

City of York Council

*Extract from Committee Minutes*


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Meeting	Planning Committee
Date	12 May 2016
Present	Councillors Derbyshire (Vice-Chair, in the Chair), Galvin, S Barnes, Boyce, Cullwick, Cuthbertson, D'Agorne, Dew, Doughty, Funnell, Richardson, Shepherd, Warters and Hunter (as a Substitute for Cllr Reid)
Apologies	Councillors Reid and Ayre

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**97. Site Visits**

Application	Reason	In Attendance
Plot 1B, White Rose Close, Nether Poppleton	As objections had been received and the officer recommendation was to approve	Cllrs Boyce, Cullwick, Dew, Galvin, Hunter, Richardson and Shepherd
Harewood Whin, Tinker Lane, Rufforth	As objections had been received and the officer recommendation was to approve	Cllrs Boyce, Cullwick, Dew, Galvin, Hunter, Richardson and Shepherd
York Racecourse	For Members to familiarise themselves with the site.	Cllrs Boyce, Cullwick, Dew, Galvin, Hunter, Richardson and Shepherd
Former Fire Station	As objections had been received and the officer recommendation was to approve	Cllrs Boyce, Cullwick, Dew, Galvin, Hunter, Richardson and Shepherd

**98. Declarations of Interest**

At this point in the meeting, members were asked to declare any personal, prejudicial or pecuniary interests they may have in the business on the agenda.

Cllr D'Agorne declared a personal and prejudicial interest in relation to plans item 4f (Fire Station, 18 Clifford Street) as a city of York council representative on the Fire Authority. He left the room during discussion of this item and did not take part in the vote on this application.

Cllr Richardson declared personal and prejudicial interest in plans item 4d (Poppleton Garden Centre, Northfield Lane, Upper Poppleton) as a member of the Foss Internal Drainage Board. He also declared a personal and prejudicial interest in relation to plans item 4f (Fire Station, 18 Clifford Street) as a City of York Council representative and Vice Chair on the Fire Authority. He left the room during consideration of both items and did not take part in the vote on either application.

#### **99. Minutes**

Resolved: That the minutes of the last meeting held on 21 April 2016 be approved as a correct record and signed by the Chair.

#### **100. 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 Planning Committee.

#### **101. Plans List**

Members then considered the following reports of the Assistant Director (Development Services, Planning and Regeneration) relating to the following planning applications, which outlined the proposals and relevant planning considerations and set out the views of the consultees and officers.

**102. Yorwaste, Harewood Whin, Tinker Lane, Rufforth, York (16/00635/FUL)**

Members considered a full application by Yorwaste Ltd for the variation of condition 1 (removal by 31 December 2017) of planning permission 12/01378/FUL for compost pad extension to allow retention and continued use until 31<sup>st</sup> December 2030.

Resolved: That the application be approved subject to the conditions listed in the report.

Reason: The existing composting pad has not exceeded its 70,000 tonne capacity during the period of operation and there has been no material change in planning circumstances over that period. The odour management plan has also been effective in dealing with the management of the composting process and any potential sources of nuisance. The proposed retention of the compost pad would comply with the requirements of paragraph 90 of the National Planning Policy Framework and would not give rise to any harm to the open character of the Green Belt. As such the proposal is felt to be acceptable in Green Belt terms.

**103. Yorwaste, Harewood Whin, Tinker Lane, Rufforth, York (16/00357/FULM)**

Members considered a major full application by Yorwaste Ltd for the construction of a waste transfer station with associated ancillary buildings, hard-standings, car parking and alterations to access.

Officers advised that since the committee report had been prepared, a further 18 letters of representation had been received, objecting to the development if the proposed access alterations to the junction of Tinker Lane with the B1224 Wetherby Road were not carried out as envisaged; on the grounds of the significant impact upon the amenity of residents within Rufforth village caused by the passage of heavy goods vehicles associated with the site.

Highways Officers noted that a detailed Stage One Safety Audit had been submitted although further details were required by conditions to achieve a satisfactory solution in respect of the proposed junction improvements.

The Flood Risk Management Team had stated that having carried out an assessment of the submitted details it had no objections and was content that recommended Condition 20 would source proper drainage details.

Officers advised the committee that the applicant had asked for omission of condition 22 relating a BREAMM assessment and requiring a very good rating. The architect and a BREEAM Assessor stated that it would be difficult, if not impossible, to apply BREEAM to a Waste Transfer Station as many of the points did not apply, and those that did were largely covered by separate planning conditions.

Officers responded that it was recognised that the structure was effectively an enclosed, unlit and unheated space (similar to agricultural buildings that are exempt from Part L of the Building Regulations and not subject BREEAM assessment). Officers had therefore requested that a high-level completed BREEAM pre-estimator assessment be undertaken by a qualified assessor, to show what level (if any) can be achieved. This could not be undertaken prior to Committee, and so officers suggested that delegated authority be granted in respect of the amendment or deletion of the condition, depending on the outcome of the assessment condition. They therefore advised that the recommendation had been updated and they were now advising deferral of the scheme for completion of high level pre-estimator BREEAM assessment and completion of the 106 Agreement and then seeking delegated authority to grant permission with amended conditions from the highway authority and amended or deleted condition 22.

Mr P Rawlings, Chairman of the Neighbourhood Planning Group for Rufforth and Knapton addressed the committee. He reminded members of the history of the site, He noted that Harewood Whin had been identified in both the Waste and Mineral Joint Plan and the draft local plan as a strategic site for waste management but reminded members that it was in the greenbelt and therefore inappropriate for development unless special circumstances could be proved. He advised members

that the Neighbourhood and Planning Group had resolved to work with Yorwaste to reach a solution which met the strategic needs whilst minimising the effects on the community. He addressed the policies of the emerging neighbourhood plan which set out certain criteria. He stated that physical alterations to the site should be made to stop lorries travelling to the site coming through Rufforth to/from Allerton Park and expressed the view that the alterations as proposed by Yorwaste, and backed up the a 106 agreement, would protect the green belt around the site.

Mrs Anne Powell, Chair of Rufforth with Knapton Parish Council then advised the committee that Rufforth residents were extremely concerned about the number of HGVs who regularly used the main road through the village explaining that there were a number of narrow footpaths which caused concern for parents walking with young children. She noted that the proposed revisions to the site access and exit road were not shown on the most recent revised site plan. She stated that the parish council strongly opposed any further development on the site until the promised realignment of site entrance had been completed.

Officers explained that the site entrance would be altered to physically prevent HGVs turning right out of the site towards the village of Rufforth and thereby forcing them to turn left in the direction of the ring road. CCTV monitoring of the site entrance had been identified as the best option to prevent vehicles from travelling through Rufforth to reach the site which would be controlled through section 106 agreement.

Members agreed that it was important to make the site as good as possible for local residents. They did however express concern about the enforcement of preventing HGVs from accessing the site through Rufforth Village and suggested that CCTV footage could be shared if issues arose in the future.

Geoff Derham, Group Operations Director for Yorwaste, confirmed that it was currently their policy, which was strictly adhered to, that any driver driving through Rufforth without prior consent and notified to the parish council, would be treated as a disciplinary offence. He advised that Yorwaste had proposed the physical layout changes to the junction at their cost and that they had also proposed to the parish council that they made

changes to the signage at Allerton Park to prevent vehicles from driving through Rufforth Village. He advised that they would continue with driver management and that, once Allerton Park was open, 95% of vehicles would be within their direct control. He confirmed that Yorwaste had a good relationship with both the Planning Group and the Parish Council.

Members felt that the Pre-estimator BREAMM assessment was not needed and advised that this proposed condition be removed.

**Resolved:** That delegated authority be given to the Assistant Director of Planning and Regeneration (in consultation with the Chair and Vice Chair of Planning Committee) to approve the application subject to:

- i Satisfactory completion of a Section 106 Legal Agreement to secure:-
  1. Agreement not to implement planning permission ref: 12/00908/FULM
  2. The remaining land between the application site and the B1224 Wetherby Road remaining free from built development
  3. Provision of an off road cycle route along the site frontage
  4. CCTV control of the site access and
- ii The conditions listed in the report, the additional conditions listed below and the deletion of condition 22 – BREAMM assessment.

Additional Condition

Within 3 months of planning permission being granted, detailed highway engineering drawings showing modifications to the junction of Height Lands Lane and B1224 Rufforth Road shall be submitted to the council. Such details shall incorporate measures to direct HGV traffic associated with the development to only undertake left turns from Height Lands Lane to B1224. The scheme will include any necessary traffic management, street lighting and CCTV.

Prior to the development hereby approved being brought into use the modified highway junction shall have been completed in accordance with the drawings which have been approved in writing by the Local Planning Authority.

Reason: in the interests of highway safety and residential amenity.

Additional Condition

A full 3 Stage Road Safety Audit carried out in accordance with advice contained within the DMRB HD19/94 or equivalent and guidance issued by the council, shall be required for the modification works to the junction of Height Lands Lane and B1224 Rufforth Road which seek to incorporate measures to direct HGV traffic associated with the development to only undertake left turns from Height Lands Lane to B1224. A Stage 1 of the Road Safety Audit shall be submitted to and agreed in writing by the Local Planning Authority prior to works commencing on site.

Reason: To minimise the road safety risks associated with the changes imposed by the development.

Cllr F Derbyshire, Vice Chair in the Chair  
[The meeting started at 4.30 pm and finished at 6.10 pm].