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MEETING	EAST AREA PLANNING SUB-COMMITTEE
DATE	3 JANUARY 2013
PRESENT	COUNCILLORS GALVIN (CHAIR), DOUGLAS (VICE-CHAIR), FITZPATRICK, FUNNELL, KING, MCILVEEN, CUTHBERTSON, WATSON, FIRTH AND WARTERS
IN ATTENDANCE	COUNCILLOR BARTON

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**SITE VISITS.**

<b>Site Visited</b>	<b>Attended by</b>	<b>Reason for Visit</b>
Manor Beeches, Dunnington.	Councillors Brooks, Cuthbertson, Douglas, Fitzpatrick, Galvin, Warters & Watson.	To inspect the site.
Home Lea, Elvington Lane.	Councillors Cuthbertson, Douglas, Fitzpatrick, Galvin, Warters & Watson.	To inspect the site.
Low Well Farm, Cockey Hill Road, Wheldrake.	Councillors Cuthbertson, Douglas, Fitzpatrick, Galvin, Warters & Watson.	As the application had been called in by the Ward Member

**39. DECLARATIONS OF INTEREST**

At this point in the meeting, Members were asked to declare any personal, prejudicial or disclosable pecuniary interests they might have had in the business on the agenda. None were declared.

#### 40. EXCLUSION OF PRESS AND PUBLIC

RESOLVED: That the Members of the Press and Public be excluded from the meeting during the consideration of Annexes to agenda item 6 (Enforcement Cases Update) on the grounds that it contains information that if disclosed to the public, would reveal that the Authority proposes to give, under any enactment or notice by virtue of which requirements are imposed on a person or that the Authority proposes to make an order or directive under any enactment. This information is classed 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.

#### 41. MINUTES

RESOLVED: That the minutes of the East Area Planning Sub-Committee held on 8 November 2012 and 6 December 2012 be approved and signed by the Chair as a correct record, subject to the following amendment:

Minute item 33i (8<sup>th</sup> November meeting), the first resolution be amended to state:

A revised layout to separate the existing footpath from the new access road, in agreement with local members.

#### 42. 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 Committee.

#### **43. 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 views if consultees and officers.

#### **44. LOW WELL FARM, CROCKEY HILL ROAD, WHELDRAKE, YORK. YO19 4SG (12/02430/FUL)**

Members considered a full application for an extension to an existing workshop and variation of condition 2 of permission 99/00759/FUL to increase the number of vehicles and trailers to 24 HGV's and 35 Trailers.

Officers updated the committee with the following information:

- Page 43 of the agenda there was a typographical mistake. The number of trailers referred to should be 35 and not 24.

Mr. Parks, the applicant, had registered to speak and advised that the business on the site was a specialised operation and that the proposal sought to expand the business and to continue to ensure roadworthiness of vehicles by increasing the workshop facilities. He felt that approval would impact positively by creating jobs and business in the local area.

Councillor Barton spoke as Ward Councillor. He raised concerns about the use of a site within the Green Belt for industrial purposes and stated that currently 18 HGV vehicles are garaged at the site when the current planning permission only allows for 12. He suggested that it was therefore a retrospective application but would also allow for significant expansion in the Green Belt.

Members went on to question a number of points including:

- Whether the application was an encroachment on the Green Belt. Officers confirmed that the site area would not be increased. The proposed increase in the size of the building footprint of 20% was considered to be within acceptable limits. It was pointed out that the trailers would be away from the site for the majority of the working week.

- The condition attached to the previous planning permission did not rule out an increase in the number of vehicles operating from the site, but enabled any proposed increase to be assessed through the submission of a formal application. Officers advised that other than the applicants dwelling there are no residential properties in close proximity to the application site. They advised that condition 5 should be amended to refer to the correct number of trailers, i.e. 35

Following further discussion, Members approved the application.

**RESOLVED:** That the application be approved subject to condition 5 being amended as stated above and to the other conditions listed in the committee report..

**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 the local economy, visual appearance, the openness of the green belt, neighbour amenity, sustainability and highway safety. As such the proposal complies with the National Planning Framework and policies GP1, GP4a and GB11 of the City of York Draft Local Plan.

**45. HOME LEA, ELVINGTON LANE, ELVINGTON, YORK. YO41 4AX (12/02755/FUL)**

Consideration was given to a full application by Mr S Thomas for the erection of 2 single storey buildings, the retention of 20 caravan bays and associated access and a bund to the rear.

Officers updated that an email had been received from the applicants agent which raised concerns about the committee report, in particular the use of the term 'appropriateness' in

relation to the level of facilities proposed at the site. The email has been published online with the agenda for the meeting.

The applicants agent spoke in support of the application. He advised that prior to submission, advice had been sought from the Council's planning department and that the application before members reflected work undertaken to minimise the impact on the green belt, including reducing the office size by a quarter, a reduction in facilities on the site and the use of reinforced "grasscrete" paving. He stated that the scheme would preserve the openness of the site and considered the proposal to be an appropriate use.

Ian Bailey spoke on behalf of Elvington Parish Council. He advised that he had met with the applicant and had discussed issues surrounding the length of stay by patrons of the site. He feared that it would become a permanent residential site, hence the amount of facilities requested. He asked that if the application be approved, a condition that the site is only used for short stays be added if possible.

Members went on to question a number of points including:

- The level of facilities at the site and if this is usual. The applicants agent confirmed that facilities vary across caravan sites and the standard of facilities offered was not a reason to refuse the application.
- Impact on the Green Belt.
- The issue of appropriate use for the site. Some Members felt that a caravan site was a suitable use, providing the development was sympathetic to the Green belt.

A motion for approval was put forward and seconded. When put to the vote this was carried.

RESOLVED: That the application be approved, subject to the following conditions:

1. The development shall be begun not later than the expiration of three years from the date of this permission.

REASON: To ensure compliance with Sections 91 to 93 and Section 56 of the Town and Country Planning Act 1990 as

amended by section 51 of the Compulsory Purchase Act 2004.

2.The development hereby permitted shall be carried out in accordance with the following plans and other submitted details:

Drawing Refs ARK-439, and ARK-439-02RB dated 26<sup>th</sup> October 2012.

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

3.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, 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.

4.Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials to be used shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. The development shall be carried out using the approved materials.

REASON: So as to achieve a visually cohesive appearance.

5.No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme which

shall illustrate the number, species, height and position of trees and shrubs and other new planting. This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants within a period of 5 years from 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 and suitability and disposition of species within the site.

6. Notwithstanding the application details hereby approved, full details of the proposed access road and caravan bays to include cross sections beyond the proposed site office/workshop building shall be submitted to and approved in writing by the Local Planning Authority. The development shall thenceforth be undertaken in strict accordance with the details thereby approved.

REASON: To secure compliance with Policy GB1 of the York Development Control Local Plan and to protect the open character and visual amenity of the Green Belt.

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 impact upon the open character and purposes of designation of the York Green Belt. As

such the proposal complies with Policy YH9 and Y1C of the Yorkshire and Humber Plan, policy GB1 of the City of York Development Control Local Plan and Central Government advice contained within paragraphs 79-92 of the National Planning Policy Framework.

**46. 18 ALMA GROVE, YORK. YO10 4DH (12/03547/FUL)**

It was reported that this application had been deferred.

**46a 36 The Manor Beeches, Dunnington, York. YO19 5PX (12/03390/FUL)**

Consideration was given to an application by Mr and Mrs Jawad Kadhim for a two storey granny annex to side and single storey side and rear extension to a detached two storey dwelling.

Officers updated the committee with the following details:

- A sunlight survey showing the impact on number 38 at the time when it is most likely to be overshadowed had been submitted.
  - A minor alteration to the side window at ground floor level
- Roy Allen, a neighbour, had registered in objection to the application. He advised that the location and scale of the proposed scheme in relation to neighbouring properties is the main cause of concern and there would be an adverse impact on his property as a result of the proposed extension.

Mr. Barwick, a neighbour, had registered in objection. He stated that any development to the side of the property would impact on his garden. He advised that he respected the right of his neighbour to extend his property but asked that the plans are reduced to be more sympathetic to neighbours amenity.

Mr. Marks the applicants agent agent spoke in support of the scheme. He advised that the plot had been purchased due to the potential to extend. He accepted that there would be some overshadowing and drew the Committees attention to the sunlight survey which suggested that 4pm would be the worst case scenario for shadowing upon neighbours properties.



Dennis Martin spoke on behalf of Dunnington Parish Council. He advised that the application included no reference to surface water drainage. He stated that there is a problem in Dunnington already with drainage and flooding and that such a substantial development would only add to the problem. He asked that further consideration is given to the matter.

Members questioned a number of points and had discussions surrounding the size and scale of the proposed scheme and the potential detrimental impact on neighbours properties, in particular the issue of overshadowing.

Following further discussions, a motion for refusal was put forward, which was seconded. When put to the vote this motion won.

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

**REASON:** It is considered that the proposed extension would detract from the standard of amenity that the occupiers of the adjacent residential properties could reasonably expect to enjoy by virtue of its excessive size, height and proximity to the site boundaries, and the resultant overshadowing and unduly dominant and overbearing impact that would result. As such the proposal would conflict with guidance contained within paragraph 17 of the National Planning Policy Framework, which states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings and Policies GP1 (b and i) and H7 (d and e) of the City of York Draft Local Plan (April 2005).

**47. 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 the 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.

Councillor J Galvin, Chair

[The meeting started at 2.00 pm and finished at 4.15 pm].