

MEETING	PLANNING COMMITTEE
DATE	28 FEBRUARY 2008
PRESENT	COUNCILLORS R WATSON (CHAIR), SIMPSON-LAING (VICE-CHAIR), CREGAN, CRISP, D'AGORNE, FIRTH, SUE GALLOWAY, GALVIN, HORTON, HUDSON, JAMIESON-BALL, KING, MOORE, B WATSON, ORRELL (SUBSTITUTE) AND GILLIES (SUBSTITUTE)
APOLOGIES	COUNCILLORS REID AND WISEMAN

49. INSPECTION OF SITES

The following sites were inspected before the meeting:

Site	Attended by	Reason for Visit
Factory, Bishopthorpe Road	Councillors R Watson, Orrell, Hudson, Moore, Gillies, Horton, S Galloway, D'Agorne	As the application was recommended for approval and objections had been received
Land adjacent to Harewood Whin Landfill Site	Councillors R Watson, Orrell, Hudson, Moore, Gillies, Horton, S Galloway, King	As the application was recommended for approval and objections had been received

50. DECLARATIONS OF INTEREST

Members were invited to declare any personal or prejudicial interests they may have in the business on the agenda. None were declared.

51. 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.

52. 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.

52a **Factory Bishopthorpe Road (08/00010/FUL)**

Members considered a full application, submitted by Mr Chris Hale, for the addition of a third storey with three storey extension to the rear, cycle and refuse stores, external alterations and car parking at the Time Office Block.

Officers updated the Committee with the following information:

- Condition 11, in relation to trees has been amended as set out in the resolution below.
- With regards to Condition 18 (cycle parking) – the applicants have agreed to provide an additional 2 covered spaces to the rear of the building so as to satisfy the comments received from the Council's Highway Network Management Officer.

Representations were received, in objection, from a local resident who had the following concerns:

- The building is listed as a building of architectural or historic interest.
- The building is one of a group which were all built at the same time. The complex is a strong group in architectural terms, presenting a unified style. It is allowed, the addition of an extra storey to the Time Office building will spoil the completeness of the architectural style.
- The purposely shaped parapet of the building will be blocked by the new storey.
- The change will alter the appearance of the building which is one of a group which makes up part of the conservation area.
- The proposed roof extension would be seen from adjacent listed buildings.
- If approved this extension could become a precedent for similar alterations to other listed buildings on the site.

Representations were also received, in objection to the application, from a representative of Bishopthorpe Parish Council. The main concerns raised were linked with increased traffic generation accessing the site as a whole.

Representations were received, in support of the application, from the Applicant's architect. The Applicant was relocating to York and intending to make the proposed development their new Head Office as well as providing some high quality office space for smaller businesses.

Members asked the Officers about any implications the proposed development would have on other buildings on the site and it was reported that they anticipated other buildings on this site being altered in the future.

In response to a Member's question the applicant's representative said that the proposed development would be fully DDA (Disability Discrimination Act) compliant.

Members discussed the application and raised the following points:

- The eco-qualities of the building.
- Traffic issues and the effect any extra traffic would have on the village of Bishopthorpe.
- Concerns regarding 'piecemeal' development.
- The design of the roof extension.
- The fact that the proposed development would not be for the sole use of the Applicant but would also offer accommodation for small businesses.
- Concerns that this proposal may become a precedent for alterations to other buildings on the site.
- The difficulty in using industrial buildings in a modern context.
- The history of the building and the substantial changes and alterations that have happened throughout the years.
- The reason for listing the building was for its historical connections and not for its architectural merits.

RESOLVED: That the application be approved subject to the conditions outlined in the report and the following amended condition:¹

Amended Condition 11

No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme which shall illustrate the number, species, height and position of trees and shrubs *particularly at the rear of the former Time Office Building*. This scheme shall be implemented within a period of 6 months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development die, 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.

REASON: That the proposal, subject to the conditions outlined in the report and the above amended condition, would not cause undue harm to interests of acknowledged importance, with particular reference to the Former Time Office Building which is a listed building and the Racecourse and Terry's Conservation Area. As such

this proposal complies with policy E4 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and policies GP1, HE2, HE3, HE4, GP4 (a), GP11, T4, E3b and E4 of the City of York Local Plan Deposit Draft.

Action Required

1. To issue the decision notice and include on the weekly planning decision list within agreed time scales. JB

52b Factory Bishopthorpe Road (08/00009/LBC)

Members considered an application for Listed Building Consent, submitted by Mr Chris Hale, for the addition of a third storey with three storey extension to the rear, internal and external alterations at the Time Office Block.

Officers updated Members of the Committee that five additional conditions had been added in relation to external materials, drawings, new wall partitions, details of the roof and existing doors. These are detailed in the resolution below.

Councillor Galvin proposed and Councillor Brian Watson seconded the motion to refuse the application. When put to the vote the motion was lost.

RESOLVED: That the application be approved subject to the conditions outlined in the report and the following additional conditions and informatives:¹

1. 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 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 acceptable appearance.

2. Prior to the commencement of the works hereby approved cross sections, profiled and details at a scale 1:10 of:-
 - a. Envelope of service tower, including glazed connections and roof link;
 - b. Eaves detail of new floor;
 - c. Flashings and any other modification to existing parapet;
 - d. Windows and window systems;
 - e. External and internal doors;

- f. Internal partitioning systems and any suspended ceilings;

Large scale details of:-

- a. Details of cycle enclosure;
- b. Details of waste compound;
- c. Details of internal and external servicing ductwork, pipes and equipment.

shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The approved details shall be carried out in accordance with the approved details.

Reason: To retain the character of the Listed Building and so that the Local Planning Authority may be satisfied with these details.

- 3. All new wall partitions should be scribed around existing details.

Reason: To protect the internal fabric and features of the listed building.

- 4. Prior to the commencement of work and notwithstanding the hereby approved details, additional details of the roof shall be submitted to the Local Planning Authority for written approval. The development shall then be carried out in strict accordance with the written approved details.

Reason: To retain the character of the Listed Building and so that the Local Planning Authority may be satisfied with these details.

Informative

At present the roof pitch proposed is 20°, it is considered that a reduction in the pitch of the roof by 5° to 15° would reduce the height of the proposed roof of the additional floor by approximately 400-500mm and give the appearance of the roof being flatter from the more distant views.

- 5. The two existing doors within the end elevation (adjacent to the main factory building) shall be retained.

Reason: To retain the character of the Listed Building and so that the Local Planning Authority may be satisfied with these details.

Informative

The retained doors will screen the closed up opening and maintain the appearance of a door opening. They will act as shutters to allow cleaning/maintenance of the new windows which are to be formed within this opening.

REASON: That the proposal, subject to the conditions outlined in the report and the above additional conditions, would not cause undue harm to interests of acknowledged importance, with particular reference to the Former Time Office Building which is a listed building and the Racecourse and the Terry's Conservation area. As such this proposal complies with policy E4 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and policies HE2, HE3 and HE4, of the City of York Local Plan Deposit Draft, also national planning policy guidance PPG15.

Action Required

1. To issue the decision notice and include on the weekly planning decision list within agreed time scales JB

52c Harewood Whin, Landfill Site, Tinker Lane, Rufforth (07/02914/FULM)

Members considered a full application, submitted by Yorwaste Ltd, for the construction of three concrete pads totalling 26,900m², site roadways and drainage system including underground storage tanks, for use as a green waste composting and waste wood recycling facility.

Officers updated the Committee with the following information:

- A representation had been received from the York Natural Environment Panel who welcomed the recycling approach. They also commented that there needed to be a detailed plan of landscaping which should be of a suitable native mix. The proposed bund needed to be away from the woodland
- A representation had been received from Wheatlands Educational Community Woodland requesting that Members seek a contribution from Yorwaste towards signs, waste bins and ongoing maintenance of Moor Lane and funding of the diverted track under the outer ring road to Knapton.
- Two further objections had been received from residents of Rufforth on the following grounds:
 - Industrial use in the green belt
 - Increased traffic
 - Increased odours, litter and vermin

- Concrete pads will impact on the open aspect of the Green Belt
 - Noise and dust from the wood recycling facility
 - Location to the North East of the landrise site would be more appropriate with access from the A59 or the A1237.
 - Statements relating to noise are vague and give no assurance of remedial action.
- Delete condition 20 as set out in the Committee report, as the details within this were adequately covered by condition 13.
 - Amend condition 19 in relation to traffic management to read as set out in the resolution below.
 - An additional condition regarding hedgerows to be added as set out in the resolution below.
 - The recommendation to be amended to 'subject to no objections being received from the Environment Agency delegate to the Assistant Director, Chair and Vice Chair of Planning Committee to approve after referral to the Secretary of State (under the Town and Country Planning (Green Belt) Direction 2005).

Officers informed Members that there would be an estimated peak of 12 lorries per day to the site. The proposed development constituted 'inappropriate development' in the greenbelt but it was deemed that there were special circumstances in this instance to allow the development to take place. A noise assessment had been undertaken and it was understood that there would be a noise increase of between 0 and 1 decibels; noise management was covered within conditions 13,14 and 20 of the report.

Approximately 70% of the waste would be coming from the York are and shredding of green waste and waste wood recycling would not take place on a Sunday.

The proposed site was not currently included in the boundaries of the planning permission for Harewood Whin.

Representations were received, in objection, from a local resident who said that the waste disposal operation had started in 1988 with a 20 year life span and he didn't see any chance that it would be completed, grassed over and returned to agricultural use this year. An extension granted in 2004 was further away from the village, set back from the road with a bund and trees. He had always understood that there were planning conditions imposed on the original development and to site further facilities in this area but closer to the road and the village was unacceptable and he therefore urged the Committee to refuse the application.

Representations were also received, in objection, from another local resident who said that there would be a noticeable increase in the amount of traffic. The positioning of the proposed development was inappropriate and would have a dramatic impact on the surrounding area. He made available a copy of an article from The Press (dated Wednesday 27 February) which illustrated how rubbish had been blown from the site onto

the highway and surrounding fields. He also said that on the day of the site visit the mobile shredder was not operative and therefore Members did not get a clear indication of noise issues in relation to the site.

Representations were received, in objection, from Rufforth and Knapton Parish Council. Their representative informed the Committee that their objections were in relation to the siting of an industrial process in the green belt. The amenity of the village of Rufforth would be negatively impact if the proposals were approved. There would be an increase in noise, smells and traffic. He said that there were other suitable locations for the recycling plant and thought that it would be possible to site the plant further away from the road to minimise its impact on the local area.

Councillor Healey addressed the Committee as the Ward Councillor for Rural West York and said that the residents of Rufforth believed that this was arable land used to shield Harewood Whin from the road. He asked, in the event that the proposals were approved, that the recycling facility be sited further away from the road and village. The Sustrans track would pass nearby the site and this was another reason for refusal of the application on the proposed site.

Members asked the following questions:

- Would the new boundary have implications in relation to the cycle track? Officers answered that this section of the track was the easiest to construct as it could be adequately accommodated into the existing verge without encroaching onto the application site. It was also stated that that there was room for the path to be in the site if necessary.
- Where would the compost be transported to?
Officers answered that it would go to local garden centres and waste sites and would be made available to the public.
- Had alternative sites been looked at for the recycling facility?
The Applicant responded that they had looked at alternative sites for the facility on current Harewood Whin land and for various reasons these were not suitable.
- Had there been an independent assessment to see whether the existing Yorwaste site could accommodate the recycling plant?
The Applicant said that they had not sought an independent assessment as the land was either refilled land or land already in use.
- Would it be possible to have a condition requesting a contribution from the Applicant towards the cost of the cycle route?
Officers responded that it was only possible to ask for this kind of contribution if it reasonably related to the site which was not the case in this instance.
- Where was the other 30% of waste from?
The Applicant responded that it was from other nearby North Yorkshire sites and recycling centres. When asked whether the York waste could go to these sites the Applicant responded that the waste would be delivered to the nearest site to cut down on transport costs. The next nearest site was in Catterick.
- If approved, could the floodlighting be dark sky compliant?
Officers responded that this could be conditioned.

- Would the applicant be happy to accept a condition that there would be no shredding on a Sunday and no shredding after 1pm on a Saturday? The applicant responded that they would prefer not to have a cut-off time on Saturday.
- Was there any machinery installed for bagging? The applicant responded that this had not yet been looked at.
- Had wildlife, in particular, badgers been taken into consideration? The applicant said that the area had been surveyed by a trained ecologist.
- Does the recycling facility have to be with the landfill site? The applicant said that it was logical on operational grounds for it to be sited with the landfill.

Councillor Gillies proposed a motion for refusal on the grounds of the volume of concrete involved, noise, odours, impact on the local area, wildlife disturbances and an inappropriate choice of location. Councillor Hudson seconded the motion but when put to the vote the motion was lost.

Some Members felt that there was sufficient evidence to indicate that these were special circumstances. They believed that the landfill site was a suitable location for the recycling facility. They also suggested that the operation should run for a minimum of 15 years.

RESOLVED: Subject to no objections being received from the Environment Agency the approval, (including all conditions outlined in the report and below), shall be delegated to the Assistant Director, Chair and Vice Chair of Planning Committee subject to referral to the Secretary of State (under the Town and Country Planning (Green Belt Direction 2005).] ¹

Amended condition 2

This permission shall be limited to a period of 15 years from the date of commencement of the development (the date of which shall be notified in writing to the local planning authority) after which time, or if the use ceases prior to the expiration of 15 years, the site shall be restored in accordance with a scheme to be submitted to and approved in writing by the local planning authority the scheme shall include details of the number, species, height and position of all trees and hedging and shall be implemented during the first planting season following the ceasing of operations unless otherwise approved in writing by the local planning authority. The approved scheme shall include details of maintenance and aftercare for a period of five years following the completion of the restoration scheme.

Reason: To provide for the completion and progressive restoration of the site within the approved timescale in the interest of the amenity of residents

and as a need for a waste disposal facility for this period of time has been proven.

Amended condition 7

No waste vehicle shall enter or leave the site and no working shall take place except between the hours of 07.30 and 17.00 Mondays to Sundays. There shall be no working on Christmas Day, Boxing Day and New Years Day. No shredding of material shall take place on any Sunday.

Reason: In the interest of the amenity of residents.

Amended condition 16

Before the development hereby permitted is commenced details of all external floodlighting and other illumination proposed at the site shall be submitted to and approved in writing by the local planning authority. These details shall include: height of the floodlighting posts, intensity of the lights (specified in Lux levels), spread of light including approximate light spillage to the rear of floodlighting posts (in metres), any measures proposed to minimise the impact of the floodlighting or disturbance through glare (such as shrouding), and the times when such lights will be illuminated. The submitted details shall be 'dark sky' compliant.

Reason: in the interest of the appearance of the site.

Amended condition 19

Prior to the commencement of any development on the site a management plan for the routing of vehicles delivering and removing green waste, wood waste and compost shall be submitted to and approved in writing by the local planning authority. No vehicles shall access or leave the site via the village of Rufforth and the plan shall detail matters such as instructions to drivers, signage and measures to ensure adherence to the approved plan.

Reason: In the interest of the amenities of the residents of Rufforth and in the interests of highway safety.

Additional condition

No hedgerow shall be removed between 1st March and 31st August in any year unless otherwise approved in writing by the Local Planning Authority.

Reason: in the interest of habitat protection in accordance with policy NE6 and NE7 of the Development Control Local Plan.

Additional condition

Development shall not commence until details of protection, mitigation and replacement measures of

the following features and species; ditches, broadleaved woodland, broadleaved plantation, hedgerows, mature trees, grassland, bats and breeding birds have been submitted to and approved in writing by the local planning authority.

Reason: in the interest of habitat protection in accordance with policy NE6 and NE7 of the Development Control Local Plan.

REASON:

That the proposal, subject to the conditions outlined in the report and the above amended and additional conditions, would not cause undue harm to interests of acknowledged importance, with particular reference to the designated green belt, environmental issues, drainage and traffic. As such the proposal complies with PPG2, PPS7, PPS10 and Policies SP2, SP3, GP4a, GB1, GB14, MW5 and MW1 of the City of York Development Control Draft Local Plan.

Action Required

1. Refer the Application to the Secretary of State

JB

Councillor R Watson, Chair

[The meeting started at 4.35 pm and finished at 7.05 pm].