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MEETING	WEST & CITY CENTRE AREA PLANNING SUB-COMMITTEE
DATE	28 NOVEMBER 2006
PRESENT	COUNCILLORS LIVESLEY (CHAIR), BARTLETT (VICE-CHAIR), SUE GALLOWAY (FOR AGENDA ITEM 3B), HORTON, MACDONALD, REID, SIMPSON-LAING, SUNDERLAND AND B WATSON

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#### **45. DECLARATIONS OF INTEREST**

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

Councillors Livesley, Bartlett, Sue Galloway, Horton, Macdonald, Reid, Sunderland and B Watson declared personal non-prejudicial interests in agenda item 3b (Tesco Supermarket, Askham Bar, Tadcaster Road, Dringhouses, York) as regular customers at Tesco stores.

#### **46. PUBLIC PARTICIPATION**

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

#### **47. PLANS LIST**

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

#### **47a. 48 Wetherby Road, Acomb, York (06/02028/FUL)**

Members considered a full application, submitted by Mr & Mrs Jeffrey, for the erection of 1 no. detached single storey dwelling and garage to the rear of 48 Wetherby Road (resubmission).

The case officer circulated a sheet setting out the following changes to the conditions proposed:

- The addition of conditions to ensure that the dwelling was single storey and preventing external alterations to the roof, to require fixed obscure glazing in the bathroom windows, and to ensure the retention of the hedge on the eastern boundary at a height of at least 2m.
- The removal of conditions 11 and 13 (HWAY12 and HWAY31) and their replacement with conditions relating to improved vehicular access, provision of turning areas, and replacement cycle storage and car parking.

Representations were received from neighbouring residents, in objection to the application, and from the applicant's agent, in support of the application.

Some Members expressed concerns regarding the application, relating to the loss of the large area of garden space and the impact this had on the green corridor, the location of the access on the boundary with the gardens of two adjacent properties and the precedent that may be set for future garden developments in the vicinity.

Councillor Macdonald proposed and Councillor B Watson seconded a motion to refuse the application, on the grounds that it contravened Policies GP1 (Design), GP10 (Subdivision of Gardens and Infill Development), H4a (Housing Windfalls) and NE8 (Green Corridors) of the Draft Deposit Local Plan. On being put to the vote, this motion was lost.

RESOLVED: That the application be approved, subject to the conditions listed in the report, with deletion of conditions 11 and 13 and the following additional conditions:

- (i) Condition – “The dwellings to be erected on this site shall be single storey. No external alterations to the roof to incorporate an additional floor shall be carried out following the completion or occupation of the buildings without the prior written consent of the Local Planning Authority.

Reason: In the interests of protecting the amenities of the adjoining residents and to assist the development being integrated into the area.”

- (ii) Condition – “Fixed obscure glazing shall be fitted to the bathroom windows and shall thereafter be retained.

Reason: In the interests of the privacy of the neighbouring residents.”

- (iii) Condition – “The existing hedge to the eastern boundary of the site shall be retained at a minimum of two metres in height unless otherwise agreed in writing with the Local Planning Authority and a suitable alternative agreed.

Reason: In the interests of the privacy of the neighbouring residents.”

- (iv) Condition – “The building shall not be occupied until vehicular access has been improved in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.”

- (v) Condition – “No part of the site shall come into use until the turning areas have been provided in accordance with the approved plans. Thereafter the turning areas shall be retained free of all obstructions and used solely for the intended purpose.

Reason: To enable vehicles to enter and leave the site in a forward gear thereby ensuring the safe and free passage of traffic on the public highway.”

- (vi) Condition – “Prior to the development commencing details of replacement cycle storage and car parking for 48 Wetherby Road, lost as a consequence of this development, shall be submitted to and approved in writing by the local planning authority. The facilities shall be provided prior to the new dwelling being first occupied and thereafter retained solely for their intended purposes.

Reason: To provide adequate off street parking for the existing dwelling.”

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed, would not cause undue harm to interests of acknowledged importance, with particular reference to the character of the area, neighbouring residential amenity or landscape features. As such the proposal complies with Policy H9 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and Policies GP1, GP10, H4A, H5A, NE1 and NE8 of the City of York Local Plan Deposit Draft.

**47b. Tesco Supermarket, Askham Bar, Tadcaster Road, Dringhouses, York (06/01987/FULM)**

Members considered a major full application, submitted by Tesco Stores Ltd., for the erection of a 74 space temporary decked car park for a 6 month period.

Since the publication of the report, the Council’s Highway Network Management section had considered a traffic assessment submitted by the applicant. The section’s comments on the assessment were circulated at the meeting and they concluded that their concerns had been addressed. The application was therefore now recommended for approval and a list of conditions was circulated to Members for consideration.

The applicant’s transport consultant attended the meeting to answer questions.

Members expressed concern that the proposal was unsustainable, in terms of use of resources to erect a temporary structure and in terms of encouraging car use, rather than implementing a Green Travel Plan. They also expressed concerns regarding the visual impact of the structure and the removal of trees for erection of a temporary structure.

Members queried whether the lower deck would be underused because of security issues relating to the lack of natural surveillance and requested the addition of a condition requiring details of the mesh used under the ramps to be agreed by officers, to ensure that these spaces could not be accessed and become a location for anti-social behaviour.

Members noted that parking capacity would be reduced during the period when the structure was being constructed and dismantled and expressed concern that this might result in tailbacks onto the public highway. It was agreed that a condition be included requiring officers' approval of measures to protect the public during the construction and dismantlement periods. Some safety concerns were also raised regarding queues for the garage tailing back towards the roundabout. The need to maintain access to the recycling facilities sited in the car park at all time was highlighted and a condition proposed to ensure this.

Members also requested the addition of an informative stating that the Sub-Committee were disappointed nobody from Tesco's had attended the meeting to answer a wider range of questions and suggesting that if they were minded to submit a similar application next year, they start the process in plenty of time to allow a proper discussion and send adequate representation to the meeting.

RESOLVED: That the application be approved, subject to the following conditions and with the informative requested above:

- (i) Condition – "The development hereby approved shall be removed from site not later than the 17<sup>th</sup> January 2007, unless otherwise agreed in writing with the Local Planning Authority.

Reason: The temporary nature of the car park is such that it is considered inappropriate on a permanent basis."

- (ii) Condition – "The development hereby permitted shall be carried out only in accordance with the following plans and other submitted details:-

4622/11/PO3 – Proposed Site Plan  
4622/11/PO1a – Existing Site Plan  
4622/11/PO2b – Proposed Site Plan

or any plans or details subsequently agreed in writing by the Local Planning Authority as an amendment to the approved plans.

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

- (iii) Condition – "A detailed landscaping scheme illustrating the number, species, height and position of trees to be planted, shall be submitted for the written approval of the Local Planning Authority within 1 month of the permission being granted. This scheme shall be implemented within a period of six months. Any trees or plants which within a period of five years are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

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

- (iv) Condition – “Notwithstanding the information contained on the approved plans, the height of the approved development shall not exceed 4.0 metres, as measured from the existing ground level. Before any works commence on the site, a means of identifying the existing ground level on the site shall be agreed in writing, and any works required on site to mark that ground level accurately during the construction works shall be implemented prior to any disturbance of the existing ground level. Any such physical works or marker shall be retained at all times during the construction period.

Reason: To establish existing ground level and therefore to avoid confusion in measuring the height of the approved development, and to ensure that the approved development does not have an adverse impact on the character of the surrounding area.”

- (v) Condition – “Prior to the development coming into use details of the meshing preventing access to areas under the ramp hereby approved, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of public safety.”

- (vi) Condition – “The development shall not commence until details showing the measures used to protect the public during the construction and dismantling of the decked car park hereby approved, have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of public safety.”

- (vii) Condition – “Access to the existing on-site recycling facilities shall be retained at all times, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To safeguard the amenities of members of the public.”

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed, would not cause undue harm to interests of acknowledged importance, with particular reference to visual amenity, highway safety and the free flow of traffic as such the proposal complies with Policies GP1 and GP23 of the City of York Local Plan Deposit Draft.

COUNCILLOR D LIVESLEY

Chair

The meeting started at 12.00 pm and finished at 1.55 pm.