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MEETING	EAST AREA PLANNING SUB-COMMITTEE
DATE	6 JANUARY 2011
PRESENT	COUNCILLORS HYMAN (CHAIR), CREGAN (VICE-CHAIR), FIRTH, FUNNELL, B WATSON, MOORE, ORRELL, TAYLOR, WISEMAN AND KING (SUBSTITUTE FOR COUNCILLOR DOUGLAS)
IN ATTENDANCE	COUNCILLOR SCOTT (FOR MINUTE ITEM 41A)
APOLOGIES	COUNCILLOR DOUGLAS

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### **37. 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 King declared a personal non prejudicial interest in plans item 5a) (Axcent Ltd, 156B Haxby Road) as Ward Member.

All Members of the Committee, and Councillor Scott who was in attendance, declared personal interests in plans item 5a) as one of the objectors, a Council employee who was present at the meeting, was known to them all.

### **38. EXCLUSION OF PRESS AND PUBLIC**

RESOLVED: That the press and public be excluded from the meeting during the consideration of agenda item 6 (Enforcement Cases Update), on the grounds that they contain information relating to individuals and which is likely to reveal the identity of those individuals. Such information is classified as exempt under Paragraphs 1 and 2 of Schedule 12A to Section 100A of the Local Government Act (Access to Information) (Variation) Order 2006.

### **39. MINUTES**

RESOLVED: That the minutes of the meetings of the East Area Planning Sub-Committee held on 11 November and 2 December 2010 be approved and signed by the Chair as a correct record.

### **40. 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 remit of the Sub-Committee.

## **41. 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.

### **41a Axcent Ltd, 156B Haxby Road, York. YO31 8JN (10/02096/FULM)**

Members considered a resubmitted full major application from Yorkshire Housing Limited for a residential development of 7 two storey dwellings and 6 apartments in a three storey building on the site of a former Co-operative Dairy. The application was resubmitted following refusal from the Committee in July 2010.

Officers circulated an update to Members during the meeting. This was then attached to the agenda and republished after the meeting. The update included amendments to the published report relating to the number of submissions from residents and a reference made to emails received querying the site's address as correct. It also included a table outlining the differences from the previous scheme and the one proposed and suggested changes to recommended conditions, if the application was approved.

Representations were heard from a neighbour opposed to the application. She felt that the application would detrimentally affect the safety of pedestrians using the junction between White Cross Road and Haxby Road, and that the existing cycle track was a well known crime hot spot. She added that she thought that the proposed addition of a gate at the entrance to the cycle track could create a feeling of segregation from other local residents.

Further representations in opposition to the application were received from a local resident on behalf of other residents. He stated that the main access to the dairy site was from Haxby Road, not White Cross Road and that this was not of an adequate width.

Representations in support of the application were heard from the agent for the applicant. He stated how he felt that the proposed development was needed in the city and that in his opinion; it was viable to develop on the derelict site. He noted that there was a major query with drainage, and that the application would remove four Respark spaces from the vicinity but that he felt that this was an existing problem.

Councillor Scott, as Ward Member, spoke in objection to the application. He spoke about the removal of the Respark spaces, the proposed shared access route into the site and the increase in traffic on White Cross Road and Haxby Road as a result of the development. He commented on the safety of the site and the reference made to HGV vehicles using the site in the Officer's report. He added that he felt the design of the development was detrimental, and negatively affected the adjacent listed building.

Members asked Officers a number of questions relating to how many parking spaces would be lost from the site and about what drainage information had been received from the applicant.

In response to the question about car parking spaces, Officers stated that they believed that only a maximum of two spaces would be lost. It was reported following the July 2010 meeting, where the application was first considered, that extra drainage information had been received. This information included a significant reduction in surface water run off, and Officers deemed that this met requirements needed.

Members asked a local resident who was in attendance at the meeting about the number of HGVs that had used the access road into the site. The local resident responded that only milk floats had used the road. In relation to a further question from Members relating to flooding on the site and onto the surrounding properties, the resident confirmed that there had been flooding.

During their discussion, Members raised the following concerns;

- The loss of residential parking spaces from neighbouring properties.
- The impact on restricted sunlight to the terraced properties at the rear of the application site.
- Traffic and safety concerns over the entrance to the site at White Cross Road.
- That the creation of a 1.2 metre footpath along the road into the site would not allow for two cars to pass safely.
- That access to the site from Haxby Road would not be viable because this would be on private land.
- Highway safety in particular having to cross the pavement, in order to reverse into White Cross Road.
- Highway access as a valid reason for refusal, given that the access was not selected by the developer.

RESOLVED: That the application be refused.

REASON: (i) The proposed development, due to the lack of pedestrian facilities within the site and restricted width along site access road, particularly along the initial stretch adjacent to the junction with White Cross Road, is likely to create conditions that would harm highway safety.

(ii) The proposal, due to its density, scale and layout, would result in the impression that the site had been overdeveloped, with buildings appearing dominant due to their position close to site boundaries, large areas of hard surfacing from the access road and vehicle parking areas with little opportunity for soft landscaping. This would be to the detriment of the visual amenity of the area. The proposed development therefore fails to take the opportunities available for improving the character and quality of an area and the

way it functions, contrary to advice in Planning Policy Statement 1: Delivering Sustainable Development.

**41b 40 Fordlands Road, York, YO19 4QG (10/02586/FUL)**

Members considered a resubmitted full application from Mr and Mrs Poole for the erection of a two storey dwelling within the rear garden area of 40 Fordlands Road. This application was called in for consideration by the Committee by the Ward Member, Councillor Aspden.

Representations were received from the agent for the applicants. He stated that the dwelling proposed was not a house, as had been mentioned in the Officer's report, but a dormer bungalow. He reported that there had been no objections to the application received on the grounds of residential amenity and that the closest neighbour was in support of the application.

Representations were received from a member of Fulford Parish Council. She informed Members, that the Parish Council was opposed to the application because they felt it was not an acceptable development in the Green Belt.

Members asked the agent for the applicants about the boundary of the proposed dwelling in relation to the flood zone, and how this would affect the amenity of those wanting to use the outdoor space. The agent responded that there would be a substantial area provided outside of the flood zone for this reason, and that this area included a large garden.

Members noted the concerns from the Parish Council in relation to development in the Green Belt. They also expressed concerns about the proximity of the proposed dwelling to the flood zone and problems with access to the site.

**RESOLVED:** That the application be refused.

**REASON:** (i) 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 Green Belt. 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 the City of York Draft Local Plan Incorporating the Fourth Set of Changes-Development Control Local Plan (Approved April 2005).

- (ii) The proposed dwelling by virtue of 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 the City of York Draft Local Plan Incorporating the Fourth Set of Changes-Development Control Local Plan (Approved April 2005).
- (iii) 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'.

**41c Acres House Farm, Naburn Lane, Fulford, York. YO19 4RE (10/02353/GRG3)**

Members considered a general regulation application from City of York Council for the construction of a vehicle access road from Naburn Lane to Acres House Farm.

Officers circulated an update, which was attached to the agenda after the meeting and republished online. The update included a question from the local police Traffic Management Officer querying why a road safety audit had not been conducted. Officers informed Members that an audit was not carried out because there had been no objections in principle on highway safety grounds and that an audit would normally only be required for schemes that involved works within the existing highway.

Members asked whether the proposed road would have a detrimental effect on wildlife that inhabited the hedge. Officers confirmed that there would not be a negative impact on wildlife from this development.

Members suggested that if the application was approved that an informative be inserted to maintain the height of the hedges alongside the access road to ensure that adequate sight lines were provided.

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 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.

#### **42. ENFORCEMENT CASES UPDATE**

Members considered a report, which provided them with a continuing quarterly update on the number of enforcement cases currently outstanding for the area covered by this Sub-Committee.

RESOLVED: That the report be noted.

REASON: To update Members on the number of outstanding enforcement cases within the Sub Committee's area.

Cllr K Hyman, Chair  
[The meeting started at 2.05 pm and finished at 4.50 pm].