

Notice of a public meeting of

East Area Planning Sub-Committee

To: Councillors Galvin (Chair), Douglas (Vice-Chair), Fitzpatrick, Funnell, King, McIlveen, Cuthbertson, Watson, Firth and Warters

Date: Thursday, 3 January 2013

Time: 2.00 pm

Venue: The Guildhall, York

A G E N D A

Members are advised to note that the Site Visits will be held on the morning of **Thursday 3 January 2013**. If they are planning to make their own way please could they let Democratic Services know by **5pm** on **Wednesday 2 January 2013** on **(01904) 551078**.

If Members have any additional queries or questions about cases on Agenda Item 6 then please e-mail or telephone **Matthew Parkinson, Alan Kendall or Tim Goodall** by **5.00 pm** on **Wednesday 2 January 2013**.

1. Declarations of Interest

At this point in the meeting, Members are asked to declare:

- any personal interests not included on the Register of Interests
- any prejudicial interests or
- any disclosable pecuniary interests

which they may have in respect of business on this agenda.

2. Exclusion of Press and Public

To consider excluding the public and press from the meeting during consideration of annexes to Agenda Item 6 (Enforcement Cases Update) on the grounds that they contain information which is classed as exempt under Paragraphs 1, 2 and 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 4 - 37)

To approve and sign the minutes of the last meetings of the Sub-Committee held 8 November 2012 and 6 December 2012.

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 2 January 2013 at 5.00pm**.

5. Plans List

To determine the following planning applications related to the East Area.

**a) Low Well Farm, Cockey Hill Road,
Wheldrake, York. YO19 4SG
(12/02430/FUL)**

(Pages 38 - 45)

Extension to existing workshop and variation of condition 2 of permission 99/00759/FUL to increase the number of vehicles and trailers to 24 HGVs and 35 Trailers. [Wheldrake] **[Site Visit]**

**b) Home Lea, Elvington Lane, Elvington,
York. YO41 4AX (12/02755/FUL)**

(Pages 46 - 52)

Erection of 2no. single storey buildings, retention of 20no. caravan bays, associated access and bund to rear. [Wheldrake] **[Site Visit]**

**c) 18 Alma Grove, York. YO10 4DH
(12/03547/FUL)**

(Pages 53 - 59)

Single storey rear extension. [Fishergate]

d) **36 The Manor Beeches, Dunnington, York.** (Pages 60 - 69)
YO19 5PX (12/03390/FUL)

Two storey granny annex to side and single storey side and rear extension. [Derwent] **[Site Visit]**

6. Enforcement Cases-Update (Pages 70 - 259)

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.

Democracy Officer:

Name- Judith Betts

Telephone – 01904 551078

E-mail- judith.betts@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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- 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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The majority of councillors are not appointed to the Cabinet (39 out of 47). Any 3 non-Cabinet councillors can 'call-in' an item of business following a Cabinet meeting or publication of a Cabinet Member decision. A specially convened Corporate and Scrutiny Management Committee (CSMC) will then make its recommendations to the next scheduled Cabinet meeting, 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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EAST AREA PLANNING SUB COMMITTEE

SITE VISITS

Thursday 3 January 2013

**Members of the Sub Committee to meet at Union Terrace Car Park
at 10.00 am.**

TIME (Approx)	SITE	ITEM
10:20	Manor Beeches, Dunnington	d)
10:50	Home Lea, Elvington Lane, Elvington	b)
11:20	Low Well Farm, Crockey Hill Road, Wheldrake	a)

City of York Council

Committee Minutes

MEETING	EAST AREA PLANNING SUB-COMMITTEE
DATE	8 NOVEMBER 2012
PRESENT	COUNCILLORS GALVIN (CHAIR), DOUGLAS (VICE-CHAIR), FITZPATRICK, FUNNELL, KING, MCILVEEN, CUTHBERTSON, WATSON, WARTERS AND REID (SUBSTITUTE FOR COUNCILLOR FIRTH) (APART FROM ITEMS 33I AND 34)
APOLOGIES	COUNCILLOR FIRTH

Site Visited	Attended by	Reason for Visit
24 Wilberforce Avenue	Councillors Cuthbertson, Fitzpatrick, Funnell, Galvin, King, McIlveen and Warters	As the application had been called in by the Ward Member.
YWCA, Water Lane	Councillors Cuthbertson, Fitzpatrick, Funnell, Galvin, King, McIlveen and Warters	To inspect the site.
21 Longwood Close, Clifton	Councillors Cuthbertson, Fitzpatrick, Funnell, Galvin, King, McIlveen and Warters	As the application had been called in by the Ward Member.

Fox Inn, Stockton on the Forest	Councillors Cuthbertson, Fitzpatrick, Funnell, Galvin, King, McIlveen and Warters	As the application had been called in by the Ward Member and for Members to fully understand the context of the site and the concerns expressed by local residents and the Parish Council.
The Market Garden, Eastfield Lane	Councillors Cuthbertson, Fitzpatrick, Funnell, Galvin, King, McIlveen and Warters	To inspect the site.
305 Hull Road	Councillors Cuthbertson, Fitzpatrick, Funnell, Galvin, King, McIlveen and Warters	To inspect the site.
Helix House, Innovation Way, Heslington	Councillors Cuthbertson, Fitzpatrick, Funnell, Galvin, King, McIlveen and Warters	As the application had been called in by the Ward Member.
Crockey Hill, Wheldrake	Councillors Cuthbertson, Fitzpatrick, Funnell, Galvin, King, McIlveen and Warters	To inspect the site.

Designer Outlet, Fuford	Councillors Cuthbertson, Fitzpatrick, Funnell, Galvin, King, McIlveen and Warters	To understand the context of the site and the relationship between the site and nearest residential dwellings.
Millennium Bridge (off Maple Grove, Fulford)	Councillors Cuthbertson, Fitzpatrick, Funnell, Galvin, King, McIlveen and Warters	As the application had been called in by the Ward Member.

30. 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.

Councillor McIlveen declared personal non prejudicial interests in Agenda Items 4f) (24 Wilberforce Avenue) as a member of York Residential Landlords Association and in 4j) (21 Longwood Road) as the Ward Member who called in the application for consideration by the Committee.

Councillor Douglas also declared a personal non prejudicial interest in Agenda Item 4f) as the Ward Member who had called in the application for consideration by the Committee.

Councillor Reid declared a personal non prejudicial interest in Agenda Item 4c (Proposed Wind Turbine, Wheldrake) as she was in receipt of FIT (Feed In Tariff) payments for Photo Voltaic panels on her roof.

No other interests were declared.

31. MINUTES

RESOLVED: That the minutes of the East Area Planning Sub-Committee held on 10 October 2012 be approved and signed by the Chair as a correct record subject to the following amendment;

*Minute Item 28a) 19 Farndale Avenue, York. YO10 3NY
(12/02451/FUL)*

Councillor Warters requested that his vote for refusal be recorded.

32. 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.

33. 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 of consultees and officers.

**33a Hollycroft, 20 Wenlock Terrace, York. YO10 4DU
(12/02472/FUL)**

Members considered a full application for a change of use from offices to 8 no. residential apartments.

Some Members asked whether the flues and extraction vents for the apartments could be painted to lessen the visual impact that they could have on the character of the area.

Other Members suggested that if the application was approved that a condition be added to planning permission to provide parking for motorcycles and mopeds.

RESOLVED: That the application be approved subject to a Section 106 agreement.

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above and in the Officer's report, would not cause undue harm to interests of acknowledged importance, with particular reference to impact upon character and appearance of the Conservation Area, impact upon amenities of future occupants of the property and loss of potential employment land. As such the proposal complies with Policies GP1, HE3, and E3b of the City of York Development Control Local Plan.

33b Helix House, Innovation Way, Heslington, York. YO10 5BR (12/02568/FUL)

Members considered a full application for the installation of roof mounted flues and associated external plant and machinery.

Representations in objection were received from a local resident. She was concerned about the noise that would be heard from the operation of the machinery and that the trees along the boundary were deciduous and so would not screen the site effectively. She also raised concerns about safety, related to the usage and toxicity of the chemicals which would be used on the site. She felt that no details had been given about the containment and disposal of the chemicals.

Representations in support were received from the agent for the applicant. He informed Members that the usage of chemicals would be limited and would only be used in small volumes in a diluted form. He also felt that the flues and machinery would not be readily visible from the rest of the Science Park and that the noise levels produced would be minimal.

In reference to the comments about the usage of chemicals on the site, Officers informed Members that the chemicals that would be used conformed with the Control of Substances Hazardous to Health (COSHH) regulations. They also added that the volume of chemicals that would be used were below the threshold set by the regulations. Members were informed that if the plant was found to be using a level above this, then enforcement would be carried out by the Health and Safety Executive (HSE).

It was also reported that the HSE carried out unannounced inspections to make sure that the regulations had been complied with.

Some Members observed that other parts of the Science Park would also be dealing with hazardous materials and questioned if new equipment was installed which produced noise, whether they would be above the level of the current noise made by the fans.

The agent for the applicant confirmed that the levels of new equipment would not be above the current noise levels.

Some Members suggested that the vents on the building should be painted and treated to make them weather resilient and also felt that evergreen trees should be planted to reduce the visual impact of the site.

RESOLVED: That the application be approved with the following additional condition;

4. The flues hereby permitted shall be painted a dark colour previously authorised in writing by the Local Planning Authority prior to being first brought into use.

Reason: To safeguard the visual amenity of the wider street scene and to secure compliance with Policy GP1 of the York Development Control Local Plan.

REASON: In the opinion of the Local Planning Authority, the proposal subject to the conditions listed above and in the Officer's report, would not cause undue harm to interests of acknowledged importance, with particular reference to impact upon the visual amenity of the wider street scene and impact upon the residential amenity of nearby properties. As such the proposal complies with Policies GP1, ED7 and E8 of the City of York Development Control Local Plan.

33c Proposed Wind Turbine at Grid Reference 466532 445234, Crockey Hill Road, Wheldrake York (12/02998/FUL)

Members considered a full application for the erection of a 25m high (hub height) 50kW wind turbine.

Representations were received in objection to the application were received from a local resident. He raised comments regarding road safety on the adjacent road to the site, in that he felt that danger would be increased due to drivers being distracted by the wind turbine. He also felt that the level of noise from the turbine would be detrimental, and pointed out that the speed of the blades turning would need to be measured over a year in order to correctly measure the noise levels.

Further representations in objection were received from another local resident. He felt that the application should be refused because it did not make a significant level of energy contribution. He also felt that the approval of one turbine would set a precedent for others in the local area.

Representations were received in objection from an adjacent neighbour. He felt that the turbine would affect his visual amenity due to the close distance of it to his property. He also felt that insufficient details had been provided in the noise survey, particularly in relation to the existence of persistent prevailing winds.

Representations in support were received from the applicant's agent. She felt that the application should be approved because the Council should be proactively supporting applications that helped to reduce climate change. She felt that the noise emitted by the turbine were within the lowest guidelines for turbines, she also added that in her opinion, there was no evidence that the turbine would have a detrimental effect on migratory birds. In addition she stated that the turbine was sited in accordance with Natural England guidelines for bird and bat buffer zones.

Further representations were received from Wheldrake Parish Council. They objected to the application on the grounds of visual amenity, in that the turbine would be an industrial structure within a rural landscape and the background noise produced.

Representations were received from the Ward Member, Councillor Barton. He felt that the turbine would not be aesthetically pleasing, particularly given its location and that although subsidies were given to those people who promoted renewable energy usage that the cost of the subsidy would be paid by the customer on top of their energy bills.

The applicant's agent was asked by one Member of the Committee if the applicant could use another source of renewable energy. The agent explained that the applicant was restricted in what he could construct in that his land was rented, and was the only one he was resident on.

Some Members felt that if the Committee approved the application that a precedent would not be set, as applications were always considered on their own merits. They also pointed out that it was difficult to site a turbine in a location where it could not be seen by anyone.

Other Members felt that the application should be refused as the turbine, in comparison to ones in other parts of the city where there was not an electricity source, was purely for income generation. They also added that the main issue was not to be against wind turbines, but to ensure that the Green Belt remained in place.

RESOLVED: That the application be refused.

- REASON:
1. The proposal constitutes inappropriate development within the Green Belt and is therefore harmful to the openness of the Green Belt contrary to Paragraph 91 of the National Planning Policy Framework and Policy GB1 of the York Development Control Local Plan.
 2. The proposed wind turbine apparatus by virtue of its scale, design and location would substantially erode the pleasant and tranquil character and visual amenity of the landscape corridor linking Crockey Hill with Wheldrake village, contrary to Policy NE8 of the York Development Control Local Plan.

3. Insufficient information has been submitted with the application to enable a meaningful assessment to take place of the impact of noise generated by the proposed wind turbine apparatus on the residential amenity of nearby properties and the quiet amenity of the adjoining landscape, contrary to Paragraph 123 of the National Planning Policy Framework.

33d Fox Inn, 90 The Village, Stockton on the Forest, York. YO32 9UW (12/02909/FUL)

Members considered a full application for the erection of 6 no. terraced dwellings and conversion of existing outbuildings to 3no. dwellings with associated parking and access (revised scheme).

In their update to Members, Officers suggested that if the application was approved that a condition be added on for working hours of construction to be restricted.

Representations in objection were received from a local resident. She felt that the application would have a detrimental effect on the safety of the children that attended the primary school next to the pub. This was because there was often an overspill of cars from the pub's car park (which the school had been allowed to use) on to the main road, and that if the development was approved it would lead to further congestion. She added that it would make crossing the road to the school more dangerous for children. She commented that if the application was approved, that the applicant could perhaps provide alternative parking spaces that could be used by parents picking and dropping off their children to overcome the loss of the spaces in the pub car park.

Representations in support were received from the applicant's agent. In relation to the concerns raised about parking the applicant said that the pub would be closed during the drop off and pick up times for the school. He added that the design of the proposed dwellings would blend in with buildings in the surrounding area. It was noted that these buildings would be promoted as smaller homes for first time buyers.

Representations were received from the Ward Member, Councillor Doughty. He spoke about how he felt the proposal constituted overdevelopment, in that the number of properties and the style of them using the space in the pub car park would give an urban feel to a village setting. He added that concerns remained regarding the access to and from the new properties, in particular tight access for emergency vehicles. He informed the Committee that the loss of the car parking spaces for the pub would detrimentally affect its financial viability.

Some Members raised questions relating to the current and future parking situation and how refuse would be collected from the pub and the houses. In response to Members' questions relating to refuse collection, Officers confirmed that as there would be a restricted amount of turning space in the access to the pub and the dwellings that waste would be collected at the roadside.

Some Members felt that the operation of the pub was irrelevant to making the decision to grant planning permission. One Member commented that although he was concerned about the displacement of cars on to the main street, that the development should be welcomed as would rejuvenate that part of the village.

Discussion between Members and Officers took place and it was suggested that if the application was approved that a condition to restrict construction hours be added to planning approval. One Member requested that if the applicant wanted to vary one of the planning conditions that this should be considered by the Committee, in particular due to its village location.

Officers confirmed that if an application for a condition variation was submitted that it would be considered by Members.

RESOLVED: That the application be approved subject to the Section 106 agreement and with the following additional condition;

18. All site preparation and construction works and ancillary operations which are audible to the site boundary, including deliveries to and dispatch from the site shall be confined to the following hours:

Monday to Friday- 08:00 to 18:00
Saturday- 09:00 to 13:00
Not at all on Sundays or Bank Holidays.

Reason: To protect the amenity of local residents.

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions in the Officer's report, would not cause undue harm to interests of acknowledged importance with particular reference to:

- Principle of residential development on this site;
- Impact on the character and appearance of the conservation area;
- The impact on residential amenity;
- Compatibility of the pub with the barn conversion;
- Car and cycle parking and bin storage;
- Affordable housing;
- Leisure; and
- Drainage

As such the proposal complies with Policies GP1, HE2, HE3, HE4a, H5A and L1C of the City of York Development Control Local Plan.

**33e York Designer Outlet, St Nicholas Avenue, York.
(12/03168/FUL)**

Members considered a full application for the temporary use of a car park for a fun fair at York Designer Outlet.

In their update to Members, Officers commented that if the application was approved that there would be a temporary loss of 100 car parking spaces. They also informed the Committee that the event which would use the car park, a fun fair, ran last year and that no concerns had been received from the Council's Highways Department. Officers also told Members that they had received an additional letter from a resident of Naburn Lane which stated that the event would be highly audible from the property and that mains power supply rather than generators should be used.

Representations in objection were received from a local resident. He felt that when permission was granted on the site for a fun fair that concerns had raised about the detrimental effect that generators had on the amenity of local residents. He also pointed out that a bat survey had not been carried out by the applicant.

Representations in support were received from the applicant. She informed Members that if there was the possibility that levels of noise from recorded music could be heard from nearby properties, then the volume would be reduced immediately. She also told Members that she had not received complaints about the electric generators following the operation of the funfair last year. In response to a Member's question regarding the usage of electric generators as a power source, the applicant commented that although mains electricity was available where the fair was based, this was already being used for the Ice Factor on that side of the site. This meant that the mains electricity supply was already being used to capacity.

Further representations were received from a representative of Fulford Parish Council. She felt that the application should be refused because special circumstances had not been demonstrated, given that it was sited in the Green Belt. She also highlighted that there were concerns over parking for the event, following problems that had been encountered the year before.

Discussion between Members took place regarding parking and the provision of electricity to the site.

Some Members felt that it should be noted if a future application was considered that other arrangements for providing electricity should be considered by the applicant. Members agreed that permission should be granted for further than one year and that the applicant should be requested to investigate provision of mains electricity supply as part of any future proposals.

RESOLVED: That the application be approved with a condition restricting the permission to the current season only.

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 impact on the Green Belt, the amenities of local residents, and on the local highway network and car parking. As such the proposal complies with Policies GB1, GP1 and GP23 of the City of York Development Control Local Plan and Government advice contained within the National Planning Policy Framework.

33f 24 Wilberforce Avenue, York. YO30 6DS (12/02675/FUL)

Members considered a full application for a change of use and conversion of an existing property to an 8 bed house in multiple occupation (HMO).

Some Members requested that if the application was approved that a condition be added to ensure that the building at the rear of the property not be used for habitable accommodation or as a separate unit.

RESOLVED: That the application be approved with the following additional condition;

4. The freestanding building within the rear cartilage of the property shall at no time be used as bedroom accommodation nor shall it be used as a separate unit of accommodation to the hereby approved house in multiple occupation.

Reason: In the interests of the living conditions of prospective residents of the property and of adjacent residents.

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed in the Officer's report and above, would not cause undue harm to interests of acknowledged importance, with particular reference to the effect on residential amenity and the impact on the streetscene. As such the proposal complies with Central Government advice contained within the National Planning Policy Framework (March

2012), policies GP1 and H7 of the City of York Development Control Local Plan and the 'Guide to extensions and alterations to private dwelling houses' Supplementary Planning Guidance.

33g The Little House, 21 Rawcliffe Lane, York. YO30 6SH (12/03030/FUL)

Members considered a full application for a first floor side extension and erection of a detached garage.

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 cause undue harm to interests of acknowledged importance, with particular reference to the impact on the character and appearance of the conservation area and the effect on neighbour amenity. As such the proposal complies with national planning advice in relation to designed contained within the national Planning Policy Framework and Policies HE2, GP1 and H7 of the City of York Development Control Local Plan and the 'Guide to extensions and alterations to private dwelling houses' Supplementary Planning Guidance.

33h New Walk, Millennium Bridge, York. (12/02534/FUL)

Members considered a full application for a mooring for one vessel on the towpath adjacent to the Millennium Bridge on the eastern side of the River Ouse to be used as a café.

Officers shared with the Committee some comments that had been received from the Friends of New Walk, who questioned whether a track would appear in the adjacent woodland, if the café chairs would be removed at night, whether the servicing of supplies would take place off site.

An Officer from the Council's Property Services department, who had submitted the application answered the comments from the Friends of New Walk. In response to comments submitted by Councillor D'Agorne about a handrail being provided for the steps down to the towpath, the Officer reported that this could be problematic as flooding and debris from the river could get caught in the handrail. She also commented that it would be the responsibility of the café operator to take away the tables at night. It was noted that the vessel would be taken away at night. She added that the rings would be placed on the lower towpath.

One Member suggested that if the application was approved that a plaque be added on the towpath to illustrate the railway heritage in the area.

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 impact on the openness of the Green Belt, the impact on the character and appearance of the conservation area and the waterway setting. As such the proposal complies with the National Planning Policy Framework and Policies SP3, NE2, NE8, HE3, GB1 and L4 of the City of York Development Control Local Plan.

33i YWCA, Water Lane, York. YO30 6PT (12/02971/FULM)

This full major application is for the erection of a three-storey block of 16 no. 2 bedroom apartments and 7no. two storey 3 bed houses with associated access.

In their update to Members, Officers gave an update on the progress of the draft Section 106 agreement. They also stated that cycle storage and turning space for refuse vehicles had been revised by the applicant, and that these had been accepted by Officers.

It was reported that recent minor revisions had not been shown on the plans for approval, it was therefore suggested that if Members were minded to approve the application that the final approval of the recent revisions be delegated to Officers.

Discussion between Members related to the roads and footpaths on the site. Ward Members raised concerns about the lack of a clear boundary between the public footpath and the site, as they felt it would make the properties vulnerable to crime. Others were concerned about pedestrian safety due to the shared access to the site with vehicles using the same route as pedestrians.

Some Members felt that as the footpath was not part of the development that it should be separated off. Officers confirmed that the shared use conformed to current best practice for such access roads and that the 'Homezones' principle had been approved used extensively elsewhere in the City. It was also details of materials used for a boundary would have to be approved.

RESOLVED: That delegated authority be given to Officers to approve the application subject to;

- (i) A revised layout to separate the existing footpath from the new access road, following consultation with local Members and;
- (ii) A Section 106 agreement with the following conditions;

21. No development shall take place until details have been submitted to and approved in writing by the Council of measures to be provided within the design of the new buildings and landscaping to accommodate bats and birds. The development shall be carried out in accordance with the approved details.

Reason: To enhance the habitats and biodiversity of the locality

REASON: In the opinion of the Local Planning Authority, the proposal, subject to the conditions listed in the Officer's report and above, would not cause undue harm to interests of acknowledged importance, with particular reference to: the principle of development for housing; density; visual appearance; landscaping; contamination, sustainability; impact on trees; neighbour amenity; access, parking and highway safety; drainage; affordable housing; education, open space and construction impact. As such the proposal complies with the National Planning Policy Framework and policies GP1, GP4a, GP6, GP9, ED4, GP15a, NE1, H2a, H5a, L1c and T4 of the Draft City of York Local Plan.

33j 21 Longwood Road, York. YO30 4UA (12/03152/FUL)

Members considered a full application for a two storey side and rear extension and single storey rear extension and erection of boundary wall (resubmission).

Representations were received from the agent for the applicant. He informed the Committee that the applicant wanted to increase his family home, and hoped that he had overcome the previous reasons for refusal.

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 effect on residential amenity, car parking 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.

33k 305 Hull Road, Osbaldwick, York. YO10 3LU (12/02932/FUL)

Members considered a full application for the erection of a dormer bungalow to rear with access from Thirkleby Way.

In their update to Members Officers confirmed that a condition of approval needed to be amended to include further technical figures.

Some Members asked the Officers questions about the long boundary hedge and the retention of other hedges on the site. It was confirmed that if the application was approved a condition would be added to restrict the boundaries of the site. It was also noted that the applicant would retain the smaller front hedge. Some Members added that the condition should restrict the height of the boundary hedge to 2 metres to prevent overshadowing on to the neighbouring property.

Other Members expressed concerns that that the turning area for the proposed access to the bungalow was very tight.

Some Members felt that the application should be refused due to the claustrophobic nature of the space around the proposed bungalow, and also that it would compromise the residential amenity of the neighbouring property if a hedge on site was removed.

RESOLVED: That the application be approved with the following amended and additional conditions;

8. 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.

The details shall include the following requirements:

- (i) Site specific details of the flow control device manhole limiting the surface water to 2.25 lit/sec.
- (ii) Site specific details of the storage facility to accommodate 13.9m³ of storage.

- (iii) Details of future management/maintenance of the proposed drainage system.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper drainage of the site.

12. No development shall commence until and unless 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 alternative 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 L1c of the Development Control Local Plan which requires that all new housing sites make provision for the open space needs of future occupiers.

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed in the Officer's report and above, would not cause undue harm to interests of acknowledged importance, with particular reference to:

- principle of development;
- density, design, landscaping and visual impact ;
- impact on neighbouring amenity;
- access and highway safety;
- sustainability;
- drainage;
- open space, affordable housing and education provision.

As such the proposal complies with the overall aims and objectives of the National Planning Policy Framework, and Policies GP1, GP10, GP6, NE1, H4, L1, GP4 of the City of York Development Control Local Plan.

33I The Market Garden, Eastfield Lane, Dunnington, York. YO19 5ND (12/02930/FUL)

Members considered a full application for a substantial open-sided steel framed barn at the eastern edge of the site.

Officers suggested to the Committee that the application should be deferred as a technical difficulty had occurred during the writing of their report. It was reported that the public access website had closed down to new representations prematurely. Officers added that if the application was deferred that the neighbour notification exercise could take place again prior to any future consideration by the Committee.

They also reported that a concern had been expressed in respect of the content of the submitted Design and Access Statement and the manner in which the proposed usage of the barn is described. They added that further clarification would be sought in respect of the proposed usage of the barn.

Members also added that it would be beneficial to defer consideration as the cut off date for comments on the public access website was incorrect.

RESOLVED: That the application be deferred.

REASON: In order to allow for public consultation to take place, and to seek further clarification regarding the usage of the proposed barn.

34. URGENT BUSINESS

Under this item, one Member raised a concern about planning conditions to restrict working hours and material variation not being complied with on a development site in his ward. He felt that the non compliance of this condition in general should be examined by the Committee at a future meeting.

It was suggested that this issue could be taken to the Main Planning Committee or that the Assistant Director for City Development and Sustainability attend all the Planning Committees to discuss this issue with Members.

Councillor J Galvin, Chair

[The meeting started at 2.00 pm and finished at 5.15 pm].

City of York Council

Committee Minutes

MEETING	EAST AREA PLANNING SUB-COMMITTEE
DATE	6 DECEMBER 2012
PRESENT	COUNCILLORS GALVIN (CHAIR), DOUGLAS (VICE-CHAIR), FITZPATRICK, FUNNELL, KING, MCILVEEN, CUTHBERTSON, WATSON, WARTERS AND ORRELL (SUBSTITUTE FOR COUNCILLOR FIRTH)
APOLOGIES	COUNCILLOR FIRTH

Site Visited	Attended by	Reason
Sports Centre, University of York, Heslington Lane	Councillors Douglas, Galvin, McIlveen and Watson	To inspect the site.
Audi York	Councillors Douglas, Galvin, McIlveen and Watson	To inspect the site.
Health Centre, 1 North Lane, Huntington	Councillors Douglas, Galvin, McIlveen, Orrell, Warters and Watson	As the application had been called in by the Ward Member and to appreciate concerns about the visual impact of the extension, the site constraints, proposed car parking arrangements and the effect on residential amenity.
29 Sandringham Close, Haxby	Councillors Douglas, Galvin, McIlveen and Watson	To inspect the site and to assess the impact on the adjacent property.

Land Adjacent to 5 South Lane, Haxby	Councillors Douglas, Galvin, McIlveen and Watson	To understand the concerns raised by local residents and the Town Council and to understand the implications of the changes to the design.
62 Tranby Avenue	Councillors Douglas, Galvin, McIlveen, Warters and Watson	To inspect the site as the application had been called in by the Ward Member.

35. 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 that were not included on the Members Register of Interests.

Councillor Cuthbertson declared a personal interest in Agenda Item 3d) (Health Centre, 1 North Lane) as a patient of the surgery under consideration.

Councillor Funnell also declared a personal interest in Agenda Item 3d) as the Chair of the Council's Health Overview and Scrutiny Committee.

Councillor McIlveen declared a personal interest in Agenda Item 3b) (Audi York, Centurion Way) as an Audi Customer.

No other interests were declared.

36. 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.

37. 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 of consultees and officers.

**37a Sports Centre, Heslington Lane, Heslington, York.
(12/02990/FULM)**

Members considered a major full application from the University of York for the installation of an inflatable dome over for the existing tennis courts and the erection of a portakabin.

Representations were received from the agent for the applicant, Philip Holmes. He informed the Committee that the dome cover would allow for the University to maximise their sports facilities as well as also providing an indoor venue for the public to use on a pay by play basis. Additionally, it was noted that should the operation of the facility be viable that the University would look a permanent facility after five years of operation. Finally he added that there were no residential properties near to the application site.

In response to questions from Members, the agent reported that the domed cover would remain inflated by fan pressure.

Councillor Warters moved a motion to approve the application. Councillor Fitzpatrick seconded this motion.

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 impact upon the visual amenity of the wider street scene, the development of the University's Sport Facilities and links to the wider community. As such the proposal complies with Policies ED6 and GP1 of the City of York Development Control Local Plan.

**37b Audi York, Centurion Way, York. YO30 4WW
(12/02873/FULM)**

Members considered a major full application submitted by Mr Mark Taylor for an erection of car showroom and car deck following demolition of an existing building.

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 visual amenity of the wider streetscene, impact upon the wider local economy, impact upon a site of archaeological importance, impact upon the local pattern of surface water drainage, and sustainability. As such the proposal complies with Policies S13, GP1, GP15 (a), GP4 (a) and HE10 of the City of York Development Control Local Plan.

**37c The Market Garden, Eastfield Lane, Dunnington, York. YO19
5ND (12/02930/FUL)**

Members considered a full application submitted by Mr Tim Graves for an agricultural building.

In their update to Members, Officers explained that as the applicant had lodged an appeal against non-determination to the Planning Inspectorate, the Committee could only form a view in relation to the application, which would be forwarded to the Planning Inspectorate, rather than decide whether to grant or refuse permission.

They also added that concerns had been raised over the number of pigs and the volume of straw needed to service them in relation to the use of the building.

Representations were received from Mr Moorhouse, a local resident in objection. He felt that the application should be refused for a number of reasons which included;

- That sufficient justification for the need of the building had not been provided by the applicant.
- That no information on how many pigs would be on the site, if straw was stored in the proposed building.
- That the roofline of the proposed barn was higher than the existing dwelling on the site.
- That it was not specified what colour the steel roof would be and if it would blend into the landscape.

Further representations were received from the Ward Member, Councillor Brooks. She provided statistical information which appeared to indicate that a building of the size proposed was not required in order to serve the needs of the agricultural holding. She felt that if the application was approved that a condition be added to permission for the barn to be filled up to a certain level. Officers responded to this request and suggested that if such a condition was added that it could be seen as a fire risk.

Councillor Douglas moved and Councillor Orrell seconded a motion to refuse the application on the grounds of the impact the building would make on the openness of the Green Belt.

Councillor King requested that his vote against refusal was recorded.

RESOLVED: That the Planning Inspectorate be informed that had the Planning Committee determined the application, they would have been minded to refuse planning permission for the following reason.

REASON: Due to the excessive and unjustified size of the barn, the proposal would have an adverse impact upon the open character of the Green Belt.

37d Health Centre, 1 North Lane, Huntington, York. YO32 9RU (12/03081/FUL)

Members considered a full application submitted by Mr J McEvoy, for alterations and extensions of existing GP surgery to provide additional consulting, treatment and administration rooms and a dispensing pharmacy following demolition of

existing dwelling (3 North Lane) and erection of cycle storage, new car park and improved vehicular access.

In their update to Members, Officers informed the Committee that discussions were ongoing with the applicant regarding parking and a travel plan for the application. It was also confirmed that the Sports and Social Club further along North Lane had agreed in principle to allow health centre staff and patients to use their parking facilities.

Officers suggested that if Members were minded to approve the application that a number of conditions be added to planning permission such as;

- A condition for a travel plan
- A condition for kerbs to be reinstated at the crossing

Representations were received from Dominic Page who was in objection to the application. He was an agent who represented Lloyds Chemist. He gave a number of reasons for his objection which included;

- That the design of the building was more suitable for a town centre location rather than a village site.
- That, in his opinion, the plans showed that the pharmacy was not an ancillary use and would operate separately from the doctors' surgery.
- That the length of the operating hours was not suitable.

Further representations in objection were received from Doctor Kochhar a local pharmacist from Parkers Pharmacy. He agreed with the first speaker about the nature of the pharmacy use, which he felt would have an adverse impact on local pharmacies and other shops in the area. He also asked if there would be unlimited public access to the building.

Some Members asked questions about the percentage of prescriptions that Dr Kochhar's pharmacy dealt with from the surgery and about the informal parking arrangements.

It was reported that currently about 70% of prescriptions from the pharmacy were processed by Parkers.

Officers in response to the question about parking arrangements also stated that there were three staff parking spaces on site, but there were also potential parking provision

off site. A further comment made by a Member questioned whether this was practical for patients visiting the surgery during spells of bad weather due to the distance.

Representations in support were received from Paul Butler, the architect for the applicant. He advised Members that the reason for the alterations and extensions to the surgery was to meet the confidentiality and accessibility needs of patients. He felt that the new facility would also cater for the growing population. Members were also told that the existing surgery building would be retained to allow for the practice to continue. He also admitted that although the parking arrangements on site were not ideal but that the proposed arrangements were an improvement on the existing situation.

Questions to the architect from Members related to security arrangements, the access to the building and if there was a pharmacy within the surgery.

The architect informed the Committee that the surgery and pharmacy would have a common shared entrance foyer and that the pharmacy would have a night hatch. He also confirmed that the surgery was fully accessible due to the installation of a lift. Further to this he added that historically there had previously been a pharmacy on the surgery site.

Further representations in support were received from the applicant, John McEvoy. He shared some of the reasons for the extensions and alterations to the building which included;

- That there had been no major investment in the building since the 1970s.
- That there was a movement across the NHS from treating patients in hospital to treating them within Community based care.
- That the larger building would give doctors space for non patient activities, such as training and telephone consultations.

Members asked a series of questions relating to the delivery of medicines to the site. It was noted that due to longer licensing hours that the surgery could time deliveries by request. It was suggested that there could be a possibility for two deliveries a day, but that due to the size of the proposed pharmacy that only one delivery was expected.

He confirmed that the pharmacy might offer deliveries to care homes if they requested prescriptions from there but that it would be probably be processed from another site.

In response to a question about an increase in staff, the applicant confirmed that there would be a greater number working in the building at certain times but that the increase in size of the surgery would allow for more patient services to be offered.

He also added that the opening hours of the building were longer to comply with their NHS contract, of 100 hours, to improve services to patients. Finally he informed Members that the pharmacy service could also be used in place of the Accident and Emergency Department, as the pharmacists would offer a reasonable level of medical advice and assistance. In response to a Member's question, it was also noted that the pharmacy would also sell products to the general public.

One Member shared concerns with the Committee about the level and safety of traffic accessing the surgery and asked whether the Council's Highways Officers had assessed the traffic levels.

Officers confirmed that an assessment in relation to traffic generated by the Health Centre and pharmacy had been carried out and that it was considered to constitute a highway danger.

Some Members expressed concerns that the Health Centre parking arrangements depended on a voluntary agreement with the Sports Club which was some distance away from the site and that they had concerns about the longer opening hours. They also suggested that the times of proposed operation be amended from 8 am to 9pm to not disturb residential amenity.

Further discussion ensued about the proposed pharmacy's detrimental effect on other pharmacies in the area, and whether there would be sufficient and viable parking provision.

Some Members felt that there was the potential for conflict to arise over a voluntary parking agreement rather than an established area for parking. Officers also reminded the Committee that competition was not a planning consideration.

Councillor King moved the motion for the application to be deferred in order for contractual parking arrangements to be arranged and agreed with the Sports and Social Club for off site parking for health centre staff, and for more information to be provided regarding the NHS 100 hour contract for pharmacy operation times, in order to see if there was a potential to reduce the hours of operation. Councillor Douglas seconded this motion.

RESOLVED: That the application be deferred.

REASON: To enable officers to address Members concerns on parking and operation times of the proposed pharmacy prior to a decision being made.

**37e Land Adjacent To 5 South Lane, Haxby, York
(12/03238/FUL)**

Members considered a full application from Mrs Toni Grainger for four no. terraced dwellings (resubmission).

In their update to Members, Officers stated that a revised plan had been received from the applicant.

Representations in support of the application were received from Jim Burns, the applicant's agent. The agent informed Members about the revisions that had taken place following October 2011 when the application was refused by the Committee. He highlighted that;

- The rear windows of the properties were of an oriel design, with views in only one direction away from the adjacent gardens.
- The distance between the development and Wren Cottage opposite had increased and the planting of shrubs would soften the view from the cottage.
- That the present access to the development would be safe as it was a one way system and traffic would be slow.
- That the development would fit appropriately into the streetscene.
- That the sheds at the back would be of a suitable size to be able to store two bikes.

Further representations were received from the Ward Member, Councillor Richardson. He felt that the scale of the drawings showed the detrimental effect that the development would have on neighbouring properties.

In particular he mentioned that the visual amenity of Wren Cottage would be adversely affected due to loss of light and outlook.

He also questioned the suitability of having four car parking spaces for the development and suggested that obstructions could occur, as all residents of existing properties and the new development would have a right to park on both South Lane and York Road.

Councillor King moved the Officer's recommendation of approval and Councillor Funnell seconded this.

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:

- Principle of development;
- Visual impact and design;
- Neighbour amenity;
- Bin/cycle storage and car parking; and
- Drainage

As such the proposal complies with Policies GP1, GP10, HE2, H4A, T4, and L1c of the City of York Development Control Local Plan.

**37f 62 Tranby Avenue, Osbaldwick, York. YO10 3NJ
(12/03400/FUL)**

Members considered a full application by Mr Denis Fletcher for a change of use from dwelling house (Use Class C3) to house in multiple occupation (HMO) (Use Class C4).

In their update to Members Officers reported that they had received comments from Osbaldwick Parish Council in relation to the application.

They felt that if the application was approved then the percentage of HMO's in the area would breach the thresholds in the Council's Supplementary Planning Document regulations. They also felt that the Council's current records for HMO's in the area needed to be updated.

Concerns were raised that a nearby property at 53 Tranby Avenue had been identified as a HMO and had not been entered into the Council's database.

Officers responded that 53 Tranby Avenue was the subject of an application for a Certificate of Lawful Use which had yet to be determined and advised Members that it should not be taken into consideration by Members when making their decision. They stated that they were happy to receive up to date information on properties that were not registered as HMOs, but advised that the process of recording numbers of properties should be separated from making a decision on a planning application.

Representations in support of the application were received from the applicant's agent, Mark Newby. He explained that the house had been purchased in order for the owner's son and his friends to live there. It was also reported that the applicant was happy for a condition to be added to planning permission to restrict the construction of future building extensions.

In response to a question raised by a Member about whether a condition could be attached to restrict the purpose of the property for certain inhabitants, Officers stated that this would not be an appropriate use of planning conditions.

Some Members maintained that the Council's Supplementary Planning Document was helping to control the concentration of HMO's in the area.

Councillor Funnell moved a motion to approve the application, as per the Officer's recommendation. Councillor Douglas seconded the motion. Councillor Warters requested that his vote against approval be recorded.

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 residential amenity and the impact on the character and appearance of the area. As such the proposal complies with Policy H8 of the City of York Development Control Local Plan, and the Council's Supplementary Planning Document: 'Controlling the concentration of Houses in Multiple Occupancy' (2012).

**37g 29 Sandringham Close, Haxby, York. YO32 3GL
(12/03138/FUL)**

Members considered a full application submitted by Mr P Brown for a single storey rear extension with replacement attached garage to side (resubmission).

Representations in objection were received from an adjacent neighbour, Mrs Muriel Brown. She felt that the application should be refused due to the proximity of the extension to her property and also that the building would block out natural light from her kitchen. She felt that there had been too few changes from the original application that was submitted.

Further representations were received from the Ward Member, Councillor Richardson. He felt that the main issue for Members to consider was the intrusion that the extension and garage would cause on to Mrs Brown's property. He added that the applicant had intended to move the wall of the building away from the boundary with Mrs Brown's property, but that the wall was located directly on the boundary. He also considered that the design of the extension would have a detrimental impact on the streetscene.

For clarification, Officers confirmed that the drawings clearly indicated that the extension would be located approximately 1 metre from the boundary.

Councillor Watson moved a motion to refuse the application as the extent of the proposed building work had not moved a sufficient distance away from the adjacent property, that it would over dominate the property and that the neighbour would suffer a loss of light as a result of this. Councillor Warters seconded this motion.

RESOLVED: That the application be refused.

REASON: It is considered that the proposed extension by virtue of its height scale and proximity to the side boundary with 31 Sandringham Close would result in a significant loss of light to the side of the adjacent property which contain a number of window openings, and would over dominate the side elevation of that bungalow. The proposal would therefore have a detrimental impact upon the living conditions of the adjacent resident, contrary to the provisions of Council's Development Control Local Plan policy H7, which requires, inter alia, there to be no adverse effect on the amenity which neighbouring residents could reasonably expect to enjoy.

38. APPEALS PERFORMANCE

Members considered a report which informed them of the Council's performance in relation to appeals determined by the Planning Inspectorate from 1 April to 31 October 2012 and provided them with a summary of the salient points from the appeals determined.

RESOLVED: That the application be noted.

REASON: To inform Members of the current position in relation to planning appeals against the Council's decisions as determined by the Planning Inspectorate, over the last 6 months and year.

Councillor J Galvin, Chair
[The meeting started at 2.05 pm and finished at 5.05 pm].

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

CYGP4A - Sustainability

CYGB11 - Employment devt outside settlement limits

3.0 CONSULTATIONS

INTERNAL

3.1 None.

EXTERNAL

3.2 Wheldrake Parish Council - Objection. The number of vehicles is significantly above that permitted by the 1999 permission. The proposed building extension would not be needed if the number of vehicles had remained permitted, although the Parish Council is not opposed to the extension when considered as a single entity. The Parish Council is concerned about the significant expansion of this heavy haulage business within the green belt and which has a restricted access onto an unclassified road. If the proposal was approved conditions should be attached regarding improved access, highway signage, pollution control measures, additional screen planting and registers for complaints and road traffic incidents.

3.3 Public Consultation. - The consultation period expired on 29 August 2012. No representations have been received.

4.0 APPRAISAL

APPLICATION SITE

4.1 The site is used in connection with the applicant's agricultural and road haulage businesses. It mainly comprises two attached, industrial-types sheds within an extensive hardstanding. The site is surrounded by the applicant's land holding of approximately 67 ha. Access is from Wheldrake Lane.

The site lies within the green belt, in open countryside, approximately 900m from the nearest settlement (Wheldrake). The site is largely screened from both sides by

substantial hedge planting along the side boundaries. There is no screening along the north-eastern boundary with the open countryside. The site includes a detached dwellinghouse occupied by an employee of the applicant's businesses.

4.2 Whilst the site is in mixed use the dominant use is the road haulage business. HGV tractors and trailers are stored on the hardstanding when not in use, which is mainly at weekends, and are repaired/maintained in one of the sheds (i.e. the workshop to be extended). Typically, drivers collect their loaded trailers at the start of the working week and do not return to the yard until the end of the week.

4.3 The other shed is nominally in use for agricultural storage but it has not been used as such for at least two years. Before that it was only used for agricultural storage intermittently. The building is currently being used for commercial storage of hardboard, unrelated to the applicant's road haulage and agriculture businesses. The use is unauthorised and is the subject of an ongoing enforcement case. The applicant has stated that all hardboard will be removed by the beginning of February.

4.4 KEY ISSUES:-

- The Economic considerations
- Impact on Green Belt
- Traffic and Highway Safety

POLICY CONTEXT

4.5 The National Planning Policy Framework (NPPF) - There is a presumption in favour of sustainable development which, for decision-taking, means approving without delay development proposals that accord with the development plan. Where the development plan is absent, silent or relevant policies are out of date, planning permission should be granted unless: (1) any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or (2) specific policies in the Framework indicate development should be restricted (paragraph 14). Local Planning Authorities should seek to approve applications for sustainable development where possible and work with applicants to secure developments that improve the economic, social and environmental conditions of the area (paragraph 187).

4.6 National Planning Policy Framework (Employment) - Planning should encourage and not impede sustainable growth therefore significant weight should be placed on the need to support economic growth through the planning system (paragraph 19).

4.7 National Planning Policy Framework (Rural Economy) - Planning policies should support economic growth in rural areas in order to create jobs and prosperity

by taking a positive approach to sustainable new development. To promote a strong rural economy local and neighbourhood plans should: support the sustainable growth and expansion of all types of business and enterprise in rural areas; promote the diversification of agricultural and other land-based rural businesses; support sustainable rural tourism and leisure developments that benefit rural areas; promote the retention and development of local services and community facilities in villages (paragraph 28).

4.8 National Planning Policy Framework (Green Belts) - The fundamental aim of green belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of greenbelts are their openness and permanence (paragraph 79). The NPPF lists the types of development that are acceptable in the green belt. Other development is deemed inappropriate, which is by definition harmful to the green belt. Inappropriate development should not be approved except in very special circumstances that outweigh any harm to the green belt. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the green belt. Very special circumstances will not exist unless the potential harm to the green belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. The extension or alteration of a building is not inappropriate provided it does not result in disproportionate additions over and above the size of the original building.

4.9 The City of York Development Control Local Plan was approved for development control purposes in April 2005. Its policies are material considerations although it is considered that their weight is limited except where in accordance with the NPPF. The following local plan policies are still applicable:

4.10 GP1 - Development proposals should be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and local character; respect or enhance the local environment; provide/protect amenity space; protect residential amenity; accord with sustainable design principles; include refuse facilities; and include, where appropriate, landscaping.

4.11 GP4A - Proposals for all development should have regard to the principles of sustainable development.

4.12 GB11 - Planning permission will only be granted for new industrial and business development outside defined settlement limits in the green belt where (a) it involves the re-use or adaptation of an existing building or is for a small-scale extension to an existing building; and (b) it provides a direct benefit to the rural economy and the local residential workforce.

ECONOMIC CONSIDERATIONS

4.13 Increasing the number of road haulage vehicles has enabled the applicant to expand his road haulage business. Authorising this increase (by varying condition 2) would support this expansion of the business in accordance with national planning policy set out in the National Planning Policy Framework.

IMPACT ON THE GREEN BELT

4.14 Varying condition 2 would have some impact on the openness of the green belt due to the increase in the visual impact of the parked vehicles when not in use. This impact would not be significant, particularly as most of the tractors are absent during the working week. The increase in the number of vehicles requires the business to increase its vehicle maintenance capacity, hence the proposed extension to the maintenance shed. The extension, which would be in keeping with the character of the existing building, would not be easily visible from the public highway. The extension would be seen from the open countryside north east of the site but it would be against the back drop of the existing buildings. The agricultural storage building and the haulage workshop are attached and have a combined footprint of approximately 856sqm. The proposed extension would increase this combined footprint by approximately 20%. The extension would not result in a disproportionate addition over and above the size of the existing building. Nor would it have, by its scale, location or design, a significant impact on the openness of the Green Belt.

TRAFFIC AND HIGHWAY ISSUES

4.15 The Council as Highway Authority had no objection to the 1999 application subject to the access and highway verge being reconstructed to council standards. That work was carried out. Whilst the current application would increase the number of vehicles entering and leaving the site the change would have no material impact on the capacity of the access or the highway network. Nor would it materially affect highway safety.

OTHER MATTERS

4.16 If the application were to be approved, the Parish Council would like conditions to be attached regarding improved access, highway signage, pollution control measures, additional screen planting and registers for complaints and road traffic incidents. In response, no further improvements are required to the access or to highway signage; the proposals would not significantly affect pollution, whether relating to air, water or light; there are no residents (unrelated to the applicant's businesses) in the immediate vicinity who would be materially affected by the proposal; Officers are not aware of any road traffic accidents that have been caused by the operation of the site; and the absence of objections would suggest that the operation of the site is not a source of significant nuisance. In terms of screening,

the applicant has agreed to a condition requiring a hedge and specimen trees to be planted along the north-eastern boundary.

5.0 CONCLUSION

5.1 The proposals would support the local businesses and economic growth. The extension to the workshop would not have a significant impact on the openness of the green belt. Highway safety and the operation of the road network would not be materially affected. There would be no impact on neighbour amenity. Both elements of the application (the extension and the variation of condition 2) are considered to be acceptable.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years -

2 The development hereby permitted shall be carried out only in accordance with drawing numbered PARK-01, PARK-04/A and PARK-05, all received 6 July 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 The materials to be used externally for the workshop extension shall match those of the existing workshop in colour, size, shape and texture.

Reason: To achieve a visually acceptable form of development.

4 Within three months of the date of this permission a native hedgerow shall be planted along the north-eastern boundary. The hedge shall be planted to the following specification: Staggered, double row, 60 to 90cm high plants, 30cm spacing between plants. Composed of 70% hawthorn, 10% blackthorn and the remaining percentage made up of the following: Dog Rose, Dogwood, Hazel, Field Maple, Holly, Guelder Rose. The hedge shall contain at least four specimen trees, 10-12cm in girth, from the following list: Field Maple, Oak, and Hornbeam.

Reason: In the interests of maintaining the visual amenity and rural character of the area by softening the aspect of the workshop and parking area as viewed from the north east.

5 The number of goods vehicles used by the agricultural haulage use at the premises shall be restricted to the 24 HGV tractors and 24 trailers.

Reason: To control the expansion of the use, which could otherwise have an unacceptable impact on the openness of the green belt and local amenity.

6 No goods shall be stored on the site in association with the transport use, except where they are stored on trailers.

Reason: To control the expansion of the use, which could otherwise have an unacceptable impact on the openness of the green belt and local amenity.

7 Any gates shall be erected a minimum distance of 20 metres back from the carriageway of the existing highway and shall open into the site.

Reason: To allow a vehicle entering or leaving the site to stand clear of, and thereby avoid obstructing, the public highway, in the interests of road safety.

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 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.

2. STATEMENT OF THE COUNCIL'S POSITIVE AND PROACTIVE APPROACH

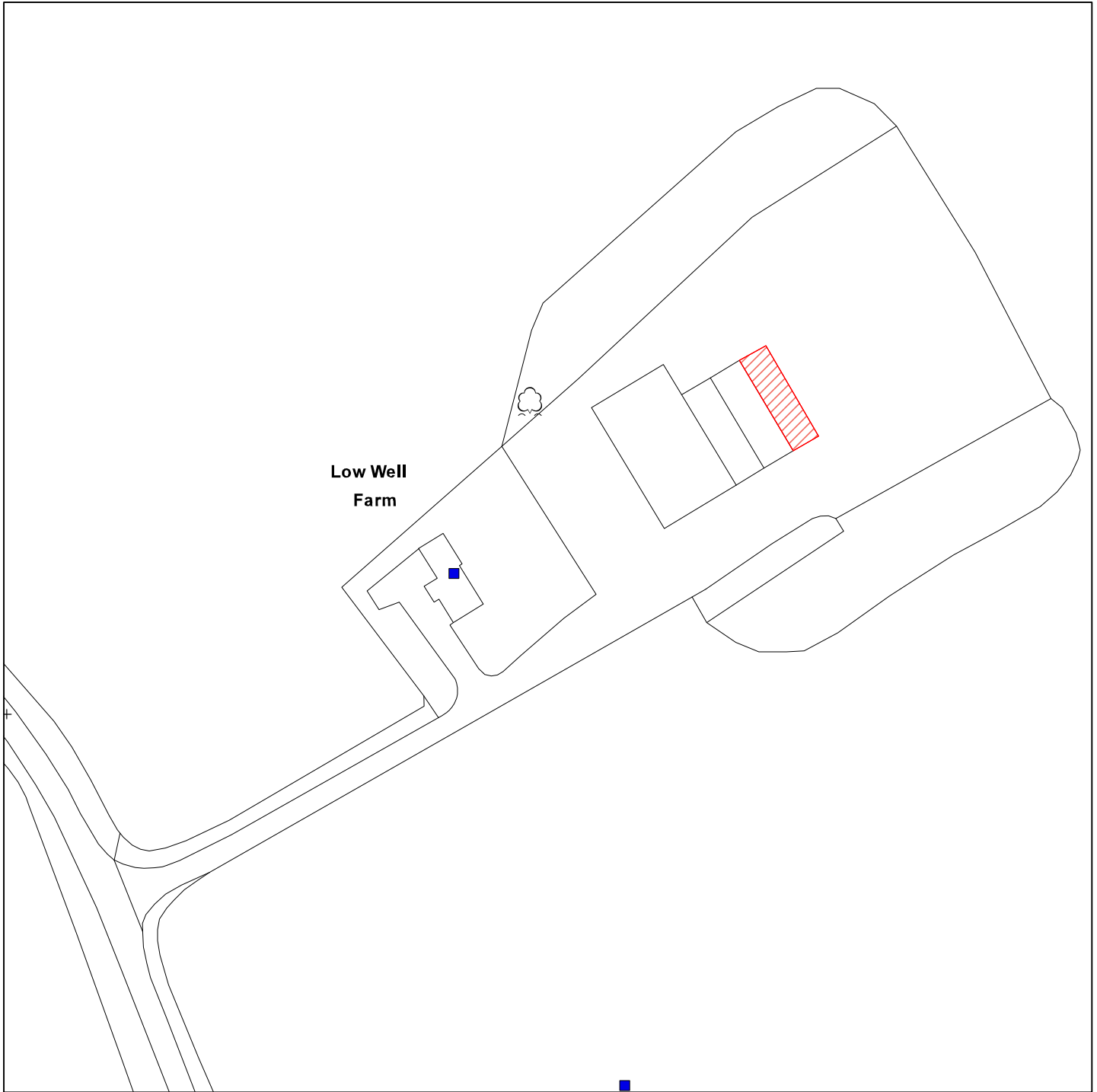
In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve an acceptable outcome: pre-application advice; recommendation that additional screening be provided along the boundary; and imposition of appropriate planning conditions.

Contact details:

Author: Kevin O'Connell Development Management Officer
Tel No: 01904 552830

12/02430/FUL

Low Well Farm, Crockey Hill Road



Scale : 1:1250

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Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	
Date	17 December 2012
SLA Number	Not Set

COMMITTEE REPORT

Date: 3 January 2013 **Ward:** Wheldrake
Team: Major and **Parish:** Elvington Parish Council
 Commercial Team

Reference: 12/02755/FUL
Application at: Home Lea Elvington Lane Elvington York YO41 4AX
For: Erection of 2no. single storey buildings, retention of 20no. caravan bays, associated access and bund to rear
By: Mr S Thomas
Application Type: Full Application
Target Date: 10 October 2012
Recommendation: Refuse

1.0 PROPOSAL

1.1 Home Lea comprises a long relatively narrow site with a lawful use (ref:- 09/01853/CLU) to accommodate 20 touring caravans within the York Green Belt to the north of Elvington Airfield. A small development of bungalows set within long narrow plots lie directly to the south west. Planning permission ref:-10/01961/FUL has previously been refused on Green Belt grounds for the erection of 23 static caravans on the site; the subsequent appeal was dismissed. Planning permission is currently sought for the erection of an amenity building, a workshop and site office along with the retention of 20 formalised hardcore pitches and a hardcore lined access road. The details of the amenity buildings have been amended subsequent to submission to reduce their scale and massing. The detail of the access road and pitches has also been modified to a porous Net pave to allow grass growth when not in use and to lessen impact upon the openness of the Green Belt.

1.2 Consideration of the proposal was deferred from the November East Area Planning Committee to allow for further consideration of the amended application details and to allow for submission of a detailed statement in respect of the appropriateness of the proposed amenity buildings. The statement has now been submitted but still does not address the reason why it is felt that a wider range of facilities are considered appropriate at the application site than other similar facilities in Green Belt locations.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: East Area (1) 0003

2.2 Policies:

CYGB1 -Development within the Green Belt

CYV1 -Criteria for visitor related devt

3.0 CONSULTATIONS

INTERNAL:-

3.1 Environmental Protection Unit raise no objection to the proposal subject to the proposed amenity buildings incorporating suitable mitigation measures to deal with the possibility of landfill gas arising from a closed tip nearby migrating into their foundations.

3.2 Strategic Flood Risk Management object to the proposal on the grounds that insufficient information has been submitted with the application in respect of the means by which the site would be drained.

3.3 Design, Conservation and Sustainable Development raise no objection to the proposal.

3.4 Highway Network Management raise no objection to the proposal.

3.5 Integrated Strategy Unit were consulted with respect to the application on 5th September 2012. Views will be reported verbally at the meeting.

EXTERNAL:-

3.6 Elvington Parish Council object to the proposal on the grounds that the proposed amenity buildings would lead to over development of the site, the proposed amenity buildings and access would not meet Modern standards, the development would have an adverse impact upon the open character of the Green Belt and the site would not be used for the purpose applied for, as a maximum 20 pitch touring caravan site. The Parish Council have been consulted in respect of the revised details but express continuing concern in respect of the size and range of amenity buildings proposed bearing in mind the location of the site in the Green Belt.

3.7 The Ouse and Derwent Internal Drainage Board were consulted with regard to the proposal on 5th September 2012. Views will be reported verbally at the meeting.

4.0 APPRAISAL

KEY CONSIDERATIONS:-

4.1 KEY CONSIDERATIONS INCLUDE:-

- Impact upon the open character and purposes of designation of the Green Belt.

IMPACT UPON THE OPEN CHARACTER AND PURPOSES OF DESIGNATION OF THE GREEN BELT

4.2 Policy GB1 of the York Development Control Local Plan states that planning permission within the Green Belt will only be forthcoming where the scale, location and design of such development would not detract from the open character of the Green Belt, it would not conflict with the purposes of including land within the Green Belt and it is for one of a number of purposes deemed to be appropriate within the Green Belt including essential facilities for outdoor sport and recreation. This closely follows Central Government Policy in respect of planning in Green Belt areas outlined in paragraphs 79 to 89 of the National Planning Policy Framework. Paragraph 89 of the NPPF adds a further test requiring that any development providing appropriate facilities for outdoor sport or recreation should preserve the openness of the Green Belt and should not conflict with the purposes of including land within it.

4.3 The application site has a lawful use as a 20 pitch caravan site but has not been used as such in recent years. The proposal seeks permission for two elements. Firstly single storey brick built chalet type building to provide bathing and laundry facilities along with a single storey brick structure to provide a site office and workshop. At the same time permission is sought for the retention of 20 hardcore surfaced caravan pitches along with a hardcore surfaced access road and an earth bund at the northern edge of the site.

4.4 In respect of the built facilities, the applicant has indicated that two buildings previously existed at the site but were demolished because of their poor state of repair. The two buildings are requested in order to service the site. The office and workshop building has been kept separate from the bathing and laundry facilities with the aim of minimising the impact upon the openness of the Green Belt and to enable both buildings to be more closely related to the pattern of development along Elvington Lane without intruding into open countryside. A workshop, with site office and small shop are considered to be essential for this type of site whilst the amenity building includes 3 three toilets and 3 bathrooms for use by male visitors together with 3 of each for use by female visitors, together with laundry and pot washing facilities for use primarily by those occupying the area reserved for tents at the northern edge of the site.

The Caravan Club, which is the primary regulatory body for such sites, sets a series of minimum standards for facilities, and provision varies widely between sites. The proposed provision is generous when compared with other sites in the wider area and the NPPF paragraph 89 categorises appropriate facilities for outdoor recreation as being suitable within the Green Belt providing the openness and purposes of designation of the Green Belt are safeguarded.

4.5 The applicant has submitted a statement offering a justification for the level of facilities provided based upon the levels indicated in the Building Regulations; however touring caravan and camping sites are exempt from the requirements of the Building Regulations and the case for an additional level of facility over and above that of other neighbouring sites within the Green Belt has not fully been made. It can clearly be argued that the provision of formalised facilities on such a scale would have an urbanising impact upon the Green Belt not just in terms of the physical form of the buildings but in terms of the intensity of use that would be generated.

4.6 In terms of the bund and the site layout incorporating pitches and access road, the development has significantly altered the character of the site and its relationship with its surroundings. The surrounding landscape is gently rolling with small gatherings of mature trees and lengths of hedgerow surrounding fields in largely arable use. The bund, comprising an alien and engineered structure, causes significant harm to the openness of the Green Belt by extending urban type development into the surrounding open countryside. Furthermore the layout and surfacing of the pitches, with the use of crushed hard core also significantly harms the openness of the Green Belt by extending hard surfaced, engineered development out into open countryside. Following concerns expressed the applicant has agreed to the removal of the bund from the development proposal together with the laying out of the access road and pitches beyond the proposed workshop/office building in Net pave to have a lesser impact upon the openness of the Green Belt. That aspect of the development is now felt to be acceptable.

OTHER ISSUES

4.7 Concern has also been expressed in respect of the suitability of the proposed amenity buildings along with the use of the site for the intended purpose of a touring caravan site. These matters are however covered by the Caravan Site Licensing Regime and as such are not material to the determination of the planning application.

5.0 CONCLUSION

5.1 Home Lea comprises a long and relatively wide site within the Green Belt to the north of Elvington Airfield with a Lawful Use as a 20 pitch touring caravan site. Planning permission is sought for the retention of 20 marked pitches laid in hard core together with a hardcore laid access road and a bund at the northern edge of the site. Permission is also sought in respect of the erection of two amenity buildings to supply a shop/site office and workshop together with a separate building to providing toilet, washing and laundry facilities. The detail of the proposed buildings has been amended subsequent to submission in order to lessen their scale and massing with the aim of lessening their impact upon the open character of the Green Belt. Notwithstanding the amendment and the modifications to the site layout to lessen its impact upon the open character of the Green Belt, the proposed service buildings remain more substantial than is considered appropriate and reasonable in the area, and the submitted justification does not adequately address why such an enhanced level of facility would be appropriate. The development therefore remains unacceptable and it is recommended that planning permission be with held.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Refuse

1 It is considered that insufficient justification has been given as part of the development proposal to demonstrate that the proposed amenity buildings constitute an appropriate facility for outdoor recreation and therefore form appropriate development within the Green Belt, in line with National Planning Policy Framework (NPPF) paragraph 89. The proposal as it stands is therefore felt to be inappropriate development within the Green Belt and by definition harmful to its openness, contrary to the provision of the NPPF and Policy GB1 of the Council's Development Control Local Plan.

7.0 INFORMATIVES:

Notes to Applicant

1. STATEMENT OF THE COUNCIL'S POSITIVE AND PROACTIVE APPROACH

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

Sought detailed clarification in respect of the level of amenity facilities proposed in relation to their appropriateness within the Green Belt.

Notwithstanding the above, it was not possible to achieve a positive outcome, resulting in planning permission being refused for the reasons stated.

Contact details:

Author: Erik Matthews Development Management Officer

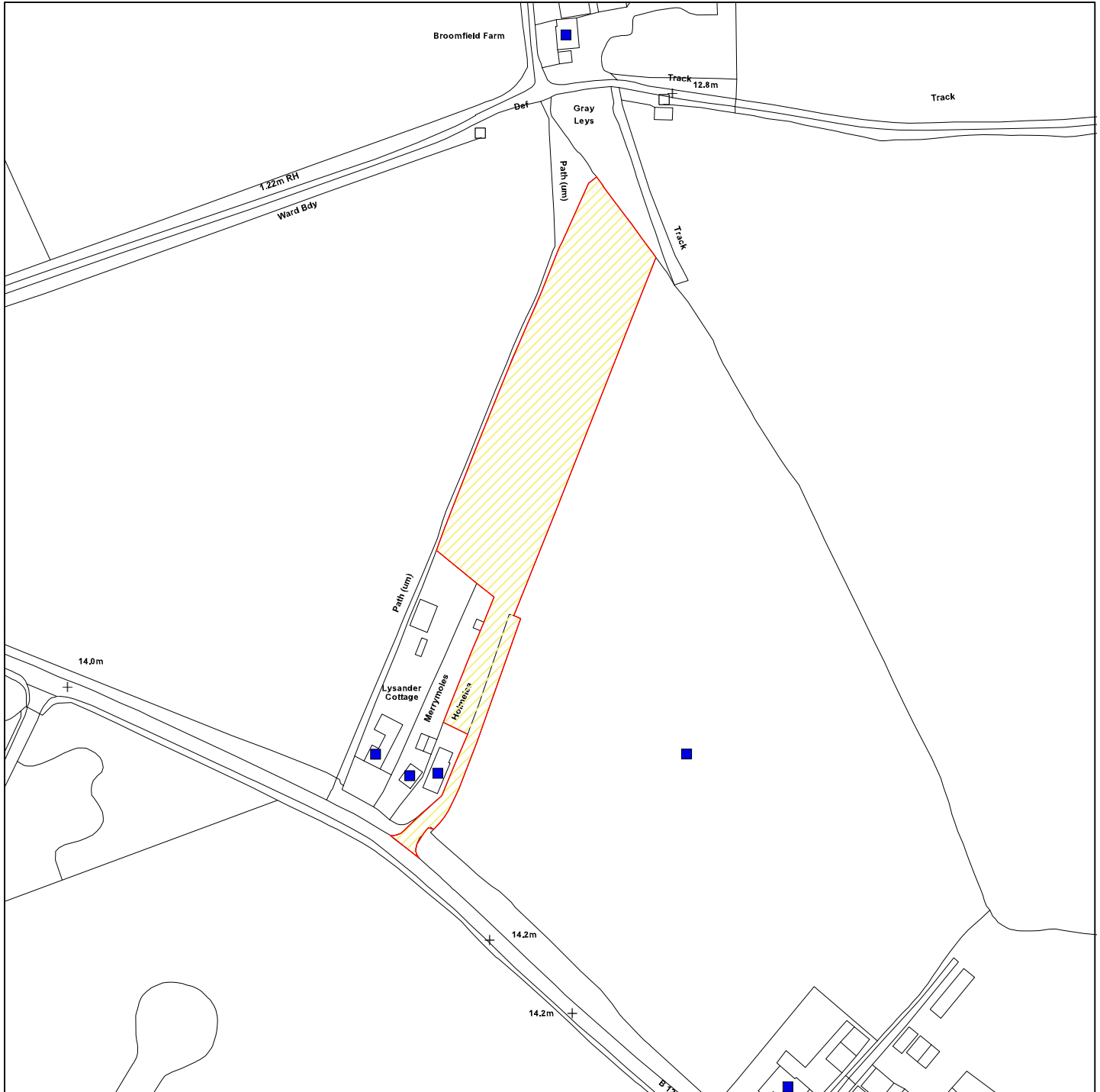
Tel No: 01904 551416

12/02755/FUL

Home Lea, Elvington Lane



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Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	
Date	17 December 2012
SLA Number	Not Set

DC Area Teams GMS Constraints: East Area (1) 0003

2.2 Policies:

CYGP1 -Design

CYH7 - Residential extensions

CYHE3 - Conservation Areas

3.0 CONSULTATIONS

INTERNAL

3.1 None

EXTERNAL

FISHERGATE PLANNING PANEL

3.2 No reply received up to date of writing. Any subsequent comments received will be reported.

RESPONSE TO NEIGHBOUR NOTIFICATION (CONSULTATION PERIOD EXPIRED 21.12.12)

3.3 No reply received up to date of writing. Any subsequent comments received will be reported.

RESPONSE TO SITE NOTICE EXPIRED (CONSULTATION PERIOD EXPIRED 25.12.12)

3.4 No reply received up to date of writing. Any subsequent comments received will be reported.

4.0 APPRAISAL

4.1 Key Issues:

- Visual impact on the dwelling and the character and appearance of the surrounding conservation area;
- Impact on neighbouring properties

POLICY CONTEXT

4.2 The relevant development plan is The City of York Council Draft Deposit Local Plan, which was placed on Deposit in 1998. Reflecting points made, two later sets of pre inquiry changes (PICs) were published in 1999. The Public Local Inquiry started in 1999 but was suspended by the Inspector for further work to be done on the Green Belt. A Third Set of Changes addressing this further work was placed on deposit in 2003. Subsequently a fourth set of changes have been drafted and approved by Full Council on 12th April 2005 for the purpose of making Development Control Decisions, on the advice of the GOYH

4.3 The National Planning Policy Framework 2012 (NPPF) sets out the Government's overarching planning policies. At its heart is a presumption in favour of sustainable development. The framework states that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. A principle set out in paragraph 17 is that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

4.4 Paragraph 187 states that Local Planning Authorities should look for solutions rather than problems and decision takers at every level should seek to approve applications for sustainable development where possible. The NPPF states that there are three dimensions to sustainable development - an economic role, a social role and an environmental role. In considering proposals for new or improved residential accommodation, the benefits from meeting peoples housing needs and promoting the economy will be balanced against any negative impacts on the environment and neighbours' living conditions.

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

4.6 National Planning Policy Framework (NPPF), March 2012, chapter 12, paragraph 132 states that considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed by or lost through alteration or destruction of the heritage asset or development within its setting.

4.7 NPPF at Chapter 12 Paragraph 134 states that where a development proposal will lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

4.8 Development Control Local Plan Policy CYH7 states that residential extensions will be permitted where (i) the design and materials are sympathetic to the main dwelling and the locality (ii) the design and scale are appropriate to the main building (iii) there is no adverse effect upon the amenities of neighbours.

4.9 Development Control Local Plan Policy CYGP1 states that development proposals will be expected to (i) respect or enhance the local environment, (ii) be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area using appropriate building materials; (iii) avoid the loss of open spaces, important gaps within development, vegetation, water features and other features that contribute to the quality of the local environment; (iv) retain, enhance and/or create urban spaces, public views, skyline, landmarks and other townscape features which make a significant contribution to the character of the area, and take opportunities to reveal such features to public view; and (v) ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures.

4.10 Development Control Local Plan Policy CYHE3 of the Development Control Local Plan states that within Conservation Areas, proposals for external alterations will only be permitted where there is no adverse effect on the character and appearance of the area.

4.11 Supplementary Planning Guidance 'A Guide to Extensions and Alterations to Private Dwelling Houses' March 2001 states that (1.12) Good design and a scale of development that respects the original dwelling and established pattern of development are essential to making a quality extension. An extension in the style of the existing dwelling is likely to be the most acceptable.

IMPACT UPON THE APPEARANCE OF THE DWELLING AND SURROUNDING CONSERVATION AREA

4.12 When determining planning applications within conservation areas, the Council is under a statutory duty to consider the desirability of preserving or enhancing the character and appearance of the area. Matching materials and fenestration are proposed, with all the existing upvc windows being replaced with timber, with all proposed windows also being of timber construction and of a more traditional design than those existing. Being sited largely to the rear, this addition will not be highly visible to public view, in particular the flat roof element which has been incorporated to avoid an existing first floor rear window in place. The extension will also project to the side of the existing dwelling, and the mono-pitched roof to this element will appear a little at odds with the roof design of the original dwelling, though again, this element being in line with the rear elevation will not be overly visually prominent, thus it is considered to preserve the character of the Conservation Area.

The existing hedge in place to the side along the common boundary with No. 19 Alma Grove, will help to mitigate the appearance of this addition.

4.13 Sufficient amenity space will remain within the side garden area; along with cycle parking provision within the existing detached garage and adequate refuse storage area.

IMPACT UPON NEIGHBOURING AMENITY

4.14 The proposed rear projection along the common side boundary of the attached dwelling at No. 18 Alma Grove is significant at approx. 4 metres, however taking into account this element incorporates a flat roof, it is not considered to greatly harm the outlook or light for these neighbouring residents.

4.15 One small window is to be incorporated within the rear elevation, though this will face towards a detached outbuilding at No. 16 Levisham Street, to the rear, so will not result in loss of privacy. Again, the high level of the proposed rear rooflights will avoid loss of privacy to neighbours. Some overshadowing to the rear yard of No. 18 Levisham Street may occur, though the hipped design of the roof and relatively modest height will help to mitigate this; and the separation distance of approx. 8.5 metres in place between the extension and the rear elevation of this neighbouring dwelling is considered adequate to avoid significant loss of outlook.

4.16 Sufficient separation space and boundary treatment is in place to avoid any loss of amenity to residents at 19 Alma Grove and also at 20 and 22 Levisham Street.

5.0 CONCLUSION

5.1 It is considered that the proposal will not harm the living conditions of nearby neighbours or the character or appearance of the dwelling within the surrounding conservation area. Approval is recommended.

6.0 RECOMMENDATION: Householder Approval

1 TIME2 Development start within three years -

2 VISQ1 Matching materials -

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

098_AL(0)005; 098_AL(0)010; 098_AL(0)008; 098_AL(0)006; 098_AL(0)007;
098_AL(0)011 received 25.11.12.

Application Reference Number: 12/03547/FUL

Item No: 5c

Page 5 of 6

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

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 impact on the residential amenity of neighbours or the impact upon the Conservation Area. As such the proposal complies with Policies H7, HE3 and GP1 of the City of York Development Control Local Plan and City of York Supplementary Planning Guidance to Householders (Approved March 2001) and Paras 132 and 134 of the National Planning Policy Framework

2. STATEMENT OF THE COUNCIL'S POSITIVE AND PROACTIVE APPROACH

In considering the application, The Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) and taken account of all relevant local policies, and considers the proposal to be satisfactory. For this reason, no amendments were sought during the processing of the application, and it was not necessary to work with the applicant/agent in order to identify solutions to problems arising from the proposed development.

Contact details:

Author: Carolyn Howarth Development Management Assistant

Tel No: 01904 552405

12/03547/FUL

18 Alma Grove



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Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	
Date	17 December 2012
SLA Number	Not Set

COMMITTEE REPORT

Date: 3 January 2013 **Ward:** Derwent
Team: Householder and **Parish:** Dunnington Parish
Small Scale Team Council

Reference: 12/03390/FUL
Application at: 36 The Manor Beeches Dunnington York YO19 5PX
For: Two storey granny annex to side and single storey side and rear extension
By: Mr & Mrs Jawad Kadhim
Application Type: Full Application
Target Date: 2 January 2013
Recommendation: Householder Approval

1.0 PROPOSAL

THE SITE:

1.1 The application site is a detached two storey dwelling set within a generously sized plot comprising of a flat roof attached garage, set back from the public highway and situated within an ample open plan garden/ driveway at the front of the dwelling and enclosed garden to the rear of the property.

THE PROPOSAL:

1.2 Planning permission is sought for the erection of a two storey pitched roof side extension to be situated on the east elevation after demolition of the existing attached garage. In addition a single storey side extension is proposed on the opposite west elevation and a single storey rear extension. The proposal would incorporate a tiled canopy roof and new external door on the principal elevation of the extension. The purpose of this application is to provide additional living space, new garage and a separate living area (annex) for an elderly relative within the main house. The development is subject revised plans submitted to the planning authority on the 12th December 2012 (Drawing Numbers K/22-PL-05b, 06C, 07C and 08B) in order to address neighbour amenity issues.

1.3 The revisions are described as follows. The two storey extension has been reduced from approx 6.0 metres to approx 4.2 metres in width. The first floor has been reduced from approx 8.6 metres in length to approx 6.8 metres in length. The length at the ground floor would remain at 10.3 metres. The height of the single storey extension on the opposite elevation has been reduced from approx 4.3 metres in height to approx 3.790 metres in height, reducing to approx 2.2 metres at the eaves height.

The total length closest to the boundary would be approx 10.0 metres extending to approx 14.2 metres stepped in from the boundary by approx 1.5 metres.

PROPERTY HISTORY:

1.4 Listings of other two storey extensions in this area.

2 Manor Beeches - two storey side and single storey rear extension (ref: 12/00454/FUL).

14 Manor Beeches - two storey side and single storey rear extension (ref: 10/01200/FUL).

8 Manor Beeches - one and two storey side extension (ref: 06/01163/FUL).

20 Manor Beeches - two storey side extension (ref:03/01505/FUL).

SUPPORTING INFORMATION:

1.5 The application includes a Daylight and Sunlight Assessment which describes any potential loss of light and/or overshadowing.

1.6 This application has been brought before East Area Planning Sub-Committee by Councillor Brooks on the basis of overdevelopment and neighbour amenity.

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

CYH7 - Residential extensions

3.0 CONSULTATIONS

INTERNAL:

3.1 Design, Conservation and Sustainability (Landscape Architect) - Impact on the roots of the mature Oak Tree at 24 York Road. A method statement regarding protection measures is requested by condition.

EXTERNAL:

3.2. Dunnington Parish Council - Objections on the following issues:

-Disproportionate in the context of being outsized and will seriously detract from all other surrounding dwellings.

-Impact on the adjacent neighbouring properties.

-Detract from the re- saleable value of the properties.

No reference to surface water drainage.

3.3 Neighbour consultation letters were sent out on 8th November 2012 on the original submission. Additional neighbour consultation letter were sent informing of the revised plans. Objections received from the occupiers of 34 and 38 Manor Beeches on the following issues:

34 Manor Beeches (objections to original application only). Any further comments can be up dated during the committee meeting:

-Development would be in full view of rear garden on (no 34).

-Size and scale is excessively intrusive.

-Loss of open space.

- Impact on trees.

38 Manor Beeches:

-Overdevelopment/ size and scale.

-Detrimental to the surrounding area/ alters the character of the area.

-Loss of light.

-Loss of privacy.

-Loss of space between the dwellings.

-Disregard for the Dunnington Village Design Statement.

- Loss of re- sale value.

-Drainage/ sewerage system in the location of the extension.

4.0 APPRAISAL

4.1 KEY ISSUES:

- Impact on amenity of neighbours.
- Impact on street scene.
- Impact on trees

THE RELEVANT POLICES AND GUIDANCE

4.2 Planning Policy Frame Work (2012) sets out the Government's overarching planning policies. As one of 12 core planning principles, it states that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings (paragraph 17). It states that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people (paragraph 56). It states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions (paragraph 64).

4.3 Draft Local Plan Policy CYH7 - states that residential extensions will be permitted where (a) the design and materials are sympathetic to the main dwelling and the locality (b) the design and scale are appropriate to the main building (d) there is no adverse effect upon the amenities of neighbours and (e) proposals respect the spaces between dwellings.

4.4 Draft Local Plan Policy CYGP1 - sets out a series of criteria that the design of development proposals are expected to meet. These include requirements to (a) respect or enhance the local environment, (b) be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area using appropriate building materials; (c) avoid the loss of open spaces, important gaps within development, vegetation, water features and other features that contribute to the quality of the local environment; (e) retain, enhance and/or create urban spaces, public views, skyline, landmarks and other townscape features which make a significant contribution to the character of the area, and take opportunities to reveal such features to public view; and (i) ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures.

4.5 Draft Local Plan Policy HE11- "Trees" states that existing trees and landscape which are part of the setting of conservation areas will be required to be retained, and provision made for planting with new development, where appropriate.

4.6 SUPPLEMENTARY PLANNING GUIDANCE 'A Guide to Extensions and Alterations to Private Dwelling Houses' March 2001 states that the basic shape and size of the extension should be sympathetic to the design of the original dwelling and should also appear subservient. The appearance of the side extension will be improved if it is set back from the main building. The scale of the new extension should not dominate the original building and should have pitched roofs and the materials should match those of the main property.

4.7 Dunnington Village Design Statement: This document contains a number of recommendations setting out a framework for future development in the village.

DESIGN & VISUAL AMENITY

4.8 The proposed two-storey extension would be situated on the eastern side elevation of this detached dwelling. In terms of visual impact, it would be set back from the principal elevation by approx 3.7 metres and set down from the highest point of the roof ridge by approx 1.1 metres. As such it would comply with the Council's Supplementary Planning Guidance in relation to house extensions. The single storey extension on the opposite side elevation would incorporate a pitched roof following the line of the existing principal elevation, and would incorporate an 'up and over' garage door. Thus it would appear subservient to the house and accord with the general pattern of the surrounding street scene. Comments have been made by Dunnington Parish Council that the extensions are disproportionate to the main house and would be out of scale given the surrounding area. It is acknowledged that this is a large development that would alter the appearance and configuration of the dwelling. Nevertheless, taking into account the proposed distance of the two storey extension from the principal elevation, it is not considered that the extension would adversely affect the views from public areas. Nor is it considered that the design and scale of the extensions would dominate the existing dwelling to such a degree that refusal could be warranted on these grounds. Furthermore, there are other noticeable side extensions within the immediate vicinity. The extensions on the rear elevation would be visible only when viewed from the rear gardens of the adjacent dwellings.

IMPACT ON TREES

4.9 The rear garden of the application site is bounded to the rear of 24 York Street, which is located within Dunnington Conservation Area. This property has a mature oak tree positioned close to the rear boundary. The root protection area of the tree would extend into the rear garden of the application site. The Landscape Architect has raised concerns that compaction and contamination could occur over the rooting zone and impact on the well being of the tree. Therefore, in order to avoid this, officers would recommend a requirement for fencing to be erected as close to the proposed building line as possible to create an exclusion zone.

This considerably restricts the area of land available for construction operations; however, the applicant/ agent aware of this. Officers request a condition detailing tree root protection.

RESIDENTIAL AMENITY

4.10 In terms of the surrounding neighbours, objections have been received from the residents at each adjacent side to the proposals at 34 Manor Beeches (on the original submission only) and 38 Manor Beeches. Site visits were undertaken to both the application site and the neighbours objecting to the proposal to ascertain the impact of the extensions would have on these occupiers. Following this assessment, amended plans were requested on 27th November 2012.

4.11 In addition Dunnington Parish Council have objected to the size of the extension having a detrimental impact on the closest neighbours.

4.12 The objections from the occupants of 34 Manor Beeches objections are listed below:

- Development would be in full view of rear garden on (no 34).
- Size and scale is excessively intrusive.
- Loss of open space.
- Impact on trees.

4.13 The proposed single storey extension would be positioned on the shared boundary visible from the rear garden of (no34). The extension would comprise a pitched roof angled away from the shared boundary with a height of approx 2.2 metres at the eaves level. This property is situated to the north west of the application site with its main habitable windows facing on to the rear garden and set away from the rear extension. Thus it is not considered that the extension would have a significant adverse impact on the property. Nor would the size and scale compromise the open spacious appearance of the rear garden to an unacceptable degree. Furthermore in isolation this extension could be virtually erected within permitted development limits without the need for planning permission.

4.14 38 Manor Beeches objections listed below:

- Overdevelopment/ size and scale.
- Detrimental to the surrounding area/ alters the character of the area.
- Loss of light.
- Loss of privacy.
- Loss of space between the dwellings.
- Disregard for the Dunnington Village Design Statement.
- Loss of re- sale value.
- Drainage/ sewerage system in the location of the extension.

4.15 In terms of size and scale, the ground floor extension would occupy a larger footprint than the existing garage; however the bulk of the single storey element would be largely screened by the existing 2.0 metres panelled fence. The first floor element would be positioned at an angle to the shared boundary comprising of a distance of approx 1.5 metres from the closest point on the side elevation of (no38), increasing to approx 4.8 metres at the rear point visible from the rear garden of (no38). Whilst it is acknowledged that the first floor element of the extension would be in full view from the rear garden of (no38) due to the set back position of the application site from the front, the angled position means that the impact reduces along the length of the extension as it moves further from the boundary. The impact is further mitigated by the fact that (no38) is elevated at the rear by the incorporation of a raised patio with steps down to a grassed area. The first floor extension would also be set away from the habitable outside areas of (no38). On balance, it is not considered that the site would development would overdominant the rear of the adjacent property, or that the extensions would appear out of keeping in their spacious surrounding. Nor would the plot be overdeveloped given the extent of remaining curtilage.

4.16 In terms of loss of light, it is not considered that the proposal would have any significant additional impact on the amount of sunlight entering the adjacent property, which is located to the south west. As such no principal rooms or garden areas would be materially affected. Furthermore, the windows proposed on the rear elevation would look down towards the rear garden boundary, thus would leave an acceptable distance from the main living areas of the adjacent property, and would not create any additional loss of privacy or overlooking than the present situation.

DRAINAGE

4.17 There is no specific evidence that the proposed development would result in drainage problems. The site is not within an area that has been identified as being at risk of flooding. Drainage issues on small scale developments such as this are a matter that would be dealt with under the Building Regulations.

PROPERTY DEVALUATION

4.18 Whilst the impact of development can affect land or property value, the potential for any devaluation of property in itself is not a material planning consideration.

5.0 CONCLUSION

5.1 It is not considered that the amount of development would create demonstrable harm to the detached nature and open plan frontages of the residential character of the street scene.

5.2 It is considered that the revised design of the extension and proportions of the adjacent rear gardens the proposal would not create any significant harm to the amenity of the neighbours in terms of proximity, light or overlooking. For this reason, the proposal is considered to comply with Policies GP1 and H7 of the City of York Draft Local Plan and the 'Guide to extensions and alterations to private dwelling houses' Supplementary Planning Guidance.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Householder Approval

1 TIME2 Development start within three years -

2 PLANS1 Approved plans - Revised plans -Drawing Numbers K/22-PL-05b, 06C, 07C and 08B

3 VISQ1 Matching materials -

4 Before the commencement of development including demolition, building operations, excavations and the importing of materials, a method statement regarding protection measures for the neighbouring Oak tree in the garden of 24 York Street shall be submitted to and approved in writing by the Local Planning Authority. This statement shall include details and locations of protective fencing to be shown on a plan; phasing of works; site access during demolition/construction; type of construction machinery/vehicles to be used (including delivery and collection lorries); arrangements for loading/off-loading; parking arrangements for site vehicles; locations for storage of materials.

The protective fencing line shall be adhered to at all times during development operations to create an exclusion zone. None of the following activities shall take place within the exclusion zone: excavation, raising of levels, storage of any materials or top soil, lighting of fires, mechanical cultivation, parking or manoeuvring of vehicles. Within the exclusion zone there shall be no site huts, no mixing of cement, no disposing of washings, no stored fuel, no new trenches or services or drains. The fencing shall remain secured in position throughout the development process including the implementation of landscaping works. A notice stating 'tree protection zone - do not remove' shall be attached to each section of fencing.

Reason: To ensure protection of existing trees before, during and after development which are covered by a Tree Preservation Order and/or make a significant contribution to the amenity of the area.

**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 effect on residential amenity and the impact on the street scene. As such the proposal complies with Central Government advice contained within the National Planning Policy Framework (March 2012), policies GP1 and H7 of the City of York Development Control Local Plan and the 'Guide to extensions and alterations to private dwelling houses' Supplementary Planning Guidance.

2. STATEMENT OF THE COUNCIL'S POSITIVE AND PROACTIVE APPROACH

In considering the application, The Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) and taken account of all relevant local policies, and considers the proposal to be satisfactory. Amendments were sought during the processing of the application, in order to reduce the size, scale and massing of the two storey extension to reduce the impact on adjacent occupier at 38 Alexander Avenue and improve the visual impact on the street scene. This was achieved by ongoing discussion with the agent in order to identify solutions to problems arising from the proposed development.

Contact details:

Author: Sharon Jackson Development Management Assistant

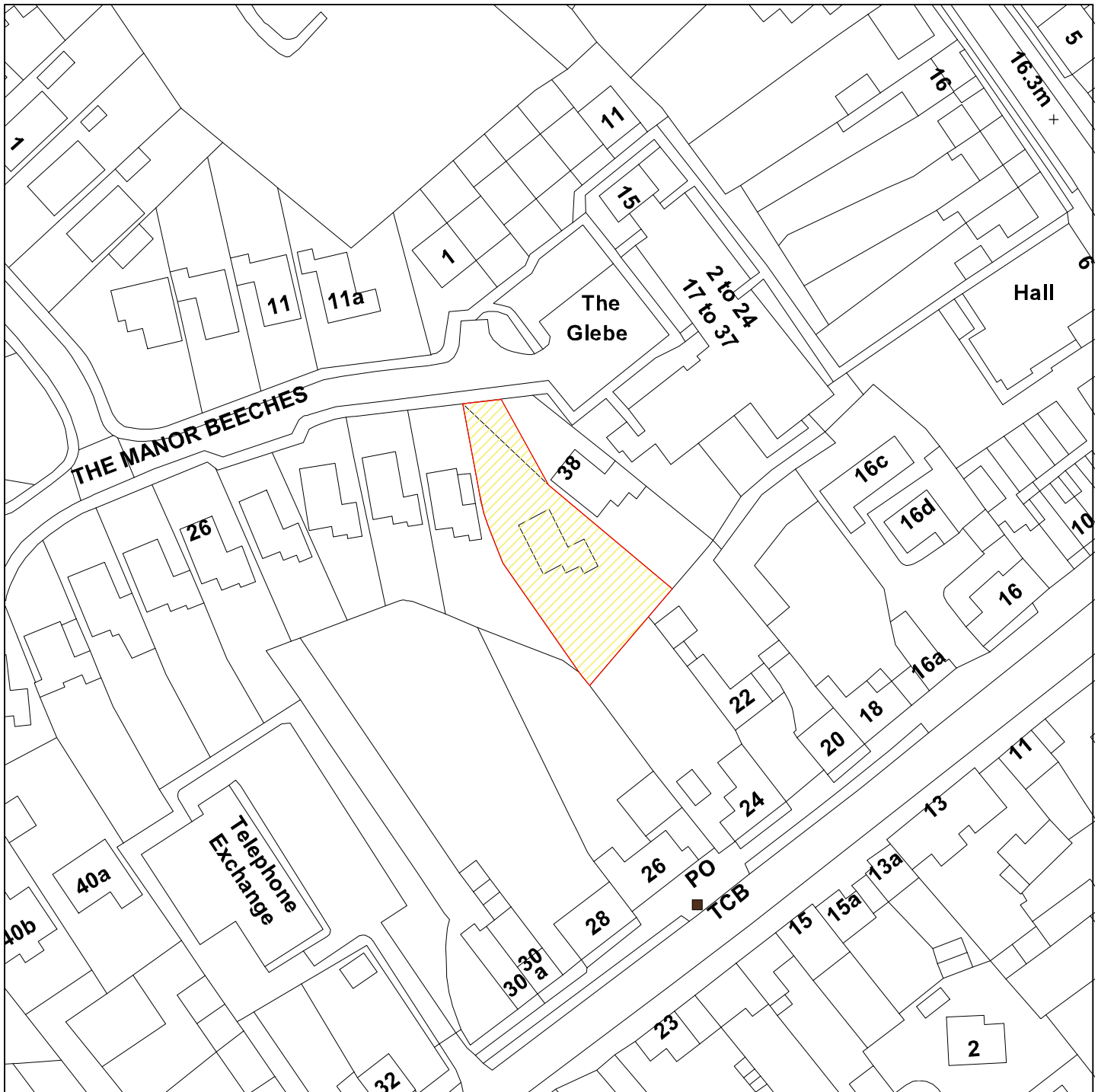
Tel No: 01904 551359

36 The Manor Beeches, Dunnington

12/03390/FUL



GIS by ESRI (UK)



Scale : 1:1000

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Organisation	City of York Council
Department	City and Environmental Services
Comments	
Date	20 December 2012
SLA Number	Not Set



East Area Planning Sub-Committee

3rd January 2013.

Report of the Director of City and Environmental Services

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. 48 new investigation cases were received for this area within the last quarter, 61 cases were closed and 330 remain outstanding.

There are 95 Section 106 monitoring cases outstanding for this area. 17 such cases have been closed in this quarter and these have brought in a total of £12036 of outstanding financial contributions attached to developments in the east area. Letters have gone out on some other developments where the contributions are now required and responses to these are awaited.

We currently still have 3 pending prosecutions for the failure to comply with enforcement notices. We also have 2 on-going appeals against previously served enforcement notices and 2 appeals against an enforcement notice have been dismissed. We have received authorisation for 4 further notices to be served on sites in the East side of the city and these are currently with legal services being prepared.

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.

The Council Plan 2011-2015

9. The Council priorities for Building Strong Communities and Protecting the Environment are relevant to the Planning Enforcement function. In particular enhancing the public realm by helping to maintain and improve the quality of York's streets and public spaces is an important part of the overall Development Management function, of which planning enforcement is part of.

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 note the content of the report. Officers do try to update the individual reports and cases when necessary but it is not always possible to keep up with these straight away. Therefore if members have any additional queries or questions about cases on this enforcement report then please e-mail or telephone Matthew Parkinson, Alan Kendall or Tim Goodall by 5pm on Wednesday 2nd January 2013. Please note that the cases are now presented in Parish order so hopefully this will make it easier for members to reference cases in their respective areas.

Also, if Members identify any cases which they consider are not now expedient to pursue and / or they consider could now be closed, giving reasons, then if they could advise officers either at the meeting or in writing, then that would be very helpful in reducing the number of outstanding cases.

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

By virtue of paragraph(s) 1, 2, 6 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

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of the Local Government Act 1972.

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