



Notice of meeting of

West & City Centre Area Planning Sub-Committee

- To:** Councillors B Watson (Chair), Sue Galloway (Vice-Chair), Horton, Galvin, Reid, Gillies, Gunnell, Jamieson-Ball and Sunderland
- Date:** Wednesday, 31 October 2007
- Time:** 12.00 pm
- Venue:** Methodist Chapel, Wetherby Road, Rufforth

AGENDA

Site visits for this meeting will commence at 11.00 am on Wednesday 31st October at Memorial Gardens.

1. Declarations of Interest

At this point Members are asked to declare any personal or prejudicial interests they may have in the business on this agenda.

2. Minutes (Pages 5 - 10)

To approve and sign the minutes of the meeting of the West & City Centre Area Planning Sub-Committee held on 2nd October 2007.

3. Public Participation

It is at this point in the meeting that members of the public who have registered their wish to speak can do so. The deadline for registering is by 5pm the working day before the meeting. Members of the public can speak on specific planning applications or on other agenda items or matters within the remit of the committee.

To register please contact the Democracy Officer for the meeting, on the details at the foot of this agenda.

4. Plans List

Members will consider a schedule of reports of the Assistant Director (Planning and Sustainable Development), relating to planning applications with an outline the proposals and relevant policy considerations and the views and advice of consultees and officers.

a) Woodhouse Farm Rufforth (07/01687/FULM) (Pages 11 - 28)

Change of use of agricultural buildings to tyre shredding facility (Class B2) including the siting of a caravan for use as office/amenity facility [*Rural West York Ward*].

5. Any other business which the Chair considers urgent under the Local Government Act 1972

Democracy Officer

Name: Tracy Wallis

Contact Details:

- Telephone (01904) 552062
- Email – tracy.wallis@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 are set out above.

WEST AND CITY CENTRE AREA PLANNING SUB COMMITTEE**SITE VISITS**

**Please note the site visit will take place on the day of the Sub
Committee**

Wednesday 31 October 2007

**The bus for members of the sub-committee will depart from
Memorial Gardens at 11.00am**

TIME (Approx)	SITE	ITEM
11.15	Woodhouse Farm, Grange Lane, Rufforth	a

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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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City of York Council

Minutes

MEETING	WEST & CITY CENTRE AREA PLANNING SUB-COMMITTEE
DATE	2 OCTOBER 2007
PRESENT	COUNCILLORS B WATSON (CHAIR), REID, GILLIES, GUNNELL, SUNDERLAND, SIMPSON-LAING (SUBSTITUTE), WISEMAN (SUBSTITUTE) AND MOORE (SUBSTITUTE)
APOLOGIES	COUNCILLORS SUE GALLOWAY, HORTON, GALVIN AND JAMIESON-BALL

37. INSPECTION OF SITES

The following sites were inspected before the meeting.

Site	Attended by	Reason for Visit
Faith Cottage, 3 Low Green, Copmanthorpe	Councillors B Watson, Wiseman and Gillies	At the request of Councillor Healey as there had been queries regarding the planning guidelines.
23 Chantry Gap, Upper Poppleton	Councillors B Watson, Wiseman and Gillies	The Application had been recommended for refusal and objections had been received.

38. DECLARATIONS OF INTEREST

Members were invited to declare any personal or prejudicial interests they may have in the business on the agenda. Councillor Simpson-Laing declared a personal prejudicial interest in plans items 3c (Faith Cottage, 3 Low Green, Copmanthorpe) as she knew the Applicant. She left the room and took no part in the debate thereon.

39. 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 this Sub-Committee.

40. PLANS LIST

Members considered reports of the Assistant Director, Planning & Sustainable Development, relating to the following planning applications, outlining the proposals and relevant considerations and setting out the views and advice of consultees and Officers.

40a 14 Foxton, York (07/01994/OUT)

Members considered an outline application submitted by Mr D Seavers for the erection of a detached single storey dwelling within the side garden of No. 14 Foxton (resubmission).

Officers updated that an e-mail had been received from Councillor Holvey that stated the following:

- A similar application was refused in June 2007 and the points raised at that point have not been suitably addressed
- Residents of surrounding properties are concerned that the proposed development could have a dramatic effect on their standard of life
- The lack of amenity for the new and existing property will be very small

The e-mail was circulated to all parties at the meeting.

Representations were received from Dringhouses and Woodthorpe Planning Panel in objection to the Application. The following reasons were given for this:

- There had been little change to the application that was refused in July 2007
- The Planning Panel were against infilling on garden land in this area
- There were concerns that the proposed development would adversely effect 4 neighbouring properties
- There were concerns regarding access to the new development

Representations were also received on behalf of the Applicant. It was stated that the garden at 14 Foxton was very large and therefore suitable for infill. The proposed footprint had now been reduced by 9m² in answer to concerns raised at a previous meeting in June.

Members raised concerns about access to the proposed development. They also felt that the application was not significantly different to the previous one.

RESOLVED: That the application be refused.

REASON: It is considered that the amendments to the previous refused scheme have not overcome the reason for refusal and that In view of the size of the site and the relationship with adjacent buildings the erection of a dwelling on the land would result in a development that would appear to be cramped and out of character

with its surroundings, furthermore, because of its proximity to nos. 17 - 21 Chantry Close a dwelling would be likely to harm the living conditions of these bungalows and their rear gardens through loss of outlook and an overbearing impact. The proposal would be contrary to policy GP1 and GP10 of the City of York Development Control Local Plan 2005.

40b 9 Annan Close, York (07/01854/FUL)

Members considered a full application submitted by D Nicholson for an enclosed garden area with fence.

Officers updated that they were still awaiting information regarding the details in Condition 4 set out in the report.

Representations were received from Dringhouses and Woodthorpe Planning Panel who stated that they had no objection to the proposals.

Members asked for an informative regarding planting between the proposed fence and Moor Lane to help soften the appearance of the fence when viewed from Moor Lane.

RESOLVED: That the application be approved subject to the conditions outlined in the report and the following additional informative.

- The applicant is advised that the West & City Centre Area Planning Sub-Committee has requested that any opportunities which may exist to introduce planting between the proposed fence and Moor Lane itself should be taken, to soften the appearance of the fence when viewed from Moor Lane and the surrounding Green Belt.

REASON: The proposal, subject to the conditions listed in the report, would not cause undue harm to interests of acknowledged importance, with particular reference to the visual amenity of the surrounding area and tree protection. As such the proposal complies with Policies GP1 and NE1 of the City of York Local Plan Deposit Draft.

40c Faith Cottage, 3 Low Green, Copmanthorpe, York (07/02024/FUL)

Members considered a full application submitted by Mr and Mrs J Corner-Walker for a one and two storey pitched roof side extension (resubmission).

Officers updated that there were some revised drawings showing the head heights of the rooms. These were available for viewing at the meeting.

Members queried whether the head height of the rooms would be altered if the ridge height was lowered and the Officer said that he had not seen any drawings that showed that this would be the case.

Representations were received from the applicant who stated the following reasons for not lowering the ridge height:

- The internal ceiling height would be reduced
- By having a split level ridge height there is an increased water leakage problem
- Dropping the floor joists to maximise ceiling height is not possible as this would mean the dropping of the downstairs floor level
- The upstairs windows would not be level
- Neighbours adjacent drive slopes at the same gradient as the drive at 3 Low Green
- The existing house at 3 Low Green would have to be increased by at least 50% before it started to threaten the dominance of 5 Low Green
- 3 Low Green is badly in need of pointing and repair
- There are 38 houses within 500m of 3 Low Green that have recently been extended without lowering the ridge height

RESOLVED: That the application be refused.

REASON: That the proposed extension, by virtue of its form, massing and design, would be unsympathetic to the existing subservient character of the dwelling in relation to the attached property, that together form a distinctive grouping and character in this part of the conservation area. Thus the proposal would have an unduly harmful impact on the street scene, the dwelling and the grouping of buildings and is considered to conflict with Policy E4 of the North Yorkshire Structure Plan (1995), Policies GP1, H7 and HE2 of the York Draft Local Plan (2005), national planning advice in Planning Policy Statement 1: "Delivering Sustainable Development" and Planning Policy Guidance Note 15: "Planning and the Historic Environment," City of York Council supplementary planning guidance: "Guide to extensions and alterations to private dwelling houses" (2001), and the Copmanthorpe Village Design Statement (2003).

40d 23 Chantry Gap, Upper Poppleton, York (07/00665/FUL)

Members considered a full application submitted by Mr and Mrs Tweedhope for a single storey pitched roof side extension and pitched roof dormer to the front.

RESOLVED: That the application be approved subject to the conditions outlined in the report.

REASON: The proposal, subject to the conditions listed in the report, would not cause undue harm to interests of acknowledged importance, with particular reference to visual and residential amenity. As such the proposal complies with Policies H7 and GP1 of the City of York Development Control Draft Local Plan.

COUNCILLOR B WATSON

CHAIR

The meeting started at 12.00 pm and finished at 1.00 pm.

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2.2 Policies:

CYGP1
Design

CYGP4A
Sustainability

CYGB1
Development within the Green Belt

CYGB3
Reuse of buildings

CYGB11
Employment devt outside settlement limits

3.0 CONSULTATIONS

3.1 PUBLICITY DATES/PERIODS

Neighbour Notification - Expires 13/09/2007
Site Notice - Expires 06/09/2007
Press Advert - Expires 29/08/2007
Internal/External Consultations - Expires 30/08/2007

8 WEEK TARGET DATE 06/09/2007

3.2 INTERNAL CONSULTATIONS

HIGHWAY NETWORK MANAGEMENT - No objections

CITY DEVELOPMENT - Generally the re-use of existing buildings within the greenbelt for employment use, there would be no policy objection. The proposal should meet the requirements of policies GB1, GB3 and GB11 in terms of the impact of this particular use in the greenbelt, taking into account the impact of the caravan as an office/amenity facility

ENVIRONMENTAL PROTECTION UNIT - After receiving additional information as to the location of the 4 metre high barriers proposed in the planning application. The predicted noise levels at the nearest noise sensitive dwelling show that they are only of "marginal significance", however this is an average noise level and does not take account of peak levels which could be significantly higher than that of the average levels. Only the machinery detailed in the application should be used on site and the 4m walls must be in place before the first use permitted.

3.3 EXTERNAL CONSULTATIONS/REPRESENTATIONS

RUFFORTH WITH KNAPTON PARISH COUNCIL - Object

- Policy ENV4 precludes the introduction of an industrial activity of this type into a Green Belt area and that the application fails in most areas to comply with the ENV14 of the Yorkshire and Humber Plan (consultation draft, December 2006)
 - Waste is not being managed on the site where it arises. It will be imported.
 - Waste will not be managed according to the proximity principle.
 - The source of waste is not arising locally in a rural area and no specialised facilities exist or are required.
 - (iii) Options i and ii "Industrial sites and mineral/landfill sites take preference over option iii Redundant farm buildings and their curtilages." There are sites as described in i and ii which can accommodate this process. (What constitutes redundant as elsewhere in the application reference is made to current use of the associated cowshed? Do not believe the buildings cannot be used for agricultural purposes.)
 - (iv) "some types of waste management treatment such as on-farm composting may be appropriate in green belt/rural locations." The proposed process is not agriculture related and should not be permitted under this clause.

- In regards to Policy GB1 CYLP
 - The scale, location and design will detract from the open character of the green belt. Small mountains of used tyres and a 15 foot high wall as proposed will have a severe negative visual impact within the green belt.
 - Piles of tyres will prejudice the setting and special character of the land surrounding the City of York.

- The only one of the eleven purposes quoted that is relevant is reuse of existing buildings. In their current state they are of inadequate construction to contain the dust and noise that will be generated. If compare the images of existing buildings shown in appendix 1, i.e. open ended and part open sided, with those in appendix 2 which show fully enclosed facilities of substantial construction it can be seen that significant improvement will be needed to bring them up to the required standard as well as the introduction of a 15ft high wall.
- The statement goes on to say, "All other forms of development within the green belt are considered inappropriate". Very special circumstances will be required to justify instances where this presumption against development should not apply. We believe that there are no very special circumstances to justify defacing the green belt.
- We would also contest that this is a waste disposal facility. It is a commercial/industrial venture to import, process and re-export used tyres which is not an appropriate process within the green belt.
- In Para 6.18 the application quotes policy MW5 of the CYLP and concludes, "it is considered that the application is in accordance with these criteria" We believe that by and large the application fails to meet these criteria and should be rejected.
- The application has failed to show and demonstrate most of that which it claims in particular, it fails to show that it is in accordance with all relevant guidance at national, regional and local level.
- Fly tipping in the area could increase as is demonstrated by nearby Harewood Whin. Rubbish attracts rubbish and people who mistakenly bring tyres to the plant and are refused access will be tempted to fly tip nearby.
- Vehicular access will be problematic. We question the number of movements quoted as 6-10 per day. Whatever it is will be in addition to not instead of that associated with the agricultural use of the site.

- There will be a potential clash with microlight movement at the end of the runway
- The proposed reinstated access and egress onto the B1224 needs careful consideration. If the plant is to solve a local, i.e. York problem, then all movements should be to and from the ring road and not through the village.
- The process described includes water sprays. How and where will this industrial waste be disposed of?
- There is concern that, as with the potato sheds on the airfield, the noise levels in certain prevailing wind conditions will be a nuisance.
- Lack of management of delivery and sorting will lead to unsightly "mountains" of old tyres creating a blot on the rural landscape.

If minded to approve this application would like to see the following included in any approved scheme:

1. Appropriate landscaping and tree planting to screen the visual impact from the B1224 and adjacent housing. The tree screening should precede the arrival of any tyres. Any tree should be subject to a maintenance regime to ensure any dead or diseased trees are replaced for a period of 5 years after planting.
2. A traffic management plan should be produced and approved which includes inter alia minimising traffic through the village and risks associated with the reinstated access and associated sight lines.
3. Working hours should be limited to Weekdays 8.00am to 6.00pm with no weekend working.
4. An environmental impact assessment should be carried out and a regime of monitoring established to ensure that noise, dust and odour are kept within acceptable levels.
5. The buildings should be upgraded to contain noise and dust within the confines of the premises and to prevent unauthorised access.
6. No residential facilities should be permitted on this site.
7. Any "permitted development" rights should be removed.

The parish council have also submitted photographs of a tyre shredding facility at Beighton Airfield, Bubwith

ASKHAM BRYAN PARISH COUNCIL - No objections

- Sound pollution could be a concern

ENVIRONMENT AGENCY- No objections but would like the following informative placed on any planning permission:

- A suitable flood warning and evacuation plan should be devised for occupants of the site.
- There should be no storage of materials within the floodplain
- There should be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct or via soakaways. To prevent pollution of the water environment.
- Site operators should ensure that there is no possibility of contaminated water entering and polluting surface or underground waters.

COUNTRY LAND AND BUSINESS ASSOCIATION - Support the application

The agent has submitted three statements of support from 3 companies

4.0 APPRAISAL

4.1 RELEVANT SITE HISTORY

02/00909/FUL - Erection of dwelling incorporating farm office and flat for dependent relative - Approved

01/03524/FUL - Temporary tethered aerostat (derivable balloon) with two telecommunications microwave dishes and associated ground based trailer and equipment - Approved

00/00016/OUT - Outline application for erection of one dwelling - Approved

7/127/09255/FUL - Siting of temporary mobile animal cremator for period of two years - Refused

7/127/09060/FUL - Erection of dwelling - Withdrawn

4.2 ADDITIONAL PLANNING POLICY

Planning Policy Guidance 2 "Green Belts"

Planning Policy Statement 7 "Sustainable Development in Rural Areas"

Planning Policy Statement 10 "Planning for Sustainable Waste Management"

Planning Policy Guidance 24 "Planning and Noise"

Yorkshire and Humber Draft Regional Plan

4.3 KEY ISSUES

1. Impact on the Green Belt
2. Impact on neighbouring property
3. Impact on highway safety

4.4 ASSESSMENT

PLANNING POLICY

4.4.1 Policy GP1 'Design' of the City of York Council Development Control Local Plan includes the expectation that development proposals will, inter alia; respect or enhance the local environment; be of a density, layout, scale, mass and design that is compatible with neighbouring buildings and spaces, ensure residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures, use materials appropriate to the area; avoid the loss of open spaces or other features that contribute to the landscape; incorporate appropriate landscaping and retain, enhance or create urban spaces, public views, skyline, landmarks and other features that make a significant contribution to the character of the area.

4.4.2 Planning Policy Guidance note 2 'Green Belts' sets out the purposes of including land within Green Belts and establishes specific categories of development

that are appropriate within Green Belts. All other development is deemed inappropriate and therefore harmful to the Green Belt. For such development to be acceptable in Green Belts very special circumstances must be demonstrated to show that the harm is outweighed by other considerations. Policy E8 of the North Yorkshire County Structure Plan establishes a Green Belt around the City of York. The boundaries of the Green Belt are detailed on the Proposals Map of the City of York Council Development Control Local Plan (CYCDCLP) and this site clearly falls within the Green Belt. Policy GB1 'Development in the Green Belt' of the CYCDCLP follows the advice contained in PPG2 in stating that permission for development will only be granted where: the scale, location and design 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 would not prejudice the setting and special character of the City, and is for a type of development listed as appropriate development. All other forms of development are considered to be inappropriate and very special circumstances would be required to justify where the presumption against development should not apply.

4.4.3 Policy GB3 'Reuse of Buildings' of the CYCDCLP states that proposals for the reuse of buildings outside of existing settlements in the Green Belt will be granted permission where a number of criteria are met:

- (a) The reuse would not have a materially greater impact on the openness of the Green Belt than the present use;
- (b) The buildings are permanent and capable of conversion without major reconstruction;
- (c) The proposed reuse will generally take place within the fabric of the existing building and will not require extensive alteration, rebuilding or extension;
- (d) The form, bulk and general design of the buildings are in keeping with their surroundings;
- (e) The buildings are not in close proximity to intensive livestock units or other uses that may result in a poor level of amenity for the occupier of the building;
- (f) There is already a clearly defined curtilage.

Where the proposal is for reuse for residential purposes the following criteria also apply:

- (g) It can be demonstrated that the building is unsuited to employment or recreation use or that there is no demand for buildings for these purposes in the area; or
- (h) The building is of architectural or historic importance and its reuse for residential purposes would be the only way to ensure its preservation.

4.4.4. Policy SP16 'Location Strategy' of the City of York Council Development Control Local Plan (2005) states that development will be concentrated on brownfield land within the built up area of the City and Urban extensions, followed by surrounding settlements and selected existing and proposed public transport corridors. Outside defined settlement limits, planning permission will only be given development appropriate to the Green Belt or the open countryside.

4.4.5 Policy GB11 'Employment Development Outside Settlement Limits' of the City of York Council Development Control Local Plan (2005) states that planning permission will only be granted for new industrial and business development outside defined settlement limits in the Green Belt and open countryside where: it involves

the re-use or adaptation of an existing building, or is a small scale extension to an existing building; and it provides a direct benefit to the rural economy and the local residential workforce.

4.4.6 Policy MW5 'Waste Management Facilities' of the City of York Council Development Control Local Plan (2005) states development of waste management facilities will be considered on the individual merits and the characteristics of particular sites, taking into account: the need for the facility, its proposed location, its impact on adjoining land uses and duration of the proposal; the proximity principle whereby waste is disposed as close as possible to where it is produced; the mode of transport to be utilized for carrying waste to the site; proposed measures for eliminating leakage and gas emissions; measures to be taken to protect natural water resources; any adverse effects on important landscape, ecological, historic or archaeological features; proposed measures to minimize the environmental impact of visual intrusion, noise, dust, odour and wind-blown material; for landfill arrangements - the site's phased restoration to an acceptable use.

4.4.7 The Yorkshire and Humber draft Regional Plan states that Waste has traditionally been seen as a by-product of economic activity, to be disposed of by the cheapest possible method, normally direct landfilling without pre-treatment. This approach is considered to be no longer acceptable and the Region places far greater emphasis on avoiding waste production in the first place and then making use of the waste that is produced as a resource, only disposing of the residual proportion that has no value. Policy ENV 12 of The Yorkshire and Humber draft Regional Plan states that the Region will reduce, reuse and recycle as much of its waste as possible. Priority should be given to initiatives and facilities which encourage and promote waste reduction and the reuse of materials and products. Local Planning Authorities should support the urgent provision of a combination of facilities and other waste management initiatives which best meets environmental, social and economic needs for their areas

4.4.8 Policy ENV 13 The Yorkshire and Humber draft Regional Plan states the Region will provide a network of waste facilities needed to bring about effective waste management in line with the annual waste tonnage allocations and in particular will provide site specific or area based criteria to enable the development of waste facilities accordingly. Proposals for new capacity will take into account: The split between the need to provide facilities to manage the final disposal and recovery/recycling of waste; The need to meet, and subsequently exceed nationally set targets for recycling and recovery, including those derived from the Landfill Allowance Trading Scheme; The contribution made by new and existing waste facilities and the anticipated lifespan of such facilities; The provisions of policy E3 (the economy and employment land reviews); Annual waste and waste facility monitoring data provided by the Regional Technical Advisory Body;

4.4.9 Policy ENV 14 The Yorkshire and Humber draft Regional Plan states the following principles should be considered in designating specific sites or areas where criteria based approaches will apply: Waste should be managed on the site where it arises, wherever possible. Waste not managed at its point of arising should be managed according to the proximity principle for particular waste streams or characteristics. Facilities should be located in accordance with the core approach

and the proposed distribution of housing and economic growth. Major sources of waste arising in rural areas should be treated locally, unless specialised facilities are required. In all areas, identification of sites for facilities should also take account of the following priority order: i) Established and proposed industrial sites which have potential for the location of waste management facilities and the co-location of complementary activities, such as "resource recovery" or "sustainable growth" parks ii) Previously developed land, including use of mineral extraction and landfill sites during their period of operation for the location of related waste treatment activities in sustainable locations iii) Redundant farm buildings and their cartilages. Waste Planning Authorities should consider the following specific spatial considerations: i) Landfill is likely to be the only facility type where spatial environmental constraints like geology are likely to be a factor and most modern waste management facilities can be appropriately developed within existing industrial developments or estates ii) Where waste management facilities are proposed to utilise treatment techniques (such as MBT) that produce a refuse derived fuel (RDF), there will need to be support for facilities/businesses that will utilise that fuel for the life of the proposed waste facility iii) The proximity principle must be weighed against regional presumption to protect and enhance the environment. On this basis, it is unlikely to be appropriate to situate waste facilities in sensitive areas of the Region, except in the case of small facilities, such as local civic amenity/bring sites, which it might be appropriate to situate in suitable locations such as within the National Parks/AONBs. Some types of waste management treatment, such as on-farm composting, may be appropriate within green belt/rural locations.

4.4.10 Planning Policy Guidance 2 "Green Belts" states that there is a general presumption against inappropriate development in the greenbelt. The re-use of buildings should not prejudice the openness of the green belt, since the buildings are already there. The re-use of the building is not inappropriate providing: it does not have a materially greater impact than the present use on the openness of the green belt and the purposes of including land in it; strict control is exercised over the extension of re-use buildings, and over any associated uses of land surrounding the building which may conflict with the openness of the green belt and the purposes of including land in it (e.g. because they involve extensive external storage, or extensive hardstanding, car parking, boundary walling or fencing); the buildings are of permanent and substantial construction, and are capable of conversion without major or complete construction; the form, bulk and general design of the buildings are in keeping with their surroundings. If it should not normally be necessary to consider whether the building is no longer needed for its present agricultural or other purposes. Evidence that the building is not redundant in its present use is not by itself sufficient grounds for refusing permission for a proposed new use. When granting planning permission for the change of use of agricultural buildings for a non-agricultural use, the proliferation of other farm buildings constructed under permitted development rights could seriously have a detrimental effect on the openness of the green belt. Withdrawal of the rights for new farm buildings could be conditioned.

4.4.11 Planning Policy Guidance 24 "Planning and Noise" states that LPA must ensure that development does not cause an unacceptable degree of disturbance. A subsequent intensification or change of use may result in greater intrusion. The character of the noise should be taken into account as well as its level. Sudden impulses, irregular noise or noise which contains a distinguishable continuous tone

will require special consideration. Take into account that in some rural areas the background noise is very low and the introduction of noisy activities into such areas may be especially disruptive. Impact on livestock also needs to be considered.

IMPACT ON THE GREEN BELT

4.4.12 The site is adjacent to Rufforth airfield there is a large earth bund between the airfield and the agricultural buildings. The two agricultural buildings are steel structures with steel or asbestos sheeting. The larger building is open sided with an (approx) 3 metre high steel fence to the north and south elevations. There is a large area of hardstanding to the north of the agricultural buildings. Part of the earth mound to the west of the site would be removed for the access.

4.4.13 It is stated that the agricultural buildings are not used however during a site visit one of the sheds was in use PPG2 states that evidence that the building is not redundant in its present use is not by itself sufficient grounds for refusing permission for a proposed new use. The City of York Development Control Local Plan makes no reference to submitting evidence about the existing use of the building. Whether under-used or not in use, it is considered it would be prudent to remove Permitted Development Rights for agricultural buildings on this site to prevent a proliferation of buildings impacting on the openness of the greenbelt

4.4.14 Revised plans show the caravan (for use as an office and staff amenity facility) relocated to the inside of one of the buildings and therefore reducing the visual impact on the green belt.

4.4.15 No information has been submitted for the size of area that the facility would act for. The application states that 6 - 10 heavy goods vehicles and/or 6 - 10 other vehicles would visit the site a day (not including employees vehicles). There is considered to be significantly more vehicles visiting the site than when the buildings were in an agricultural use and could be argued to be a materially greater impact. The increase in the number of vehicles to the site by virtue of the new access is not considered to cause sufficient harm to greenbelt. The agent has stated that the proposed access has previously been used as access to the farm; most of the proposed access is hardstanding while the existing access is a farm track in poor condition.

4.4.16 The buildings are capable of conversion, the only changes to the structure of the building would be the addition of 4 metre high wall along the south elevation of the larger building and a 4 metre high wall to be constructed running from north to south within the building. The wall along the south elevation would be a metre higher than the existing fence, but depending on materials and colour (which can be conditioned as part of a planning approval) it is not considered it would cause further significant harm to the openness of the greenbelt.

4.4.17 There is some concern about the storage of tyres before shredding and the shredded material, and their subsequent visual impact on the greenbelt. Revised plans have shown the storage area removed from outside the buildings and it is considered that as part of any planning approval it is reasonable to condition that the

tyres and shredded material should be stored inside only, storage of materials outside would impact on the openness of the greenbelt.

4.4.18 The waste management policies of the Yorkshire and Humber draft Regional Plan can be summarised as helping to provide "sufficient opportunities for new waste management facilities of the right type, in the right place and at the right time." On this basis, the Plan states that sensitive areas (such as green belts) should be protected but vocational needs should be recognised. In general sustainability terms, the reuse of existing buildings is encouraged where practical. Proposals for new, refurbished or extended waste facilities represent current good design practices.

IMPACT ON NEIGHBOURING PROPERTY

4.4.19 PPG 24 states that a subsequent intensification or change of use may result in greater noise intrusion. The character of the noise should be taken into account as well as its level. Sudden impulses, irregular noise or noise which contains a distinguishable continuous tone will require special consideration. In some rural areas the background noise is very low and the introduction of noisy activities into such areas may be especially disruptive.

4.4.20 There is some concern about the potential for noise disturbance to the nearby farmhouse - Woodstock Grange, 150 metres away. The Environmental Protection Unit requested the site to be tied to the farmhouse however as the farmhouse is not part of the application it was considered that this could not be conditioned. The noise levels in the Noise Impact Assessment (together with the revised plans showing the location of the 4 metre high walls) at the nearest dwelling are of "marginal significance"; the assessment was made average noise levels and does not take into account peak levels. The Environmental Protection Unit have removed their objection and have no further objections providing conditions are placed on any planning permission specifying the time of delivery; time of use; only the machinery and mitigation measures proposed in this application should be installed; and the mitigation measures should be implemented and operational before first use. As there are measures to reduce the environmental impact of noise it is also considered to be in line with Policy MW5

IMPACT ON HIGHWAY SAFETY

4.4.21 The existing farm access is from a lay-by on the B1224 York to Rufforth Road, the application seeks to change the access to the site and would be accessed from Rufforth Airfield instead. Highways Network Management has no concerns about the relocation of the access. No objections have been received from the owners or users of the airfield.

5.0 CONCLUSION

5.1 The proposed change of use of agricultural buildings to a tyre shredding facility would involve limited alterations to the buildings and would have limited impact on the openness of the greenbelt and therefore is in line with Policy GB1, GB3 and GB11. Whilst there is some concern about the noise it is not considered to be sufficiently harmful to warrant refusal. Approval is recommended.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

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

Drawing Number 8060/2a received 17 October 2007
Machinery specification received 18 July 2007;

or any plans or details subsequently agreed in writing by the Local Planning Authority as 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.

2 TIME2 Development start within three years

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

Reason: So as to achieve a visually cohesive appearance.

4 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order), development of the type described in Classes A, B and C of Schedule 2 Part 6 of that Order shall not be carried out without the prior written consent of the Local Planning Authority.

Reason: In the interests of the amenities of the adjoining residents and the amenity of the green belt the Local Planning Authority considers that it should exercise control over any future development which, without this condition, may have been carried out as "permitted development" under the above classes of the Town and Country Planning (General Permitted Development) Order 1995.

5 Notwithstanding the submitted plans there shall be no tyres or other materials stacked or stored outside any building on the site without the prior approval in writing of the Local Planning Authority.

Reason: In the interests of visual amenity in this prominent open countryside and Green Belt location.

6 Notwithstanding the submitted plans and prior to the commencement of the development hereby permitted full details of the method and design of external

illumination for the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details.

Reason: In order to protect the amenities of neighbours and the character and appearance of the area from excessive illumination.

7 All deliveries to and from the site shall be confined to the following hours:

Monday to Friday: 07:00 - 19:00
Saturday: 07:30 - 13:00
Sunday, Bank and Public Holidays: Not at all.

Reason: To protect the amenity of local residents from noise.

8 The hours of operation permitted shall be confined to the following hours:

Monday to Friday: 07:00 - 19:00
Saturday: 07:30 - 13:00
Sunday, Bank and Public Holidays: Not at all.

Reason: To protect the amenity of local residents from noise.

9 Only the machinery, plant and equipment, detailed in planning application 07/01687/FULM shall be installed unless otherwise approved in writing by the local planning authority. The machinery, plant and equipment and the approved noise mitigation measures shall be fully implemented and operational before the proposed first use. The plant, machinery, equipment and approved noise mitigation measures shall be appropriately maintained thereafter.

Reason: To protect the amenity of local residents from noise.

10 Details of all means of enclosure including fence, walls, and gates to the site boundaries shall be submitted to and approved in writing by the Local Planning Authority before the development commences and shall be provided before the development is occupied.

Reason: In the interests of the visual amenities of the green belt.

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 the residential amenity of the neighbours, the visual amenity and openness of the greenbelt, and highway safety. As such, the proposal complies with Policies GP1, GB1, GB3, GB11 and MW5 of the City of York Development

Control Local Plan (2005).

2. Environmental Health Informative

If, as part of the proposed development, the applicant encounters any suspect contaminated materials in the ground, the Contaminated Land Officer at the council's Environmental Protection Unit should be contacted immediately. In such cases, the applicant will be required to design and implement a remediation scheme to the satisfaction of the Local Planning Authority. Should City of York Council become aware at a later date of suspect contaminated materials which have not been reported as described above, the council may consider taking action under Part IIA of the Environmental Protection Act 1990.

The developer's attention should also be drawn to the various requirements for the control of noise on construction sites laid down in the Control of Pollution Act 1974. In order to ensure that residents are not adversely affected by air pollution and noise, the following guidance should be attached to any planning approval, failure to do so could result in formal action being taken under the Control of Pollution Act 1974:

(a) All demolition and construction works and ancillary operations, including deliveries to and despatch 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 and Bank Holidays.	

(b) The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228: Part 1: 1997, a code of practice for "Noise and Vibration Control on Construction and Open Sites" and in particular Section 10 of Part 1 of the code entitled "Control of noise and vibration".

(c) All plant and machinery to be operated, sited and maintained in order to minimise disturbance. All items of machinery powered by internal combustion engines must be properly silenced and/or fitted with effective and well-maintained mufflers in accordance with manufacturers instructions.

(d) The best practicable means, as defined by Section 72 of the Control of Pollution Act 1974, shall be employed at all times, in order to minimise noise emissions.

(e) All reasonable measures shall be employed in order to control and minimise dust emissions, including sheeting of vehicles and use of water for dust suppression.

(f) There shall be no bonfires on the site.

3. Environment Agency Informative

(a) A suitable flood warning and evacuation plan should be devised for occupants of the site.

(b) There should be no storage of materials within the floodplain.

(c) There should be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct or via soakaways. To prevent pollution of the water environment. See Agency web site link below for guidance.
http://www.environment-agency.gov.uk/business/444251/444731/ppg/?version=1&lang=_e

(d) Site operators should ensure that there is no possibility of contaminated water entering and polluting surface or underground waters.

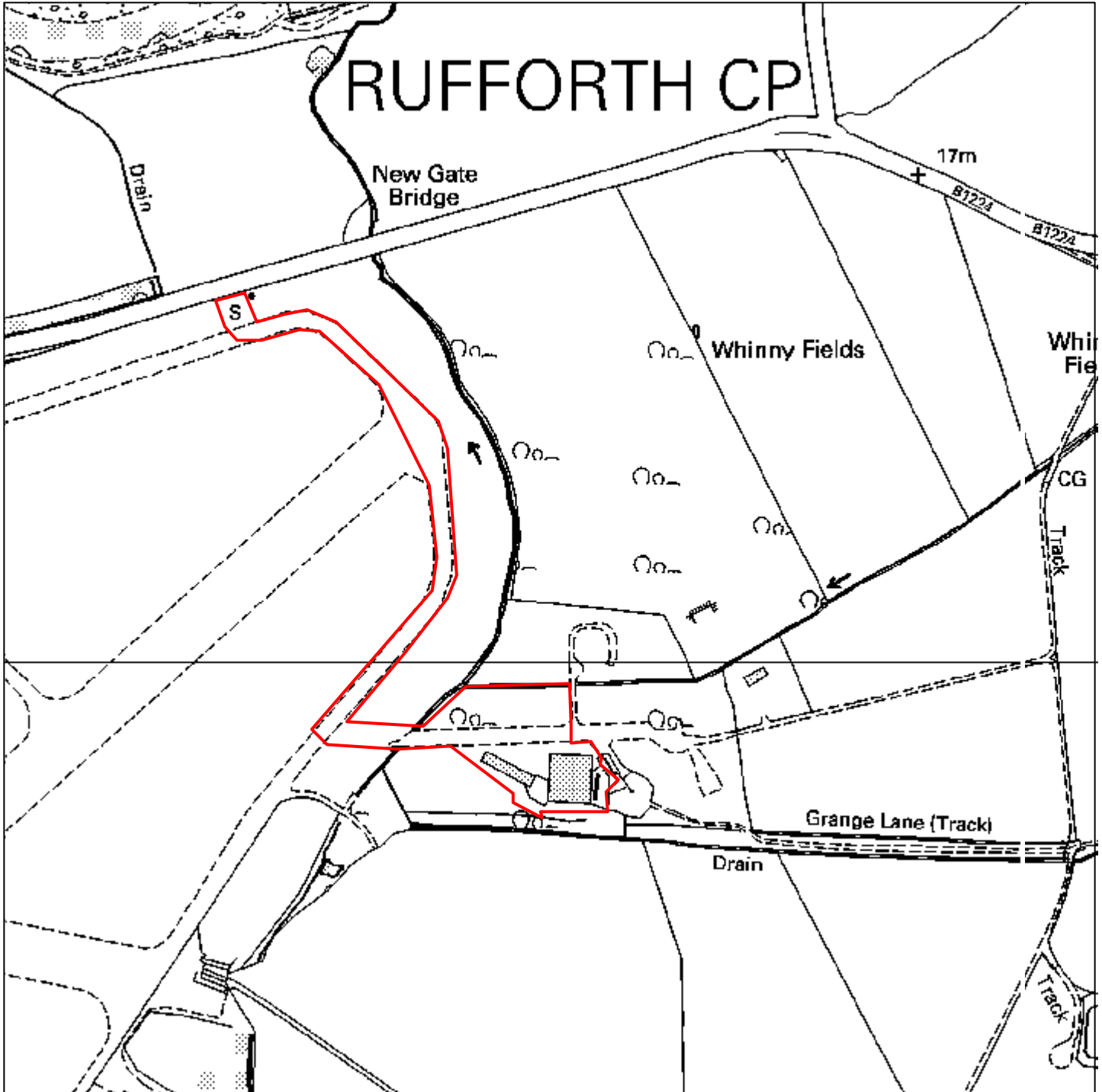
Contact details:

Author: Victoria Bell Development Control Officer

Tel No: 01904 551347

Woodhouse Farm, Grange Lane, Rufforth

07/01687/FULM



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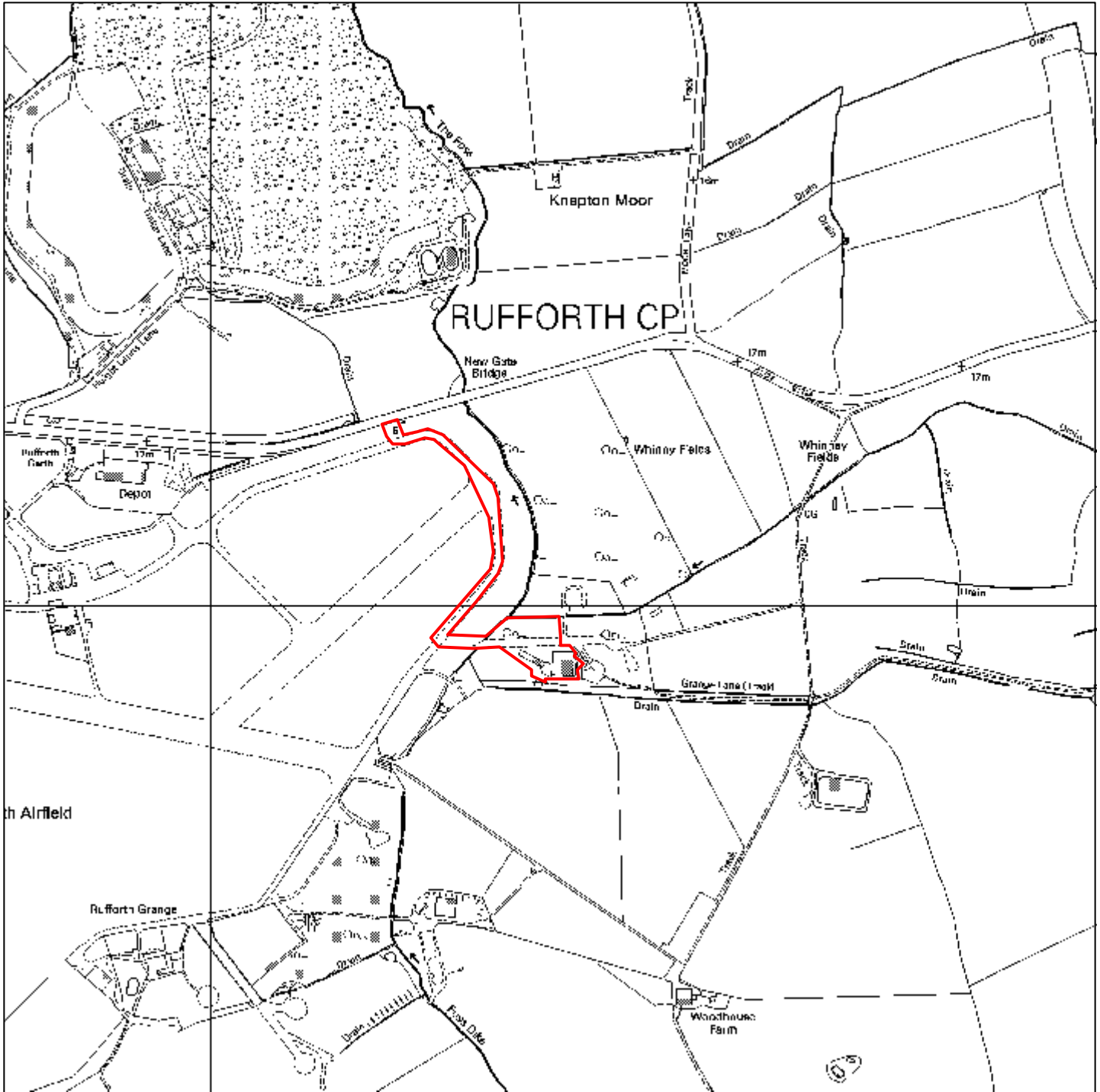
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