



Notice of meeting of

Planning Committee

To: Councillors R Watson (Chair), Simpson-Laing (Vice-Chair), Cregan, Crisp, D'Agorne, Firth, Sue Galloway, Galvin, Horton, Hudson, Jamieson-Ball, King, Moore, Reid, B Watson and Wiseman

Date: Thursday, 28 February 2008

Time: 4.30 pm

Venue: The Guildhall, York

AGENDA

**SITE VISITS FOR THIS MEETING WILL BE ON WEDNESDAY
27TH FEBRUARY 2008.**

**MEMBERS SHOULD MEET AT MEMORIAL GARDENS AT
12:30PM**

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. 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.

3. Plans List

This item invites Members to determine the following planning applications:

a) Factory Bishopthorpe Road (08/00010/FUL) (Pages 5 - 24)

Addition of third storey with 3 storey extension to the rear, cycle and refuse stores, external alterations and car parking at the Time Office Block. *[Micklegate Ward]*

b) Factory Bishopthorpe Road (08/00009/LBC) (Pages 25 - 36)

Addition of third storey with 3 storey extension to the rear, internal and external alterations at the Time Office Block. *[Micklegate Ward]*.

c) Harewood Whin, Landfill Site, Tinker Lane, Rufforth (07/02914/FULM) (Pages 37 - 68)

Construction of 3 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 *[Rural West York Ward]*.

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

Democracy Officer:

Name: Tracy Wallis

Contact Details:

- Telephone – (01904) 552062
- E-mail – 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.

PLANNING COMMITTEE**SITE VISITS****Wednesday 27th February 2008****The bus will depart from Memorial Gardens at 12:30pm**

TIME (Approx)	SITE	ITEM
12:40	Former Time Office Building, Terry's	3a and 3b
13:20	Land adjacent Harewood Whin Landfill site	3c

This page is intentionally left blank

About City of York Council Meetings

Would you like to speak at this meeting?

If you would, you will need to:

- register by contacting the Democracy Officer (whose name and contact details can be found on the agenda for the meeting) **no later than 5.00 pm** on the last working day before the meeting;
- ensure that what you want to say speak relates to an item of business on the agenda or an issue which the committee has power to consider (speak to the Democracy Officer for advice on this);
- find out about the rules for public speaking from the Democracy Officer.

A leaflet on public participation is available on the Council's website or from Democratic Services by telephoning York (01904) 551088

Further information about what's being discussed at this meeting

All the reports which Members will be considering are available for viewing online on the Council's website. Alternatively, copies of individual reports or the full agenda are available from Democratic Services. Contact the Democracy Officer whose name and contact details are given on the agenda for the meeting. **Please note a small charge may be made for full copies of the agenda requested to cover administration costs.**

Access Arrangements

We will make every effort to make the meeting accessible to you. The meeting will usually be held in a wheelchair accessible venue with an induction hearing loop. We can provide the agenda or reports in large print, electronically (computer disk or by email), in Braille or on audio tape. Some formats will take longer than others so please give as much notice as possible (at least 48 hours for Braille or audio tape).

If you have any further access requirements such as parking close-by or a sign language interpreter then please let us know. Contact the Democracy Officer whose name and contact details are given on the order of business for the meeting.

Every effort will also be made to make information available in another language, either by providing translated information or an interpreter providing sufficient advance notice is given. Telephone York (01904) 551550 for this service.

যদি যথেষ্ট আগে থেকে জানানো হয় তাহলে অন্য কোন ভাষাতে তথ্য জানানোর জন্য সব ধরনের চেষ্টা করা হবে, এর জন্য দরকার হলে তথ্য অনুবাদ করে দেয়া হবে অথবা একজন দোআবী সরবরাহ করা হবে। টেলিফোন নম্বর (01904) 551 550।

Yeteri kadar önceden haber verilmesi koşuluyla, bilgilerin terümesini hazırlatmak ya da bir tercüman bulmak için mümkün olan herşey yapılacaktır. Tel: (01904) 551 550

我們竭力使提供的資訊備有不同語言版本，在有充足時間提前通知的情況下會安排筆譯或口譯服務。電話 (01904) 551 550。

اگر مناسب وقت سے اطلاع دی جاتی ہے تو ہم معلومات کا ترجمہ مہیا کرنے کی پوری کوشش کریں گے۔ ٹیلی فون (01904) 551 550

Informacja może być dostępna w tłumaczeniu, jeśli dostaniemy zapotrzebowanie z wystarczającym wyprzedzeniem. Tel: (01904) 551 550

Holding the Executive to Account

The majority of councillors are not appointed to the Executive (38 out of 47). Any 3 non-Executive councillors can 'call-in' an item of business from a published Executive (or Executive Member Advisory Panel (EMAP)) agenda. The Executive will still discuss the 'called in' business on the published date and will set out its views for consideration by a specially convened Scrutiny Management Committee (SMC). That SMC meeting will then make its recommendations to the next scheduled Executive meeting in the following week, where a final decision on the 'called-in' business will be made.

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

Who Gets Agenda and Reports for our Meetings?

- Councillors get copies of all agenda and reports for the committees to which they are appointed by the Council;
- Relevant Council Officers get copies of relevant agenda and reports for the committees which they report to;
- Public libraries get copies of **all** public agenda/reports.

COMMITTEE REPORT

Committee: Main P & T Committee **Ward:** Micklegate
Date: 28 February 2008 **Parish:** Micklegate Planning Panel

Reference: 08/00010/FUL
Application at: Factory Bishopthorpe Road York YO23 1NA
For: Addition of third storey with 3 storey extension to rear, cycle and refuse stores, external alterations and car parking at the Time Office Block
By: Mr Chris Hale
Application Type: Full Application
Target Date: 28 February 2008

1.0 BACKGROUND

1.0.1 Members may recall that planning permission was granted in June 2007, for the change of use and refurbishment of the former time office building. These applications were:-

- 07/00539/LBC - Refurbishment, partial conversion and extension of the Former Time Office building to form offices; and
- 07/00540/FUL - Change of use to B1 offices and external alterations to the former time office building, including extension to existing car park.

1.02 5 additional planning applications were also associated with the redevelopment of this building. They were:-

- 06/02552/LBC - Refurbishment, conversion and extension of the former Time Office Building to form offices This was withdrawn. This application was submitted with the original suite of planning applications, pertaining to the development of this site, in late November 2006. The application was withdrawn upon advice from officers. The alteration and erection of a glazed roof extension to this building, was not be supported by the Planning Department, due to the detrimental impact such a development would have had upon the listed building, Terry's Conservation Area and the adjacent group of listed buildings.
- 07/00538/FUL - Change of use to B1 offices and external alterations and extension to the former time office building including extension of existing car park and 07/00541/LBC - Internal and external alterations to the former time office building. Committee may also recall that these applications were refused at the same meeting (June 2007). These applications, whilst similar to the aforementioned approved applications, included a glazed extension of the roof (similar to 06/02552/LBC). These applications were refused by Committee, on the recommendation of the planning department, as it was considered that they would cause undue harm to interests of acknowledged

importance, with particular reference to the former Time Office Building (which is a listed building) and the Terry's Conservation Area.

- 07/00976/FUL - Erection of two storey temporary office accommodation (460 m²) to time office building and 07/00977/LBC - Erection of 2-storey temporary office accommodation (460 m²) to time office building, these were withdrawn prior to the Committee meeting in June.

1.1 PROPOSAL

1.1.1 This application relates to the conversion and alteration of the Former Time Office Building to form office accommodation. A parallel application for Listed Building Consent (08/00009/LBC) has also been lodged.

1.1.2 The proposal includes:

- The addition of a glazed extension to create a second floor. The extension will comprise of the formation of a low profile zinc roof with integral fascias and gutters. The glazing (below the roof) will be of a ribbon design with concealed opening lights which will extend around the perimeter of the building between the parapet and the roof soffit. An external terrace is also proposed to be formed (adjacent Bishopthorpe Road) but within the parameter of the existing building facade.
- The addition of a rear flat roofed extension. The extension will provide a circulation core to service the office accommodation. The core will provide toilet facilities (male and female), a new stairwell, a lift, and showering facilities as well as providing for modern services to the existing building;
- Internal alterations to the layout of the building to create high quality serviced office accommodation on the ground floor and first floor. The applicants (S. Harrison Developments LTD) intend to occupy the proposed 2nd floor accommodation for their business.
- External alterations would include the replacement of existing window frames and formation of car-parking area at the rear of the building.

1.2 SITE AND HISTORICAL BACKGROUND

1.2.1 The former Time Office Building lies within the site confines of the Terry's Factory site. The Factory site is situated to the south of the city centre on the periphery of South Bank. The Factory site is partially located within The Racecourse and Terry's Factory Conservation Area (no.10). The former Time Office building is located within this identified Conservation Area.

1.2.2 The Terry's Factory site is bounded by Campleshon Road to the north. Bishopthorpe Road lies adjacent the site to the east. An area used for car-parking by the racecourse during race events lies to the south which is encompassed by Green Belt, which extends to Bishopthorpe. The race course itself and Mickelgate Stray are situated to the west.

1.2.3 The Factory site is approximately 10 ha (24.9 acres) in area and comprises of a number of redundant buildings, including 6 Grade II listed buildings and more modern warehousing. The listed buildings were erected in and around the 1920's/30's. The former Time Office building is one of these listed buildings and forms an important part of the group value of these listed buildings.

1.2.4 The Historic Buildings Assessment (HBA) which accompanies the Listed Building application attributes the original design to Lewis E Wade and the construction date is placed at 1927, making it one of the earlier buildings on site.

1.2.5 The actual site boundary of the former Time Office Building is by comparison far less in area than the extent of the whole site. Its total site area is 0.1067 ha. The building is sited adjacent the main entrance of Terry's Factory site adjacent Bishopthorpe Road. The building can be clearly seen from Bishopthorpe Road, being set back approximately 12.00 m from the road. The building is directly adjacent the former Headquarters Building to the north. The former Headquarters building is 2 stories in height and is approximately 24.00 m from the Time office building. To the west side is the former Factory building . This building is 5 stories in height and is approximately 22.00 m from the former Time Office Building. To the south are the gardens. This area is principally the only formal 'green' area within the site. At present there is a 6.00 m strip of tarmaced area, at the rear of the building which was partially used for storage of materials from out of the former Time Office building and possibly for car-parking at some stage. To the east are the boundary walls of the Factory site, a public footpath and then Bishopthorpe Road.

1.2.6 The building was purpose built as the main control point, for deliveries etc. in and out of the site. The original carriageway arches which ran through the building were blocked a number of years ago. Consequent alterations to the façade were based on the existing architecture and appear convincing. The portico, which was used to control the main access to the site and booking in of deliveries etc. has been glazed with modern tinted glass. Other alterations to the exterior of the building are considered to be of little significance/ impact.

1.2.7 The building has been significantly altered throughout the years, for reuse into 2 distinctly separate parts. This has resulted in the insertion of modern partition walls and a spiral staircase at ground floor level. The upper floor has also been subdivided with a late 20th Century office partitioning system. Both floors have modern suspended ceilings. An investigation of the building's structure has revealed that it is steel framed with concrete casing.

1.3 REASON FOR REFERRAL TO COMMITTEE

1.3.1 This application is reported to Planning Committee due to officer discretion. This application forms part of the wider proposal/s for the development of Terry's Factory site which will be presented to Planning Committee in due course.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Conservation Area Racecourse 0035

Contaminated Land

City Boundary York City Boundary 0001

DC Area Teams Central Area 0002

Listed Buildings Grade 2;Terry's Of York Time Office Block Bishopthorpe Road

2.2 Policies:

CYE4

Employment devt on unallocated land

CYE3B

Existing and Proposed Employment Sites

CYGP1

Design

CYGP4A

Sustainability

CYGP11

Accessibility

CYHE2

Development in historic locations

CYHE3

Conservation Areas

CYHE4

Listed Buildings

CYT4

Cycle parking standards

3.0 CONSULTATIONS

3.1 INTERNAL

Design, Conservation and Sustainable Development

3.1.1 The Council's Conservation Architect addressed a number of issues regarding the impact of the proposals upon the listed Building. These have been addressed in the parallel Listed Building Application (08/00009/LBC).

3.1.2 The officer also commented upon the differences between the previously approved scheme and this scheme concerning impact upon the conservation area.

Environmental Protection Unit:

3.1.3 The environmental protection unit (EPU) raised no objections, in principle, to this application but recommended that general conditions regarding the following were attached:-

- A construction environmental management plan (CEMP) should be submitted to and approved in writing by the Local Planning Authority. The CEMP should identify the steps and procedures implemented to minimise the noise impact and vibration and dust resulting from the site preparation, groundwork and construction phases of the development;
- All demolition and construction works and ancillary operations, including deliveries to and dispatch from the site, shall be confined to recommended hours;
- The hours of operation for the new offices shall be agreed by the local planning authority;
- The hours of delivery to and dispatch from the new offices shall be confined to recommended hours; and
- Details of all new fixed machinery, plant and equipment to be installed in or located on the new offices, shall be agreed with the Local Planning Authority prior to being installed.

Highway Network Management (HNM)

3.1.4 The HNM department raised no objections to the proposed scheme. The officer noted that this proposal would not have a significant impact, in terms of traffic generation, upon the surrounding area, especially considering the historic use of the building.

3.1.5 The officer did however note, that the HNM department is currently involved in ongoing negotiations, regarding the potential highway implications of the redevelopment of the whole of the Terry's Factory site (06/02560/OUT). However he does not consider that the applications, regarding the development of the former Time office Building, will be prejudicial to their final assessment. Comments relating to proposed conditions and minor modifications to the site are discussed in section 4.5.

3.2 EXTERNAL

Bishopthorpe Parish Council

3.2.1 Bishopthorpe Parish Council commented that the changes do not reflect the style and character of the existing listed building. They also note there have been

previous applications associated with this building which have been refused or withdrawn. The Parish Council believe no evidence has been submitted which overcomes the earlier reasons for refusal and the proposal is therefore not justifiable as the overarching outline planning application for the whole site proposes more than enough office space.

3.2.2 A number of comments were made regarding traffic impact of the scheme upon Bishopthorpe, these related to :-

- The Parish Council and residents of Bishopthorpe are concerned about the effect of the development upon traffic flows in/out of the village;
- They consider that the information which has been submitted regarding traffic impact upon Bishopthorpe is unrealistic. A case in point is the new College site;
- The Parish Council advise that until a traffic plan is produced that reflects accurate traffic movements for the whole site and also minimises the impact upon Bishopthorpe village, they will oppose all applications for the site;
- This scheme is to be completed ahead of the principal part of the site, such piecemeal development will conceal the cumulative impact of traffic movements through Bishopthorpe; and
- The City of York guidelines (regarding traffic) are unrealistic.

Mickelgate Planning Panel

3.3 Mickelgate Planning Panel commented that they did not support the application. The panel are not opposed, in principle, to the 3rd floor extension as they believe it would not be prominent from the ground. However the panel consider that the rear extension is completely out of keeping with the main office.

Conservation Area Panel

3.4 The panel stated that the extra floor would affect the group of listing buildings, which have a coherent roof structure. It was felt that the extra floor would affect the character of the building and destroy the historic interest. The panel also felt that the lift and stair well extension would be less obtrusive if reduced in height by one floor.

Neighbours

3.5 2 site notices were displayed at the entrance to the main entrance to the site, to advertise the Listed Building Consent application and the full planning application. Comments have been received from 1 interested party.

3.5.1 The objector commented that the Time Office Building is recognised in the Conservation Area appraisal as "one of a complex of buildings consisting of the headquarters offices, the factory, clock tower, Time Office block and liquor factory. Together they form a strong group in architectural terms, presenting a unified style which reflects the strength and importance of the corporate image of Terry's chocolate firm. The buildings have a strong historic interest representing the most complete surviving expression of the importance of the confectionary business in York". The objector notes that the wording is taken from the list description of the

building and makes it clear that one of the main reasons for listing all factory buildings derives from their completeness as a group. This application would affect not only the building but the group as a whole and will alter the roof line of the time office building and detract from the functional character of the building.

3.5.2 Finally the objector commented that the introduction of a new roof cannot fail to be noticed, especially when seen against the sky. It will be highly visible from Bishopthorpe Road, especially when approaching from the east, at the junction with Southlands Road and Richardson Street, where the ground rises and offers an important view of the Terry's site.

4.0 APPRAISAL

4.1 KEY ISSUES

- Principal of development;
- Effect on character and appearance of the character and appearance of the conservation area and the gardens;
- Highway's and parking issues;
- Comments raised by Bishopthorpe Parish Council; and
- Sustainability.

4.2 PLANNING POLICY

4.2.1 PPS1: Planning for Sustainable Development aims to protect the quality of the natural and historic environment. 'The Planning System: General Principles', the companion document to PPS1, advises of the importance of amenity as an issue.

4.2.2 POLICY E4 OF THE APPROVED NORTH YORKSHIRE STRUCTURE PLAN (the statutory development plan for the area) states that buildings and areas of special townscape, architectural or historic interest (e.g. conservation areas, listed buildings) will be afforded the strictest protection.

4.2.3 DRAFT LOCAL PLAN POLICY CYGP1 states that development proposals will be expected to (i) respect or enhance the local environment, (ii) be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area using appropriate building materials; (iii) avoid the loss of open spaces, important gaps within development, vegetation, water features and other features that contribute to the quality of the local environment; (iv) retain, enhance and/or create urban spaces, public views, skyline, landmarks and other townscape features which make a significant contribution to the character of the area, and take opportunities to reveal such features to public view; and (v) ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures.

4.2.4 DRAFT LOCAL PLAN POLICY HE2 of the City of York Deposit Draft Local Plan (Fourth Set of Changes), approved for development control purposes on 13 April 2005 states that within or adjoining conservation areas, and in locations which affect the setting of listed buildings, development proposals must respect adjacent

buildings, open spaces, landmarks and settings and have regard to local scale, proportion, detail and materials.

4.2.5 DRAFT LOCAL PLAN POLICY HE3 seeks to protect the character and appearance of Conservation Areas. The policy states that proposals for development in conservation areas should reflect street proportions, which are given to floor heights, door and window sizes and disposition. Supporting text of the policy further states that the elevational treatment of all sides of any development and roofscape are important, not simply the street frontage.

4.2.6 Other relevant draft Local Plan Policies include; GP4a: Sustainability, GP11: Accessibility, T4: Cycle Parking Standards, T5: Traffic and Pedestrian Safety; E4: Employment Development on unallocated, HE4 Listed Buildings, E3b: Existing and proposed employment sites, and I 4 and I12 of The North Yorkshire Structure Plan, which are concerned with Industry and employment.

TERRY'S DEVELOPMENT BRIEF

4.2.7 The Development Brief sets out the main issues and planning policies relating to this site and provides guidance on how it should be redeveloped.

4.2.8 The Brief was subject to public consultation and has been approved by Members. The Brief is being used as guidance in negotiating with developers and progressing planning and listed building / conservation area consent applications on the site.

THE RACECOURSE AND TERRY'S FACTORY CONSERVATION AREA CHARACTER APPRAISAL

4.2.9 Part of the Terry's site is located within the Racecourse and Terry's Factory Conservation Area. A character appraisal has been produced in order to properly consider the character of the conservation area and development proposals which may affect it.

4.3 PRINCIPLE OF DEVELOPMENT

4.3.1 The principle of employment/ business use is encouraged through the Development Brief approved for the site in June 2006. Permission to change the use of the building to B1 - Business, as well as internal and external alterations has previously been granted (June 2007). The applicants have already moved into the building and are currently using the building as office accommodation.

4.4 EFFECT ON CHARACTER AND APPEARANCE OF THE CHARACTER AND APPEARANCE OF THE CONSERVATION AREA AND THE GARDENS.

4.4.1 This scheme has been developed in conjunction with advice from the Council's Conservation Officer and the author of this report. Works to be undertaken upon this listed building are considered in the parallel listed building application (08/00009/LBC).

4.4.2 However the impact of this scheme upon the conservation area and the gardens is a concern which should be considered as part of this application. Indeed this issue was previously raised by the Council when previous applications were submitted. In particular, the design and consequent impact of the rear car-parking area upon the conservation area is pertinent to this planning application and is therefore considered below.

4.4.3 The garden area is considered to be a particularly important constituent of the conservation area and the Terry's Factory site. Indeed it is recognised as such within the Development Brief for the site (section 6.37). It was agreed with the previous owners of the site that it would be acceptable to extend (minimally) into the garden.

4.4.4 The Council's Conservation Architect commented that the location of the circulation core (rear extension) has resulted in the need to reconfigure of the car-park layout. The extent of hard surfacing is approximately the same as previously approved. However the narrower footprint would extend 3.00m further into the garden (from that previously approved). However surface materials would be improved and the car-park area would not intrude into the garden area any further than the existing concrete covered service chamber (marked on the submitted plan). It is therefore considered that the garden setting would not be adversely affected by this scheme. In addition ancillary facilities, such as the cycle shelter and the refuse area can now be located in a position which would protect the setting of the building. Previously planning permission conditioned the location of these elements to approved at a later date. However, due to the previously approved layout they would have to have been either located in the garden area or the car-park would have had to be reconfigured to accommodate them.

4.4.5 With regard to the impact of the proposed extension upon the existing building and the conservation area, any significant extension would encroach upon the garden and it also change the simple rectilinear form of the building. Either of these outcomes would be unwarranted as they would have a significant impact upon the character and appearance of the conservation area.

4.4.6 Previous proposals for additional accommodation on the roof could not be supported. They would have created an over-dominant feature upon the building (butterfly roof form exaggerated the eaves height) and were designed with an overtly new character which was seen to be in conflict with the intrinsic nature of the building. The new scheme seeks to minimize the impact of the additional floor by proposing a shallow roof with a low eaves height. This would be set back from the inside of the parapet, with the perimeter wall further recessed under the eaves. Towards the public side on Bishopthorpe Road the set-back has been increased to 2.00 m. The shallow pitched roof would enable the eaves to be low whilst achieving sufficient height within the depth of the plan. Floor to ceiling heights in the existing building are approximately 4.00 m in for each floor and there is a further 1m minimum provided by the parapet i.e. 9m to top of parapet (at its lowest point). By comparison the new floor would be approx 2.30 m in height at its outer edge, leaving an exposed glazed area of less than 1.20 m above the parapet.

4.4.7 The simplicity of the roofline, the relatively low level of the eaves and the position of the new perimeter wall (being 800mm back from the outer edge of the masonry), are considered sufficient measures to visually detach the new floor from the architectural expression of the existing building.

4.4.8 The scheme would appear to maintain the visual coherence of the group of listed buildings. The scale of change on site would appear to preserve the character and appearance of the conservation area. As a consequence, it is considered that the design is acceptable and satisfies policies HE2 and HE3 of the Local Plan. Therefore the Time Office building will still continue to contribute to the group value of the factory complex and the Conservation area as a whole.

4.5 HIGHWAY AND PARKING ISSUES

4.5.1 Central Government advice in Planning Policy Guidance Note 13 ("Transport") (PPG13), seeks to promote:-

- More sustainable transport choices for both people and for moving freight;
- Accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling;
- and to reduce the need to travel, especially by car.

4.5.2 A key planning objective of PPG19 is to ensure that jobs, shopping, leisure facilities and services are accessible by public transport, walking, and cycling. PPG19 states businesses should make every effort, for instance by adopting travel plans to encourage car sharing, and use of non-vehicular modes of transport.

4.5.3 The HNM officer noted that the applicant proposes 20 car parking spaces to serve the future occupants of the building. This is 2 less than the maximum car parking levels prescribed within the authority's parking standards (Annexe E - Local Plan). Also 2 of the spaces would be marked for disabled drivers and would be located near the main entrance of the building. However, given the sustainable transport measures being proposed by the applicant, the officer considers this level of provision is considered acceptable.

4.5.4 The officer also commented that cycle parking provision satisfies Council standards. However he notes only 12 of the spaces are covered. He advises that 16 cycle spaces should be covered and secured, with a couple of un-covered spaces positioned at the front of the building to serve visitors.

4.5.5 Furthermore the officer notes that the applicants propose an impressive list of measures, designed to promote sustainable transport by its employees and visitors. He comments that this is to be highly commended and will hopefully act as a benchmark to which future businesses on the Terry's Factory site seek to match. Such measures include:

- An in-house travel plan co-ordinator, responsible for promoting sustainable transport;
- Interest free loans to assist employees to purchase cycles;
- Travel information packs for employees;

- Electric cycle for use by staff for work trips;
- Real time passenger information boards within offices; and
- Showers and lockers provided for cycle users.

4.5.6 In terms of the location of this development and its proximity to sustainable transport routes, there is currently an existing bus service which picks up outside the site, operating between Bishopthorpe and the City Centre on a 30 minute frequency timetable. The building is well within cycling distance of many of the City's residential suburbs and there is an off-road pedestrian /cycling route passing close by which follows the riverside into the City Centre and connects with the new Millennium Bridge, giving access to the University and eastern areas of the City.

4.5.7 The HNM officer notes that traffic generation from the additional storey is predicted to be in the region of 5 to 6 vehicle movements in the morning and evening peak periods, which when compared to existing traffic movements along Bishopthorpe Road is well below the 5% significance threshold.

4.5.8 Penultimately, the officer comments that the only issue which should be considered, as part of this proposal, is to protect a 2.00 m wide strip (running alongside the access road into the site from any structures or planting). This would allow a footway running along this line to be formed at a later date, to meet future pedestrian needs (if the major redevelopment of the site is approved). He also advises that the two parking spaces proposed on the western side of the building should be accessed from the southern side and some strategically sited bollards will be needed to enforce this requirement.

4.5.9 Finally, the officer does not consider there are strong highway reasons to seek to defer or refuse the application until the over-arching outline planning application (for the Terry's) site has been determined.

4.6 COMMENTS RAISED BY BISHOPTHORPE COUNCIL

4.6.1 The Parish Council advise that until a traffic plan is produced that reflects accurate traffic movements for the whole site and also minimises the impact upon Bishopthorpe village, they will oppose all applications for the site;

- A condition has been suggested, should the application be approved, requiring a green travel plan to be agreed with the Council prior to development commencing.

4.6.2 This scheme is to be completed ahead of the principal part of the site, such piecemeal development will conceal the cumulative impact of traffic movements through Bishopthorpe.

- All impact upon the highway network will be taken into account when calculating the traffic impact of the redevelopment of Terry's upon the road network. Therefore the impact of this scheme will not be 'concealed'

4.7 SUSTAINABILITY

4.7.1 As a reflection of its commitment to sustainable development, the applicant has gone beyond the statutory requirements in a host of areas -

- BREEAM assessment - Currently the building performs to 20%. An "excellent" rating requires 70%. Harrison's proposals achieve 82%.
- CO2 emissions - The proposal achieves a 47% improvement over Building Regulation requirements.
- Sustainable materials - the proposed upper storey SIP panel external wall using recycled insulation - sheep's wool.
- Energy generation
- Domestic hot water is generated by solar thermal panels
- 10% of the building's total energy requirement will be generated on-site via photovoltaic panel technology
- Heat pump technology will result in the provision of 75-80% of the buildings heat requirement from outside air

5.0 CONCLUSION

5.0.1 Permission to change the use of the building to B1 (Business), as well as internal and some external alterations has previously been granted (June 2007). It is therefore considered that these proposals continue the legacy of employment uses on this site. The aforementioned proposals are considered justified and would not appear to adversely affect the special historic and architectural interest of the building or the character and appearance of Conservation Area no.10 or affect the outcome of the undecided planning applications which are currently being negotiated.

5.0.2 The proposed extension and conversion and the former Time Office Building to general B1 office accommodation, is considered acceptable and satisfies policies HE2, HE3 and T20 of the Draft Local Plan and National Planning Guidance PPS1, PPG15 and PPG19.

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

2 PLANS2 Apprvd plans and other submitted details

3 All demolition and construction works and ancillary operations, including deliveries to and dispatch 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	

Reason: To protect the amenity of neighbouring residents.

4 Any contaminated material detected during site works shall be reported to the local planning authority. Any remediation for this contamination shall be agreed with the local planning authority and fully implemented prior to any further development of the site.

Reason: To protect human health and the wider environment.

5 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 cohesive appearance.

6 Details of soil and vent stacks, heating and air conditioning plant etc, including fume extraction and odour control equipment, with details of any external ducting, shall be submitted to, and approved in writing by, the Local Planning Authority before the development commences.

Reason: In the interests of visual amenity and to protect the amenities of occupants of adjoining properties.

7 Prior to any works commencing on site, a construction environmental management plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall identify the steps and procedures that will be implemented to minimise the creation and impact of noise, vibration and dust resulting from the site preparation, groundwork and construction phases of the development. Once approved, the CEMP shall be adhered to at all times, unless otherwise first agreed in writing with the Local Planning Authority.

Reason: To protect the amenity of occupants of adjacent and adjoining properties during the development of the premises.

8 The hours of operation for the new offices shall be approved in writing by the local planning authority. Once approved, the agreed hours shall be complied with at all times, unless agreed otherwise in writing by the local planning authority.

Reason: To protect the amenity of local residents.

9 The hours of delivery to and dispatch from the new offices shall be confined to the following times, unless otherwise approved in writing by the local planning authority:

Monday - Saturday	08:00 - 18:00
Sunday & Bank Holidays	09:00 - 18:00

Reason: To safeguard the amenities of local residents

10 Details of all new fixed machinery, plant and equipment to be installed in or located on the new offices, which is likely to be audible at any noise sensitive

location, shall be submitted to the local planning authority for approval. These details shall include maximum sound levels (L_{Amax}(f)) and average sound levels (L_{Aeq}), octave band noise levels and any proposed noise mitigation measures. All such approved machinery, plant and equipment shall not be used on the site except in accordance with the prior written approval of the local planning authority. The machinery, plant or equipment and any approved noise mitigation measures shall be fully implemented and operational before the proposed use first opens and shall be appropriately maintained thereafter.

Reason: To protect the amenity of the locality.

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 ****. This scheme shall be implemented within a period of six 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.

12 None of the existing trees shown to be retained on the approved plans shall be wilfully damaged or destroyed or uprooted, felled, lopped or topped without the previous written consent of the Local Planning Authority until 12 calendar months after completion of the permitted development. Any trees removed without such consent or dying or being severely damaged or becoming seriously diseased before the end of that period shall be replaced with trees of such size and species as may be agreed in writing with the Local Planning Authority.

Reason: The Local Planning Authority considers it important to safeguard these trees in a positive manner so as to secure their continued well being.

13 All works should be carried out in accordance with BS3998.

Reason: To ensure that the trees are properly maintained in line with current standards.

14 Prior to the accommodation hereby permitted being first occupied, bin storage facilities shall be provided to a design, siting and materials specification previously approved in writing by the Local Planning Authority and shall thereafter be retained.

Reason: To provide acceptable refuse facilities for the occupants of the accommodation and to ensure satisfactory appearance to the finished development.

15 Prior to the development commencing details of the design/layout and number of car spaces shall be submitted to and approved in writing by the Local Planning Authority. The building shall not be occupied until such car parking spaces have

been constructed and laid out in accordance with the details as approved in writing by the Local Planning Authority.

Reason: The car-parking provision proposed exceeds the City of York Council parking standards.

- 16 HWAY9 Vehicle areas surfaced
- 17 HWAY18 Cycle parking details to be agreed
- 18 HWAY19 Car and cycle parking laid out

19 Prior to commencement of any works, details shall be agreed in writing with the LPA of surface treatments along the northern and western side of the building adjacent to the vehicular carriageway.

Reason : to allow the possible future introduction of a pedestrian footway running along these frontages and to control access to proposed vehicle parking spaces.

20 The development shall not commence until a Green Travel Plan has been submitted and approved by the Local Planning Authority, such travel plan to include the items listed below together with a timetable for the implementation of each such element.

- appointment of travel plan co-ordinator
- interest free loans for staff to purchase cycles
- travel information packs for employees
- electric cycle for work trips
- real time passenger information boards within offices
- showers and lockers for use by staff

Reason: so as to promote sustainable modes of transport by future employees and reduce reliance on the private car.

21 The design of the hereby approved scheme shall be in accordance with the contents of the design and access statement dated December 2007 submitted by the applicants' agent and date stamped by the Council on the 3rd January 2008, which will satisfy the requirements of policy GP4a.

Reason: In the interests of sustainable development

22 Notwithstanding the information contained on the approved plans, the height of the office building including glazed roof extension shall not exceed 12.30 metres and the rear extension (service core) shall not measure more than 12.10 m, as measured from existing ground level. In addition, The service core (rear extension) shall not exceed the height of the main building with roof extension. 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.

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 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.

2. 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:

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".

- 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.
- 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.
- 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.
- Any asbestos containing materials shall be removed by licensed contractors to a licensed disposal site.
- There shall be no bonfires on the site.

3. Under Section 1 and 99 of the Wildlife and Countryside Act 1981 it is an offence to intentionally damage or destroy any birds nest whilst it is in use being built or to deliberately damage or destroy a bat roost.

Reason: Requirement under Section 1 and 99 of the Wildlife and Countryside Act

1981.

Contact details:

Author: Richard Beal Development Control Officer

Tel No: 01904 551610

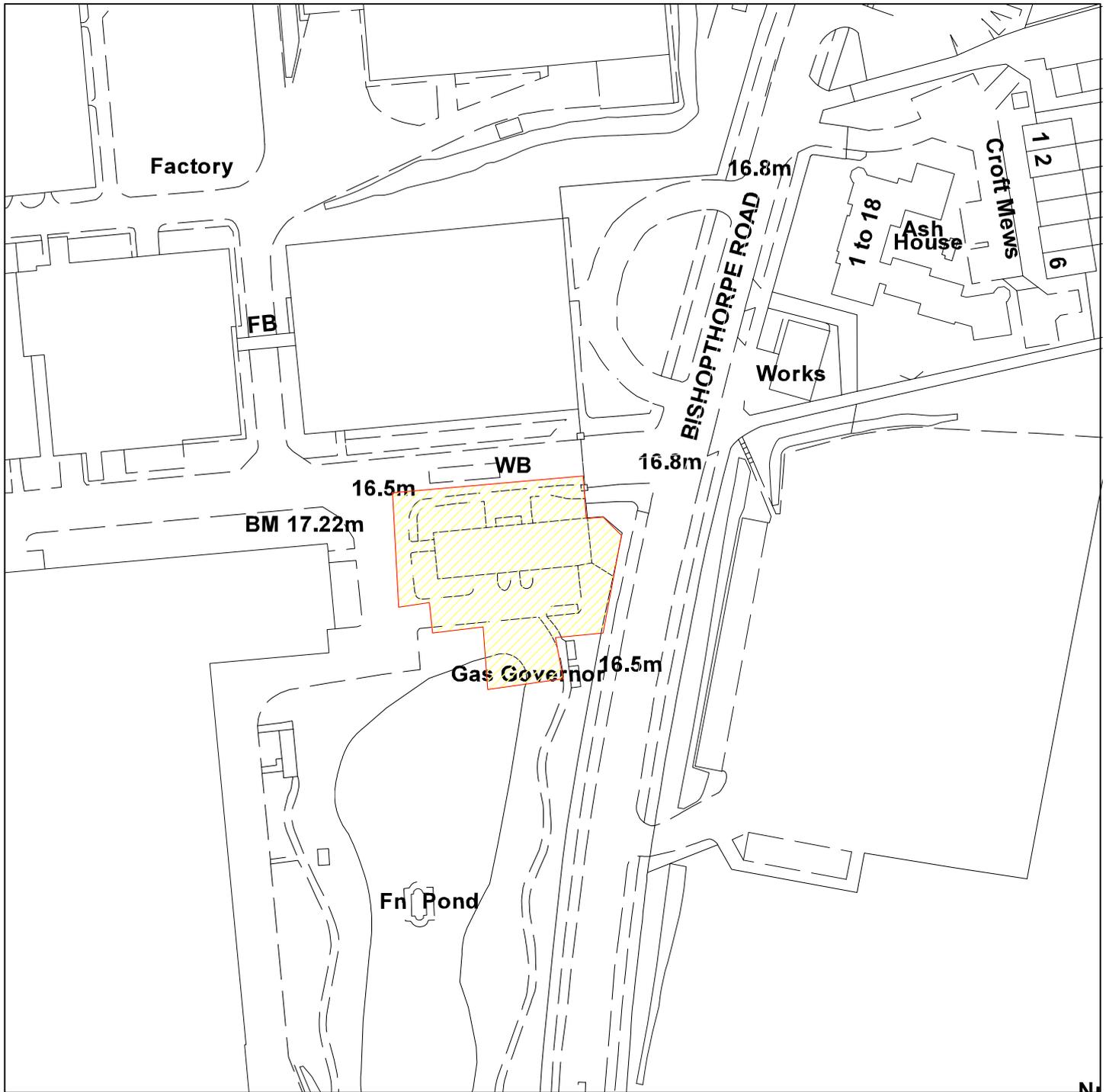
This page is intentionally left blank

Former Time Office Building, Terry's, Bishopthorpe

08/00010/FUL



GIS by ESRI (UK)



Scale : 1:1250

Reproduced from the Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright 2000.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Produced using ESRI (UK)'s MapExplorer 2.0 - <http://www.esriuk.com>

Organisation	City of York Council
Department	City Strategy
Comments	Application site
Date	18 February 2008
SLA Number	Not set

This page is intentionally left blank

COMMITTEE REPORT

Committee: Main P & T Committee **Ward:** Micklegate
Date: 28 February 2008 **Parish:** Micklegate Planning Panel

Reference: 08/00009/LBC
Application at: Factory Bishopthorpe Road York YO23 1NA
For: Addition of third storey with 3 storey extension to rear, internal and external alterations at the Time Office Block
By: Mr Chris Hale
Application Type: Listed Building Consent
Target Date: 28 February 2008

1.0 PROPOSAL

1.0 BACKGROUND

1.0.1 Members may recall that planning permission was granted in June 2007, for the change of use and refurbishment of the former time office building. These applications were:-

- 07/00539/LBC - Refurbishment, partial conversion and extension of the Former Time Office building to form offices; and
- 07/00540/FUL - Change of use to B1 offices and external alterations to the former time office building, including extension to existing car park.

1.02 5 additional planning applications were also associated with the redevelopment of this building. They were:-

- 06/02552/LBC - Refurbishment, conversion and extension of the former Time Office Building to form offices This was withdrawn. This application was submitted with the original suite of planning applications, pertaining to the development of this site, in late November 2006. The application was withdrawn upon advice from officers. The alteration and erection of a glazed roof extension to this building, was not be supported by the Planning Department, due to the detrimental impact such a development would have had upon the listed building, Terry's Conservation Area and the adjacent group of listed buildings.
- 07/00538/FUL - Change of use to B1 offices and external alterations and extension to the former time office building including extension of existing car park and 07/00541/LBC - Internal and external alterations to the former time office building. Committee may also recall that these applications were refused at the same meeting (June 2007). These applications, whilst similar to the aforementioned approved applications, included a glazed extension of the roof (similar to 06/02552/LBC). These applications were refused by Committee, on the recommendation of the planning department, as it was

considered that they would cause undue harm to interests of acknowledged importance, with particular reference to the former Time Office Building (which is a listed building) and the Terry's Conservation Area.

- 07/00976/FUL - Erection of two storey temporary office accommodation (460 m²) to time office building and 07/00977/LBC - Erection of 2-storey temporary office accommodation (460 m²) to time office building, these were withdrawn prior to the Committee meeting in June.

1.1 PROPOSAL

1.1.1 This application relates to the conversion and alteration of the Former Time Office Building to form office accommodation. A parallel application for Listed Building Consent (08/00009/LBC) has also been lodged.

1.1.2 Alterations include:-

- The removal of the existing windows and replacement with appropriate conservation frames (this includes the removal of a number of modern UPVC window frames which have been inserted);
- The alteration of the portico to form an entrance, including the removal of modern glazed gate keepers tinted glass booth;
- The addition of a glazed extension to create a second floor of office accommodation. The extension will comprise of the addition of a low profile zinc roof with integral fascias and gutters. The glazing will be of a ribbon design with concealed opening lights which would extend around the perimeter of the building between the parapet and the roof soffit. An external terrace is also proposed to be formed (adjacent Bishopthorpe Road) but within the parameter of the building.
- The addition of a 3-storey flat roofed extension to the rear. The extension will provide a circulation core to service the office accommodation. The core will provide toilet facilities (male and female), a new stairwell, a lift, and showering facilities as well as providing for modern services to the existing building;
- Internal alterations to the layout of the building to create high quality serviced office accommodation on the ground floor and first floor. The applicants (S. Harrison Developments LTD) intend to occupy the proposed 2nd floor accommodation for their business.

1.2 SITE AND HISTORICAL BACKGROUND

1.2.1 The former Time Office Building lies within the site confines of the Terry's Factory site. The Factory site is situated to the south of the city centre on the periphery of South Bank. The Factory site is partially located within The Racecourse and Terry's Factory Conservation Area (no.10). The former Time Office building is located within this identified Conservation Area.

1.2.2 The Terry's Factory site is bounded by Campleshon Road to the north. Bishopthorpe Road lies adjacent the site to the east. An area used for car-parking by the racecourse during race events lies to the south which is encompassed by Green Belt, which extends to Bishopthorpe. The race course itself and Mickelgate Stray are situated to the west.

1.2.3 The Factory site is approximately 10 ha (24.9 acres) in area and comprises of a number of redundant buildings, including 6 Grade II listed buildings and more modern warehousing. The listed buildings were erected in and around the 1920's/30's. The former Time Office building is one of these listed buildings and forms an important part of the group value of these listed buildings.

1.2.4 The Historic Buildings Assessment (HBA) which accompanies the Listed Building application attributes the original design to Lewis E Wade and the construction date is placed at 1927, making it one of the earlier buildings on site.

1.2.5 The actual site boundary of the former Time Office Building is by comparison far less in area than the extent of the whole site. Its total site area is 0.1067 ha. The building is sited adjacent the main entrance of Terry's Factory site adjacent Bishopthorpe Road. The building can be clearly seen from Bishopthorpe Road, being set back approximately 12.00 m from the road. The building is directly adjacent the former Headquarters Building to the north. The former Headquarters building is 2 stories in height and is approximately 24.00 m from the Time office building. To the west side is the former Factory building. This building is 5 stories in height and is approximately 22.00 m from the former Time Office Building. To the south are the gardens. This area is principally the only formal 'green' area within the site. At present there is a 6.00 m strip of tarmaced area, at the rear of the building which was partially used for storage of materials from out of the former Time Office building and possibly for car-parking at some stage. To the east are the boundary walls of the Factory site, a public footpath and then Bishopthorpe Road.

1.2.6 The building was purpose built as the main control point, for deliveries etc. in and out of the site. The original carriageway arches which ran through the building were blocked a number of years ago. Consequent alterations to the façade were based on the existing architecture and appear convincing. The portico, which was used to control the main access to the site and booking in of deliveries etc. has been glazed with modern tinted glass. Other alterations to the exterior of the building are considered to be of little significance/ impact.

1.2.7 The building has been significantly altered throughout the years, for reuse into 2 distinctly separate parts. This has resulted in the insertion of modern partition walls and a spiral staircase at ground floor level. The upper floor has also been subdivided with a late 20th Century office partitioning system. Both floors have modern suspended ceilings. An investigation of the building's structure has revealed that it is steel framed with concrete casing.

1.3 REASON FOR REFERRAL TO COMMITTEE

1.3.1 This application is reported to Planning Committee due to officer discretion. This application forms part of the wider proposal/s for the development of Terry's Factory site which will be presented to Planning Committee in due course.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Conservation Area Racecourse 0035

Contaminated Land

City Boundary York City Boundary 0001

DC Area Teams Central Area 0002

Listed Buildings Grade 2;Terry's Of York Time Office Block Bishopthorpe Road

2.2 Policies:

CYHE2

Development in historic locations

CYHE3

Conservation Areas

CYHE4

Listed Buildings

3.0 CONSULTATIONS

3.1 INTERNAL

Design, Conservation and Sustainable Development

3.1.1 The Council's Conservation Officer addressed a number of issues regarding the impact of the proposals upon the listed Building. However, she raised no objection in principle to the addition of the roof and rear extension.

3.1.2 The officer also commented upon the differences between the previously approved scheme and this scheme in terms of impact upon the listed building.

3.2 EXTERNAL

Bishopthorpe Parish Council

3.2.1 Bishopthorpe Parish Council commented that the changes do not reflect the style and character of the existing listed building. Also, there have been previous applications associated with this building and those relating to similar proposals

which have been refused or withdrawn. The Parish Council believe no evidence has been submitted which overcomes the earlier reasons for refusal and is therefore not justifiable as the overarching outline planning application proposes more than enough office space.

Mickelgate Planning Panel

3.3 Mickelgate Planning Panel commented that they did not support the application. The panel are not opposed, in principle, to the 3rd floor extension as they believe it would not be prominent from the ground. However the panel consider that the rear extension is completely out of keeping with the main office.

Conservation Area Panel

3.4 The panel stated that the extra floor would affect the group of listing buildings, which have a coherent roof structure. It was felt that the extra floor would affect the character of the building and destroy the historic interest. The panel also felt that the lift and stair well extension would be less obtrusive if reduced in height by one floor.

Neighbours

3.5 2 site notices were displayed at the entrance to the main entrance to the site, to advertise the Listed Building Consent application and the full planning application. Comments have been received from 1 interested party.

3.5.1 The objector commented that the Time Office Building is recognised in the Conservation Area appraisal as one of a complex of buildings consisting of the headquarters offices, the factory, clock tower, Time Office block and liquor factory. Together they form a strong group in architectural terms, presenting a unified style which reflects the strength and importance of the corporate image of Terry's chocolate firm. The buildings have a strong historic interest representing the most complete surviving expression of the importance of the confectionary business in York. The objector notes that the wording is taken from the list description of the building and makes it clear that one of the main reasons for listing all factory buildings derives from their completeness as a group. This application would affect not only the building but the group as a whole and will alter the roof line of the time office building and detract from the functional character of the building.

3.5.2 Finally the objector commented that the introduction of a new 2-storey roof cannot fail to be noticed, especially when seen against the sky. It will be highly visible from Bishopthorpe Road, especially when approaching from the east, at the junction with Southlands Road and Richardson Street, where the ground rises and offers an important view of the Terry's site.

4.0 APPRAISAL

4.1 KEY ISSUES

- Effect on character and appearance of the (listed) building.

4.2 PLANNING POLICY

4.2.2 PPG 15: Planning and the Historic Environment. Central Government advice in relation to listed building control contained within this document states in paragraph 3.3 that whilst the listing of a building should not be seen as a bar to all future change, the starting point for the exercise of listed building control is the statutory requirement on local planning authorities to "have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses" (Section 16 of the "Planning (Listed Buildings and Conservation Areas) Act 1990"). This reflects the great importance to society of protecting listed buildings from unnecessary demolition and from unsuitable and insensitive alteration and should be the prime consideration for authorities in determining an application for consent.

4.2.3 PPG15 recognises that generally the best way of securing the upkeep of historic buildings and areas is to keep them in active use (para 3.8), and that many listed buildings can sustain some degree of sensitive alteration or extension to accommodate new or continuing uses (para 3.13). Paragraph 3.15 states that achieving a proper balance between the special interest of a listed building and proposals for alterations and extensions is demanding and should always be based on specialist expertise, and often demands a flexible and imaginative approach by all the parties involved.

4.2.4 The importance of listed buildings is reflected in Policy E4 of the Approved North Yorkshire Structure Plan, which states that buildings and areas of special townscape, architectural or historic interest (e.g. listed buildings) will be afforded the strictest protection. Policy HE4 of the City of York Draft Local Plan relates specifically to listed buildings and states that consent for development in the immediate vicinity of listed buildings, demolition, internal and external alteration, and changes of use will only be granted where there is no adverse effect on the character, appearance or setting of the building.

4.2.5 POLICY E4 OF THE APPROVED NORTH YORKSHIRE STRUCTURE PLAN (the statutory development plan for the area) states that buildings and areas of special townscape, architectural or historic interest (e.g. conservation areas, listed buildings) will be afforded the strictest protection.

4.2.6 DRAFT LOCAL PLAN POLICY HE2 of the City of York Deposit Draft Local Plan (Fourth Set of Changes), approved for development control purposes on 13 April 2005 states that within or adjoining conservation areas, and in locations which affect the setting of listed buildings, development proposals must respect adjacent buildings, open spaces, landmarks and settings and have regard to local scale, proportion, detail and materials.

4.2.7 DRAFT LOCAL PLAN POLICY HE3 seeks to protect the character and appearance of Conservation Areas. The policy states that proposals for development in conservation areas should reflect street proportions, which are given to floor heights, door and window sizes and disposition. Supporting text of the

policy further states that the elevational treatment of all sides of any development and roofscape are important, not simply the street frontage.

4.2.8 DRAFT LOCAL PLAN POLICY HE4 states that consent will only be granted for development to a listed buildings where there is no adverse effect on the character and setting of the building. Supporting text of this policy further states that, it is important that extensions preserve and enhance the special architectural or historic character of conservation areas and complement the character of listed buildings. Alterations will be expected to be of an appropriate design, using traditional natural materials. The proposal should also be in scale with the original building and respect its character.

TERRY'S DEVELOPMENT BRIEF

4.2.9 The Development Brief sets out the main issues and planning policies relating to this site and provides guidance on how it should be redeveloped.

4.2.10 The Brief was subject to public consultation and has been approved by Members. The Brief is being used as guidance in negotiating with developers and progressing planning and listed building / conservation area consent applications on the site.

THE RACECOURSE AND TERRY'S FACTORY CONSERVATION AREA CHARACTER APPRAISAL

4.2.11 Part of the Terry's site is located within the Racecourse and Terry's Factory Conservation Area. A character appraisal has been produced in order to properly consider the character of the conservation area and development proposals which may affect it.

4.3 EFFECT ON CHARACTER AND APPEARANCE OF THE EXISTING (LISTED) BUILDING.

4.3.1 The principle of changing the use of the building to general office accommodation (B1) has already been approved previously (07/00540/FUL). This report seeks to examine the impact of the proposals upon the listed building. This part of the scheme has been developed in conjunction with advice from the Council's Conservation Officer and the author of this report.

4.3.2 Policy HE4 of the draft local plan states that development should not have an adverse effect upon the character, appearance or setting listed buildings. Policies HE2 and HE3 further support this policy.

4.3.3 The parallel planning application (08/00010/FUL) addressed the issue of impact upon the conservation area considered it acceptable. The impact upon the proposed scheme upon the listed building and setting of the adjacent listed buildings is considered below.

4.3.4 Applicants for listed building consent must be able to justify their proposals, they need to show why works which would affect the character of a building are

desirable or necessary. In this case there is the desire to make the building more viable, in the long term, as a place of business by maximizing its potential. The building is small with a large envelope in proportion to the available floor area. There would be little scope for extension at ground floor level to meet fluctuations in business use. Furthermore any significant extension would encroach upon the garden area and would also change the simple rectilinear form of the building. The proposals before committee seek permission to add an additional floor of accommodation on the flat roof and the erection of an external service tower to meet full access requirements. The service tower would provide ancillary facilities essential to the upgrade of the building to modern standards/requirements without reducing floor space in the existing building.

4.3.5 Previous proposals for additional accommodation on the roof could not be supported. They would have created an over-dominant feature on top of the building (butterfly roof form exaggerated the eaves height) and were designed with an overtly new character which was seen to be in conflict with the intrinsic nature of the building. The new scheme seeks to minimize the impact of the additional floor by proposing a shallow roof with a low eaves height. This would be set back from the inside of the parapet, with the perimeter wall further recessed under the eaves. Towards the public side on Bishopthorpe Road the set-back has been increased to 2.00 m. The shallow pitched roof would enable the eaves to be low whilst achieving sufficient height within the depth of the plan. Floor to ceiling heights in the existing building are approximately 4.00 m in for each floor and there is a further 1.00 m minimum provided by the parapet i.e. 9.00 m to top of parapet (at its lowest point). By comparison the new floor would be approx 2.30 m in height at its outer edge, leaving an exposed glazed area of less than 1.20 m above the parapet.

4.3.6 The simplicity of the roofline, the relatively low level of the eaves and the position of the new perimeter wall (being 800mm back from the outer edge of the masonry), are considered sufficient measures to visually detach the new floor from the architectural expression of the existing building. In addition the existing structure has been assessed as being adequate to take the new floor, therefore there would be no alteration of the basic structure.

4.3.7 The new service tower has been designed as a separate element in its own right. The tower would be connected to the existing building with recessed glazed panels and there would be connecting floors at each level. It would alter the rear elevation as seen from the garden and it would be seen at a distance from the road through the tree-lined perimeter. The benefits of designing the tower as a detached element are as follows:-

- The existing building would retain its fabric albeit partially hidden;
- The internal floor space would remain interrupted by further vertical circulation and plumbed- in facilities;
- The tower itself would be designed to accept passive solar receptors (facing south);
- The BREEAM assessment projects an "excellent" rating for the building.
- This element would be reversible i.e. it could be removed at a later date without having harmed the envelope of the building.

4.3.8 It is considered that the new elements attached to the building would allow the maximum long term use and flexibility of this building. The scale of change is considered compatible with the earlier C20th alteration of the removal of the carriageway openings. The proposed changes have been designed to minimize their impact on the inherited fabric and design of the building and they are also visually detached from it.

5.0 CONCLUSION

5.1 It is considered that the proposals continue the legacy of employment uses on the site. The aforementioned proposals are considered justified and they would not appear to adversely affect the special historic and architectural interest of the building or the character and appearance of the Conservation Area.

5.0.1 The proposed conversion and the former time office building to general B1 office accommodation is considered to be acceptable and satisfies policies E4, of the Approved North Yorkshire Structure Plan policies HE2, HE3, and HE4 of the Draft Local Plan and National Planning Guidance PPS1 and PPG15.

6.0 RECOMMENDATION: Approve

1 TIMEL2 Development start within 3 yrs (LBC/CAC)

2 PLANS2 Apprvd plans and other submitted details

3 Prior to the commencement of works hereby approved full details of all new internal walls and finishes and any replacement suspended ceilings, shall be submitted for written approval by the Local Planning Authority and the approved details shall be implemented in their entirety to the satisfaction of the Local Planning Authority. These details should show the connections with the existing structure. New work should be scribed around the existing details. Ceilings must not cut across windows. Existing skirting and window boards, picture rails, architraves and other details should not be removed.

Reason: To retain the character of the listed Building.

4 Prior to the commencement of works hereby approved full details of all new services, including for IT, must be supplied showing how they would be integrated with the existing interior, shall be submitted for written approval by the Local Planning Authority and the approved details shall be implemented in their entirety to the satisfaction of the Local Planning Authority.

Reason: To retain the character of the listed Building.

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 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 HE2, HE3 and HE4, of the City of York Local Plan Deposit Draft, also national planning policy guidance PPG15.

Contact details:

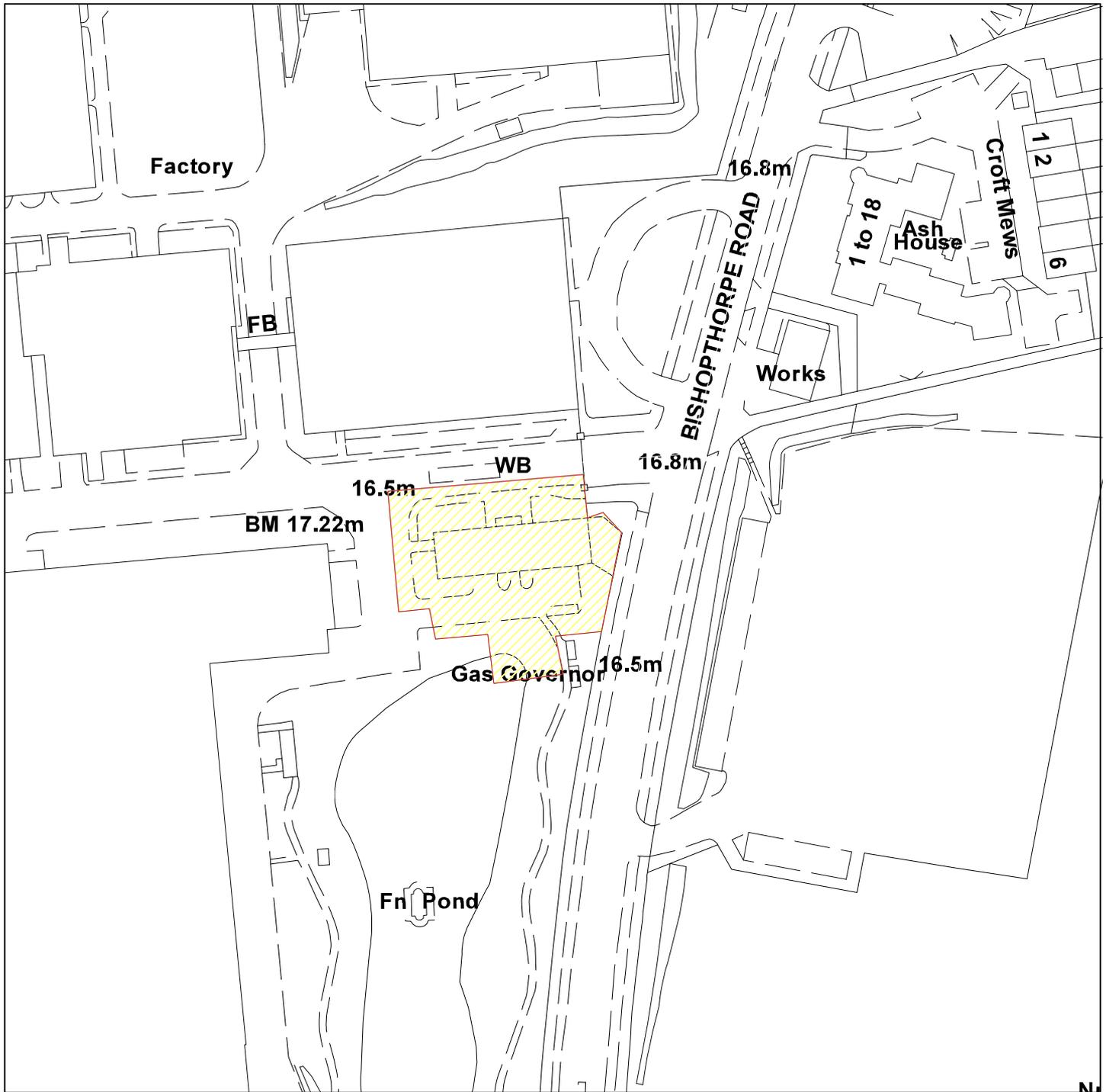
Author: Richard Beal Development Control Officer
Tel No: 01904 551610

Former Time Office Building, Terry's, Bishopthorpe

08/00009/LBC



GIS by ESRI (UK)



Scale : 1:1250

Reproduced from the Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright 2000.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Produced using ESRI (UK)'s MapExplorer 2.0 - <http://www.esriuk.com>

Organisation	City of York Council
Department	City Strategy
Comments	Application site
Date	18 February 2008
SLA Number	Not set

This page is intentionally left blank

COMMITTEE REPORT

Committee: West/Centre Area **Ward:** Rural West York
Date: 28 February 2008 **Parish:** Parish Of Rufforth With Knapton

Reference: 07/02914/FULM
Application at: Harewood Whin Landfill Site Tinker Lane Rufforth York YO23 3RR
For: Construction of 3no. 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
By: Yorwaste Ltd
Application Type: Full Application
Target Date: 11 March 2008

1.0 PROPOSALThe Development

1.1 The Harewood Whin Landfill Site has been in use for the treatment and disposal of waste arising in the York area since July 1988. Activities carried out at the site include landfilling, waste recycling and liquid waste treatment. Since March 2000 green waste has been composted at Harewood Whin and waste wood and timber have been shredded in an attempt to reduce the amount of waste going to landfill.

1.2 Currently the green waste and wood recycling activities are restricted to a relatively small area of land to the north-west of a Materials Recycling Facility (MRF) building in the centre of the Harewood Whin site. The quantities of green waste and wood suitable for recycling has risen significantly over the last few years which has resulted in the existing facility becoming much too small for its purpose. This proposal seeks to provide a larger, replacement facility capable of treating the quantities of waste expected to arise over the next 10-15 years. This application does not involve the treatment of any new waste types at Harewood Whin but the relocation of existing operations.

1.3 Space within the application site is limited by the size, scale and requirements of existing practices, therefore opportunities to expand the recycling facilities within the site are limited. The only remaining option is to relocate the activities in an area sufficiently close to the landfill site in order that full use can be made of the site's control facilities. This application proposes to develop an area of land currently in agricultural use lying between the landfill area and the B1224 road for green waste composting and waste wood recycling.

1.4 The application area extends to 12.92 hectares and can be accessed directly from the Harewood Whin site without any need to establish a new access onto the

B1224. The proposed operational site is well screened by existing hedgerows and trees and is well over 300m away from the nearest residential property.

1.5 The application is accompanied by an Environmental Impact Assessment which, among other matters, has considered the development's potential impact in respect of visual impact, noise, bioaerosols and wildlife.

The Site

1.6 The application relates to a site roughly rectangular in shape and comprises mainly agricultural land crossed by small watercourses. The eastern part of the site (making up about 2/3rds of the site area) consists of a single field bounded on three sides by watercourses and on the fourth by the B1224 road; the remaining 1/3rd of the site area forms part of a larger agricultural field bounded by the road to the south, a watercourse to the east and passing directly into further agricultural land to the west. The land occupied by the fields is generally flat.

1.7 Along its northern boundary the application area abuts the perimeter road which serves the landfill site; the site wheel wash together with the liquid waste and leachate treatment facilities are also situated in this area. Along its northern edge the site is characterised by maturing tree planting which serves as a visual screen for views towards the rising landfill feature from the south and south-east. A surface watercourse which forms part of the agricultural drainage system also runs through this part of the site.

1.8 The site's southern boundary is marked by a roadside hedgerow to the south-east and a similar hedgerow backed by maturing trees in the south-west. An overhead power supply line runs approximately west-east across the southern part of the field. Although the application area boundary has been drawn to include the existing roadside tree belt so that a condition could be placed on any grant of permission requiring its future management, the proposed operational area would be set back from this.

1.9 The Foss Dike runs close to the eastern limit of the site; this flows towards the north draining into the River Ouse to the north-west of York. There is a narrow flood plain associated with the Foss Dike in this area and although the application area includes part of this land, the operational area will again be set back from this sensitive boundary so as to allow proper control by planning condition and so as not to reduce the existing flood capacity of the site. More open agricultural land lies to the east of the Foss Dike.

1.10 Other than the B1224 road there are no public rights of way in the immediate vicinity of the proposed facility. A public bridleway does run along the first 200m or so of the main site access road which is also shared by users of a gun club grounds to the north-west of the main landfill site.

1.11 Two residential properties (Little Garth and Rufforth Garth) are located to the south of the B1224 a little to the east of the main site access. The nearest residential property is situated approximately 350m away from the closest point of the proposed development area. A playing field and sports facilities are also situated

south of the road more or less opposite the site access with the associated tennis courts and playground being over 500m away from the development area.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Air safeguarding Air Field safeguarding 0175

City Boundary York City Boundary 0001

DC Area Teams West Area 0004

Floodzone 2 Flood Zone 2 CONF

Floodzone 3 Flood Zone 3

2.2 Policies:

CYSP2

The York Green Belt

CYSP3

Safeguarding the Historic Character and Setting of York

CYGP4A

Sustainability

CYGB1

Development within the Green Belt

CYGP14

Agricultural land

CYMW5

Landfill/landraising - considered on merits

CYMW1

Areas of search for sand and gravel

3.0 CONSULTATIONS

INTERNAL

3.1 Marston Moor Internal Drainage Board - No Objections - Conditions/Informatives Included.

3.2 York Consultancy (Drainage) - No Objections

"the development is in low risk Flood Zone 1 and should not suffer from river flooding"

3.3 Highway Network Management - No Objections - Comments Received.

3.4 Design Conservation and Sustainable Development (Countryside) - No Objections.

3.5 Environmental Protection Unit - No Objections - Conditions Included.

EXTERNAL

3.6 Rufforth and Knapton Parish Council - Objections

- * The proposals constitute an industrial process in the Green Belt.
- * The proposals are only part of a greater development plan.
- * Village amenity affected by smell, noise and traffic movements.
- * Contrary to previous assurances that there will be no further increase in the working area or lifespan.
- * Tree screening has not been provided in advance of proposed works.
- * Land at the north eastern side of the site has not been considered for use.

Should the application be recommended for approval, the Parish Council would like the following issues to be taken into consideration.

- * Visual - the site should not be visible from the B1224.
- * Noise - all equipment must be effectively silenced in particular penetrating reversing alarms.
- * Smells - from this aerobic process will not cause a nuisance.
- * Traffic - no increase in traffic shall result from the proposals.
- * Working Hours - Monday to Friday - 0800 to 1700, Saturday - 0900 to 12 noon, Sundays and Bank Holidays - No working.
- * Source of Green Waste Material - green waste should be from York and its environs.
- * Drainage - concerns about leachate drainage, run off and the impact of culverting upon the local flora and fauna and global warming.
- * Cycle Track - the proposals shall not obstruct a cycle track project currently being negotiated with CYC and Sustrans.
- * Existing Composting Zone - seek assurances that this area will be reinstated without delay and trees planted to replace those that have died.
- * Site Management - must comply with mitigation measures-site practices set out in Section 13 of the Application Statement.

3.7 One letter of objection has been received. The letter raises the following concerns.

- * Concerned about the increase in traffic, noise and smell, by virtue of their close locality.

4.0 APPRAISAL

- * Policy Context.
- * Principle of the Development.
- * Composting Operations.
- * Mitigation Measures - Site Practices.
- * Environmental/Ecological Impacts.
- * Landscaping and Visual Impact.
- * Restoration and Aftercare (following the completion of works in 2021)
- * Highway Issues.
- * Drainage.

POLICY CONTEXT

4.1 Policy guidance for the development of waste management facilities is contained within Planning Policy Statements (PPSs) at the national level, and in the City of York Local Plan and Regional Spatial Strategy at the local level. The Municipal Waste Management Strategy for the City of York and North Yorkshire also provides background guidance as does the emerging City of York Local Development Framework.

National Policy

4.2 PPS2 Green Belts (1995) - sets out government policy on Green Belts. Almost the whole of the City of York area outside of the urban area itself together with the larger villages is currently designated as Green Belt.

4.3 In outlining the intentions behind the policy contained within PPS2 it is stated at paragraph 1.4:-

"The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the most important attribute of Green Belts is their openness. Green Belts can shape patterns of urban development at sub-regional and regional scale, and help to ensure that development occurs in locations allocated in development plans. They help to protect the countryside, be it in agricultural, forestry or other use. They can assist in moving towards more sustainable patterns of urban development."

4.4 At paragraph 1.5 PPS2 states:-

"There are five purposes of including land in Green Belts:

- * to check the unrestricted sprawl of large built-up areas;
- * to prevent neighbouring towns from merging into one another;
- * to assist in safeguarding the countryside from encroachment;
- * to preserve the setting and special character of historic towns; and
- * to assist in urban regeneration, by encouraging the recycling of derelict and other urban land."

4.5 In relation to the control of development within the Green Belt PPS2 states at paragraph 3.1:-

"The general policies controlling development in the countryside apply with equal force in Green Belts but there is, in addition, a general presumption against inappropriate development within them. Such development should not be approved, except in very special circumstances."

4.6 PPS10 Planning for Sustainable Waste Management (July 2005) sets out the overall objectives of government policy on waste; they state:-

"The overall objective of Government policy on waste, as set out in the strategy for sustainable development, is to protect human health and the environment by producing less waste and by using it as a resource wherever possible. Through more sustainable waste management, moving the management of waste up the 'waste hierarchy' of reduction, reuse, recycling and composting, using waste as a source of energy, and only disposing as a last resort the Government aims to break the link between economic growth and the environmental impact of waste. This means a step-change in the way waste is handled and significant new investment in waste management facilities. The planning system is pivotal to the adequate and timely provision of the new facilities that will be needed"; and,

"Positive planning has an important role in delivering sustainable waste management:

- through the development of appropriate strategies for growth, regeneration and the prudent use of resources; and,
- by providing sufficient opportunities for new waste management facilities of the right type, in the right place and at the right time."

4.7 The PPS goes on to identify key planning objectives as follows:-

"Regional planning bodies and all planning authorities should, to the extent appropriate to their responsibilities, prepare and deliver planning strategies that:

- * help deliver sustainable development through driving waste management up the waste hierarchy, addressing waste as a resource and looking to disposal as the last option, but one which must be adequately catered for;
- * provide a framework in which communities take more responsibility for their own waste, and enable sufficient and timely provision of waste management facilities to meet the needs of their communities;
- * help implement the national waste strategy, and supporting targets, are consistent with obligations required under European legislation and support and complement other guidance and legal controls such as those set out in the Waste Management Licensing Regulations 1994;
- * help secure the recovery or disposal of waste without endangering human health and without harming the environment, and enable waste to be disposed of in one of the nearest appropriate installations;
- * reflect the concerns and interests of communities, the needs of waste collection authorities, waste disposal authorities and business, and encourage competitiveness;

- * protect green belts but recognise the particular locational needs of some types of waste management facilities when defining detailed green belt boundaries and, in determining planning applications, that these locational needs, together with the wider environmental and economic benefits of sustainable waste management, are material considerations that should be given significant weight in determining whether proposals should be given planning permission;
- * ensure the design and layout of new development supports sustainable waste management."

4.8 In identifying government policy in respect of decision making principles PPS10 states:

"Waste planning authorities should adhere to the following principles in determining planning applications:

- * controls under the planning and pollution control regimes should complement rather than duplicate each other and conflicting conditions should be avoided;
- * work effectively with pollution control authorities to ensure the best use is made of expertise and information, and that decisions on planning applications and pollution control permits are delivered expeditiously;
- * in considering planning applications for waste management facilities before development plans can be reviewed to reflect this PPS, have regard to the policies in this PPS as material considerations which may supersede the policies in their development plan."

4.9 PPS10 also presents guidance which Waste Planning Authorities should adopt when determining planning applications in situations where the development plan has not yet been updated to reflect the provisions of the guidance (as is the case here). It states:-

"Planning applications for sites that have not been identified, or are not located in an area identified, in a development plan document as suitable for new or enhanced waste management facilities should be considered favourably when consistent with:

- (i) the policies in this PPS,
- (ii) the waste planning authority's core strategy."

4.10 Companion Guide to PPS10 (June 2006) - Published in June 2006 gives advice in respect of the implementation of PPS10.

4.11 At paragraph 8.14 the guide states:

"There may be significant changes in, for example, technological impact and land ownership that occur over a short period of time and provide opportunity that was not anticipated. These windfall developments, planning applications that come forward for sites that have not been identified, or are not located in an area identified, in a DPD as suitable for new or enhanced waste management facilities, may help implement the planning for waste strategy and should not be lost simply because they had not previously been identified.

The key test is their consistency with PPS10 and the waste planning authority's core strategy. Where they are consistent they should be considered favourably."

4.12 Paragraph 8.17 offers guidance in respect of site development in green belts stating:

"If the proposal relates to a site in a green belt, it is also likely to be inappropriate development. Criteria-based policies in LDDs need not, however, impose a total, blanket ban on the establishment of such sites in Green Belts. It may still be appropriate to grant planning permission if the applicant is able to demonstrate that very special circumstances exist that clearly outweigh the harm caused by the proposed site being developed in the Green Belt, and any other harm. Each case should be considered on its merits in accordance with the development plan and any other material considerations. But 'very special circumstances' means just that. The decision-maker must be able to point to circumstances which, viewed objectively, are reasonably capable of being described as 'very special'."

Regional Policy

4.13 Regional Spatial Strategy (December 2004)- for the Yorkshire and Humber Region was issued in December 2004; it was based on a selective review of RPG12 which was issued in 2001. A draft revision to the RSS was published for consultation in January 2006 and following that a report of an independent Panel appointed by the Secretary of State to hold an Examination in Public to test the draft RSS, was published on 4 May 2007. The Secretary of State has now considered the Panel report and has published proposed changes to the draft Plan for further consultation; the proposed changes include:-

4.14 Policy ENV 13 relates to the provision of waste management and treatment facilities; the proposed changes (among other matters) are:-

"Waste planning authorities should ensure that adequate sites and facilities are available to manage the quantities of municipal, commercial and industrial, construction and demolition, agricultural, and hazardous waste. Specifically, waste planning authorities should:

Take into account:

- * Capacity of treatment and recovery facilities (including recycling and energy from waste) to deal with municipal and commercial and industrial waste will need to double by 2020 in all sub regions to provide the additional capacity identified .
- * The split between the need to provide facilities to manage the final disposal and recovery/recycling of waste
- * The need to meet, nationally set targets for recycling and recovery
- * The contribution made by new and existing waste facilities and the anticipated lifespan of such facilities."

4.15 The Secretary of State's proposed changes state that the lead role in securing these objectives will be local authorities, and that one of the main mechanisms by which the objectives will be achieved is by the development control process.

4.16 Policy ENV14 of the RSS relates to strategic locational criteria for waste management facilities. Among others the proposed changes indicate that the following principles should be considered in designating specific sites or areas where criteria based approaches will apply:-

"A. Waste should be managed on the site where it arises, or if not possible at the nearest appropriate location.

E. 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". Etc.

4.17 The Secretary of State's indicator for this policy is "appropriately located new waste facilities" and the targets are that 100% of new waste developments should be in compliance with the locational criteria in ENV14 and that 100% of waste planning authorities have LDFs which allocate sites for a sufficient mix of waste facilities in line with policy ENV14.

4.18 On the 28th of September 2007 Baroness Andrews, the Parliamentary Undersecretary of State at the Department of Communities and Local Government, wrote to the Chair of Yorkshire & Humber Assembly advising him of the Government's proposed changes to the RSS, the relevant parts of which are detailed above. In her letter Baroness Andrews stated:-

"Changes are proposed to the waste policies and figures for waste to be managed to reflect more recent information, the Waste Strategy 2007, and to bring RSS more in line with PPS10. These show that achieving targets for reducing the amount of waste that goes to landfill and to increase recycling will require significant new waste management facilities in all parts of the region."

City of York Planning Policy

4.19 Until the Local Development Framework (LDF) supersedes it the Development Control Local Plan (approved April 2005) forms the principal source of local policy guidance. The LDF is currently at a very early stage and to date there are no LDF policies available to qualify the Local Plan Guidance.

4.20 Policy SP2 of the local plan relates to the York Green Belt and it states:-

"The primary purpose of the York Green Belt is to safeguard the setting and historic character of the City of York and is defined on the Proposals Map."

4.21 Policy SP3 goes into more detail into the matters to be considered in determining planning applications so that the historic character and setting of York referred to in SP2 is protected; these include:-

- a) The protection of key historic townscape features, particularly in the City Centre, that contribute to the unique historic character and setting of the City.
- b) The protection of the Minster's dominance, at a distance, on the York skyline and City Centre roofscape.
- c) The protection of the environmental assets and landscape features which enhance the historic character and setting of the City. These comprise the river corridors and the green wedges, both existing and extended. They also include areas of open countryside, which provide an impression of a historic city, such as locations which allow good views of the Minster or an urban edge including a Conservation area, and views into the City from a number of main transport routes.
- d) The protection of the main gateway transport corridors into York from development which, cumulatively, could have an adverse impact on the character and setting of the corridor and the surrounding environment. If development is allowed, early and substantial planting of sensitive boundaries will be required."

4.22 GP4a "Sustainability" Policy GP4a states that proposals for all development should have regard to the principles of sustainable development. Those relevant to the proposed development area:

"Development should:

- b) contribute toward meeting the social needs of communities ;
- f) minimise pollution, including that relating to air, water, land, light and noise;
- g) conserve and enhance natural areas and landscape features, provide both formal and informal open space, wildlife areas and room for trees to reach full growth;
- h) maximise the use of renewable resources".

4.23 GB1 - Development in the Green Belt - states that planning permission within the Green Belt will only be granted where:

- a) the scale, location and design of such development would not detract from the open character of the Green Belt; and
- b) it would not conflict with the purposes of including land within the Green Belt; and
- c) it would not prejudice the setting and special character of the City of York

AND it is for one of the following purposes:

- * agriculture and forestry; or
- * essential facilities for outdoor sport and outdoor recreation; or
- * cemeteries; or
- * limited extension, alteration or replacement of existing dwellings; or
- * limited infilling in existing settlements; or
- * limited affordable housing for proven local needs; or
- * limited infilling or redevelopment of existing major developed sites; or
- * minerals extraction, provided high environmental standards are attainable;
- * or highway works or other essential operations including waste disposal;
- * or park and ride facilities; or
- * reuse of existing buildings.

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.

4.24 Policy GP14 relates to agricultural land and it states:-

"Planning permission will only be granted for development that would result in the loss of the best and most versatile agricultural land (defined as grades 1, 2 and 3a) if an applicant can clearly demonstrate that very special circumstances exist which determine that the proposal can not be located elsewhere."

4.25 The justification for this policy recognises that, like the Green Belt, much of the rural area of York comprises best and most versatile land stating at paragraph 2.41:-

"Of the land in agricultural use in the City of York, the majority is classified as either grades 1, 2 or 3a. It is inevitable, therefore, that proposals will come forward over time for development on agricultural land that will have an impact on this quality. The fact that there may be limited alternative locations for the proposal will be taken into account when assessing applications involving grades 1, 2 or 3a agricultural land. All development proposals involving agricultural land must be accompanied by a site survey, illustrating the quality of agricultural land affected by the development."

4.26 Chapter 14 of the local plan relates to minerals and waste; the objectives identified here include:

- * "To minimise waste disposal; and
- * To maximise potential opportunities for the recovery, transfer, treatment and recycling of waste;"

4.27 Paragraph 14.1 of the accompanying commentary goes on to say:-

"The Local Plan objective is to manage waste in a sustainable way by selecting the Best Practical Environmental Option (BPEO). This approach works in conjunction with a waste hierarchy, which prioritises the relative sustainability of each waste management option. The higher the ranking the more sustainable the option may be. The waste hierarchy is set out below.

- * Reduction
- * Reuse
- * Recovery (Recycling, Composting, Waste-to-Energy)
- * Disposal

4.28 Policy MW5 "Waste Management Facilities"; states:-

"Development of waste management facilities will be considered on the individual merits and the characteristics of particular sites, taking into account:

- a) the need for the facility, its proposed location, its impact on adjoining land uses and the duration of the proposal;
- b) the proximity principle whereby waste is disposed as close as possible to where it is produced;
- c) the mode of transport to be utilised for carrying waste to the site;
- d) proposed measures for eliminating leakage and gas emissions;
- e) measures to be taken to protect natural water resources;
- f) any adverse effects on important landscape, ecological, historic or archaeological features;
- g) proposed measures to minimise the environmental impact of visual intrusion, noise, dust, odour and wind-blown material;
- h) or landfill arrangements for the site's phased restoration to an acceptable use."

4.29 Policy MW1 identifies the application area has being located at the southern end of an Area of Search for the extraction of sand and gravel.

4.30 York Local Development Framework (June 2006) - is still at an early stage and the Core Strategy is currently being drawn up. As part of this process it has identified key issues and options which were the subject of a public consultation exercise in 2006. Although these cannot at this stage be considered as comprising part of the development plan they do give an indication of the direction in which local policy guidance is likely to move.

4.31 In the 2006 consultation exercise Key Issue 11 relates to waste and minerals and here it proposes that the overall objective of waste policy should be to protect public health and the environment by producing less waste, and by using it as a resource wherever possible.

4.32 In respect of waste the key aim of the LDF is to help meet the national target requirements identified for:

- a. Landfilled biodegradable municipal waste (bwm)
- b. Recycled or composted household waste.
- c. Recovered municipal waste.

It goes on to say that in addition, the LDF Core Strategy needs to ensure sustainable waste management. To achieve this, a policy approach could be developed based on the following:

- * Maximising the potential contribution to waste minimisation, re-use and recycling;

- * Providing sufficient waste sites so that the City can maximise its contribution to sustainable waste management;
- * Identifying the location of new facilities and waste policies.

4.33 In September 2007 an Issues and Options 2 consultative document was published. This noted that responses made as part of the 2006 consultation exercise suggested that a key aim of the Core Strategy should be to help meet the national target requirements identified for landfilling biodegradable municipal waste, the recycling or composting of household waste, and the recovery of municipal waste; respondents also suggested that York should aim to exceed national targets for recycling.

City of York Non-Planning Policy

4.34 Municipal Waste Management Strategy(May 2006) - was produced by the York and North Yorkshire Waste Partnership and it provides the strategic vision for managing wastes and improving resource recovery in York and North Yorkshire. It contains the policies, aims, objectives, and targets for the partnership area and relates to the period of 2006 - 2026.

4.35 The Partnership has identified the following strategic objectives:

- * "To reduce the amount of waste produced in York and North Yorkshire so as to make us one of the best performing areas in the country by 2013 - (currently York and North Yorkshire residents produce more waste per person than in most other areas). By 2008, we aim to produce less per person than the average for England and Wales
- * To promote the value of waste as a natural and viable resource, by:
 - * Re-using, recycling and composting the maximum practicable amount of household waste
 - * Maximising opportunities for re-use of unwanted items and waste by working closely with community and other groups
 - * Maximising the recovery of materials and/or energy from waste that is not re-used, recycled or composted so as to further reduce the amount of waste sent to landfill"

4.36 The MWMS states that recent studies have shown that a higher level of recycling is the most cost effective long term solution to delivering the Partnership's obligations and those high levels of recycling are also essential for reasons of environmental protection, delivering sustainable solutions and satisfying public expectation.

4.37 Consequently the Partnership aims to achieve the following targets as a minimum:

- * Recycle or compost 40% of household waste by 2010
- * Recycle or compost 45% of household waste by 2013
- * Recycle or compost 50% of household waste by 2020

4.38 Although not comprising planning policy guidance the City of York's contract specification for waste treatment and disposal stipulates that Delivery Points for waste should be located within 10 miles of the City of York (taken to be Micklegate Post Office). This is in order to accord with the Authority's proximity principle.

PRINCIPLE OF THE DEVELOPMENT

4.39 The proposal is considered to constitute inappropriate development in the Green Belt. National, Regional and Local policy requires that in such circumstances "very special circumstances" are demonstrated to justify development proposals.

4.40 Since outdoor composting operations should normally be located over 250m from a residential property or workplace the development of Disposal Points within the Green Belt is almost inevitable if the proximity principle contained within policy MW5 is to be achieved.

4.41 There is a recognised need to provide such a facility in sustainability terms and also to respond to Central Government targets.

4.42 It is considered that these factors could constitute the "very special circumstances" required by PPG2 and policy GB1. The location adjacent to the existing Harewood Whin facility is also considered to be appropriate in land-use planning terms.

COMPOSTING OPERATIONS

4.43 The majority of the green waste to be composted on the site will originate from the York City area, importing green waste from site beyond the York City boundary is considered to be unsustainable by virtue of the high costs associated with road transport.

Composting Operations and Equipment

4.45 The largest of the concrete pads would be used for green waste composting operations. This pad is This position is furthest away from, and down prevailing wind of, the nearest residential property and from the eastern edge of Rufforth village, therefore mitigating the perceived harm from the proposed operations.

4.46 Green waste delivered to the site will be stockpiled to a height of no more than 4m after which it would be fed through a shredder reducing the particle size down to a maximum of 75mm. Following shredding the waste would be placed into windrows where the composting process would take place.

4.47 In order that the composting process can proceed effectively without the risk of a significant odour nuisance the windrows are constructed (approx. 3.5m high) to allow maximum air flow through them to ensure aerobic decomposition of the waste.

4.48 The composting process depends upon the material being composted being kept under oxygen-rich (aerobic) conditions; should oxygen levels fall and the waste become anaerobic then odour problems can occur. The shredding of the waste and

the spacing of the windrows establish the correct conditions for aerobic composting; these conditions are maintained by the regular turning of the compost within the windrows.

4.49 In order for composting to proceed efficiently in all weather conditions the moisture content of the windrows is regularly monitored. The construction and layout of the concrete pad and associated drainage system would ensure that any excessive water caused by heavy rainfall drains away from the compost quickly and is effectively managed. During extended periods of dry, warm weather it may be necessary to 'top up' moisture levels by applying a fine water spray to the windrows; this is carried out by a machine travelling between the rows.

4.50 As the composting process progresses the height of the windrows would slowly reduce and the waste assume more the appearance of compost rather than green waste, on average this takes between 6 and 12 weeks and throughout the aerobic conditions are maintained and the composting process was proceeding satisfactorily.

4.51 On completion composted material will (during the summer months when turnover is high) be transported immediately off site for final use. During the colder months when compost usage may not keep pace with compost generation, the composted material will be stored in the maturation area where its allowed to settle as it awaits transportation off-site. The maturation heaps will also not exceed 4m in height.

4.52 The following equipment would be used in support of the composting operation:

- * Mobile shredder 3860 Beast (20 tonnes per hour capacity);
- * Front-end Loader;
- * Dump truck;
- * Water bowser/spray;
- * 3600 excavator.

4.53 Compost exported from the site would meet a nationally recognised standard set by The British Standards Institute. This standard ensures that the compost product is fit for its stated use.

4.54 Compost products have a wide range of uses in the public and commercial markets; however some will be used in the restoration of the main Harewood Whin site. End users would be located in the City of York area; thus completing the virtuous circle of the waste producing authority recycling the waste close to its point of origin and accepting the recycle back to fulfil a useful role. All compost will be transported away from the site as bulk loads; there will be no retail sales from the site and no direct sales to members of the public.

Wood & Timber Recycling and Equipment

4.55 Waste wood and timber shredding are to take place on the more westerly of the two concrete pads

4.56 All import materials will be delivered to the site via the new internal access link and placed into stockpiles prior to treatment. These stockpiles will be no more than

4m high. Unlike the aforementioned composting process the waste wood would undergo only limited physical treatment and changed into a condition suitable for further recycling to be carried out as follows.

- * initial shredding by which process large contaminants such as metal would be removed.
- * a secondary shredding process to reduce the particle size down to <50mm.
- * a proportion of this treated wood waste would then be transferred to the composting pad and mixed with the green waste to be composted.
- * the remainder would be transported off-site for thermal treatment in an energy from waste plant.

4.57 The equipment used in the wood treatment process would be:-

- * AMobile shredder 3860 "Beast" (20 tonnes per hour capacity);
- * front end loader;
- * 3600 excavator.

4.58 As in the case of the compost the shredded wood would be transported off-site in bulk carriers some of it being returned to the York area.

Sweeper Waste Recycling

4.59 In order to extend the types of waste delivered to the site which can be recycled an area dedicated to the receipt of road sweeper waste has been incorporated into this proposal.

4.60 Road sweeper waste will be mixed with green waste with a view to producing compost suitable for use as landfill cover. This operation entails the mixing of sweeper waste with green waste at a ratio of 1:1 in a purpose built bay located in the northern part of the pad; this is then be composted separately from other compost products.

Waste Reception and Transport

4.61 All vehicles delivering green waste and waste wood and timber, together with road sweeper vehicles would first stop at the main weighbridge and waste reception area at Harewood Whin for processing. On completion of the necessary formalities, drivers continue to the appropriate waste treatment area and the loads discharged onto the appropriate concrete pad where they would be inspected by site staff.

MITIGATION MEASURES - SITE PRACTICES

Operating Hours

4.62 The proposed operating hours (07.30 to 17.00 Mondays to Sundays, 7 days per week) replicate those conditioned in approval 00/02689/FUL for the existing landfill and green waste activities within Harewood Whin.

4.63 Large waste management sites like Harewood Whin which serve large concentrations of population respond to waste arisings whenever they arise.

Household Waste Recycling centres are generally busier at weekends and don't often have the capacity to store a full weekend's arisings, therefore it is considered essential to continue the operations as existing. As no extension to the aforementioned times are proposed the overall impacts are considered to be negligible.

Noise

4.64 Potential noise impacts associated with the proposal have been assessed by independent specialists (Section 12.0 of the Environmental Statement); in consultation with the City of York Council. Measurements of typical daytime ambient noise levels at selected receptors have been taken, for use in assessment of predicted noise impacts of the proposal. The study concluded that suitable noise mitigation measures have been provided for, namely a screening bund, which would reduce noise levels in the long term, mitigating any perceived nuisance. The study also concluded that noise levels predicted during the construction phase for Little Garth and Rufforth Garth will be well below the criterion level that could give rise to nuisance. This is also the case at Wellgarth House to the west in Rufforth village, and Woodstock to the south-east.

Dust

4.65 The main sources of "fugitive dust" will arise from the passage of vehicles along the access road and across the concrete pads, if these are not maintained free of mud and debris and from loads of waste wood and timber discharged onto the concrete pads. Fugitive dust generally arises in dry, windy conditions.

4.66 It will be the responsibility of the site manager to maintaining the full length of the access in a clean condition using sweepers and water bowsers as necessary to clean the road and prevent dust from arising. The assessment of weather conditions monitoring together with routine daily inspections will ensure that any need for sweeping or water sprinkling is identified and necessary action take. The applicants' have placed an emphasis on anticipating potential dust hazards rather than waiting for them to arise before taking action. Water sprays will be available to treat any loads being discharged onto the concrete pads should the potential for nuisance arise.

Vermin

4.67 As no putrescible waste is treated on site, vermin is unlikely to be attracted by the proposed processes. However, as the application site is located close to the landfill site and open farmland, any issues arising (e.g. insect infestation/gulls) will be addressed as part of normal site management operations. These matters will be controlled through the Waste Management Licence.

Litter

4.68 Litter is not perceived to be a problem. However, it is recognised that some paper or card could be attached to the wood waste and some of the lighter elements of the green waste could be subject to windblow albeit over limited distances.

4.69 Any windblown waste will be collected on a daily basis and confined within a closed skip pending its transport to the adjacent landfill site. The applicant has stated that no windblown waste will be allowed to accumulate in nearby hedgerows or trees or collect in the vicinity of the Foss Dike.

Odour

4.70 As the proposals involve the provision of increased space for composting operations. This increased space facilitates improved handling of material, namely smaller more spread out windrows that are easier to turn regularly. The regular turning of windrows maintains aerobic conditions that significantly reduce the potential for odours, which are usually associated with anaerobic decomposition. The potential emissions to air have been assessed in the Environmental Statement. All emissions to air and odour will be monitored and managed appropriately should any nuisance arise.

ENVIRONMENTAL/ECOLOGICAL IMPACTS

Water Environment

4.71 The potential impact of the development on the water environment is dealt with in the accompanying Environmental Statement. Reference is made to the fact that the site is currently crossed by two surface water courses and that the adjoining agricultural land is equipped with a sub-surface drainage system. In addition Foss Dike runs close to the site on its eastern side. Measures will be incorporated (condition included) into the site construction to ensure that no materials handled there will be able to spread onto adjacent land or any leachates from the waste handled at the site contaminate any water feature.

4.72 The full extent of the applicants' mitigation measures are included in the Environmental Statement; and would include the culverting of the water courses that cross the site, the effective sealing of a disused well located on the site, the provision of spill remediation equipment on the site, the retention of all leachate draining from the site in sealed collection tanks and the maintenance of a 15m standoff from the Foss Dike to the east of the site.

4.73 The operatives of Harewood Whin will be responsible for the periodic monitoring of the site and its surroundings to ensure that all pollution control mechanisms are fully functional and that all waste is being handled in accordance with correct procedures. The effectiveness of the agricultural drainage systems on adjoining land will also be monitored regularly as would the condition of the Foss Dike and the strip of land separating it from the operational area. No liquid wastes are to be dealt with at the site, therefore the likelihood of water pollution arising from imported waste is considered to be limited.

Ecology

4.74 With respect to protected species, no records of badger, water vole, bats and reptiles were made during recent surveys, although suitable habitats for water vole,

reptile and bats have been identified. The freshwater invertebrate survey of existing watercourses showed there to be little diversity. Other interesting habitats identified were broadleaved woodland, mature trees and species-rich grassland. The arable land within the site has some ornithological interest.

4.75 Disruption to some existing habitats is inevitable as part of the construction phase, however the applicant has shown a willingness to introduce mitigation measures wherever possible. Where adverse impacts can not be avoided, the nature conservation value of the site will be enhanced through the creation of compensatory habitats appropriate to the locality.

4.76 Conditions will be included, requiring the applicant to provide information in relation to the protection, mitigation and replacement measures of the following features and species; unnamed ditches, broadleaved woodland, broadleaved plantation, hedgerows, mature trees, grassland, bats and breeding birds.

LANDSCAPE AND VISUAL IMPACT

4.77 The following factors are key components in the assessment of the proposals overall visual impact:-

- * Site construction - including soil stripping works.
- * The removal of vegetation.
- * The use of mobile plant operating at ground level (loading shovel, shredder, dump truck); and
- * The demolition of the facility following expiration of its use and the movement of soil to produce the final post-restoration landform.

4.78 Key receptors in this instance are considered to be neighbouring residential properties (Little Garth and Rufforth Garth), public rights of way, users of the Rufforth Airfield and the B1224 road.

4.79 The proposals will require the removal of 20 metres of existing hedgerows and field trees; some thinning works to the adjoining landfills planting and the direct loss of 11.5 hectares of agricultural land. On opening approx. 5 hectares (the western half of the site) will be available for pastoral use and all soils will be stored on site for reuse.

4.80 A soil bund (using stripped soil from the site) is to be created as part of the first phase of works in order to provide screening between the B1224 and the development. The mound will be seeded and planted with hedgerow and woodland species; the maturation of which will ultimately screen and soften the visual impact of the site on the main receptors..

4.81 Although resulting in the direct loss of agricultural land and some of the existing vegetation, a comprehensive restoration and aftercare programme is proposed, following the completion of works in 2021.

RESTORATION AND AFTERCARE

4.82 This application seeks to maintain the proposed facility so long as the associated MRF and landfill site are operational; it is therefore a long-term development. Nevertheless it is assumed that at some juncture the facility will cease to be operational at which point (unless otherwise agreed with the planning authority) it would be removed and the site restored.

4.83 Restoration would involve a number of elements namely:-

- * clearance from the site of all moveable installations and equipment;
- * the breaking out and demolition of the concrete pads;
- * the removal of the leachate storage tanks;
- * the removal of all culverts and the re-instatement of open surface water drains;
- * the removal of all services including water and electricity supplies (unless required for subsequent use);
- * the removal from the site of all debris resulting from the above works;
- * the grading and cross-ripping of the exposed restoration surface; and
- * the spreading of the soils stored in the perimeter screening mound.

4.84 The after use of the site will almost certainly be determined by circumstances at the time however the main aim is to restore the site to its current condition and use as agricultural land. Approval of a detailed restoration scheme will be required; to be implemented on the cessation of operations allowing the site to be restored in a manner and to standards appropriate to the time.

4.85 An aftercare scheme will be submitted for the approval of the planning authority either at the same time as the detailed restoration scheme is submitted or shortly after the approval of such restoration scheme. The aftercare scheme will include details of the steps to be taken to ensure that the specified restoration (whether agriculture, amenity or woodland) is developed and maintained in a good condition commensurate with the after use.

HIGHWAY ISSUES

4.86 The existing green waste composting and waste wood treatment operations at Harewood Whin would cease as soon as the proposed facility came into use with all existing traffic diverted to the new recycling facility. Other than this minor change to on-site vehicle movements there would therefore be no change to the existing vehicle movement pattern.

4.87 Currently there are approximately 205 daily vehicle movements associated with the existing Harewood Whin facility. 190 of these movements comprise heavy goods traffic including fixed 3-axle vehicles, skip wagons, articulated wagons, pick-ups etc. The balance of 15 movements relate to staff at the site. The 190 HGV movements equates to approximately 21 loads per hour.

4.88 The recycling activity for green waste and waste wood is estimated to peak in 2-3 years time, resulting in an increase of approximately 12 additional loads per day delivering green waste. Overall this increase is considered to have a negligible impact upon the B1224 and the amenities of neighbouring receptors and should alleviate relevant concerns raised in objection letters.

4.89 Vehicles involved in the delivery of waste to the site will continue to include articulated lorries, fixed 3-axle wagons, rear end loaders and pick-ups; articulated lorries of 42 tonnes gross weight would be used to transport compost and treated wood waste away from the site. Vehicle loads will be sheeted or suitably enclosed to avoid any potential impact from fallen debris.

4.90 Much of the green waste and waste wood delivered to the site at the moment originates in the York City area and this will continue for the duration of the operation.

4.91 Rufforth with Knapton Parish Council raised concerns regarding the routing and potential impact of the vehicles associated with the site. The applicants' have confirmed that all vehicles will access and exit the site from and towards York and have therefore pre-empted the concerns of the Parish Council.

DRAINAGE ISSUES

Surface Water Management

4.92 Although no part of the development will take place within an area subject to flooding as defined on the Environment Agency's published flood maps, two small surface watercourses cross the site and the Foss Dike runs close to its eastern boundary. In addition the two agricultural fields affected by the proposal are equipped with an agricultural drainage system discharging into the surface watercourses.

4.93 The development will involve the interruption of the agricultural drainage system and will also include the construction of three joined concrete pads on which rainwater will collect were they are not adequately drained. It is therefore necessary to provide for the drainage of the operational area during its use, and also to ensure that the surrounding land is appropriately drained.

Drainage of Operational Land

4.94 For the purposes of drainage the operational area is taken to comprise the three concrete pads, the new internal access road and all associated hardstandings together with land upon which any operations (including vehicle parking) will take place.

4.95 The whole of the operational area will be equipped with an integral, sealed drainage system. This will collect all water accumulating on the site (including run-off from the compost), its interim storage in a number of underground leachate storage tanks and its movement to the nearby leachate treatment facility.

4.96 The construction of the composting pad and the adjoining wood shredding pad will provide for surface falls leading to a perimeter drain. Leachate collecting on the pads will flow towards and into the perimeter drain from where it will pass by gravity flow into one or more of the underground storage tanks which act as holding

reservoirs until liquid levels in the tanks rise to a point where automatically activated pumps transfer the leachate to the nearby leachate treatment plant.

4.97 An abandoned well is located towards the centre of the operational area and prior to the construction of the concrete pads this will be sealed so that no surface water or leachate could percolate down the well and pose a potential threat to groundwater resources. The sealing of the well will take place in accordance with a scheme to be agreed with the planning authority and the Environment Agency.

Adjoining Land Drainage

4.98 The application area is crossed by two linked drains which serve the existing agricultural land within the application area and also agricultural land extending to the west. The land to the west would continue in agricultural use during the operation of the site and is considered necessary to ensure the continued effectiveness of the drainage system serving this area. This will be achieved by installing a cut off drain along the eastern edge of the remaining agricultural area to collect uncontaminated rainwater.

4.99 To the east of the composting pad there will be a minimum 15m standoff to the nearby Foss Dike and with the intervening land being subject to periodic flooding it will be necessary to ensure that the flood capacity of that area is not prejudiced.

4.100 To the south of the operational area it is proposed to erect a screening mound, this will take up much of the space between the edge of the concrete pads and the highway hedgerow. The mound itself is self-draining, however it will be necessary to ensure that there are no adverse drainage consequences resulting from the presence of the mound both in terms of possible ingress of floodwater onto the concrete pad and the flood capacity of the Foss Dike flood plain.

4.101 The eastern limit of the composting pad will abut, but not overlap with, the area liable to intermittent flooding shown on the Environment Agency's flood map. The development itself will not therefore lead to any reduction in the area's flood retention capacity. No operations will be carried out on the area liable to flood and no obstructions are to be positioned in this area. Other than maintaining its current open nature, the applicants' are not proposing to carry out any specific drainage works in this area.

5.0 CONCLUSION

5.1 The applicants' proposals are considered to be acceptable in this instance for the following reasons:-

5.2 The application involves waste treatment activities that are already being carried out on the existing Harewood Whin Landfill Site but for which insufficient space is available to allow for increasing amounts of green waste.

5.3 The green waste, wood and sweeper waste to be handled at the new facility would continue to be delivered to the site via the existing access and weighbridge checkpoint.

5.4 The potential environmental effects of the proposal have been evaluated by an Environmental Impact Assessment which has found that, providing suitable mitigating measures are put in place, the development would have a minimal impact upon the environment or the amenity of neighbouring properties and villages.

5.5 The proposals are consistent with national and local waste planning policies and guidance and the applicant has demonstrated that "very special circumstances" exist to justify the proposal in terms of its location within the Green Belt.

5.6 If permitted the proposal would have the following benefits:-

- * It would assist in reducing the amount of waste being disposed of to landfill;
- * It would increase the amount of waste being recycled;
- * It would enable the City of York to treat the relevant components of its own waste arisings within the Authority area in accordance with the proximity principle;
- * It would take advantage of the existing infrastructure at Harewood Whin thus obviating any need to replicate those facilities elsewhere.
- * It is sustainable in that any impacts on the environment can be easily mitigated and following site restoration the site's landscape and biodiversity values would be enhanced.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Delegated Authority to Approve

1 TIME2 Development start within three years

2 This permission shall be limited to a period of 13 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 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 need for a waste disposal facility for this period of time has been proven.

3 The development hereby permitted shall be carried out only in accordance with the following plans and other submitted details:-

HW2 - Application Area.

HW3 - Site Layout and Planting Proposals

HW4 - Proposed Cross Sections
HW5 - Final Restoration and Landscape

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.

4 Prior to the commencement of development on site, a detailed landscaping plan, showing the number, species, height and position of all trees and hedging, shall be submitted to and approved 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.

5 Prior to the commencement of development on site, a detailed drainage plan for both the proposed concrete pads and the surrounding agricultural/landscaped areas shall be submitted to and approved in writing by the Local Planning Authority.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper drainage of the site.

6 Notwithstanding the provisions of Part 4 and (where relevant) 21 24 and 25 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending, replacing or re-enacting that Order);

(a) no fixed plant or machinery, building, structures and erections, or private ways shall be erected, extended, installed, or replaced within the site without the prior approval in writing of the Local Planning Authority;

(b) no additional lights or fences shall be installed or erected at the site unless details of them have first been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that uncontrolled development does not harm the openness of character and appearance of the Green Belt or the amenity of residents

7 No waste vehicle shall enter or leave the site and no working, except for landfill gas combustion plant and leachate treatment plant or working in the case of emergencies or by prior approval in writing by the Local Planning Authority, 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.

Reason: In the interest of the amenity of residents.

8 No waste other than those waste materials defined in the application shall enter the site unless otherwise agreed in writing by the Local Planning Authority.

Reason: Waste materials outside these categories raise environmental and amenity

issues which may require consideration afresh

9 All access to and egress from the site shall be via the existing site access. No other access shall be used by traffic entering or leaving the site.

Reason: In the interests of highway safety

10 Prior to commencement of the development a sign shall be erected and thereafter maintained at the site exit, advising drivers of vehicle routes agreed in writing with the Local Planning Authority.

Reason: In the interests of highway safety and the amenities of local residents.

11 Prior to the commencement of development a scheme to ensure that all vehicles leaving the site are in such conditions as not to emit dust or deposit mud, slurry or other debris on the highway shall be submitted to and approved in writing by the Local Planning Authority. In particular (but without prejudice to the foregoing), efficient means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site.

Reason: In the interests of highway safety and to prevent mud and dust getting on the highway.

12 No development shall be commenced until a scheme to minimise the emission of dust from the development hereby authorised (including measures to monitor emissions) has been submitted to and approved in writing by the Local Planning Authority. Such scheme shall include (the water spraying of access and haul roads to suppress dust in periods of prolonged dry weather), and shall be implemented in full and the suppression equipment thereafter maintained in accordance with the manufacturers instructions for the duration of the permission, unless with the prior written approval of the Local Planning Authority to a variation.

Reason: To protect the amenities of local residents

13 Prior to the commencement of the development hereby permitted a Noise Management Protocol scheme for the management and minimisation of noise shall be submitted to and approved in writing by the Local Planning Authority. The approved Protocol shall include:

1. A protocol for the regular monitoring of noise levels from the site by site operators to ensure compliance with these conditions and/or other statutory noise limits.
2. A protocol for the use of audible reversing alarms and their alternatives.
3. Proposals for the siting, silencing, enclosure and screening of fixed plant and machinery.
4. A protocol for the use of portable acoustic screens around temporary plant.
5. A protocol for the use of quieter plant and machinery nearer to noise sensitive locations.
6. A protocol for the recording, investigation and reporting of noise complaints to City of York Council.

Reason: to minimise noise in the interest of the amenity of residents and the area generally.

14 Prior to the commencement of the development a scheme for the erection of acoustic screening and earth bunds shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented and in place prior to the commencement of any operations and shall remain in place thereafter in accordance with the approved scheme.

Reason: to minimise noise in the interest of the amenity of residents and the area generally.

15 No development shall take place until (a) the applicant has secured the implementation of an agreed programme of archaeological work (archaeological evaluation to include geophysical survey and trial trenching) which has been agreed in writing by the LPA and submitted a report on the evaluation to the LPA and these have been agreed in writing by the LPA and (b) the applicant has secured the implementation of an agreed programme of archaeological mitigation measures (such measures to record any archaeological features and deposits which will be destroyed or damaged by the approved development) which has been agreed in writing by the LPA.

Reason: This development may have an effect on archaeological deposits which may be preserved within the site and this effect must be kept to a minimum.

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.

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

17 All drainage routes through the Site shall be maintained both during the works on Site and after completion of the works. Provisions shall be made to ensure that upstream and downstream riparian owners and those areas that are presently served by any drainage routes passing through or adjacent to the Site are not adversely affected by the development.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper drainage of the site.

Informative

Drainage routes shall include all methods by which water may be transferred through the Site and shall include such systems as "ridge and furrow" and "overland flows".

The affect of raising Site levels on adjacent property must be carefully considered and appropriate measures taken to negate influences.

18 No deliveries of imported bulk construction materials to the site shall be from the B1224 via the village of Rufforth.

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

19 No deliveries of imported green waste/waste wood to the site shall be from the B1224 via the village of Rufforth.

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

20 A noise management scheme shall be submitted to the Local Planning Authority for written approval prior to development. The requirements contained in the approved noise management scheme shall be fully implemented prior to the use hereby permitted.

Reason: For the protection of the amenity of local residents from noise.

21 An odour management scheme shall be submitted to the Local Planning Authority for written approval prior to development. The requirements contained in the approved odour management scheme shall be fully implemented prior to the use hereby permitted.

Reason: For the protection of the amenity of local residents from odour.

22 The noise management scheme shall be reviewed 1 year after the first use of the development. This review must be submitted in writing with any amendments to the noise management scheme to the local planning authority for written approval.

Reason: For the protection of the amenity of local residents from noise.

23 The odour management scheme shall be reviewed 1 year after the first use of the development. This review must be submitted in writing with any amendments to the odour management scheme to the local planning authority for written approval.

Reason: For the protection of the amenity of local residents from odour.

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 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 MW1of the City of York Development Control Draft Local Plan.

2. WATERCOURSE CONSENT - GENERAL

Under the terms of the Land Drainage Act. 1991 and the Board's Byelaws, the prior written consent of the Board is required for any proposed works or structures in, under, over or within 9 metres of the top of the bank of any watercourse.

3. RIPARIAN MAINTENANCE RESPONSIBILITY

Any watercourse adjacent to/within the site and/or affected by this development is not maintained by the Board.

The responsibility for the continued maintenance of any such watercourse and its banks rests ultimately with the riparian owners.

4. MAINTENANCE RESPONSIBILITY - GENERAL

The proposed development is within the Board's area and is adjacent to the Foss Beck, which at this location, is maintained by the Board under permissive powers within the Land Drainage Act. 1991.

However, the responsibility for maintenance of the watercourse and its banks rests ultimately with the riparian owner

5. DEMOLITION AND CONSTRUCTION - INFORMATIVE

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:

a. 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".

b. 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.

c. 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.

d. 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.

e. There shall be no bonfires on the site.

Contact details:

Author: Richard Mowat Development Control Officer

Tel No: 01904 551416

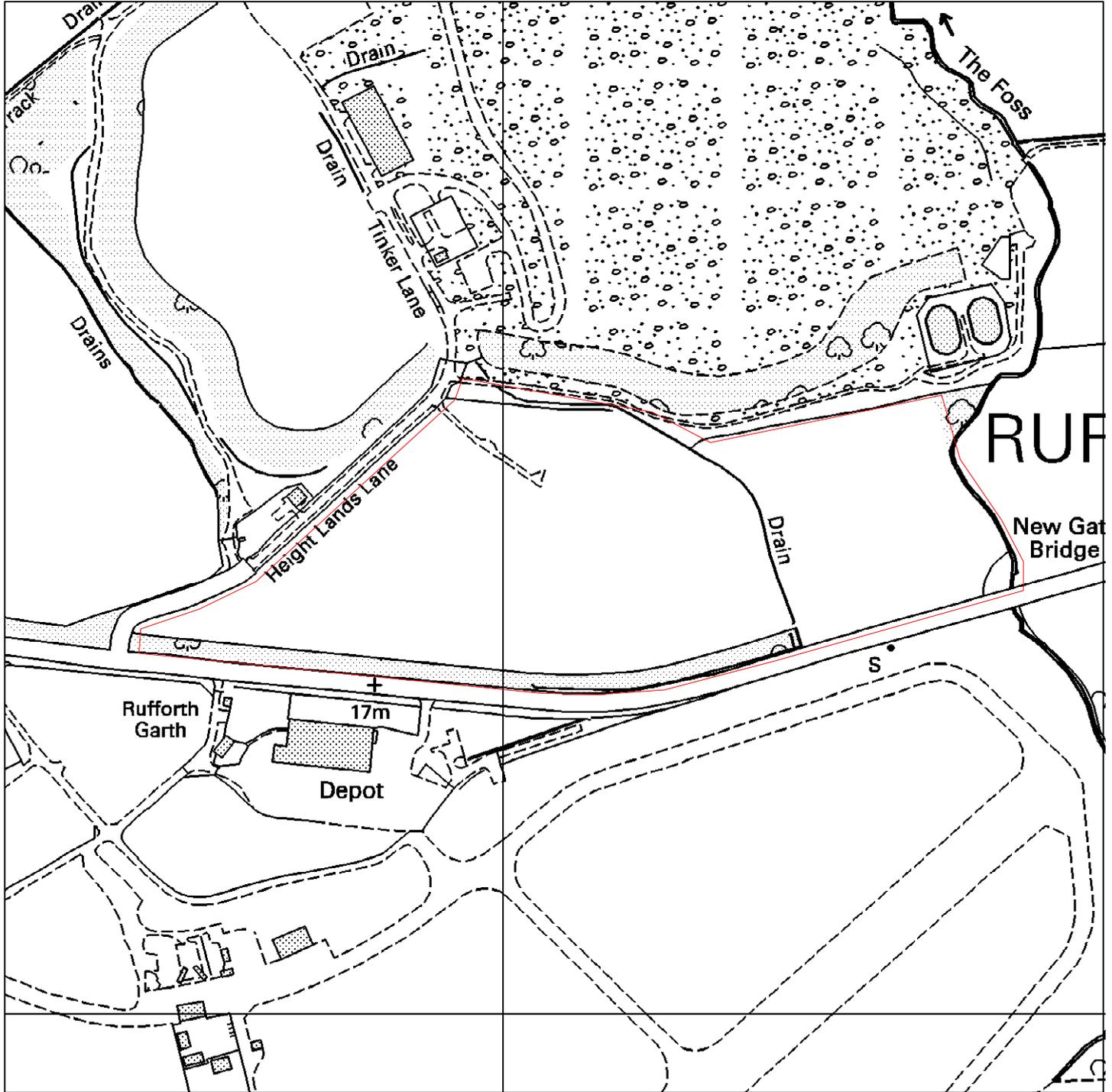
This page is intentionally left blank

Harewood Whin Landfill Site

07/02914/FULM



GIS by ESRI (UK)



Scale : 1:5000

Reproduced from the Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright 2000.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Organisation	Not Set
Department	Not Set
Comments	Application Site
Date	19 February 2008
SLA Number	Not Set

This page is intentionally left blank