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MEETING	EAST AREA PLANNING SUB-COMMITTEE
DATE	11 APRIL 2013
PRESENT	COUNCILLORS GALVIN (CHAIR), DOUGLAS (VICE-CHAIR), FITZPATRICK, KING, CUTHBERTSON, FIRTH, WARTERS, CUNNINGHAM-CROSS (SUBSTITUTE FOR COUNCILLOR WATSON), BOYCE (SUBSTITUTE FOR COUNCILLOR MILVEEN) AND HORTON (SUBSTITUTE FOR COUNCILLOR FUNNELL)
APOLOGIES	COUNCILLORS FUNNELL, MCILVEEN & WATSON

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<b>Site Visited</b>	<b>Attended by</b>	<b>Reason for Visit</b>
Chowdene, Malton Road	Councillors Boyce, Douglas, Fitzpatrick, Galvin and Warters.	For Members to understand the objections received in the context of the site
115 Broadway	Councillors Boyce, Douglas, Fitzpatrick, Galvin and Warters.	For Members to understand the level of local interest in the context of the site.
7 Fairfields Drive, Skelton	Councillors Boyce, Douglas, Fitzpatrick, Galvin and Warters.	To understand the visual impact of the proposed development, any potential impacts on local residents and objections received within the context of the site.
York Designer Outlet	Councillors Boyce, Douglas, Fitzpatrick, Galvin and Warters.	To inspect the site.

Country Park, Pottery Lane	Councillors Boyce, Douglas, Fitzpatrick, Galvin and Warters.	To inspect the site given that it had been called in by the Ward Member over concerns that the site would be expanded to handle static caravans.
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## 57. **DECLARATIONS OF INTEREST**

At this point in the meeting, Members were asked to declare any personal, prejudicial or pecuniary interests not included on the Register of Interests that they might have had in business on the agenda.

No interests were declared.

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

RESOLVED: That the Members of the Press and Public be excluded from the meeting during the consideration of Annexes to agenda item 7 (Enforcement Cases Update) (minute item 63 refers) on the grounds that they contain information that if disclosed to the public, would reveal that the Authority proposes to give, under any enactment or notice by virtue of which requirements are imposed on a person or that the Authority proposes to make an order or directive under any enactment. This information is classed as exempt under Paragraphs 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.

## 59. **MINUTES**

RESOLVED: That the minutes of the East Area Planning Sub-Committee held on 7 March 2013 be approved and signed by the Chair as a correct record.

**60. 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.

**61. PLANS LIST**

Members considered a schedule of reports of the Assistant Director (City Development and Sustainability) relating to the following planning applications, outlining the proposals and relevant policy considerations and setting out the view of consultees and Officers.

**61a Chowdene, Malton Road, Huntington, York. YO32 9TD (12/03690/FUL)**

Members considered a full application by Mr David Wardell for a change of use of land to permit the creation of 20 pitches for touring caravans or tents and erection of a toilet block (resubmission).

In their update to Members, Offices informed the Committee that comments on the application had been received from both the Environment Agency and the Council's Countryside Officer. They also circulated a paper showing the movement and path of a car and caravan when leaving the site.

The Environment Agency (EA) objected to the application on the basis that no justification had been submitted for the proposed method of foul drainage disposal (a sealed cess pool), which was considered to be unsustainable and posed an unacceptable risk to the water environment. A full justification for the use on non-mains drainage was required under Circular 3/99 'Planning Requirement in respect of the Use of Non Mains Sewerage incorporating Septic Tanks in New Development. Officers recommended that if Members decided to refuse planning permission that an additional reason for refusal be incorporated to cover the EA's objection.

The comments of the Countryside Officer were that although the site was in close proximity to a Great Crested Newt habitat, the proposed application would be unlikely to cause a detrimental impact.

Representations in objection were received from a local resident, Ken Harrison. He expressed concerns about the access lane to the site from the A1036 Malton Road. He stated that traffic often queued up outside his house on Malton Road, and that the proposal this would make access to the site more difficult. Furthermore, he was concerned that owners of motorhomes would have to swing in to oncoming traffic from the main road to exit the site.

Further representations were received from another local resident in objection, Elizabeth Merry. She felt that the application would increase the amount of noise and rubbish in the vicinity, particularly given that businesses were located in front of the proposed site.

Representations in support were received from the applicant's agent, Michael Hammill. He informed the Committee that in the last five years no accidents in the vicinity of the site had been caused as a result of traffic entering and exiting the site using the access lane. He felt that although the width of the lane was not ideal, that most people would use common sense when using the lane. In response to a question from a Member, the Council's Highways Engineer could not confirm whether there had been any recorded accidents at the junction of the access lane with Malton Road in the last five years. The agent confirmed that if the application was approved, the applicant would be happy to accept a condition controlling the arrival and departure times of caravans together with a landscaping condition. He also clarified that the site would only be for use by caravans rather than both caravans and tents.

Some Members felt that the application should be approved as the site was already in use as a caravan site and that they would be happy with the proposal as long as there was sufficient screening.

Other Members considered that the location of the access lane, just off main road (Malton Road) was already dangerous and an increase in traffic and vehicles towing large caravans would exacerbate this.

Concern was also expressed that the junction between the access lane and Malton Road was not safe for vehicles and pedestrians because of restricted visibility.

RESOLVED: That the application be refused with the following additional reason for refusal.

The application indicates that foul drainage is to be discharged to a non-mains drainage system. In these circumstances Circular 3/99 'Planning Requirement in respect of the Use of Non-Mains Sewerage incorporating Septic Tanks in New Development' advises that a full and detailed consideration be given to the environmental criteria listed in Annex A of the circular in order to justify the use of non-mains drainage facilities. No such information has been submitted. The application does not, therefore, provide a sufficient basis for an assessment to be made of the risks of pollution to the water environment arising from the proposed development. In particular the application fails to:

- (i) Address the issues set out in Section 6 Annex A of Circular 3/99.
- (ii) Justify the use of a cesspool over preferred alternative means of foul disposal in accordance with the hierarchy set out in Circular 3/99.

REASON: The proposed development would be likely to intensify the use of substandard access of restricted width. The increase in traffic using the access will predominantly be by vehicles with trailers/caravans. The access is taken from a classified highway which is a main artery into the city and carries high frequency public transport services. The limited width cannot be improved due to boundary features and land ownership issues, and will make access for cars towing trailers/caravans and

HGV's particularly difficult. The restrictive width together with the increased frequency of use of the access will increase the likelihood of such vehicles having to wait on or reverse out onto A1036 Malton Road. Such manoeuvres would be detrimental to the safety of highway users, particularly vulnerable highway users such as pedestrians and cyclists using the adjacent shared pedestrian/cycle route. Furthermore the increased frequency of vehicles having to wait to enter the site or having to reverse into Malton Road will interfere with the free flow of traffic with associated detrimental impacts on service reliability to public transport routes including Park and Ride. Thus the development is considered to conflict with advice contained within the National Planning Policy Framework (section 4-paragraph 32) which states that decisions should take account of whether safe and suitable access to sites can be achieved for all people, and Policies T2a and V5 of the City of York Draft Local Plan.

**61b 115 Broadway, York. YO10 4JY (13/00114/FUL)**

Members considered a full application by Mrs Jane Moss to convert an existing roof from hip to gable form and erect two storey and single storey rear extension.

Representations in objection were received from a local resident, Carol Whitehead. She informed the Committee that as she lived adjacent to 115 Broadway, that the proposed extension would block out light to her property. She advised the Committee that she would not object to a single storey extension and that she objected to the use of the property as an HMO (House in Multiple Occupation) because of the poor maintenance of the property.

Further representations in objection to the application were received from another local resident, Lee Pendall. He expressed concerns about an increase in traffic (due to an increase in numbers of residents, who might each own a vehicle), noise and if there was a bedroom in the roof space that there was not an identifiable fire escape.

Photographs of the property under consideration were circulated to Members. These were attached to the agenda, which was subsequently republished after the meeting.

Officers informed the Committee that the outward projection of the extension had been reduced from 3.8 metres to 3.5 metres, that the property benefitted from a Lawful development Certificate for use as an HMO and could therefore be legally occupied by up to six unrelated individuals. A diagram was circulated illustrating the footprint of the extensions that could be erected on the rear of the property using permitted development rights. This was attached to the agenda after the meeting. The agenda was then republished.

Some Members pointed out that if the application was approved, it would enable the development to be controlled by conditions, including a management plan and a condition requiring new boundary fencing to be erected. This would improve the visual appearance of the site. However, if planning permission was refused, a very similar extension could be erected using permitted development rights over which no control could be exercised.

Other Members felt that the application should be considered on its merits and refused, as although the extension had been reduced in size, it still exceeded permitted development limits. Some of the suggested conditions of approval could not be easily enforced.

**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.

**61c 7 Fairfield Drive, Skelton, York. YO30 1YP (13/00382/FUL)**

Members considered a full application by Mr S Ward for the erection of a single storey dwelling with rooms in roof (resubmission).

In their update to Members, Officers stated that a letter of objection had been received from the Skelton Village Trust, who considered that the proposal contravened Design Guideline 8 of the Skelton Village Design Statement. The Trust added that the allocated plot size for the development was neither adequate nor reasonable, nor was the off street parking provision and that neighbouring residents' privacy would be detrimentally affected.

In addition to this a comment had been received from the Council's Flood Risk Engineer who raised no objections to the application subject to an appropriate drainage condition. Officers recommended that if they were minded to approve the application that this condition be substituted for condition 10 within the Officer's report.

As the neighbour consultation period had not expired, Officers also recommended that if the Committee were minded to approve the application, in the event of further objections being received that raised new issues, that they delegate decision making to the Chair and Vice Chair.

In response to a question about how much weight should be attached to Village Design Statements when determining planning applications, Officers responded that they were a material consideration so long as they did not conflict with policies contained within the Development Control Local Plan (2005).

**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, and the revised drainage condition, would not cause undue harm to interests of acknowledged importance with particular reference to:

- principle of the development
- visual impact on the street scene

- impact on the living conditions of the neighbours
- car parking and bin and cycle storage
- open space provision

As such the proposal complies with Policies GP1, GP10, H4a, L1c of the City of York Development Control Local Plan.

**61d York Designer Outlet, St Nicholas Avenue, York.  
(13/00245/FUL)**

Members considered a full application by Ms Maria Farrugia for the temporary use of car park for siting of funfair and marquee.

Representations in objection were received from a representative of Fulford Parish Council, Mary Urmston. They objected to the application on the grounds of inappropriate development in the Green Belt, parking concerns and the use of generators rather than mains to provide electricity to the site. She stated that inappropriate development in the Green Belt should only be permitted if there were exceptional circumstances, and none applied in this case. Previous applications for smaller developments had been refused on Green Belt grounds.

In relation to parking concerns, she informed the Committee that users of the previously held funfair had parked on adjacent grass verges, due to the lack of available parking spaces, and that the Park and Ride had been detrimentally affected by the large increase in numbers visiting the funfair.

Representations in support of the application were received from a representative of the applicant, Rob Siddle. He informed the Committee that the Ice Factor was now in its ninth year of operation, that it generated income and employment for the city and had attracted up to 40,000 visitors.

In response to concerns about parking at the site, the applicant informed Members that the Council's Highways department did not raise any objections to the application, and that this was the responsibility of the site operators. In addition, the Committee were informed that noise monitoring was carried out during the event to ensure that the applicants' did not breach their licence.

The applicant confirmed that they would continue to carry out further noise monitoring and take action if necessary.

In response to concerns raised by Fulford Parish Council, some Members stated that the Council's Highways Officers had no powers to control parking within the site itself. Other Members questioned why mains electricity could not be used to provide electricity to the site. The applicant confirmed that generators were used as there was no alternative power source available within the site.

Further discussion took place on whether a condition could be attached to the planning permission for events on the site to operate off mains electricity.

Officers stated that it would have to be demonstrated that the use of generators would result in a significant amount of harm in order to refuse permission on this basis.

**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 amenity of local residents, the effect on the local highway network and car parking. As such the proposal complies with Policies GB1, GP1, V1 and GP23 of the City of York Development Control Local Plan and Government advice contained within the National Planning Policy Framework.

**61e Country Park, Pottery Lane, Strensall, York. YO32 5TJ  
(12/03270/FUL)**

Members considered a full application by Miss Raquel Nelson for a variation of condition 3 of approved application 04/01105/FUL (use of a caravan site) to allow for an increase in number of caravans from 20 to 40.

In their update to Members, Officers stated that the Council's Local Plan V5, which placed an upper limit of 20 caravans on any given site, conflicted with the Government's more recent Good Practice Guide, and also with an appeal decision relating to the York Caravan Park in Stockton Lane. They stated that if the applicants wanted to have static caravans on site they would have to submit a fresh planning application. They also informed the Committee that access to the site from New Lane was currently blocked, and that if Members were minded to approve the application, a condition could be added to reopen this access. In relation to a fence being erected around the boundary of the site, this was currently being investigated by Enforcement Officers.

Representations in objection were received from John Chapman, of Strensall with Towthorpe Parish Council. He confirmed following the Officer's update that the site had not been screened by trees and hedges but by a close boarded fence on the south/western boundary of the site. He also referred to an earth bund along the southern boundary of the site, which was already in place. He informed Members that this bund consisted of contaminated materials from the adjacent caravan site. If the application was approved the Parish Council requested conditions to prevent static caravans, the restoration of pedestrian access to the site from New Lane and restriction of boundary treatment to trees and hedges only.

Representations in support of the application were received from the applicant's agent. He informed Members that even with an increase in the number of caravans that the overall density on the site was low. He also confirmed that full details of the drainage scheme had already been approved by the Council and the Environment Agency. In response to a Member's question about the purpose of the boundary fence, the agent responded that the applicant had erected it due to unauthorised trespass on to the site.

Members were minded to approve the application with an additional condition to re-open the access from New Lane. Councillor Warters abstained, as he had been denied entry to the site on the Committee's site visit, and asked that his vote be recorded.

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

9. The access from the southern boundary of the caravan site hereby authorised to New Lane Strensall shall be kept open and free of obstruction for users of the site at all times.

Reason: In the interests of sustainable development and to secure compliance with Policy V5 of the York Development Control Local Plan.

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 impact on the open character and purposes of the designation of the York Green Belt, impact upon residential amenity and impact upon the local pattern of surface water drainage. As such the proposal complies with Policy YH9 and Y1C of the City of York Development Control Local Plan and Government Policy contained within paragraphs 79-92 of the National Planning Policy Framework.

**61f 45 Usher Lane, Haxby, York. YO32 3LA (13/00411/FUL)**

Members considered a full application by Mr and Mrs Slade for a single storey rear extension and porch to front.

RESOLVED: That the application be approved.

REASON: In the opinion of the Local Planning Authority then 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 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.

**62. APPEALS PERFORMANCE AND DECISION SUMMARIES**

Members considered a report (present to both Planning Sub-Committees and Main Planning Committee) which informed them of the Council's performance in relation to appeals determined by the Planning Inspectorate from 1 January to 31 March 2013.

RESOLVED: That the report 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.

**63. ENFORCEMENT CASES-UPDATE**

Members received a report which provided them with a quarterly update on the number of enforcement cases currently outstanding for the area covered by the Committee.

RESOLVED: That the report be noted.

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

**64. OTHER REMARKS**

Under this item, one Member raised a point he had previously made at a meeting of the Committee in November, 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 4.05 pm].