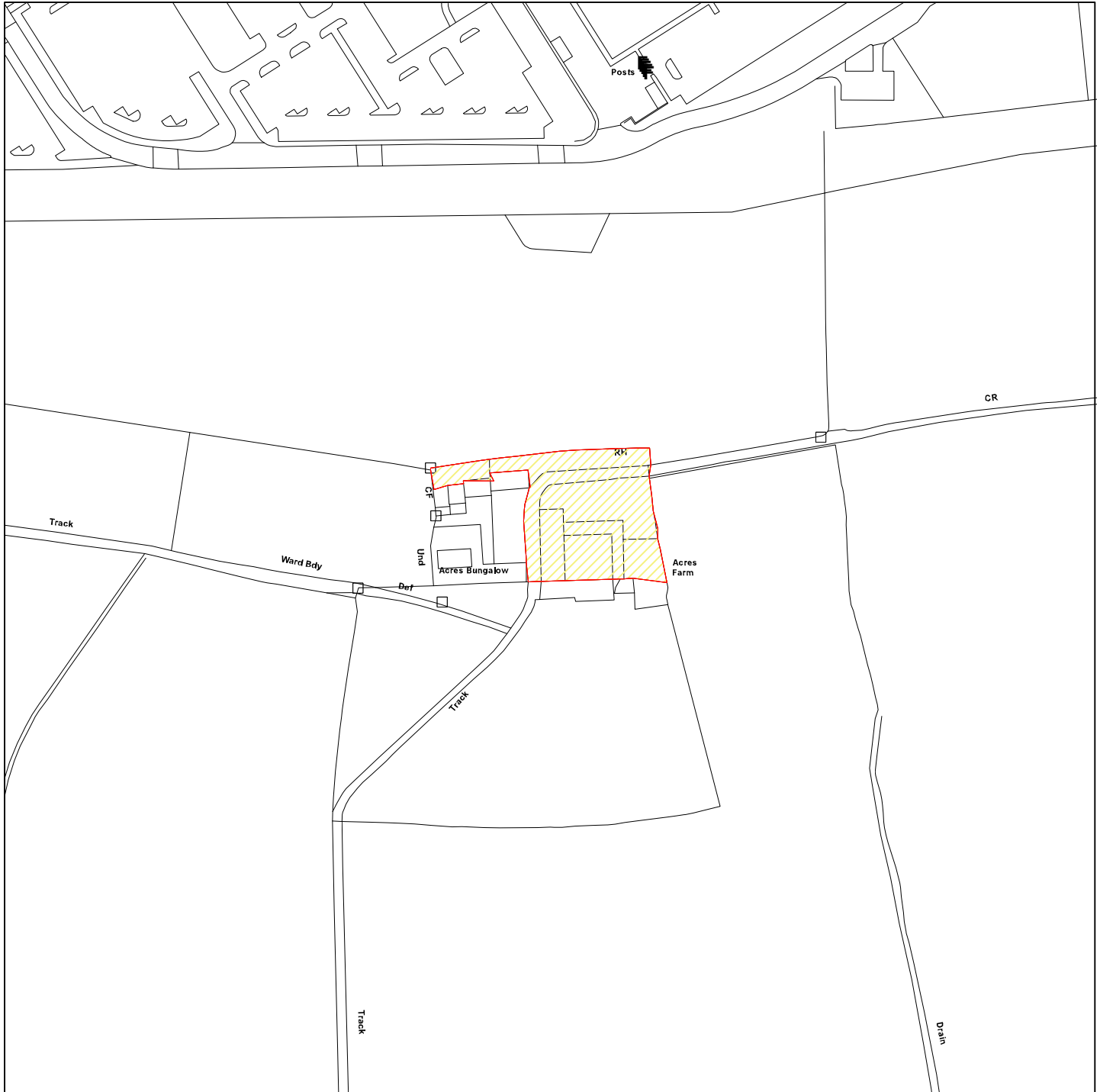
HB/6.1.11

# Acres House Farm

10/02353/GRG3



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<b>Organisation</b>	City of York Council
<b>Department</b>	Planning and Sustainable Development
<b>Comments</b>	
<b>Date</b>	21 December 2010
<b>SLA Number</b>	Not Set



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## East Area Planning Sub-Committee

6 January 2011

Report of the Director of City Strategy

### Enforcement Cases - Update

#### Summary

1. The purpose of this report is to provide Members with a continuing quarterly update on the number of enforcement cases currently outstanding for the area covered by this Sub-Committee.

#### Background

2. Members have received reports on the number of outstanding enforcement cases within the Sub-Committee area, on a quarterly basis, since July 1998, this report continues this process.
3. Some of these cases have been brought forward as the result of information supplied by residents and local organisations, and therefore “The annexes to this report are marked as exempt under Paragraph 6 of Part 1 of Schedule 12A of the Local Government Act 1972, as this information, if disclosed to the public would reveal that the Authority proposes to give, under any enactment a notice under or by virtue of which requirements are imposed on a person, or that the Authority proposes to make an order or direction under any enactment”.
4. In order to give Members an up to date report, the schedules attached have been prepared on the very latest day that they could be to be included in this report on this agenda.
5. Section 106 Agreements are monitored by the Enforcement team. A system has been set up to enable Officers to monitor payments required under the Agreement.

#### Current Position

6. Members should note that 51 new cases were received for this area within the last quarter, 72 cases were closed and 303 remain outstanding. There are 88 Section 106 Agreement cases outstanding for this area after the closure of 1 for this quarter. New procedures are being worked on for the

S106 cases and hopefully this will lead to improvements in the monitoring of such cases in the future. Older cases will be prioritised and reminder letters will be sent out accordingly over the coming weeks.

### **Consultation**

7. This is an information report for Members and therefore no consultation has taken place regarding the contents of the report.

### **Options**

8. This is an information report for Members and therefore no specific options are provided to Members regarding the content of the report.

### **Corporate Priorities**

9. Improve the actual and perceived condition and appearance of city's streets, housing estates and publicly accessible spaces.

### **10. Implications**

- **Financial** - *None*
- **Human Resources (HR)** - *None*
- **Equalities** - *None*
- **Legal** - *None*
- **Crime and Disorder** - *None*
- **Information Technology (IT)** - *None*
- **Property** - *None*
- **Other** - *None*

### **Risk Management**

11. There are no known risks.

### **Recommendations**

12. That Members contact the relevant Enforcement Officer to discuss any particular case detailed in the attached ongoing annex and also note the cases closed annex.

Reason: To update Members on the number of outstanding enforcement cases within the Sub-Committees area.

**Contact Details**

**Author:**

**Author's name**

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**Chief Officer Responsible for the report:**

**Chief Officer's name**

Michael Slater  
*Assistant Director (Planning and Sustainable  
Development)*

**Dept Name** City Strategy  
Tel No. 551376/551324

**Report Approved**

**Date** 20/12/2010

*Chief Officer's name  
Title*

**Report Approved**

**Date** 20/12/2010

**Specialist Implications Officer(s)** *List information for all*

*Implication ie Financial*

*Name*

*Title*

*Tel No.*

*Implication ie Legal*

*Name*

*Title*

*Tel No.*

**Wards Affected:** *All Wards*

**All**

**For further information please contact the author of the report**

**Background Papers:**

Environment and Development Services Business Plan (2000/2001).

Report to Area Sub-Committee in October 2010 – Enforcement Cases Update.

**Annexes**

Annex A - Enforcement Cases – Update (Confidential)

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted



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